



Legislation Summary:

An Act relative to controlling and abusive litigation

Bill numbers: H.1399/S.1079

Chief Sponsors: Senator Michael Moore and Representative Natalie Blais

What the bill does, why LWVMA supports or opposes it, and the League position relative to this bill.

Adds a new GL Chapter 209E allowing a party to request a court order restricting litigation where the opposing parties have a current or former family or household member relationship, the party who is filing, initiating, advancing or continuing the litigation has been found by a court to have committed abuse against the other party, and the litigation is being initiated, advanced or continued primarily for the purpose of abusing, harassing, intimidating, threatening or maintaining contact with the other party.

Because family law cases typically last so long and can be reopened so easily, they become a perfect opportunity for abusers to repeatedly force survivors back to court. Usually the survivor no longer lives with their abuser, so bringing the survivor back to court allows the abuser to find a new way to continue to exercise power and control over them. Finding an attorney, responding to motions, and attending hearings is incredibly draining—both psychologically and financially—and thus litigation abuse continues to be a widespread problem for survivors.

[This bill is related to a separate bill, H1547/S1077 An Act improving protections relative to domestic violence. That bill would expand the definition of domestic violence to include controlling and coercive patterns of abuse reflecting a greater understanding of what is domestic violence.]

League Position: Support

Domestic Violence position: The prevention of domestic violence. A strong statewide response to domestic violence that is integrated, interdisciplinary, and adequately funded, involving all segments of the criminal justice system, the medical community, the schools, social services, and the private sector, with a primary focus on the safety of victims. *Where We Stand*, p.38