



**Testimony submitted to the Joint Committee on the Judiciary
In Support of H1399/S1079, An Act relative to controlling and abusive litigation
By Palma McLaughlin, LWVMA Specialist on Children and Family Issues
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The League of Women Voters of Massachusetts, representing 44 local Leagues from Cape Cod to the Berkshires, urges you to support H1399/S1079, An Act relative to controlling and abusive litigation.

According to the US Department of Justice, domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. It is best understood as a broad spectrum of abusive behaviors.

Abusers can be very creative and very persistent. Upon separation, the abuser's ability to maintain access to a victim is curtailed and the abuser must find new ways to exert control. Frequently, this means using the Family Court system to maintain contact, to harass, abuse, and control their victim. Abusers control their targets by continuing to file and find ways to extend litigation so the victim has to appear in court with their abuser. Abusers frequently violate existing court orders in a myriad of ways from arbitrarily "changing" parenting schedules, refusing to pay child support and produce documents to more aggressive tactics. Then they dare the victim to "take them to court". The victim is forced by the abuser to return to the court to have the court enforce existing orders and for additional protection for themselves or their children. Thus, Family Court has become one of the final and often unavoidable battlegrounds between survivors and their abusers.¹

Women who have been abused suffer from Post-Traumatic Stress Disorder (PTSD) at two to three times the rate of combat veterans.²³ Post trauma healing can only begin once the sufferer leaves the trauma behind and reaches safety. For the combat soldier that means leaving the battlefield and returning home. For victims of domestic violence, home is the battlefield. When they are finally able to escape, they find themselves on a new battleground, the Family Court. Abusers may force their victim to return to that battleground repeatedly for five, ten, fifteen, eighteen years. Family Court, which should be protecting victims of abuse and their children who have been exposed to abuse, is instead being used by the abuser as a way to maintain contact with the victim of the abuse.

Using the family court system as a way to maintain a level of control over the victims of abuse takes an emotional and financial toll on the victim and any children involved. Victims of abuse and harassment cannot begin to substantively rebuild their lives, the lives of their children, their financial stability, and their sense of safety while the abuse is continuing. Our policies must effectively account for this pattern of asserting of power and control over a victim through the use of abusive litigation.

¹ Przekop, Mary (2011) "One More Battleground: Domestic Violence, Child Custody, and the Batterers' Relentless Pursuit of their Victims Through the Courts," Seattle Journal for Social Justice: Vol. 9: Iss. 2, Article 14.

² Herman, Judith Lewis. Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror. W. Ross MacDonald School, Resource Services Library, 2005.

³ Kimerling, R., Weitlauf, J. C., Iverson, K. M., Karpenko, J. A., & Jain, S. (2013). Gender issues in PTSD. In M. J. Friedman, T. M. Keane, & P. A. Resick (Eds.), *Handbook of PTSD: Science and Practice*. New York: Guilford Press.

The League strongly urges you to support the passage and implementation of H1399/S1079 An Act relative to controlling and abusive litigation and to report these bills favorably and in a timely manner.

Thank you for your consideration.