

April 22, 2015

To: Maxine Grad, Chair, House Judiciary Committee

From: Judy Rex, Director

Re: S.9 section 20



I wanted to share my concerns with section 20 of S.9 as currently written in draft 1.1 of the bill. I feel this language is too broad and could subject victims of domestic violence to criminal prosecution. We know there is a nexus between domestic violence and child abuse. One could argue that any woman in a violent relationship is exposing her child to potential harm. We also know that leaving a violent relationship is extremely difficult and dangerous for victims of domestic violence. And sadly, many professionals still get frustrated with victims when they don't leave. I'm very concerned that an overzealous prosecutor could use this statute to prosecute victims of domestic violence. This would be a step backwards for Vermont, especially in light of all the good work that has been accomplished by the long-standing partnership between the VT Network Against Domestic and Sexual Violence and the Department of Children and Families which is funded through the Office on Violence Against Women.

The Center supports the language being proposed by the Network that would add the following qualifying language to subsection (a): No person over 16 years of age, having the custody or care of a child shall willfully assault, neglect, abandon, or expose the child or willfully cause the child to be assaulted, neglected, abandoned, or exposed, in a manner to cause the child unnecessary suffering, or to endanger his or her health. It shall be considered willful conduct if the person knew the child was at risk of assault, neglect, abandonment, or exposure and would have been able to protect the child without risk of bodily or emotional harm to the person or the child.

This language will ensure that victims of domestic violence will not be unfairly penalized by this law. I also think it is good public policy to recognize and clearly state the interplay between child abuse and domestic violence. It is so important that we focus our efforts on holding batterers accountable and not blaming victims for the violence they have no control over.

I appreciate the opportunity to weigh in on this important piece of legislation and hope the committee gives serious consideration to this proposed language. Thank you.