



Date: September 16, 2024

To: NYS Office for the Prevention of Domestic Violence, NYS Office of Children and Family Services, NYS Office for Victim Services, and NYS Division of Criminal Justice Services

**Re: Inter-agency Gender-Based Violence Policy Listening Session**

Thank you for the opportunity to address proposed policy reform to improve the experiences of survivors of gender-based and domestic violence in New York.

### **PROBLEMS/CORE STATEMENT**

Each year, thousands of survivors of domestic violence and intimate partner violence rely on the New York Family and civil courts for legal relief – through order of protection, child support, custody, divorce, and consumer debt cases – that helps them access and maintain security and safety. We know that the needs of survivors show up in many of these types of cases, not just in orders of protection. Since 1993, Her Justice has served thousands of survivors in the civil justice system. Through our experience representing individual women and conducting extensive research, we know that inadequate funding, operational challenges in the courts – including lengthy delays and adjournments, and lack of access to counsel and interpretation burden survivors and delay desperately needed relief.

There is limited publicly data available about the experience and outcomes of New York Family Court cases. This limits opportunities to identify trends and identify solutions for meaningful court reform. And it maintains invisibility around survivors' experiences of the civil justice system and dangerously privatizes the experience of domestic and intimate partner violence.

Domestic violence and intimate partner violence issues appear in consumer debt cases given the prevalence of economic abuse leading to coerced debt. A substantial number of survivors who experience economic abuse – by some measures almost 50% – experience coerced debt or debt that results when an abusive partner takes out credit in the survivor's name without their knowledge or consent or pressures a survivor into incurring debt. Debt and damaged credit trap survivors in poverty – with a low credit score, survivors cannot rent an apartment, get a job or buy a house or car – and make it even more difficult for them to leave the abusive relationship.



## **POLICY IDEAS**

Improved transparency of Family Court data would allow better assessment of whether the courts are meeting the needs of survivors. We highlight this to raise awareness among agencies collaborating with the courts and serving similar populations and urge the agencies to include Family Court data in assessments of survivors' needs and solutions to system improvement.

For example, the New York State Gender-Based Violence dashboard could be expanded to include court data in addition to numbers of orders of protection/family offense petitions filed. It would be valuable to include, for example, filings in other civil cases where domestic/intimate partner violence is an issue for the litigants or in the case – child support, custody, divorce, consumer debt, etc. – and is tracked. In addition, agencies could support any legislative solution proposed in the future around Family Court data transparency.

With regard to coerced debt, we urge the agencies to support proposed legislation S.2278/A.1309 (2023-24 session), that would provide relief from coerced debt to survivors of domestic violence, elder abuse, human trafficking, and abuse by caretakers. The proposal fills gaps in existing law. While survivors of intimate partner or family violence may seek civil orders of protection based on family offenses under the law, including identity theft, such orders place restrictions on the behavior of the individual who caused the harm, but do not relieve survivors from liability to the creditor. Similarly, while the Domestic Relations Law empowers courts in matrimonial matters to consider domestic violence in making determinations about equitable distribution of assets and debts, divorce judgments cannot relieve survivors from liability to creditors. The proposed legislation would amend the General Business Law to prohibit creditors from collecting a consumer debt incurred because of economic abuse and fraud, and to establish a right of action by the survivor/putative debtor for relief against creditors. The bill gained significant support in the NYS Legislature in the 2023-24 session but was blocked from moving forward at the eleventh hour. We urge support where possible for this critical relief.