



TZEDEK DC

Legal Help for People in Debt

Public Hearing on Bill 25-42, “Grounds for Divorce, Legal Separation, and Annulment Act of 2023”

Before the Committee on the Judiciary & Public Safety
June 8, 2023

Good afternoon, Councilmember Pinto and members and staff of the Committee on the Judiciary and Public Safety. Thank you for the opportunity to testify today on Bill 25-42, the Grounds for Divorce, Legal Separation, and Annulment Act of 2023. I am Melissa Millar, Policy Director for Tzedek DC. Headquartered at UDC, Tzedek DC’s mission is to safeguard the legal rights and financial health of DC residents with low incomes dealing with the often-devastating consequences of abusive debt collection practices and other consumer-related issues. We carry out our mission with the goal of addressing racial gaps in wealth and equity and offer direct legal and financial counseling services at no cost to DC residents within 400% of federal poverty guidelines.

Bill 25-42 would:

- Eliminate the mandatory waiting periods parties are currently required to show before a divorce is granted in the District;
- Allow a family court judge to factor in evidence of intrafamily offenses; and
- Allow a family court judge to award exclusive use of the family home or dwelling while litigation is pending.

We support the bill in its current form and desire to see action on this legislation as it incorporates “intrafamily offense” as a relevant factor the Court may consider, providing recognition for survivors of domestic abuse. However, we offer the following comments and suggestions for the Council to consider.

Removing the waiting period would be beneficial to survivors of domestic violence and economic abuse. Economic or financial abuse refers to efforts by an abuser to create financial dependence on the abuser. For example, a Tzedek DC client who in her youth was sex-trafficked and then entered unwillingly into a decades-long marriage with her abuser. The abuser refused to let her finish high school, instead forcing her to have children, greatly limiting her ability to establish financial independence. He also forced her to use her credit to purchase a house for them, and to put all of the household utilities in her name. After many years of suffering, the client finally escaped and filed for divorce, but instead of getting the immediate relief she desperately hoped for—a divorce from her abuser and possession of the home in her name and in which she planned to continue raising their children—she was forced to wait a year for the

divorce. Because the client fled the family home and stayed with family to escape her abuser, he laid claim to the family home and refused to move out. While the statutory waiting period dragged on, the client fought an uphill custody battle in which her lack of stable housing put her at a great disadvantage. The abuser also stopped paying the mortgage and the utilities for the family home, damaging the client's credit score and making it increasingly difficult for her to find alternative housing large enough to accommodate herself and their children. During the divorce proceedings, the Court did not force the husband to make the necessary home payments, nor did it award the client exclusive use of the home despite the fact that she could not safely cohabitate with her abuser. Ultimately, the home was sold as part of the divorce. Had there not been a year-long waiting period for this client to file for divorce, her and her children's lives would not have been so significantly destabilized by her sudden lack of stable housing, and her husband would not have had the opportunity to damage her credit.

For many survivors of domestic violence, economic abuse follows. According to the Bureau of Justice Statistics, 85% of all victims of domestic violence are women¹, and according to the National Coalition Against Domestic Violence, between 94%-99% of all survivors of domestic violence experienced economic abuse.² Economic abuse involves maintaining control over financial resources, withholding access to money, or attempting to prevent a victim or survivor from working and/or attending school in an effort to create financial dependence as a means of control, which can often result in the economically abused partner's poor credit. Many clients find themselves in this position when escaping an abusive relationship. In addition to poor credit, economic abuse has been found to negatively impact quality of life; increase outstanding debt; increase depression, anxiety, and suicidal ideation while lowering self-esteem; and increase the likelihood of food insecurity and mortality.³

The DC Council should here or in a future bill create legal protections for non-consensual, credit-related transactions that occur in a relationship where one person uses coercive control to dominate the other. Recognizing this reality for so many survivors may further underpin the case for why waiting periods for divorce are harmful. Economic abuse has long-lasting effects on survivors. While DC law does not currently contain a definition of economic abuse, growing national recognition of the gravity of its impacts led to federal codification of the term through the Violence Against Women Act Reauthorization Act of 2022, effective from October 1, 2022.

¹ <https://www.kiplinger.com/personal-finance/what-is-financial-abuse-and-what-to-do-about-it>

² <https://ncadv.org/blog/posts/quick-guide-economic-and-financial-abuse#:~:text=Six%20Quick%20Economic%20Abuse%20Statistics&text=Between%2094%2D99%25%20of%20domestic,reasons%20stemming%20from%20the%20abuse.>

³ <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-13297-4>; pages 9-12

And Maine⁴, Texas^{5,6}, and California⁷, recently enacted laws that provide a variety of civil, criminal, and non-judicial remedies for survivors of economic abuse.

The VAWA definition for *economic abuse*, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- Restrict a person’s access to money, assets, credit, or financial information;
- Unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
- Exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.⁸

As state and federal action have both shown, protections against economic abuse are necessary. We urge the Council to work with domestic violence survivors and advocates on how to best incorporate protections against economic abuse into DC law. We would be happy to work with the Committee and others on a working group to analyze various jurisdictional approaches and DC law to develop recommendations on how to incorporate economic abuse protections for DC residents.

Thank you for the opportunity to provide testimony today and I am happy to answer any questions.

⁴ 19-A ME Rev Stat § 4002(3-B)

⁵ Tex. Pen. Code § 32.51(b)

⁶Tex. Bus. & Com. Code § 521.051(a-1)

⁷ California SB 975, [A Path to Relief from Coerced Debt for Survivors of Domestic Violence and Elder Abuse and Foster Youth](#), effective July 1, 2023

⁸ 34 USC 12291(a)(13)