
To: Members of The House Judiciary Committee

From: MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL
– Ilene Glickman, Lindsay Parvis, and Michelle Smith, Legislative Committee Chairs

Date: March 10, 2022

Subject: **House Bill 1178** – Peace Orders and Protective Orders – Coercive Control

Position: **Unfavorable**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members. The Maryland State Bar Association (MSBA) Family and Juvenile Law Section **opposes House Bill 1178 – Peace Orders and Protective Orders – Coercive Control.**

HB 1178 would add “coercive control” to the list of acts that qualifies a petitioner to seek a Peace Order and would also add “coercive control” to the definition of abuse under the Protective Order statute.

The FJLSC recognizes that the type of behavior being targeted in HB 1178 as coercive control is an egregious and harmful type of abuse suffered by many Maryland victims who are being mistreated by their partners. Unfortunately, “coercive control” is difficult to define, identify, and prove. The bill attempts to define coercive control as behavior that is controlling or coercive, effectively by using only the words in the term itself. The definition of coercive control offered by HB 1178 is vague and offers little guidance, if any, to Judges, litigants, and attorneys involved in the ensuing Protective Order litigation. Consequently, the FJLSC is concerned that HB 1178 will result in misuse and/or misapplication of the statute, inconsistent rulings in Protective Order cases wherein the relief granted to the Petitioner can include very serious consequences, including ordering the Respondent to vacate the home and granting custody of minor children. In addition, the FJLSC



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questions how often this type of behavior will form the grounds for a Peace Order application as it is more likely to occur between intimate partners.

The FJLSC is aware that the Standing Committee on Rules of Practice and Procedure may soon propound a definition of Coercive Control and would suggest reviewing that definition to consider how it may fit into the Protective Order statute in a manner short of redefining the current definition of “abuse” as the extraordinary relief available under the Protective Order statute should not be diluted without serious consideration.

For the reasons stated above, the MSBA FJLSC **opposes House Bill 1178 and urges an unfavorable committee report.**

Should you have any questions, please contact Michelle Smith by msmith@lawannapolis.com or by telephone at (410) 280-1700.