

---

**To:** Members of The House Judiciary Committee

**From:** MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL – Ilene Glickman, Legislative Committee Chair and Daniel Renart, Legislative Committee Chair

**Date:** February 27, 2020

**Subject:** House Bill 1352 – Peace Orders and Protective Orders – Coercive Control

**Position:** OPPOSE

---

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 1352 – Peace Orders and Protective Orders – Coercive Control.**

This bill adds “coercive control” as a ground to obtain either a Peace Order or a Protective Order. HB 1352 adds “coercive control” to the list of acts that qualifies a petitioner to seek a Peace Order and adds “coercive control” to the definition of abuse under the Protective Order statute.

Coercive Control is a term that has been given to an ongoing pattern of behavior employed by one party to a relationship against the other that is designed to instill fear in order to obtain compliance. The FJLSC recognizes that this pattern of behavior is real and agrees that it is a form of psychological abuse that results in real harm to the victims. Unfortunately it is difficult to define, identify, and prove even if given the best of definitions. The bill attempts to define coercive control as behavior that is controlling or coercive, effectively by using only the words in the terms itself. The definition of coercive control offered by HB 1352 is vague and offers little guidance, if any, to Judges, litigants and attorneys as to what behavior qualifies as coercive control. The likely result is that there will be no consistency in rulings; there would be misuse of

the statute; and, persons whom the law would be designed to protect would often be denied relief.

For the reasons stated above, the MSBA FJLSC **opposes House Bill 1352 and urges an unfavorable committee report.**

Should you have any questions, please contact Daniel Renart by e-mail at [drenart@rghlawyers.com](mailto:drenart@rghlawyers.com) or by telephone at 301-383-1525.