

Testimony Supporting House Bill 338 February 10, 2022

The Gender Violence Clinic at the University of Maryland Carey School of Law supports HB 338, which would prevent victims of domestic violence from being accused of neglect for “exposing” their children to domestic violence when they are unable to leave their partners. Women who experience domestic violence are frequently asked why they don’t simply leave abusive relationships. There are so many answers to that question: children, economics, religion, immigration status, extended family ties, community disapproval, housing, employment, culture, disability, and fear, to name only a few.

Separation does not necessarily make victims of violence safer. Leaving an abuser can be a dangerous time for a victim of domestic violence and her children. Their partners may threaten to kill the victim if they leave. Many victims face significant threats or harm when they attempt to leave their abusers. Victims are more likely to be killed following separation from their abusers than at any point in the relationship, and domestic violence tends to escalate when the victim decides to leave. According to a 2017 study, half of all female homicide victims are killed by intimate partners. Leaving can also make children more vulnerable to harm, as was the case with the children of Amy Castillo, drowned by their father during a visit after the couple’s divorce.

Victims of domestic violence remain entrapped in abusive relationships because they lack resources and a place to go. Victims may not have their own income or access to cash or bank accounts. They may need their partners’ health insurance. Mothers experiencing domestic violence may also have difficulty securing childcare and transportation. Leaving may require finding new housing. But shelter beds are scarce and paying for new housing may be impossible. Between 22 and 57% of homeless women say that domestic violence caused their homelessness.

Victims of violence may lack support when they attempt to leave their partners. People may fear being ostracized from their families and religious communities if they end their relationships. Threats to disclose a person’s undocumented status or to share salacious details with family, friends, and employers can keep a person entrapped in a violent relationship.

Leaving an abusive relationship is far from simple and can be a process rather than a one-time event. There are many reasons why mothers are unable to leave violent relationships, including but not limited to physical, psychological, emotional, financial, and spiritual abuse. This bill will help women rather than penalizing them for not leaving their abusers and could ultimately mean that victims of violence are more likely to ask for help when they need it.