

BILL NO: House Bill 1290  
TITLE: Protective Orders – Coercive Control  
COMMITTEE: Judiciary  
HEARING DATE: February 29, 2024  
POSITION: **OPPOSE**

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House Bill 1290 would add “coercive control” to the definition of abuse in the protective order statute. The Women’s Law Center (WLC) opposes HB1290 based on national thought development of this issue.

House Bill 1290 would add coercive control to the definition of abuse in the protective order statute (Md. Code Ann. Family Law Section 4-501 et seq.). In HB 1290, coercive control is very broad, defined as “a pattern of emotional or psychological manipulation, maltreatment, threat of force, or intimidation used to compel an individual to act, or refrain from acting against the individual’s will.” Importantly, the other acts in the existing definition of abuse infer actual harm or an imminent threat to the petitioner’s safety (indeed, it includes threat of force already), including, among other things, physical assault or attempted assault, rape or sexual offense, or attempt thereof. And there is already a current definition of coercive control in the Maryland Rules, addressing screening cases out of mediation where there are allegations of abuse.

The WLC sees many cases (perhaps most cases) where there is an element of coercive control partnered with acts that fit the definition of abuse currently in the statute. Coercive control is often part of the dynamic of intimate partner violence, and can be very difficult for a victim, but it is not physical violence, nor does it pose a significant risk of *immediate* harm. Coercive control can be terrible, and take a toll on victims’ mental health, creating a situation of constant vigilance and fear. However, placing coercive control into the Protection Order statute is misguided.

The use of protection orders to achieve *immediate* safety occurs through an unusual and uncommon system that we do not want to dilute. Protective orders are intended to be used in extreme circumstances to allow a petitioner who is a victim of violence or threat of violence to get help from the court on an emergent basis to achieve safety. Because of the extraordinary and dangerous issues involved, the relief that can be granted is also extraordinary – vacate the home, stay away, custody, emergency family maintenance, etc. Protective orders based on coercive control in the absence of facts that create abuse under the current definition is not the intended use of the protective order statute.

The policy question here is whether the significant relief that can be granted via a protective order should be allowed if only coercive control is proven. HB 1290 would allow it. We understand the compelling issue here but are not ready to agree that HB 1290’s broad definition of coercive control be added to the definition of abuse in the protective order statute at this time, enabling the issuance of an order with all of that extraordinary relief solely on proof of coercive control. Some other states have added coercive control to their civil protection orders, but they use much narrower language that also gives more guidance to court and petitioners.

Our primary concern arises based on a report by the Battered Women’s Justice Project on disagreement in the (anti) intimate partner violence community with placing coercive control in protective order

definitions of abuse<sup>1</sup>. Many think adding “coercive control” to the definition of abuse in FL Section 4-1501 et seq. will create situations where it will be used by abusers against the true victim. There is also concern that if coercive control is in the definition of abuse it will lead to increased perception by the bench that people are only seeking protective orders as a means to “get a leg up” in other family law issues, primarily custody. We do not want to increase that perception, which right now we believe is largely or almost always untrue, in our experience. Diluting the Protective Order with coercive control as a basis for achieving an order of protection may cause more negative perceptions and result in more petitions for protection for abuse to be denied. This could be disastrous for many who are experiencing real emergent safety issues.

We also question how proving some of this would be possible, but if passed, would leave that to judges to figure out.

Therefore, the Women’s Law Center of Maryland, Inc. urges an unfavorable report on House Bill 1290.

*The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.*

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<sup>1</sup> <https://www.bwjp.org/resource-center/resource-results/coercive-control-condification-brief.html>