New York Domestic Violence Law is Outdated and Dangerous

New York Family Court Act’s restrictive definition of “family or household member” unnecessarily jeopardizes the lives of domestic violence victims. New York is the only state in the nation that bars domestic violence victims from obtaining civil orders of protection unless they are linked to their abuser by marriage, blood relation, or a child in common.

Senate Bill S6783 fixes this problem. It provides a more expansive definition of “family and household members” that would include people “who are or have been in a dating or intimate relationship whether or not they have ever lived together.” The New York legislature needs to pass this legislative change NOW!

NY LAW IS OUTDATED:

• Every other state allows their courts to protect domestic violence victims with civil protective orders against abusive cohabitants.

• Thirty-seven states and the District of Columbia allow victims of domestic violence to obtain protective orders against ROMANTIC PARTNERS, regardless of cohabitation or marital status.

• Over one-third of all states in the U.S. added protection against abuse by dating and intimate partners over a decade ago, and another third have adopted these protections since. NY is increasingly out-of-step with necessary protections recognized by the majority of the country.

• At least twenty-one states have been able to implement statutes that cover “dating relationships” without specific statutory guidance on how this term should be defined. Senate Bill S6783 is enforceable as written and must be adopted immediately.

RESTRICTING ACCESS TO FAMILY COURT LEAVES MANY PEOPLE IN DANGER:

• NY Law fails to protect vulnerable individuals from serious harm by preventing non-married, childless victims from accessing Family Court and seeking help both before and after threats turn into violence.
  o In excluding teenagers, dating partners, and same-sex couples from accessing Family Court, NY law endangers victims.

• Criminal court is not the answer!
  o Criminal court is reactive rather than proactive; victims must wait for convincing evidence of abuse before they can receive protection!
  o Criminal court access requires police involvement, often preventing the most vulnerable people from seeking protection! The arrest of a sole breadwinner may be devastating for low-income domestic violence victims, and victims of color, immigrants, and same-sex couples may not call the police for protection out of fear of experiencing further discrimination and hostility.
  o Allowing family courts to grant civil protective orders may conserve resources by providing sufficient protection to end an abusive situation without police involvement.

New York’s Family Court law must be amended immediately.
One day longer is one too many for victims whose lives are endangered today.