



CASE ALERT

New Case Explains Coercive Control is Domestic Violence

Hatley v. Southard, 94 Cal.App.5th 579 (2023)

How Could This Case Help Your Clients?

1. This is one of the first cases that discusses “**coercive control**” as a form of abuse under the Domestic Violence Prevention Act ([DVPA; Fam. Code, § 6200 et seq.](#)). Your client can use this case to show their experiences of being isolated and controlled, even without physical abuse, can be [abuse under the law](#)—this includes controlling, regulating, or monitoring someone’s movements, communications, and finances, as well as taking away someone’s car or phone, or isolating someone from their support system (e.g., a child) or employment.
2. This is the first case to tell trial courts allegations of abuse in *supplemental declarations* can give enough notice for the petitioner to tell the court about more specifics of the abuse at the hearing. Many petitioners may not talk about all the abuse in their original [DV-100 request](#), and **may add in new allegations and more details in supplemental declarations**. Your client can use this case to show that allegations raised for the first time in a supplemental declaration need to be considered just like allegations raised originally in the DV-100 request.
3. This is the second case to explain that trial courts need to consider **requests for spousal support**, even if a DVRO is denied. Your client can use this case to get a court to rule on their support request, whether or not the DVRO is granted.
4. This is one of a handful of cases to remind trial courts that they need to give particular attention to **self-represented (pro. per.) parties**, in DVPA hearings. Your client can use this case if they need the judge’s help to follow technical requirements so they can fully present their case in court, like the rules for having their evidence considered.

Summary of the Case

In this case, our client, Jennifer Hatley, requested a DVRO against her estranged husband, James Southard. She also checked the box on her DV-100 to request spousal support in her request. Despite Jennifer alleging a pattern of coercive control, including James taking her car and phone, isolating her from her family and work, controlling her finances, calling her demeaning names, sending her threats, and even physically abusing her, the trial court denied Jennifer’s DVRO request because it did not think those actions were abuse under the law. The court also refused to let Jennifer testify to James’s sexual abuse, which she alleged only in a supplemental declaration without giving details. Finally, the court failed to rule on Jennifer’s request for spousal support, effectively denying it. Jennifer, who represented herself at trial, did not know to ask the court about the support issue.

The Court of Appeal overturned the trial court’s decision and sent it back for a new hearing on both [the support request](#) and the DVRO. The Court of Appeal concluded Jennifer’s allegations, if true, would meet the “[broad](#)” DVPA definition of abuse, especially as amended by [2020’s Senate Bill 1141](#), which clarified that [DVPA abuse includes, among other things, coercive control](#). The Court of Appeal also found that the trial court has to consider Jennifer’s allegations of sexual abuse, as those were raised in her supplemental declaration. Plus, the Court confirmed, even if a DVRO is denied, trial courts still have to rule on a support request. Finally, the Court recognized that if Jennifer again

represents herself, the trial court would have to take a more active role in making sure she can properly present her case.

FVAP co-counseled this case with Morrison Foerster, with amicus support from California Women's Law Center and Manatt, Phelps & Phillips, LLP, who successfully requested publication.

PRACTICE TIPS

1. If a court denies a DVRO because it says acts of **coercive control**, such as controlling, monitoring, or regulating someone's finances, communications, and movements; emotional and verbal abuse including demeaning or threatening text messages; taking away a phone or car; or isolating someone from their support system and employment, are not **abuse under the DVPA**, then show the court this case.
2. If a court does not allow a DVRO petitioner to **testify to allegations raised in a supplemental declaration, even if no details are provided**, then show the court this case.
3. If a court does not **rule on a support request** made as part of a DVRO request, whether it grants or denies the DVRO, then show them this case. If a court denies a support request because it denied the DVRO, show the court this case.
4. If a court isn't allowing a **DVRO party representing themselves** to introduce evidence, or explain their case, because of court rules the survivor doesn't understand, show the court this case.

For questions or clarifications, email or call Family Violence Appellate Project at info@fvaplaw.org or (510) 380-6243. See [FVAP's case compendium](#) and other free resources for more information. Thank you!