

REMARKS OF

DEPUTY COMMISSIONER JENNIFER DECARLI
MAYOR'S OFFICE TO END DOMESTIC AND GENDER-BASED VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON WOMEN AND GENDER EQUITY
& COMMITTEE ON TECHNOLOGY

on

**PROTECTIONS AGAINST HARASSMENT IN DIGITAL AND PHYSICAL SPACES FOR
WOMEN AND GENDER EXPANSIVE PEOPLE**

April 29, 2026

Good morning, Chair Farias, Chair De La Rosa, Members of the Committee on Women and Gender Equity and the Committee on Technology. I am Jennifer DeCarli, Deputy Commissioner for Family Justice Centers and Survivor Supports of the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV).

ENDGBV supports survivors of domestic and gender-based violence by developing and delivering accessible and inclusive services to survivors, their families, and communities through collaboration with government agencies, community partners, survivors, and philanthropy. We strive to ensure that the City's services and resources reduce barriers, address gaps in service, and create new pathways to safety through program development, legislative and policy advocacy, research, and capacity building for service providers, city agency staff and community members to identify and respond to domestic and gender-based violence (DV/GBV). ENDGBV directly oversees a portfolio of prevention and intervention programming that includes services for survivors of DV/GBV and victims of other crime, and we operate the City's five borough-based Family Justice Centers. Thank you for the opportunity to speak with you today regarding protections against harassment in digital and physical spaces for women and gender expansive people in New York City.

Harassment affects all New Yorkers but disproportionately impacts women and gender-expansive people. The World Health Organization estimates that 1 in 3 women experience physical and/or sexual violence in their lifetime. In the U.S., GLAAD's ALERT Desk Report found that anti-LGBTQ+ incidents are widespread, with over half targeting transgender and gender non-conforming individuals.

In response, ENDGBV continues to prioritize prevention through year-round training and public education. Over the past year, we conducted 91 trainings, reaching more than 5,600 city staff, service providers, and community members to strengthen awareness and improve responses to harassment in both digital and physical spaces. ENDGBV provides a range of accessible, survivor-centered services and referrals. Our borough-based Family Justice Centers offer free, confidential, and trauma-informed support, including case management, safety planning, counseling, and legal assistance, by co-locating city agencies and community providers to improve access to care. Services are available to all survivors regardless of language, income, gender identity, or immigration status, with interpretation available on site. ENDGBV oversees NYC's 24/7 Hope Hotline, which along with its chat feature, provides immediate support and connects victims of all crimes to appropriate resources.

We also operate prevention and intervention programs and work closely with community-based providers to ensure survivors can be connected to the services they need. The Relationship Abuse Prevention Program (RAPP) places counselors in middle and high schools to promote healthy relationships and support youth experiencing or witnessing violence. Home+ helps survivors remain safely housed by providing security upgrades, lock repairs, and flexible funding. In addition, our abusive partner intervention programs, Respect and Responsibility for adults and Respect First for youth, focus on trauma-informed accountability to change behavior and prevent future harm.

ENDGBV has co-chaired the Street Harassment Prevention Advisory Board (SHPAB) with the New York City Commission on Gender Equity (CGE) since 2022 in accordance with local law 46 of that year. The board was created to study the occurrence of street harassment in New York City, identify people and communities most at risk, promote public awareness of street harassment and develop programming, training and a resource guide to prevent and respond to street harassment. In fall of 2023, the board conducted a citywide survey to better understand the scope of street harassment and used these findings to inform a public awareness campaign that launched this April as part of Sexual Violence Awareness Month. Ads across transit and public spaces highlight that

unwanted remarks, touching, or photography are not harmless, they are harassment. The ads also include QR codes that help connect New Yorkers to multilingual resources and support.

As more of our daily lives take place online, harassment has increasingly extended into digital spaces as well. According to Amnesty International, 38% of women have experienced online violence, and research from Pew Research Center shows that nearly half of U.S. teens have faced online harassment, with girls reporting higher levels of negative experiences. LGBTQ+ individuals, particularly transgender and gender non-conforming people, also face disproportionately high rates of online abuse.

This form of harm, often referred to as technology-facilitated abuse, can include cyberbullying, online harassment, image-based abuse, doxxing, stalking, and emerging threats such as AI-generated deepfakes and impersonation. These harms are often persistent and far-reaching, and can escalate into real-world consequences, including coercion, physical violence, and long-term trauma.

ENDGBV addresses technology-facilitated abuse through a combination of direct services, specialized interventions, and systemwide training. Through our Family Justice Centers, survivors can access support that increasingly incorporates

digital safety planning and referrals to specialized providers. We also partner with Sanctuary for Families and Cornell Tech to support the Tech Abuse Clinic, which provides technology safety assessments and digital safety planning. Originally developed through Cornell Tech's Clinic to End Tech Abuse, this model has become a national example of how to help survivors identify, document, and prevent technology-facilitated abuse. In addition, we integrate this work into our broader prevention and response efforts by providing training and technical assistance to City agencies and community-based organizations. These trainings help frontline staff recognize and respond to evolving forms of abuse, including online harassment, cyberstalking, and misuse of digital tools.

As harassment continues to evolve across both physical and digital spaces, ENDGBV remains committed to advancing survivor-centered, trauma-informed approaches that prevent harm and support survivors. We look forward to continued partnership with the Council to strengthen these efforts. Thank you for the opportunity to testify today. I welcome any questions you may have.



JUMAANE D. WILLIAMS

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON
TECHNOLOGY AND WOMEN & GENDER EQUITY
APRIL 29, 2026**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I want to thank Chair de la Rosa and Chair Farias and the members of the Committees on Technology and Women and Gender Equity for holding this hearing today.

Today's hearing coincides with Denim Day. Denim Day is a day of solidarity, a visible protest against sexual violence and victim-blaming, first inspired by a 1998 appeals case ruling in Italy. Observed on the last Wednesday of every April, April is also Sexual Assault Awareness Month. Sexual violence remains prevalent and with the advent of new technologies, this insidious form of violence is taking on new forms. A particularly heinous example is Twitter/X's integrated chatbot, Grok, generating nude or sexually suggestive images of individuals, primarily women and girls. Numerous lawsuits and even country-wide bans of the platform followed, critics rightfully framing the dangers of this facilitation of sexual harassment, revenge porn and child pornography.

In order to combat these egregious uses of technology to perpetuate sexual violence, we need strong legislation and enforcement. The DEFIANCE Act in Congress (H.R. 3562) and the CREEP Act (S.3394-A/ A.3226-A) in the State Legislature are two such examples of strong legislation and I hope to see them passed in their respective bodies, but I hope the city can also be a leader in this. I look forward to hearing from the administration what plans they have or what actions they've already taken to protect people from sexual harassment, both in the digital realm and on our physical streets. I want to know how my office can be a resource and a partner in these efforts. Thank you.



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**Testimony of Lindsey M. Song, Esq.
Director, Technology-Facilitated Abuse Initiative
before The New York City Council
Committee on Women & Gender Equity and Committee on Technology
April 29, 2026**

Good morning, my name is Lindsey Song, and I am the Director of the Technology-Facilitated Abuse Initiative at Sanctuary for Families, New York State’s largest non-profit organization dedicated exclusively to services and advocacy on behalf of victims of domestic violence and sex trafficking. We are so grateful for the opportunity to testify today on this critical subject affecting the clients that we serve.

With the ever-increasing pervasiveness of social media and other online platforms, mobile phones, smart devices, and other forms of interconnected technology, Sanctuary’s attorneys, advocates, and counselors have seen the lives of survivors of intimate partner violence destroyed when abusers have engaged in relentless tech-facilitated abuse against them.

As aptly noted in the Committee Report, tech-facilitated abuse disproportionately impacts women and girls (as well as gender diverse individuals). We know from research and years of victim service experience that the most dangerous forms of tech-facilitated abuse occur in the context of intimate partner violence, where an abuser can weaponize knowledge from the closest of relationships to abuse, exploit, harass, and threaten their victims through online platforms.

In 2023, Sanctuary delivered testimony on these same issues of online abuse and harassment – and even in just the past three years, we have seen a vast increase in the use of digital technologies to perpetrate intimate partner violence, including an increase in use of smart devices – Bluetooth and internet-enabled devices, such as AirTags, connected cars, and more – to monitor, stalk, and harass victims. For example, a recent client seeking help in leaving her abusive partner came to one of the city’s Family Justice Centers (FJCs), run by the Mayor’s Office to End Domestic & Gender-Based Violence (ENDGBV). At the time, she told her abuser that she was traveling to a new library with her children. When she came back to the same FJC a week later, her abuser texted her, demanding, “Why are you back at that same library again?” She later

discovered he had installed a tracking device on her car that he was using to monitor all of her movements.

We have also seen an explosion in image-based abuse, including the creation of digital forgeries or digitized “deepfake” sexually explicit images; according to UN Women, digital sexual images now make up 98% of all AI or “deepfake” videos online, and 99% of the individuals targeted are women.

Technology-facilitated abuse causes extreme emotional and even physical harm. In one large study of 3,000 adult victims of image-based abuse – the vast majority of whom had an intimate relationship with the perpetrator— participants reported similar health consequences to sexual assault, including PTSD, depression, and suicidal thoughts. It is also a serious threat to victims’ safety offline – 81% of women stalked by a current or former partner were also physically assaulted by that partner. 76% of homicide victims were stalked prior to their murder. Abusive partners who stalk, including online stalking, are more likely to threaten, use a weapon, sexually assault, and/or physically injure their victims.

The harms caused by these forms of abuse are pervasive and persistent and can bleed into every aspect of a victim’s life, forcing them to leave their jobs, even change their names and move to other states, as has happened with several current and former Sanctuary clients. It is critical that systems are provided with the tools and resources to effectively respond to tech-facilitated abuse and online harassment, to protect survivors and empower them to move into lives of safety and security.

With that in mind, Sanctuary has several proposals that we urge the City Council to join in to support survivors of intimate partner violence affected by tech-facilitated abuse.

First, the New York City Council was a leader in passing the first municipal code provision in the country banning the unlawful disclosure of intimate images in 2017. We applaud the Council’s prescience in including threats to disseminate intimate images in the 2017 law, which can often be just as damaging as the sending of images themselves. However, it has become clear in the 9 years since that change is needed to update the Code to align with New York State legislation, which now includes “images created by digitization” or “deep fake” images – images that are NOT covered under the existing City Council code. Additionally, the original legislation’s restricted “covered recipient” requirement should be removed – this language was initially designed to prevent consequences that have not come to pass in prosecution of this law.

Second, we urge the Council to earmark funding specifically to support tech-facilitated abuse victims: currently, there are virtually no victim service agencies providing comprehensive, ongoing services in this area, even as the dangers of this abuse are becoming increasingly far-reaching, devastating, and deadly. Victims need both specialized legal assistance—from orders of protection, to filing take-down notices, to assistance with criminal justice advocacy—and tech safety planning, to minimize the dangers of stalking and harassment through mobile phones and other smart devices. Currently, the only free and accessible tech support service for gender-based violence victims is a volunteer-based service provided through the Sanctuary Tech Abuse Clinic /Cornell Tech Clinic to End Tech Abuse accessed through the city's five Family Justice Centers, located in each borough.

Finally, as so many of the clients we see come in our tech abuse clinic to us through the Family Justice Centers, we have concerns about how the recent termination of ENDGBV's status as an independent agency reporting directly to the deputy mayor will affect resources allocated to this crucial agency. We trust that our voices, and the voices of survivors, will be heard as we work with the Mayor's senior leadership to ensure the fight against gender-based violence continues to receive the resources it urgently needs to end gender-based violence in our communities.

We are profoundly grateful to City Council Member Amanda Farías and her advocacy on this and many other critical issues as Chair of the Committee on Women & Gender Equity. We also thank Carmen De La Rosa and the Committee on Technology for recognizing how the explosion of tech advancements is ushering in new forms of age-old harms affecting domestic violence victims. Thank you for the opportunity to testify today.



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**Testimony in Support of T2026-1761; T2026-1774; Res. 0099; 0250; 0251; 0252;
0352; 0393; and Protections Against Harassment in Digital and Physical Spaces**

May 1, 2026

To the Committees on Women and Gender Equity and on Technology:

My name is Molly Senack, and I am testifying today on behalf of the Center for Independence of the Disabled, New York (CIDNY) as their Education and Employment Community Organizer. This testimony is supported by Sharon McLennon Wier, Ph.D., MEd., CRC, LMHC, Executive Director of CIDNY.

Advancements in digital technology have provided critical access for people with disabilities to certain spaces that were previously far less accessible. Employment, entertainment, community events, public hearings, medical appointments, even certain errands (e.g., grocery shopping) can all be accessed remotely online. For many individuals without disabilities, remote access means convenience. For many individuals with certain disabilities (for instance, those with limited mobility, those who are immunocompromised, and those with sensory issues), remote access simply means access, full stop. However, digital technology has also provided a new platform for acts of invasion, discrimination, and violence. Among other potential dangers, it is easier to harass people, to steal personal information, and to spread, or even generate exploitive, images. This risk is particularly impactful for those individuals who find digital spaces a more accessible form of community participation than physical spaces.

Unfortunately, an increased risk of danger is not a new phenomenon in the disability community. In 2021, the United States Bureau of Justice Statistics reported that a disabled person is four times more likely to be sexually assaulted or raped than someone who is not disabled. In 2018, NPR found that people who had an intellectual disability were seven times more likely to be sexually assaulted; and for a woman with an intellectual disability the likelihood was twelve-fold. In the same year a University of Michigan study found that in the United States, 40% of women with disabilities (almost half of all women with disabilities) experience sexual assault or physical violence in their lifetime. This finding is consistent with a 2015 study by Wilczynski et al., which found that anywhere between 40% and 70% of girls with disabilities will experience sexual abuse before they turn 18, as will 30% of boys with disabilities. If that comparison makes 30% sound low, it is all the more reason to be alarmed. That, and the likelihood that this consistently documented data most likely represents an undercount.

According to a 2018 Department of Justice report, approximately only 40% of all sexual assaults are reported. In 2021, the National Crime Victimization Survey put that number even lower, approximating that only 21.5% of sexual assaults are reported. However, studies consistently show that people with disabilities are about half as likely to report a sexual assault as people without disabilities. The same 2021 Bureau of Justice Statistics Report showed that

between 2017 and 2019, 36% of people without disabilities who had experienced sexual assault reported it to the police, while only 19% of people with disabilities who had experienced sexual assault reported it to the police.

The absence of reliable data regarding the correlation between disability and domestic violence is, unfortunately, even starker. Although a 2015 analysis of the 2010 National Intimate Partner and Sexual Violence Survey found that 23.8% of women who had experienced intimate partner violence had a disability, as did 20.1% of men who had experienced intimate partner violence, and although multiple other studies suggest that people with disabilities are approximately twice as likely as people without disabilities to experience intimate partner violence in their lifetime, the quantitative analysis on this subject is extremely limited. This gap between available qualitative analysis and available statistics is acknowledged by both the Centers for Disease Control and Prevention and the Domestic Violence Services Network.

Given the prevalence of gender-based and domestic violence in the disability community, including the violence that goes unreported, CIDNY strongly supports the passage of the package of bills the NYC Council is considering (T2026-1761; T2026-1774; Res. 0099; 0250; 0251; 0252; 0352; 0393), all of which will ultimately ensure greater protections for people with disabilities- especially women and the LGBTQIA+ community- against harassment and sexual violence. **However, we ask that the climate survey required under T2026-1761 include an option for employee respondents to provide disability status,** in an effort to potentially shed light on another critical issue in the disability community: the employment gap.

In 2024, according to the Bureau of Labor Statistics (BLS), only 37.4% of disabled people between the ages of 16 and 64 were employed in the United States. According to the same report, employees with a disability were almost twice as likely to only work part-time as people without a disability (31% vs 17%), and less likely to work in traditionally higher paid managerial or professional positions than people without disabilities (37.9% compared to 44.1% respectively). Meanwhile, the American Community Survey (ACS) reported that even when people with disabilities did work fulltime, their median salary was more than \$9,000 lower than the median salary for people without disabilities (\$48,937 vs \$58,113); and among working-age people between the ages of 16 and 64, poverty was more than twice as prevalent in the disabled community as in the non-disabled community (24.2% vs 9.9%).

Also in 2024, the NYC Council released their Pay Disparity Report, which highlighted the gender and racial wage gaps in the city's municipal workforce. According to the Report, people of color working as municipal employees earn only \$0.82 for every dollar that white male municipal employees earn, with women of color accounting for over two-thirds of that racial pay gap. However, the impact of having a disability was excluded from this report on intersectional discrimination in employment, even though in NYC, people with disabilities are more likely to identify as female than as male, and are overwhelmingly more likely to identify as people of color (69% of the disability population).

Because many of the practices involved in applying, hiring, and training for jobs and subsequent promotions are implicitly discriminatory, people with disabilities can experience disproportionate difficulty obtaining and retaining well-paying jobs for the same reasons that people of color, women, and especially women of color do. Knowing the role that workplace sexual harassment

might play in this difficulty, and how intersectionality might compound its impact, is critical to ensuring, not only safety, but equity in the workplace.

We thank the Council for their time and effort to identify, address, and prevent the violence and bias that women and LGBTQIA+ people in the disability community face each day, both online and in person.

Sincerely,

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**Testimony from the Lower Eastside Girls Club
City Council FY 27 Budget Hearing
Committee on Women and Gender Equity, Jointly with Committee on Technology
April 29, 2026**

Good afternoon, members of the Committee on Women and Gender Equity, jointly with members of the Committee on Technology. My name is Jenny Dembrow, and I am the Executive Director of the Lower Eastside Girls Club. I have been with the organization since its founding in 1996 — when there were three Boys Clubs on the Lower East Side and no Girls Club. We started in a basement, expanded to over two dozen community locations, and in 2013 moved into our current 35,000 square foot facility. In 2022, we launched the Center for Wellbeing & Happiness, extending our mission to reach all genders and generations. Over 30 years, through recessions, a pandemic, and shifting political landscapes, LESGC has connected young women and gender-expansive youth to healthy and successful futures filled with Joy, Power, and Possibility.

Since 1996, the Lower Eastside Girls Club (LESGC) has been connecting young women and gender-expansive youth to healthy and successful futures. For three decades, through recessions, a pandemic, and shifting political landscapes, the Girls Club has never closed its doors. It has only grown — from a basement on Avenue D to a 35,000-sq-ft community anchor, and now the Center for Wellbeing & Happiness, serving every generation on the Lower East Side.

In 2025, LESGC reached over 1,300 youth ages 10–23: 95% of youth members show gains in key social-emotional capacities; 95%+ graduate from high school; 90%+ pursue higher education; and 100% report knowing their voices matter. We serve youth from across the five boroughs, reaching young people from 27 zip codes. Youth Programming covers three key areas: 1) **Education, Equity, and Access** through Digital Media, Arts, Design, Movement, and Wellness; 2) **Economic Mobility and Opportunity**: connecting hundreds of youth annually with internships, mentors, training, and college and career exploration; and 3) **STEAM Education**.

LESGC offers hundreds of free annual courses with a core focus on **STEAM education** — **Science, Technology, Engineering, Arts, and Mathematics**. In a community where systemic barriers too often close doors before they open, LESGC is intentionally building a pipeline of young women and gender-expansive youth who are equipped to enter and lead in technology-driven careers. Through hands-on, project-based learning, members gain real-world technical skills across diverse disciplines — from physical computing and robotics in the Maker Shop, to astronomy and digital design in our 64-seat East Village Planetarium, to audio engineering and media production in our Sound Studio. Our Sustainability Lab connects members to environmental science and urban farming, while our Design Studios foster creative expression alongside technical skills. All programming is free, culturally responsive, and paired

with wrap-around support including mentoring and college and career guidance — closing the gender gap in STEAM one future engineer, coder, and scientist at a time.

LESGC is filling a critical gap by offering academic support, mentorship, guidance, and inspiration. Through hands-on, project-based learning, LESGC members explore various entry points into STEAM, igniting their passion for science and technology and equipping them with essential 21st-century skills to inspire the next generation of leaders in STEAM. We aim to empower them to succeed in traditionally male-dominated areas, contributing to the pipeline of women in STEAM, solving real-world problems, and serving as role models for future generations.

Beyond government funding cuts, LESGC confronts the ongoing attack on DEI initiatives and broader fiscal uncertainty, which have negatively affected philanthropic giving from corporate donors, private foundations, and individual donors. In this current fiscal climate, nonprofits are facing rising expectations, compliance requirements, and expanded community needs without corresponding growth in organizational capacity. Investing in core infrastructure is no longer optional. It is essential to sustain responsible and effective service delivery. Administrative, operational, and staffing capacity have not kept pace with programmatic demand. Without targeted support for organizational sustainability, deepening services would strain limited resources and compromise long-term impact.

Our Request

LESGC is requesting **\$1,090,000 from the City Council in FY27**. This investment will:

- **Invest in a Proven Solution:** Support an organization with nearly 30 years of demonstrated success uplifting young women and gender-expansive youth in NYC.
- **Address Urgent Needs:** Provide critical resources to address STEAM Education equity, access, and economic opportunity.
- **Create Lasting Change:** Promote long-term economic mobility by investing in college readiness, career exploration, and comprehensive wraparound support.

Investing in the Lower Eastside Girls Club means investing in the future of young women and gender-expansive youth in our community. We are equipping NYC youth with the necessary skills and aspirations to tackle the myriad challenges of our world today.

Thank you for your consideration.



TESTIMONY OF:

The Bronx Defenders, Brooklyn Defender Services, Legal Aid Society, Neighborhood Defender Service of Harlem, and New York County Defender Services

Presented before

**The New York City Council Committees on Women & Gender Equity and Technology
Oversight Hearing on Protections Against Harassment in Digital and Physical Spaces for
Women and Gender Expansive People**

April 29, 2026

This testimony is submitted jointly by The Bronx Defenders, Brooklyn Defender Services, The Legal Aid Society, Neighborhood Defender Service of Harlem, and New York County Defender Services. As New York City’s public defenders, we serve hundreds of thousands of low-income people, overwhelmingly Black and brown New Yorkers, each year. We are testifying today to raise our concern about the pre-considered Resolution regarding the Ceasing Repeated, Extremely Egregious, and Predatory (CREEP) Behavior Act.

Opposition to pre-considered Resolution for CREEP Act (S.3394-A/ A.3226-A)

Brooklyn Defenders, alongside public defender and criminal defense offices from across the state, strongly opposes the CREEP Act (S.3994-A/A.3226-A) and the pre-considered Council Resolution in support of this state legislation. If passed, this state bill would dramatically and inappropriately widen the net of wrongfully issued orders of protection and inevitably lead to wrongful convictions for allegations of violating these orders of protection. This vague, overly broad legislation will inevitably ensnare those who are most overpoliced and exacerbate the racial disparities that plague New York’s criminal legal system. The CREEP Act eradicates due process protections for the accused and infringes on First Amendment protections. Rather than providing meaningful support to those experiencing harm and navigating the legal system, this bill exacerbates confusion and creates harmful collateral consequences.

Existing Family and Criminal Law Provide Broad Access to Those Seeking Orders of Protection

New York law already provides broad access to orders of protection in criminal cases. The district attorneys routinely request and obtain orders of protection in criminal cases. Similarly, in

juvenile delinquency cases brought in family court, orders of protection are routinely requested by juvenile prosecutors and issued by the court. Significantly, in these cases there is a right to counsel for the accused, and the prosecutor makes an independent assessment of the case before it is brought to court.

Article 8 of the Family Court Act allows “members of the same family or household” to seek orders of protection against one another in family or supreme court by alleging a family offense was committed. The law has an expansive definition of who qualifies as “members of the same family or household,” including those who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Recent amendments dramatically expand the definition further to include “persons who are related by consanguinity or affinity to parties who are or have been in an intimate relationship.”

For non-family offenses, the criminal court already provides the state with broad authority to seek orders of protection when a government agent believes a crime has been committed and when there is a risk to a complainant’s life and health. Anyone in the community may make a call to the police or go to a police station, make a report, and seek protection via the criminal legal process. There is no need to create a new civil cause of action and adopt a nearly limitless expansion of the scope of orders of protection.

The CREEP bill seeks to needlessly and dramatically expand the ability of the courts to issue orders of protection for those who are not in an intimate relationship, by allowing *anyone* seeking an order of protection to petition the court based on a range of behaviors that are already criminalized. Further, the legislation would allow those already seeking orders of protection in criminal courts to initiate parallel proceedings in civil supreme court, which will create duplicate proceedings and unnecessarily burden the courts. The justification for the bill turns logic on its head: the criminal investigation process is too slow and so orders of protection should be issued even if the accusation is baseless. Even worse, criminal courts are not capable of making such decisions even if it will have a lasting and harmful consequence for those who are accused.

The CREEP Bill Eliminates Due Process Protections Meant to Guard Against Manipulation of the Court System

Time Limits

Time limits on orders of protection are a crucial safeguard, ensuring such orders do not unnecessarily prolong the severe restrictions on an individual’s liberty that these orders can impose. Yet the CREEP Act would allow final orders of protection to last for up to five years. By comparison, in Article 8 and Article 10 proceedings in family court, final orders of protection last up to two years and up to five *only* with an additional showing of aggravating circumstances. The availability of such lengthy orders is particularly concerning given the extent to which these orders restrict an individual’s freedom of speech, freedom of movement, housing, and employment based on findings made pursuant to a low evidentiary standard, as discussed below. A five-year time limit also significantly increases an individual’s exposure to criminal

punishment for engaging in otherwise lawful conduct and the collateral life consequences that may result.

The CREEP Act also does not impose any limit on temporary orders of protection issued *ex parte* prior to adjudication and issuance of a final order. The bill permits temporary orders to remain effective until the court can hold a hearing on a final order; however, the bill is silent as to the deadline by which the final order hearing must occur.¹ This raises serious due process concerns, as these orders impose severe and immediate consequences based solely on uncontested allegations without providing notice, a hearing, or an opportunity to be heard to the individual against whom the temporary order is sought.

Service & Notice

The legislation contains very minimal requirements for the service of temporary, *ex parte*, or final orders and hearing dates. Service requirements are part of the due process protections guaranteed by the constitution, as fairness requires parties be made aware of the actions against them and are provided the opportunity to raise objections.² This is particularly important because orders of protection can have significant collateral consequences, discussed in the following section. As with existing orders of protection issued by family and criminal courts, an *ex parte* order of protection must be properly served on the defendant to be enforceable.

In a civil case, different types of service are permitted based on the type of case, as outlined in the New York Civil Practice Law and Rules (CPLR). The most stringent type of service is personal service on the individual. However, the CREEP Act contains no provision identifying what type of service is allowed to gain jurisdiction over the defendant or to serve a temporary order of protection issued *ex parte*.

We are concerned that the CREEP Act would allow service upon unidentified people, naming them as Jane or John Doe, without any assurances that the proper defendant has actually been identified and served. If this is allowed, service would likely be by text message via social media, or to an email account associated with allegedly harassing behavior.

Right to Counsel

Unlike respondents in family offense proceedings and defendants in criminal cases and family court juvenile delinquency cases, individuals subject to orders under the CREEP bill would not have a right to counsel. As legal service providers, we routinely witness how challenging it is for individuals to navigate complex legal processes without representation. Even a temporary order of protection can have serious and long-reaching consequences such as suspension from employment and serious immigration consequences. Legal guidance often assists people in

¹ The CREEP Act merely states that a hearing on a final order must be scheduled “as soon as practicable.”

² See U.S. CONST. amend. XIV, § 1; see also *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950) (“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”).

understanding these consequences and enables them to make informed decisions during legal proceedings.

Additionally, New York's supreme courts are not designed for *pro se* litigants and the sensitive dynamics of the allegations foreseen by this legislation. Both respondents and defendants appearing without counsel would face significant procedural and practical disadvantages.

As is often seen in criminal courts, where many individuals accept plea deals regardless of actual culpability, history suggests that unrepresented defendants may agree to orders of protection simply to avoid navigating the intimidating legal process or may lack the tools to effectively defend themselves. Such an underinformed decision may lead to consequences such as losing one's house, job, or immigration status.

Equally egregious, the bill clearly recognizes that petitioners will have counsel as it requires the respondent to pay for the petitioner's legal fees. Again, the bill is so vague, a petitioner may seek legal fees even if they do not prevail (or perhaps because the language is so vague and the intent is clear that orders of protection must issue in all cases), a petitioner will always obtain legal fees. Conversely, a respondent has no equal remedy. They cannot seek legal fees even in the face of a frivolous petition.

Monetary Remedies & Evidentiary Standards

The bill authorizes plaintiffs to seek attorney's fees, restitution, and monetary penalties from the defendant—remedies that are not available in comparable proceedings in criminal or family court. This represents a significant and troubling departure from existing legal standards.

In addition to legal fees which respondents will most probably not have the ability to pay, the bill provides a list of unrealistic remedies that are either too vague, out of the respondent's control, and/or violate other provisions of federal or state laws (e.g. NY's Mental Hygiene Law and HIPAA laws).

The CREEP Act contains no standard for temporary orders of protection and a dangerously low standard for final orders of protection. The CREEP Act permits the court to issue an *ex parte* temporary order of protection upon a showing of "good cause," which is vague and highly discretionary and requires no evidentiary support.

A court could issue a final order upon a finding by a preponderance of the evidence, the lowest standard of proof allowed in New York, even if the police have not investigated or have found that a crime has been committed. An order of protection may be issued even if there is no probable cause that an underlying crime has been committed. This lack of due process is concerning given the criminal consequences that can result from violation of one of these orders and the bill's lack of right to counsel. The bill's dangerously low standard will encourage

litigants to seek orders in civil supreme court where the accused will unlikely have access to counsel.

Children and Adolescents

There is no age minimum specified in the CREEP Act: the bill would vastly expand jurisdiction over minors, who otherwise lack capacity to appear as parties in civil proceedings and must appear by a representative. Under current law, young people appear as respondents only in family court proceedings and—in limited cases—criminal proceedings, where higher standards of proof apply. In contrast, the bill allows civil courts to issue temporary or final orders of protection against unrepresented children and adolescents. These orders, which can last up to five years, expose them to serious legal and collateral consequences, including being barred from attending school, without a right to counsel or the other critical safeguards typically provided in criminal or juvenile proceedings. One of those critical safeguards is the right to confidentiality. Children and adolescents would be deprived of long-established confidentiality protections that apply to juvenile proceedings, and, given the ease with which such orders could issue, they would be vulnerable to criminal charges. Such orders could also follow minors for years, creating long-term collateral consequences that impact their development, familial relationships, and friendships as well as their employment, education, and other life opportunities.

Some of the behavior that this bill contemplates is behavior that has become normalized among youth who are online engaging with friends and strangers alike. A lot of risky behavior, including bullying, has moved online and requires more specialized attention and intervention than this bill calls for. When children and adolescents engage in concerning behavior online that requires intervention, it is essential that the youth accused of behavior that could be criminalized have access to counsel and appear before judges familiar with the brain development and needs of these youth. In many cases, youth accused of this kind of behavior may be eligible for alternative programs that are better suited to address the underlying behavior.

Expanding OOPs Creates a Cascade of Collateral Consequences

Historically there is very little due process around temporary orders of protection in New York. Compounding that lack of process is that New York courts have a culture of issuing full stay away orders of protection as opposed to issuing limited orders of protection which would prohibit any threats or violence towards another person. Full orders of protection have serious collateral consequences, causing separation from families and communities, making housing, employment, and education even more difficult to obtain. The CREEP Act would not only increase the ability to obtain these temporary and full stay away orders of protection in civil supreme courts, but it would do so without the legal process established in family and in criminal courts to prevent unnecessary orders from being issued.

Criminal

Violating an order of protection is a criminal offense that can result in immediate arrest. The CREEP bill significantly increases the risk of overcriminalization by weakening service requirements. Under its provisions, once an order of protection is issued, even routine actions—such as sending a text message, entering one’s school, apartment building, or place of employment, or placing a telephone call—could be considered violations. This creates the potential for widespread criminal penalties based on otherwise legal and routine behavior.

Immigration

For non-citizens, violation of a temporary or final order of protection automatically triggers severe immigration consequences, including the potential for deportation and loss of immigration status.³ In light of recent changes to immigration enforcement and the targeting of immigrant communities in New York, there are real dangers to getting more people caught in the dragnet proposed by the CREEP bill.

First Amendment Rights

The wide scope of the CREEP Act risks infringing the First Amendment rights of New Yorkers. Indeed, the breadth and vagueness of the protective orders allowed by the CREEP Act risk suppressing otherwise lawful speech, such as social media usage, without the safeguards typically required before limiting an individual’s First Amendment activity. There are also serious concerns regarding the potential chilling effects of this bill, as individuals are likely to self-censor themselves out of fear or violating expansive and unclear orders and potentially facing arrest.

Social Services

Many counties in New York have only one location where a variety of government services are provided under one roof (e.g., probation, social services, Office for the Aging, youth services). If a protected party works in the location where these services are provided, the individual against whom the order of protection is issued may be permanently unable to obtain these services from the county, even when the protected party no longer works there.⁴

Education, Employment & Housing

The CREEP bill also risks disrupting critical aspects of individuals’ daily lives and livelihoods. The orders of protection it authorizes could lead to de facto evictions, particularly in cases involving conflict between roommates or individuals residing in the same apartment building. In educational settings, the issuance of such orders may bar students from attending classes, effectively leading to suspension or the inability to complete coursework. In the workplace, the

³ 8 U.S.C. 1227(a)(2)(E)(ii)

⁴ Again, there is a lengthy 5-year time limit set on how long a final order can be in effect, which is why the order could be a significant bar to accessing services.

bill opens the door to misuse, potentially resulting in job loss for individuals against whom there may be personal animus rather than legitimate concern.

Civil orders of protection show up on background checks and carry stigma, adding additional and lasting barriers to employment. This is particularly concerning given that stable, full-time employment is negatively correlated with stalking and harassing behaviors.⁵ Addressing the root causes of stalking requires investment in support systems and prevention, not policies that impose sweeping penalties on the accused with little legal recourse.

Conclusion

Our offices are grateful to the Committees on Women & Gender Equity and Technology for the opportunity to share our concerns about the CREEP Act. We urge the Council to reject the pre-considered Resolution and to remain committed to upholding fairness, due process, and accountability.

If you have any questions, please feel free to reach out to Yung-Mi Lee, Director of Law and Appeals, Criminal Defense Practice at ylee@bds.org with any questions.

⁵ Molly Chaudhuri & Kathleen Daly, *Do Restraining Orders Help? Battered Women's Experience with Male Violence and Legal Process*, in *Domestic Violence: The Changing Criminal Justice* 227, 240 (Eve Buzawa & Carl Buzawa eds., 1992).

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in favor in opposition

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I represent: Mayor's office ENDGBV

Address: _____

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Name: PAULINA A. COHEN (PLEASE PRINT)

Address: 116 Nassau St. FL 3 NY, NY 10038

I represent: NYC Anti-Violence Project

Address: 116 Nassau St FL 3 NY, NY 10038

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Name: Lindsey Song

Address: 30 Wall Street 8th Floor NY, NY 10005

I represent: Sanctuary for Families

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Address: Ali Family Center

I represent: _____

Address: _____



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