

Coercive Control Under Section 1 of 209A

What is Coercive Control under Section 1 of 209A?

The 2024 amendment expands the definition of “abuse” to include “Coercive Control”, defined as:

1. A pattern of behavior [c. 209A, §1(d)(a)], or
2. Any one of three specific single acts [c. 209A, §1(d)(b)]:
 - a. Harming or attempting to harm a child or a relative of the family or household member,
 - b. Committing or attempting to commit abuse to an animal connected to the family or household member, or
 - c. Publishing or attempting to publish sexually explicit images of the family or household member.

Both types of Coercive Control require that:

1. The conduct is between “family or household members”, as defined by c. 209A, §1, that is
2. intended to threaten, intimidate, harass, isolate, control, coerce, or compel compliance, and
3. the conduct causes the plaintiff to reasonably fear physical harm or have a reduced sense of physical safety or autonomy.

Pattern of Behavior

Chapter 209A, §1(d)(a) includes “but is not limited to” nine types of “pattern of behavior”. Here are examples of each type:

Isolation (i)

Physical:

- Physically restrain or prevent the person from leaving the home to go to work, school, or engage in social activities (ex.: hide keys, block driveway).

Social:

- Sabotage or limit work, social, and familial relationships.
- Monitor or limit where the person can go, what they can do, and who they can see/speak to.
- Cut the person off from family, friends, and social or support networks.
- Cut the person off from sources of emotional support to create a dependence on the other party.

Restricting Access to Basic Needs (ii)

- Withhold, interfere with, or control plaintiff or children’s access to food, medicine, medical care, therapy, medical equipment, money, transportation, or other basic necessities.
- Restrict, switch, or cancel any type of insurance (health, car, etc.)
- Tamper with or disable utilities or refuse to pay necessary household bills (the mortgage, insurance, etc.).

Monitoring/Surveilling/Stalking (iii)

- Physically stalk, cyberstalk (see technological abuse below), or monitor activities.
- Use children or third parties to gain information about person’s whereabouts, activities, etc.
- Force the person to prove their location.

Technological (iii)

- Use various forms of technology to threaten, control, stalk, harass, impersonate, exploit, extort, or monitor the person, including enabling malware.
- Monitor phone calls, texts, emails, internet usage, and other communications.
- Create/change social media profiles without consent or change/restrict access to passwords.
- Interfere with access to mail, phone, phone contacts, texts, or emails.

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Financial/Economic (iii)

- Control, restrict, or withhold the person's ability to acquire, use, or maintain economic resources.
- Restrict access to money, assets, bank accounts/statements, credit/debit cards, or financial information.
- Exert undue influence over financial and economic behavior or decisions.
- Acquire debt in the person's name without consent or coercing the other person to acquire debt.
- Restrict person's access to their work income or prohibit them from working or maintaining a job.

Restrict Autonomy (iv)

- Control the person's ability to make personal choices and decisions.
- Control how the person dresses, behaves, sleeps, exercises, takes care of the children, has sex, prepares food, accesses transportation, or whether the person works and/or pursues education.
- Threat to harm or destroy the person's reputation, immigration status, or relationships
- Force alcohol or drug use upon the person or force them to engage in a criminal activity.

Psychological (iv)

- Engage in verbal abuse such as criticism, name-calling, belittling, shame, blame, embarrassment, minimizing or dismissing the person's emotions, unrealistic demands, gaslighting, or emotional blackmail.
- Undermine the person's sense of self-worth or self-esteem.

Sexual/Reproductive (iv)

- Coerce or attempt to coerce any form of unwanted sexual contact or behavior.
- Control breastfeeding, control or interfere with birth control use or methods, compel fertility treatments or method of delivery.

Intimidation and Threats (v), (vi), (vii) and (viii)

- Threat of suicide, or threat to harm the other person, children, family members, pets, or others.
- Threat to take the children or pets unlawfully.
- Display weapons or make references to weapons.
- Intentionally damage or attempt to damage plaintiff's property or property in the home.
- Threat to publish sensitive personal information relating to the family or household member, including sexually explicit images.
- Deliberately drive dangerously.

Legal (ix)

- File repeated, unwarranted actions or motions found by a court not to be warranted by existing law or good faith argument.
- Repeatedly violate legal agreements/judgments, forcing the plaintiff to file repeated court actions to enforce compliance.
- Repeatedly request continuances to delay the legal process.
- Threaten to or use the legal system to bankrupt or punish the person.
- Threaten the person from using the legal system for support, protective orders, divorce, etc.
- Threaten to withhold court-ordered support unless the person complies with demands.

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Coercive Control and Children

Where children are involved, all of the above examples of Coercive Control may have been perpetrated against the children – for example: isolation, monitoring, psychological abuse, and intimidation (such as threatening to withhold support payments unless the children comply with demands). This can be to control the children and also to hurt and control the other parent. These factors should be considered even in cases where the 209A complaint is not brought on behalf of the children.

In Probate and Family Court, there will also be times when decisions need to be made about custody and parenting time. *The [Guidelines for Judicial Practice: Abuse Prevention Proceedings](#)* provide guidance. See *4:03A Ex Parte Orders Involving Minor Children* (p. 95) and *12:01 Parenting Time in Probate and Family Court: Safety Assessment Pertaining to the Plaintiff in Abuse Prevention Proceedings* (p. 230). General Factors to consider when determining whether to issue a custody, parenting time or no contact order include:

- Is there a history of controlling or abusive behavior, including emotional abuse, threats, and/or intimidation as well as physical abuse?
- Does the history suggest a pattern of controlling or abusive behavior towards prior partner(s)?
- Has the child been used to exert control over the plaintiff?
- Is that parent misusing systems like DCF, the police, or the courts to control or have contact with the parent who has been abused?"

Selected Cases

Massachusetts courts have previously relied on incidents of coercive control, either in whole or in part, to determine that a plaintiff meets the standard under 209A. Here are a few examples of such cases:

- Destruction of the plaintiff's property: ***Vanna V. v. Tanner T.*, 102 Mass. App. Ct. 549, 551 (2023).**
- Displaying weapons, no history of physical abuse: ***Noelle N. v. Frasier F.*, 97 Mass. App. Ct. 660, 662 (2020).**
- Name calling and threats: ***Ginsberg v. Blacker*, 67 Mass. App. Ct. 139, 142 (2006).**
- Highly controlling behavior, sexual coercion, and threats of suicide: ***Bourla v. Bourla*, 90 Mass. App. Ct. 1102 (2016), *Unpublished*.**
- A case in which the court highlights the controlling behavior and verbal abuse in the context of a relationship with physical abuse. ***C.R.S. v. J.M.S.*, 92 Mass. App. Ct. 561, 563 (2017).**
- Also of note, in *Schechter v. Schechter*, the Appeals Court addressed coercive control in a footnote. This case involved an appeal of a consolidated judgment on a divorce and a 209A case. The footnote's description of coercive control is particularly informative. ***Schechter v. Schechter*, 88 Mass. App. Ct. 239, 241 n. 5 (2015).**