

# The Children's Law Center of Connecticut

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**RE: HB 5600:** An act concerning parenting time and parental responsibility with respect to the custody of a minor child which states in part that "there shall be no presumption that awarding substantially disproportionate parenting time and parental responsibility to one parent is in the best interests of a minor child, where both parents are capable and are seeking substantially equal or greater parenting time and parental responsibility."

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## **POSITION: OPPOSED**

**SUBMITTED BY:** THE CHILDREN'S LAW CENTER OF CONNECTICUT, a non-profit organization that provides representation to children of indigent parents in contested divorce and custody cases.

The Children's Law Center is opposed to HB 5600. There is currently no existing presumption that disproportionate parenting time is in the best interest of a minor child, and therefore there is no need to legislate the same. Doing so would essentially create an implied presumption that "equal" parenting time is in the best interest of the child. We have seen this legislation proposed already and it has been defeated for the same reasons that this proposed legislation should be defeated.

The proposed legislation implicitly treats children as if they are property that can be easily split in half, giving each parent an equal share, without consequence to the well being of the children. In fact, it is contrary to the last half century of statute and case law on the issue of child custody, which properly focuses on the best interests of children rather than on the rights of parents.

We certainly support to the idea that children deserve a relationship with both parents as well as permission to love them both, go back and forth between them without conflict, and live lives that are as seamless as possible. This is possible, but only if parents can exchange information, be flexible, communicate, make decisions together, and support each other's roles in the lives of their children. Unfortunately, this is rarely the case with separating parents and, when parents are unable to cooperate, the whole family suffers.

The Children's Law Center is a non-profit organization that provides representation to children of indigent parents in contested divorce and custody cases. As service providers to children who are caught in the crossfire of their parents' battle, we see firsthand how exposure to chronic parental conflict negatively affects children both emotionally and psychologically. Issues ranging from bed-wetting to substance abuse are not surprising outcomes for children of a poorly reorganized family. Enacting legislation that creates an implicit presumption that equal-time with each parent is in the best interest of the child will, in a majority of cases, result in a poorly reorganized family.

We acknowledge that there is a perception by some of bias in family courts. However, in reality, family courts are child-focused and support the children's right to have a relationship with both parents. Family court judges have the unenviable task of examining each family's case individually, weighing each of the issues as they pertain to that specific situation, and crafting a creative judgment that addresses the needs of the children without disregarding either parent. Flexibility is critical when constructing such a judgment. This Legislature need not make their task more difficult, to the detriment of separating families, by enacting this proposed legislation.