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Judiciary Committee

HB 5536 An Act Concerning the Burden of Proof in Custody Proceedings Regarding the Relocation of a Parent with a Minor Child and 5539 An Act Concerning Private Hearings and Confidential Records in Family Relations Matters

*Testimony by Alice Pritchard, Executive Director
Connecticut Women's Education and Legal Fund
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Good afternoon. My name is Alice Pritchard and I am the Executive Director of the Connecticut Women's Education and Legal Fund. CWEALF is a statewide non-profit organization dedicated to empowering women, young girls, and their families to achieve equal opportunities in their professional and personal lives. For over 30 years CWEALF has operated an Information & Referral (I&R) Service which provides legal information on family, employment, education and civil rights law. The vast majority of the calls we receive are regarding divorce and custody.

Of the two thousand calls we received on custody issues in past two years, eighty-eight percent (88%) of the callers were women and twenty percent (20%) of those custody calls also involved domestic violence. In addition, many female callers reported that the man involved in the custody dispute had an attorney, while she was not able to afford to hire legal representation herself. This places women at a distinct disadvantage.

CWEALF opposes *HB 5536 An Act Concerning the Burden of Proof in Custody Proceedings Regarding the Relocation of a Parent with a Minor Child* as currently written and urge you to do the same. The current system allows judges to decide each situation on a case-by-case basis taking into account that situation's specific facts. Also, the current system makes available alternatives such as mediation to assist parties to come to joint decisions on custody matters. Further, the family courts' Family Services Departments aid the courts in these decisions with their assessments and subsequent recommendations of what situation would be in the best interest of the child. Given these resources, **we believe this bill is unnecessary and will in fact cause more problems in family law cases than it solves.**

Women are much more likely to have primary custody of their children after divorce, are more financially vulnerable than their former husbands, and are most likely to move after divorce out of economic necessity. Most women's relocation decisions are often premised on career opportunities and financial advancement, which are essential ways in which women enter into the mainstream of society and gain economic parity with men. Many women have not previously had access to these types of professional opportunities because of their status as stay-at-home moms and/or part-time workers. Therefore, the chance to attain access to these opportunities through relocation is particularly vital to the self-sufficiency of their families.

In addition to moving for purposes of economic advancement, women also may chose to relocate to be closer to family or to escape a domestic violence situation. An emphasis on maintaining the home in which a parent has custody without allowance for relocation provides opportunities for continuing controlling behavior by abusive former spouses.

Discouraging relocation decisions is also inappropriate because to do otherwise would impinge on a parent's fundamental right to travel. Of particular concern to women is the ability of the courts to coerce a mother into staying in the state or within a certain geographical distance of the original residence by virtue of her attachment to the children. The new family unit after the divorce consists of the relocating parent and the children, and courts have found that what is beneficial to that unit as a whole is also in the best interests of the children involved. As a result, the post-divorce unit within which the child usually resides must be protected by the courts.

It is for these reasons that we strongly urge you to reject proposed Bill 5536.

Additionally, CWEALF opposes proposed Bill 5539. This proposed statute would provide that the hearings of family relations matters shall be private upon motion of either party or of counsel for any minor children, and that the records and papers in such matters shall be confidential, unless otherwise required in the public interest as determined by the court. This proposed bill is unnecessary since these provisions do not change existing law. In the current system, judges may preclude from chambers or a courtroom the public and the press if the judge hearing the case determines that the welfare of any children involved or the nature of the case so requires. Further, the current system provides that all records and papers in any family relations matter may be ordered by the court to be kept confidential and not open to inspection, except upon order to the judge for cause shown. Both of the proposed changes do not alter in any substantive manner the current system, and therefore do not need to be adopted.

Thank you for you time and attention to these critical matters.