

# State of Connecticut

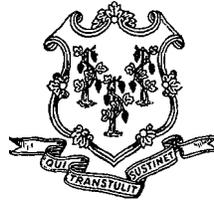
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### Written Testimony of The Permanent Commission on the Status of Women Before the Judiciary Committee Monday, February 26, 2007

#### Re: H.B. 6286, AAC Parenting Time and Parental Responsibility with Respect to the Custody of a Minor Child

Senator McDonald, Representative Lawlor and members of the committee, thank you for this opportunity to provide written testimony on the above referenced bill, on behalf of the Permanent Commission on the Status of Women (PCSW).

We oppose *H.B. 6286, AAC Parenting Time and Parental Responsibility with Respect to the Custody of a Minor Child* because it is unnecessary and will make it more difficult for courts to make custody decisions in the best interests of the children. The language of the bill is complicated and is phrased in the negative – “There shall be no presumption that awarding disproportionate parenting time...is in the best interests of a minor child...” when; in fact, there is currently no presumption whatsoever, either for or against “disproportionate parenting time.”

The only rule currently in effect is that the custody arrangement must be in the best interests of the child, and we believe that rule is the best one and should not be modified. The language of this committee bill goes on to propose that the best interests of the child are considered only if the facts show that such interests “require” that disproportionate parenting time be awarded. Although not defined here, disproportionate parenting time could mean any custody arrangement that deviates from an equal, 50/50 division of the child’s time between parents. This would restrict the application of the “best interests of the child” test to a much narrower field.

In 2005, this committee and the legislature thoroughly considered the complex

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matter of ordering custody when parents divorce and passed P.A. 05-258, codified as C.G.S. 46b-56. As you may recall, that law sets forth sixteen factors the court may consider in determining the best interests of the child. In other words, existing law already gives judges considerable guidance, and firmly sets the interests of the child, rather than the potentially competing interests of their parents, as the controlling factor.

The PCSW receives many phone calls each year from women seeking help or referrals to resolve family law disputes, including custody, visitation and child support. Our experience has taught us that hurt and angry divorcing spouses – both women and men – may use the legal process to pursue emotional goals. Of course, we tend to hear one side of the story from far too many women who have been harassed, bullied and “out-lawyered” by angry ex-spouses who have more financial resources and may use custody battles to hurt them or force them into concessions on other contested matters. We understand that there are other sides of the story and that fathers can be hurt by divorce, as well. For these reasons we feel strongly that we should keep family laws regarding custody as separate as possible from the competing interests of the parents and focus, as we currently do, on the interests of the children.

Thank you for your consideration of this matter.