

March 3, 2010

TESTIMONY OF CONSTANCE FRONTIS BEFORE THE JUDICIARY COMMITTEE IN OPPOSITION TO S.B.223,  
AN ACT REQUIRING NONCUSTODIAL PARENTS TO PROVIDE EMERGENCY CONTACT INFORMATION

I am an attorney at New Haven Legal Assistance, representing victims of domestic violence for more than twenty five years, and have grave concerns about this bill.

This bill would amend C.G.S. 46b-56(d) to require that any parent not awarded sole custody provide to the other parent his/her address and phone number unless the other parent is ineligible for visitation, or the parent objecting to the disclosing of the information demonstrates "good cause". If the court finds there is good cause, the parent must instead provide his/her residential address and phone number to the Department of Children and Families. The parent not granted sole custody is also required to provide his/her new address and phone number to the other parent, or DCF, within five days after any change of same.

This bill will encourage litigation and further burden the court system. Many family cases are currently settled by agreement with an order of joint legal custody, or joint legal custody with final decision-making authority in one parent. In order to avoid the bill's mandate, many parents will be forced to litigate the custody issue to obtain an order of sole custody.

The bill puts the burden on the parent who fears disclosure of his/her residential address and phone number to prove that there is "good cause" to not disclose that information to the abuser, presumably through a court hearing.

There is an exception where the other parent is "ineligible for visitation" but in the majority of domestic violence cases, the abusive parent will have some visitation even if it is in a strictly supervised, professional visitation center. Therefore, this exception will be rarely available.

The language of the bill contemplates that the information is to be used by the non custodial parent only in "an emergency with respect to the child" but there is no way to ensure that that is the only circumstance in which the information would be used.

This bill will further burden the Department of Children and Families as its staff will have to not only maintain the address and phone registry, and update it every time there are changes, but also contact and obtain the consent of the parent whose address is being protected any time law enforcement officials, school or medical personnel request disclosure after ascertaining that the disclosure is necessary for the child's welfare. Some domestic violence victims may have concerns about whether their address and phone information will be secure with DCF, and whether the victims' concerns will be fully considered before disclosure is made to a third party.

Lastly, this bill is unnecessary. The Court already has the authority to order that parents keep each other apprised of their current addresses and phone numbers and such orders to facilitate contact are routinely entered. Where appropriate, usually in domestic violence cases, the Court may instead order that contact information rather than the residential address, be provided to the other parent and that it be kept current.

For all of these reasons, I hope the committee will choose to not support Senate Bill 223.