



Connecticut Coalition Against Domestic Violence
90 Pitkin Street
East Hartford, CT 06108
860.282.7899

To: Human Services Committee

From: Erika Tindill, Connecticut Coalition Against Domestic Violence

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Re: RB 5432: An Act Concerning the Department of Children and Families

Good afternoon, Chairman Doyle, Representative Walker and members of the Human Services Committee. My name is Erika Tindill and I am the Executive Director of the Connecticut Coalition Against Domestic Violence (CCADV). Thank you for the opportunity to testify regarding Raised Bill 5432: An Act Concerning the Department of Children and Families.

Advocates at each of CCADV's 18 member programs serve thousands of parents impacted by domestic violence who are also parties to proceedings with the Department of Children and Families. These advocates work closely with attorneys appointed to represent these parents and are often witness to the impossible task of demonstrating to the DCF worker that the parent who is a victim of domestic violence should have custody of children because it is in their – the children's – best interests. Having been an attorney representing indigent victims of domestic violence, I have first-hand knowledge of the struggle they face when embroiled in DCF proceedings. Despite the Department's efforts to train its workers on dynamics and complexities of family violence and follow protocol that views the behavior and actions of an abusive parent as detrimental to their children's safety and well-being, there remains a pervasive culture of

blaming the victim of domestic violence. So, I can appreciate the attempt to rectify this injustice by creating a rebuttable presumption that it is in the best interest of a child to remain with the parent who is a victim of domestic violence. However, the four sections of the bill that relate to DCF proceedings such as neglect and termination of parental rights petitions (sections 5, 6, 7, and 9) are confusing and, as written, defy logic. In neglect and removal proceedings, DCF is asking the court to remove minor children from one or both parents due to their statutorily-defined inability or unwillingness to properly care for the children. The new language of this bill claims that “notwithstanding the provisions” of the various subsections, in any such DCF proceeding there *shall* be a rebuttable presumption that it is in the best interests of the child to be in the custody of parent who is a victim of domestic violence. What I think the bill is trying to say is that DCF should not be taking children away from parents *because* they are victims of domestic violence. There may be other reasons why DCF should take the child, however. This is not made clear in the language of the statute. Further, the new language fails to clarify what is to happen in the event a relative intervenes in the DCF proceedings – imagine the scenario of the aunt who is the battering parent’s sister in denial about her sibling’s abuse or the intervening grandmother. It is unclear whether the statute anticipates that custody goes presumptively to the parent who is a victim of domestic violence over the intervening relative or if the presumption applies to the contest between the parents. If the presumption is to the contest between the parents, then the language does not make sense since DCF has presumably determined that one or both are unfit.

Section 8 of the bill refers not to the DCF proceedings but child custody actions between parents in Superior Court. This section creates a rebuttable presumption that it is in the best interests of

a child to be in the custody of a parent who is the victim of domestic violence. There already exist however, sixteen factors the court may consider in its determination of custody. Number 14 in that list of factors is the *effect on the child of the actions of an abuser*, and whether *any domestic violence has occurred between the parents or between a parent and another individual or the child*. Based on my own experiences representing victims of domestic violence in custody cases, I believe this new language is unnecessary and would have the unintended consequence of giving batterers yet another tool to further victimize and to manipulate the court system.