

Testimony

Abigail Gilbert

4 Doris Street

Wallingford, CT 06492

Re: *S.B. No. 1093 (RAISED) AN ACT CONCERNING THE CONTINUATION OF CHILD SUPPORT OBLIGATIONS AFTER THE TERMINATION OF PARENTAL RIGHTS DUE TO ABUSE OR NEGLECT OF THE CHILD.

I appreciate the opportunity to come before you today. The issue at hand is one which has affected my life and continues to affect the lives of many within our state.

I understand the arguments that have hindered this bill from becoming law in the past. I believe this revised bill incorporates those concerns in such a way as to give the Judge the leeway necessary to act in the best interests of the child or children affected.

This bill continues to allow DCF to use the freedom from financial obligations to induce agreement to terminations when that is in the best interest of child within the DCF system.

It allows the petitioning parent, the opportunity to seek the support necessary to continue to provide for all the counseling and structure necessary for children whose lives have been devastated by abuse. It takes the financial consideration out of the decision on whether to seek the highest protection for the abused child.

For those who believe there are other paths that provide the same net effect such as removing the rights of visitation...that was not my experience. Such rights may be reversed at any time. For the child it creates an environment of instability that is exceedingly detrimental to their growth and health both mentally and physically.

Allow me a moment to explain the inspiration for this legislation. In 1997, I left my ex-husband. Domestic Violence is sneaky. It culminates over time. It grows from a mocking to striking over time. It is not a simple matter. I do not believe people choose this path or even seek so much as fail to understand how to avoid it. Abuse takes many demeaning forms and even while I recognized how wrong it was I felt compelled to honor my marriage vows for my children's sake. That changed in 1997, when I began to suspect he was less than appropriate with one of my children. On that night, I questioned his behavior. I should have expected the violent response. The neighbor called the police and while the police detained him, I left with my four small children, then aged 6, 4, 18mos and 5 mos. Keeping me pregnant and dependent was part of his means of control. It was a fearful thing to leave not knowing how I would care for my children. Fleeing to the airport that night, we returned to

Connecticut with literally \$60 and four suitcases. He followed us. My child was too young to be a credible witness and he was prosecuted only for the charges of domestic violence. He remarried. It was for his assault of his new step daughter then aged 11 that he was eventually convicted and sentenced for his wickedness. During intervening years between our separation and his conviction, I fought to protect my kids in a system that supported his rights despite substantiated allegations of physical abuse against me and my children. Even while he was under indictment for sexually assaulting his step daughter a Judge reversed the order of No Visitation granting him the right to Supervised Visitation. His manipulation of the grad student supervising the visitation at the Southern Connecticut Supervised Visitation Clinic resulted in her repeatedly leaving my children unattended with him. My children innocently discussing their visit on the car ride home talked about the supervisors leaving them, I called the director of the program who confirmed this after reviewing the films of the visit and the supervisor was replaced. After several such issues and three more supervisors, I decided that being in contempt of court was far superior to having my child harmed again. His conviction on the sexual assault charge occurred just prior to the contempt hearing which was dismissed. He went to prison. Understanding the effects of his visitation on my children the dropping school grades, depression, anger, acting out, confusion, fear, the environment of instability had to be changed. I sought full termination for the following reasons:

- 1 An abusive individual craves the power of control. While my ex had rights he had the power to force me to take the children to see him and to force the children to have a relationship with him through visitation. Termination returned the power of choice to my children.
- 2 My children wanted the termination of rights to occur. In fact, the termination would not have been permitted had the children objected.
- 3 I did not want my children exposed to a prison in any form or for the idea of prison to become a part of their experience...I wanted to keep the expectation that prison should not be a part of their experience. He could have forced such a visitation program during his incarceration.
- 4 The court had shown its concerns for my ex-husband rights as a parent exceeded my children's need for both stability and security.
- 5 I had concerns for who he might bring into my children's lives as a result of his prison term and halfway house living. This proved justified since one of his prison mates with whom he shared a counseling group and who was released within days of my ex-husband is well known to all of you today.....Joshua Komersarjenski. My youngest daughter and Michaela Pettit were exactly the same age on that horrific night. Protecting my children from exposure to such wretches may not always be possible but to expose them to known predators....who would do that?

The continuation of support would not have continued the relationship. Even with the support orders terminated and full termination accomplished, my ex-husband violated no contact orders and attempted to pursue a relationship with my oldest child causing tremendous emotional pain and confusion for my son. Nothing would have changed my ex-husband's actions. Termination removes the abusers right to have authority over children. It does not change the abuser. It does

however take away his power to force a relationship in any court. It removes all authority over the medical and educational choices.

My children are approaching adulthood. They will make their own relationship decisions regarding their father as they become adults. My job was to protect them as children, to provide for them to the best of my ability a stable home, healthy food for the growth, an environment that promoted excellence in education, a healthy self image and the confidence to become happy healthy contributing members of society.

The greatest reason for passing this bill is that to not pass it is punitive toward the victims, the most innocent of the victims, children. I made a stupid choice to marry the wrong man. My children did not choose their parents. Parents do have an obligation to provide for their children. They do have the responsibility to each other to share the burden of childrearing.

I did truly raise my children on my own. My kids are great, but not without sacrifice. For me, I tried to take on all the sacrifices and to provide for them on the same level as their peers. However, they do not have college funds, and I do not have a retirement savings of any kind because the money was necessary for the day in which it was earned.

These sacrifices should not have been necessary. With child support my children would have continued in the lifestyle to which they were accustomed. They did not. Was their safety and emotional well-being worth the choice I made. Yes, but we should not allow this to continue. One who abuses a child should not be rewarded. It has been a financial reward for my ex-husband. He has \$415 in his paycheck weekly to sustain his lifestyle today that rightly belongs to my children. Today, he has remarried.....to yet another woman with children and resides here in this state. He has violated his parole, breaking no contact orders, and his probation on five counts that I have reported, including falsely reporting his address on the sex offender registry and moving into a different town without notifying the local police of his new residence.

I have learned that courts can reverse less permanent decisions than termination. No Contact Orders, Parole terms and probation terms mean nothing because they aren't enforced. Police have no jurisdiction. Parole and probation officers have all the power. My ex-husband who is prohibited from being in the presence of minors under the age of 16 goes into private homes to clean windows as part of his "approved" job. I know for fact no questions about the presence of children gets asked.

In the termination process, the factor of finances plays a large part in the recommendation process of DCF. The petitioning parent must prove the ability to provide for the child. Why is the termination recommendation not based solely on the interests of the child's safety? Because money matters, it is in the best interest of the child. The effects of poverty on children are well known. Children who have been victimized should not be penalized by the loss of support, their lives already impacted by the pain of abuse should not be further devastated by financial struggles.

The passage of this bill will not change any rulings for my children. We will have no financial benefit. It will however protect other children from the losses mine have experienced. It will make life easier for those struggling with the healing process where abuse has ravaged their lives. I implore you to pass this bill. My daughter, now 18 and away at college, testified before this committee regarding this legislation several years ago. Several of you were here and may remember her bravery. For a victim, a child victim to speak out, took such courage and strength. Please honor her today by passing this bill.

Thank you for considering this bill.