



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 5, 2013**

**H.B. 6685, An Act Concerning the Presumption of Shared Custody in Disputes
Involving the Care and Custody of Minor Children**

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Rebinbas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, on **H.B. 6685, *An Act Concerning the Presumption of Shared Custody in Disputes Involving the Care and Custody of Minor Children***. The Judicial Branch opposes this bill.

Although it may appear somewhat innocuous, the change from joint custody to shared custody is very significant. The bill's definition of shared custody goes beyond the traditional health, education, and religious upbringing, into the areas of emotional, moral, and social development. This incursion into subjective and highly personal territory, such as moral and social development, substantially increases the likelihood of conflict and, ultimately, litigation. For the high conflict families, this is tantamount to pouring gas on the fire.

With regard to parenting time, the bill would require each parent to exercise physical care of the child for "substantial" periods of time. This is simply not possible in all cases. It does not take into account what parenting plan is in the best interest of the child in light of his or her particular family situation. Would this negate the ability of parents who live a distance apart from each other to have shared parenting because "substantial" time is not possible? How is substantial defined and at what point is this done in the process? This is very likely to lead to further litigation when a parent does not exercise this poorly defined level of care.

In summary, this change would have a profound impact on our courts and Family Services unit. The Courts and Family Services would be asked to assess moral/social issues which are subject to personal belief systems. This will be an untenable situation.

The bill would also allow the Court to refer individuals who make knowingly false statements about the care and custody of the child to the Chief State's Attorney for the purposes of a criminal investigation; it sets fines and potential terms of imprisonment for such action. This is not necessary, as judges already have the ability to refer perjury to the State's attorney for investigation and prosecution. It would have the effect of making family cases more difficult to settle, lengthening the high conflict period of a pending court case. In addition, there is a potential operational and corresponding resource impact for CSSD/Family Services with this component of the proposed bill as well. Although these matters may not technically meet the statutory criteria to be labeled a Family Violence offense, it is envisioned that these cases would/could be referred to Family Services for assessment, recommendation and potentially pre-trial supervision. While the volume would probably be minimal initially, this would nonetheless create a pool of new case types.

In conclusion, we urge the Committee not to act favorably on this bill. Thank you for your consideration.