



The Children's LAW Center of Connecticut

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RE: Raised Bill No. 6685: An Act Concerning the Presumption of Shared Custody in Disputes Involving the Care and Custody of Minor Children.

POSITION: OPPOSED

SUBMITTED BY: THE CHILDREN'S LAW CENTER OF CONNECTICUT, a non-profit organization that provides representation to children of indigent parents in contested divorce and custody cases.

This testimony is submitted in opposition to Raised Bill No. 6685.

Raised Bill 6685 replaces the term "joint custody" with "shared custody", with the intention of creating a presumption that shared custody is in the best interest of children. Not only does the Bill blur the distinction between two different terms, custody and parenting, but the suggested "presumption of shared custody" would reduce the Court's flexibility to tailor parenting plans that reflect the uniqueness of the families appearing before it.

The intended outcome of this legislation is to ensure that children have healthy and fulfilling relationships with both parents and that legislating "substantial" time with each parent will produce that outcome. This rationale is flawed. The proposed legislation implicitly treats children as if they are property that can be easily split, giving each parent a "substantial" share, without consequence to the well being of the children. In fact, it is contrary to the last half century of statute and case law on the issue of child custody, which properly focuses on the best interest of children rather than on the rights of parents.

Aside from disregarding children's interests in favor of parents' interests, the proposal presumes that parents who are no longer together can continue to co-parent effectively. We certainly support the idea that children deserve a relationship with both parents as well as permission to love them both, go back and forth between them without

conflict, and live lives that are as seamless as possible. This is possible, but only if parents can exchange information, be flexible, communicate, make decisions together, and support each other's roles in the lives of their children. This is not always the case. In fact, in the cases CLC serves, the parents have limited ability to achieve those high ideals. As service providers to children who are caught in the crossfire of their parents' battle, we see firsthand how exposure to chronic parental conflict negatively affects children both emotionally and psychologically. Thus, CLC strives to educate parents about the qualities necessary to co-parent and the detrimental effect their high conflict actions have on their children with the goal of creating parenting plans that reflect the best interest of our clients taking into account the unique strengths and weaknesses of the parents.

We acknowledge that there is a perception of bias in family courts. However, in reality, family courts are child-focused and support the children's right to have a relationship with both parents. Family court judges have the unenviable task of examining each family's case individually, weighing each of the issues as they pertain to that unique situation, and crafting a creative judgment that addresses the needs of the children without disregarding either parent. Flexibility is critical when constructing such a judgment. This Legislature need not make their task more difficult, to the detriment of separating families, by enacting this proposed legislation.

