

Testimony

Abigail Gilbert

4 Doris Street

Wallingford, CT 06492

Before I speak on the Bill sponsored at my request, I would like to vocalize my support of HB 6685. My new husband fought an uphill battle to gain joint and shared custody of his boys and in doing so spent tens of thousands of dollars. He is an amazing father to his boys and has become the most wonderful gift to my children. There is no presumptive "better" parent. Children deserve to have these relationships maintained to the highest level whenever possible.

Unfortunately, there are those times when removing rights is consistent with what is in the child's best interest. It is to that issue I will primary direct my testimony today.

Re: *S.B. No. 178 (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.

When a person commits a crime against their child so heinous that they have their rights terminated (physical abuse, sexual assault, attempted murder, or the murder of a child) two things are currently true: (1) incarcerated people are allowed to modify child support to zero even when the victim is the one due the support and (2) when rights get terminated due to abuse child support is also terminated. Termination of Parental Rights is a last resort and difficult to achieve. Rights and obligations are separate per our current court precedents but yet this injustice remains. It is a punitive action against the child victim and the purpose of this bill is to ensure that child support can continue in force and effect for those cases. This may not include DCF actions, DCF should be allowed to use this relief to unburden children within the system if it helps them to accomplish the termination. It also does no impact voluntary surrender of rights with no allegation of abuse. Child support would still end upon adoption no matter what the reason for termination.

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 a 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. It is not a simple matter. 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. I held out hope that he would see how wrong he was and become the man he was supposed to be.

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. All the shadows of doubt and subtleties began to form an unshakeable suspicion in my mind. I confronted him. 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 provide for my children. I left that night and was literally homeless with four small children. I returned to my hometown with only \$60 and the four suitcases I was able to quickly pack. For a year my small family lived in what had been a friend's construction office above the garage in a rental property they owned. It had a bathroom and I improvised using the furniture I found at tag sales and on the side of the road to create separate living spaces. It was small but clean and safe.

My child was too young to be considered a "credible witness" and he was prosecuted only for the charges of his abuse toward me. He was given a 60 day jail sentence. He remarried quickly, and fought to gain visitation with my children. 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 my children. Just prior to the visitation hearing, he was indicted for sexually assaulting his step daughter, and yet the 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 alone with him. 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 incidents and three more supervisors, I decided that being in contempt of court was far superior to having my children 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 and fear, I decided the environment of instability had to be changed permanently. 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. 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 safety, 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, committed one of the most shocking and heinous crimes in Connecticut.....Joshua Komersarjenski. My youngest daughter and Michaela Pettit were exactly the same age on that horrific night. Thankfully, by terminating his rights I had protected my children from exposure to such a wicked person. My youngest daughter was also eleven on the horrible night. It is the lesson of the "Silence of the Lambs": One desires what one sees, one cannot desire the unknown.

I chose to terminate his rights with the knowledge that it would take a financial toll and require huge sacrifices on my part to continue to provide the means to meet my children's needs. It equated to a loss of more than \$25 thousand dollars per year. It represented half of the income into my home at time. I know there are those here who would argue that the continuation of support after termination would continue the relationship. I need you to understand, biology is unaffected and the relationship is made a choice not a mandate by the termination. Before the termination it was obligation, after termination it is an obligation from which my children were freed. The choices became theirs not his.

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. He had no respect for the NO CONTACT ORDER.

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 by court order. What it accomplishes is to remove all authority over the welfare, medical & mental health, moral, religious and educational choices for the child as well as the right to see the child.

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. Today my kids prove that healing may be accomplished. It is a long path.

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. When a parent chooses to violate the sacred trust of protecting their child and becomes the monster of a child's worst nightmare, they should not be rewarded for their wickedness financially which is exactly the case in our termination laws.

The state of Illinois Supreme Court recently examined this issue and determined that RIGHTS and OBLIGATIONS are separate and that to continue child support obligations after termination is not UNCONSTITUTIONAL nor should it be considered improper. I do understand the use of the enticement by DCF using this financial freedom as a carrot to avoid lengthy and difficult court battles, but there are those of us who are biological parents who are willing to fight and who have all the evidence necessary. To leave the law as it is both creates a punitive action on the victim and induces those charged with their protection from pursuing criminal action thus allowing abusers to continue to wreak havoc on our society.

Connecticut judges have already determined that RIGHTS and OBLIGATIONS are separate. A custodial parent cannot deny the non-custodial parent visitation when the non-custodial parent willfully or due to reduced circumstances fails to pay child support. The RIGHT and the OBLIGATION are separate issues. Why are they bound in termination then?

I did truly raise my children on my own. I only recently remarried. 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...a third time.....to yet another woman with children and resides here in this state. He has convinced her and an entire church family of his innocence and continues to sing and serve at Emmanuel Baptist Church in Newington. Since he was formerly a preacher, this is a violation of his probation. He has repeatedly 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. And yet, he has not been returned to prison....even when his breaking that NO CONTACT order nearly cost my child his life!

I have learned that courts can reverse less permanent decisions than termination. As I stated earlier, WHILE my ex-husband was under INDICTMENT for MOLESTING an 11 YEAR GIRL, the judge, in full knowledge of the pending charges, granted his petition for visitation reversing the order of NO VISITATION. No Contact Orders, Parole terms and probation terms have no meaning because they aren't enforced. Police are frustrated because they have no jurisdiction. Parole and probation officers have all the power and they have a relationship with the abuser not the victims. 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 that this service asks no questions about the presence of children in the homes to which he is sent.

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.

Today, I am remarried to an amazing, considerate, wonderful man. A man who stands by me in my desire to advocate for those who face the battles I have faced. Between us, we have seven amazing kids and I am so grateful to now have my "happily-ever after."

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 20 and away at college, testified before this committee regarding this legislation several years ago at age 16. Several of you were here and may remember her bravery. For a victim, a child victim to speak out takes such courage and strength.

Thank you for allowing me to speak and for considering this bill. For my daughter to speak, not for her own benefit, but for the benefit of others took incredible courage. Please honor her, and all such victims today, by passing this bill.