



Connecticut Coalition Against Domestic Violence

## Testimony Opposing

### SB 1049, AAC Registration Fees for Counsel and Guardians ad Litem for Minor Children and Other Requirements for Certain Family Relations Matters

#### Finance, Revenue & Bonding Committee April 17, 2017

#### Member Organizations

**The Umbrella Center for Domestic Violence Services**  
Ansonia, CT

**The Center for Family Justice**  
Bridgeport, CT

**Women's Center**  
Danbury, CT

**Domestic Violence Program United Services**  
Dayville, CT

**Network Against Domestic Abuse**  
Enfield, CT

**Domestic Abuse Services Greenwich YWCA**  
Greenwich, CT

**Interval House**  
Hartford, CT

**Chrysalis Domestic Violence Services**  
Meriden, CT

**New Horizons**  
Middletown, CT

**Prudence Crandall Center**  
New Britain, CT

**The Umbrella Center for Domestic Violence Services**  
New Haven, CT

**Safe Futures**  
New London, CT

**Domestic Violence Crisis Center**  
Norwalk, CT

**Women's Support Services**  
Sharon, CT

**Domestic Violence Crisis Center**  
Stamford, CT

**Susan B. Anthony Project**  
Torrington, CT

**Safe Haven**  
Waterbury, CT

**Domestic Violence Program United Services**  
Willimantic, CT

Good afternoon Senator Fonfara, Senator Frantz, Representative Rojas and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those who serve them. Our members provide essential services to nearly 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, agency/staff training, support groups and court advocacy.

#### We oppose SB 1049

The proposed bill seeks to make several changes to the family court process related to the custody of minor children that may have serious implications for victims of domestic violence and their children involved in such cases.

First, the bill seeks to create a presumption of "shared custody" and "shared parenting," removing the concept of joint legal custody, which has significant case law built upon it. Currently, joint legal custody pertains to the decision-making by parents regarding the child's health, education, and religious upbringing. Under this proposal, the court would be required to ensure that each parent exercises physical care of the child for substantial periods of time. As the Connecticut Women's Education and Legal Fund points out, this is a parent-centered approach, not a child-centered approach. The court already has the ability to grant joint physical custody when it is in the best interest of the child. Having a presumption of shared custody may detract from consideration of the child's welfare, particularly in situations where the family has experienced domestic violence.

Domestic violence does not always end when an intimate relationship ends. In fact, this is when it may get worse. Domestic violence is about control and coercion, and the end of the relationship often signals a complete lack of control for the abuser. All too often children are used by an abusive individual to continue to exert control over the other parent. While there are variances on what constitutes "shared parenting," almost all versions create endless opportunities for the victim to be continuously subjected to every demand of her or his abuser. In efforts to regain control over the victim, the abusive parent may object to any proposed decisions for the children or create stumbling blocks for the implementation of any decisions once made.

To be clear, **an individual who abuses his or her child's other parent is not and cannot be a good parent until he or she chooses to cease abusive behaviors and treat the other parent with respect.** It is simply untrue that every parent has the best interest of his or her child at heart. Any parent that chooses to abuse the other parent is subjecting the child to emotional and psychological trauma that will have lasting consequences.

Shared parenting only works when both parents are on equal ground. This is simply not possible in abusive relationships where one person controls the other. Shared decision-making that forces victims of domestic violence into a vulnerable position of having to negotiate with an abuser who has already traumatized them is unlikely to be successful and will certainly lead to continued conflict not only for the victim, but for the involved child(ren).

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Another cause of concern in the proposed bill is acceptance by the court of a written agreement by the parents pertaining to custody. Again, in situations involving domestic violence where both parents are not on equal ground, it is unlikely that any written “agreement” has actually been agreed upon. Will the court be required to ensure that that any accepted agreement was in fact made willingly and freely by each party? There is no language currently in the bill addressing the possibility that any such agreement may have been coerced.

Also alarming is the newly created crime of knowingly making a false statement to the court in cases involving child custody. This is an unnecessary and duplicative crime as these actions are likely already covered by current perjury statutes. Such a crime only serves to further intimidate pro se parties with limited resources from advocating for themselves and their children for fear of having the other party accuse them of lying. This is particularly true for couples experiencing domestic violence where the abuser may “gaslight” the victim, telling her or him that everything is in her/his head or a figment of her/his imagination so any possible accusation against the abuser must be a lie.

Regarding guardians ad litem (GAL) or attorneys for a minor child (AMC), this bill proposes that any person aggrieved by the action of a GAL or AMC be able to bring a civil action seeking appropriate relief. In all likelihood very few individuals will seek to serve as a GAL or AMC if language such as this passed because it is rare that at least one party does not feel aggrieved following a child custody case. Instead, we strongly urge the committee to consider mandating increased trauma-informed training for GALs and AMCs related to the dynamics of domestic violence. It is typically contentious custody cases where GALs and AMCs are assigned, and often there is a history of domestic violence preceding the custody dispute. Increased training will strengthen the ability of GALs and AMCs to clearly identify and respond to the needs of children who are experiencing domestic violence in their home.

Finally, the bill limits GAL and AMC testimony related to the child’s medical condition. This is particularly concerning for cases involving domestic violence in which children are receiving ongoing therapy. We are concerned that in cases of self-represented victims of domestic violence, there will not be an easy way to enter this information into evidence, perhaps resulting in the victim having to subpoena and pay for the healthcare professional to testify as to the child’s medical condition. Meanwhile, the GAL and AMC may have the reports from the healthcare provider and otherwise would be able to simply submit them as part of their testimony. This creates an increased financial burden on a victim of domestic violence who is often the custodial parent and may potentially result in critical information about the child’s medical condition being excluded from the case.

In conclusion, many of the proposals included in this bill would be devastating for victims of domestic violence and their children. It is wishful thinking that all parents are good parents and should have equal time with and decision-making authority related to their child. Presumed shared custody with shared decision-making is not in the best interest of any child whose parent has been the victim of domestic violence at the hands of the other parent. The majority of the contested custody cases that this bill seeks to address likely involve domestic violence and the children involved would therefore be done a disservice by the proposed changes. We urge your rejection.

Thank you for your consideration. Please do not hesitate to contact me with questions.

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