

Member Agencies

The Umbrella Center for Domestic Violence Services
Ansonia, CT

The Center for Women & Families
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

Meriden-Wallingford Chrysalis
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

Written testimony

Task Force to Study Legal Disputes Involving the Care & Custody of Minor Children

January 9, 2014

Good morning Attorney Cousineau, Attorney Dornfeld and members of the task force. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to over 56,000 victims of domestic violence, such as 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

CCADV **OPPOSES** the presumption of shared custody as being in the best interest of the child.

While there are variances on what constitutes "shared custody," previous definitions that have been considered by the CT General Assembly (House Bill 6685, 2013 Session) have included shared decision making as it relates to the "child's welfare, including, but not limited to, matters relating to education, medical care, and emotional, moral, social and religious development." Any such requirement for a parent that is the victim of an abusive relationship would be very concerning.

From the perspective of the parent who has been abused, a shared custody arrangement presents another opportunity for the abuser to attempt to exert control over him/her and to do so in one of the most alarming manners possible - through the children. In a continuing effort to gain control, the abusive partner may object to any proposed decisions for the children or to put up stumbling blocks for the implementation of any decisions once made.

As Louisiana has found, "the legislature finds that problems of family violence do not necessarily cease when the victimized family is legally separated or divorced. In fact, the violence often escalates, and child custody and visitation becomes the new forum for the continuation of the abuse. Because current laws relative to child custody and visitation are based on an assumption that even divorcing parents are in relatively equal positions, and that such parents act in the children's best interest, these laws often work against protection of the children and abused spouse in families with a history of family violence." ([LA Rev. Stat. Ann. Section 9:361](#))

In fact, Colorado recently passed critical child custody reforms that address this very issue. In 2013, [Colorado Revised Statute \(C.R.S.\) § 14-10-123.4](#) was revised to reflect that children have certain rights in the determination of matters relating to parental responsibilities, including:

- a) The right to have such determination based upon the best interests of the child;
- b) The right to be emotionally, mentally, and physically safe when in the care of either parent; and,
- c) **The right to reside in and visit in homes that are free of domestic violence and child abuse or neglect.**

Colorado law also recognizes that co-parenting is not appropriate in all circumstances, and clarifies that "when appropriate" parents should share the rights

and responsibilities of child-rearing and encourage the love, affection, and contact between the children and the other parent. Additionally, when a claim of domestic violence has been made, the court must first consider whether one of the parties has committed an act of domestic violence, engaged in a pattern of domestic violence or has a history of domestic violence prior to determining parenting time and decision-making responsibility and prior to considering any of the other “best interest” factors ([C.R.S. § 14-10-124](#)).

The paramount concern reflected in the new Colorado laws governing child custody is the child’s safety, including the physical, mental and emotional conditions and needs of the child. Recognizing that the presence of domestic violence and the control and manipulation of one parent over another, especially via the child, can and will have devastating, long-term effects on the child is imperative to any discussion about the presumption that shared custody is in the best interest of every child.

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. Children who witness intimate partner violence within their family face a greater risk of developing severe and potentially lifelong problems with physical health, mental health, and school and peer relationships, as well as disruptive behavior.

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. Connecticut should not place into statute language that will easily allow abusers to maintain control over their victim and their children.

Please do not hesitate to contact me with any questions.

Liza Andrews
Communications & Public Policy Specialist
(860) 282-7899
landrews@ctcadv.org