



Public Testimony of the Connecticut Women's Education and Legal Fund
Task Force to Study Legal Disputes Involving the Custody and Care of Minor Children
Submitted by Catherine Bailey, Legal and Public Policy Director
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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide non-profit organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives.

For 40 years, CWEALF has provided information, referral and support to women seeking guidance about questions involving divorce, child support, and custody. Over the past four decades, we have spoken to thousands of women. The majority of calls to our office are from individuals who earn \$25,000 or less annually, most with at least one dependent child.

In the 2013 legislative session, CWEALF provided testimony regarding H.B. 6685, *An Act Concerning a Presumption of Shared Custody in Disputes Involving the Care and Custody of Minor Children*. For the following reasons, CWEALF opposed presumptive joint custody, and renews that opposition today.

While maintaining the quality of child-parent relationships and ensuring both parents' ability to influence major upbringing decisions is critically important, presumptive shared custody will not accomplish that goal effectively. Current law already allows for an order of equal physical custody *when that is in the best interest of the child*. Making shared custody the standard decision may detract from legitimate consideration of the child's welfare or the child's wishes in situations where they are old enough to contribute their opinion. Shared custody also involves a number of logistical problems, including residency for school and extracurricular activities; disruption to a child's routine, life, and sense of home; and eligibility for assistance programs. Each of these problems may result in increased litigation, multiplying the caseload on already full dockets of the family courts.

The notion that presumptive joint custody is in the best interests of the child ignores situations involving parents who are abusers or criminal offenders. This type of presumption would then place the burden on the other parent, often economically disadvantaged or a victim of violence, to prove otherwise without sufficient resources to do so.

Presumptive shared custody is especially harmful for victims of domestic violence, a particularly vulnerable population. Frequent, mutual decision-making between an abuser and a victim of domestic violence will rarely succeed, and even worse, puts the well-being and safety of the victim at risk.

Custody decisions should be made, as they are now, on a case-by-case basis, weighing the specific facts of each individual case. The family courts' Family Relations offices assist the courts in these decisions with their assessments and subsequent recommendations of what situation would be in the best interest of the child. Given these resources, any proposal to enact presumptive shared custody is unnecessary and will in fact cause more problems in family law cases than it solves.

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