

February 26, 2013

Testimony Regarding HB2233: Protective Parent Reform Act

Rob Daniels, De Soto, KS

I was recently made aware of this bill and upon reading it was quite disturbed. I have listened to clips of Ms. Robert's and read some of her previous testimony. While I applaud her motive and intent I believe this bill is fatally flawed and puts children at risk.

I believe this bill will not only attempt to aid victims of abuse, but can and will be used by perpetrators of abuse to get their way. On the schedule of people testifying in favor of these changes is one who

1. Was found to have routinely beaten their spouse and did so in the presence of the minor children
2. Was subject to a Final Order of Protection, which they violated
3. Was convicted of Domestic Battery
4. Was convicted of violating the Protection from Abuse order
5. Violated probation on their convictions and had it revoked
6. The courts, detectives, counselors and Guardian Ad Litem all found evidence of the abuse.
7. They are also deadbeat having not even paid one full month of the child support ordered in the final divorce decree and current facing possible contempt

This individual through all this believes that they have been wronged and isolated from their children when the role of custodial parent was awarded to their spouse and they have been provided limited time due to their actions. They believe that they are the victim and that their spouse is the perpetrator. They monitor their ex-spouse through attempting to calling and questioning the children on average 10-15 times per day. They are watching for their spouse to make an error so they can claim abuse or neglect. They believe that HB2233 will provide them the tool they need to make this claim and take custody of their children again.

This bill's goal of protecting the abused would be inverted, perverted and is my belief that it will be misused to deliver custody to the abuser.

Concerns that make me oppose this bill and respectfully request that you vote against it includes:

1. The fact that only the children's desires are to be represented by the Guardian Ad Litem, but later in the bill evidence cannot be presented that the parent is coaching the child. So now the parent/parents can attempt to sway the desires and this risks putting them inappropriately in the middle of the conflict or subjects them to the pressure of an abuser that seeks control. Further more at what age is the child's understanding and desires match their best interest?
2. Eliminating the Guardian Ad Litem from fact-finding leaves it up to whom to provide a balanced set of facts to the judge or will it only be through statements and arguments of council?
3. This bill excludes any evidence or expert opinion attempting to challenge a parent's motivations for alleging a claim. In the case of the batterer testifying in favor of this bill they recorded the children, not acting on behalf of their safety, but rather recording for evidence in court. This bill will allow claims without any critical examination of all the evidence.
4. The bill states the parent will not be deprived of custody, visitation, or contact based on a mental health professional's opinion that there is a risk of flight or coaching the child. This is NOTHING LESS than a disaster. Despite all the co-parenting courses, such as Higher Ground, Solid Ground and GRASP this provision will encourage a parent to coach the child/children putting them harmfully in the midst of a conflict they are to be protected from. Also with all the focus on Mental Health after Newtown, CT, denying a professional from reporting risk of flight is insane as it is a recipe to guarantee that it is only a matter of time before an abduction by the non-custodial parent occurs.
5. A Protection form Abuse Order cannot be violated by award of custody and the PFAO cannot be incorporated into the custody? So despite evidence of abuse let's agree that the children can be put back with the abuser? How does that protect the kids and how is that in their best interest?

This bill is of good intent, but ill conceived and will not only be used to protect those with real safety concerns, but it will be used by abusers and batterers to attempt to regain custody back into environment that will be detrimental to the child/children that those law was draft to protect. That is perfectly illustrated by a batterer testifying in favor of this bill.

Please vote no on this bill.

Thank You.