

HB2163

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TESTIMONY

I am the writer or editor of some of the leading books about domestic violence and custody. I write the kind of books by and for professionals that require citations for anything I want to say. There is a lot of good new research the legislature should be aware of that would help the courts better protect children. Unfortunately, the shared parenting proposal seems to be more based on politics and ideology because it certainly is not supported by current research and would place many of your children at risk.

Elizabeth Liu and I wrote a chapter about shared parenting in our book *Representing the Domestic Violence Survivor*. We explain there was an original study based on a small population and covering a short period of time that found shared parenting could benefit children under the most favorable circumstances. Later research based on larger populations covering a longer time period found that even under the best of circumstances shared parenting harms children by destroying continuity, two homes are really no homes and the children often have a needed item in the wrong home.

Unfortunately, the initial research led to tremendous support for shared parenting by courts and legal personnel who viewed it as an easy way to resolve difficult cases and by abuser groups and the cottage industry paid big money to support them. Although most states that allow shared parenting have an exception for domestic violence and similar problems, shared parenting continues to be used in inappropriate and dangerous cases. The U. S. Department of Justice released an important study by Dr. Daniel Saunders that found court professionals do not have the training they need to respond to domestic violence cases and this routinely leads courts to disbelieve true

allegations. The Saunders' study also found that abusers use decision making authority to prevent any decision they don't agree with and use visitation exchanges to harass the victim. I would strongly recommend that Hawaii not consider any expansion of shared parenting until the training problem regarding domestic violence can be resolved.

There is some legitimate research that shared parenting could work under the most favorable circumstances which include that the parents both voluntarily want shared parenting, they are able to cooperate and it is safe to do so and they live nearby. I believe the better research is that shared parenting is never beneficial to children. This is why most orders providing for shared parenting are soon back in court because it worked poorly for the children. In abuse cases the abusers use shared parenting as a first step towards winning total control. Given the Saunders' study and other research the legislature cannot expect any limitations it places on shared parenting to work until the court professionals can be retrained and current scientific research is used to inform custody decisions.

Perhaps the most important research is the ACE (Adverse Childhood Experiences) studies. This comes from the Centers for Disease Control and Prevention so have the highest credibility. The research establishes that children exposed to domestic violence, child abuse and other traumas will suffer more injuries and illnesses as children and as adults and their life expectancy will be reduced. It is hard to imagine anything that goes more to the essence of the best interests of children. This research means it is critical that courts recognize abuse and shield children from it. Courts using shared parenting tend to pressure the parents to agree to co-parent and often punish protective mothers who understand the danger the abusive father presents. For the

sake of the health and safety of Hawaii's children, I urge you to avoid adding to the children's risk.

A far better response to problems with custody would be the Safe Child Act. It requires that the health and safety of children must be the first priority when courts make decisions about custody and visitation. Many of you may be surprised that this is not presently the law or practice. The law would protect children not only from direct abuse but arrangements that have been shown to endanger children such as witnessing domestic violence and being separated from their primary attachment figure. The proposal would also require the use of current scientific research, a multi-disciplinary approach and reliance on professionals who have genuine expertise in domestic violence and other specific topics related to the case. I will be happy to provide you with articles that describe the law and its provisions if you are interested. The Safe Child Act would protect the health and safety of Hawaii's children. Shared parenting will only make a bad situation worse.

Barry Goldstein
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Committee on Judiciary and Labor
April 1, 2014 – 10:30 AM
State Capitol, Room 016
Testimony in support of H.B. No. 2163

Chair Hee and members of the committee,

I am in strong support of H.B. No. 2163 relating to parental equality in the case of separated parents. I believe that a system built to favor mothers over fathers is a blatant violation of parental rights.

Studies have shown that the absence of or limited contact with either mothers or fathers presents higher risk of future delinquent behavior, and can have adverse effects on the emotional and mental growth of the child.

In some cases, this inequity creates a bias towards one parent purely based on time spent with said parent. While this amendment may not completely resolve these issues, it will be a step in the right direction towards fixing the unfortunate side effects of an unfair system.

As a child of separated parents, I can tell you that any time that I could have spent with my father would have, more than likely, helped with some of the personal, mental, and emotional problems that I faced growing up. This bill will help prevent stories like mine in which the lack of my father's presence affected me and my sibling's perception of self-worth.

I imagine many children being raised by a single mother may feel they have no one else to turn to. Having a father figure as a stable part of the child's life will provide the support and guidance they need in these times.

Some fathers may choose not to pursue as much parental custody, but I believe that many are faced with an uphill battle to receive the rights that mothers are handed without a question.

Please vote in favor of this bill and support parental equity. Thank you.

Su Kim

To: Chair Hee &
Members of Judiciary and Labor Committee
In Support of HB2163

Hello Chair Hee and members of JDL,

As a father who has been a victim of the State of Hawaii's legal system that automatically gives fathers less custodial & visitation rights to their child, I support HB2163. I wish to tell you the reasons why I support HB2163. A father who wants/willing to care for his child should be given the equal opportunity to do so.

In most situations, fathers get shorthanded from the very beginning. Being in a marriage has the advantage of shared income, two people sharing the financial living costs and one. Going into a divorce, fathers are expected to find a new living space while paying child support, his own bills and personal needs. Furthermore, on top of having lost my home and simple pleasures, I got one third of my income deducted while still spending my personal money to buy food & gifts for my daughter.

Most of the laws written regarding custody requirements are based on the needs of the mothers and child in absence of a father. If the fathers are willing to share as many responsibility as needed, most of the needs of the child are made with less stress on the mothers. Speaking from experience, most of the problems between mother and father, after separation or divorce, is based on following court guidelines and financial responsibility made on the fathers by the courts.

Hardships that fathers must withstand are not taken into enough consideration while negotiations, in regards to custody & child support, are being made. I was ridiculed by my past in-laws and common friends for supposedly not caring for my child when I was prevented by the courts from seeing my child. I was only given two "supervised" one hour visitation and four hours every other weekend. Despite my pleas to the mother of my daughter for more visitation, she hid behind the guise of following the courts guidelines. I am an educated young man with a steady job who wants nothing more than to be with my daughter for as much time as I can possibly get. I make every sacrifice, financial & personal, that will benefit my daughter's future, yet I'm expected to walk the same path as an irresponsible father who didn't want a child when nothing could be further from the truth. I was held to the same requirements and given the same treatment as others who want and do less for their children as I. I do not believe this is right, to hold every father to the same guidelines made for a lesser individual. I do not expect to be given less responsibility for my willingness but I do think fathers who request more custody, if proven to be able fathers, should be given opportunity to do so.

I feel that my daughter is not being given the same amount of care as if there was two parents willing to make the time. As for the mother of my daughter, I do not doubt her love, but I do see that since she has to care for our daughter much more, on her own, her level of tolerance and understanding is lower due to emotional exhaustion. With two parents, taking turns giving each other a break from the constant supervision needed to care for our toddler will lead to the best outcome for all three of us. Emotional, physical and financially better for all. I am sure that there are some fathers who are irresponsible but I believe that more often than most, willing fathers will do what's best for their child. Forward motion in society is not possible without faith in humanity.

Sincerely
Christopher Manabat

Committee on Judiciary and Labor
April 1, 2014 – 10:30 AM
Testimony in support of H.B. No. 2163

Honorable Chair and board members,

My name is Steven Nordell and I strongly advise the passing of H.B. 2163. The passing of this bill is a much needed change, and progress towards an unbiased system.

The current law is only one of the many cogs of a machine that has unfortunately been geared towards favoring mothers in the case of custody and parental time spent with children of divorce.

While the purpose of the laws of family court are supposed to be fair and balanced, and for the best interest of the child, many times judges default to sole custody being awarded to mothers unless presented with empirical evidence of risk to the child. Even then, that evidence may be nothing in the face of cognitive dissonance and media indoctrination that the system itself has embedded into the general population.

Furthermore, the existence of cases in which custody was awarded to the father and resulted in harm of the child/children is far too rare to justify this gender bias and renders all attempts by loving, caring, and nurturing fathers to gain equal rights impotent. Additionally, this awards leverage to be used against fathers, in the event of a parental dispute and unfairly cripples what little parental rights fathers have.

All in all, there should be equality in all aspects of parenting. Parental desertion, abuse, and unfairness are a reality, but that does not justify nor excuse the lack of attempts to make every improvement possible towards a fair and optimal system.

Steven Nordell

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: gyats1@yahoo.com
Subject: Submitted testimony for HB2163 on Apr 1, 2014 10:30AM
Date: Monday, March 31, 2014 9:24:25 PM

HB2163

Submitted on: 3/31/2014

Testimony for JDL on Apr 1, 2014 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Guy Yatsushiro	Individual	Oppose	No

Comments: Bad idea

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House Judiciary Committee

Mar 19, 2014 10:00 AM in House conference room 016

Late Testimony of Chris Lethem in Strong Support of **HB2163**

RELATING TO PARENTAL PARITY

Dear Chair Senator Hee and members of JDL,

I previously submitted testimony when this bill was previously scheduled, I assumed my previous testimony would still be available to the committee. I am testifying in strong support of the original language found in HB2163. It is time that we move the family court away from the adversarial model and finally start respecting the unique and mutually important roles that both parents have in their children's lives.

Parenting has been and will always be a time intensive activity.

More parenting is better than less parenting. (2 > 1)

2 parents parenting is consistently better than either 1 parent parenting. (2 > 1)

Unfortunately, the language modification no longer supports the intent of this bill. The modified language does nothing to mitigate the vicious tactics used by Family Law attorneys. Until there is a standard of "clear and convincing", no real improvement will occur.

Also would please amend the language of this bill lines 12 through 18 on page 1 to read:

Custody should be awarded free from favoritism, self-interest or bias conforming to equitable distribution of continuing and meaningful contact of the child with each parent, unless the court by reason of evidence determines one or both parents are unable to act in the best interest of the child.

When there is respect (`lhi) for the important yet unique roles that both parents and also the grandparents have in their children's lives we soon realize that having a legal dispute isn't just destructive it is serves no purpose other than to create more conflict, ill will and drains families of much needed assets that could otherwise be put use for the benefit of our children. (2 > 1)

When the focus is about having a successful post marriage (successful divorce) relationship that gives both parents adequate time to parent their children, there is much less post decree litigation and children do better in all risk areas along with substantial reductions in family violence. (2 > 1)

Children who have lived in shared residential parenting families say the inconvenience of living in two homes was worth it – primarily because they were able to maintain strong relationships with both parents. (2 > 1)

Parenting time is how we pass on our traditions, values and beliefs. It is how parents teach nurturing, pass on standards of excellence, the principle of self-reliance, the importance of respect and reconciliation. For parents to parent effectively they need adequate time to parent. (2 > 1)

When both parents have adequate time with their children, they are able to engage them in day to day activities, where effective parenting occurs. Thus, avoiding the “Disneyland dad” scenarios that often leave both parent and child frustrated. Equal time also gives both parents adequate time to pursue other beneficial endeavors and interests. (2 > 1)

Too often custody litigation is ego driven or is about getting retribution, getting free money or having the power and control. Parents are easily enflamed by attorneys seeking to play on their hostility or fears. When parents engage in litigation they will often invent ways to gain an advantage through allegations or taking statements or behaviors out of context in a battle of he said, she said scenarios. These behaviors and motivations are self-serving for attorneys and parents while doing nothing to serve the goals of having healthy outcomes for our children. (2 > 1)

It should be a time of healing (Ho’oponopono). When there is ongoing conflict over custody, it sets the tone of the relationship in a very negative atmosphere where there no longer exists any goodwill between the parents for the remaining years of the child’s minority. The loss of trust and goodwill makes working together for the common good of the children much more difficult or impossible. (2 > 1)

Consistency is an imperative related to emotion not to location. Children function best when there is emotional consistency and regularity in their schedules. Spending adequate time with both parents gives children that level of emotional balance and certainty. (2 > 1)

Why did we think that effectively removing a parent from a child’s life would give them an advantage? We know today that it doesn’t. In fact, we know that 38 percent of children raised in a single parent household will grow up to live in poverty. Much more likely to drop out of school, get involved in drugs, be a victim of a violent act or engage in violent behavior. Teenage girls are far more likely to become pregnant - only to create an even a greater reliance on social welfare and perpetuating poverty. (2 > 1)

In summary, it is time to put an end to the adversarial model of litigating over time allocation or child custody. **We know that shared parenting is good for children and families.** It is time that

we have statutes that reflect our unique Hawaiian values and also better serves our children and families. Let's have a legal structure that engenders mutual respect for both parents and assures our children they will be the beneficiaries of the love, respect and protection of both parents. Thank you for taking the time to read my testimony. (2 >1)

Sincerely

Chris Lethem

"Our Liberty is not dependent on the good intentions of people in power, liberty is secured by our laws." OBAMA