

Chair Prezanski, Senators,

I am writing to you following the hearing yesterday to further express my support of SB 318 and to ask you to support it as well.

I noted several statements made by opponents that I felt needed to be addressed.

Judge Armstrong, and others, spoke of the increase in "tearing down" the other parent that would occur with this bill. I would argue that "tearing down" occurs now as each person fights to explain why they should be given full custody or in their efforts to defend themselves against accusations from their ex for the same reason. It is very difficult to stay above such behavior when custody results in substantial influence upon finances, lifestyle, visitation schedule and rights. My husband and I have endured claims of neglect that are ridiculously petty or highly inaccurate, but still require a response in order to hopefully receive a chance at fair visitation. His ex has accused us of forcing the kids to take cold showers, ignoring a "suicidal episode" with one of the children, refusing medications, and eating out too often while claiming we did not feed them enough. The fact that every claim is flat out false doesn't matter. The fact that all investigations have been unfounded is never heard. It is a weapon used by his ex to attack his character. How can we respond without pointing out the false information that was intentionally provided which then, whether intentional or not, speaks negatively of his exes character. How does this differ from what Judge Armstrong and others spoke of?

In considering financial effects of this bill and the need to provide rebuttal in order to change the shared custody plan... well, shouldn't someone be required to provide proof of criminal action (including abuse, neglect, illicit drug use, and alcohol abuse) before it is considered as proof? Isn't the foundation of our criminal justice system the belief that you are innocent until proven guilty? This is not the current system utilized in family court. As many testified yesterday, and as I have witnessed with my husband, in family court the accusations are weighed heavily against you regardless of whether or not proof is provided. Additionally, as a survivor of domestic violence and a person who has an active stalking order against someone who was highly abusive and told me he would kill me as freely as one who would order a meal, I know there are multiple resources to assist victims, including Crime Victims compensation and Victims Advocacy as well as legal aid and counseling services. I do feel there needs to be an expectation that victims pursue legal consequences for abuse, rather than holding onto it to bring out as unsupported accusations in custody disputes. If it is happening, it must be documented at the time. As a nurse, we live by the rule "if it isn't documented, it didn't happen" and legal proceedings should be no different. In my case, utilizing crime victims leave, I attended every court hearing for every time he violated my initial restraining order (the reason I now have a stalking order). I made statements to the court and I advocated for myself. I know some victims may struggle with the process but that is what the resources are for. As a victim, I have struggled to overcome the damage done, but I feel the resources are there to help victims address their abusers legally and take the first steps to freedom from abuse. We can't make those steps for them. You can't be a victim and a victor. They have to decide which one they are. Financially, I believe the statement that this provides an unfair advantage for one party is also applicable now. In our case, my husband's ex chooses not to work and her new husband is unemployed as often as employed, yet she has initiated many legal proceedings utilizing an attorney, so it seems a curiosity to claim those of lower socioeconomic levels would be unable to bear the burden of rebuttal. She has clearly been able to access legal assistance. In fact, I fail to see how this bill changes the financial aspects at all. Those embattled in custody proceedings drop tens of thousands of dollars in an effort to maintain their relationship with their children.

When every court appearance costs a couple thousand dollars, it adds up quickly. It costs the embattled parent so much money that many live paycheck to paycheck, giving up all but the necessities in order to be able to pay their attorney, or worse yet, they can't afford it between living expenses and child support but don't qualify for legal assistance because their income excludes them, plus they don't have the dependents that help them qualify. So I ask who the current system benefits more? This bill might redirect some of those funds to more productive programs that encourage shared parenting skills and improve not only behaviors but also outcomes. Improved outcomes are measurable and establish the validity of the argument for shared parenting as a standard (See Nielsen, 2017 - as cited in my husbands statement).

That leads me to speak to comments made about disregarding the "anecdotal stories" told to the panel. Yes, they are emotionally charged and elicit a powerful response in many. I understand the desire to remove emotions from the picture, although completely unreasonable considering we are speaking about families and children and parental alienation. I must also point out that opponents to this bill responded with their own 'feelings' on this matter. None of them brought in statistical evidence to support their stance. They made statements based upon their personal experience. That is exactly the same source as the emotional statements made by those who have suffered due to the errors in our current system. The difference is they have not suffered as we have. Were they expected to, they might be hard-pressed to cite research that supports their position given that research contradicts it. So, if you are to disregard the anecdotal evidence due to its nature, seems their testimony would be excluded as well.

Shared parenting has been referred to as 50/50 multiple times. In reality, most cases define it as having the children 35% of the time or more. In cases like ours, it is difficult to follow a 50/50 split due to travel, etc

However, increasing the time the kids spend with their father to meet the 35% minimum would mean more time with us for longer periods. Summers would be spent with us, as would extra days off. This would allow their father, myself, and our son to be involved in their lives; to develop a routine, make plans and commitments that are otherwise not possible. It allows us opportunities to get them involved in summer activities because our summer would not be fractured into 4 different periods of having the girls and then not. In our case, the girls mother intentionally started the girls in 4H showing goats knowing that she would be able to interrupt our visitation time to allow them to attend the fair (sending the message that goats are more important than visiting with their dad). We argued for and wanted to be involved as well, asking for an alternating schedule instead. The judge refused and instead gave the mother 3 consecutive weeks for the 5 day long fair which occurs in the middle of our block of time and also during one of the girls birthdays as well as our sons. We will never get to celebrate her birthday or his with all 3 kids together. This is unfair to them all and creates a sense of isolation and abandonment.

While this bill may not be perfect, no bill is. The idea is to limit or mitigate potential harm wherever possible. Our current system does not do so. It creates victims and perpetuates harmful behaviors. SB 318 looks to address some of those failures and seeks to correct biases that are rooted in faulty processes. It seeks to put parents on a level playing field and to stop incentivizing negative behaviors. It also addresses antiquated ideas relating to family roles and responsibilities. SB 318 is a step toward setting a standard of behavior for all parents that requires them to set aside their own issues for the sake of the children involved and to develop a means to work together for the sake of the children with appropriate support and assistance rather than constant, ongoing court involvement. This leads to healthier children and better outcomes for them. Isn't that the ideal result?

Thank you for your time.

Sincerely,

Kimra Tollefson