

December 2, 2019

Dear Honorable Members of the Judicial Committee,

My name is Gemma Bryant and I respectfully write to you today to not pass H.B.1397. The bill is extremely premature and will not make any change to the law as is. In fact it could cause more harm than good. Much of the bill is primarily a modification of wording of meaning which is already intended within Title 23 Chapter 53 concerning custody. The problem plaguing most of unjust custody cases are accountability. The courts and child and youth should be held accountable for their errors in judgement which result in the many unjust outcomes we see in custody cases today. No parent should be restricted from parenting their child unless that parent is proven beyond a reasonable doubt, with valid and concrete evidence, is a harm to that child. Too many times does the fit, genuine, and loving parent have their rights severed before they walk into the courtroom. Too many times does Child and youth allow for children to remain in clearly abusive and neglectful homes while taking them from nurturing, safe homes (depending on the case and evidence of course). The problem is not within the verbiage of Title 23 Chapter 53 but in the lack of enforcement and lack of accountability to the judges who pass down judgments favoring the abusive parent. I have witnessed first-hand a judge who made a slanderous and unjustified ruling based on a parent's testimony simply because he is the former boss and colleague of the lawyer of the testimony he favored so much without any evidence to back his ruling.

Attempting to remove the words "partial physical custody," "primary physical custody," and "sole legal custody" is an error in itself as not all parents should retain a 50/50 platform when they are abusive and do not have the best interest of the child at heart. Furthermore as for equal parenting time, it is not realistic (not for physical custody). The child or children will be residing with one of the parents the majority of the time due to aspects like school. It would not be in the children's best interest to bounce from home to home then school to school simply to allow equal physical parenting time. Most parents do not live in close proximity. Another point is that while one parent may have primary and one partial, that is still shared custody. However shared custody in aspects of both physical and legal should be automatic unless one of the parents, again is proven to be unfit. The modification of words within this bill does not bring back the children that are currently kept from parents nor does it give concrete grounds to automatic shared custody. My husband has no decision making in concerns to his children because the court gave sole legal custody to his ex with no evidence or explanation as to why he should not be able to participate in decisions concerning his children then is treated as a mere title in the process instead of the father he is. So what does H.B. 1397 do for parents like him and for children like his who are suffering from parental alienation, physical abuse, and neglect? The answer is nothing.

I ask you, each of you, to see this bill for what it is and not push it for what it's not. It is NOT a shared parenting bill. It is NOT new legislation. It needs far more work to even be considered such. It doesn't stop the injustice from happening. What this bill does is simply make things "sound" better. As a stepmom, a wife, and a fighter for justice, I ask you please do not pass this bill. Children and parents are suffering in this system and this brings no relief. Don't give children and parents false hope by a mere change in vocabulary. Let's use this to work toward a real change that is just and help all of us to have a reason to have faith in what is now a broken system. Thank you.

Respectfully,

Gemma Bryant