

Testimony of Melody Sebeck

I really don't know where to begin.

House Bill No. 1397 is a bill to promote true gender equality in custody determinations. I believe that this bias has been in place for years ignoring "the best interest of a child". A child's well being is not a one size fits all. We have better laws for the treatment of animals and more severe penalties when those laws are not followed.

I have no idea of where their statistics are coming from and to sneak in "except in rare cases" but our judicial system has a hard time seeing those rare cases (which I do not believe are as rare as they want you to believe) when they have no training of what to look for. I am for a "family court" that can get educated on ""best interest and SAFETY of our children".

Abuse is defined as physical abuse. Of course in those cases it's evident that a judge can make an exception to not allow equal parenting time. In 2019 mental health has been placed in the face of our society. The mass shootings involving young men on innocent children. The courts and Rep. Susan Helm need to research the effects of "emotional abuse" on the child that goes undetected. They say the court can appoint a guardian en item to protect the "child's best interest" . The statue allows mental health professional but they are not used. Retired lawyers are put into that position that will not allow professionals to speak to them. In fact I believe that most are in denial of "emotional" abuse. The courts and the legislature make laws but they have no idea of what goes on behind closed doors unless they can see the bruises and are frankly are not interested in the research in this area and making it part of custody order decisions to protect children from this abuse.

They name the factors in determining custody but then they are proposing ...as close as practicable to 50% of time But not exceeding 60% of time spent.

I hate to bring it to their attention but I know first hand of a court that not did address the factors in their order and that after one year of waiting the appellant court agreed One year while the child's best interest was ignored and still the courts have not addressed the factors. I agree with this bill that by clear and convincing evidence presented to the courts (and the courts need to allow this evidence) that there should be deviations from the presumption of shared custody.

I object to the language of "the desire" or "the likelihood". First, how can that be determined or measured. Many parents may have the desire. The likelihood of children having to go through trauma by having shared custodial time outweighs the likelihood that the parent can fulfill the factors.

Lastly ... there need to be language within this bill that address the When the custody order is not obeyed or when the parenting plan is not followed. Putting it in the hands of the appeal courts to take years is definitely not in the best interest of a child going through this unstable situation. To be frank most parents faced with this cannot afford to go through the appeal process and many children suffer.

The answer that satisfies attorneys has been, we will file a contempt. Again this is costly, most parents can't afford it and again the child suffers. I know first have where there were 5 contempts filed, the first in 2016 and others proceeding that and none have been heard by the court to date.

If Rep. Helm is going to make it easier for both parents to raise their children then she needs to make sure that these children are protected. She needs to make sure that all family courts follow procedures.

It is not rare cases. In the storybook world that this Bill is being written for there are many, many undocumented and unreported cases of the effects of children living in a not so "happily ever after" situation. I am sure our school counselors hear these concerns on a regular basis.

I am asking that all legislators focus on "the best interest of the children" and not what the desires or likelihood of the parents.

Our children need a voice. They are not pawns in this custody game. The severe cases of physical abuse are being handled. The other cases, if this bill is enacted will be treating children like possessions in a divorce settlement ... 50/50.

It's true that children will do better with two emotional stable actively involved parents do better. Divorce changes that. The one parent no longer can protect the child from the other parent's likelihood of keeping with the factors that create a stable environment. Now the challenge is how do we make sure that the "child and their best interest is protected"?