

To: The Honorable Chair and Co-Chair, and members of the Judiciary Committee
From: Rachel White, JD, Child Welfare Policy Director
Re: **HB748- Family Law- Child Custody and Visitation**
Date: February 18, 2021
Position: **Support with Amendments**

Thank you for the opportunity to provide written testimony on HB748- Family Law- Custody and Visitation. Advocates for Children and Youth **supports with amendments** as this as written has the potential to harm children in need of assistance (CINA) by eliminating existing protections.

HBv748 eliminates current protections provided to children in need of assistance under Family Law 9-101. If this bill is passed in its current form, custody or visitation **will not** be automatically denied for parents/caregivers even when the court has reasonable grounds to believe that a child has been abused or neglected by the parent or caregiver. In addition, when deciding whether custody or visitation can be considered for a parent or caregiver who the court has reasonable grounds to believe has abused or neglected a child in need of assistance, the court **does not** have to consider whether there is a likelihood of further abuse or neglect by the parent/caregiver, and the court **does not** have to state with specificity the reasons for finding that there is no likelihood of further child abuse or neglect by that parent/caregiver.

In addition, when deciding whether supervised visitation can occur for a parent or caregiver that the court reasonably believes has abused or neglected their child, the court **does not** have to consider the type of child abuse, neglect, including whether the abuse was emotional, physical, or sexual. The court also **does not** have to assure the safety and physiological, psychological, and emotional well-being of the child.

In current practice, children's attorney rely on Family Law 9-101 to protect children in need of assistance from future abuse or neglect from their caregivers. Family Law 9-101 has been used to support children in need of assistance for decade. Passing this bill as is will disrupt precedent and will single-handedly put children in need of assistance in harms way by eliminating current protections.

For the reasons stated above, we urge this committee to issue a favorable report with amendments on SB 57 as it will put children in need of assistance at risk for future child abuse and neglect if it remains in its current form.