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Testimony in Support of Senate Bill 393

**Presented to the House Judiciary Committee
By Dorthy Stucky Halley, LMSW,
Director of Victim Services Division**

March 10, 2015

Mr. Chairman and members of the committee,

Thank you for the opportunity to provide testimony on behalf of Attorney General Derek Schmidt in support of Senate Bill 393. This proposed legislation would provide safety protections for children exposed to domestic violence. Victims of domestic violence often search for ways to address their children's safety needs regarding custody, residency, and parenting time effectively. Unfortunately, current Kansas law does not provide adequate guidance in domestic cases, resulting in some tragic outcomes we hear about on the victim hotline. It is difficult to convey the horror and desperation of a domestic violence victim when they learn that their children are required to be in the unsupervised care of, and in some instances in the residential custody of the offending parent. It is because of this realization that some domestic violence victims choose to return to the violent home, stop the divorce proceedings, and live with daily violence. Others victims don't have that opportunity, and must watch from afar as their children become victims as well. Often, violence which occurs within the home at the time of domestic separation is overlooked. Many professionals make the assumption a report of domestic violence or child abuse is without merit and malicious, merely due to the timing of the domestic case. The changes recommended in the proposed legislation would address the unique needs of domestic violence victims and their children as they enter the court system to litigate separation and custody issues, including legal and residential custody of children, visitation arrangements, and parenting time. This bill provides the judicial system with guidance to create additional protection for Kansas children. These safety provisions are already largely in place in many other states.

In addition, SB 393 encourages the use of a valuable resource that is being used effectively in response to criminal domestic violence cases, but has not been utilized in Kansas family law. The Kansas Domestic Violence Offender Assessment (KDVOA) provides an assessment of an individual offender's behavior and recommends appropriate intervention. Through the use of a KDVOA conducted by a certified Batterer Intervention Programs (BIP), Kansas family law judges will be able to identify and assist those who perpetrate domestic violence to change their

behaviors from abuse to nonviolence, creating greater safety for domestic violence victims and their children.

As you may recall, in 2012 legislation was passed that gave the Office of the Attorney General the authority to certify BIP programs. A recent evaluation of effectiveness done by this Office and the BIP Advisory Board, in collaboration with the Office of Judicial Administration, indicated that 88% of those completing 6 Kansas BIP's in 2012 have not been charged with another "person" crime since their date of completion; and 90% have not had another protection order filed against them.ⁱ

While Kansas routinely uses KDVOA and certified BIPs throughout the state in criminal cases, the use of these programs has had very limited use in civil cases or family law cases. This largely untapped resource could offer stability for some families that desperately need it.

Clearly, the tragedy of domestic violence does not stop with the adults, but impacts their children in every interaction. I want to thank you for your consideration of Senate Bill 393, as the protection it affords Kansas children is needed.

ⁱ 2016 Batterer Intervention Program Advisory Board BIP Program Evaluation Report