Approved: 2-8-99
Date

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice-Chairman Tim Carmody at 3:30 p.m. on January 25 in Room 313-S of the Capitol.

All members were present except:
Representative David Adkins - Excused
Representative Andrew Howell- Excused
Representative Mike O'Neal - Excused
Representative Tony Powell - Excused
Representative Rick Rehorn - Excused

Committee staff present:
Jerry Ann Donaldson, Legislative Research Department
Avis Swartzman, Revisor of Statutes

Conferees appearing before the committee:
Jim Johnson, Wichita
Janet Rhodes, Wichita
Beth Koehler, Andover
Tom O'Shea, Olathe
Joseph Ledbetter, Topeka
Mark Shepherd, Valley Center
Vonda Wilson, Wichita
Wanda Ballard, Wichita
Jeanette Marcel, Lenexa
Charles Harris, Wichita

Hearing on **HB 2002 - joint shared child custody and parenting time; concerning child support,** were opening.

Jim Johnson, Wichita, appeared before the committee as a proponent of the proposed bill. Approximately 11,000 children are experiencing divorce in a year and both parents should be involved in parenting. He believes that giving the non-custodial parent "visitation" does not encourage that parent to remain active in his child's life. By changing the word "visitation" to "parenting time" would enhance the relationship between the parent & child. (Attachment 1)

Janet Rhodes, Wichita, appeared as a proponent of the suggested bill. She informed the committee that there should be a willingness from each parent to respect the bond between parents & children and that in most cases shared physical custody of children would be in the best interest of all involved. (Attachment 2)

Beth Koehler, Andover, appeared before the committee in support of the proposed bill. Ms. Koehler is attending college and had completed a research project regarding child custody. She suggests that "parenting time" appropriately describes the time children spend with the non-custodial parent, visitation rights need to be enforced by the courts and that by requiring the courts to document "specific findings of fact" when a decision is made for sole custody, or primary custody it would help parents to understand why the court ruled the way it did. (Attachment 3)

Tom O'Shea, Olathe, appeared before the committee as a proponent of the proposed bill. He stated that it would encourage both parents to be more involved in their children's lives. Mr. O'Shea feels that child support is figured as if the child only lives with one parent and not two separate homes and suggests that the proposed bill would remedy that. (Attachment 4)

Joseph Ledbetter, Topeka, appeared as a proponent of the suggested bill. He believes that the courts are against fathers rights when it comes to custody cases. (Attachment 5)

Mark Shepherd, Valley Center, was in support of **HB 2002.** The legislature should do everything it can to provide children with two parents and he sees the proposed bill as offering a balanced alternative to parenting. (Attachment 6)

Vonda Wilson, Wichita, testified as a proponent of the bill. She stated that those with limited visitation usually have no parenting rights and that this bill would allow for equal or near equal parenting rights. (Attachment 7)

Wanda Ballard, Wichita, appeared as a proponent and covered the key points of the bill. (Attachment 8)

Jeanette Marcel, Lenexa, appeared in support of the proposed bill. She believes that the current court systems causes one parent to "win" and the other to "lose" custody, when in fact both parents should be involved in the life of their children. (Attachment 9)

Charles Harris, Wichita, appeared before the committee as an opponent of **H.B. 2002.** He explained that the courts currently use an "income shares approach" that takes into account the earnings of both parties. The proposed bill suggests doing away with the "income shares approach" and if this is done it could put Kansas in violation with federal mandates.

Mr. Harris suggested that the bill would make equal custody mandatory at the time the divorce is filed and believes that this is unsuitable for persons who physically or sexually abuse their children. Therefore, it does not take the child's best interest at heart. While everyone agrees that having shared equal custody of children of a divorce would be perfect, it simply is unrealistic. (Attachment 10)

Ron Nelson, Overland Park, did not appear before the committee but requested that his written testimony be included in the committee minutes. (Attachment 11)

The committee meeting adjourned at 6:30 p.m. The next meeting is scheduled for January 26, 1999.

Jim Johnston
7010 Woodbury Street
Wichita, KS 67226
(316)828-8892

Testimony to House Judiciary Committee
1/25/99

I am a proponent of this particular bill. Besides my regular employment, I am an appointed member of the Kansas Supreme Court Child Support Guidelines Advisory Committee, the Chair of a child advocacy group promoting dual-parent involvement with both children called KIDSVIEW, and the proud father of two children.

WHY IS THIS BILL NECESSARY?

Approximately 11,000 children in Kansas experience the split up of their parents each year. Statistically, they are as a result, thrust into a high risk group with a propensity for juvenile delinquency, teen pregnancy, drug abuse, suicide, school dropout, and the like. The common denominator in the majority of each of these cases is an absent or uninvolved parent. Adult involvement with children is so important, that the Kansas Health Foundation launched in the fall of 1998, an 18 month advertising campaign called "Grow Up With Me". This 18 month, $5 Million advertising campaign was launched as they have declared this need as a public health issue for the state of Kansas. Children of divorce are a major portion of these kids needing attention, and need BOTH PARENTS INVOLVED.

The unfortunate reality of existing law and judicial practice in this state is to STATUTORILY LABEL ONE OF THE PARENTS IN 90% OF THESE CASES AS A "VISITOR" in their child's life, with little encouragement to remain involved. We should be doing all that we can to encourage and assist parents of such children to remain as involved as the possibly can. Yet, once there is a divorce, we act as if family no longer exists - we amputate one parent or the other and expect the child to grow up healthy. It's painfully obvious to those not blinded by politics that if we do all we can to preserve the child's relationship with both parents, children will be better off and we'll have far fewer problems with them. HB 2002 is a major step in improving the lives of these kids, through removal of obstacles in the way of dual parent involvement.

WHAT ISN'T CHANGING

1. There are NO changes to protection from abuse and child safety language.
2. There are NO changes to "best interests of the child" language.
3. Judges RETAIN full discretion in rendering their decisions.

THE CHANGES

A. The word "VISITATION" is being changed to "PARENTING TIME" in all related statutes. The length of the bill is a direct result of this change which

occurs approximately 70 times.

B. The area of existing law dealing with VISITATION ENFORCEMENT will be made clearer, and focused directly on enforcement. CIVIL PENALTIES have been added for judges to CONSIDER when a valid order of visitation is denied or interfered with by a parent. Additionally, where such activity continues, a judge would be REQUIRED TO CONSIDER A CHANGE OF CUSTODY REQUEST. This is clearly consistent with the section of existing law defining "best interest of the child" (KSA 60-1610) where it states "*the willingess and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent*". Mediation is de-emphasized, focusing on enforcement remedies and penalties, but a judge can order mediation per KSA 23-602, as well as through this bill, where "any other remedy which the judge considers appropriate" can be utilized.

C. Under current law, the Supreme Court is authorized to develop financial child support guidelines (KSA 20-165) based upon parameters established in KSA 38-1121. Amazingly, the guidelines and this statute fail to take into account the reality that two households exist when co-parenting outside the intact home. This bill will simply direct the Supreme Court to FORMALLY INCLUDE "the value of services contributed by both parents" when developing guidelines. This will then help ensure that support is provided at two homes, rather than just one.

D. Kansas is a statutory joint legal custody preference state (KSA 60-1610). Both parents share decision-making responsibility for their children. This is ordered in excess of 85% of the time. Once type of custody is established, the court then must establish child residency. This bill will SIMPLY REQUIRE THE COURT TO LIST "for the record, specific findings of fact" for a decision granting primary residency to one parent. Judicial accountability for their decision will be enhanced. Additionally parenting plans, establishing visitation schedules will be required, and if parents cannot agree mediation can be ordered.

AMENDMENT RECOMMENDED

See the attached amendment recommended for this bill. It deals with Move Away situations where a parent with primary residency or one with equal/near equal parenting time desires to move the child away that would materially impact the parenting plan or access to the other parent. Language on this area in HB 2002 is confusing and does not deal with the real issue. This amendment would require that parent to show that such a move would be in the child's best interest, and that it would not harm the relationship the child has with the other parent.

In closing, I want to get back to the Kansas Health Foundation campaign. They suggest 150 ways to show you care. Among them: LAUGH with me; SHARE with me; SPEND TIME with me; CONNECT with me; GROW UP with me.

23-602.

Chapter 23.--DOMESTIC RELATIONS
Article 6.--MEDIATION OF DOMESTIC DISPUTES

23-602. Same; when ordered; appointment and qualifications of mediator. (a) The court may order mediation of any contested issue of child custody or visitation at any time, upon the motion of a party or on the court's own motion. A hearing officer in a proceeding pursuant to K.S.A. 23-701 may order mediation of a contested issue of child visitation in such a proceeding.

(b) If the court or hearing officer orders mediation under subsection (a), the court or hearing officer shall appoint a mediator, taking into consideration the following:

(1) An agreement by the parties to have a specific mediator appointed by the court or hearing officer;

(2) the nature and extent of any relationships the mediator may have with the parties and any personal, financial or other interests the mediator may have which could result in bias or a conflict of interest;

(3) the mediator's knowledge of (A) the Kansas judicial system and the procedure used in domestic relations cases, (B) other resources in the community to which parties can be referred for assistance, (C) child development, (D) clinical issues relating to children, (E) the effects of divorce on children and (F) the psychology of families; and

(4) the mediator's training and experience in the process and techniques of mediation.

History: L. 1985, ch. 147, § 2; L. 1986, ch. 138, § 3; July 1.

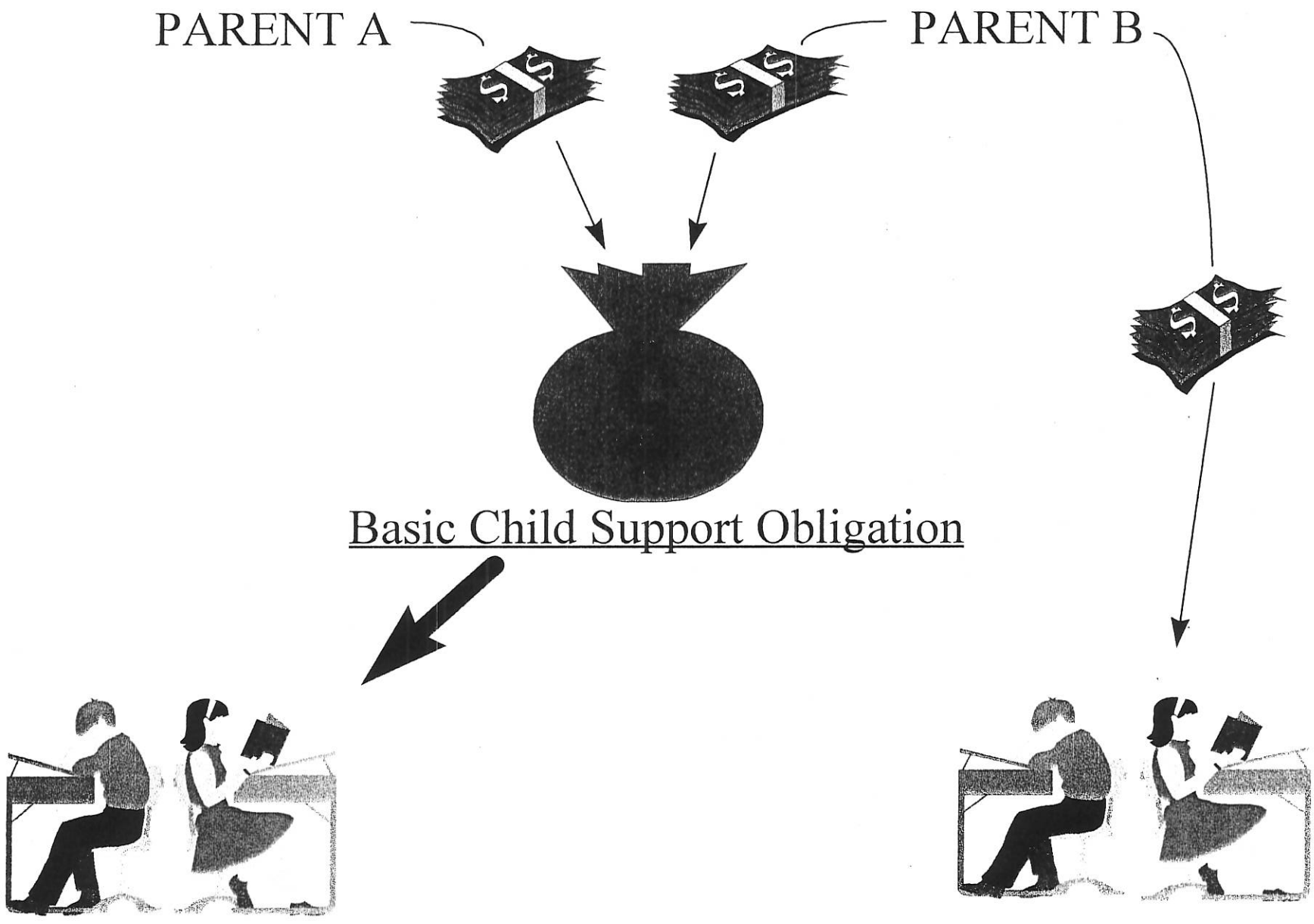
20-165.

Chapter 20.--COURTS
Article 1.--SUPREME COURT

20-165. Rules establishing child support guidelines. The supreme court shall adopt rules establishing guidelines for the amount of child support to be ordered in any action in this state including, but not limited to, K.S.A. 38-1121, 39-755 and 60-1610, and amendments thereto. In adopting such rules, the court shall consider the criteria in K.S.A. 38-1121.

History: L. 1986, ch. 219, § 2; L. 1992, ch. 312, § 1; July 1.

CURRENT GUIDELINES



AMMENDMENT RECOMMENDATION TO HB 2002

"MOVE AWAY" (Page 29, line 34)

"In the event a parent with primary residency, or either parent who shares equal or near equal parenting time, elects to move a distance away that will materially affect the current schedule of contact and access with the other parent, that parent must show that such a move is in the best interests of the child, and does not do harm to the relationship that the child or children has with the other parent. The court is to consider the following factors:

1. The extent to which a parenting time plan has been allowed and exercised.
2. Whether the moving parent, once out of the jurisdiction, will be likely to comply with any substitute parenting time arrangements.
3. Whether such an alternative parenting time plan will be adequate to foster a continuing meaningful relationship between the child and the other parent.
4. Whether the cost of transportation is financially affordable by one or both parties."

KEY STEPS IN CHILD CUSTODY LAW AND PRACTICE

	CHILD CUSTODY DETERMINATION	→ CHILD RESIDENCY DETERMINATION	→ VISITATION PLAN ESTABLISHED	→ FINANCIAL CHILD SUPPORT DETERMINATION
CURRENT:	Joint Legal Custody Preference	Equal time share or primary residency with one parent	Court may require parenting plan, or allow one or both parents to submit such a plan. KSA 23-701 used for enforcement, emphasizing mediation. KSA 23-602 authorizes mediation. **[page 5, line 9]**	Virtually always ordered to primary residency parent. Child support guidelines only formally consider both parents when time share is 50/50, otherwise only judicial discretion used to deviate (which is discouraged by federal mandate). Effect is that almost always no recognition occurs for costs of co-parenting at other household.
HB 2002:	Unchanged	Judicial accountability is added by requiring the Court to include "*in the record the specific findings of fact upon which the order for primary residency is based*" [***page 30, line 38***]	Court requires parenting plan. If parents cannot agree, mediation may be ordered. **[page 30, line 41-page 31, line 5]** KSA 23-701 amended to include specific consideration of civil penalties and required consideration by Court of request for change of custody if one parent continues to deny or interfere with child's time with the other parent. **[page 7, line 14]** Mediation is deemphasized, but 23-602 may still be utilized authorizing use of mediation. "Move Away" standards established.	Specifies that parents retain equal duty to provide support. Continues duty that is presumptive in intact family. Does NOT state equal financial support. Child Support Guidelines required to consider "*The value of services contributed by both parents*". **[page 11, line29]**

Janet Rhodes
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(316) 799-2634

January 25, 1999

Testimony regarding HB 2002:

We're here today to talk about child custody and child support issues. Some say this is a fathers' rights issue. I am here today to try to convince you that this is a fathers'rights issue, a mothers' rights issue, but most of all this is a childrens' rights issue.

My vocation of choice for the past twenty-one of my forty years has been wife/home-maker/mother. Most of my "gainful employment" has been in child-care; in my home, in church nurseries and mom's day out programs, and in day care centers. I have also studied psychology at Wichita State University including early childhood development. Most of my adult life I have spent reading about, caring for and in the company of children. I think I know children pretty well.

I spent approximately thirteen years in my first marriage. I filed for divorce when things got so bad that we were getting ready to move in with my parents in Oklahoma. Property division was simple because we didn't own much. My first husband, Terry, was ordered to pay about $150.00/mth child support. I begged Terry to stay in Wichita so he could be close to our children and see them often. Terry said "I don't have any family in Wichita," and went to live with his parents in Texas. He finally admitted to our children that he was a "dead-beat dad". In many ways he was a dead-beat before I divorced him. He gave our daughter permission to marry at age sixteen, our son was eighteen. He got out of paying two years worth of child support and set our daughter up for marital problems similar to the ones we had. Our daughter has been married just over two years now and has a six month old daughter. I don't think her marriage will last anywhere close to thirteen years. Our son is twenty years old now, living with my parents, working on his GED, unemployed and in great debt primarily because of medical problems he has had recently.

My current husband, Paul, provided and remodeled a nice home including an adjacent rental unit, for his family. His wife, Cynthia, worked because she wanted to, not because they had to have the income. They had just paid off the new mini-van and were making payments on Paul's new pick-up truck when Cynthia filed for divorce. Based on his full-time employment and her part-time employment Paul was ordered to pay approximately $600.00/mth child-support and $400.00/mth spousal support. Cynthia's income from the rental was not considered and she immediately started working full-time.

Even though he was not particularly happy in his marriage he was faithful to his first wife and did not want a divorce. His neighbors and friends testified in court that Paul's children followed him around like ducklings after a mother duck whenever he was at home and that he spent much quality time with them. The same neighbors and friends testified that they rarely saw the children's mother interacting with them. **One friend of the family was able to testify that Cynthia told Paul she wanted him to get out of her life and leave her and the children alone.** Paul was very close to his children who were two and five at the time the divorce was filed.

Paul and I were friends when Cynthia filed for divorce. She started denying visitation almost immediately. When she found out Paul and I started dating she filed false sexual child abuse allegations against him. When she could not convince the court to keep Paul from visiting their children at church, school and day care, Cynthia moved in with her parents in Whitewater, Kansas. Paul had difficulty visiting the children at their school in Whitewater because of rumors spread about him. Cynthia's parents both worked in the school district and Cynthia grew up there.

When the divorce was settled Paul was left without a family or home, still making payments on his truck, owing the IRS taxes because of the way Cynthia filed, in debt to an attorney, and forced to pay hundreds of dollars each month to a woman who would do anything to keep him from seeing his children.

Paul's children are now eleven and fourteen years old. They have spent most of their lives hearing their father tell them that things would be getting better some day, when he could tell them anything at all. They have gone for months at a time, for most of their lives, without even being able to talk to their father on the phone.

For almost two years a case manager has been involved in my husband's case. The case manager saw that Cynthia was unreasonably denying visitation so she awarded Paul shared physical custody of the children. We have relocated, at great expense, to Whitewater to facilitate the shared custody arrangement. The same interference that led us to shared custody is continuing but now the case manager doesn't seem to have the time or desire to uphold her own orders. She is withdrawing as their case manager.

I believe it is too easy for someone to file for divorce and leave their spouse in ruin. It is too easy for the children to be used as weapons or deserted.

What if Terry and I had been awarded shared physical custody of our children and ordered to work on a parenting agreement together. What if that parenting agreement became an order that was strongly enforced in every area. Maybe Terry would have

taken his parenting role more seriously and our children might be better off today.

What if Paul and Cynthia had been awarded shared custody and ordered to work out a parenting agreement. What if that parenting agreement became an order that was strongly enforced in every area, not just child support. Maybe Cynthia would have gotten the message early on that divorcing does not mean the father of your children will disappear from your life.

Let's get real. You can't force a parent to be involved in his children's lives. But a judge can enforce court orders. Paul and I believe that if the court had placed strong sanctions against Cynthia when the sexual abuse allegations could not be proven and every time visitation was denied his eleven year old daughter would not be talking about how the divorce has destroyed her life. Paul's children might be able to reciprocate when we hug them. Paul's children might not be in as much danger of becoming a negative statistic.

Statute #60-1610 is pretty well written. We believe the greatest emphasis should be on (B) (vi) "the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent."

Case Management works well in some cases and has been disastrous in other cases. To my knowledge there are no set educational equirements for case managers. We believe case management falls under the legal category of "Trial by Master" but my husband's case manager does not acknowledge that.

I believe that the best thing for all parties involved in a divorce/paternity case might be shared physical custody of the children with case management from the very beginning. If one "judge", the case manager, is involved in the case from the start he or she could guide the parties as they develop a parenting agreement together and work with the parties as the years go by to keep small problems from getting out of hand. Some cases may not need much management at all. Other cases, like my husband's, would probably need a lot of management at first, but hopefully problems would iron out over time instead of getting worse.

I believe it is too late for our children to be helped very much by anything you do. But there are many other children entering into divorce because of their parents. Please do something to ensure that they don't lose one of their parents because of the anger of the parent they have to live with.

Thank you for taking the time to consider my testimony. Please feel free to contact me if you have any questions.

Janet Rhodes

Beth Koehler

I am testifying on behalf of myself. I am currently completing my degree at Friends University in Wichita, Kansas. A requirement of the degree is to complete a research project. I have chosen child custody as my topic. Conducting primary and secondary research has enlightened me in a number of areas pertaining to child custody, which has led to my support of Bill 2002.

I am a proponent of Bill 2002 for the following reasons:

1. Terminology

   - "Visitation", as currently used in the Kansas Statutes dealing with child custody, undermines what actually occurs during the time spent between a child and a non-custodial parent.
   - "Parenting time" more appropriately describes the time children spend with their non-custodial parent.

2. Enforcement of Visitation Rights

   - K.S. A. 23-701, addresses visitation enforcement, but essentially only talks about mediation for remedy rather than any type of penalty. A non-custodial parent has limited time with their child and when that time is continually reduced or eliminated due to interference from the custodial parent, a specific penalty needs to be imposed.
   - Great amounts of time and money are spent for child support enforcement while minimal amounts of time and money are spent for visitation enforcement. This insinuates that the financial support of a non-custodial parent far outweighs his or her emotional support and negates the importance of his or her parenting responsibilities.

3. Judicial Accountability

   - This bill improves judicial accountability. When both parents wish to continue their parenting responsibilities following divorce, but are unable to reach consensus, the judicial system is required to make a determination. The basis of the decision needs to document "specific findings of fact" when the decision is for sole custody, or primary residency being given to one parent in a joint custody determination. This allows the non-custodial parent to fully understand why he or she is being deprived of continuing parental responsibilities, and provides them with the necessary information to remedy the situation.

HB 2002

After graduating from college with a degree in Psychology and Corrections, I worked at the Youth Center at Topeka, formerly called Boys Industrial School. With vary rare exceptions, the common denominator in the histories of the boys who resided there was an absent parent. It was more common than race, socio-economic status, abuse, or any other component of their backgrounds.

An absent parent, usually the father, is also the most common element in the background of men in prison. 87% of our adult, male, prison population grew up with an absent parent. The more that we can help parents stay involved in their children's lives when they are young, the fewer tax dollars will be spent on these children as they grow older.

This bill encourages both parents to be involved in their children's lives. It provides more immediate consequences for denial of access (pgs. 5, 7). If the denial is an on-going problem, the court can consider a change of custody (pg. 7). It also discourages the custodial parent from moving, along with the child, a long distance from the non-custodial parent. A move is limited to sixty miles (pg. 29).

Currently, when a parent files for divorce, the court decides on custody of the children until the divorce is final. During this pendency, custody is nearly always given to the parent who filed. This rewards a parent for filing for divorce and penalizes the one who doesn't. This bill provides for equal parenting time during the pendency, regardless of who files (pg. 26). This bill also encourages equal or nearly equal parenting time after the divorce (pg. 30).

There presently exists a flaw in the way that child support is computed. It is figured as if the child resides in only one household. In fact, the child has two, separate homes and child support should consider this. This bill will rectify the problem (pgs. 11, 28).

This bill provides good public policy, because it emphasizes helping children that are immediately thrust into a high-risk group. The more we can help children when they are young, the fewer tax dollars we will have to spend on them as they become older. HB 2002 will assist children in having two parents after their parents' divorce. They will be happier and healthier as a result. It also corrects a flaw in the way child support is currently computed. I ask for your support in passing this bill.

Tom O'Shea

THE TOPEKA CAPITAL-JOURNAL

Thursday, January 21, 1999

Fathers shall overcome

Martin Luther King became an inspiration to me in 1993 when my civil rights as a divorced father were being repeatedly violated by the Kansas courts. His willingness to stand up to corrupt judges and wrongful societal actions through non-violence, and a self education of the U.S. Constitution truly grounded me in reading his biography.

This is the way fathers will win their freedom back to be equal with their children in spite of the odds and opinions of certain prejudiced judges. The "glass ceiling" of custody must be shattered by fathers who are separated from their children.

The false allegations being allowed into courts and easy divorces with marriage counseling being denied by judges are an affront to due process and equality demanded of the maligned 14th Amendment. Judges with prejudice in their darkened hearts against fathers have set this state up for a major multi-million dollar lawsuit for civil rights violations.

As blacks had to fight for full citizenship rights in the '50s, so divorced dads (20 million of us) will fight the same fight for our dignity and against the racketeering of divorce judges denying our rights. We shall overcome!

— JOSEPH LEDBETTER, Topeka.

House Judiciary
1-25-99
Attachment 5

Mark Shepherd
1815 W. 85th St. North
Vallley Center, Ks.
67147

Monday, Jan.25, 1999

HB 2002

HB 2002 provides us with an opportunity to improve conditions for our greatest asset, our children. Children of divorce are as great of an asset as children of intact families. We need to improve our family law so as children of divorce can enjoy the same benefits as children of intact families regarding the availability, and guidance of both parents. I am a proponent of HB 2002.

Our current system is filled with roadblocks and impediments that discourage dual parent involvement. The current norm is to overburden one parent with the parental responsibilities while reducing the other parent to a "visitor". In most situations, the "visitor" is not content with the amount of parenting time dictated to them by our courts, nor should they be, but they have no where to turn. We all know someone who has been a "loser" regarding the custody of their children. It does not have to be like this. We have the opportunity to balance family law, and create not winners and losers, but all winners, especially children.

There are four improvements to family law in HB 2002. The term "visitation" is replaced with the term "parenting time". This change is responsible for the length of the bill. K.S.A. 23-701, K.S.A. 38-1121, and K.S.A. 60-1610 are all vastly improved.

K.S.A. 23-701 is the visitation enforcement piece of our family law. To improve the statute, the mediation piece has been removed, and the possibility of civil fines has been added. I am a firm believer in mediation, and you should know that K.S.A. 23-602 allows all parties to receive mediation at any time. I do not, however, believe that refusing to comply with a valid order needs to be mediated. Today, many children of divorce must endure parental deprivation, because caring parents do not have the tools required to enforce valid orders. We must, in order to discourage this behavior, have appropriate consequences. The added civil penalties will provide judges appropriate consequences. As children do not have a voice in these matters, I believe we must give parents effective tools to ensure the child access to both parents, and HB 2002 does just that.

K.S.A. 20-165 authorizes the Kansas Supreme Court to create support guidelines, using K.S.A. 38-1121 as a basis for determining just and appropriate amounts. The changes in K.S.A. 38-1121, within HB 2002 will instruct the Supreme Court to consider the values and services of both parents. Several years ago, I assumed that the guidelines considered both parents valuable, through attending all of the guideline committee meetings in their past two sessions, I have learned that only the value of services provided by the custodial parent are recognized. This was truly an awakening. In the most recent review session, the committee, recognizing this as a serious problem, and a

huge impediment to co-parenting, voted to study the impact on children in the non-custodial home. The committee is having trouble finding funding for such a study, but we need to ask ourselves today, are the amounts being ordered accurate? I would argue, no. As a state we spend a lot of dollars to chase down folks that cannot meet an over burdensome obligation, yet we spend nothing to ensure that the obligation is appropriate, and in the best interests of the child. We must find compassion for these folks; the number one indicator of non-payment is unemployment. One branch of government offers these parents a helping hand up, while another offers a nice jail cell. I absolutely believe that folks have an obligation, but I also would like to know that it is appropriate. Now is the time to provide the guideline committee with the guidance needed and expected from the legislature.

We owe to all persons, the opportunity to parent their children, and more importantly we should do everything we can to provide children of divorce two parents. K.S.A. 60-1610 as improved in HB 2002 offers a balanced, alternative approach, which will allow parents far greater latitude in deciding how to parent their children in the event of divorce. As each family is unique, we must allow folks to explore various arrangements of parenting plans with the intent of maximizing co-parenting, which will ultimately benefit children. I believe that parents, not judges and lawyers, are far better suited to create parenting plans. Give folks the opportunity to create parenting plans without the fear of winning and losing, and you will see folks focused on their children. HB 2002 does just that. <u>It does not</u> demand or guarantee 50-50 custody, judges retain full discretion, although if a judge orders an arrangement that is not equal or near equal, the judge must include in the record, the specific findings of fact upon which the order for primary residency is based. This could be construed as an unnecessary burden for judges. I believe such important decisions deserve the time and effort.

In closing, I would like to say thank you, to all of you that have been so generous. I sincerely appreciate your hospitality and guidance, I especially appreciate those of you, which upon request took a few minutes to visit with me. I am very optimistic about this legislation. Please take the time to truly understand, and support this bill. It is time to improve family law, and therefore the lot of children of divorce.

Conferee: Vonda Wilson, CPA (joint custody parent with very limited "visitation" and basically no parental rights) testifying on behalf of my 3 children and myself

HB 2002 Proponent: The passage of this bill should have a major impact on minimizing the adversarial environment of divorce as it promotes dual-parent involvement with the children after divorce. In addition, it changes the terminology of "visitation" to "parenting time" thus eliminating the negative connotation of being referred to as a visitor.

Highlights of HB 2002

A) Revises KSA 60-1610 by adding judicial accountability by requiring the Court to "include in the record the specific findings of fact upon which an order for custody other than joint shared custody is based." The intent is to promote equal or near equal parenting time under a parenting plan. Also, a move-away provision has been added making it more difficult for one parent to move away from the current residential area with the children.

B) Revises KSA 60-1607 by providing joint shared custody to allow for equal (and perhaps should say "or near equal") parenting time during a pending divorce action. The intent is to do away with the advantage bestowed on the "first to file" for divorce.

C) Revises KSA 38-1121 by adding language that both parents have an equal duty to provide support for their children and that in determining the amount to be paid financially will take into consideration the value of services contributed by both parents.

D) Revises KSA 23-701 by providing for enforcement of parenting time when one parent denies or interferes with the other parent's time through legal and/or equitable remedies, and if the judge so chooses, by ordering civil monetary penalties. Mediation is not an option here.

Speaker: Wanda Ballard
Address: 202 N. Rock Rd. #1209
Wichita, KS 67206
316-684-2913
Occupation: Computer Programmer
Position: Non-custodial mother of two
Proponent for House Bill 2002

January 25, 1999

I. Key Points to consider

A. Amendments to K.S.A. 23-701
   1. Specific civic penalties for violators of parenting time for judges to consider.
   2. Reserves full discretion to apply them or not.
      a. For a proven chronic violator, the judge would have to consider a change of custody request.
      b. KSA 60-1610 language about best interests of the child, section 3, B) vi. "*the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent*".
   3. Mediation language stricken.
      a. Emphasis should be to focus on correcting a wrong.
      b. Judge retains discretion to order mediation, as set forth in existing statute 23-602.

B. Encouragement of dual-parental involvement
   1. Encourages equal or near equal parenting time.
   2. Doesn't mandate 50/50 parenting.
   3. Judge, upon specific findings of fact, can order other time share arrangement.
   4. No language change exists for protections from abuse sections, or the definition of "best interest of the child".

C. Amendments to K.S.A. 60-1610 and 38-1121
   1. Child support guidelines would continue to be developed by the Supreme Court (through its appointed Advisory Committee).
      a. Would be required by statute to include specific consideration of the reality that two involved parents are now co-parenting from two distinct households.
      b. The Supreme Court would continue to have latitude in determining how to address this, they just wouldn't be able to ignore it.

D. Potential "move away" amendment
   1. Instances of extreme disregard for the "best interests of the child", and also blatant disregard for the relationship the child has with the other parent.
   2. Cases involving parental alienation would be favorably improved by the support of this amendment.

1-25-99
JEANETTE MARCEL

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January 25, 1999

House Judiciary Committee
Topeka, Kansas

It is a well-known fact that there is a high divorce rate in our country. As a result, 85-90 percent of all non-residential parents are fathers. This has not changed a father's (or non-residential parents') desire to be involved with their children. There is a giant push in this country to encourage the strength of the family. Today, more than ever, men take part in the lives of their children; they support their emotional well-being, they are not afraid to laugh or cry with them, they are interested in their education and active in their extra-curricular activities. Our civil court system, our psychological community and public community continues to have the notion that men are only good for their money. This is the mindset that is aiding in the destruction of the family.

In our current civil court system we *"win"* custody and we *"lose"* custody of our children. In this environment *no one wins*. There are only losers. It means one parent loses any help they may have raising their children. It means a parent is deprived of their children and loses the opportunity to raise them. It means a child is deprived of one parent during the years when both parents are desperately needed. Our society loses because many children will grow up dysfunctional at best, divorced themselves, many more we will be supporting in our jails and prisons. To mandate one parent to an every other weekend visit is barbaric and it is a current way of life that is not working.

The mind set also dictates that 85-90 percent of all mothers are the best caretakers of their children. To assume 90 percent of any group, regardless of gender, race, and economic class or educational level is stable enough to be raising children is a fallacy. Often times, it is the better parent that "lets go" of the children so as not to rip them apart. Our court system punishes these parents. There are many unstable residential parents that abuse the empowerment given to them by our legal system. When the legal system allows the residential parent to have all the physical, psychological and financial power and control of the children, they are pulling apart what is left of the family unit and they have created a new class of people to discriminate against, the non-residential parent. We have all heard the statistics on children being raised in a fatherless home; 85% of youths in prison, 71% of high school dropouts, etc. It doesn't take statistics to see what is happening in our society. It is in the newspaper every day.

We must pass laws that demand dual parenting. Currently, it is nearly impossible for many non-residential parents to be involved with their children. My husband's ex-wife has done everything in her power to poison the children against their father. My husband is insulted by a judge who makes comments that infer he has no care or concern for his children. He is insulted by those who

set the child-support guidelines assuming he will have no interaction and will be non-supportive of his children in any other capacity than his child support obligation. Laws are in effect to readily punish a parent unable or unwilling to make child support payments by throwing them in jail, taking away professional or drivers licenses, etc. Nothing is in effect that protects a non-residential parent from a residential parent that denies parenting time.

Another obstacle in the realm of parenting in a divorce situation is unfair child support guidelines. Currently, an intact family model is used to base our current guidelines and it is a ludicrous concept. For example, if 2 divorced parents make $40,000 each, the court mandates the children are to live in an $80,000 lifestyle. It is the non-residential parent that foots this bill. Intact families buy more, spend more, and splurge more. To attempt to keep a child in this environment after a divorce is teaching them nothing and is done at the expense and financial ruin of the non-residential parent. The current guidelines do not take into consideration the non-residential parents' need to provide the basic necessities for their children when they are with them. They do not take into consideration that multiple families are a fact of life. They are often times punitive toward the non-residential parent. And judges generally award the residential parent more than what the guidelines recommend.

What is in the best interest of the children is that their non-residential parent be involved in their lives. Could there be any correlation to children searching for family through gangs and children turning to drugs at a time when our government and society are driving one of their parents away from them? We cannot count the times the judges and his ex-wife have made it so difficult for my husband to be a parent he has considered walking away from his children forever. Currently, his children want little or nothing to do with their father. We live one mile from them and rarely see them. We cannot count the dozens of stories that are so similar to our own it is frightening. The problem is in epidemic proportions. As a society, we need to do what is best for our families whether they are together or separate. Divorce does not have to mean destruction.

Sincerely,

Jeanette Marcel

Jeanette Marcel

District Court of Johnson County, Kansas
Case No. 91C9745
Prepared 8/30/97

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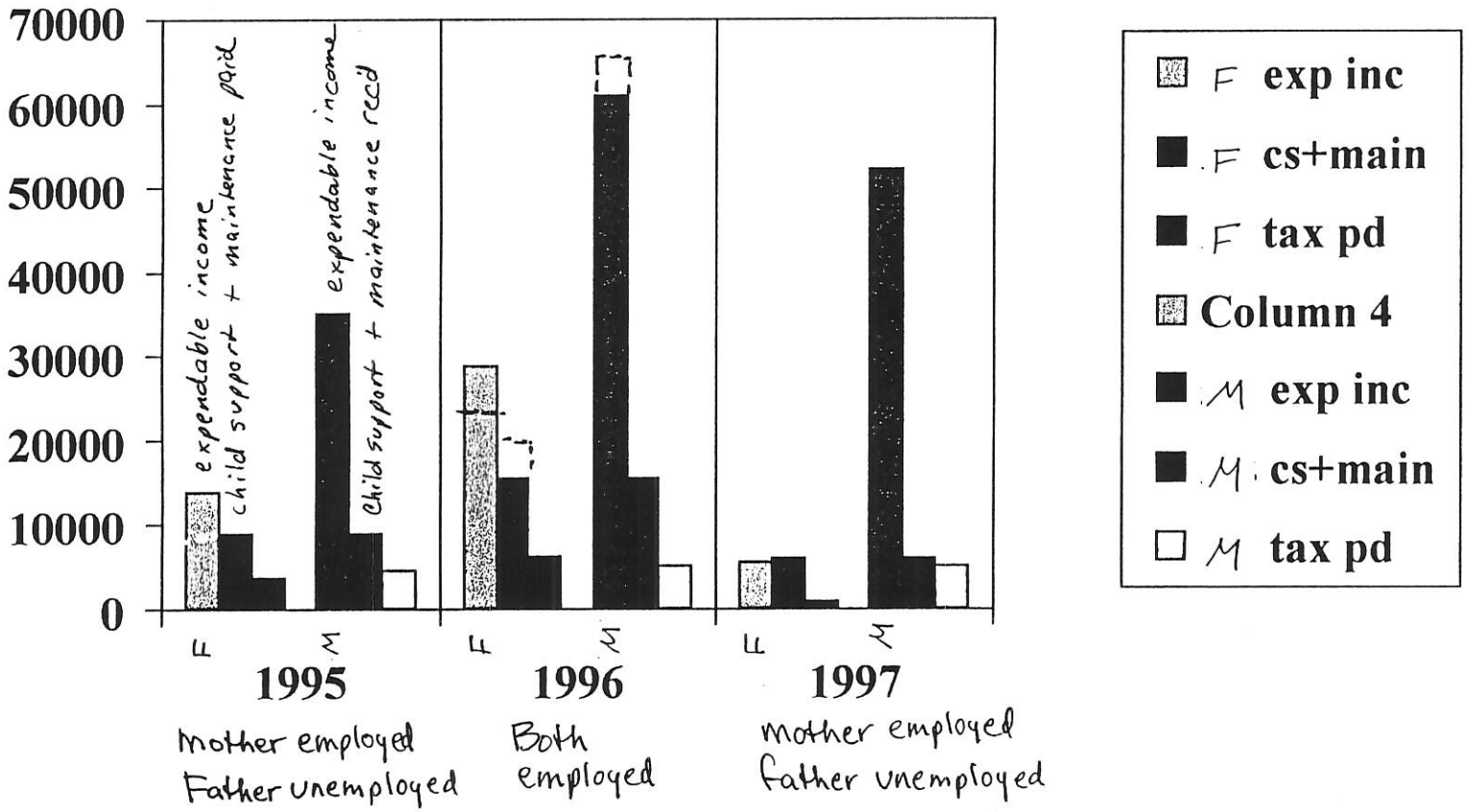

TESTIMONY OF CHARLES F. HARRIS[1]
IN OPPOSITION TO HOUSE BILL 2002

As a father, as a citizen of Kansas, and as an attorney who has actively practiced family law in Kansas for over twenty years, I strongly oppose House Bill 2002.

Kansas has long adhered to the standard that the placement of children in divorce cases should be based upon what is in the best interest of the child. The decision of what is in the child's best interest has been established as being in the discretion of the court, if the parties cannot agree. This method allows the court to receive information upon which it can tailor a result that it finds will be the best result for the child. This process puts the child first.

House Bill 2002 is a clear attempt to completely alter the long established law of Kansas by making mandatory the shared or equal custody of children both at the initial filing stage and the final divorce stage. This law focuses on the best interest of the adults while ignoring the needs of the child. As drafted, House Bill 2002 treats a child as an inanimate object, to be passed back and forth between the parents on an equal basis. The bill makes no provision for flexibility to address the child's needs, geographical differences between the parents, age of the child or historical differences in parenting roles. This "one size fits all" approach is based on a presumption for which there is no valid basis. The bill assumes that all parents in divorce are equal in their parenting abilities, equal in the child's bonding, and equal in their ability to cooperate and communicate to implement the shared custody.

Specifically, the bill has a number of objectionable defects:

1. The bill, at pages 12, line 14 and 29, line 6, completely changes the basis for child support in Kansas. Since 1987, the Kansas Child Support Guidelines (Kansas Supreme Court Administrative Order 128) as authorized by the Legislature and adopted by the Kansas Supreme Court, have set child support using the "income shares approach." This method, which is used by a significant majority of the other states, takes into account the respective earnings of the parties so that the child support is set in accordance with percentage that their respective incomes bear to the combination of their incomes. This method creates a fiction that the incomes of the former spouses would be available to support the child if they were still together.

The Guidelines contain a formula for setting child support in a "shared custody" situation. Child support can still pass from one party to the other even in a shared custody situation if the parties incomes are significantly different. However, the reduction from the child support amount, if the parties did not have shared custody, is significant.

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[1] Charles F. Harris is a practicing attorney in the law firm of Kaplan, McMillan and Harris in Wichita. He is a 1978 graduate of Washburn Law School. He is a Fellow in the American Academy of Matrimonial Lawyers. He is a member of the Supreme Court Child Support Guidelines Advisory Committee and the Family Law Advisory Committee to the Kansas Judicial Council. He has been the Chairman of both the Kansas and Wichita Bar Family Law Sections.

House Bill 2002 rejects the income shares approach in favor of a presumption that the parties have an equal duty to support their child. This presumption is created despite the real possibility that the parties may not have an equal ability to support their child. Thus under the presumption, it can be said that each parent will be deemed to have performed their duty to support the child by having the child half the time. This is a clear attempt to end payment of child support in Kansas.

If adopted, this section may put Kansas in violation of the federal mandate that required the creation of uniform, statewide child support guidelines. Such a violation would result in the loss to Kansas of large amounts of federal funds.

2. If the presumption that mandatory, equal parenting time is in the best interest of the child is valid, the bill fails to apply the same standard to the Kansas Parentage Act.(K.S.A. 38-1121).

3. As previously stated, the bill creates, at page 27, line 36, a mandatory shared custody or equal parenting arrangement at the time the divorce is filed. This makes little sense when the parties have been separated in a non-shared custody arrangement. At the start of the divorce, if the parties have not previously been separated, one party generally leaves the marital residence. There is often a period of transition before they have suitable facilities for a shared or equal custody arrangement.

Because the provisions of House Bill 2002 make shared, equal custody mandatory at the time the divorce is filed, clearly unsuitable persons such as physically or sexually abusive individuals would still be entitled to shared, equal custody.

4. As previously noted, at page 31, line 38, the bill creates a presumption that passing a child back and forth for equal amounts of time is in the child's best interest. This presumption is not supported by long established Kansas law or the vast majority of mental health or legal professionals in the family law area. To date, no state has adopted a standard that shared equal physical custody is the mandatory or even the preferred custodial arrangement. My experience with shared or equal custody in a number of cases is that it can work well if the parties are able to agree to the arrangement and then communicate and cooperate well once it is adopted. However, even in such cases, I have seen it fail when the child did not adapt to the custody arrangement. If shared custody is imposed, as contemplated by House Bill 2002, many problems can be expected in families where the parties cannot cooperate or communicate or where one of the parties has a control personality.

Before the Legislature considers such a novel experiment, it should conduct hearings to receive information from experts in the field of family law and child psychology to address the validity of mandatory shared equal custody. At the very least, the Kansas Judicial Council should be asked to review House Bill 2002 and advise the Legislature on the proposed amendment. The children of Kansas should not be used as guinea pigs for this experiment in social engineering.

5. House Bill 2002 deals primarily with establishing shared custody at the time the divorce is granted. However, if the presumption is valid that shared custody is automatically in the child's best interest, why would it not be equally applicable to existing unequal custody arrangements?

By adopting House Bill 2002, you can assure yourselves of a rush to the courthouse by parents who will want to upset these existing arrangements, for whatever reason. Some will be interested in a genuine desire to have a bigger roll in their children's lives. Others will be motivated by the relief the bill affords on child support. Since the Child Support Guidelines were amended to include a formula that reduced child support in shared custody situation, there has been a significant increase in post divorce cases where shared custody had not been an issue. Despite the drafter's intent, House Bill 2002 clearly will be a "lawyer's welfare bill" due to the volume of litigation it will generate.

While we may all agree that in a perfect world shared equal custody of a child of a divorce would be the most desirable arrangement. Rarely do parties in a marriage perform equal functions in connection with the child. Just as easily, we can agree that parties who marry should never have to get a divorce. Unfortunately, divorce is a reality and passing a child back and forth between parents like a book so that they can say they got to hold it half the time is ridiculous. This bill puts parents first not kids first. I strongly urge you not to adopt House Bill 2002.

TESTIMONY OF RONALD W. NELSON,
Rose & Nelson, Overland Park, Kansas

Members of the Committee: I am Ronald W. Nelson. My practice is located in Overland Park, Kansas. Approximately 80% of my practice is domestic law, including divorce, parentage, child custody, and other areas of domestic relations law, both as an original action and post decree. I am also heavily involved in appellate advocacy in domestic cases, with decided cases in all areas of domestic practice. My clientele is fairly evenly split between representation of men and women and residential and non-residential parents. I am a member of the American Bar Association Family Law Section, serving on the Custody Committee, the Kansas Bar Association, serving as Editorial Director of the Family Law Section, the Johnson County Bar Association, serving as Communications Director, and I am a Fellow in the American Academy of Matrimonial Lawyers. I have presented seminars on various areas of domestic law and practice and I am the author of three chapters in the Kansas Bar Association's Practitioners Guide to Kansas Family Law, including chapters on Child Custody and Child Visitation and Parental Access.

Many parts of this bill are needed changes in the law. Unfortunately, language often acts as an impediment in the law. Although lawyers usually know what is meant by the phrase "visitation," and although lawyers and judges all understand that by merely designating contact with a parent as "visitation" is in no way meant to denigrate a parent or reduce the importance of that parent, laws are read and interpreted by the general public in ways that may not be intended by the drafters. "Visitation" is generally thought of as the periodic contact exercised by a parent with whom a child does not normally live. The term "visitation" is essentially a hold over term from earlier times when one parent was grant sole legal and physical custody of a child with the other parent being allowed to see the child (or "visit" the child) periodically. Today, however, most psychologists agree the term "visitation" is now outdated and that, in some situations, use of the term itself can cause undue conflict between parents. "Visitation" in today's society implies that one parent is no longer a "full" parent, but has only a limited right to see and interact with the child.[1] Because of the problems with terminology, various other terms are now used in the legal community to describe visitation, including: "access," "partial custody," "parent-child contact," "parenting time," "physical placement," or other similar terms.[2]

"Visitation" rights and decisions by the courts regarding the access to a child encompasses more than merely providing for the physical transfer of the child from one person to another, however. The law regarding visitation determines the type, nature and frequency of access which a person not having physical custody of a child is allowed with the child. Thus, changing those references in Kansas law to "visitation" seems to be past time and a needed historical change. In looking at those changed terms, however, it should be noted that not all places where "visitation" appears can it be replaced by "parenting time." In making reference to "visitation rights" the UCCJA, for example, is intended to include not only *parental* rights of contact with a child, but visitation rights by parents, step-parents, grandparents, uncles, aunts, and others who may have been granted rights of access and contact under the laws of the state in which a custody decree may be entered (See e.g. K.S.A. 38-1302 and 38-1310).

It must be understood, however, that a change in terminology is just that and that as times change, terminology used inoffensively in past times becomes offensive because of the way it is used in practice. Thus, a change in terminology is not a panacea. Litigation regarding access to a

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[1] See Goldstein, et al., BEYOND THE BEST INTERESTS OF THE CHILD, at 38 (1973)("A 'visiting' or 'visited' parent has little chance to serve as a true object for love, trust, and identification, since this role is based on his being available on an uninterrupted day-to-day basis.") See also I.Ricci, MOM'S HOUSE, DAD'S HOUSE, MAKING SHARED CUSTODY WORK, 1 (Collier 1980).

[2] See authorities cited in A.Haralambie, HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES, §5.01 (1993).

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child and the resulting continual interaction between parents and third parties about access is one of the most troubling areas of domestic law and is often a cause of relitigation.[3] More than any other area of the law, domestic litigation (and especially litigation involving decisions regarding child custody and access) involves interpersonal relations and engenders high emotions. An intensely loving relationship, when it dissolves can easily turn into just the opposite – a relationship with a heart of intense hatred, resentment, anger at being rejected by someone with whom that person previously had a close and loving relationship. Oftentimes, the hate after the divorce is as intense as was the love at the most intense parts of the relationship.

It must be realized that the vast majority of cases in which children are involved have few, if any problems during the entire minority of the children. Most parents are able to work together toward the best interests of their children and, when properly advised, are able to resolve any issues between them without involvement of either attorneys or the court system.

Unfortunately, there is a significant minority of cases that cause the vast majority of problems in the courts. Parents who are so bent on retribution against the other parent for real or perceived wrongs, whether current or historical, will (and constantly do) use the law for their own means and continually enlist the processes of the courts in that campaign. Because of this unfortunate tendency, it is essential that the laws dealing with domestic relations consider both sides and primarily the rights of the children involved in that dispute. Because every domestic case is different (although they may involve similar disputes, similar emotions and similar requested resolutions), it is extremely important to make the law as flexible as possible leaving the detailed resolution of cases to the local judge. The local judge is the person best able to deal impartially with such disputes. The legislative crafting a detailed, cookie-cutter solution for all cases would cause more difficulties, than it would solve.

I want to focus my testimony on the enforcement of visitation procedures.

Hearing Officers. A small word change, but a dramatic terminology change is found in the amendments to the mediation provision of the visitation enforcement statute. Currently, many post decree visitation issues are dealt with by court hearing officers. This bill changes current law to require such disputes be heard by a *judge* rather than by a *hearing officer or judge.* This change is likely to increase the number of cases heard making it more difficult to obtain a timely hearing. In the urban districts it is already difficult to obtain a quick hearing because of high case loads. The use of hearing officers provides a manner for quick presentation of disputes (which are usually resolved on one hearing), leaving for the district judges the more difficult and complex cases.

Visitation enforcement. One of the important rules in domestic relations is that punitive actions, by one party or by the court's often extend the cycle or cause other ongoing problems. The provisions in the bill that the court "may impose" a $100 civil penalty on "first offense" and a $250 civil penalty for a "second offense" would be counterproductive and would encourage misuse of the system, rather than solving the problems it is sought to remedy. Currently, judges may impose such penalties when the judge issues an order and direct or indirect civil contempt is found. Adding such "civil penalties" for visitation violations in a hodge-podge manner, as is proposed in this bill will only tend to exacerbate those problems.

Instead, I believe the legislature should enact the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) that was recommended for passage just this past year by the

[3] W.Hodges, INTERVENTIONS FOR CHILDREN OF DIVORCE, CUSTODY, ACCESS AND PSYCHOTHERAPY, at 151 (2nd Ed. 1991). See also Goldstein, et al., BEYOND THE BEST INTERESTS OF THE CHILD, at 37 (1973)("The lack of finality, which stems from the court's retention of jurisdiction over its custody decision, invites challenges by a disappointed party claiming changed circumstances.")

National Conference of Commissioners on Uniform State Laws (NCCUSL) and that was introduced this past year as HB 2790, should be passed. The UCCJEA includes a uniform and consistent scheme for enforcement of both custody and visitation orders. This uniform law is an update of the Unifrom Child Custody Jurisdiction Act that has been passed in all 50 states and other territories of the United States. The enforcement procedures in the UCCJEA would address the concerns expressed for enforcement of visitation rights, while at the same time providing a uniform method for in-state and out-state custody and visitation orders enforcement. The UCCJEA modifies the UCCJA in consideration of all those legislative acts that have been passed since the original passage of the UCCJA in 1968, including: the federal Parental Kidnapping Prevention Act (PKPA), the federal Violence Against Women Act (VAWA), the Hague Convention on International Child Abduction, and the federal International Child Abduction Remedies Act (ICARA). Included are uniform enforcement procedures that track these other laws and provide a well thought out and uniform manner of dealing with actions by a parent that interfere with a parent's custodial or visitation rights. Many of the remedies of the bill before the committee are included in the UCCJEA, but in more effective and uniform format.

Child Support. Included in the current bill are various provisions regarding child support and a presumption that "[d]etermination of the amount to be paid by a parent for support of the parent's child or children shall be based on the principle that both parents have an equal duty to provide support." In almost every case, one or the other or both parents feel the support paid should be different. That is usually the nature of disputes. A study to be published in the near future by Laura Morgan, a national expert on child support and child support guidelines, has found that the presumptive child support determined by guidelines in the vast majority of states provides less support for a child than USDA criteria for expenditures in an intact family. This is telling since it is obvious that a family will generally need to spend more as a whole once separated than it did while still intact.

Aside from the fact that Kansas currently has child support guidelines in force that fairly and justly determine the child support to be paid by separated parents, this language has the potential of causing significant problems within the system. What does this language mean? How will it be used by parents battling over their children and the amount of child support to be paid? It is apparent that, unless parents have equal incomes and resources, they are not able to provide "equal" support for their children.

Joint Shared Custody. Probably the most troubling provisions in this bill relate to requiring "joint shared custody of the minor children" including provision for "equal parenting time."

It is generally recognized that access by both parents should be flexible and that the more parents can work with each other to maximize parental contact, the better for the child. The time spent in "visitation" may be from minimal visitation in which the nonresidential parent sees the child on an irregular and infrequent basis[4] to what may essentially be equal residency with both parents. Most psychologists and courts encourage nonresidential parents to have as much contact as practicable, so long as the stability of the child is not adversely affected by the contact.[5]

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[4] Such irregular and infrequent visitation is discouraged and, depending on the quality of such visitation, may lead to further restrictions on visitation or eventual adoption of the child. "Casual or chance happenings would not indicate that one is assuming or performing the duties of a parent, and would not establish any intention on the parent of a parent to do so. We decline to adopt the narrow definition advocated by appellant. Instead, we hold that the term incidental as used in the statute [pertaining to when a parent's consent is necessary to terminate that parent's rights and allow adoption by another] means 'casual; of minor importance; insignificant; of little consequence.'" *In re Adoption of McMullen*, 236 Kan. 348, 351, 691 P.2d 17 (1984).

[5] *See* W.HODGES, *supra* note 7, at 155. ("Visitation Frequency").

Often, however, because of continuing conflict between parents, because of anger or hostility built up over their relationship, or because of jealousy, suspicion, or distrust arising after the parties' separation, the parents are unable to put aside the issues between them and arrive at a mutually agreeable access schedule. In those cases, the court may have to become involved.

The Kansas appellate courts have held that only in the most unusual circumstances should alternating of a child's residency be considered and then, generally, only where both parents believe it to be appropriate. Frequent alternating of children between households is normally not in the best interests of the child and should be looked upon with skepticism. Generally, only in those cases where the parents are able to work together in a mature and cooperative fashion is it appropriate to consider a sharing of custody. Because the parents are required to work closely and intimately, if those parents have issues held over from their own intimate relationship, it is as likely the child will be harmed by that mandatory relationship than helped by it. Because there is more need for contact, there are more points at which emotions can explode. Good shared custody relationships require flexibility, respect and detailed interaction. If such a relationship is forced, it has the potential of severely damaging the children and any hope of a workable relationship between the parents. Further, such required shared parenting time often is not age appropriate. Psychologists agree that the younger the child, the more the need for stability as to where the child is living – and that a shifting of residence between parents is detrimental.

Thank you.

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