

Senate Judiciary Committee  
February 16, 2017  
**SB 124 – Support**  
**New Domestic Abuse Definition**

Chairman Wilborn and committee members, thank you for the opportunity to testify in support of SB 124. This bill is the recommendation of the Judicial Council, and does give a better definition of domestic abuse for judges when the court is required to determine legal custody, residency and parenting time of a child in accordance with the best interests of the child.

This definition should serve to help judges give more consideration to the cases where a parent fears for their lives and the lives of their children because of domestic abuse offenders. I want to thank the Judicial Council for their efforts.

The abuser is often controlling, using power tactics and blaming others for their problems. Most likely, they have a dual personality, alternating between Dr. Jekyll and Mr. Hyde, deceiving friends and even family members.

Mothers are often afraid to disclose domestic abuse because of the fear of losing their children to the abusing partner. They can be stamped as an “unfriendly parent,” when they express concern for their children’s safety, and when they are only trying to protect their children from witnessing or being a victim of domestic abuse by the offending parent. This happens more than we would like to think. Thirty years ago, I experienced it myself. Imagine my surprise when I found that in Kansas, things haven’t changed that much.

The court should not hold the protecting parent’s action against him or her when considering what is best for their children. Kansas custody laws should not be used to defend the custody and rights of those who commit domestic abuse and who have purposely put the lives of others in danger.

While the statute allows the judge to balance all the factors based on each case’s specific facts, domestic abuse should be a prevailing factor. However, the Judicial Council rejected the language that would have made that requirement.

While we should do much more to help parents who want to protect their children from abusers, the Judicial Council’s recommendation is a start, so I strongly support this bill and ask for your vote.

Thank you.