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Written Testimony to the Kansas House Judiciary Committee
Kansas State Capitol Building, Room
Topeka, KS 66612
SUPPORT FOR SB 157

Dear Members of the House Judiciary Committee,

The experts have given you their opinions. There is evidence for both sides of the issues given to you today. I want to share with you my personal experience and the experiences that have been shared with me by others affected by divorce. I offer you a few things to think about before determining Divorce Custody Laws and its effect on children. My testimony is based on what I have observed and the theory that has been touted by each generation about the child-parent relationship. I am divorced for 12 years. It wasn't the solution I thought it would be. It created long lasting problems that are still a part of our lives today. There are concepts I hope to share with you today that will perhaps lead to a better life for children who are terrified by the trauma they themselves experience and see others experience.

1. The child-parent relationship is a unique relationship. It is irreplaceable and inalienable and therefore incapable of being entirely delegated to others or one parent. No one else can fill the position of a Biological Mother or Father. We can love a child; we can do many things for them and many times provide financially better for them than their biological parents.

I would like to share with you the story about a little 5-year-old girl who was at my house almost every day. She did everything with me and the same love that was given to my children was extended to her. We baked cookies, she helped set the table for dinner, we went swimming together just to name a few. But she would often say "I wish you were my Mommy". I wondered why she said that when she was offered everything my children received. Then one day I realized I could never fill that empty spot in her heart, in her life where her Mommy belonged. She and I had and have a wonderful relationship, but she was denied a Mother/Daughter Relationship she was entitled too.

2. Children are entitled to their Father and Mother's unconditional love. A type of love that is hard to explain and express what it is. It's not a conditional love. It's a love that wants what's best for you, teaches you, is patient with you, there to hold you when you are sad, and celebrate, when you are happy. Not to give you everything you want but to be beside you. If one parent has a child 4 days out of the month, how can that child have enough time to know that parent and the extended family of that parent. Look at the many days that child does not have access to that parent, grandparent, aunts, uncles, and cousins. In response to a Grandparents saying to that Grandchild "we love you and will always be there for you" the child responded "But Grandma that's not true. There are many times I want to ask you something, tell you about something that's important to me and I can't see you because I'm at Mommy's house. And they ask, "Why am I not in these family holiday pictures?" and the answer is because you were at your other house that day.
3. Life happens and circumstances change. We survive. People say children are resilient. That was our lawyers answer to every circumstance. Let's talk about that. First, do you really understand what it is like to be kept away from someone you love, your parent, your hero? How do you explain why they can go see anyone, people they like, people they don't like but they

can't go see the "other parent" who lives right down the street? How do you determine they are resilient? When they quit crying? Have you ever held a child in your arms that is sobbing and crying for that other parent?

This was the conversation reported to me by one Grandparent. The little boy was crying, when his Mother ask him why he was crying he said, "I know my Daddy is dead" She was shocked and replied "your Daddy is not dead. "But he responded with "I know my Daddy is dead because otherwise he would come to see me. She just couldn't bring herself to tell the child the truth, that he was in jail because he couldn't pay the child support. So, she just said "your Daddy is not dead". Leaving the little boy to believe his Daddy was alive and just didn't want to come see him.

When you ask your Children what they want for Christmas, have they ever replied to you that they just want their family back together? Have they ever asked you to make their Mommy's favorite cookies because this year maybe she will come to the family Christmas party? And then watched her dumped the cookies in the trash because Mommy didn't come. Are these the things you say they are resilient against?

4. Lawyers in the case said, "tell the children it is the judge's fault". She said, "Fathers are a paycheck". She said, "they need their friends, uninterrupted schedules more than the other parent". She said, "you have to prove them unfit. You have to prove that you are the better parent". Lawyers represent the spouses. Spouse relationships are different than child - parent relationships. Spousal relationships deal with finances, or lack of finances, sex issues, day to day grown up issues. Just because spouses cannot get along doesn't mean a child should give up their relationship with either parents. I am surprised that the people opposing this bill are Lawyers and Judges who usually never even see the children, or pictures of the children, or have any idea on how the decision they made that day in a child's life affected him or how that child turned out. Maybe if the courts told parents to spend their time looking for the resources to co-parent instead of telling them how to destroy the other parent and that other parents - child relationship, children would survive this traumatic event better. We all want children to grow up fed, clothed, and educated. But we can and must go beyond that. We can figure out the logistics and stop dumping adults' problems on children. **Children must spend time with both parents to have relationships with them.**
5. Courts are the moral compass for many and for those going through distressful, traumatic events. Parents do what the courts order. Tell them they must co-parent. They must do what is best for their children. Children cannot be divided like material things. Fathers and Mothers are equally important in a child's life. One cannot give them both relationships. All children need and love both parents and that should not be taken from them. Children are the victims. They should have access to each of their parents at any time they wish, not according to a "checkbox" one solution fits all. Even children within the family have very different needs. Are the courts, schools, and parents looking for what makes their life simpler, instead of doing what is in the best interest of the children?
6. At the time of divorce many parents are convinced that they are the only person their children need. They need to justify in their minds the hurt they are imposing on their children. Their need to hurt the other person is foremost in their mind. Most court decisions are a standard check box approach that all Mothers are more fit and more able to take care of children than men and they are the only person children need consistently in their life. Even though today's woman is educated, employed in well-paying jobs often earning more money than the Father, the courts still see the Father only as a paycheck.

Courts try to write orders based on a perfect family even though the family immediately has double expenses most often plunging it into poverty, increased working hours away from the children, court orders often cause more hurt and pain. \$30,000 and up, \$1000 to request anything from the court is the amount of money most people spend to fight for access to their children. Most of the population cannot afford this,

7. Domestic Violence Claims—I'm sure physical violence claims are dealt with immediately. Emotional abuse claims must be dealt with quickly also. It must be based on more than one person's feelings. While feelings alert us, common sense and rational thinking must be what guides us. Sympathy and empathy do not heal the victims. Accusations should be addressed quickly before unintentional damage is done to child-parent relationships. Domestic Violence Protection should apply equally to men as well as women. The same degree of scrutiny must be shown to both parties with no discrimination based on sex of the party. Both must be treated equally and without prejudice until both sides are heard.

I was fortunate I was lived in the same home as both of my parents. They were both very important to me. I learned different things from each of them. I would be a completely different person today if I had a relationship with only one of my parents. My children were allowed unlimited access to either parent when I divorced, and they were still traumatized. Children do not want to take sides; they love both parents. They question their own worth, their own lovability when one parent has avoided them due to the court not allowing their parent to be there for them. Trust is broken. Trust that is the foundation of their life. Having equal access in temporary orders will help reduce the initial traumatic effect. Children have no choice but to accept what is thrust upon them. This is not resiliency; this is something very different.

I ask you to consider:

1. A child -parent relationship is a unique one. No one else can fill that place in a child's life.
2. Children are entitled to a relationship with and the unconditional love of their Father and their Mother. Laws and courts should in no way impose on this.
3. Children are not resilient. That is something you tell yourself to justify your actions as adults. Children are entitled to have a childhood. Please don't dump the problems of adults onto children because you don't know how to work the logistics of it.

I BEG YOU to support the 50/50 shared parenting bill. Give children the right to build and cultivate those relationships with both parents and their extended families.