

WRITTEN TESTIMONY IN SUPPORT OF HB 1259

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As a licensed Colorado attorney, I have dedicated my practice to serving victims and survivors of violence as both a prosecutor and civil attorney. Over the last 9 years, I have represented several hundred victims of domestic violence, sexual assault, stalking, and trafficking in 5 diverse counties in northern Colorado, appearing before both new and seasoned judges, all with their own perceptions of the realities of domestic violence.

Many of the cases I have litigated involve parental responsibility disputes over shared children. As such, my testimony today is to provide specific support for the amendments made to §14-10-124 (1.5)(a)(VI). §14-10-124 outlines 14 factors for the court to consider when determining what is in the best interest of the child in the allocation of parental responsibilities. Currently, factor (VI) requires the court to consider "The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party."

In practice, this factor is often misinterpreted, downplayed, or dismissed by the court by placing greater value on other factors. Additionally, this limited language may produce a negative outcome for children who have witnessed or have been victims of domestic violence in the home and for parents who have taken protective actions to guard their children from these incidents. A protective parent who has been the victim of physical or emotional abuse at the hands of a batterer in front of the child often makes purposeful efforts to protect the child from ongoing exposure upon separation. This may include leaving the home with the child, requesting that the batterer only see the child in a supervised fashion, or in some cases arguing that it is in the child's best interest to have no contact with the batterer.

Alternatively, a batterer may argue that the protective parent is attempting to alienate him/her from the child by not encouraging contact between the batterer and the child. Faced with these 2 arguments, a court will often opt to split the difference, a finding which can leave a child unprotected and in the middle of ongoing manipulation and emotional abuse, a behavior which often increases upon physical separation.

By adding the language "EXCEPT THAT, IF THE COURT DETERMINES THAT A PARTY IS ACTING TO PROTECT THE CHILD FROM WITNESSING DOMESTIC VIOLENCE OR FROM BEING A VICTIM OF CHILD ABUSE OR NEGLECT OR DOMESTIC VIOLENCE, THE PARTY'S PROTECTIVE ACTIONS SHALL NOT BE CONSIDERED WITH RESPECT TO THIS FACTOR", court's are granted an additional tool to guide them in fact-finding these critical cases. This amendment is particularly powerful to assist *pro se* parties, who are the growing majority of parental rights litigants in front of our judges today. The amendment would require judges to inquire about domestic violence, increase parental understanding about the impact of exposure to domestic violence on children, and support parents who take measures to protect their children from ongoing exposure.

As such, I express my support for the adoption of this bill.

Very Truly Yours,
/s/ Amie A. Lopez
Amie A. Lopez, Esq.

Original Signature on File at Amie Lopez Law