

# Gaps in Protecting Colorado's Children in Family Court by Profession

## Attachment D

Criteria	Child Family Investigator (CFI) C.R.S. 14-10-116.5	Parental Responsibility Evaluator (PRE) C.R.S. 14-10-127	Parenting Coordinator (PC) C.R.S. 14-10-128.1	Decision Maker (DM) C.R.S. 14-10-128.3	Child's Legal Representative (CLR) C.R.S. 14-10-116	Mediator C.R.S. 13-22-311
Civil Immunity by Colorado Statute			X	X		
Chief Justice Directive (CJD)	04-08					
State Ct Admin Office (SCAO) Complaint Process	X				X	
Can be Attorney	X		X	X	X	
Can be Licensed Mental Health Professional	X	X	X	X		
Can be any other Individual with training	X	X	X	X		
Minimum Education Requirement		X			X	
SCAO Fee Cap	X					
SCAO Affidavit & Disclosure of complaints, malpractice suits, grievances, disciplinary actions, criminal charges	X					
SCAO Criminal Background Check	X					
SCAO Statewide Eligibility Roster	X					
SCAO Sanctions	X					
SCAO Standards of Practice	X					
SCAO Standardized Training	X					
SCAO Continuing Education requirements	X					
Disclosure of File required by Statute		X				
Disclosure of File required by CJD	X					
Disclosure of Conflicts of Interest by Statute	X	X	X	X	X	X
Can be called as witness	X	X	X	X		
Child's Wishes must be considered	X	X			X	
<b>AUGUST 2002 FINAL REPORT OF THE COMMISSION ON FAMILIES IN THE COLORADO COURTS</b>						
<b>Recommendations 69 B - E that have been implemented all or partially</b>						
B. System for Removal incompetent individuals	X					
C. Court Facilitator recommends type of appt						
D. Pursue amendment to statute for SA (now CFI) for compliance to regulatory boards	X					
E. Assure that the statutory provisions place accountability for complying with standards of practice with their regulatory board or agency	X	X				
<b>NOVEMBER 2010 SUPREME COURT STANDING COMMITTEE ON FAMILY ISSUES FINAL REPORT</b>						
<b>Recommendations 1 - 5 that have been implemented all or partially</b>						
1. Limit the Scope of Order of Appointment	X					
2. Centralize, Clarify the Complaint Process	X					
3. Standardize the Qualification Process	X					
4. Maintain a list of qualified CFIs	X					
5. Formal Adoption of PC Standards						
6. Modify CJDs with Recommendations	X					

*Madam*

Thank you ~~Mr.~~ Chairman and Committee members. My name is Judy Schure and I am a cofounder of the parent advocacy group, Parents United for Change. I want to thank Representative McCann and Senator Newell for sponsoring this much needed legislation and to thank you for the opportunity to speak to you about the bill today. I support HB 1259 and would ask for a yes vote.

My post decree, six year encounter with the Jefferson County family courts to revisit parenting time allocation involved 3 different judges, 3 different magistrates and a court appointee, who, unethically, chose to serve in dual roles and ignore the ample documentation and history of domestic violence. The court appointee appointed to serve as a Child and Family Investigator, decided to serve as a parent coordinator and counselor as well. The court appointee recommended that our son would spend every other week at each parents home. At the time, the middle school counselor, with twenty years' experience, made recommendations to put in place in order to make sure our son was not in the middle of conflict. These were ignored. The court appointee's recommendation was so ordered by the court. My son ran away from his father's twice within two years of the order. After the second time, unbeknownst to me, his father set him up in a house where he lived on his own instead of with him on the alternating weeks. My son received his first minor in possession during this time and received several more after this. His academic achievement and school attendance declined. His father was non-communicative. My son struggles today. The bill statute change requires a history of abuse in a post decree contested parenting time case to be considered.

*As a result of this experience and its impact on my child and me, I have followed the legislation on court appointed roles and the family law courts, and have observed the continued lack of knowledge, skill, and adequate action for the safety of children and victims of abuse by those providing the training and those serving in court appointed roles and on the bench.*

I have attended training on the role of the Parent Coordinator. The two presenting the training (one an attorney and the other a licensed mental health professional) said this role was great because an individual would not be held accountable to any standards of practice, was not required to have licensure, would not have to carry liability insurance and could charge the same rate of pay. The presenters said the real problem in these cases was that women just couldn't move on after a divorce. They gave four tabloid-like examples (all of women) that after the filing for divorce checked themselves into a shelter for abused women and cried abuse. There was no data or other factual information to back up this so-called problem as they described it. Rather, the so-called problem was based upon their biased opinion and ignorance about the reality of women's experiences with domestic violence.

I heard the Parent Coordinator presentation twice. The second time, a year later, I asked this hypothetical question: if a Parent Coordinator was aware that abuse of a parent or child was still occurring, would they have to make that known. The presenters did not answer the question. I can only assume they did not even know the answer. The Parent Coordinator role was created in statute in 2005 and granted civil immunity from liability in 2009. There are still no standards of practice or oversight by the state, only guidelines, which do not protect children or victims of abuse. I want to commend CCADV's Domestic Violence and Domestic Relations Task Force, who developed the concepts in the bill, and the bill sponsors for bringing forward the statutory revisions to address problems associated with the use of this role. The statute change says a Parenting Coordinator will not solely be appointed in a case where abuse has occurred when the court decides to order mutual decision-making even though existing law clearly discourages such orders.

I have heard several professionals, including Judge Jill Ellyn-Straus of the 17<sup>th</sup> judicial district and Dr. Philip Stahl, who is a licensed mental health professional and presenter at statewide family law trainings, make pleas for highly trained court appointees in domestic relations cases involving domestic violence, drug and alcohol abuse, and sexual abuse. Judge Straus said most of the contested parental responsibilities cases involve one or more of these issues and scholarly literature indicating that the majority of contested cases involve domestic violence, supports her experience. She stressed that judges and magistrates need reliable and trained professionals to help them make decisions that will protect children and parents. Others, such as Dr. Philip Stahl, have repeatedly stressed the importance of having TRAINED, SKILLED individuals to deal with abuse cases. He said Colorado statutes are flawed in that they make an assumption that any mental health professional or other court appointee has such expertise. He and others have said that training in the issues of various types of abuse for Colorado court appointees is severely lacking.

Although HB 1259 does not address training issues, other recommendations by the Task Force do, and taken together the changes will provide a much needed focus on safety as a primary concern for abused children and parents, as well as guidance to address many of the problems encountered as a result of a lack of understanding and expertise on domestic violence and child abuse in the family law courts. Thank you for your time. I support the changes in this legislation and again I ask for a yes vote on HB 1259.