

Sha'a Ka Atyátx'i Noowí
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A Place of Peace

Aiding Women in Abuse and Rape Emergencies

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April 9, 2016

Dear Representatives LeDoux and Munoz,

I'm writing to express strong opposition to HB 334, which seems to me to go in the wrong direction for supporting victims of domestic violence, and particularly Alaska's most vulnerable children.

HB 334 will make it harder for a court to find domestic violence, child abuse, and neglect as relevant issues in awarding custody than any other issues that the court looks at determining which custodial placement is in a child's best interests. To legislate that domestic violence, child abuse, and neglect must be found by "clear and convincing evidence," while all other issues can be found by the lower preponderance of the evidence standard, puts Alaska's children's at great risk. We, as a state, have been working for decades to reduce the numbers of children living with batterers, living with fear, living with abuse, living with neglect; HB334 seems to put children at *greater* risk.

The current law requires judges to find a history of domestic violence (the rebuttable presumption law). It protects Alaskan children exposed to domestic violence by requiring courts to consider evidence of domestic violence. The presumption is rebuttable, which means an accused domestic violence offender has the opportunity to come forward and contest it. Knowing all of this this, our rebuttable presumption law puts faith in our judges to rely on not just conviction (as the earliest version of HB334 suggested), but collateral sources to determine a finding a domestic violence. If a history of domestic violence is found, the court has discretion to decide if unsupervised or supervised visitation is best, and to require the perpetrating parent to participate in some type of programming. This has been very helpful in getting help for parents of children being raised in violent households. In my experience, Alaska's judges do not take this responsibility lightly. I urge you to let them do what they do best, what we trust them to do- look at all the evidence and make an informed decision about domestic violence in a given relationship.

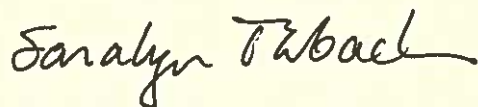


What we currently see at AWARE, much more often than a rebuttable presumption protecting children, is children who are ordered by courts to spend time unsupervised with an abusive parent, a parent who they have seen be hurtful to their mothers, a parent they are afraid of, a parent who may be directly abusive to them as well. What we hear at AWARE, much more often than a rebuttable presumption protecting children, are mothers trying to protect their children, mothers whose hearts are wrenched as they send their crying, pleading children to be with a parent they are terrified of. We hear from mothers when their children come back, children who have nightmares and are angry or anxious or bedwetting, for days until they are able to be soothed and calmed, only to have this pattern repeated the next weekend. And unless a child is able to articulate WHY he or she feels terrified, exactly WHAT is happening that he or she is so frightened about, there is no protection for the child. And the children won't tell, can't tell, until they feel safe. And they won't feel safe until they are free from harm, free from fear. We are raising children who are learning that their needs and feelings don't matter; that their boundaries are not to be respected, and so they learn they are not allowed to have boundaries, and thus have no skills in either setting boundaries or believing they have rights to boundaries, We as a society set up the most vulnerable children to be harmed again and again. HB 334 does nothing to mitigate this, and in fact, seems to make it more difficult to keep children safe.

I find HB 334 to be one of the most disheartening bills I've ever spoken to in my nearly 30 years at AWARE. If anything, we need laws that further protect children, not laws that make it more difficult to keep them safe.

If you have any questions or would like additional information, please don't hesitate to contact me.

Sincerely,



Saralyn Tabachnick, M.Ed., LPC
Executive Director

Cc: Representative Wes Keller
Representative Neal Foster
Representative Bob Lynn
Representative Charisse Millett
Representative Matt Claman
Representative Jonathan Kreiss-Tompkins