

**From:** Allison Mendel

**Date:** April 8, 2016 at 15:47:57 AKDT

**To:** "[representative.gabrielle.ledoux@akleg.gov](mailto:representative.gabrielle.ledoux@akleg.gov)" <[representative.gabrielle.ledoux@akleg.gov](mailto:representative.gabrielle.ledoux@akleg.gov)>

**Subject:** HB 334

I have previously written opposing the passage of this bill. I am a domestic relations lawyer with more than thirty years' experience in Alaska. I have represented both mothers and fathers and literally hundreds of custody cases. The DV presumption was adopted and added to the child custody statutes after a great deal of research and discussion. It addresses a very real and very common risk to children in our state. HB 334, even as amended, vitiates this rule and will not protect children. I know of no research that supports such a change. On the other hand, I know of many children in many cases who would be harmed by the change. Please do not abandon children in danger. Please do not support this bill.

**Allison Mendel**

**Mendel Colbert & Associates, Inc.**

**1215 W. Eighth Ave.**

**Anchorage, AK 99501**

**(907) 279-5001**

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**From:** "M. Lynn Crane"

**Date:** April 8, 2016 at 17:07:14 AKDT

**To:** <[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)>, <[Rep.wes.keller@akleg.gov](mailto:Rep.wes.keller@akleg.gov)>, <[Rep.neal.foster@akleg.gov](mailto:Rep.neal.foster@akleg.gov)>, <[Rep.bob.lynn@akleg.gov](mailto:Rep.bob.lynn@akleg.gov)>, <[rep.charisse.millett@akleg.gov](mailto:rep.charisse.millett@akleg.gov)>, <[rep.matt.claman@akleg.gov](mailto:rep.matt.claman@akleg.gov)>, <[rep.jonathan.kreiss-Tompkins@akleg.gov](mailto:rep.jonathan.kreiss-Tompkins@akleg.gov)>

**Subject:** HB334

Good afternoon, I am M. Lynn Crane and I am the Director of Unalaskans Against Sexual Assault & Family Violence in Unalaska/Dutch Harbor. I am writing to express concerns about HB334.

Sadly, Alaska continues to have one of the highest rates of domestic violence and child abuse in the nation. HB334 will make it harder for a court to find domestic violence, child abuse, and/or child neglect as relevant issues in awarding custody.

The law currently in place protects Alaskan children by requiring courts to consider evidence of domestic violence, which they didn't always do prior to this law being passed.

Currently, if there is a history of domestic violence, the court has discretion to decide if unsupervised or supervised visitation is best, and to require the perpetrating parent to do some type of program. This has been very helpful in getting help for parents of children being raised in violent households, and has increased the safety of children and their non-offending parents.

Many, many, many victims of domestic violence stay in violent relationships because of fear of losing custody. If a victim is concerned that she will not be able to prove domestic

**violence in a custody case, she may not leave the relationship. This will cause further damage to the children, who are living with and witnessing domestic violence.**

**Please consider the safety of victims and their children when considering this bill.**

**Thank you for your work and commitment on behalf of all Alaskans.**

*~ Lynn*

*M. Lynn Crane, Executive Director*

*Unalaskans Against Sexual Assault & Family Violence (USAFV)*

*PO Box 36 Unalaska, AK 99685*

*Office 907-581-3310 24-Hour Crisis Line 907-581-1500*

*Toll-Free 24-Hour Crisis Line 1-800-478-7238 Fax 907-581-4568*

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**From:** Cheri Smith >

**Date:** April 8, 2016 at 17:48:11 AKDT

**To:** "[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)" <[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)>

**Subject:** HB 334 Opposition

My name is Cheri Smith and I am the Executive Director of The LeeShore Center in Kenai, AK. The LeeShore Center provides emergency shelter to victims of domestic violence and sexual assault and has been in operation for 31 years. I am writing in opposition of HB 334. The current law containing the "rebuttable presumption" was put in place for a reason - to protect victims and their children. Domestic violence and sexual assault are both under-reported and under-prosecuted crimes. Many victims don't report because they have been threatened (or threats are made against the children) by their abuser, they fear their children may be taken away, they fear they won't be believed, they fear their abuser won't be held accountable (and life then becomes much more dangerous for the victim and children) and the list goes on. Our agency has helped provide safe shelter to thousands of victims over the years and it is devastating to imagine the set-back in victim safety HB 334 would cause if passed into law. It is vital courts have the ability to consider history of domestic violence when making child custody decisions. I urge you to oppose HB 334.

*Cheri Smith*

*Executive Director*

*The LeeShore Center*

*325 S. Spruce St.*

*Kenai AK 99611*

*(907) 283-9479*

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**From:** Brenda Stanfill

**Date:** April 9, 2016 at 11:04:43 PDT

**To:** "[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)" <[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)>

**Subject:** Opposition to HB334

Dear Rep LeDoux,

I am following up on a phone call that I made to your office yesterday. I know things are very busy and wanted to make sure I connected with your office to state my strong concerns with HB334 passed from House Health and Social Services.

In the original bill the language for when the rebuttable presumption to the issue of domestic violence and custody would be raised was changed to require a conviction of domestic violence instead of a "history defined as two or more incidences or one serious injury event" There was strong opposition to this change in language as often times these cases are not pursued by the district attorney, some areas have no law enforcement to call, untrained law enforcement arrest the victim when not recognizing the difference between self defense and primary aggressor, and that someone could have a conviction due to a very bad time in their life but not truly be an individual who uses abusive tactics to control their family.

In response to the concerns the bill sponsor rewrote the bill, however, now the proposal is to require clear and convincing evidence of the domestic violence instead of the preponderance of the evidence that is normally required in custody consideration, replacing how history was determined as two instances to just be history determined at the discretion of the courts, or a conviction for domestic violence. In addition, it removes the rebuttable presumption and treats domestic violence as just another issue considered in custody.

Having worked on the Criminal Justice Commission this year I realize there are two sides to each issue coming before you and that you must weigh out what is best for our state in the larger scheme of things and not just based upon one or two cases. Currently the information being presented on why this bill is needed is based those one or two cases where it didn't appear to go as planned. I have heard a few Dad's feel they were unjustly impacted by this presumption when it was applied to them and a few attorneys that appear to have lost custody cases and feel that the domestic violence that had occurred in the case should not have been considered as hard as it was.

As we know domestic violence is learned in the home and the largest predictor of a future batterer is what he or she observed in the home environment. Knowing this it is imperative that we have a process in place to identify when this behavior is happening and once it is recognized that we limit the child's exposure to this until the abusive individual get helps for their issue. The current "rebuttable presumption" provides a hearing for the mother and father to present the case and the judge makes a determination on whether it applies. If it does apply, the individual found as the abuser's time is limited and supervised until they complete the programs set out by the judge where they can learn skills that allow them to be a parent modeling healthy relationships instead of "growing" a new batterer.

As you have heard me talk about in my testimony through the Criminal Justice Commission work and HB205, we have grown the offenders who are now in jail through the social issues they are experiencing as children and we have not intervened in. The presumption language passed in 2004 has saved victims lives and has provided an opportunity for children to interact with an abusive parent in a healthy way through monitoring and supervision until that parent gets the assistance they need to be able to model that healthy behavior without supervision. I have truly thought through whether there is a fix needed. I talked to judges, victims, lawyers, and advocates. The statute as currently written works and does not need fixing. I urge you to leave the current statute regarding the rebuttable presumption as currently written and to hold this bill.

Thank you for your time

Brenda Stanfill  
Interior Alaska Center for Non-Violent Living  
Fairbanks, AK

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**From:** Rebecca Shields  
**Date:** April 11, 2016 at 13:19:54 PDT  
**To:** <[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)>, <[Rep.neal.foster@akleg.gov](mailto:Rep.neal.foster@akleg.gov)>, <[Rep.wes.keller@akleg.gov](mailto:Rep.wes.keller@akleg.gov)>, <[Rep.bob.lynn@akleg.gov](mailto:Rep.bob.lynn@akleg.gov)>, 'Rep.' <[charisse.millett@akleg.gov](mailto:charisse.millett@akleg.gov)>, <[rep.matt.claman@akleg.gov](mailto:rep.matt.claman@akleg.gov)>, <[rep.jonathan.kreiss-Tompkins@akleg.gov](mailto:rep.jonathan.kreiss-Tompkins@akleg.gov)>  
**Subject:** HB334

Dear Elected Representatives,

I am writing you to express my grave concerns regarding HB 334. This bill could potentially place many victims of domestic violence and their children at considerable risk. The number one reason victims stay in violent relationships is the threat/fear of losing their children to their abusive partner. If this bill passes, this becomes a very real possibility! The very nature of domestic violence, it is a very difficult offense to prove in a court of law, as it happens behind closed doors. When children are raised in abusive homes, the damage and trauma can span through generations. Please, show your constituents that you care about the safety of victims and their children! I urge you to vote no on this dangerous bill!

Thank you!

*Rebecca Shields*  
*Executive Director*  
*Kodiak Women's Resource and Crisis Center*

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**From:** penny lampl  
**Date:** April 11, 2016 at 13:52:13 PDT  
**To:** <[Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)>  
**Subject:** HB334

Dear representative LeDoux

I am writing you in regards to Bill HB334. I feel this bill (should NOT pass). If this bill should pass, it would put many families in much danger.

To have a DV conviction these days is extremely hard (this does not mean that DV does not happen). With funding cuts in the Alaska State Troopers,

Kodiak Police Department, Kodiak Courts, and the DA's office it is hard to get anything to go through. Most all charges are getting pleaded down

Or dropped because of court back log and funding cuts. I have a client right now that has to wait until December 19<sup>th</sup> just for sentencing. Just because a case is pleaded down

Or dropped does not mean the DV did not happen. In so many cases if the woman call the police on her perpetrator she will get hurt real bad if the police come.

Sometimes if the Perpetrator is arrested he cannot work and pay child support and a restraining order is the only safe thing a mother can get and still

Be able to raise her children. How can you give a child to anyone without checking the past mental state of the person they are seeing, checking to see

If they have a place to stay while visiting this person, checking to see if this person has a history of drugs or alcohol, and the history of family violence. There are so many

People that have a past and current history in all of these categories, (they are documented by counselors, schools, restraining orders, reports to OCS, and witnesses):

but they have not been charged and convicted by the State. Just because they are not convicted does not mean it is not happening. The judge needs to know the history.....Please do NOT pass this bill.

Sincerely;

**Penny Lampl**  
CCR/SART Coordinator  
Shelter Advocate

Kodiak Women's Resource& Crisis Center  
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