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Attorney at Law

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Members of the House Health & Social Services Committee
Juneau, Alaska

Re: House Bill 334

Dear Committee Members,

I will testify in opposition to most of the proposed amendments in HB 334.

Allow me to briefly introduce myself. I have been licensed to practice law since 1974 and licensed in Alaska since 1992. I have been an Alaska resident for 10 years as I moved to Petersburg to ease into retirement, although the retirement part has not been totally successful. My full biography is on my website.

Since 2007 I have been working through ANDVSA to represent victims of domestic and have represented about 10 a year since then.

It is my experience that a person who commits domestic violence is not a good parent. The same attitude that lets them justify the domestic violence allows them to badmouth the parent who left the abusive relationship to the children as being the one that destroyed their family. The parent who was the victim of domestic violence is continuously blamed for leaving and in many cases this blame game will continue for years. The children will be quizzed about the parent who left and should that parent ever enter into a new relationship, then the badmouthing will intensify. Usually, the problem is not any ongoing physical violence, but what is said to the children that can leave life time scars that are not readily visible.

The domestic violence that occurred in the relationship rarely ends with a conviction. This fact is the primary reason that I oppose most of the amendments to HB 334. There are many reasons for this. They can include the fact that the victim did not report it to the police, that the violence, if reported, was not prosecuted, or that it occurred so many years ago that it will not be investigated or prosecuted at a later date. Sadly, there are still places around the country where domestic violence is not taken seriously by law enforcement, especially if the police are called to a residence multiple times. I have spent time trying to find police reports in a number of different states, as Alaska has quite a transient population, and have experienced a mixed success in tracking down both reports and evidence of a conviction.

Given the recent budget cuts that have occurred in Alaska, Petersburg has been subject to various assigned prosecutors, some of who were very ineffective. While today a Sitka based prosecutor seems to be handling Petersburg's cases well, given expected budget cuts that may not occur tomorrow. In summary in many cases there are multiple instances of domestic violence where the police are not even

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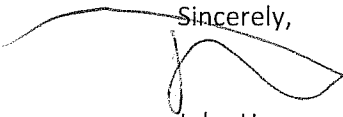
called, let alone having a case be presented to a prosecutor for consideration in charging the perpetrator. In the last case I tried there were five admitted instances of domestic violence and a number which were contested, but the police were never called until a daughter was assaulted. One reason is that the victim was not even aware that physical violence which resulted in property damage was domestic violence. The second was the guilt of staying in such a relationship. Many victims either do not report the violence or stay in an abusive relationship for years because of the guilt of having to publicly admit that such a relationship existed.

The purpose of the statutes that HB 334 seeks to amend is to set out the criteria for the Judges to consider is making custody determinations. The overriding issue is: what custody determination is in the child's best interests? It is not in the child's best interest to be placed with an abusive parent. That fact should not be effected by whether the other parent who was a victim of domestic violence had called the police or whether a prosecutor decided to file charges. What is important is whether the abuse occurred.

In summary, while adding sexual abuse to the relevant statutes is a good idea, requiring a conviction for either domestic violence or sexual assault is not.

Thank you for considering my input on the proposed legislation. I will be glad to expound on this or answer any questions that you may have.

Sincerely,



John Hoag