

HB561: Child Custody: Cases Involving Child Abuse or Domestic Violence: Judges Training

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Thank you for this opportunity to share why HB561 is critical for children to begin to heal from abuse. My name is Dr. Jennifer Shaw. I am a provider committed to the recovery of children who have been abused, including sexual abuse in early childhood. I consult and train other providers in trauma-informed approaches to treatment of the child and one or more protective caregivers.

We know how to help children begin to heal from a potentially life-altering brain injury that is abuse in childhood, but we cannot start our work when a child's right to safety is deemed debatable until there is a final custody determination.

Today, you're hearing all the reasons why this bill is so important. I ask you to consider the impact of failing to recognize that importance.

Our most important work is to put adult words to the suffering of children, including making recommendations so that their adult stewards prioritize injured children above all else. Some children are too young to know the words, others have learned their words won't make a difference, and others reserve them for when the world proves that their safety is actually the priority.

As you consider this bill, I offer an adult voice to just one of many little voices so you may also consider the impact of postponing protection until a court can debate custody and visitation.

Until a determination could be made, 5-year-old Liam was ordered to continue his Wednesday evenings and every other weekend visit with his father. Liam had done what we tell children to do, to tell a trusted adult if hurt or touched inappropriately. He trusted his mother most of all. Liam told his mom, his teacher, started touching his Pre-K classmates, and asked his therapist to play the penis game. A motion to deny visitation was to be considered at a future date as Liam's mother was told she had to continue dropping him off even when he screamed and hid when it was time to go. He was interviewed once by a stranger and refused to speak; Liam had already told the stories and the forensic interviewer was qualified but had no relationship with him. We seem to forget we don't tell children to wait for a forensic interview with a stranger before saying they have been harmed. Telling his trusted adult was labeled an unfounded allegation; the abuser considered a victim of alienation, and the protective parent was left having to prove she was not the one who harmed her son.

Liam's father was wealthy and hired a team of attorney's and paid travel expenses for experts who would testify, including one who argued a 5-year-old believed in Santa Claus and the tooth fairy so clearly could not tell the difference between truth and fantasy. His mother drained her 401K and sold her home. Now traumatized and powerless herself, she was less and less equipped to fight for Liam. While the court limited the abuser's time and court hearings were continued for one reason or another, Liam continued to travel from a place of safety to a place of danger every week.

As Liam and his mother waited for a hearing, Liam was shown a gun and told his mother and his therapist would be killed if he continued to talk. His father grew emboldened by successful attempts to discredit his mother, his mother ran out of money, and Liam lost control of his bladder, clung to his mother, started

hitting other children, stopped learning in school, and nightmares interrupted his sleep. The only thing that helped him sleep was a trained guard dog who slept next to him every night.

The court ordered child therapy, once a week for 45 minutes as if Liam could heal when his injury was ignored or reopened in between his sessions. If any of us were assaulted and informed the police, I doubt we could function if we were then ordered to have dinner with the assailant on Wednesdays and trust him not to do it again every other weekend, at least until our case could be heard in court next year. No one would pick us up and force us out of the car until the accused had a fair hearing. We would not survive psychologically, and our brains have already developed.

For children in this circumstance, development does continue but in a way that expects the adult world to either do harm or ignore harm. That impact lasts a lifetime. Whether or not a child heals does not depend on the type of therapy he receives; rehabilitation depends on how the world responds once the visible or invisible wound is discovered. In short, this bill is part of a comprehensive but common-sense effort to ensure no child citizen's right to safety is postponed and no protective parent needs to buy a guard dog, find a pro-bono attorney and pro-bono therapist, or left to choose between handing her screaming child to his abuser, or be charged with contempt for refusing to follow a court-order.

With additional training, including special considerations for young victims of sexual abuse by a trusted caregiver or parent, court decisions could more consistently establish safety and prioritize the right of a child to live free from harm once harm is discovered or disclosed.

Thank you for recognizing how a favorable vote can save a child from a lifetime of suffering as a well-trained court would recognize a child cannot recover without first feeling and being safe from harm.