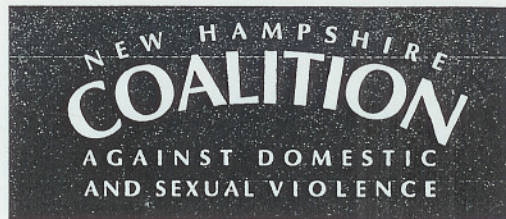


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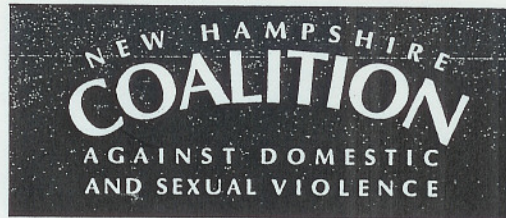
Concerns regarding **HB 529** and related bills on custody issues

1. I am unclear on the benefits of taking existing law and moving it to a new chapter. If we are separating custody from divorce to cover unwed parents, are we taking a policy stand that supports unwed pregnancies?
2. Under the bill, 461-A:6, I - presumption of "equally" shared parent rights and responsibilities are in the child's best interests - There is no substantial research to support this presumption. In fact, current research demonstrates that stability and consistency are the primary ingredients (and of course love) essential to a child's well-being and ability to thrive. Equally means 50/50. This is usually not possible. How can we make a presumption that we know going into it, is normally not going to be met?
3. Under 461-A:7, IV, (d) - Why is every other item in this section an allegation except for (d)? What is a finding of alcohol or a finding of drug abuse? If you go with making a finding of domestic abuse rather than an allegation, I think the court **shall** not order mediation. If the court has discretion (as in "may") then an allegation would be enough to have the court look at the situation and make a decision. In short, finding = shall; allegation = may.
4. Under 461 -A:10, II - To make the statutes consistent this should read Class A misdemeanor, which is the penalty under 173-B:9,III for orders under 458:16, III.
5. Under 461-A:16, VI - this whole section should be eliminated because of the statutorily formed GAL board, which states that as the new GAL board adopts rules, the Supreme court will repeal their rules whenever they overlap.

My final two points deal with the desire to change the whole model under which we are currently operate as regards child support and residency of the child. Decision-making has already been resolved with a presumption of joint legal custody, which we now have in statute.

1. If the move to voluntary mediation, neutral evaluation, and parenting coordinators succeeds, then the only people who will be going to the court to litigate are the ones who are the worst candidates for joint physical custody, those that are high conflict and have a history of domestic or child abuse. Under this plan, these are the cases where the presumption would apply. I don't think that is necessarily the intent,

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but in reality that is how it would play out, to the detriment of any child placed in this horrendous situation.

2. Dealing with the change in paradigm – Has the world really changed as much as we think? More women are working, without a doubt. That is an actual change. However the wage differential has not disappeared by a long shot and it's increasing again. Most women receive fewer benefits, not the professionals but the average working woman. While more men are assuming child care-taking responsibilities, the statistics tell us it is no where near 50% - not 50% of men who assume these responsibilities and the men who are doing it rarely reach the 50% mark of shared responsibility, even in happy functional families.
3. This bill is an experiment using our children as the lab mice. It is way before its time. Society has not changed to the point where moms and dads are interchangeable to children. I don't know if we will ever get there or even if that would be a desirable goal. I do know that we cannot legislate it. It would need to be something that evolves culturally, not be artificially created by law.

Linda Griebisch

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