

PCADV OPPOSES PRESUMPTIVE JOINT CUSTODY

The Pennsylvania Coalition Against Domestic Violence testified at a hearing Feb. 4 in Harrisburg against House Bill 463, which would mandate presumptive joint custody in all child custody cases that come before the court. The Coalition urged the House Judiciary Committee's Subcommittee on Family Law to reject the bill's "one size fits all" approach to custody issues.

Ellen Kramer, Director of the Coalition's Legal Department, testified that the vast majority of parents who separate (80 percent) resolve custody arrangements on their own. In the remaining 20 percent of families where court intervention is needed to determine custody, domestic violence is a factor in one-half to three-fourths of the cases. Yet abusive parents are twice as likely to seek sole custody of their children, and they are successful about 70 percent of the time.

"Despite the known dangers abusive parents pose to the adult partners and their children, trial courts often assume that an ongoing custodial relationship with both parents is in the best interests of children – even when one of those parents has a proven pattern and history of being violent and abusive," Kramer said.

Nicole Lindemyer, Policy and Special Projects Manager for the Coalition, testified that current law requires judges to base custody decisions on a case-by-case analysis of the best interests of the child. The law already allows shared custody when it is determined to be in the best interests of the child. Presuming joint custody is best in all cases would ignore whether the parent had any prior involvement in the child's life, and would increase the adversarial nature and expense of litigation, as the experiences of other states have shown.

In cases where domestic violence has occurred, presumptive joint custody would endanger children and the non-abusive parent by mandating continued contact and interaction with the abuser.

"The tragic reality is that sometimes the co-parent of a child is the very same person who has brutally abused the other parent, including threats and even attempts to kill. I can think of no other context in which it would be acceptable for a crime victim to be court-ordered into ongoing contact with the perpetrator of a crime who still poses a very real safety risk," Lindemyer testified.

The Coalition urged the subcommittee and all members of the General Assembly to oppose House Bill 463, to continue to reject proposals that would override the current best-interests-of-the-child standard and to make safety from abuse a priority throughout all custody law.

The Coalition opposes presumptive joint custody because it:

- Elevates parents' desires over the best interests of children;
- Endangers children of domestic violence victims;
- Increases the adversarial nature, expense and length of custody litigation;
- Disregards pre-divorce family circumstances;
- Destabilizes children's lives; and
- Ignores best practices recommended by national child custody experts.

For more information, see the Coalition's policy position paper, [**"Presumptive Joint Custody: NOT in the Best Interests of Children"**](#) or contact Nicole Lindemyer at 800-932-4632, extension 205, or [**nal@pcadv.org**](mailto:nal@pcadv.org).