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Testimony in Opposition to Senate Bill 257

**Presented to the Senate Judiciary Committee
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Mr. Chairman and members of the committee,

Thank you for the opportunity to provide testimony in opposition of Senate Bill 257. While on the surface, this legislative change would appear to provide guidance that could simplify matters and thereby benefit children, I fear that passage would actually endanger many children.

The Office of the Attorney General Victim Service Division provides a victim rights hotline, often accessed by victims, advocates, and other criminal justice professionals. Many of the hotline calls are related to domestic violence. It is in reflection of the circumstances related to many of these calls that SB 257 causes concern. This division also certifies batterer intervention programs across the state and has learned of the challenges and characteristics of those who batter. In domestic violence cases, SB 257 would provide an advantage to the party that has the least focus on the best interest of the child: those who batter. There are three reasons for this:

- 1) *Those who batter often use children to get what they want.* More than anything, they want to keep their battered partner trapped. If all they have to do is refuse to agree to a parenting plan in order to obtain custody of the children 50% of the time, many victims will remain trapped, as will their children. Victims of domestic violence are challenged to address their children's safety needs regarding custody, residency, and parenting time effectively. It is difficult to convey the horror and desperation of a domestic violence victim when they learn that their children are required to be in the unsupervised care of, and in some instances in the residential custody of the offending parent. It is because of this realization that some domestic violence victims choose to return to the violent home, stop the divorce proceedings, and live with daily violence. Passage of this legislation would stop victims in their tracks from making positive change for themselves and their children.
- 2) *Those who batter often use financial abuse in the marriage, making it impossible for the victim to have the financial resources necessary to adequately care for the children without receiving support.* If the parenting time is split 50/50, it is doubtful the victim will receive child support payments. This could lead children to be in more impoverished conditions when they are with the nonoffending partner. Additionally, it is doubtful that

the nonoffending parent would be eligible for financial assistance from the state if they only have the children with them 50% of the time.

- 3) *Those who batter their partner could be a risk to the children.* There is a correlation between spouse abuse and child abuse. In many domestic violence cases, the abuse of the children by the batterer actually increases after separation of the parents.

Our current law provides some necessary considerations in domestic violence cases that must not be circumvented. The Kansas Domestic Violence Offender Assessment (KDVOA) provides an assessment of an individual offender's behavior and recommends appropriate intervention. Through the use of a KDVOA conducted by a certified Batterer Intervention Programs (BIP), Kansas family law judges are able to identify and assist those who perpetrate domestic violence to change their behaviors from abuse to nonviolence, creating greater safety for domestic violence victims and their children.

Clearly, the tragedy of domestic violence does not stop with the adults but impacts their children in every interaction. I want to thank you for your consideration of our opposition to Senate Bill 257, as it is not in the best interest of Kansas victims of domestic violence or their children.