



DV LEAP Hosts Congressional Briefing to Address Injustices in Family Court

[Washington, DC – September 13, 2016] – DV LEAP is excited to share that today U.S. Congressman Ted Poe (R-TX) introduced House Concurrent Resolution 150, developed by DV LEAP, that focuses on the ways in which family courts across the country should be addressing child custody cases when domestic violence, child abuse and/or child sexual abuse has been raised in a court case. Earlier this year we were happy to be taken on as a pro bono client of the law firm Pillsbury Winthrop Shaw Pittman LLC so that they could lead the strategy for us to build traction on this resolution in Congress. On **Tuesday, September 13th, 12:30-2:00 at the U.S. Capitol Visitor Center**, DV LEAP, in partnership with some of our peer organizations, will be hosting a briefing on this issue and how this concurrent resolution can be used as an advocacy tool for the anti-domestic violence movement across the country. We encourage you to join us at the briefing to learn more about the issue and show your support! The Capitol Visitor Center, the main entrance to the U.S. Capitol, is located beneath the East Front plaza of the U.S. Capitol at First Street and East Capitol Street.

The Problem

State family courts are failing to properly hear and evaluate claims of child abuse and domestic violence during custody disputes. According to the Leadership Council on Child Abuse and Interpersonal Violence, an estimated 58,000 U.S. children a year are court-ordered into the unsafe custody or care of abusive parents, over the objections of caring parents. The resulting physical, sexual, and emotional abuse and trauma leaves survivors with a lifetime of physical and mental suffering. It also imposes billions of dollars in health and other social costs that could easily be avoided by safer custody and visitation adjudications.

Why this Problem is Occurring

Family courts lack expertise in adult and child abuse, and often mistakenly believe that such claims, if valid, would already have been addressed by the criminal and child welfare systems. When family courts do address abuse, they are often influenced by unscientific theories which minimize or deny abuse, through the opinions of court-appointed and court-affiliated paid professionals who lack training and experience in family violence, including child abuse. Research has shown that such third parties either knowingly or unknowingly tend to distrust mothers' abuse claims and favor fathers' parental rights, which can place children in danger. Some courts also continue to use scientifically discredited theories such as "parental alienation syndrome" and "enmeshment" as rationales for rejecting reports of abuse by parents and children.

Why Congressional Action is Necessary

In 1990, Congress passed H. Con. Res. 172, which played a critical role in catalyzing states' adoption of a presumption against awarding custody to a batterer. A similar intervention is needed now, to address some of the ways even these legal protections are being side-stepped and to return courts' focus to the safety and best interest of the child. The Department of Justice is using Violence Against Women Act (VAWA) funds to provide a limited number of lawyers and courts with technical assistance to improve representation and family court adjudications of abuse claims. But a shift in focus nationwide is needed to protect the thousands of children who are at risk in thousands of courts. **We believe that Congress should adopt a concurrent resolution that will encourage state courts to adjudicate family violence claims and risks to children before considering other best interest factors. The resolution should also encourage states to adopt qualification standards for third-party appointees. The proposed concurrent resolution also makes clear that Congress will use its oversight authority to protect at-risk children.**

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