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February 27, 2014

To: Members of the Judiciary Committee

From: Sarah Forrest, Policy Coordinator – Child Welfare & Juvenile Justice

Re: Opposition to LB 1000 - Changes to the Parenting Act

Children grow best in loving families where they have access to the social, emotional, and physical support that allow for healthy development. Every year in Nebraska, about 6,000 children are impacted by the divorce of their parents. An unknown number of children are also affected each year by the separation of cohabitating parents and modifications in parenting plans of all sorts.¹ These changes can have a huge impact on children. Children's well-being should be the central focus of Nebraska's laws and policy on child custody, from positive, supportive relationships with parents and other important adults, to economic stability, to safety and stability.

Voices for Children in Nebraska opposes LB 1000 because we do not feel that the bill in its current form strengthens the Parenting Act, and instead could have unintended, negative consequences. LB 1000 is similar to bills from last year in that it contains a de facto presumption of joint custody in all cases ("In any proceeding in which parenting functions for a child are at issue under Chapter 42, an order of joint legal custody and equal parenting time is favored").

Concerns we raised with this committee last year remain. We are encouraged to see a continued increase in joint custody in Nebraska (31% of custody arrangements after divorce in 2012), since the passage of the 2007 Parenting Act. However, while joint custody works very well in supporting many children, it is not appropriate in all cases. Specifically we feel that the current version of LB 1000 would:

1. **Remove the best interests of children from a central position.** Children clearly benefit from loving, meaningful relationships with both of their parents. While our public policy needs to encourage this, we should not conflate equal parenting time with children's best interests. Placing a focus on parental access, instead of children's interests and needs could be harmful. One size does not fit all in child custody cases. Our laws should encourage parents to make decisions based on what is best for their children including, but not limited to, meaningful contact with both parents.

¹ According to the *Kids Count in Nebraska 2013 Report*, 5,774 children were impacted by divorce in 2012. Data was unavailable for the number custody modifications for 95,049 children living in single parent households and the 28,202 children living in cohabitating families. Data provided by Nebraska Bureau of Vital Statistics and US Census Bureau.

- 2. Impact economic stability of families and children.** Nebraska's children in single-parent households are more likely to live in poverty.² A presumption of equal parenting time will impact child support calculations and could also have an impact on families' ability to access public benefit programs which support the well-being of their children, like ADC and child care subsidies. As we consider ways to ensure children can benefit from their relationships with both parents, we must also be sure that we are making any necessary adjustments so that the economic stability of families is preserved and children's basic needs are met.
- 3. Placing children and families experiencing domestic violence at increased risk.** As we make changes to the Parenting Act, we need to be conscious of impact on especially vulnerable children and families. Over 8,000 children and youth received services due to their exposure to domestic violence through the Nebraska Network of Domestic Violence programs in FY 2011-2012.³ Concerns have been raised in other states that presumptions of custody can often be challenging to overcome, especially in cases of domestic violence where intimidation often takes place. We need to be sure that any changes to the Parenting Act fully account for children and families who need extra protection.

Voices for Children is committed to the continual strengthening of the policies and systems that serve our children. Voices for Children continues to believe that Nebraska has a need for greater data collection and analysis, as well as comprehensive research before making significant changes to the Parenting Act. We strongly support those ongoing efforts as well as education and training for the Judiciary Branch and other court stakeholders about child development, the importance of healthy parent-child relationships, and effective practices that reduce conflict and soften the blow of divorce and separation for children. We are happy to work with you on these pieces of Parenting Act reform and we welcome any questions you have.

² *Kids Count in Nebraska 2013 Report*, US Census Bureau.

³ *Kids Count in Nebraska 2013 Report*, NDVASC.