

TO: Colorado General Assembly  
FROM: Rebecca I. Gumaer, Esq.  
RE: Public Comment on Senate Bill 26-027  
DATE: February 2, 2026

I am writing to oppose Colorado Senate Bill 26-027. I am a dedicated Family Law Attorney. I have solely practiced domestic relations law for 20 years. I have represented over 1,000 families with children across Colorado. My case load is 80-85% men.

I have extensive knowledge of family systems. I have extensive knowledge of the impact of blanket 50/50 parenting time orders on children. In most cases, the blanket order of 50/50 parenting time orders results in serious, irreparable harm to children. There is an epidemic of ADHD, behavior disorders, PTSD that all have roots in the implementation of 50/50 parenting time when courts did not make findings as to the best interests of children. These child related afflictions can be traced to attachment disorders. Children attach to their parents differently. This bill disregards the emotional needs of children. The proponents of this bill have no interest in the welfare of children.

The proponents of this bill are simply acting out of their political leanings. This bill is pushed by a Republican. The 5 states who have adopted a similar bill have all been Republican lead states. The push for this bill is not related in any way to children – the push is advocacy of the conservative agenda. Conservatives seek to restrain judicial discretion. This bill is a reflection of that aim.

I represent mostly men. I do not take a stance that a mother or a father is the “better parent.” What I do take an absolute stance on is that all factors contained in 14-10-124 must be considered prior to making ANY finding or order for ANY parenting time schedule.

This bill is not emerging from Colorado family law outcomes. This bill is not originating from Colorado judicial requests for reform. This bill is not based on any demonstrated failures in our current “best interests” framework.

Blindly accepting a 50/50 parenting time schedule, with no regard to the circumstances of the parent-child interaction is careless, reckless, and dangerous to children. Children must come FIRST in any allocation of parenting time. This bill deletes children’s needs. What a child needs must be considered PRIOR to what is “fair” for parents. Children are not possessions. Children are humans that deserve to be protected by the law.

The “clear and convincing” standard is impossible to meet. Contrary to the statement in the SB 26-027 Fiscal Note – this bill will ABSOLUTELY increase hearing length and increase workload on family law courts. Colorado parents will not accept this atrocious mandate of 50/50 parenting time and most families will fight the 50/50 presumption. Without the presumption, we lawyers have the ability to help craft reasonable parenting time schedules based on ALL factors. We are able to keep families out of courts now. If this bill is passed then you take away our ability to help families.

The most serious flaw in Senate Bill 26-027 is not that it allows equal parenting time, but that it presumes it. A presumption of 50/50 parenting time reallocates risk away from adults and onto children by requiring courts to default to an equal-time arrangement unless a parent can disprove it by clear and convincing evidence. Colorado's family-law framework is intentionally designed to prevent harm, not to correct it after the fact. Children must not be required to experience instability, developmental disruption, or safety risks in order to generate sufficient evidence to overcome a statutory presumption.

Most importantly, this bill is opposed by the Colorado Family Law Section and opposed nationwide by the American Academy of Matrimonial Lawyers (AAML). AAML has consistently opposed equal custody presumptions, arguing they "send a troubling new message to children: it is far more important for mom and dad to be treated fairly than your interests to be protected." Further, the National Council of Juvenile and Family Court Judges warn against "one-size-fits-all custody mandates."

Please REJECT this bill in its entirety.

Attached is my posted article on Senate Bill 26-067.

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## Colorado Senate Bill 26-027 Is a Dangerous Shift Away from Children’s Best Interests

*Rebecca I. Gumaer – Family Law Attorney and Mother*

Under the proposed legislation, courts would be required to begin every parenting-time analysis with a **rebuttable presumption of equal parenting time** whenever both parents live within 25 miles of a court-selected location — regardless of the child’s developmental needs, family history, caregiving patterns, or safety concerns.

From both a **legal perspective** and a **parent’s perspective**, this is a serious mistake.

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### 1. A Presumption Replaces THE PARENT

Colorado courts & Colorado law already encourage meaningful involvement by both parents.

What they **do not** do — and **should not** do — is assume that equal time is best *before* examining the facts.

SB 26-027 flips the analysis on its head:

- Instead of asking *what this child needs*,
- courts must ask *why equal time should not apply*.

That is not neutral. That is a **structural bias** embedded into the statute.

Family court judges see what legislators cannot:

infants with primary attachment needs, children with special educational or medical demands, families with deeply unequal caregiving histories, and parents who appear functional on paper but struggle in practice. A one-size-fits-all presumption ignores this reality.

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### 2. “Clear and Convincing Evidence” Is an Unrealistic and Dangerous Burden

The bill requires a parent opposing equal parenting time to prove, by **clear and convincing evidence**, that equal time is not in the child’s best interests.

That standard is **extraordinarily high** — closer to civil commitment than family-law decision-making.

In practice, this means:

- Survivors of domestic abuse may be forced to litigate extensively *before* protective limitations are imposed.
- Parents raising concerns about substance misuse, untreated mental-health conditions, or unsafe parenting may be unable to meet the evidentiary threshold early in a case.

- Children may be exposed to destabilizing arrangements while the legal burden plays out.

Family court is not a laboratory for risk.

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### **3. The Bill Will Increase — Not Reduce — Litigation**

Supporters claim the bill will “reduce conflict.” In reality, it will do the opposite.

Why?

Because once equal parenting time becomes the default:

- Parents will litigate harder to *defeat* the presumption.
- Expert evaluations will increase.
- Temporary orders will become more contentious.
- Marginal cases will turn into all-or-nothing battles.

The bill also requires **written findings** whenever the presumption is rebutted — adding cost, delay, and procedural complexity to already overburdened courts.

Anyone who practices family law knows this truth: **presumptions don’t calm conflict — they redirect it.**

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### **4. Equal Time IS NOT APPROPRIATE IN ALL CASES**

Equal parenting time may be appropriate in some cases. It is **not appropriate in all cases.**

Children are not calendars. Parenting is not divisible by percentages. This bill treats parenting time as a mathematical allocation rather than a **developmental, emotional, and relational reality.**

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### **5. Colorado Already Has the Right Standard — We Should Not Abandon It**

Current law already directs courts to consider:

- the child’s safety,
- emotional and physical needs,
- each parent’s past involvement,
- the ability to support the child’s relationship with the other parent,
- and any history of abuse, neglect, or instability.

That framework works because it is **flexible, individualized, and child-centered.**

SB 26-027 replaces discretion with rigidity — and calls it empowerment.

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**Conclusion: This Bill Prioritizes Adult Symmetry Over Child Stability**

Equal parenting time should be an **outcome**, not a **starting assumption**.

Colorado’s family-law system should continue to evaluate families as they actually exist — not as a legislative ideal.

For the sake of children, parents, and the integrity of our courts, **Senate Bill 26-027 must not pass in its current form.**

**Senate State, Veterans, & Military Affairs**

**02/03/2026 02:00 PM**

**SB26-027 Parental Equality & Child Empowerment Act**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
<p>David Kalen  For  themselves</p>	<p>Dear State, Veterans, and Military Affairs Committee Members</p> <p>I am contacting you to ask for your support and passage of SB26-027. This is a child well-being issue. This bill makes clear that, in the absence of abuse, all children should have equal access to the love, nurturing, and guidance that parents provide.</p> <p>Children perform much better in every metric when, after divorce, they have a healthy relationship with both mothers and fathers. A critically important component of this healthy relationship is time and access to both fit parents.</p> <p>The family court needs clear directives and to be guided by the basic principle that every child should be free to love and be loved by both parents. This is in the best interest of every child, whether from an intact family or living in a 2-household dynamic. Research is clear that children who grow up without the benefit of 2 loving parents; are far more likely to experience significant adverse childhood experiences (ACEs). These children are more likely to be incarcerated, become parents as teenagers, become dependent on drugs or alcohol, are far less likely to matriculate through educational cycles, and more likely to become dependent upon the government for financial assistance when they are subject to ACEs of single-parent households.</p> <p>Our society is far better off when the government systems, the legislature, and the court system are meet the needs of those they are meant to serve. By supporting this legislation, you are saying to Colorado's parents that a parent's love for their child cannot be used as leverage. This legislation will provide space to tone down the emotional decision-making that often drives the family court process, with children caught in the middle. This process drains families financially, psychologically, and emotionally, which further adds to the trauma experienced by children caught in the middle of a custody battle. Together, let's come together to minimize the trauma, recognize the role the legislature and family court play in the development of Colorado's children, and ensure our children are healthy.</p> <p>Thank you for your time. Colorado's families appreciate your support of this legislation.</p>

	<p>Sincerely, David Kalen davidkfanpac@gmail.com</p>
<p>Laurie Schmidt For themselves</p>	<p>As a family law practitioner, I support this bill because it establishes a fair, child-centered framework that will significantly reduce litigation between families. The rebuttable presumption of equal parenting time provides a clear starting point that minimizes contentious custody battles. It is these battles that are the most harmful for children. The 45-55% standard is sufficiently flexible to allow courts to make individualized determinations when necessary, ensuring children's best interests remain paramount. Importantly, the annual allocation approach allows for flexible scheduling throughout the year enabling one parent to have more time during summer break while the other has more during the school year, for example. This serves children's best interests by accommodating their developmental needs and school commitments. This balanced approach reduces parental conflict, gives children meaningful time with both parents, and maintains appropriate judicial safeguards for exceptional circumstances.</p> <p>I would suggest one amendment: exempting children under age 2 or 3 from the presumption, with a step-up parenting plan to gradually reach 50/50 as more appropriate for very young children's developmental needs.</p> <p>I do strongly believe this will decrease the litigation and thus support the bill.</p>
<p>Ashley Matthews-Statley Against themselves</p>	<p>Dear Sirs,</p> <p>I am writing to strongly oppose this bill. As a divorced mother, I will agree that children are the primary victims of a family divided. As an abandoned daughter I will testify that the power of the presence of a father is unmatched. As a victim of narcissistic abuse, at the hands of my ex-husband, currently in trauma therapy 12 years post divorce and my children in therapy for the past 8 (and counting), I plead with you not to pass this bill.</p> <p>Children need two healthy parents but when one is toxic it is the position of the healthy parent to guard and protect the children. When the toxic parent cannot put the needs of the children ahead of their own needs, agendas, addictions or opinions-children should not spend equal time at two homes. I have seen my children thrive in one environment and collapse in the other. I have been witness to my very best efforts to co-parent constantly being thwarted and attacked, parental alienation damaging my children, their innocence stripped and childhoods replaced with adult agendas, lies, manipulation and deception. I have seen and heard weeping, rocking children begging not to "have to go" and trying to get out of moving vehicles when it's time to take them to the other home. Any parent who has witnessed the terror in</p>

	<p>the eyes of their children pleading and mouthing, "Please don't leave me here" on Christmas because "we have to" would stand with me.</p> <p>This is not about me, my ex or any other adult. This is about the right of the children to a fair and equal chance to live their ONE childhood in full. Be their voice on Christmas. Be their chance.</p> <p>My co-parent suffers from several addictions and abuse never ever ever stops at one person. Once a narcissist, as one example, loses "their source" in a spouse, they will move onto the children. The attempts to dismantle, disrupt and destroy are very real. Stand up for children and do not pass this bill.</p> <p>Divorce is terrible and no one gets married only to get divorced. Children need a voice from those who are charged to care for them and a default 50/50 will cause hundreds of children to become shadows of who they could otherwise become. Not all parents are healthy. Stand up for children and do not pass this bill.</p> <p>With deep sincerity, Ashley Matthews-Statley</p>
<p>Victoria Baxter Against Baxter Family Law</p>	<p>I have dedicated my career to assisting victims of family abuse and have been doing so in some capacity since 2015. I've worked with the Rocky Mountain Victim Law Center and Rocky Mountain Child Law Center. I own a small family law firm that assists victims in leaving abusive marriages. I represent victims of all genders, classes, and races. The most important thing in all of my cases are the children that will be impacted by it.</p> <p>I urge you not to support this bill. This bill will hurt children. It will undo the progress made by Kayden's Law.</p> <p>Even as the law is currently written, family abuse is incredibly difficult to prove. It most often happens behind closed doors and is perpetrated by well-respected community members. Victims frequently do not report because they are economically dependent on their abuser, are afraid of retaliation, or are afraid of police. Victims are often less resourced and less sophisticated than their abusive spouses, making it harder for them to advocate for themselves. This leads to many, many judges allocating parenting time to abusive parents and putting innocent children in dangerous, and sometimes deadly, situations.</p> <p>I agree that predictability and simplicity in DR cases should be prioritized by the legislature. I agree that the rights of fit parents should be protected. I do not see how</p>

	<p>this bill will accomplish either goal. Nor do I see how placing children in danger is necessary to achieve either goal.</p> <p>This law will take a massive problem with our judicial system and make it worse. It will hurt children. It will hurt victims. It will assist abusers. Please do not support it.</p> <p>Respectfully, Victoria Baxter, Esq.</p>
<p>Margie Mastic Against themselves</p>	<p>I am writing to respectfully urge opposition to SB26-027, the presumptive shared parenting bill. I submit this testimony not as an academic or legal expert, but as a mother who has lived through the realities of Colorado’s family court system-and who is now witnessing firsthand how these policies fail to protect children.</p> <p>In 2021, I went to court seeking protection and stability for my young son. At that time, a Child and Family Investigator (CFI) completed a report that documented serious concerns about my ex-husband, including anger issues and a recommendation that he complete anger management. The report also supported my request to relocate back to Pennsylvania so my son and I could be closer to my family support system.</p> <p>Despite these findings, the court denied my request and ordered a 50/50 parenting arrangement.</p> <p>This decision was made even though my ex-husband has a documented history of violence, including a prior arrest and an incident that nearly resulted in a felony conviction for seriously injuring another person. Our therapist at the time also confirmed that my ex-husband admitted to hitting me. I provided evidence. I followed the process. I asked for help.</p> <p>Still, the court imposed equal parenting time.</p> <p>For the past five years, co-parenting under this arrangement has been exhausting, destabilizing, and deeply unsafe. As many survivors know, abuse does not end at separation-it often escalates. Coercive control, intimidation, and retaliation simply take new forms through the court system and shared parenting structures.</p>

	<p>Abuse is not something people are born with; it is learned behavior. My ex-husband grew up in a home with an abusive father. I left my marriage after my son was born because I did not want him to grow up witnessing abuse or learning that it is acceptable. I wanted to break the cycle.</p> <p>Unfortunately, my ex-husband has not changed.</p> <p>Recently, I was forced to file a police report after my ex-husband threw my son's belongings at me during a parenting exchange. I am also returning to court after my son disclosed to his therapist that his father punched him. My son is in first grade. He has since experienced significant emotional distress, including increased anger and behavioral struggles at school, and recently received an in-school suspension. These are not abstract concerns or isolated incidents. They are clear indicators that my child is not thriving under a forced shared parenting arrangement and is struggling to regulate his emotions in an environment that lacks stability and safety.</p> <p>This is not theoretical harm. This is not a hypothetical risk. This is the lived reality for children when courts prioritize parental symmetry over child well-being and safety.</p> <p>SB26-027 would make situations like mine more common, not less.</p> <p>A presumptive 50/50 framework removes judicial discretion precisely where it is most critical-cases involving domestic violence, coercive control, and high-conflict dynamics. It shifts the burden onto protective parents to prove abuse, often without equal access to financial resources, legal counsel, or the ability to repeatedly relive trauma in court.</p> <p>Colorado family courts already struggle to recognize non-physical abuse and coercive control. This bill would compound those failures.</p> <p>Most concerning, SB26-027 centers "fairness" between adults rather than the developmental and emotional needs of children. Young children are not well served by constant transitions between households with different rules, routines, and emotional climates. Frequent transitions disrupt sleep, schooling, healthcare continuity, and attachment-especially in high-conflict situations.</p> <p>Children are not commodities to be divided evenly.</p> <p>For many children, particularly those navigating unsafe or unstable dynamics, forced 50/50 parenting arrangements:</p>
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	<p>Re-expose families to ongoing abuse</p> <p>Place children in unsafe environments</p> <p>Increase litigation and financial strain</p> <p>Punish protective parents for seeking safety</p> <p>Reward high-conflict, manipulative, or retaliatory behavior</p> <p>The family court system already does not adequately protect children. SB26-027 would make that failure worse.</p> <p>I urge you to oppose SB26-027 and to preserve judicial discretion, trauma-informed decision-making, and child-centered custody determinations. Laws governing families must prioritize safety and stability—not political symmetry or adult entitlement.</p> <p>Thank you for your time and for considering the real-world impact this bill would have on children like my son.</p> <p>Thank you for your consideration, Margie Mastic</p>
<p>Tara Koumantakis Against Project Safeguard</p>	<p>Written Testimony Against SB26-027:</p> <p>My name is Tara, and I am a Legal Advocate with Project Safeguard, an organization dedicated to supporting domestic violence survivors as they navigate legal systems often used against them by abusive partners.</p> <p>Even institutions designed to provide protection—such as the courts—can be exploited as tools of continued abuse.</p> <p>I strongly urge you to vote no on SB26-027. This bill creates dangerous pathways for abusive parents to gain access to children, even in cases involving severe violence against</p>

	<p>the other parent or the child. The court’s responsibility is to evaluate safety and protect children—not to expose them to further harm under the guise of parental involvement.</p> <p>Upholding the “best interests of the child” must mean prioritizing safety above all else.</p> <p>Survivors rely on critical legal protections, including civil protection orders and limited parenting arrangements, to prevent ongoing abuse and ensure stability for their children.</p> <p>Weakening these safeguards places children and survivors at serious risk. These protection must remain in place.</p> <p>Thank you, Tara K.</p>
<p>Natalie Strever Against themselves</p>	<p>This bill is not child-forward; it is policy-forward. By imposing a presumption of equal parenting time, SB26-027 elevates adult parity and political ideology over the individualized best-interests analysis Colorado courts are required to perform. Similar presumptive-equal-parenting frameworks have been adopted primarily in Republican-led states, underscoring that this proposal reflects a political agenda rather than evidence-based child-welfare policy. After 18 years as a family-law paralegal representing fathers, I have seen that children do not benefit from rigid presumptions that ignore developmental needs, family dynamics, and real-world logistics. Parenting time should be determined by what works for the child—not by a legislatively mandated starting point that courts must struggle to undo.</p>
<p>Bennett Rutledge For themselves</p>	<p>Senator Wilson, Madam Chair Wallace, and members of the committee,</p> <p>Senate Bill 26-027 is one of those laws that, in the broad view, only clutter up the Colorado Revised Statutes, making it even more impossible for an individual to be a law-abiding citizen anymore. On the other hand, sometimes the lawyers get so smart that we HAVE to spell it out for them. The big advantage I see for SB26-027 is that it is about rebuttable presumption, providing a place to start negotiating, rather than the usual prescribing of THE RIGHT ANSWER, with fines and punishments for not doing it one, exact way. It's sad that it has to be done this way, but thank you Senator Wilson for crafting this bill to be flexible, and to allow the people on the spot to find a way that works for everyone, the parents as well as the child.</p> <p>I ask the committee to pass this bill to the floor of the Senate.</p> <p>Bennett Rutledge 4264 E. Maplewood Way</p>

	<p>Centennial, Colo.                  720-641-7987 (m)                  303-770-0841 (h)                  rutledges@peoplepc.com</p>
<p>Debra Randall                  For                  herself</p>	<ol style="list-style-type: none"> <li>1. Introduction                         <ul style="list-style-type: none"> <li>• Debra Randall</li> <li>• Resident</li> <li>• SB26-027 Parental Equality &amp; Child Empowerment (PEACE) act</li> <li>• Thank you for your time and consideration</li> </ul> </li> <li>2. Personal Story                         <ul style="list-style-type: none"> <li>• For the Domestic Violence (DV) concerns, SB26-027 Parental Equality &amp; Child Empowerment (PEACE) Act clearly states if there is real verifiable DV, this bill is not applicable. Lobbyists will focus on this point to distract you from the actual verbiage in this bill.</li> <li>• The importance to children having an equal shared relationship with both parents must be put first and foremost back into the Family Court System. Anything less will be destructive to our children.</li> <li>• It should be stated often and clearly, many years ago the optimal target point during divorces represented in Family Court was 50/50 shared custody of children between Mom and Dad. This is the optimal scenario for children to succeed when their parents get divorced.</li> <li>• This baseline has now eroded to a new normal with the majority of Fathers getting every other weekend custody. Every other weekend has eroded into the new normal.</li> <li>• SB26-027 (Parental Equality &amp; Child Empowerment Act) corrects the erosion.</li> <li>• From a grandparents perspective, my reality, the current Family Court System is failing to protect the relationships between children and the parent assigned less than 50/50 custody. Childrens relationship with grandparents, aunts, uncles, cousins is significantly impacted, even erased when one parent controls the majority of a childs time. When 50/50 is assigned to both parents, the high conflict parent becomes more likely to work with the other parent and their extended family. Otherwise there is zero incentive to work on shared parenting time when the Family Court gives them majority control. These high conflict parents fail to act in the best interest of their children.</li> <li>• Statistics show 50/50 parenting reduces conflict protecting children’s emotional and psychological safety. It is should be the standard for every parent to get 50/50 custody.</li> </ul> </li> </ol>

	<p>3. Key Points</p> <ul style="list-style-type: none"> <li>This being the Senate State, Veterans, &amp; Military Affairs committee, I wonder if any state project or military operation would start with the absolute lowest threshold and hope for success OR would you start with optimal conditions to create the highest chance of completing the project and meeting the mission?</li> <li>Today you have the opportunity to have a positive impact on many children who need their fathers 50% (50/50 custody) rather than the recent normal of 7% (every other weekend). Statistics show kids need their fathers.</li> <li>The SB26-027 (Parental Equality &amp; Child Empowerment Act) gives children their fathers optimal time and energy to ensure they grow up with the highest chance of success. Start the mission with the highest level of success. Children’s lives depend on it.</li> </ul> <p>4. Conclusion</p> <ul style="list-style-type: none"> <li>Thank you for your time and consideration in this important matter.</li> <li>Please consider mission success.</li> </ul>
<p>Jeany Rush For themselves</p>	<p>TO: SENATE COMMITTEE OF STATE, VETERANS, &amp; MILITARY AFFAIRS RE: SB26-027 PARENTAL EQUALITY &amp; CHILD EMPOWERMENT ACT SPONSOR: ZAMORA WILSON FROM: JEANY RUSH, COLORADO CONSTITUENT 2-3-26 VOTE: YES</p> <p>This bill is absolutely needed to demonstrate that the Number One criteria and need in the real protection of a child is the equitable allocation of care, based on a fully well rounded assessment of critical needs in a child’s life and the capacity of the parents.</p> <p>It is always frightening to have courts making decisions, however, the reality is, the courts are making those decisions in divorces and in separations. Therefore, it is critical that the criteria they would use, are balanced, and transparent. If one of the parents is on drugs, violent, abusive, has a record of prosecutions, there may need to be a reconsideration for equal time spent with the child.</p> <p>Making the “Best Interest of the child” should be literally determined by mental and physical factors. However, I have a caution on the courts making decisions. They will need to be onboard for “No Harm” to children and it would need to be mental, chemical, and physical.</p> <p>It has also become clear that some courts do not make equitable decisions based on this information.</p> <p>This bill puts the task on the court to consider all of the critical factors that ensure a child has a well rounded and safe environment in the upbringing.</p> <p>The factors of total protections of a child when put into a legal arena, needs to consider all factors of healthy surroundings and behaviors of the parents. If one of</p>

	<p>the parents actually poses harm to either the child, or the other partner, that consideration definitely would need to be rationally considered. This means, if a man raped a woman, is prosecuted, and in jail, should not have any rights as that would harm all concerned. This is actually one subject that should be a consideration for immediate application.</p>
<p>Michael Caruso For themselves</p>	<p>Re: SB26-027 — Parental Equality &amp; Child Empowerment (PEACE) Act Submitted Written Testimony</p> <p>Members of the Committee,</p> <p>I submit this testimony in support of SB26-027, based on my personal experience with Colorado family court and the absence of due-process protections that this bill seeks to address.</p> <p>In June of 2022, a temporary protection order was entered against me based solely on allegations. At that time, I was a 50-year-old male, a veteran with 14 years of honorable service, an active security-cleared professional, a managing partner in a firm, a homeowner, and a father. I had never been convicted of a crime, charged with a crime, arrested, or detained. I had no history of domestic violence, substance misuse, or any interaction with law enforcement of any kind.</p> <p>Despite that record, the entry of a temporary order — without adjudication, without findings of fact, and without clear and convincing evidence — resulted in the immediate loss of my parental rights, access to my home, and Second Amendment rights, none of which I have fully regained. These outcomes occurred not as a result of a criminal conviction, but through family-court procedure alone.</p> <p>Over the next two years, I spent nearly half a million dollars in legal fees, expert costs, and court-mandated expenses attempting to restore rights that were removed through allegation rather than proof. I was financially wiped out — not because I broke the law, but because the system incentivized duration, escalation, and procedural leverage over evidence-based adjudication.</p> <p>I am a law-abiding taxpayer, a Christian, a father, and a contributing member of my community. Today, I live with post-traumatic stress and trauma-related symptoms directly attributable to the process itself — not to any finding of wrongdoing, but to the cumulative impact of prolonged uncertainty, loss of parental access, and financial destruction without due process.</p>

	<p>This is why SB26-027 matters.</p> <p>The bill does not mandate shared parenting in unsafe situations. Instead, it establishes a rebuttable presumption, raises the evidentiary standard to clear and convincing evidence, and requires written judicial findings when equal parenting time is denied. These guardrails protect children while ensuring that life-altering decisions are driven by evidence rather than untested allegations.</p> <p>Had SB26-027 been law in 2022, my case — and many others like it — would have unfolded very differently. The absence of statutory structure allowed assumption to replace proof, and discretion to replace accountability.</p> <p>I respectfully urge you to support SB26-027. This bill strengthens child safety, restores fairness, and realigns Colorado family law with constitutional due-process principles.</p> <p>Thank you for your time and consideration.</p> <p>Respectfully submitted,          Michael E. Caruso          Denver, Colorado          Veteran   Father</p>
<p>Leanne Maruhn          Against          herself</p>	<p>I urge you to oppose SB26-027.</p> <p>This bill would create a presumption of 50/50 parenting time, which in practice makes it harder, NOT EASIER, to protect children from abuse, neglect, and coercive control. Colorado courts already default toward equal parenting and have a documented history of tragic outcomes from routinely ignoring abuse. Codifying that presumption further shifts the burden onto protective parents and children to prove harm before safety is prioritized.</p> <p>Abuse is rarely obvious or isolated. It is often subtle, cumulative, and post-separation, and it is frequently minimized when courts are pressured toward parity. A statutory presumption of equal parenting time risks forcing children into unsafe arrangements while evidence is still being gathered or discounted.</p> <p>Children do not benefit from symmetry at the expense of safety. Judges must retain full discretion to assess risk, patterns of behavior, and the individual needs of each child—without being constrained by a presumption that favors access over protection.</p>

	<p>Please vote NO on SB26-027 and ensure that Colorado custody law does better at putting child safety first, not dividing them up equally like DNA property.</p>
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Dear State, Veterans, and Military Affairs Committee Members

I am contacting you to ask for your support and passage of SB26-027. This is a child well-being issue. This bill makes clear that, in the absence of abuse, all children should have equal access to the love, nurturing, and guidance that parents provide.

Children perform much better in every metric when, after divorce, they have a healthy relationship with both mothers and fathers. A critically important component of this healthy relationship is time and access to both fit parents.

The family court needs clear directives and to be guided by the basic principle that every child should be free to love and be loved by both parents. This is in the best interest of every child, whether from an intact family or living in a 2-household dynamic. Research is clear that children who grow up without the benefit of 2 loving parents; are far more likely to experience significant adverse childhood experiences (ACEs). These children are more likely to be incarcerated, become parents as teenagers, become dependent on drugs or alcohol, are far less likely to matriculate through educational cycles, and more likely to become dependent upon the government for financial assistance when they are subject to ACEs of single-parent households.

Our society is far better off when the government systems, the legislature, and the court system are meet the needs of those they are meant to serve. By supporting this legislation, you are saying to Colorado's parents that a parent's love for their child cannot be used as leverage. This legislation will provide space to tone down the emotional decision-making that often drives the family court process, with children caught in the middle. This process drains families financially, psychologically, and emotionally, which further adds to the trauma experienced by children caught in the middle of a custody battle. Together, let's come together to minimize the trauma, recognize the role the legislature and family court play in the development of Colorado's children, and ensure our children are healthy.

I attached a fact sheet for your convenience.

Thank you for your time. Colorado's families appreciate your support of this legislation.

Sincerely,

David Kalen

davidkfanpac@gmail.com

# SB26-027 Parental Equality & Child Empowerment (PEACE) Act - Vote YES

SB26-027 strengthens the Best Interest of the Child Statute C.R.S. 14-10-124 by adding a rebuttable presumption of equal shared parenting. The presumption may be overcome by clear and convincing evidence that either parent is unfit or unsafe.

**Gives the courts additional guardrails in the allocation between parents.**

## Important Facts that Strengthen SB26-027

**Two parents are the strongest & most important determining factor in a child's life.**

**Children do better across every measure of health, safety, and well-being when BOTH parents are involved.**

## **Child Safety Remains Paramount**

Requires evidence, not just an accusation or allegation, to overcome presumption. Judges must document in writing why shared parenting is not in the child's best interest.

Protects judicial discretion while enhancing transparency and accountability.

## **Protects Children's Emotional & Psychological Safety**

Modernizes and aligns Colorado's family-law framework with overwhelming scientific consensus that shared parenting, when safe, is the optimal standard for children.

## **Reduces Domestic Violence, Intimate Partner Violence, & Child Abuse**

Kentucky: five years after enacting rebuttable presumption

DV & DR X-referenced cases 53% ↓

Child Abuse Investigations 31% ↓ Child Abuse Victims 33% ↓

**Spain: comparative analysis between 5 districts that adopted shared parenting vs. 12 that did not, found that:**

↓ 30-40% IPV current partner homicide, ↓ 20-30% IPV complaints

↓ 15-25% child maltreatment

apx 300% ↑ from 11% to 40% shared parenting orders

**The PEACE Act does not mandate equal shared parenting for unsafe or unfit parents. It simply replaces assumptions and allegations with evidence and transparency to better protect a child's immediate and long-term health, safety, and well-being.**

## **These groups support SB26-027**

National Parents Organization - CO  
Grandparents 4 Kids  
Mothers Against Child Abuse  
Protect Kids Colorado  
Colorado Parent's Advocacy Network  
Interference with Child Custody Coalition  
Women for Equal Shared Parenting  
Parental Alienation Resource  
International Council on Shared Parenting

Colorado Resilience  
Robert Garza  
The Dadvocate  
Family Reunion  
Kids Need Both  
Voices of Hope  
Kids Deserve Dads  
Fierce For Family  
STAR Network

United Community Leaders of Colorado  
International Council for Men & Boys  
Pacific Justice Institute  
Heroes for Children's Rights  
Moms Against Parental Alienation  
National Council for Equal Shared Parenting  
Parental Alienation Study Group  
Family Preservation Alliance  
Colorado Parental Alienation Support

## Fact Sheet

### SB26-027

## “Parental Equality & Child Empowerment Act”

Sponsor: Sen. Zamora Wilson

### What the Bill Does:

“Child Stability, Not Parental Advantage.” The bill centers on giving children consistent, meaningful relationships with both fit parents, while preserving court authority to protect children when that isn’t appropriate.

### Key Bill Policy Strengths

#### 1. Reinforces Child-Centered Continuity

- Aligns with Colorado’s stated policy favoring **frequent, meaningful, and continuing contact with both parents.**
- Promotes stability and consistency for children when both parents are fit, safe, and geographically close.

#### 2. Preserves Judicial Discretion While Increasing Transparency

- Courts retain discretion to depart from equal parenting time.
- Written findings increase **accountability, consistency, and appellate clarity.**

#### 3. Raises the Evidentiary Standard for Deviations

- “Clear and convincing evidence” helps ensure that departures from equal parenting time are **evidence-driven rather than discretionary or inconsistent.**

#### 4. Reduces Litigation Incentives

- Establishing a baseline expectation may:
- Reduce tactical litigation over marginal parenting-time differences.
- Encourage earlier settlement and cooperative parenting plans.

#### 5. Explicit Safety Guardrails

- The bill expressly protects children by allowing rebuttal based on:
  - Domestic violence
  - Child abuse
  - Substance misuse
  - Mental health conditions that impair parenting fitness

#### 6. Predictability for Families and Practitioners

- Provides clearer statutory guidance for parents, attorneys, mediators, and judges.
- Reduces uncertainty in similarly situated cases.

### **What You Can Do:**

**Support the passage of SB26-027.** This bill gives the courts guidance in assuring that children get equal parenting time from both parents, when fit, safe, willing and able, thereby assuring happy and healthy children.

For more information;

Corky Kyle, MPA, CAE, The Kyle Group - Hardball Strategies,

[Ckyle@thekylegroup.com](mailto:Ckyle@thekylegroup.com), 303-263-5422

## Written Testimony in Support of Colorado Senate Bill 26-027

RE: **Senate Bill 26-027**

Position: **In Support**

Submitted by: **Mothers Against Child Abuse (MACA)**

To: **Colorado Senate State, Veteran and Military Affairs Committee**

Chair and Members of the Committee,

Mothers Against Child Abuse (MACA), we come together not for mothers or fathers, but for children—to ensure Colorado law reflects what is best for their safety, stability, and lifelong well-being. SB 26-027 does precisely that.

### **1. Protecting Children’s Emotional and Psychological Safety**

SB 26-027 reinforces this foundation by ensuring that—whenever safe and appropriate—children maintain strong, consistent relationships with both parents.

Research confirms that children who have meaningful contact with both parents are at lower risk of depression, anxiety, substance use, and educational decline after family separation. Equal parenting is not a privilege for parents; it is a protective factor for children. (*Please look to the bibliography for cited research*)

### **2. Reducing Conflict and Litigation**

By establishing equal parenting time as the starting point, SB 26-027 helps shift court focus from parental competition to cooperative problem-solving.

States that have enacted shared-parenting presumptions report fewer custody disputes, faster settlements, and reduced court congestion—allowing courts to focus on true risk cases involving proven abuse or neglect.

### **3. Ensuring Accountability and Judicial Clarity**

SB 26-027 strengthens judicial integrity by requiring specific written findings of fact on the record regarding determinations including the clear and convincing evidence used.

This transparency ensures that custody decisions are guided by evidence—not bias, guesswork, or local custom—and that both parents understand the reasoning behind the outcome.

### **4. Clear and Convincing Evidence Protects Children**

MACA specifically commends SB26-027 for requiring clear and convincing evidence before courts impose custody restrictions or limitations that profoundly affect a child’s relationship with a parent.

Children suffer lasting harm when parental relationships are disrupted based on speculation, untested allegations, or low evidentiary thresholds. The clear and convincing standard is not a barrier to protecting children—it is a safeguard against over-intervention that itself causes harm.

This standard appropriately reflects:

- the seriousness of separating a child from a parent;
- the well-documented risk of false or unsubstantiated allegations in custody disputes; and
- the constitutional interests at stake for both children and parents.

## **5. Aligning Colorado with Research and National Best Practices**

Decades of empirical research across multiple jurisdictions conclude that children fare best—academically, emotionally, and socially—when both fit, loving parents remain actively involved.

SB26-027 modernizes Colorado’s family-law framework, aligning it with the overwhelming scientific consensus that shared parenting, when safe, is the optimal standard.

## **6. Real-World Evidence: The Kentucky Model**

The experience of Kentucky demonstrates that a default presumption of equal parenting time is both fair and effective.

According to the National Parents Organization (NPO), after Kentucky adopted its shared-parenting law, the state’s divorce rate dropped by 25%, far exceeding the national average. This decline suggests that when parents know they will both remain meaningfully involved in their children’s lives, they cooperate more and litigate less.

Importantly, Kentucky’s law retains strong safeguards for families where abuse or domestic violence is substantiated—showing that fairness and safety can coexist. **Colorado’s SB26-027 follows this same balanced, data-driven approach.**

## **Conclusion**

Children deserve courts that begin from a place of balance, safety, and evidence—not bias or outdated assumptions. SB26-027 honors both science and common sense.

On behalf of Mothers Against Child Abuse, I respectfully urge the State, Veterans and Military Affairs Committee and full legislature to vote YES on SB26-027 —for the children of Colorado, for their stability, and for their future.

**Thank you for your time and dedication to protecting children.**

Respectfully submitted,      Rael LaPenta,      On behalf of Mothers Against Child Abuse (MACA)

# SB26-027 PEACE Act Testimony

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## Parental Equality & Child Empowerment Act

### **FULL VERSION (3 minutes / ~450 words)**

Good afternoon, members of the committee. I'm testifying in support of SB26-027, the PEACE Act, because this bill is fundamentally about what serves children best.

#### Children's Wellbeing: What the Evidence Shows

The research is clear. A comprehensive review of 60 empirical studies found that children in shared parenting arrangements consistently experience equal or better outcomes across emotional, behavioral, physical, academic, and relational measures. In 48 of 60 studies, children with both parents actively involved did as well as or better than children in sole custody arrangements. This held true regardless of parental conflict or family income.

More specifically, research from the American Psychological Association found no credible evidence that children—including infants and toddlers—suffer harm from regular shared parenting. What matters most is the quality and consistency of relationships, not the number of homes. When both parents maintain meaningful involvement, children show stronger bonds not just with parents, but with extended family as well.

The PEACE Act ensures that children get what they need: stability, meaningful relationships with both parents, and the security that comes from knowing both parents are equally invested in their lives.

#### Why This Matters Beyond the Research

This bill establishes equal shared parenting as a starting point unless clear and convincing evidence proves otherwise. That standard—requiring evidence, not just allegations—protects children in three critical ways.

First, it keeps both parents accountable. The bill requires courts to make specific, written findings of fact on the record. This transparency protects children by ensuring custody decisions are grounded in evidence, not assumptions.

Second, the evidence actually shows that shared parenting presumptions reduce intimate partner violence. When Kentucky enacted a similar rebuttable presumption, federal data showed a 30.9% reduction in child abuse and neglect investigations and a 33.2% reduction in child victims. That's not a coincidence. When both parents know they must maintain a relationship with the other, there's less opportunity for control and coercion that

characterizes abuse.

Third, shared parenting reduces conflict. When custody is settled at the outset—not litigated endlessly—children benefit from stability. The constant legal warfare that can follow custody disputes harms children far more than divided time between fit parents.

#### What the PEACE Act Does

This bill doesn't eliminate protective measures for children. Courts retain full authority to restrict or deny shared parenting if abuse is proven. What it does is shift the default: from "prove why the child should be with both parents" to "prove why the child should not be with both parents."

That change honors what we know works for children. Both parents, when they are fit and willing, make children's lives better.

I urge you to support SB26-027. Thank you.

## **VERSION 2 (2:45 / ~410 words)**

Good afternoon, members of the committee. I'm testifying in support of SB26-027, the PEACE Act, because this bill prioritizes what serves children best.

### **What Children Need: Evidence-Based Parenting**

Research consistently shows that children with two actively involved parents experience equal or better outcomes across emotional, behavioral, physical, and academic measures. A comprehensive review of 60 empirical studies found that in 48 of those studies, children in shared parenting arrangements did as well as or better than children in sole custody arrangements—and this held true regardless of parental conflict or family income.

The American Psychological Association has found no credible evidence that shared parenting harms children of any age, including infants and toddlers. What matters is the quality and consistency of relationships, not the number of homes. Children thrive when they have meaningful involvement with both parents.

### **Accountability and Safety**

The PEACE Act establishes a rebuttable presumption of equal shared parenting. That means: courts start from the position that both parents should be equally involved, unless clear and convincing evidence proves otherwise. This approach protects children by requiring evidence-based decision-making.

Importantly, the evidence shows that shared parenting presumptions actually reduce intimate partner violence. When Kentucky enacted a similar law, federal data showed a 30.9% reduction in child abuse and neglect investigations. This isn't counterintuitive—when both parents maintain accountability and involvement, there's less opportunity for the control and coercion that characterize abuse.

### **Stability and Reduced Conflict**

Children don't benefit from endless legal warfare over custody. When shared parenting is the presumption, custody is settled with clarity. The constant litigation that can follow creates far more harm to children than divided time between fit, loving parents. This bill reduces that conflict by establishing a clear starting point.

### **The Bill's Safeguards**

The PEACE Act isn't a one-size-fits-all solution. Courts retain full authority to restrict or deny shared parenting if abuse or unfitness is proven. The bill requires specific, written findings of fact on the record—adding transparency and accountability to every custody decision.

## Why It Matters

This bill shifts from "prove why your child should be with both parents" to "prove why your child should not be." That change aligns our default with what research shows actually works for children.

I urge you to support SB26-027. Thank you.

### **VERSION 3 (1:45 / ~260 words)**

Good afternoon, members of the committee. I'm testifying in support of SB26-027, the PEACE Act.

#### **Why Children Matter Most**

This bill prioritizes what research shows children actually need: meaningful relationships with both parents. A comprehensive review of 60 empirical studies found that in 48 of those studies, children in shared parenting arrangements did as well as or better than children in sole custody arrangements—regardless of parental conflict or family income. The American Psychological Association confirms there's no credible evidence that shared parenting harms children of any age.

#### **How This Actually Protects Children**

The PEACE Act establishes equal shared parenting as the presumption unless clear and convincing evidence proves otherwise. This evidence-based approach protects children in two critical ways.

First, it requires accountability. Courts must make specific, written findings of fact on the record. This transparency ensures custody decisions rest on evidence, not assumptions.

Second, the evidence shows shared parenting presumptions actually reduce intimate partner violence. When Kentucky enacted a similar law, federal data showed a 30.9% reduction in child abuse and neglect investigations. When both parents maintain involvement and accountability, there's less opportunity for the control and coercion that characterize abuse.

#### **The Bottom Line**

The bill includes full safeguards. Courts can restrict or deny shared parenting if abuse is proven. What changes is the default: from expecting one parent to prove their case, to expecting evidence for any deviation from shared parenting.

This bill aligns our law with what children actually need. I urge you to support SB26-027. Thank you.

## **KEY TALKING POINTS**

Lead with research: 48 of 60 studies show equal or better outcomes for children with both parents involved

Address safety directly: Shared parenting presumptions reduce intimate partner violence and child abuse

Emphasize evidence, not assumptions: The bill requires clear and convincing evidence to deviate from shared parenting

Highlight safeguards: Courts retain authority to restrict or deny shared parenting if abuse is proven

Frame as child-centered: This is about what children need, not parental rights

Use specific numbers: Kentucky's 30.9% reduction in abuse investigations is powerful

Stay respectful: Acknowledge the complexity without blaming any group

## **DELIVERY TIPS**

### **1. Practice out loud**

This helps you find your natural pace and rhythm. Aim for about 150 words per minute for natural speech.

### **2. Emphasis points**

Consider emphasizing:

- "48 of 60 studies"
- "clear and convincing evidence"
- "30.9% reduction in child abuse"
- "meaningful relationships with both parents"

### **3. Tone**

Speak with calm conviction. You're offering evidence, not emotion. Let the research speak.

### **4. Eye contact**

If testifying in person, look at committee members as you speak. If remote, look at your camera.

### **5. Have your backup ready**

Print or have accessible both the 1:45 and 2:45 versions so you can pivot if needed.

### **6. Opening and closing**

Both are strong. Start by clearly stating your position and end with a direct call to action.

## **CUSTOMIZATION OPTIONS**

If you want to emphasize different points, here are alternative openings:

### **Alternative opening (safety/DV focus):**

"Good afternoon. I'm testifying in support of SB26-027 because the evidence shows shared parenting presumptions actually reduce intimate partner violence and child abuse. When Kentucky enacted a similar law, child abuse and neglect investigations dropped 30.9%. I'm here to share why the PEACE Act protects children..."

### **Alternative opening (fairness/due process):**

"Good afternoon. I'm testifying in support of SB26-027 because this bill requires something fundamental: evidence. Instead of asking parents to prove why their child deserves both parents, it asks for evidence if anyone claims otherwise. That's not just fair—it's what protects children..."

### **Alternative opening (relationship quality):**

"Good afternoon. I'm testifying in support of SB26-027 because research is crystal clear: children thrive with meaningful involvement from both parents. What matters isn't where kids sleep—it's the quality and consistency of their relationships. This bill ensures children get that..."

## FINAL NOTES

- Do not mention your personal case or situation - The testimony is stronger when focused entirely on policy and evidence
- Do not make gender-based arguments (dads get screwed, moms get favored, etc.) - Focus on what children need
- Do not blame any specific group - The goal is persuasion, not attack
- Be respectful of the complexity - Acknowledge that custody matters are difficult while maintaining that the evidence supports this approach
- Remember your audience - Senators respond to evidence, clear logic, and child-centered arguments

Good luck with your testimony!



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WINSTON-SALEM  
NORTH CAROLINA

February 3, 2026

Colorado Senate State, Veterans, and Military Affairs Committee  
Colorado Legislature  
200 E. Colfax Ave  
Denver, CO 80203

**Re: Senate Bill SB26-027 – Support**

Dear Chair Wallace and Honorable Members of the Senate State, Veterans and Military Affairs Committee:

The Pacific Justice Institute (PJI) is a national non-profit law firm focusing on the defense of religious freedom, parental rights and other civil liberties. As the PJI's staff attorney in Colorado, I write in support of SB26-027, as amended.

**I. Introduction**

Colorado Senate Bill 26-027 (SB 26-027), introduced on January 14, 2026, and known as the Parental Equality & Child Empowerment Act (PEACE Act), amends C.R.S. § 14-10-124 to establish a rebuttable presumption that equal parenting time—defined as at least 45% of overnight visitations with each parent—is in the best interests of the child when parents reside within 25 miles of a reasonable location, such as the child's school or childcare. This presumption can be rebutted by clear and convincing evidence on specific grounds, including parental unfitness, abuse, substance misuse, or logistical barriers, with courts required to provide written findings. While the bill allows for a court to approve a plan by parents who agree to an unequal custody plan, we appreciate the proposed amendment to provide deference to such a plan to avoid potential constitutional challenges.

This letter in support argues that SB 26-027, as amended, is constitutionally sound, advances sound public policy, and aligns with Colorado's commitment to child welfare. By starting from a position of equality, the bill promotes stable family environments, reduces adversarial litigation, and prioritizes evidence-based outcomes for children. It builds on existing best-interests standards without mandating rigid outcomes, ensuring flexibility while encouraging shared responsibility. With the backdrop of successful implementation of similar legislation in multiple other states, and for these reasons, SB 26-027 deserves enactment.

**II. Constitutional and Legal Alignment**

SB 26-027 respects fundamental parental rights under the Fourteenth Amendment's Due Process Clause, which safeguards parents' liberty interest in raising their children (*Troxel v. Granville, 2000*). Rather than infringing on these rights, the bill presumes both fit parents are equally capable, acting in the best interests of their child, and fostering cooperation unless rebutted by clear evidence. This approach avoids undue state interference, as the presumption is not absolute and requires judicial scrutiny only when challenged.

The bill also advances equal protection principles by treating parents neutrally, without bias toward any one party or their vision for what is in the best interests of their child. It complements Colorado's existing framework under § 14-10-124, which already emphasizes the child's safety, physical, mental, and emotional needs. By codifying a rebuttable presumption, SB 26-027 provides clearer guidance to courts, reducing inconsistency in rulings and promoting fairness. This mirrors successful reforms in other states, where similar presumptions have streamlined processes without compromising child protection.

Critics may argue that presumptions limit judicial discretion, but SB 26-027's rebuttable nature—requiring "clear and convincing" evidence and specific findings—ensures individualized assessments. It empowers judges to deviate when necessary, aligning with Supreme Court precedents like *Pierce v. Society of Sisters (1925)*, which affirm that children thrive under parental guidance, not state dictation.

By codifying a rebuttable presumption, SB 26-027 provides clearer guidance to courts, reducing inconsistency in rulings and promoting fairness. This mirrors successful reforms in other states, where similar presumptions have streamlined processes without compromising child protection.

Notable examples include:

- **Kentucky (2018):** The first state to enact a rebuttable presumption of joint legal custody and equal parenting time (approximately 50/50). This reform has been cited as a model for encouraging shared responsibility while allowing rebuttal for safety concerns.
- **Missouri and Florida (2023):** Both states passed laws establishing rebuttable presumptions for equal shared parenting, focusing on meaningful involvement from both parents absent evidence of harm.
- Other states with strong shared parenting presumptions or related reforms (e.g., Arizona, Alaska) have seen increased use of joint arrangements, contributing to more consistent and child-centered outcomes.

These reforms demonstrate that rebuttable presumptions can enhance judicial efficiency and equity without overriding individualized assessments.

### **III. Policy Benefits: Enhancing Child Well-Being and Family Stability; Reducing Litigation**

SB 26-027 is strong policy, grounded in research demonstrating the advantages of shared parenting for children, families, and society.

First, the Bill prioritizes children's best interests by encouraging involvement from both parents, which studies show leads to superior emotional, behavioral, psychological, and educational outcomes compared to sole custody arrangements. A 2023 systematic review of 39 studies found overwhelming benefits in these areas for children in equal shared parenting setups. Shared time boosts father engagement, reducing the risk of parental alienation and supporting long-term child development. By starting with equality, the bill helps prevent one parent from being marginalized, fostering healthier family dynamics. A Swedish study on Shared Physical Custody and Stress

(Families and Societies Working Paper, 2015), using data from over 800 children, found that those in 50/50 custody arrangements reported significantly lower stress levels than those living full-time with one parent, even after controlling for conflict and income. Forbes magazine reported on a National Parent Organization Report Card of States that incidents of domestic violence went down more than 10% after the law went into effect in Kentucky because “if there is less conflict post-divorce, there is going to be less domestic violence.”

Second, the presumption reduces costly and acrimonious litigation. High-conflict custody battles drain family resources and exacerbate stress on children. A rebuttable standard shifts focus from zero-sum fights to collaborative solutions, saving judicial time and taxpayer dollars while preserving funds for child needs. Evidence from states with similar laws indicates decreased court involvement and lower domestic violence incidents, as parents are incentivized to negotiate rather than litigate.

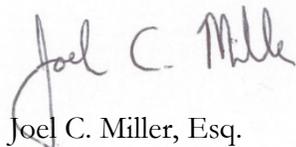
Third, SB 26-027 includes robust safeguards, allowing rebuttal for issues like abuse or unfitness, ensuring no child is placed at risk. Furthermore, the proposed amendment that provides judicial deference to two fit parents who mutually agree to non-equal custody, ensures that a judge’s preference or this bill’s presumption does not substitute Colorado’s concept of the best interests of the child with those of mutually agreeing parents. This change ensures that the bill also comports with substantive due process jurisprudence under *Troxel v. Granville* (2000). This balanced approach addresses concerns about special needs or high-conflict cases, while promoting evidence-based reforms that benefit all families. The 25-mile geographic limit and flexibility for adjustments (e.g., school schedules) make it practical and adaptable.

Overall, the bill's benefits far outweigh maintaining the status quo, creating better outcomes for mothers, fathers, and children by defaulting to equality unless proven otherwise.

#### **IV. Conclusion**

SB 26-027 represents a forward-thinking reform that upholds constitutional protections, enhances judicial efficiency, and most importantly, serves Colorado's children by presuming equal parental involvement. It empowers families to share responsibilities, backed by research showing improved child well-being and reduced conflict. Legislators should pass this bill to strengthen family bonds and ensure every child benefits from the love and guidance of both parents.

Respectfully submitted,



Joel C. Miller, Esq.  
PACIFIC JUSTICE INSTITUTE

Dear Honorable Members of the State Senate of Colorado,

I respectfully submit this personal testimonial for your consideration. My position is in support of the proposed legislation before you today, SB26-027, to make Equal Shared Parenting the presumption.

Whereas under current Colorado law the court is required to determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, based on the best interests of the child, this bill creates a rebuttable presumption that it is in the best interests of the child to allocate equal parenting time to both parents if both parents reside within 25 miles of a reasonable location determined by the court (including the child's child care, preschool, school, the location where the child participates in their educational program, or another reasonable location). The presumption may be rebutted based on "clear and convincing" evidence that equal parenting time is not in the best interests of the child.

The science of healthy child development (mental, emotional, physical, spiritual) shows it is in the best interests of a child to have equal time with both parents, absent conclusive evidence of severe child abuse which cannot be remedied (typically due to Cluster B personality disorders in a parent). Studies have shown that children instinctually want to love both parents, and, even in the presence of proven severe physical, mental, or emotional abuse, will not normally reject either parent (see *Bonded to the Abuser* book by Amy Baker).

Children who endure the pain of divorce already, best case, with equal parenting time for the children, have lost 50% of their time with one of the parents they love. Statistically and evidentially, divorced families suffer many more hardships financially, emotionally, spiritually, and physically (see Adverse Childhood Experiences aka "ACEs") that show many children of divorce show poor ability to cope with their own basic life skills, including performance in school, work, and relationships, in addition to having many problems with alcohol and drugs in more extreme cases. The very nature of divorce, by definition, is traumatic, especially to the children.

Our Creator says He hates divorce (Malachi 2:15,16) and let no man (or woman) divorce what He has put together (a man and woman and their family - Mark 10:9). Given the epidemic of divorce in this country, clearly there is a much bigger issue at hand and the Way has been ignored (but not lost).

Having personally endured divorce as a child, and as an adult with six (6) children who literally begged to stop it (but failed), I speak from first hand experience of the damage divorce does to children, family, and society. While my parents remained amicable and were flexible, plus always wanted the best for my brother and I (whether in religious education, school, sports, with friends, seeing extended family, and more), and would even have meals together with us regularly after the separation and divorce (plus my dad would come over the house to rake and bag leaves for my mom and taught me how to help in this and other things), the pain of not having both parents was always horrible. I wouldn't wish the pain of divorce, nor of having both

parents equally, on anyone, ever, even in the presence of provable severe abuse vis-a-vis working to help the other parent be helped and healed (Jude 1:22-23).

Watching how society has continued to lose the Way continually has been even more painful, including with my own children. Our Creator says to train a child up in the Way they should go and when they are older they will not depart from It (Proverbs 22:6), and to honor one's father and mother so that He will not have to handle the correction by physically removing the children (5th Commandment - Exodus 20:12 - the first Commandment with a promise, Ephesians 6:2,3). Somewhat needless to say, very few people, even Christians, have ever read the Bible, let alone study and live by the Word (and neither had I until the divorce), therefore it is self-evident that we do not truly know what the Will of our Creator is for us, because to learn we must study (2 Timothy 2:15).

Children co-create the world with the people who are closest to them, first and foremost their parents (and ideally extended family), however this becomes 'arrested development' in the absence of a healthy marriage and intact family (noting of course many people stay married and are unhappy, which is also not healthy). In divorced families (again, an ongoing epidemic due to violation of the Word), children are unnaturally subjected oftentimes to bitterness and anger that the adults have not learned to control (see Divorce Poison book).

Ideally, even in the absence of a healthy relationship between divorced parents, children are not harmed further by the state through presumption of good intent that, more often than not, only results in further abuse of the children through additional 'vilification' of one parent vs. another via court ordered time sharing that, inevitably, places the state in a position whereby the children are even further split between the two parents they have known and loved since birth, often resulting in damage between the children and the parent who has less time due to the very essence of one parent having more time to train up the child (and, many times, the parent who is the most bitter towards the other).

We are instructed by our Creator not to let any root of bitterness grow up inside us or we will become defiled (Hebrews 12:15). Bitterness, by evidence of the very nature of divorce, is something that is created in children through the process of destruction of their family, and further exacerbated, grievously, through additional stealing of time away from them of one of their parents (statistically usually the father due to higher wages and thereby taxes for the government).

In closing, a healthy and happy society depends on healthy and happy children, and the government is not accorded by our Creator, nor is, has been, nor ever could be, a surrogate for a father and mother to be equally in the lives of their children. My hope, for all children, is that the state will not only approve equal time sharing, but will continue to exorcise itself from the lives of families, to include, as a next step, refusal to issue divorce simply because one parent has decided to end the marriage (70% filed by women by one figure I heard), this being made worse in light of the system (called the beast and mystery Babylon in the Word) having full

control over the parent who is sued for divorce because they are the trustee and automatically guilty simply as the state chooses to decide, regardless of facts.

Thank you for your consideration, and may our Father continue to bless and strengthen you all to do His Will, Amen.

Respectfully Yours in YAH,  
Edmond Paul LaFrance  
[YAHScriptures.com](http://YAHScriptures.com)  
[rSTNe.com](http://rSTNe.com)

## Testimony Regarding SB-26-027

Dear Representative,

Today, I had planned to speak and address the Senate on this issue in person. However, the continued abuse involving my children and myself must take priority and a criminal court case (for my abuser) was scheduled for today that conflicted my appearance. Even so, I still felt it was important to share my voice—both for myself and for those who cannot speak up for whatever reason- i.e. terrified, not ready.

So, I am writing today to express my deep concern about SB26-027, a bill currently under consideration regarding “fairness” in child custody decisions. While I understand the intent behind promoting fairness, this bill does **not** adequately consider the most critical factor in any custody case: **the safety of children and survivors of abuse**.

As currently written, SB26-027 appears to default to a 50/50 custody arrangement and discourages deeper inquiry. This creates a dangerous “ask no questions” framework that can enable abusers to maintain power and control through the legal system. Without strong, explicit protections built into the bill, it risks putting victims—especially children—directly in harm’s way.

My story is not simple, but it is important.

I am a survivor of severe domestic violence, and my children are survivors as well. Even though I have **three protective orders**, and my children have one, we have endured ongoing post-separation abuse every single day in the last 10 months. Reaching this point required tremendous strength and repeated efforts to prove the truth to the court. I have had to demonstrate over and over again the **physical, sexual, emotional, and legal abuse** we have suffered.

My abuser has held guns to me, threatened me with a knife, beaten me more times than I can count, broke my bones, hurt me while I was pregnant and controlled every aspect of my life. That's just the tip of the cake. I know firsthand that survivors often need significant time before they feel safe enough to speak or to leave. This bill threatens to undo the fragile safety that survivors work so hard to reclaim.

For many, SB26-027 would force an impossible and dangerous choice without protective language:

**Stay with an abuser, or leave and risk that your children will be placed in unsupervised custody with the person who harmed them.**

One of my children was strangled by my ex. It took 4 months for him to feel safe enough to speak out after divorce was filed, and another 4 months for a District Attorney to decide to move forward with felony charges. Can you imagine that same child being ordered into unsupervised visitation under a bill that prioritizes “fairness” over safety? That is the terrifying reality SB26-027 could create.

Despite countless photographs, evidence, and documentation, my abuser continues to drag out custody proceedings to maintain control. Even with overwhelming proof, the burden placed on survivors is crushing. This bill would make that burden even heavier.

For these reasons, I strongly urge you to **oppose SB26-027 unless significant, explicit protections for survivors and children are added**, including:

- Clear safeguards preventing unsupervised custody or visitation in cases involving domestic violence or allegations of domestic violence.
- Requirements for thorough investigation when abuse is alleged
- Language that prioritizes **safety over presumed fairness**

Children and survivors deserve protection—not a system that gives abusers another avenue for control.

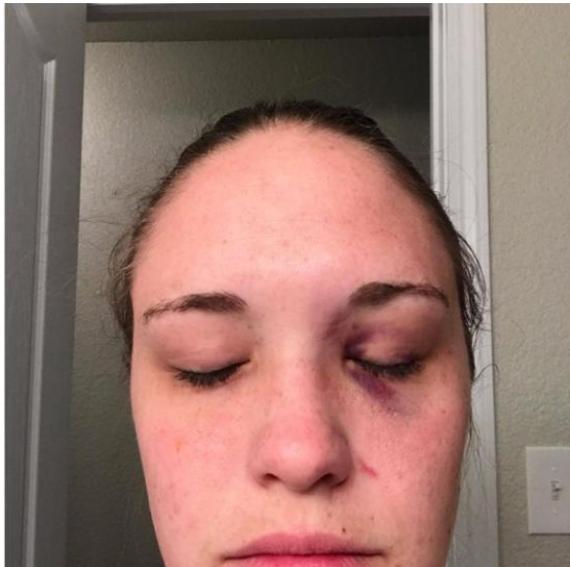
Thank you for your time and consideration. I am adding photos of a fraction of the abuse I had endured to show that I am very real, my story is real, the trauma my kids suffer is real, survivors are real.

Sincerely,

Stephanie Atkinson

Email: [stephymichaelson@gmail.com](mailto:stephymichaelson@gmail.com)

Phone: 918-919-1190





Good afternoon. Thank you for allowing me the opportunity to speak today.

My name is Samantha Cozzolino. I am a mother to a five-year-old little girl, and I am here to strongly oppose the passage of any law that creates a presumption of 50/50 shared custody.

I want to be clear: I am not speaking in theory or based on abstract legal arguments. I am speaking from lived experience—my own and my child's. I am here because laws like this do not simply affect parenting schedules. They can determine whether children are safe.

I was emotionally, physically, and financially abused by my daughter's father. My daughter was exposed to that abuse. He threatened daily to take her away. For a long time, the only way I believed I could protect her was by staying. Like many survivors, I tried to manage the danger quietly, hoping to keep my child safe while avoiding escalation.

Eventually, the situation reached a breaking point when he physically pinned me down and he once again threatened to take my daughter from me and ensured I would never see her again. That day, he grabbed her and ran out the door with her. I managed to take her back before he got too far and shut the door. I locked myself and my daughter in the bathroom and called the police in order to leave safely. But he broke in and came after me and my daughter. I was so frightened I hung up with 911. Then, the lies began, and everything went wrong.

I was somehow the one arrested.

My daughter was taken from me by law enforcement and placed in foster care. During the legal battle that followed, I was only allowed to see her under supervision and only at my own expense.

I was charged with domestic violence and child abuse. Those charges were later dropped and expunged, because the allegations did not hold up. But by then, the damage was already done.

Her father used that moment and his family ties to law enforcement to gain leverage in family court, despite the fact that the claims against me were completely unsubstantiated. I learned firsthand how easily the legal system can be weaponized in custody cases, particularly when abuse and coercive control are involved.

I was pressured by the court to accept a 50/50 custody arrangement. I was told that if I did not agree, I could lose even more time with my child or potentially never see her again. The attorney was fearful for me and the judge refused to look at reports or paperwork, to actually make a decision that was true to what was in the best interest of my child.

Out of fear, I settled.

We are now three years into a 50/50 arrangement. During this time, I have documented ongoing concerns, including neglect, emotional harm, and my child's intense distress during exchanges. She is afraid to go, she cries and she pleads not to leave her home with me.

I do not argue or fight in front of her. I comply, because I have learned the consequences of being seen as “uncooperative.” So, I absorb the impact, so she does not have to. I live in fear and for her and wrestle with the anguish of leaving her.

Despite having equal legal custody, her father regularly gives up his parenting time. When he does, I step in without hesitation, because I am her stability.

He did not care, he simply wanted to control me and keep her from me. In three years, he has attended perhaps two dance recitals. He has not gone to a single cheer competition, school event, doctor’s appointment, dental visit, or daily responsibility that comes with raising a child. She regularly misses school because he doesn’t wake up to take her.

He does not participate in the actual work of parenting yet I am still required to make joint decisions with someone who disengages, resists cooperation, and contributes little financially or emotionally to our daughter’s well-being.

Recently, serious mental health concerns have come to light that further increase the risk to my child. And yet, under laws like the one being considered today, I am essentially required to wait until something dangerous happens to her before I can act.

That is completely unacceptable.

A presumption of 50/50 custody does not protect children. It protects appearances. It creates opportunities for manipulation. It allows abusive dynamics, especially coercive control to continue through the legal system long after a relationship ends.

Courts already have the authority to order shared custody when it is truly in a child’s best interest.

What they need is discretion, not a mandate.

The Children of Colorado deserve individualized decisions based on caregiving history, safety, stability, and lived reality not an automatic formula that ignores power imbalances and places families into dangerous arrangements by default.

Please do not pass a law that forces parents like me to choose between compliance and our child’s well-being.

Please do not create a system where we have to wait for harm in order to prove danger.

I urge you to vote no on a 50/50 custody presumption and to protect children not percentages.

Thank you for your time and for listening.

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