



April 2023

To: Senate Judiciary Committee

Re: AAUW support for HB23-1178— Court Personnel & Domestic Violence Awareness

Dear Committee Members,

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education and advocacy

Because so many women and their children are victims of domestic violence and sexual assault, AAUW endorses efforts to require a higher level of jurisprudence that protects those most vulnerable in our society.

HB 1178, is a companion bill to HB 1108 to study victim and survivor awareness and responsiveness training requirements. This bill focuses on domestic violence and child abuse, and adds important requirements for expert witness testimony, as well as rigorous training for court personnel, including guardians ad litem, representatives of a child, counsel for youth, special masters, mediators, child and family investigators, and parental responsibilities evaluators.

AAUW of Colorado believes this bill will bring much-needed support for victims of domestic violence and child abuse. For these reasons, AAUW of Colorado strongly supports House Bill 1178 and requests your AYE vote in committee and throughout the process of becoming law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden".

Su Ryden

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American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education, and advocacy.

Thank you for this opportunity to speak on this matter. I vote for this bill to pass and although I would prefer to not testify at all, I owe it to my children and every other child and parent dealing with the different forms of parental alienation. Court is traumatizing enough but I believe that court personnel are mishandling cases which is directly causing permanent, painful, and preventable damage to many families. As a "targeted" parent, I have seen many errors in this system if not outright corruption. Dismissal of warning signs of the "high conflict" parent needs to be addressed. I was told "oh he'll simmer down eventually" and sent on my way with ambiguous court orders that allowed our abuser to harass and disrupt our lives with distress and conflict while using our children as weapons for years. The children have, in many ways, been held hostage. When you are dealing with a personality disorder, like the taboo and overused word "narcissist", the conflict can be solely one-sided as conflict, power, and control is what the narc thrives off of. Warning signs and evidence of the needed power and control should not be overlooked any longer. I was told our abuser is a narcissist by court officials but yet that made no difference in custody. Mind you, our abuser opened up a case for full custody, not me. That is a warning sign all by itself. There was no punishment for the false allegations put in the motion to gain full custody. Tessa said it screamed control issues. It was simply overlooked by the court and the children and I were put through the ringer emotionally and financially. False allegations is a warning sign that should be met with severe consequences to detour the abusers from filing. It is too damaging and preventable. Due to the court overlooking the emotional domestic abuse, the children have been forced to endure a childhood of brainwashing and emotional damage that will stay with them their entire life. I had two court officials tell me they believed the father to be delusional and a narcissist and yet no changes or safety precautions were put into place for us. I live in fear of my life because of this delusional and dangerous person. What that court official knew, clued me in about, but didn't/ wouldn't label, is that me and the children are dealing with attachment-based parental alienation. The children have been further brainwashed, placed in the middle, and emotionally beaten up, because the court officials allowed it and therapists haven't even been educated on it! Therapists don't want to take us on and if they do, they are not mentally stable themselves- a therapist's words, not mine because of all the conflict on the horizon because of this personality disorder. The court system shoved us through the assembly line with no resolve, and collected all the money they could. This should not be such a revenue-making process. This is about safety and health for all involved. I suggest everyone in court get trained through Dr. Craig Childress because he hits the nail on the head. ABPA follows a script, is diagnosable, and is child abuse. This should no longer be overlooked and rewarded by our family court system and should be treated as the child abuse that it is. The cycle has to stop. So I vote for this bill as we need awareness and change.

Hello. I want to thank the Senate Judiciary Committee for accepting my testimony in favor of HB 23-1178. My name is Nancy Fingerhood and I am an advocate with the National Safe Parents Organization and Moms Fight Back. According to the National Safe Parents Organization, it is a child's right to live free from abuse. HB 23-1178 makes children's safety a priority in custody disputes between parents. It incentivizes states to implement the law by allocating federal funding for training for judges and other court personnel on family violence subject matter.

One might think an abuser being awarded custody is an exception in family court; however it is not. A presumption that shared parenting is in the best interest of the child is pervasive. Parental rights seem to trump what is in the best interest of the child and is evident in many cases where parents raise allegations of abuse. We need our legislators to make a commitment to ensure our children are safe.

People may ask "Why aren't court professionals already making sure children stay with the safe protective parent?" The truth is that conflict serves the family court industry. Court professionals such as lawyers, custody evaluators and guardians-ad-litem profit from keeping these cases within the family court system.

I speak to women across the country about the horrors they and their children have experienced because family court professionals refuse to even look at their evidence of abuse. I have talked to many whose children are forced to reunify with the abuser. We do not force a child into a reunification camp or therapy with a rapist who is a neighbor or babysitter. Why should they be forced into reunification just because the abuser is a blood relative?

HB 23-1178 is common sense. Family court needs to work from a paradigm of pro-safety not pro-contact. Thank you for the opportunity to submit my testimony. Please vote in favor of HB 23-1178.

After watching and supporting in-person the discourse in the House Judiciary Committee I have added remarks based on the Representative's discourse. I can only speak to my experience and how Kayden's Law would have affected my case but. Kayden's Law goes beyond the scope that I will address below.

Why should we have educated Judges?

I was assigned a new Judge that was new to Family Court as their entire 40-year career was in Eminent Domain and Business Law. Their Masters is in Economics. I have no doubt that my Judge was sagacious and proficient in their dedicated specialty. However, they presented and ruled in Family Court with a very large skills and knowledge gap. A ruling that continues to put me and my children at risk.

Why does subject matter education and experience matter in court?

All judges went to law school, right? I would like to equate these deficiencies to medicine. Just because a podiatrist and a brain surgeon both went to medical school, did internships, fellowships, etc. does not mean I want a podiatrist doing my brain surgery. This is my issue with the way the Judicial System is set up in Colorado. I know that my Judge was elected by the Governor for their Eminent Domain knowledge but their 2-year rotation in Family Court led to an uneducated and indefensible judicial ruling with explicit gender bias. My Judges' lack of knowledge continues to put me and my children in danger- physically, emotionally, and psychologically.

I have a permanent protection order; however, throughout the course of a very long and drawn-out divorce and custody battle, my Judge not only allowed my abuser to financially and litigiously abuse me, but my Judge also created a system with their rulings where he can continue to control me. When my ex-spouse got decision-making over a topic my Judge did not give him a single rule to follow; whereas, when I have decision-making I am forced to engage with my abuser in discourse with very specific rules for each topic. For one topic, I have to give him a 90-day notice and then several steps to follow thereafter. On another topic, I have to send him a message and allow 72 hours for him to respond, then I have 72 hours to respond, and then more steps to follow. Why would a Judge chain a victim to engage with their perpetrator but the perpetrator to maintain their own autonomy and control?

Since my Judge so liberally skidded around Colorado statute § 14-10-124 to add complicated rules only for only the victim to follow, I am forced to repeatedly engage my abuser when that is not how the statute was meant to be applied.

Could we just leave educating themselves up to each Judge?

I've done a lot of research as to why Judges in other countries are more educated than Judges in the United States. One is that in other countries where higher education is subsidized, those Judges have multiple degrees in psychology, social work, philosophy, etc. I know we

cannot force Judges in the United States to have multiple, expensive degrees. However, taking a few hours a year to be updated on topics that forever change the lives and well-being of children seems like the very least that we could do to create the necessary scaffolding to support our Family Court system.

If I were a Judge and had deficiencies in the subject matter, I would educate myself on that topic. I believe my Judge did not educate themselves and was not guided sufficiently by the Family Law Institute by the Colorado Bar Association.

Looking at my Judge's profile, I noticed they attended several conferences put on by the CBA-CLE which is the educational arm of the Colorado Bar Association and the Denver Bar Association. I was curious about what the "Family Law Institute" taught stakeholder attendees: from family law attorneys, CFIs, and PREs to Family Court Judges. My Judge attended the following conferences and I will note if they address Domestic Violence or Child Abuse in their agenda. This is not to give my Judge an excuse for their deficient education but to point out this is systemic in the Family Law Institute where Judges go for their "continuing education."

2021 Annual Family Law Institute:

<https://cle.cobar.org/Home-Studies/Product-Info/productcd/FL081921J>

Did **NOT** address Domestic Violence or Child Abuse

2021 The Annual Advanced Family Law Conference - In-Person

<https://cle.cobar.org/Home-Studies/Product-Info/productcd/FL120321J>

Did **NOT** address Domestic Violence or Child Abuse

2022 Family Law Basic Skills

<https://cle.cobar.org/Home-Studies/Product-Info/productcd/FL032422J>

Did **NOT** address Domestic Violence or Child Abuse

2022 Family Law Institute:

<https://cle.cobar.org/Home-Studies/Product-Info/productcd/FL081822J>

1:10 – 2:45 pm Lightning Rounds

- Different types of DV
- New Changes to Litigating Nondisclosure Cases Under C.R.C.P. 16.2(e)(10)
- I Signed a Premarital Agreement, What Did I Do?
- Navigating Custody Battles During and in the Aftermath of COVID-19. What We Have Learned: A View from the Bar and the Bench
- Tax Tips

- You Mean I Can Choose my own Therapist, but I Cannot Choose Which Parent With Whom I Want to Live? A Child's Wishes: At What Age Can a Child Decide?

My Judge got at most 15 minutes on the types of Domestic Violence divided with these lightning rounds.

It is possible my Judge may have attended a Domestic Violence breakout session; however, there was another session at the time that they could have attended as well:

- 12:30 pm: Keep Your Eye on the Ball – Tracing Separate Property
- 12:30 pm: A Judge, a Domestic Violence Expert Witness, and Two Lawyers Walk into a Courtroom...

I have to put in a personal note here, from a victim of domestic violence, based on the title I sense a lack of gravity this topic was presented with.

So my new Family Court Judge had no education on Child Abuse and a minuscule amount on Domestic Violence over the 4 conferences (9 days total) of “continuing education” that they attended? I’m glad they get a full 30 minutes with “everyone’s favorite Yoga Danny” but how about more than a 15-minute “lightning round” on essential topics like Domestic Violence? The CLA *could* but they are not. Looking at my Judge who was brand new the year of my divorce as I look at these agendas, I can realistically assume they have not participated in the professional development necessary to be a sagacious, educated, and competent Family Court Judge.

Kayden’s Law is necessary. It is more than needed, it is essential for victims of abuse. Judges don’t know what they don’t know.

1. They aren’t being educated within their self-governing associations. I don’t believe that we can tell the Colorado Bar Association what to present at their conferences.
2. I don’t believe that we can force Judges to obtain additional advanced degrees.
3. In the State of Colorado where it is NOT a requirement to attend Law school to be a Judge, we need to be certain educational and continuing education levels are met

Bradbury, Shelby. “No Law Degree? No Problem. Colorado’s Lay Judges Sit on the Bench with no Legal Education” 2022, Dec 30. *Denver Post*

Just like we require continuing education from teachers to police officers, why exclude an influential and paramount position like a Judge?

I hope that cleared up the misinterpretations that the Representatives were discussing amongst themselves. Below is my testimony from the House:

In my testimony, I will speak to my case and the deficiencies that I personally saw executed by a Colorado Judge in my Family Court Case. I believe that the adoption of this bill sponsored by Rep. Froelich would have changed my case not just with the final custody allocation but also my experience through the highly-litigious divorce case and my remaining and future co-parenting years with my former spouse. I will connect the bill's passages which would have had a profound effect on my personal experiences and give you real-world applications of the bill that affect your constituents and the generations that are affected by the Family Court System.

Part 1: Educating the Colorado Judges and Magistrates

“(IX) JUDGES PRESIDING OVER PARENTAL ALLOCATION CASES WITH ALLEGATIONS OF CHILD ABUSE, CHILD SEXUAL ABUSE, AND DOMESTIC VIOLENCE ARE RARELY REQUIRED TO RECEIVE TRAINING ON THESE SUBJECTS.

I am sure that my Judge was highly educated in a matter of law with their focus on Business Law and Eminent Domain but I feel they were not educated in Family Law, Domestic Violence, Intimate Partner Violence, Trauma Education, and Survivor Awareness. In order for Judges to develop the proficiencies necessary to maintain quality performance there needs to be continuing education not just for their personal benefit on immunity, accreditation, and compliance (Rule 250) but on mental health, family dynamics, profiling abusers, and the parent's ability to foster psychological and emotional development of their child.

My case was appointed a Parental Responsibility Evaluator expert who was a Forensic Psychologist, Clinical Psychologist, Ethicist, and Mediator. They spent 32 years working with individuals, disordered personalities, domestic abuse, families, and family structures. I will highlight just a few presentations and publications on why my court-assigned PRE made such a good expert in our case:

- How Children Experience Parents with Mental Illness and Personality Disorders, Family Law Institute, Colorado Bar Association CLE
- Attachment, Alienation and Relocation, Advanced Family Law, University of Denver, Sturm College of Law
- Profiles of Parents Who Abuse, Child Advocacy Clinic, University of Denver Law School
- Faulty Presumptions about Parenting Time and Decision-Making, Family Law Institute, Colorado Bar Association CLE
- Understanding the Roles, Responsibilities and Challenges of CFIs and PREs 2012 Psychologist Examiners Board, Department of Regulatory Agencies (DORA)

Sounds great, right? It sounds like the Parental Responsibilities Evaluator that was assigned by the court and needed in a Domestic Violence case with a Permanent Protection Order had what it needed. Unfortunately, that is not how my case was decided.

My Judge disregarded the expert's recommendations. As a reminder, this was a court-appointed joint expert so we were forced by the State of Colorado to pay for what eventually turned into a \$100,000 year-long investigation which included multiple home visits, Zoom video interviews, psychological testing, and interviews from teachers, school counselors, individual therapists, family, and friends. My PRE said it was the longest report in their career and has the most evidence they've ever received.

(III) COURT PERSONNEL INVOLVED IN CASES CONTAINING ABUSE ALLEGATIONS WHO RECEIVE TRAUMA-INFORMED TRAINING ON THE DYNAMICS, SIGNS, AND IMPACTS OF CHILD ABUSE, CHILD SEXUAL ABUSE, AND INTIMATE PARTNER VIOLENCE WILL HELP PROTECT AND MINIMIZE RISK OF HARM TO THE CHILD.

Where did the Judicial Discretion rely upon and why HB23-1178 would have affected the outcome?

My Judge did not rely on the court-appointed Forensic/Clinical Psychologist Joint PRE Expert but on another testimony that my Judge decided was an "expert." This witness testified that they were not a counselor, not a therapist, not a psychologist, not a psychiatrist, not a licensed social worker, and not a licensed marriage and family therapist. They were not any classification of a mental health care professional and do not hold any licensure or certification by the State of Colorado. Knowing that they weren't any of these should have disqualified them as being labeled an "expert" by my Judge for which my custody determinations in a domestic violence case were ruled. If HB23-1178 had been in effect, the person my Judge labeled as an "expert" wouldn't have been able to be on the stand as they don't have any training in:

"(I) ADMIT EXPERT TESTIMONY AND EVIDENCE ONLY IF THE EXPERT DEMONSTRATES EXPERTISE AND EXPERIENCE WORKING WITH VICTIMS OF DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE THAT IS NOT SOLELY FORENSIC IN NATURE..."

This person that my Judge labeled as an "expert" was an infant massage teacher. There are no infants in my case. This witness told my Judge that they were a "parenting educator," which can very loosely be equated to an infant massage educator but again, my children are a decade-plus from that age range, and the expertise of an online certified infant massager educator (2013) from www.InfantMassageUSA.org is not relevant as a "Parenting Educator" when speaking to and about mental health, personality dynamics, and family structures. Even if I had infants or toddlers, relying on a massage educator to give testimony for custody determinations for which they have no education doesn't at all seem applicable as I'm sure that Infant Massage USA would also agree that it is not the purpose of their certification course.

They were also in Management at a mental health care facility so they testified they "worked with families of autistic children" which was another loose misrepresentation of her qualifications. Someone with common sense would realize that this connotation was purposely misconstrued for her to seem like a legitimate mental health care expert. Since she wasn't an

educated and licensed health care professional she testified about my youngest child with Autism in a very damaging and demeaning way that I believe is a harmful stigma in neurodivergent children. She used un-politically correct terminology that a real, educated mental health expert would never use.

This expert has claimed her college degree is different in her testimony vs. her resume vs. her website. The fact that she is confused about her major in college shows she is unreliable and the fact that a Judge didn't see that as odd is confusing to me.

I have a consistent college degree and took Love and Logic parenting classes where I received a certificate of completion, parenting classes for my daughter's autism at her ABA facility, and I attended readings from my favorite parenting book- that SHOULD NOT make me a "parenting expert" for custody determinations in the State of Colorado.

If HB23-1178 had been in effect, I believe that my Judge could not have made the decision she did and it's discouraging to me that we have to force common sense standards in the legal system, however, my situation is perhaps a case study on believing underqualified and inexperienced "experts" over a 32-year career-long highly-vetted expert that is overseen by the State of Colorado. The opinion of this "expert" who financially (around \$3,000) and technologically benefited (got a website out of it) from their employment from one parent was heavily weighted in my case over a court-appointed unbiased Joint Expert.

I have nowhere to complain about fictitious testimony since they were not a licensed counselor, not a licensed therapist, not a licensed psychologist, not a licensed psychiatrist, not a licensed social worker, and not a licensed LMFT. My Judge weighed their one-sided opinion higher than a highly respected and veteran expert that must follow the Standards of Practice by the Office of the State Court Administrator (for a PRE and CFI); parenting coordinators, domestic relations decision-makers ("decision-makers"), and arbitrators (H.B. 1171). This "expert" is an outlier in the family court system, so legislation, guidelines, best practices, continued education, and therefore education is not required of them. If "expert" witnesses aren't guided by any organization there can not be any professional accountability, if there isn't any professional accountability they shouldn't be labeled an "expert." They shouldn't have stepped foot onto the stand as a qualified expert for custody determinations since they had absolutely no education or training that HB23-1178 would now require.

Part 2: Continuing Education

COURT PERSONNEL INVOLVED IN CASES CONTAINING ABUSE ALLEGATIONS WHO RECEIVE TRAUMA-INFORMED TRAINING ON THE DYNAMICS, SIGNS, AND IMPACTS OF CHILD ABUSE, CHILD SEXUAL ABUSE, AND INTIMATE PARTNER VIOLENCE WILL HELP PROTECT AND MINIMIZE RISK OF HARM TO THE CHILD.

The most difficult thing I have ever done was to drive my children to hand them over to their father for the first time after what he did to me. Up to that point, I had faced him in court

and was successful at the Permanent Protection Order trial however that was just me standing up for myself. Now, handing over my children in a parking lot with permanent protection order papers as my only defense is another type of trauma. Judges need to be educated about inflicting trauma. I know my Judge could not have been educated or else my case would have proceeded differently and perhaps in a more humane way.

I can also see my Judge's training on the CBA-CLE Colorado Bar Association Continuing Legal Education: <https://cle.cobar.org/>. Since my Judge is new to Family Law, so far their Family Law seminars have been on substance abuse and dealing with representatives for children. HB23-1178 would require education and fill in the knowledge gaps on Domestic Violence, Intimate Partner Violence, Trauma Education, and Survivor Awareness. My Judge has been a Family Court Judge without the necessary education and training to perform their duties. We can no longer leave it up to them, we have to require it.

When deciding on children's lives that will affect their mental health for the rest of their lives, I would have thought a Family Court Judge would know the frameworks and best practices to make legal decisions and prevent childism. This is not a new frontier of research. The theory of parental alienation has been debunked and is rejected by every credible organization, such as:

- National Council of Juvenile and Family Court Judges
- American Psychological Association (APA)
- American Medical Association (AMA)
- World Health Organization (WHO)
- The National Family Violence Law Center at George Washington University
- and recently at The United Nations.

UN Human Rights Council, UN Special Procedures Experts - October 20, 2022:

"Abuse of the term "Parental Alienation" and of similar concepts and terms invoked to deny child custody to the mother and grant it to a father accused of domestic violence in a manner that totally disregards the possible risks for the child must be discouraged. Accusations of parental alienation by abusive fathers against mothers must be considered as a continuation of power and control by state agencies and actors, including those deciding on child custody. In this regard, we call upon your Excellencies to provide explicit preventive measures devoted to the protection of the child."

UN Human Rights Council Call for inputs – Custody Cases, Violence Against Women, and Violence against Children:

"Although these concepts lack a universal clinical or scientific definition, emerging patterns across various jurisdictions of the world indicate courts worldwide are using the concept of "parental alienation" or similar concepts explicitly or are allowing for its instrumentalization. The vast majority of those accused of 'alienating' their child while alleging abuse are women. Consequently, many women victims of violence and abuse face double victimization as they are punished for alleged abuse, including by losing custody or at times being imprisoned. Children who are victims of violence and abuse by

a parent (in many cases the father) often continue to be subjected to such violence and abuse, against themselves and/or the other parent (in most cases the mother) post-separation, through imposed contact with the abusive parent."

American Psychological Association, Presidential Task Force On Violence And The Family:

"Recent studies suggest that an abusive man is more likely than a nonviolent father to seek sole physical custody of his children and may be just as likely (or even more likely) to be awarded custody as the mother."

This study describes a case where the father had abused the mother and was harsh and terrifying to the child, yet only the mother was blamed for the child's resistance to contact:

"U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show?"

Joan S. Meier, George Washington University Law School, Washington, D.C., USA.
JOURNAL OF SOCIAL WELFARE AND FAMILY LAW, 2020, VOL. 42, NO. 1, 92–105
<https://drive.google.com/file/d/10dTGOh2AZLVPASBCiC3yFjeQ8LcC4sqw/view>

My Judge blamed the children for their reactions to their father's uncontrolled anger outbursts and running away from him multiple times on me- when it happened during his parenting time. My Judge blamed my child's autism for the difficult parent-child relationship. My Judge blamed everyone but the perpetrator and the consequence of their deregulated behavior. The cycle of abuse that victimizes children's well-being, and infantilizes older children and their best interests are accepted by Colorado Court Judges when they do not have the education needed in Family Court cases. I believe that some Judges are educated through their career as they came from a family law attorney background but those like mine whose background was in eminent domain need to be educated to fill their competency gaps. We require continuing education and training for other public-facing careers, from Police Officers to educators.

I believe requiring continued education of all family court system professionals, requiring only qualified and applicable experts to give "expert" testimony, and applying research-based criteria and frameworks to legal decisions is imperative.

I walked into the Family Court system believing that my Judge would be educated, perspicacious, sagacious, and proficient in family law. HB23-1178: Court Personnel And Domestic Violence Awareness will make it so my experience will never be repeated. Thank you Rep. Froelich for sponsoring this bill.

Thank you for letting me speak with you today. My name is Julie Carper, as an alienated parent, I represent myself and my children to promote shared parenting, protect children from child abuse, and child psychological abuse. Etc.

I am here today to discuss with you our concerns regarding HB1178, recognizing Domestic Violence to receive federal funding. I can support this bill if critical changes are made to the current language.

Although the intent to protect children is admirable, this bill falls short and is unsafe for many children with its limited scope and seriously flawed data.

*A Flawed Foundation

The bill was created based on unreliable research with serious methodologic & statistical flaws. P.3 IV. & V. Quotes Professor Joan Meier's studies.

-In 2019, Professor Joan Meier and colleagues published a paper at her home institution (George Washington University, <https://ssrn.com/abstract=3448062>)

- The editors of this publication confirmed that the paper had never been reviewed. This "study" was therefore not peer-reviewed by anyone, least of all by any scientists.

-Later, a peer-reviewed paper that was published in a scientific journal by the American Psychological Association (<https://psycnet.apa.org/fulltext/2020-96321-001.pdf>)
<https://psycnet.apa.org/fulltext/2020-96321-001.pdf>

-Dr. Harman & Demosthenes Lorandos

Online First Publication, December 14, 2020. <http://dx.doi.org/10.1037/law0000301>

https://drive.google.com/file/d/1WCkjYNYbt0jhxUIQfreYZ-NyO8seE_si/view?usp=drivesdk

identified over 30 methodological and statistical flaws in the study by Professor Meier. This publication and others have also proven that the real data shows drastically different findings than what is shown in Professor Meier's work. The outcome of Professor Meier's study was shown to be invalid but it made its way into the language of the law.

P. 4 Section II. Line 12 - seems to encourage false allegations by allowing a back doorway to make an accusation. Department of Children & Families, Child Protective Services is created to manage these, if custody hearings will then also handle child abuse allegations, we are setting families up for mess of too many hands in the pot, likely not knowing what the other is doing.

P.5 line 1 &2- defining "protective party" does not consider negative bonding and pathogenic attachment. That means this law will prevent the court from removing a child from a toxic environment where the attachment style is not a healthy attachment style, for example, RAD Reactive Attachment Disorder in the DSM or an attachment style due to brainwashing and programming like parental alienation, trauma bonding or Stockholm syndrome.

P.5 line 19-27 the bill only allows experts who work with victims of domestic violence, preventing all other types of experts. Many types of important experts will be prevented from being able to testify in court because of this, for example, researchers, psychologists, psychiatrists, teachers, and police officers who do not have clinical experience with victims of domestic violence. Those prevented from testifying may have expertise in personality disorder, child development, attachment style, suggestibility in children, those in education or those with a

background in law enforcement, and so on. Restricting the experts, limits the testimony which creates uninformed decisions.

P. 6 line 18-sets the standard of reunification therapy to be “scientifically valid”, which is not only not realistic, but it will also prevent the development of scientifically valid therapy in the future. The standard here should be “empirically valid” or “best practice”.

P. 7 (c.) line 9-17 is attempting to fix a parent-child problem by directing blame and responsibility to one parent, ignoring the nature of a family system dynamics. This shows a gross lack of understanding of family psychology. If a child has been manipulated to reject one parent, it's not possible to fix the relationship by expecting the rejected parent to fix it. The child needs both parents, for the well-being of the child, and it's the responsibility of both parents to act in the child's best interests.

P.7 -10 dictates that the ONLY people who can provide training to judges, court officers, and expert witnesses are those who work with victims of domestic violence. This is a serious lack of substance because those who work with victims of domestic violence do not have all the expertise in many other aspects of child development, family dynamics, human psychology, law enforcement, forensic psychology... Judges, court officers, and expert witnesses need well-rounded knowledge. It seems that this item is attempting to direct all funding for training to domestic violence groups, which raises the question about the motive of domestic violence groups in pushing this flawed law.

-mandates a narrow scope of training for judges, court officers, and expert witnesses. If they are only trained about domestic violence and excluding many other aspects like child development, personality disorder, and family dynamics, no one is getting the full picture and therefore judgments will be skewed.

P.10(b) line 2-11. Evidence based & peer reviewed- seem to allude to the false accusations that parental alienation is not evidence based and peer reviewed. Therefore, is this item a universally accepted concept? Is there room for interpretation or subjectivity?

Proposed Solutions

Amend the “Law” section

*to allow all experts according to evidence law: probative, material, and relevant;

*to recognize that false allegations of domestic violence and child abuse do exist and false allegations must be taken into consideration;

*to allow the court the ability to remove or restrict the child from a parent or a litigating party who is psychologically abusive or with whom the child is pathologically bonded or attached;

*to allow the court to order reunification treatments that are empirically valid;

Amend the “Uniformed Required Standard” Section

*to allow professionals with demonstrated expertise that is probative, material, and relevant;

Amend the “Training & Education Program” Section

*to allow training to be provided by professionals with demonstrated experience or expertise, including, for example, researchers from credited educational and research institutions, psychologists, psychiatrists, and law enforcement

Important established guidance that should align with this bill:

~For years, the Department of Justice and other official sources have documented and instructed the courts to consider UOC- Use of the Child in child custody. As much of this bill clearly acknowledges the harm Domestic Violence inflicts on not only the victim, but also the children exposed. It is imperative to also acknowledge a defined tactic of Domestic Violence Perpetrators in the Use of a Child. The results labeled 'Extent of Abusers' UOC and other Forms of Intimate Partner Violence' defines "most participants (88%) reported that their abusers had used their children as a tactic to control, harm or monitor them within the prior six months," according to the article published by the US Dept of Justice in 2021 OJP- Office of Justice Programs. 'The Use of Children as a Tactic of Intimate Partner Violence and its Relationship to Survivors' Mental Health.'

<https://link.springer.com/content/pdf/10.1007/s10896-021-00330-0.pdf?pdf=button>

Legislation efforts to protect from abuse would be faulted to choose only some aspects of abuse.

~In 2004, the State Justice Institute published Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide. "Children who appear "alienated" from a parent may have legitimate and substantial reasons for being angry, distrustful, or fearful.' That possibility should be explored, before one parent is blamed for inducing that alienation. How to understand issues of estrangement, protection, and alienation in cases involving domestic violence is treated more fully in the supplementary materials to Card III"

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/famct/id/971>

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We thank you for your dedication and tireless work in protecting children and thank you for this opportunity to share our concerns! We hope you investigate these concerns and data provided and amend HB1178.

Respectfully,

Julie Carper
8767 E Dry Creek Road, 1322
Centennial, CO 80112

Thank you for letting me speak with you today. My name is Julie Carper, as an alienated parent, I represent myself and my children to promote shared parenting, protect children from child abuse, and child psychological abuse. Etc.

I am here today to discuss with you our concerns regarding HB1178, recognizing Domestic Violence to receive federal funding. I can support this bill if critical changes are made to the current language.

Although the intent to protect children is admirable, this bill falls short and is unsafe for many children with its limited scope and seriously flawed data.

*A Flawed Foundation

The bill was created based on unreliable research with serious methodologic & statistical flaws. P.3 IV. & V. Quotes Professor Joan Meier's studies.

-In 2019, Professor Joan Meier and colleagues published a paper at her home institution (George Washington University, <https://ssrn.com/abstract=3448062>)

- The editors of this publication confirmed that the paper had never been reviewed. This "study" was therefore not peer-reviewed by anyone, least of all by any scientists.

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-Dr. Harman & Demosthenes Lorandos

Online First Publication, December 14, 2020. <http://dx.doi.org/10.1037/law0000301>

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identified over 30 methodological and statistical flaws in the study by Professor Meier. This publication and others have also proven that the real data shows drastically different findings than what is shown in Professor Meier's work. The outcome of Professor Meier's study was shown to be invalid but it made its way into the language of the law.

P. 4 Section II. Line 12 - seems to encourage false allegations by allowing a back doorway to make an accusation. Department of Children & Families, Child Protective Services is created to manage these, if custody hearings will then also handle child abuse allegations, we are setting families up for mess of too many hands in the pot, likely not knowing what the other is doing.

P.5 line 1 &2- defining "protective party" does not consider negative bonding and pathogenic attachment. That means this law will prevent the court from removing a child from a toxic environment where the attachment style is not a healthy attachment style, for example, RAD Reactive Attachment Disorder in the DSM or an attachment style due to brainwashing and programming like parental alienation, trauma bonding or Stockholm syndrome.

P.5 line 19-27 the bill only allows experts who work with victims of domestic violence, preventing all other types of experts. Many types of important experts will be prevented from being able to testify in court because of this, for example, researchers, psychologists, psychiatrists, teachers, and police officers who do not have clinical experience with victims of domestic violence. Those prevented from testifying may have expertise in personality disorder, child development, attachment style, suggestibility in children, those in education or those with a

background in law enforcement, and so on. Restricting the experts, limits the testimony which creates uninformed decisions.

P. 6 line 18-sets the standard of reunification therapy to be “scientifically valid”, which is not only not realistic, but it will also prevent the development of scientifically valid therapy in the future. The standard here should be “empirically valid” or “best practice”.

P. 7 (c.) line 9-17 is attempting to fix a parent-child problem by directing blame and responsibility to one parent, ignoring the nature of a family system dynamics. This shows a gross lack of understanding of family psychology. If a child has been manipulated to reject one parent, it's not possible to fix the relationship by expecting the rejected parent to fix it. The child needs both parents, for the well-being of the child, and it's the responsibility of both parents to act in the child's best interests.

P.7 -10 dictates that the ONLY people who can provide training to judges, court officers, and expert witnesses are those who work with victims of domestic violence. This is a serious lack of substance because those who work with victims of domestic violence do not have all the expertise in many other aspects of child development, family dynamics, human psychology, law enforcement, forensic psychology... Judges, court officers, and expert witnesses need well-rounded knowledge. It seems that this item is attempting to direct all funding for training to domestic violence groups, which raises the question about the motive of domestic violence groups in pushing this flawed law.

-mandates a narrow scope of training for judges, court officers, and expert witnesses. If they are only trained about domestic violence and excluding many other aspects like child development, personality disorder, and family dynamics, no one is getting the full picture and therefore judgments will be skewed.

P.10(b) line 2-11. Evidence based & peer reviewed- seem to allude to the false accusations that parental alienation is not evidence based and peer reviewed. Therefore, is this item a universally accepted concept? Is there room for interpretation or subjectivity?

Proposed Solutions

Amend the “Law” section

*to allow all experts according to evidence law: probative, material, and relevant;

*to recognize that false allegations of domestic violence and child abuse do exist and false allegations must be taken into consideration;

*to allow the court the ability to remove or restrict the child from a parent or a litigating party who is psychologically abusive or with whom the child is pathologically bonded or attached;

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Amend the “Uniformed Required Standard” Section

*to allow professionals with demonstrated expertise that is probative, material, and relevant;

Amend the “Training & Education Program” Section

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Important established guidance that should align with this bill:

~For years, the Department of Justice and other official sources have documented and instructed the courts to consider UOC- Use of the Child in child custody. As much of this bill clearly acknowledges the harm Domestic Violence inflicts on not only the victim, but also the children exposed. It is imperative to also acknowledge a defined tactic of Domestic Violence Perpetrators in the Use of a Child. The results labeled 'Extent of Abusers' UOC and other Forms of Intimate Partner Violence' defines "most participants (88%) reported that their abusers had used their children as a tactic to control, harm or monitor them within the prior six months," according to the article published by the US Dept of Justice in 2021 OJP- Office of Justice Programs. 'The Use of Children as a Tactic of Intimate Partner Violence and its Relationship to Survivors' Mental Health.'

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Best Regards,

Katie Rubano



Katie Rubano | Chair, Colorado Affiliate

a: National Parents Organization

e: katierubano@sharedparenting.org

w: www.sharedparenting.org

Hello, my name is Scott Kehoe, and I am here to present my testimony on HB-23-1178. Due to a TBI, I struggle with public speaking and would likely exceed the three-minute time limit allotted to speakers today. Therefore, I have submitted my testimony in writing.

While many experts may have already shared their perspectives on the law, I want to speak about my personal experience and why passing HB-23-1178 in its unmodified state would be dangerous.

During high-conflict divorces, false allegations of domestic violence and child abuse are often weaponized. Unfortunately, I have personally experienced this.

My ex-wife, along with her family and other enablers, made false reports of child abuse both personally and by psychologically manipulating our child to report fabricated incidents to mandatory reporters when he was too young to understand the implications of his actions. In total, over 20 false allegations were reported to Jefferson County Social Services and local law enforcement agencies.

Although all these reports were eventually dismissed as unfounded or false, the process to close these cases can take up to a year due to agency workloads. If HB-23-1178 had been in effect, any stalled cases could have been used by the family court to remove my child from a fit and loving parent.

Furthermore, false allegations of domestic abuse were made to obtain protection orders. My ex-wife timed these requests to coincide with our court dates to make me appear abusive and dangerous, then let the orders expire. Despite the fact that I hadn't committed any crime and being aware of this pattern, the judge presiding over her most recent case granted a permanent protection order prior to yet another family court date.

Like family courts, judges who grant protection orders are not bound by any rules, and there are no repercussions for making false statements in their courtrooms. In my case, the judge took offense that I answered opposing counsel's questions directly, instead of turning and speaking to him. He degraded me during his ruling by saying that he had "been a judge for a long time" and that I "looked like an abusive person."

The judge was wrong. Not only about my character, but also for choosing to punish me when I had broken no laws or done anything outside of my rights as stated in a legal parenting order that had been issued by a judge in the same county. He had granted a damaging protection order based on intentionally distorted information, a lack of understanding of my parental rights, and possibly just being in a foul mood that day.

This complete lack of requirements needed to obtain a protection order makes them a useless benchmark for forming any sort of opinion about whether or not a person can be labeled as abusive or a danger to their children. Therefore, I urge you to consider requiring actual evidence of abuse and legal guilt of crimes specifically related to domestic or child abuse as determined only by the judges who preside over those areas of

the law before passing HB-23-1178. Otherwise, this law will only serve as another weapon for bitter individuals and unscrupulous attorneys to further abuse children by erasing loving parents who have done nothing wrong.

Thank you for your time.

In Support of HB23-1178

Melissa Brandenburg

APPROXIMATELY FIFTEEN MILLION CHILDREN ARE EXPOSED EACH YEAR TO DOMESTIC VIOLENCE OR CHILD ABUSE – MY 2 CHILDREN ARE INCLUDED IN THIS STATISTIC.

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A CHILD'S RISK OF ABUSE INCREASES AFTER A PERPETRATOR OF INTIMATE PARTNER VIOLENCE SEPARATES FROM THE PERPETRATOR'S - I CAN ATTEST THAT THE HELL THAT WE CAME TO KNOW AFTER THE DIVORCE STARTED WAS 100 TIMES WORSE THAT I COULD EVER IMAGE THE ABUSE WOULD BE.

UNFORTUNATELY – THE COURT DID DISCOUNT THE PHYSICAL AND EMOTIONAL ABUSE THAT WE EXPERIENCED.

IN PARENTAL ALLOCATION CASES IN WHICH AN ALLEGED OR KNOWN ABUSIVE PARENT CLAIMS ALIENATION FROM THE CHILD, COURTS ARE FOUR TIMES MORE LIKELY TO DISBELIEVE THE PARENT WHO CLAIMS CHILD PHYSICAL OR SEXUAL ABUSE – THIS IS PRECISELY WHAT HAPPENED IN MY CASE TO ME.

(VI) RESEARCH SHOWS THAT COURTS GRANT CUSTODY OR UNPROTECTED PARENTING TIME TO AN ALLEGED OR KNOWN ABUSIVE PARENT – MY EX WAS GRANTED UNSUPERVISED TIME WITH MY CHILDREN.

MYSELF AND CHILDREN ARE THESE STATISTICS. COURT OFFICIALS HAVE TO BE EDUCATED ON HOW TRAUMA AFFECTS THE FAMILY. THIS BILL'S PASSING WILL ENSURE THAT APPROPRIATE TRAINING ON DOMESTIC VIOLENCE, COERSIVE CONTROL, ETC. IT IS IMPERATIVE THAT OUR CHILDREN ARE PROTECTED FROM DOMESTIC VIOLENCE. IT HAS BEEN 5 YEARS SINCE MY DIVORCE BEGAN AND THE ABUSE CONTINUES TODAY. THE JUDGE MINIMIZED THE EX'S ABUSE AND ELIMINATED ALL SAFEGUARDS THAT WERE REQUESTED TO BE PUT IN PLACE TO PROTECT MY CHILDREN AND MYSELF FROM COERCIVE CONTROL AND

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MELISSA BRANDENBERG

PARKER, CO

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Katie Rubano



Katie Rubano | Chair, Colorado Affiliate

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Abuse may take many forms. I foresee this bill, because of its focus that is not only exclusive but *exclusionary*, as serving to facilitate the continued *psychological* abuse of hundreds if not thousands of children in Colorado.

Some parents are physically or sexually abusive. But just as many parents, if not more, are psychologically abusive. In child custody cases, such people will do whatever they can, no matter how long it takes and whatever facts they must misrepresent or invent, to convince a child that they are the “good” parent and the other parent is the “bad” parent. Their goal, ultimately, is to condition (aka brainwash) the child to express loyalty toward them and to express disapproval of or outright reject the other parent, in order to (in the mind of the psychologically abusive parent) punish the other parent for real or perceived personal offense, such as being the one “to blame” for the divorce. This constitutes psychological/emotional abuse of *both* the child *and* the other parent.

Sometimes these efforts by the psychologically abusive parent involve fabrications of physical or sexual abuse. It is extremely easy to secure the granting of a restraining order on the basis of allegations made without evidence, and it is not as difficult as you might imagine to get an innocent person arrested. That is why forcing consideration of restraining orders and arrests that did not result in convictions (in page 6 of the current version of the bill) is likely to result in many cases of courts unwittingly giving more custody to the parent who is actually abusive!

Regarding the hamstringing of the court (on pages 6 and 7) as far as their ability to restrict contact with or remove a child from a “protective” parent, this is as good as giving an official seal of approval to ongoing psychological abuse that has succeeded in alienating the child from the other parent. The fact that the child’s relationship with the other parent is “deficient” may be, as explained above, because of malicious behavior by the so-called protective parent to manipulate the child into rejecting the so-called accused parent, in order to emotionally punish that accused parent. In such cases the child’s “bond and attachment” to the protective parent is not healthy—it is in service of the parent’s selfish desires; the child feels as if the love of the parent depends on the child doing what pleases the parent. Often in cases where reunification therapy is ordered, the estranged parent has been shut out from contact with the child of any sort for months or years. The only way to restore the severely damaged parent-child relationship is to free the child, for a certain period, from the “protective” parent who has poisoned the child against the other—because, otherwise, that person would be doing all they could to undermine and sabotage the rebuilding of that relationship.

MY JAW IS LEFT HANGING OPEN at the requirement (p. 7) that an order to remediate the resistance of a child to contact with an accused parent should primarily address the supposed behavior of the accused parent. That parent is likely to have done NOTHING wrong and, furthermore, to be the VICTIM of a campaign of lies, denigration, and false narratives. Such a requirement compounds the effect of the psychological abuse this person and their child may have suffered. It adds insult to injury. In addition, the standard of requiring only the ACCUSED parent to be verified by a mental health professional should raise a red flag with every fair-minded person in Colorado. (What is needed in child custody cases is not this kind of legislation

but expert psychological examination of *both* parents and their mental health, including their ability to care for the child rather than only for themselves. That could effectively prevent or eliminate a much wider range of abuse than HB23-1178 permits consideration of.)

The law needs to enshrine that it is the responsibility and duty of EACH parent to support and encourage their child to have a healthy relationship with the other parent. Requiring that support come from both sides only after the estranged parent has met certain conditions is NOT in the best interest of the child, and it rewards a false accuser. This whole section of the bill puts me in mind of victim-blaming: A victim of physical abuse has a black eye, and an observer thinks, "Well, what did she do wrong?" A victim of psychological abuse has a strained relationship with her child, and the observer thinks, "Well, what did she do wrong?" We would do well to remember that a strained relationship with the other parent is NOT what a normal parent wants for their child but is EXACTLY what a psychologically abusive parent wants for their child.

Dear Senate Judiciary Committee Members,

As the Colorado Affiliate Chair for the National Parents Organization, I represent 400 Colorado parents and their children who have been severely affected by child psychological abuse. Instead of improving the lives for our vulnerable Colorado children, HB23-1178 will make it worse.

Please vote to amend HB23-1178 on Monday, April 24.

This bill is based on faulty, non-peer reviewed research by Joan Meier. In 2019, Professor Joan Meier and colleagues published a paper at her home institution (George Washington University, <https://ssrn.com/abstract=3448062>)

The editors of this publication confirmed that the paper had never been reviewed. This “study” was therefore not peer-reviewed by anyone, least of all by any scientists. Later, a peer-reviewed paper that was published in a scientific journal by the American Psychological Association (<https://psycnet.apa.org/fulltext/2020-96321-001.pdf>) <https://psycnet.apa.org/fulltext/2020-96321-001.pdf> -Dr. Harman & Demosthenes Lorandos Online First Publication, December 14, 2020. <http://dx.doi.org/10.1037/law0000301> https://drive.google.com/file/d/1WCkjYNYbt0jhxUIQfreYZ-NyO8seE_si/view?usp=drivesdk identified over 30 methodological and statistical flaws in the study by Professor Meier. This publication and others have also proven that the real data shows drastically different findings than what is shown in Professor Meier’s work. The outcome of Professor Meier’s study was shown to be invalid, but it made its way into the language of the law.

Additionally, HB23-1178 Seems to encourage false allegations, negative bonding and pathogenic attachment. HB 23-1178 prevents important experts from being able to testify in court. Because of this, those prevented from testifying may have expertise in personality disorder, child development, attachment style, suggestibility in children, those in education or those with a background in law enforcement, and so on. Restricting the experts, limits the testimony which creates uninformed decisions.

This bill sets the standard of reunification therapy to be “scientifically valid”, instead of “empirically valid”, which is the standard of care.

HB23-1178 is attempting to fix a parent-child problem by directing blame and responsibility to one parent, ignoring the nature of a family system dynamics. This shows a gross lack of understanding of family psychology. If a child has been manipulated to reject one parent, it’s not possible to fix the relationship by expecting the rejected parent to fix it. The child needs both parents, for the well-being of the child, and it’s the responsibility of both parents to act in the child’s best interests.

HB23-1178 dictates that the ONLY people who can provide training to judges, court officers, and expert witnesses are those who work with victims of domestic violence. This is a serious lack of

substance because those who work with victims of domestic violence do not have all the expertise in many other aspects of child development, family dynamics, human psychology, law enforcement, forensic psychology.

Proposed Solutions:

Amend the "Law" Section

- *to allow all experts according to evidence law: probative, material, and relevant;
- *to recognize that false allegations of domestic violence and child abuse do exist and false allegations must be taken into consideration;
- *to allow the court the ability to remove or restrict the child from a parent or a litigating party who is psychologically abusive or with whom the child is pathologically bonded or attached;
- *to allow the court to order reunification treatments that are empirically valid;

Amend the "Uniformed Required Standard" Section

- *to allow professionals with demonstrated expertise that is probative, material, and relevant;

Amend the "Training & Education Program" Section

- *to allow training to be provided by professionals with demonstrated experience or expertise, including, for example, researchers from credited educational and research institutions, psychologists, psychiatrists, and law enforcement

Important established guidance that should align with this bill:

~For years, the Department of Justice and other official sources have documented and instructed the courts to consider UOC- Use of the Child in child custody.

As much of this bill clearly acknowledges the harm Domestic Violence inflicts on not only the victim, but also the children exposed. It is imperative to also acknowledge a defined tactic of Domestic Violence Perpetrators in the Use of a Child. The results labeled 'Extent of Abusers' UOC and other Forms of Intimate Partner Violence' defines "most participants (88%) reported that their abusers had used their children as a tactic to control, harm or monitor them within the prior six months," according to the article published by the US Dept of Justice in 2021 OJP- Office of Justice Programs. 'The Use of Children as a Tactic of Intimate Partner Violence and its Relationship to Survivors' Mental Health.'

<https://link.springer.com/content/pdf/10.1007/s10896-021-00330-0.pdf?pdf=button>

Legislation efforts to protect from abuse would be faulted to choose only some aspects of abuse.

~In 2004, the State Justice Institute published Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide. "Children who appear "alienated" from a parent may have legitimate and substantial reasons for being angry, distrustful, or fearful.' That possibility should be explored, before one parent is blamed for inducing that alienation. How to understand issues of estrangement, protection, and alienation in cases involving domestic violence is treated more fully in the supplementary materials to Card III"

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/famct/id/971>

~Recently, in June 2022, the AFCC- Association of family & conciliation courts AND the NCJFJ- National Council for Juvenile and Family Judges released their Problem Statement: The vast majority of separating and divorcing parents maintain safe, healthy, and positive relationships with their children; however, a small percentage of parent-child relationships remain strained and/or problematic. Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family.”

<https://www.afccnet.org/Portals/0/Committees/AFCC%20NCJFJ%20Joint%20Statement.pdf?ver=L-vPDsr8pJiqRiVqbsVdDg%3d%3d>

We thank you for your dedication and tireless work in protecting children and thank you for this opportunity to share our concerns! We hope you investigate these concerns and data provided and amend HB1178.

Best Regards,

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