


# HB 2237: ON BALANCE, HARMS SURVIVORS IN FAMILY COURT

## Weakens Protections by:

- Eliminates protections for survivors to not have to share parenting decision-making with the person who harmed them or do dispute resolution with the parent that harmed them
- **“mandatory” limitations no longer have the same weight; they are rebuttable presumptions**
- Fails to define “emotional impairment,” a finding commonly made against survivor mothers
- **Fails to remove “abusive use of conflict,” a proxy for debunked “parental alienation syndrome” also commonly found against survivor mothers**
- Survivors mandated to professional supervised visitation will not be able to afford to see their kids
- HB 2010 is a MUCH better alternative to protecting the \*actual\* best interest of the child and safe parents

## Marginal “Surface-Level” Improvements Do Not Go Deep Enough

- Adding a definition of “Willful Abandonment” supports incarcerated survivors
- Attempts to define “abusive use of conflict” instead of removing it
- Adds “protective factors” which only puts a dent in rebutting the “abusive use of conflict” finding,
- Better supervised visitation rules BUT are not defined or standardized & have no funding support



**Weakens Existing .191 Protections & Fails to Address the Underlying Crisis in Family Courts**

Marginal improvements for some, but not all, Survivor Parents

# SURVIVORS IN FAMILY COURT WANT COMPREHENSIVE REFORM, NOT HB 2237

- ▶ **We need guidelines and factors the court *must* consider when making ANY limitation against a parent AND express written findings for all limitations. HB 2237 does NOT do this.**
- ▶ Expands judicial discretion to “balance” a history of domestic violence against mental health and other discretionary findings without ANY new/protective guidelines
- ▶ **Gives the court permission to enter the same limitations for discretionary findings as mandatory ones, including no contact.**
- ▶ HB 2237 & companion SB 5205 **DO** give trial judges the discretion **they** pushed for. Trial court judges should **NOT** be drafting the laws they are supposed to interpret and apply.
- ▶ **Not rooted in what survivor parents want; dismissive of survivor parents’ voices.**
- ▶ Does NOT affirmatively align with the addition of “coercive control” to the definition of domestic violence
- ▶ **HB 2237 creates more complexity for all parties; new evidentiary standards; new concepts of “comparative risk” without any guidelines or factors for trial judges.**
- ▶ HB 2237 is **NOT** based on the NCJFCJ Model Code. HB 2237 is NOT supported by science & research.
- ▶ **HB 2237 does NOT address the crisis in family courts, recognized globally, such as by the United Nations Special Rapporteur.** Arguably, HB 2237 makes it worse.
- ▶ Supervised visitation guidelines must be defined; state must provide funding and programming so parents can safely visit their children