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REPLY TO:

June 6, 2012

The Honorable Noreen Evans
Chair, Senate Judiciary Committee
State Capitol, Room 4061
Sacramento, California 95814

Re: Assembly Bill 1807 (Author Assembly Member Paul Cook)
Introduced February 21, 2012, Amended March 29, 2012, Amended April 23, 2012

Oppose

Dear Senator Evans and Senate Judiciary Committee Members:

On behalf of California's Association of Certified Family Law Specialists, a non-profit corporation with approximately 550 members who are certified as family law specialists by the State Bar of California Board of Legal Specialization, I write to oppose AB 1807.

The amended version of this bill still seeks to limit the discretion of the courts. A court should be able to make orders for evaluations, if it is appropriate in its discretion, in circumstances where a "prima facie" case has not technically been established. It is common in family law matters for individuals to self-represent. In counties where there is no front load recommending counseling system, these issues will be handled in court by the appropriate judicial officer. Thus, the courts will base their orders concerning the appropriateness of the requested evaluation upon pleadings filed by the parties and any other "testimony" that may be offered on this issue at the hearing. In those types of situations, the ability of a party to accurately establish a prima facie case for an evaluation may be limited.



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As a state, we should continue to allow courts the broadest discretion in custody matters. The bill's supporters argue that military parents are no longer deployed for extraordinary periods of time. This ignores the impact of any time on a child's development.

For example, envision a couple who have a child and do their own paternity/divorce agreement agreeing to a 50-50 plan when the child is 10-12 months old. Then one parent gets deployed and is gone for approximately a year (certainly we all know of such deployment periods). When the parent returns the child may not know this person at all because of the separation at the most crucial period. Assume this parent is back for 6-9 months and barely develops some semblance of a bond with the child and is redeployed (as we know can happen). The parent returns 9 months later to a child nearly 3 years of age who has spent half his/her life without that parent-child relationship. Even excluding the range of problems that parent may have developed, physically or emotionally, as a result of his/her service, putting the 3 year old back into a 50-50 plan with someone who is a stranger is likely not in the child's best interest, and at best it should be evaluated to provide adequate information to the court. This situation can and does happen and should not be ignored.

Protecting the rights of parents has always been secondary to the protection of children in the State of California. This bill promotes parents' rights, eliminates the courts' discretion and fails to appropriately protect children.

ACFLS urges the Senate Judiciary Committee to deny passage of this bill.

Respectfully,

Diane Wasznicky,
President, ACFLS

cc: ACFLS Board

The Honorable Paul Cook, Assembly Member and author
Saskia Kim, Chief Counsel, Senate Judiciary Committee
Benjamin Palmer, Deputy Chief Counsel, Senate Judiciary Committee
The Honorable Mike Feuer, Assembly Judiciary Committee
Drew Liebert, Chief Counsel Assembly Judiciary Committee
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