



CENTER *for* JUDICIAL EXCELLENCE

The Honorable Mark Stone
State Capitol, Room 3146
Sacramento, CA 95814

March 29, 2018

RE: Support for AB 2044

Dear Assemblymember Stone:

The Center for Judicial Excellence was created 12 years ago to strengthen judicial accountability across all courts and to protect vulnerable parties in the family court system – particularly children and family violence survivors. We also represent the concerns of the 90% of family law litigants in California who cannot afford to hire an attorney. In 2016, we co-led the successful lobbying effort to pass a unanimous JLAC request to audit the Commission on Judicial Performance for the first time in 55 years. We also led the effort that created Family Code Section 3042 with then-Assemblywoman Fiona Ma to allow children 14 and older to testify in family court, among other reforms we've passed to protect the rights of children in family courts.

We support **AB 2044** as an important step in better protecting children of divorce and separation from violence, abuse and trauma by clarifying for judges that children have the right to live free from abuse and that residing in a house where child abuse or domestic violence is perpetrated is detrimental to the health, safety, and welfare of the child. This legislation is ahead of its time- as it mirrors the emphasis on child safety in family courts that has driven 14 bipartisan members of the California Congressional delegation to co-sponsor House Concurrent Resolution 72 at the federal level, which directs states to focus on child safety in family court adjudications.

AB 2044 also ensures that judges are trained in the dangers of placing children in homes where domestic violence occurs. Extensive research supports the fact that child safety concerns should always trump “frequent and continuing access” when adjudicating family violence cases (see the American Bar Association’s Family Law Quarterly, Spring 2013 issue, **Prioritizing Child Safety as the Prime Best-Interest Factor** by Allen M. Bailey for a comprehensive compilation of research on this subject).

Our organization has tracked **the murder of at least 53 California children in the past decade** by a divorcing or separating parent – which amounts to THREE Marjory Stoneman Douglas High School massacres. Many of these homicides were preventable if family courts had focused more on child safety- as this bill clarifies- rather than on junk science like “alienation,” which forces children to spend unsupervised time with the parents they have reported for sexual or physical abuse. The courts are in crisis. Kids are dying. This bill helps.

Sincerely,

Kathleen Russell
Executive Director