



CENTER *for* JUDICIAL EXCELLENCE



Congress Works to Ensure Children Are Protected in Custody Disputes

H. CON. RES. 72 Pushes State Courts to Consider Children's Safety Above All Else

WASHINGTON, September 25, 2018—In a triumph for parents and children who have been the victims of family violence, the U.S. House of Representatives passed a concurrent resolution urging state courts to determine family violence claims and risks to children before considering other ‘best interest’ factors. The resolution encourages states to ensure courts rely only on admissible evidence and qualified experts, and adopt qualification standards for third-party appointees. It also affirms that Congress is prepared to use its oversight authority to protect at-risk children.

DV LEAP, the Center for Judicial Excellence and the California Protective Parents Association (CPPA)—three well-known and established non-profit organizations advocating for victims of abuse—have worked tirelessly with Pillsbury, acting as pro bono counsel, to ensure H. CON. RES. 72's passage. Together they assembled a coalition of more than fifty advocacy organizations supporting the initiative. The bipartisan resolution, spearheaded by Rep. Pete Sessions (R-TX) and Rep. Carolyn Maloney (D-NY), and cosponsored by more than 80 lawmakers, passed without a vote earlier this evening.

“This day has been a very long time coming,” stated Founder and Legal Director of DV LEAP Joan Meier. “We and our grass-roots allies have been asking Congress to address this problem for over a decade and we are incredibly grateful to our amazing pro bono lawyers at Pillsbury and leading co-sponsors Maloney and Sessions for generating this outpouring of Congressional support. It is not hyperbole to state that this Resolution, by catalyzing improved state court practices, will save some children’s lives and protect others from a childhood full of abuse.”

“California Protective Parents Association is incredibly thankful to all who led, cosponsored and passed this important legislation to help protective parents defend their abused children,” added CPPA Executive Director Catherine Campbell. “By passing this resolution, Congress has assured those kids that they will be heard and believed. They are avowing that, as a nation, we consistently put a child’s right to be safe first.”

The Resolution is a direct response to state family courts’ difficulties hearing and evaluating claims of child abuse and domestic violence during custody litigation. According to the Leadership Council on Child Abuse and Interpersonal Violence, an estimated 58,000 U.S. children per year are court-ordered into the unsafe custody or care of abusive parents, over the objections of caring parents. Over the past decade, the Center for Judicial Excellence has documented 653 child homicides across the U.S. by a parent involved in a conflict related to divorce, separation, custody, visitation or child support.

“Many of these child homicides were preventable, if family courts had just prioritized child safety,” said Kathleen Russell, the executive director of the Center for Judicial Excellence. “This resolution commemorates the lives of these innocents and helps ensure that more parents are spared the immeasurable grief of losing a child at the hands of an ex-spouse.”

In just two examples of hundreds, Kyra Franchetti, age 2, was murdered in 2016 by her father, who then committed suicide. Her mother’s claims that Kyra’s father was suicidal, abusive and had severe anger issues were repeatedly dismissed by a judge who at the time commented, “this is not a life or death matter”. And just last year, 5-year-old Piqui was murdered by his father after a trip to Disneyland, just days after a family court denied the request of his loving mother, Ana Estevez, to supervise the father’s visitation. The court minimized the father’s past violence toward the child and the father’s threats to kill Piqui’s mother as simply “bad parenting.”

“While Kyra’s voice has been silenced by family violence, her story resonated loud and clear,” said Jacqueline Franchetti, Kyra’s mother. “I want to thank the Congressional members and staff who supported this Resolution for their kindness and compassion. While I miss Kyra every second of every day, this is an important first step to creating lasting change for so many children left vulnerable by our divorce/family court system.”

Piqui’s mother Ana Estevez, a child advocate who has lobbied in Washington on numerous occasions, continued: “Our children deserve to live full lives—my Piqui deserved to live more than 5 years—and this powerful statement by the House gives me real hope that the family court coverups and denials of child abuse are finally being exposed. California passed Piqui’s Resolution a month ago, in honor of my son, and like this federal Resolution, it urges family courts to make child safety their number one priority.”

The list of organizations that have been advocating for passage of H. Con. Res 72 includes [Advocates for Child Empowerment & Safety \(ACES\)](#); [California Protective Parents Association \(CPPA\)](#); [Center for Judicial Excellence \(CJE\)](#); [City of Covina](#); [Domestic Violence Legal Empowerment and Appeals Project \(DV LEAP\)](#); [ACTION OHIO Coalition For Battered Women](#); [Azusa City Council](#); [Battered Mothers' Custody Conference](#); [Baldwin Park City Council](#); [California Partnership to End Domestic Violence \(CPEDV\)](#); [Center for Child Protection and Family Support](#); [Child Abuse Forensic Institute \(CAFI\)](#); [Child Abuse Solutions, Inc.](#); [Child Justice](#); [Child Protection Institute \(CPI\) at Liberty University](#); [Child USA](#); [Children’s Civil Rights Union \(CCRU\)](#); [Children's Justice Fund](#); [Coalition Against Domestic Violence – Lynchburg VA](#); [Courageous Kids Network \(CKN\)](#); [Darkness to Light](#); [Distinction in Family Courts \(DFC\)](#); [Families Against Court Travesties](#); [Family Violence Appellate Project \(FVAP\)](#); [Futures Without Violence \(FUTURES\)](#); [Incest Survivors Speakers Bureau \(ISSB\)](#); [Joan of Arc Lawyers Foundation, Inc.](#); [Justice for Children](#); [Kids Are Human](#); [Legislative Coalition to Prevent Child Abuse](#); [Legal Momentum](#); [Los Angeles County Sheriff’s Department](#); [Lundy Bancroft](#); [MassKids \(Massachusetts Citizens for Children\)](#); [Moms Fight Back](#); [Mothers of Lost Children](#); [National Coalition Against Domestic Violence \(NCADV\)](#); [National Coalition for Family Justice \(NCFJ\)](#); [National Domestic Violence Hotline](#); [National Network to End Domestic Violence \(NNEDV\)](#); [National Organization for Men Against Sexism \(NOMAS\)](#); [National Organization for Women \(NOW\)](#); [National Partnership to End Interpersonal Violence \(NPEIV\)](#); [National Task Force to End Sexual and Domestic Violence](#); [Peace Over Violence](#); [Piqui’s Justice](#); [Senator Ed Hernandez](#); [SOAR for Justice](#); [Stop Abuse Campaign](#); [Support Network of Advocates for Protective Parents \(SNAPP\)](#); [Talk About Abuse to Liberate Kids \(TAALK\)](#); [The Hofheimer Family Law Firm](#); [The Leadership Council on Child Abuse and Interpersonal Violence](#); [The Nurtured Parent](#); [US Alliance to End the Hitting of Children](#); and [Wings for Justice](#).