

**Vicky A. Kaaz**

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**Oral Testimony for Senate Bill 257**

**Members of the Senate Judiciary Committee,**

**Good Morning, my name is Vicky Kaaz. I want to thank Senator Steve Fitzgerald for sponsoring Senate Bill 257. I also want to thank Senator Rick Wilborn as chair of the Judiciary Committee and then of course all members of this committee for your consideration, concern and willingness to examine this very important issue.**

**I am the mother of two - a daughter and a son, and a grandmother of three boys (20, 12, 5) and one girl (8).**

**I am currently the vice chair of the National Parenting Organization- Kansas Chapter.**

**NPO advocates for the best interest of children and we have been working toward changes in laws and cultural norms that have eroded the relationships between children and non residential parents for decades. I applaud Kansas statutes that are intended to prohibit bias in our family courts, but all too often, legal loopholes and antiquated research are used by individuals in family court to deny access of children and their parent to one**

another.

I am respectfully asking for your support of Senate Bill 257. I believe this Bill seeks to recognize, strengthen and preserve the bond between children and their parents to the greatest extent possible, while supporting and recognizing the various factors that can be considered when determining the best interest of children.

My professional career and volunteer activities have allowed me the opportunity to serve our most vulnerable and economically disadvantaged populations. I was the Vocational Director at Riverside Resources serving individuals with developmental delays for five years. I was the Executive Director of the United Way of Leavenworth County for four years. I was employed for a total of 18 years as the Community Relations/Prevention Services and Education Director of the Guidance Center, the CMHC serving Atchison, Jefferson and Leavenworth Counties. While at TGC, I also served as the interim program manager of their youth psychosocial program. For the past 2 & 1/2 years, I have been the daytime caregiver of my 2 youngest grandchildren.

My past volunteer activities include volunteering for our local domestic violence shelter (I assisted women with completing the paperwork for PFAs and wrote grants to support their mission), I served as a board member and chair of Big Brothers and Sisters of LVCO, the City of Leavenworth Community Development Advisory Board, and served as the vice chair of the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention.

**My current volunteer activities include serving as the chair for the LVOC Multidisciplinary Child Protection Team, the vice chair of the 1st Judicial CASA Association, which oversees a CINC program, a Supervised Visit and Exchange Program and a Child Advocacy Center. I am also the chair of the Leavenworth County Suicide Prevention Coalition, and a member of the Leavenworth County Child Abuse Prevention Council, Live Well LVCO and the Rotary Club of Leavenworth County. As mentioned before, I also volunteer time for shared parenting advocacy.**

**I share my work and volunteer history with you to demonstrate my personal commitment and dedication to improving the lives of individuals and families. And to assure you that as a child advocate, I would never support any legislation that would be detrimental to the best interest of children.**

**I fully stand behind the assertion that "clear and convincing evidence" should be the standard for a judge in making a finding that equal or nearly equal parenting time is not in the best interest of a child. I make this assertion due to circumstances surrounding my son's divorce and after hearing many similar stories over the past three years.**

**I am the grandmother of children who have lost their traditional family to divorce. Like many children born in the 21st Century, prior to the divorce, their parents shared equally the responsibility of their care on a daily basis. My husband and I marveled at the evolution of parenting roles over the years and the extent to which our son embraced the importance of bonding with his children in a manner that ensured both their physical and emotional**

wellbeing. Never in our wildest dreams did we imagine that after 10 years of marriage, our son would find himself fighting for the right to have unsupervised time with his two small children.

Three years ago, our family was blind to the realities of the Family Court System as it relates to the separation and divorce of individuals with children. I had heard the term "high conflict" divorce, but didn't fully comprehend its true meaning. I had no idea that it was not only accepted, but expected that individuals would lie under oath with impunity in family court. I was shocked by the number of attorneys who expressed that sentiment to my son during the two years it took to finalize his divorce and determine a parenting plan that would serve in the children's best interest. During that time, I expressed my concerns to our county attorney, Todd Thompson, who gave me a "crash course" on the differences between civil and criminal court.

I have witnessed first hand the potential for devastating consequences for children and parents in the family court system. With the assistance of an Order of Protection from Abuse, my son and his children had become victims of an alienating parent. Attempts by one parent to undermine the relationship between children from the other can only be overcome with sufficient access. When family courts give the bulk of parenting time to an angry, bitter person or a borderline personality, the alienation goes unchecked for long periods of time and it becomes easier for a child's perception of and feelings for the non-alienating parent to become altered.

I now realize that the use of an order of protection from abuse, has somehow become standard operating procedure for a growing number of individuals seeking "an upper hand" in child custody. It is now estimated that 20% of the temporary Orders of Protection for Abuse granted are obtained under false pretense. Using the PFA, our grandchildren were unceremoniously denied all contact with their father for a month. During that time, they were told that my son was no longer their father, that he did not love them anymore and that her paramour was their new father. They were required to call him daddy and were punished if they failed to do so. Until the criminal case regarding the PFA was heard, our son was forced to move back into our home for supervised parenting time with his children. To me, this is extremely disturbing given that a law, intended to protect victims of domestic violence, can be used to emotionally abuse them. Fortunately, in my son's case the mother failed to show up for two hearings regarding the order of protection, which was dropped by the presiding judge following the second failure to appear. We were advised in advance of the hearing that in the majority of cases, judges grant 1 year PFAs out of an abundance of caution.

In my son's case (and many others I have spoken to), the existence of the temporary order of protection, left the family court judge with limited judicial discretion to allow the children to have unsupervised time with their father. My grandchildren were extremely fortunate that based upon his observations during preliminary family court proceedings, Judge Dan Wiley allowed parenting time under the direct supervision of my husband and me, until the PFA matter was resolved. My son was ultimately given primary residential custody based upon the recommendation of the children's GAL and evaluations presented to the court by

**2 forensic psychologists and a play therapist.**

**My experiences while working in human services field have taught me that children thrive when they feel loved, supported and valued, especially by both of their parents. Although parents (mostly fathers) are negatively affected by inadequate access to their children, it is the children who ultimately experience the most negative consequences when denied an ongoing and equitable relationship with both parents. Unless there is clear and convincing evidence that equal or nearly equal parenting time is not in the child's best interest, every child should have unencumbered access to both parents.**

**We have created a Power Point presentation for your review and hope that it will provide you with additional insight into the importance of shared parenting.**

**I urge you to vote yes for Senate Bill 257. In doing so you will be improving the lives of children across the state of Kansas.**

**Thank you for your time.**