

I am Halle's mom, Lindsay Peterson. I am here to share how if SB 2184 was in place, it could negatively affect me and my children.

In Senate bill 2184, lines 11-16 state that if the court finds an allegation of harm to a child not made in good faith, the court shall order additional parenting time to the other parent. Let's pause and look at the definition of allegation: a claim that someone has done something illegal or wrong, typically made without proof. As a victim of abuse, I would have struggled to provide enough evidence or proof to convince the court that my allegations were true because when the abuse was happening, the last thing I thought about was documenting. I was in an ongoing state of fight, flight, or freeze with a focus on protecting the children. Emotional, sexual, spiritual, and verbal forms of abuse and manipulation are even harder to prove. Almost all cases occur behind closed doors, with no witnesses to corroborate the victim's account. While I worked through trauma counseling provided by the Rape and Abuse Crisis Center, I learned that victims like me often choose to endure in silence and submission for long seasons to placate anger.

I also realized that a powerful and controlling parent in the home can continue to assert power to attempt to manipulate the system to maintain control, leading to further trauma and stress. It is too often the case that controlling behavior and abuse can increase when victims flee. The risk to children can also be greater when they are alone in the care of an unstable parent who is now even more upset.

Under this bill, victims of abuse may be even more hesitant to report genuine harm done to a child because of fear that an inability to prove an allegation could lead to punishment and increased risk: losing additional parenting time to the abusive parent. Knowing that a true, but unsubstantiated claim could further empower an abusive parent in custody disputes, making it harder for domestic violence victims to prioritize their safety and the safety of their children. According to childusa.org, proving marital or child abuse in court can be quite challenging. Statistics show that family courts often reject abuse claims. Courts reject about **81% of mothers' allegations of child sexual abuse** and **79% of their allegations of child physical abuse**. Even when abuse is proven, mothers can lose custody to the abuser in about **13% of cases**.

While it is truly important to recognize that false allegations can have serious consequences, it must be acknowledged that the current law does provide a deterrent in making provision for restitution of finances lost defending false allegations. But false allegations are actually not common. What is much more common is abuse left unreported because of fear, estimated to be approximately 44%. The specific wording of this bill leaves an undue burden on victims providing evidence of their claims. Lines 15 and 16 state that an investigation by any person which does not find harm, abuse, or neglect can be used to award the accused parent additional parenting time with wide scope. Lack of finding evidence does not necessarily prove falsity, but the wording here does acknowledge that very difficult reality. In my case, I was grateful to have multiple counselors and advocates validate our experience individually, yet it did not influence the final custody decision.

The wording in line 15 that the results from "an investigation by any person" with lack of finding may be used to award time back is also extremely problematic and vulnerable to misapplication. If "any person" may investigate and report findings, the investigator could be highly unqualified, biased, or perhaps even have been given an incentive.

Our state laws need to be written with clear purpose, distinctions and the capacity to address the difficult burden of proof in domestic abuse custody cases. The wording of this bill is not clear enough to negate the double edge sword in divorce: the very laws meant to right wrong situations for the innocent may be utilized punitively by the guilty. Not because of lack of evidence, but in the case of SB 2184, because of the lack of proof found in an investigation by anyone.

I fervently desire to live in a state where safe parents can report any harm to their children by unsafe parents, including emotional abuse, to the authorities without fear of repercussions. If this bill becomes law in its current form, parents will be forced to carefully consider the lack of sufficient evidence versus the imminent risk of further harm to their children. The potential consequences may be too severe to report otherwise.

Unsubstantiated findings on abuse should not be penalized, as a lack of proof does not equate to a lack of truth. The absence of evidence does not invalidate the reality of the abuse experienced.