OPPOSTION TO CO HB24-1350.
TESTIMONY OF JOAN KLOTH-ZANARD

My name is Joan Kloth-Zanard. I have my master magna cum laude with extensive additional degrees and certifications in areas related to my master's thesis on Parental Alienation. As a I am a mental health professional with over 35 years of experience in custodial interference, parental estrangement and gatekeeping. It was my life experiences that lead me to my degree in Marriage and Family Therapy.

For 35 years, I have watched parents, both mothers and fathers, struggle to stay in their children's lives through the false allegations and outright attacks and gaslighting. The use domestic violence by proxy comes to mind. Everyone and anyone are used by these Personality Disordered parents to help impede the children's relationship with the other targeted parent and their family. While as adults, targeted parents usually have the maturity to understand what is truly going on with the anger, fear, hatred and rage being projected through the children onto them by the hostile aggressive alienating parent. The children do not have this emotional or mental maturity to comprehend. The number of cases I work with has grown exponentially each year. The number of children, who have gender identity issues or suicidal ideation or self-harming, is growing exponentially each year. The damages from these childhood traumata grows exponentially each year. This affects the child's mind, body and soul. (See ACES – Adverse Childhood Experiences Study). If we take away the treatment for this type of psychological abuse, this epidemic will grow exponentially. And it is these very damaged children who will be running this world.

For the stakeholders of this bill to claim that PA, a severe form of psychological abuse, does not exist, is in complete stark contrast to all of the scientific research and studies out there. It also seems that the very people proposing this, the very people, who are filing the false allegations, withholding the children and impeding with the children's relationships with extended family. This is in stark contrast to their claim that only abusive men use the term PA. Well, what about all of the abusive mothers who have used the same tactics as these supposedly abusive men? Don't they count in the statistics as part of the problem?

It seems almost common sense that any bill that would claim a severe form of psychological abuse does not exist just to fit their agenda should not be passed. Not only is it fraught with extensive misinformation and attacks against a group of scientifically grounded group of people, but to claim this means that none of science matters. Under their premise, all psychological abuse that involves kidnapping of a mind, soul or body is junk science and should not be treated. As Parental Alienation is a form of kidnapping called Custodial Interference, under this guise, any person kidnapped, indoctrinated into a religious cult, brainwashed or otherwise withheld from their family, cannot get treatment. Worse, under their premise, if you had 100 cancer patients who all took the same treatment. And 99 had success but one did not. According to this group supporting this premise about Parental Alienation, we should throw out the treatment and not allow any treatment for lung patients unless there is success. This is absurd thinking and would turn all of the medical field on end. No one would ever be able to get help because 1% might not be successful. It means science and the ability to find cures would no longer be allowed. With over 35 years of research and study, 100 years of documented cases of parental

alienation and with 96% at minimum with successful reunification with their ousted parent, how can we deny that it does not exist or that blocking medical care for it should not occur.

There are 5 major areas of concern with this bill.

1. Parental alienation is a belief system and not based on science. Likewise, it is not accepted by nationally recognized professional organizations.
    - 35 years of research and studies, 100 years of documentation by the courts of this type behavior, refutes this claim.
    - National professional organizations recognize the validity of parental alienation:
        i. The AFCC issued a policy statement in 2022 that states that family courts should take alienation and false abuse allegations seriously. (https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-ncjfcj-joint-statement-on-parent-child-contact-problems)
        ii. The 2022 American Psychological Association's Guidelines for Custody Evaluations in Family Law Proceedings mentions over 20 times the importance of addressing alienation. It also mentions the importance of input from experts from a diverse area of specialties and the importance of differentiating between valid and false allegations of all types. (https://www.apa.org/about/policy/child-custody-evaluations.pdf)
        iii. *Kaplan and Sadock's Comprehensive Textbook of Psychiatry*, Tenth Edition, discusses PA as a form of child maltreatment on page 3829.
        iv. The American Academy of Forensic Psychology Specialty: Child Custody Evaluation (80 hours) includes Allegations of Alienation or Child Sexual Abuse in Custody Evaluations in their training (https://concept.paloaltou.edu/course/Allegations-of-Alienation-or-Child-Sexual-Abuse-in-Custody-Evaluations?hsLang=en).
        v. Authors of the DSM-5 chapter on "Other Conditions" explain that PA is included in the DSM-5 under the diagnosis of Child Affected by Parental Relationship Distress (code V61.29). (https://www.jaacap.org/article/S0890-8567(16)30175-7/fulltext)
        vi. A study found that the concept of PA was found to be material, probative, relevant and admissible in at least 1181 US appellate court cases between 1985 and 2018. (https://psycnet.apa.org/record/2020-31425-006)

2. All abuse allegations should be treated as facts until proven otherwise, no matter who made the allegations or how frivolous they may be.
    - The DV agencies admit that 73% of allegations are unsubstantiated as false.
    - The Federal Government says 90% of allegations are false.
    - How then could we possibly even begin to consider making all allegations fact until proven otherwise. Aren't we innocent until proven otherwise?

- The well-renowned professional, Bill Eddy, just wrote an article on the very fact that children's voices are not reliable. (See attachment).

3. Individuals who have committed some "type" of violence are always a risk for children no matter how much time has passed and no matter what the person has done to rehabilitate their self.
    - 96% of the world has probably reacted poorly to a situation before they learned a better way. This does not equate to 96% of the public being abusive and not qualifying to be around their children.
    - Parents are not perfect. In fact, there is no such thing as a perfect parent. If there was, we would not need all these self-help resources. We would have one resource, the Perfect Parent.
    - Based on this theory, every parent who comes home from the war with PTSD, and has a breakdown, should be banned from their children.
    - Based on this theory, any person who has diabetes and has a sugar crash that causes them to react inappropriately due to the sugar imbalance, should never see their children again.
    - Based on this theory, ever rape victim, who stops taking care of themselves and their children due to the trauma, should never see them again.
    - Based on this theory, every parent who accidentally combed their child's hair and pulled at a knot should never see their child again.
    - Based on this theory, every parent who does not know how to make scrambled eggs should not be able to see their children. This is a common excuse for claiming abuse and neglect.
    - This means any parent who saves their children's life from being hit by a car by grabbing them by the arm, leaving a bruise, should never see their kids again. Yes, I have numerous clients with this story.
    - Yes, this sounds as ridiculous as it is.
    - And this part of the bill gives carte blanche to file any number of charges and if the first one does not stick, then they keep filing, and harassing the other parent until they convince someone that it is true, even if it means manufacturing evidence as in the NY/CT case where the mother accused the father of sexually abusing their toddler girls. Father was sentenced based on fabricated evidence. The mother admitted this to a friend that she got him arrested falsely, by putting the girls in a bath after their return from their fathers and scrubbing their private parts until they were red and raw. Then, she took pictures and this is how she got him falsely arrested.

4. Domestic violence research, experts, and claims are all accurate and reliable.

- If DV research, experts and claims are all accurate, then why can't their research be replicated. 2 major studies were done trying to replicate Joan Meier's work, in particular. Not only could that not replicate it but they found over 33 errors in the research study.

5. The child's voice should be given priority in custody proceedings.
    - While we should hear what children say, it should be suspect because they are easily co-opted into a cult of anger, fear, hatred and rage by one parent toward the other.
    - Think of it this way. If Jim Jones, Wacko, the Moonies can convince a complete adult stranger to join their groups, imagine how easy it would be for a parent to do to a child.
    - Furthermore, look at the case of Patti Hearst. She became a victim of Stockholm Syndrome when she started to side with her captor to save her life.
    - This is exactly what happens to children. They are caught in a loyalty bind. Damned if they love the targeted parent and damned if they don't.

Commonsense 101: How would we be handling these things if this was an intact family that wanted to stay together? The entire family would be in counseling. Why should it be any different just because there is a divorce. In fact, isn't it the courts that keep saying the children need things to be handled in their best interest? So, why are we removing treatment for a condition that has been recognized by the courts for 100 years as an issue and that has 35 years of solid evidence of it's existence, while there is absolutely no research to refute it's existence?

It just does not make sense.

Can Children Make Independent Decisions in Dysfunctional Families?

At least one state is considering the idea of allowing their family courts to give children as young as 14 the right to make decisions about whether to have a relationship with one of their parents, if the child can demonstrate sufficient maturity and independence to make such a decision. This would be a huge mistake and based on a complete misunderstanding of family dynamics.

For a child to resist or refuse a relationship with a parent is not normal and only occurs in dysfunctional families. The question is why? Is it because of child abuse, domestic violence, alienation, or something else? This is not a problem to ignore or sweep under the rug by punting to the child. This is not a problem to solve by eliminating one parent and all of that side of the family, which is often the healthier side of the family.

Most separating or divorcing families (about 80 percent) do not go to court to resolve their parenting decisions. Of child custody disputes in family courts, only about 25% or less involve a child resisting or refusing contact with a parent. This is not a normal divorce problem. Children in such families cannot be independent. That is why knowledgeable adults need to figure out what is going on and what would help. This article explains why this is so important.

Dysfunctional Families in Family Courts

Families operate as a system, with each member influencing each other in a healthy or unhealthy way. Generally healthy family systems find ways of separating that maintain contact with all family members, just in a less-intimate form of the familiar dynamics. Parents communicate, children see them both, and conflicts are managed through minimal contact or active problemsolving.

Those who are left in the family courts today are primarily dysfunctional family systems—one or both parents have serious problems. Most court decisions are about bad behavior, how to evaluate it and how to manage it. Discovering lies, hidden assets and income, and enforcing court orders have become the main issues in today's family courts. Restraining orders have become a huge part of the court's work, as dysfunctional behavior and lack of self-restraint continues to grow in society.

In dysfunctional family systems, people develop dual personas in order to hide the family dysfunction. In private they may be very abusive, emotionally, physically, sexually, or neglectful. But in public they may appear and sound very reasonable, positive, and even charming. This goes for parents and also for children.

Because of these dual personas in dysfunctional families, courts have very little idea who and what they are really dealing with. The "search for the truth" is much more complicated with people who are actively trying to hide the truth in family systems that have years of experience in keeping family secrets. One of the myths of family court is that victims of abuse will simply stand up and tell the truth, so that courts can protect them. Most victims know that they cannot have any confidence that they will be protected from the most dangerous family members.

On the other hand, perpetrators of abuse are usually comfortable with the court process, because they have aggressive personalities and have had years of experience in dominating their family systems through manipulations and lies and spreading rumors inside and outside the family. Speaking in public is easy for them and their "public personas." And children – who have been

trained since birth to cope with the secrets, rigid roles, and danger – will do anything and say anything to survive, even to a judge.

The result is that judges have to make their best guess about what is really happening with each party's "private persona," based on each party's "public persona." If the judge favors the weaker party, then the stronger and possibly abusive party will escalate his or her dysfunctional behavior in an effort to maintain the power structure and stability of the family system. This can lead to violence outside of the courtroom, kidnapping children, financial manipulation, spreading rumors or other methods of asserting control.

If the judge favors the dominant party, then the court is simply reinforcing the dysfunctional family system and making life worse for a weaker or victim party or child. In both cases, the family system is knocked out of balance and the children are drafted to help regain its stability by reinforcing the power structure unhealthy as it is.

Family systems heavily influence the behavior of each member of the family. Dysfunctional families are under the influence of these factors, just as much as actively using addicts are under the influence of their drugs. They are unreliable sources of information and should not be expected to present reliable information to the court as a parent, a child, or other relative in the dysfunctional family system.

Children Go Where the Power Is

Overall, children are unreliable reporters when "carry the disease" of the dysfunctional family, as they have no other choice. Children go where the power is. They have been trained in the family disease, often from birth – especially when they have a personality-disordered parent (sometimes one, sometimes two). As family courts look to children as a source of information, they tend to be unaware of the influence of family systems. The question shouldn't be "Is the child mature enough to provide independent and reliable information?" which is the question asked today. The question should be: "Why do we believe that anyone within a dysfunctional family system can be an accurate reporter, child or adult?"

Well-trained investigators outside the family system will be much more accurate in gathering and presenting information. Sometimes one individual trying to evaluate a family system will get sucked into the dysfunction, which is why a team of professionals with multiple sources of information is the best at correcting each other's biases and misinformation.

Family systems are at their worst when they are defensive. Yet, the adversarial court process makes the family system very defensive and its members are usually operating in what feels like a "life-or-death" mode. Letting one person, especially as young as 14, make such important decisions about family relationships during maximum stress is totally unrealistic. This is especially true, since such a child is only halfway in the brain development process which is usually not complete until mid to late 20s.

Personality Disorders and Child Emotional Problems

The current diagnostic manual of mental disorders indicates that approximately 10% of adults have a personality disorder. (APA, 2022) Research shows that these are interpersonal disorders such that those close to someone with a personality disorder are more vulnerable to their behavior, including "one's children, parents and siblings, peers, and romantic partners." Furthermore, those with Cluster B personality disorders (narcissistic, borderline, antisocial, and histrionic) have been found to have "moderate-to-large and significant associations with domineeringness, vindictiveness, and intrusiveness." They also have "a tendency toward distrust and suspicion of others and an inability to care about the needs of others." (Wilson et al, 2017)

In other words, the troublesome parenting issues in today's family courts (which involve a lot of domineering, vindictive, and intrusive behavior) involve a significant number of parents with personality disorders or traits of these disorders. They are more aggressive than average with their family members. In terms of impact of their personality disorders on children, a classic study from 1984 found that "children of parents with PDs characterized by hostility were more likely to develop mental health problems themselves compared with children of parents with severe psychiatric diagnoses like Schizophrenia or Bipolar Disorder or any other psychiatric diagnosis." (Berg-Nielsen & Wickström, 2012)
A study from 2012 found that children of parents with just traits (or "subclinical symptoms") of personality disorders can also be hugely impacted by such parents even as preschoolers:

> PDs that appear to be the most strongly associated with hostile behavior and that may affect children are Borderline Personality Disorder (BPD), Antisocial Personality Disorder (ASPD) and Narcissistic Personality Disorder (NPD). These disorders are characterized by features such as difficulty controlling anger (BPD, ASPD, NPD), impulsive and aggressive outbursts (BPD, ASPD), rage when being criticized (NPD), irritability (BPD), aggressiveness and physical assault (ASPD), being tough-minded, exploitive, and non-empathic (ASPD, NPD), lack of reciprocal interest and sensitivity to the wants and needs of others (ASPD, NPD), extreme sarcasm (BPD), being indifferent to having hurt another (ASPD), sudden and dramatic shifts in their view of others (BPD), emotional coldness (NPD, ASPD) and disdainful, arrogant behavior (NPD). (Berg-Nielsen & Wickström, 2012)

Such behavior caused emotional problems for children as young as 4 and 5. However, this study was done with mostly intact families, with a generally reasonable parent present to soften the impact of the parent with a personality disorder. In cases where the parents were separated, the study reached this conclusion: "When parents were not cohabiting, the variance of the children's emotional problems explained by parental symptoms increased more than six times. Child service providers need to have knowledge of those deviant personality traits in parents that may represent a possible peril to their children's mental health, even when parent PD is not diagnosable." (Berg-Nielsen & Wickström, 2012)

In other words, without the more reasonable parent present, the children suffer even more so. Therefore, in custody disputes the worst possible outcome is to cut the child off from the healthier parent, yet the child may feel obligated to do so to please the more aggressive, more hostile, more unpredictable, and more intrusive parent. Why take that risk?
Conclusion

Dysfunctional families are most of those still going to family courts these days. Family courts provide an opportunity to influence the family in a positive way IF the court can acquire full and accurate information. The court has many helpful tools at its disposal (counseling, parenting classes, restraining orders, etc.) which can help save dysfunctional families from themselves and offer opportunities for personal growth and life course correction. These can make a huge positive difference in a child's life and possibly both parents.
On the other hand, to simply defer parenting decisions to children as young as 14 reinforces the dysfunctional family system and the child's distorted role in maintaining the status quo. Such children must sacrifice their own development to placate a disturbed, but powerful parent. They

must deny their own love and needs with a healthier parent, who is no longer there to soften the influence of a parent with a possible personality disorder or traits.
The answer is clear: Children of any age should not be given the decision-making authority to terminate a relationship with a parent. Parenting decisions need to be made by responsible adults. Family courts should work hard to understand each family's dynamics and what is needed for the healthiest outcomes. Deferring to 14-year-old children will only reinforce dysfunctional families.

Bill Eddy is a family lawyer, therapist, mediator, and the Chief Innovation Officer of the High Conflict Institute based in San Diego, CA. He has trained lawyers, mediators, judges, and therapists in over 35 states and 13 countries. He is the author of several books including BIFF for CoParent Communication and High Conflict People in Legal Disputes, and is the developer of the New Ways for Families® skills training method for potentially high conflict parents in family courts. His website is: www.HighConflictInstitute.com.

REFERENCES

American Psychiatric Association (APA): Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision. Washington, DC, American Psychiatric Association, 2022.

Berg-Nielsen, T.S. and Wickström, L. "The mental health of preschoolers in a Norwegian population-based study when their parents have symptoms of borderline, antisocial, and narcissistic personality disorders: at the mercy of unpredictability." Child & Adolescent Psychiatry & Mental Health. 2012; 6:19. doi: 10.1186/1753-2000-6-19

Wilson S., Stroud, C. and Durbin, C. Interpersonal Dysfunction in Personality Disorders: A Meta-Analytic Review, Psychology Bulletin, July 2017; 143(7): 677-734. doi: 10.1037/bul0000101.

House Judiciary

03/12/2024 01:30 PM

HB24-1350 Parental Responsibilities Proceedings Child Safety

Typed Text of Testimony Submitted

Name, Position, Representing	**Typed Text of Testimony**
Claudia Ovalles Against Heroes for Children's Rights	On behalf of Heroes for Children's Rights, I, Claudia Ovalles, oppose HB 24-1350 because as written it encourages false allegations and denies protecting children from child psychological abuse. While there may be many who disagree with the use of parental alienation syndrome, parental alienation research is established and has been published in over 213 peer-reviewed articles going back decades. In accordance with this bill, parental alienation is also a form of family violence. Harman, J. J., Kruk, E., & Hines, D. A. (2018). Parental alienating behaviors: An unacknowledged form of family violence. Psychological Bulletin, 144(12), 1275–1299. https://doi.org/10.1037/bul0000175 Furthermore, Colorado houses thousands of military families, and parental alienation behaviors often occur when service members experience divorce and are deployed away from their children. If a service member returns home experiencing a divorce, this law would deny reunification services based on how the bill is written. Reunification is a fundamental right for our military, and it should not be denied as an option. Our military members should not be punished for serving their country.
Claudia Ovalles Against Heroes for Children's Rights	On behalf of Heroes for Children's Rights, I, Claudia Ovalles, oppose HB 24-1350 because as written it encourages false allegations and denies protecting children from child psychological abuse. While there may be many who disagree with the use of parental alienation syndrome, parental alienation research is established and has been published in over 213 peer-reviewed articles going back decades. In accordance with this bill, parental alienation is also a form of family violence. Harman, J. J., Kruk, E., & Hines, D. A. (2018). Parental alienating behaviors: An unacknowledged form of family violence. Psychological Bulletin, 144(12), 1275–1299. https://doi.org/10.1037/bul0000175

	Furthermore, Colorado houses thousands of military families, and parental alienation behaviors often occur when service members experience divorce and are deployed away from their children. If a service member returns home experiencing a divorce, this law would deny reunification services based on how the bill is written. Reunification is a fundamental right for our military, and it should not be denied as an option. Our military members should not be punished for serving their country.
Stephanie Shannon For themself	To Whom It May Concern: I am writing to support this proposed legislation. I have been an attorney for 17 years and have exclusively practiced family law in Colorado for a few months short of nine years. During this time, I have worked with a number of CFIs and PREs. Some have been absolutely wonderful, while others unfortunately work with a level of unprofessionalism that is devastating to families. Requiring these CFIs and PREs to adhere to the safe professional standards as other expert witnesses and to be aware of coercive control would be wonderful. Capping the fees for a PRE would open access to necessary professionals to more families.

Written testimony on SB24-131, Safe Zones for Mass Shooters and Other Violent Criminals

Colorado Senate Judiciary Committee
March 20, 2024

By David Kopel
Research Director
Independence Institute
727 East 16th Ave.
Denver, Colo. 80203
303-279-6536
david@i2i.org

Senate Bill 24-131 proposes to criminalize licensed carry in many locations. Section 6 of the bill, the "safety clause," "declares that this act is necessary for the immediate preservation of the public peace, health, or safety." The opposite is true. The bill is an immediate threat to public safety.

- Five out of six mass shooters choose "gun-free zones," and the bill creates many more of them.

- Even the leading anti-gun expert witness nationally states that the 2003 Concealed Carry Act reduced violent crime in Colorado by 1.2%. The bill creates many safe zones where criminals can attack without risk of armed citizens being able to fight back.

- The bill is ridiculously overbroad. For example, it bans licensed carry from the entire parking lot of a shopping mall, if the mall contains one small branch bank.

- The bill does not advance public safety but instead is an expression of culture war malice.

- Coloradans with licensed carry permits are far more law-abiding than the general population. They are 39 times less likely to be arrested than someone without a carry permit.

- Data from other states are similar: persons with a license to carry are very highly law-abiding compared to persons without permits.

- The Violence Policy Center's claims against licensed carry are bogus.

Mass shooters prefer gun-free zones

A *Washington Post* fact-check examined claims about mass public shootings in "gun-free zones." According to the *Post*, "we found that about 86 percent of mass public shootings took place in gun-free zones from 2009 to 2016."[1]

Because 5 out of 6 mass public shooters prefer "gun-free zones," it is almost inevitable that the drastic expansion of "gun-free zones" in SB24-131 will result in more mass public shootings.

The 2003 Concealed Carry Act reduced Colorado violent crime by 1.2%

Stanford professor John J. Donahue is a prolific researcher and advocate for gun control. He testifies often as an expert court witness in support of gun control, for his studies always find that gun control is beneficial. He is a vigorous opponent of the right to carry, which, based on national data, he says is harmful. He cannot be accused of having a "pro-gun" bias. Yet even professor Donahue, in his research regarding the effects of Colorado's 2003 Concealed Carry Act, found that the Act resulted in a 1.2% *decrease* in violent crime in Colorado.[2]

Perhaps one reason for Colorado's superior performance compared to some other states in prof. Donahue's study is that Colorado law allows sheriffs to make discretionary denials and revocations — if the discretion is properly applied. The sheriff may deny a carry-permit application if the sheriff "has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others."[3] In case of a

---

[1] Meg Kelly, *Do 98 percent of mass public shootings happen in gun-free zones?*, Washington Post, May 10, 2018. As the article explains, the 86% figure is based on the following definitions: a "mass shooting" involves four or people, other than the attacker, being killed; "public" does not include private residences; shootings that are part of drug or gang activity or some other crime (*e.g.*, a robbery) are excluded; "gun-free zone" means a place where ordinary citizens are forbidden to carry.

[2] To quote the Colorado table from his paper: "Colorado: Violent crime rate. Effect of 2003 RTC Law 10 Years After Adoption: -1.2%." John J. Donohue, Abhay Aneja, & Kyle D. Weber, *Right-To-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis*, National Bureau of Economic Research, Working Paper 23510, p. 86, figure I4 (June 2017, revised Nov. 2018), http://www.nber.org/papers/w23510.

[3] C.R.S. § 18-12-203.

denial, the applicant can appeal to a court, and the burden of proof is on the sheriff.[4]

This provision is informally called "the naked man rule," meaning that the sheriff can deny a permit to the man who sits naked in his front yard, muttering about the Martians, but who has a clean record. The County Sheriffs of Colorado deemed it essential that the Concealed Carry Act include the naked-man rule.

In Colorado in 2023, there were 29,984 violent crimes.[5] Thus, if Colorado's Concealed Carry Act were repealed, violent crime would be expected to rise by about 1.2%. This would mean 360 more violent crimes annually, or about one per day.

SB24-131 does not completely repeal the Concealed Carry Act, but it partially repeals the ability of people to protect themselves in many of the places where they are most vulnerable. For example, woman who goes jogging or walking in parks in early mornings would be prevented from defending herself.[6]

SB24-131 guarantees that violent attackers will be safe from the danger of being shot by armed citizens, as long as the attackers choose to attack in the locations specified in the bill.

The breadth of areas banned for licensed carry is contrary to public safety.

Suppose a strip mall has a dozen businesses, one of which is a tavern. Under SB24-131, then all the patrons of any business at the strip mall would be prohibited from carrying a firearm for protection in the shared parking lot.[7] The same is true for mall parking lots if one of the businesses in the mall is a branch bank.[8]

---

[4] C.R.S. § 18-12-207.

[5] Colo. Dept. of Public Safety, Violent Crime - Colorado – 2023, https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2023.

[6] SB24-131, proposed CRS § 18-12-105.2(1)(a).

[7] *Id.* § 18-12-105.2(1) ("in any of the following locations , including their adjacent parking areas"); (j) ("an establishment licensed pursuant to article 3 of title 44 to sell alcohol beverages to customers for consumption on the premises and that is not required have meals available for consumption").

[8] *Id.* § 18-12-105.2(1)(f).

Banks, like all other private businesses, have always had the right to prohibit licensed carry on their premises, and some do. The California Attorney General is currently litigating a challenge to California SB2, on which Colorado SB24-131 is modeled. In that litigation, Attorney General Rob Bonta has admitted that California cannot provide "evidence of 'a single bank robbery or other crime at a bank committed by a CCW permit holder.'"[9]

Given that in the entire history of the United States, there is no instance of a licensed handgun carrier committing a crime at a bank, what is the logic of SB24-131 imposing a prohibition, over-riding the decisions of many banks? What is the logic of prohibiting self-defense in every inch of a shopping mall parking lot just because the mall includes one small branch bank?

The "logic" is animus, not safety. SB24-131 is pleasing to aggressive culture war bigots who agree with the head of the Giffords organization: "No More Guns. Gone."[10]

While SB24-131 delivers psychic satisfaction to people who oppose civil rights, the price of their satisfaction will be paid by the increased numbers of victims of homicides, rapes, robberies, and assaults. SB24-131 turns vast areas of public spaces into the types of spaces preferred by 5 out of 6 mass shooters, and (if Professor Donahue is correct) will lead to more violent crime in general.

Contrary to the malicious premise of SB24-131, data about concealed carry licensees in Colorado and other states shows that licensees are exceptionally law-abiding compared to the non-licensed population, as will be detailed in the remainder of this testimony.

A Colorado resident with a concealed handgun permit is 39 times less likely to be arrested than a person without a permit.

In Colorado, a concealed handgun permit (CHP) is issued only to persons 21 and over. Roughly speaking, among the Colorado population 21 and over, an adult with a concealed handgun permit is about 39 times less likely to be arrested than an adult without a CHP. The data are as follows.

---

[9] Cal. Attorney General reply brief, at 28 in Carralero v. Bonta, Nos. 23-4354 and 23-4356 (9th Cir., Mar. 8, 2024). California is appealing from a U.S. District Court decision holding most of SB2 to be unconstitutional.

[10] Philip Elliott, *No More Guns. Gone': Why Gabby Giffords Isn't Giving Up*, Time, Apr. 26, 2023, https://time.com/6274979/gabby-giffords-gun-control/.

The 2003 statute creating Colorado's current system of licensed carry required sheriffs to make annual reports to the legislature.[11] For 2020, the statewide total was 37,909 new permits issued, and 23,141 renewals. (Permits are valid for 5 years.) In that same period, there were 348 revocations. The majority (196) were for arrests. In Denver, there were 1,685 permits issued and 470 renewals. There was one revocation of a Denver permit in 2020, under the category "mental illness or addiction."[12]

The figures for 2019 are similar: statewide 23,250 new licenses; 24,473 renewals; and 377 revocations. There were two revocations in Denver, both for arrest.[13] Likewise in 2018: 25,643 new licenses; 35,141 renewals; and 537 revocations. Seven revocations in Denver, six for arrest, and one for restraining order.[14] An arrest that leads to a revocation does not necessarily involve misuse of a firearm; anything that, if leading to a conviction, would make the person ineligible for a carry permit would be sufficient.

The FBI annually publishes the report *Crime in the United States*.[15] In Colorado in 2019 there were 178,985 arrests of persons over 18.[16] Nationally, about 8.6% of adult crimes are perpetrated by persons ages 18 to 20. So to estimate Colorado arrests for adults 21 and over, we reduce the 179,985 arrests for persons 18 and older by 8.6%.[17] The resulting figure is 163,592 Colorado arrests of persons 21 and older in 2019.

---

[11] C.R.S. § 18-12-206(4). The annual reports are available at: https://www.coloradosheriffs.org/index.php?option=com_content&view=article&id=46:concealed-handgun-permits&catid=20:site-content&Itemid=137

[12] https://www.coloradosheriffs.org/assets/docs/2020%20CHP%20Report%20.pdf

[13] https://www.coloradosheriffs.org/assets/docs/2019%20CHP%20Report%20.pdf

[14] https://www.coloradosheriffs.org/assets/docs/2018%20CHP%20Report.pdf

[15] https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019

[16] https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-69. There were 195,870 total arrests, from which I subtracted the 16,885 arrests of persons under 18.

[17] The FBI Colorado data do not break down arrests into smaller age bands. So I used national data to estimate the number of arrests of persons 18-20, and remove them from the figures. The following data are based on the *Statistical Briefing Book* published by the U.S. Department of Justice Office of Juvenile Justice and Delinquency. https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=1. In 2019, there were 9,388,590 offenses by person 18 or older. Of these, 807,210 were perpetrated by persons ages 18 to 20. So persons 18 to 20 perpetrated about 8.6% of all adult offenses.

According to the Census Bureau, Colorado's population in 2019 was 5,758,736. Of these, 4,205,643 were age 20 or older.[18] Subtracting the approximately 75,553 persons of age 20 gives us 4,130,090 persons aged 21 and older.[19]

Thus, the figures for 2019 are: Coloradans aged 21 and older: 4,130,090. Arrests in this group: 163,592. Result: one arrest per 25 persons

Coloradans with concealed handgun permits, for which the minimum age is 21: 233,606 CHP holders.[20] Permit revocations based on arrest: 237. Result: one arrest per 986 persons.

That means that Coloradans *without* a concealed handgun permit are about 39 times more likely to be arrested than persons who have a CHP. There is one arrest per 25 persons for the general population, versus one arrest per 986 persons for CHP holders.[21]

The reason is obvious: concealed carry is, by its nature, virtually impossible to detect, unless a person walks through a metal detector or is frisked by the police. Obtaining a concealed carry permit requires hundreds of dollars in fees and expenses, including for training, as well as the post-training hours necessary to go through the permitting process. In Denver, applicants often must go through long waits even to schedule appointments for fingerprinting and filing an application. The only people who bother to go through the onerous

---

[18] Go to https://www.census.gov/data/datasets/time-series/demo/popest/2010s-state-detail.html. Click "Colorado." This will open an Excel spreadsheet with the data. The age data are divided into 5-year bands. I subtracted all age categories for persons younger than "20 to 24 years."

[19] The Census Bureau showed 377,765 persons in Colorado ages 20 to 24. Assuming that 20-year-olds constitute about one-fifth of this five-year age group, there were about 75,553 Coloradans age 20 in 2019.

[20] According to the County Sheriffs of Colorado reports, the 2018-20 average for renewals was 27,585 annually. The average of new permits for 2018 and 2019 was 24,446. (For figuring extant permits in 2019, I did not include the 2020 figures in the average, because new permits increased in 2020, due to heightened concerns about public safety that year.) For 2019, I estimated the total number of permits extant permits as follows: Older permits in the five-year renewal cycle 27,585 x 5 years = 137,925. Plus new permits issued in 2016, 2017, 2018, and 2019: 24,446 x 4 = 97,784. Total = 235,709. From this we subtract the revocations, which in 2018-20 averaged 420.6 per year. Or 2,103 in the five-year cycle concluding with 2019. So as of 2019, there about 233,606 extant permits.

[21] It is possible for a person to be arrested more than once in a single year. The data from the FBI and the County Sheriffs do not indicate whether a person was arrested more than once.

Of course not all persons arrested are ultimately found guilty, so permits that were revoked because of a mistaken arrest would presumably be reissued later. The data do not indicate how often this happens.

process are people who are so concerned about legal compliance that they spend significant resources just to obtain a card from the government allowing them to legally do what they could done anyway for free, and with very low risk of being caught. It is no wonder that Colorado's concealed carry permitees are much more law-abiding than the general population.

Data from other states are similar, as described next, based on how each state reports its data.

Florida

From October 1, 1987, when Florida's Shall Issue law went into effect, through February 2024, the State issued 6,001,550 concealed weapon licenses. As of February 2024, there were 2,493,237 active permits.[22]

In the 36-year period, only 19,740 permits have been permanently revoked.[23] That is 0.329% of the total issued, about 1 in 300.

Illinois

The *Chicago Tribune* in 2020 investigated all known uses of firearms by the 315,000 Illinoisians with permits. The investigation covered both lawful and unlawful uses; it included shooting a firearm and also displaying a firearm to make a legal or illegal threat. The newspaper found 71 such incidents from 2014 and 2020.[24]

Even if we lived in a world where, as some anti-gun lobbyists would prefer, all defensive firearm use were illegal, the "crime rate" of licensed Illinoisians would be about 1 in 500.[25]

---

[22] Fla. Dep't of Agric. & Consumer Servs., Div. of Lic., *Concealed Weapon or Firearm License Summary Report Oct. 1, 1987- Jun. 30, 2023*, at 1 (June 30, 2023), https://ccmedia.fdacs.gov/content/download/7499/file/cw_monthly.pdf. I would like thank attorney Kostas Moras, of the Long Beach, Calif., firm Michel & Associates, for his assistance with the multistate data.

[23] *Id.* Some permits were revoked based on preliminary information, and then reinstated based on more complete information.

[24] Katherine Rosenberg-Douglas, *Explore: Shootings by CCL Holders in Illinois Since Concealed Carry Law Went Into Effect in 2014*, Chic. Trib. (Mar. 1, 2020), https://www.chicagotribune.com/news/breaking/ct-viz-illinois-ccl-shootings-tracker-20200227-ww4ldqwdjrd2ze63w3vzewioiy-htmlstory.html.

[25] 71 divided by 315,000 = .0225%.

Minnesota

The Minnesota Department of Public Safety reports that there were 387,013 carry permits in 2021. That year, 80 permittees committed a crime involving a firearm; this includes nonviolent crimes, such as carrying a firearm into a sensitive place.[26] This is a rate of about 1 in 500.[27]

Texas

In Texas as of 2020, there was 1,626,242 carry permits.[28] Carry permit holders were 5.6% of the state population, which was 29,145,505.[29] According to the Texas Department of Public Safety, licensees accounted for only 114 of the state's 26,304 convictions for serious crimes.[30]

Thus, for the general Texas population that did *not* have a carry permit, about 1 in 1,000 were convicted of a serious crime in 2020. For permitees, the rate was under 1 in 10,000. A Texan with a concealed carry permit was 13.6 times less likely to be convicted of a serious crime than was a Texan without a carry permit.[31]

Most of the above convictions did not involve any misuse of a firearm. For firearms crimes, the licensee rate was even lower. In 2020 Texas, 1,441 persons

---

[26] Press Release, *BCA Releases 2021 Permit to Carry Annual Report, Data Provided to BCA by Minnesota Law Enforcement Agencies* (Mar. 1, 2022), https://dps.mn.gov/divisions/ooc/news-releases/Pages/BCA-Releases-2021-Permit-to-Carry-Annual-Report.aspx.

[27] 80 divided by 387,013 = .0207%. The Department reported 3,863 crimes committed that year by persons with permits, based on an expansive definition of "crime" that includes traffic violations and other misconduct that would not lead to a permit revocation.

[28] Tex. Dep't of Pub. Safety, *Active License/Certified Instructor Counts as of December 31, 2020*, at 1 (Dec. 31, 2020), https://www.dps.texas.gov/sites/default/files/documents/rsd/ltc/reports/actlicandinstr/activelicandinstr2020.pdf.

[29] U.S. Census Bur., *Texas: 2020 Census, Texas Added Almost 4 Million People in Last Decade* (Aug. 25, 2021), https://www.census.gov/library/stories/state-by-state/texas-population-change-between-census-decade.html.

[30] Tex. Dep't of Pub. Safety, *Conviction Rates for Handgun License Holders, Reporting Period: 01/01/2020 – 12/31/2020*, at 5 (Feb. 11, 2021), https://www.dps.texas.gov/sites/default/files/documents/rsd/ltc/reports/convictionratesreport2020.pdf.

[31] 29,145,505 total population minus 1,626,242 permit holders = 27,519,263 non-permit Texans. 26,304 convictions minus 114 permitee convictions = 26,190 nonpermitee convictions. 26,190 divided by 27,519,263 = .0952%. For permitees, 114 divided by 1,626,242 = .0070%. For the comparative rate, .0952% divided by .0070% = 13.6

were convicted of aggravated assault with a deadly weapon; of these, only 4 had a carry license.[32] Thus, the rate of aggravated assault with a deadly weapon by Texas permitees is over 26 times lower than the rate for nonpermitees.[33]

Wisconsin

As of 2021, 458,630 concealed carry permits had been issued.[34] Of those, 1,334 licenses were revoked.[35]

Of the revocations, 463 were because the permit holder had moved out of state. There were 332 revocations for the permittee's unlawful use of a controlled substance without any other crime. The remaining 539 revocations included misdemeanors, felonies, involuntary commitments, and other reasons.[36] Excluding the revocations for moving to a new state, revocations for any reason having even a tenuous connection to public safety amounted to fewer than 1 in 500 permitees.[37]

Violence Policy Center claims

The Violence Policy Center is an advocacy organization for prohibition of handguns and many other firearms. Its monograph *Concealed Carry Killers* claims that there were 2,512 "concealed carry killers" from May 2007 to

---

[32] Tex. Dep't of Pub. Safety, *Conviction Rates for Handgun License Holders, Reporting Period: 01/01/2020 – 12/31/2020*, at 5 (Feb. 11, 2021), https://www.dps.texas.gov/sites/default/files/documents/rsd/ltc/reports/convictionratesreport2020.pdf.

[33] 1,433 convictions of the 27,519,263 Texans without a carry permit = .00533%. Four convictions of the 1,626,242 Texans with permits = .00025%. For the comparative rate, .00533% divided by .00025% = 21.32.

[34] Steven Walters, *The Legacy of Concealed Carry in Wisconsin*, Urban Milwaukee (Oct. 11, 2021), https://urbanmilwaukee.com/2021/10/11/the-state-of-politics-the-legacy-of-concealed-carry-in-wisconsin/.

[35] Wisc. Dep't of Just., *Department of Justice Concealed Carry Annual Report – 175.60(19) – January 1 – December 31, 2022*, at 3, n.8, https://www.doj.state.wi.us/sites/default/files/dles/ccw/2022%20Annual%20CCW%20Statistical%20Report.pdf.

[36] *Id.*

[37] 1,334 revocations minus 463 revocations for moving = 871. Dividing 871 by 458,630 permits = .1899%.

January 2024. Of these, 1,505 were suicide victims.[38] Suicide is a serious problem, but a suicide by firearm can be committed anywhere, and most take place in the home,[39] so the fact that a suicide victim had a carry permit appears to be of scant relevance. Calling suicide victims "killers" is cruel and disparages their memory.

As for the rest, the VPC chooses to omit the locations where the shooting took place. Crimes that take place in a home or other private spaces are irrelevant to legislation about public spaces. Among the "concealed carry killers" the VPC includes persons whose actions were determined to be lawful self-defense. Of the VPC's claims about 2,512 "concealed carry killers," approximately one-fifth (544) were criminally convicted. Over the 16-year period in the study, this is 34 per year.

Compare this to the University of Washington's finding "in 2019 approximately 16 million adult handgun owners had carried a loaded handgun on their person in the past month."[40]

Homicide rates are typically calculated per 100,000 population. Thirty-four homicides out of a population of 16 million is an annual rate of .21 per 100,000 population. As of 2021, the overall national homicide rate was 7.8 per 100,000 people in 2021, according to the Centers for Disease Control.[41]

Conclusion

If enacted, SB24-131 will certainly be challenged in court, and supporters of the law will have a very difficult time arguing that the bill is necessary because of misconduct by Colorado's overwhelmingly law-abiding concealed carry licensees. While psychically advantageous to gun prohibition lobbies, the bill is physically dangerous to public safety.

---

[38] Violence Policy Center, *Concealed Carry Killers Background*, https://concealedcarrykillers.org/concealed-carry-killers-background/; *see also* https://concealedcarrykillers.org/ (last visited Mar. 6, 2024) (1,505 of the "concealed carry killers" died by suicide, distinct from the 64 that perpetrated a murder-suicide).

[39] "About three-quarters of suicide incidents occur at home." Harvard University, T.H. Chan School of Public Health, *Basic Suicide Facts: Where Do Suicides Occur?*, https://www.hsph.harvard.edu/means-matter/basic-suicide-facts/where/.

[40] Kim Eckart, *More US Adults Carrying Loaded Handguns Daily, Study Finds*, U. of Wash. News (Nov. 16, 2022), https://www.washington.edu/news/2022/11/16/more-u-s-adults-carrying-loaded-handguns-daily-study-finds/.

[41] Center for Disease Control and Prevention, National Center for Health Statistics, *Assault or Homicide*, https://www.cdc.gov/nchs/fastats/homicide.htm (last visited Nov. 9, 2023). The CDC figure includes lawful defensive homicides.

[COLORADO HB 1350] Parental Responsibilities Proceedings Child Safety	OPPOSED
GARI-PA Global Action for Research Integrity in Parental Alienation pasg Parental Alienation Study Group	Yaakov Aichenbaum Baltimore MD info@childsafetyfirstreport.com

To the honorable members of the House Judiciary Committee:

The reported intent of HB 1350 is to elevate the standards related to court proceedings for allocation of parental responsibilities to keep children safe. This is certainly a noble goal. Unfortunately, instead of pursuing this goal, the bill engages in a science denial and public policy deception campaign that is reminiscent of the tobacco industry's denial of the dangers of smoking.

I am writing to you today on the behalf of two international organizations:

▪ Parental Alienation Study Group (PASG) was founded in 2010 with the purpose of educating mental health and legal professionals and the public regarding parental alienation theory (including research, practice, and related topics). PASG consists of 900 members in 65 countries.

▪ Global Action for Research Integrity in Parental Alienation (GARI-PA) is an international organization that investigates and corrects scientific fraud that relates to parental alienation.

HB 1350 proposes that the use of concepts such as parental alienation that are not supported by evidence-based and peer-reviewed research should be discontinued in order to protect former partners of perpetrators of violence and abused children. This is the central core that this bill really revolves upon. The bill sets up a straw man argument about the unscientific status of parental alienation and then proposes legislation to preclude parental alienation from every step of family court proceedings.

Parental alienation is a condition in which a child (usually one whose parents are engaged in a high-conflict divorce) allies strongly with one parent and rejects a relationship with the other parent *without good reason*. The alienating behaviors that cause parental alienation are really a form of coercive control, just by a different name.[1] This parent child contact refusal dynamic can adversely affect children (see https://doi.org/10.3390/children9040475)[2] and it has become a major public health issue. Contrary to the anecdotal claims of critics, it is not gender specific and it is not a ruse to deflect domestic violence allegations. There is an emerging scientific consensus on its prevalence, effects, and professional recognition of parental alienation as a form of child abuse (http://dx.doi.org/10.1037/dev0001404).[3]

[1] Sharples, A.E., Harman, J.J. & Lorandos, D. Findings of Abuse in Families Affected by Parental Alienation. *J Fam Viol* (2023). https://doi.org/10.1007/s10896-023-00575-x

[2] Verhaar S, Matthewson ML, Bentley C. The Impact of Parental Alienating Behaviours on the Mental Health of Adults Alienated in Childhood. *Children*. 2022; 9(4):475. https://doi.org/10.3390/children9040475

[3] Harman, J. J., Warshak, R. A., Lorandos, D., & Florian, M. J. (2022). Developmental psychology and the scientific status of parental alienation. *Developmental Psychology, 58*(10), 1887–1911. https://doi.org/10.1037/dev0001404

Yaakov Aichenbaum
Baltimore MD
info@childsafetyfirstreport.com

Unfortunately, people sometimes make false allegations of alienation just like they sometimes make false allegations of domestic violence. Instead of collaborating to address all forms of abuse and developing protocols to identify false allegations, certain domestic violence advocates have chosen to attempt to discredit the science of alienation. Regrettably, as the science of alienation has developed, the science denial tactics of these critics have increased. HB 1350 is one of these attempts.

It is particularly concerning that the "Legislative declaration" of this bill cites a report that was submitted to the UN Human Rights Council. This is referring to a report that was submitted by the Special Rapporteur on violence against women and girls. It is an opinion piece and does not constitute an endorsement from the Human Rights Council. The report is a flawed work that is replete with factual errors, misrepresentations, science denial techniques and more. The flaws in the Report are so pervasive that a team of international researchers wrote a book exposing its flaws.[4] This report states that parental alienation is not "supported by evidence-based and peer-reviewed research." It is quite unethical and deceptive for the sponsors to build this bill upon this report and ignore the strong scientific basis of parental alienation.

PROFESSIONAL COMMUNITIES POSITION ABOUT PARENTAL ALIENATION

While this bill attempts to discredit and exclude parental alienation, major organizations support its concept and thus its inclusion in evaluator training and courts:

- The 2022 American Psychological Association's Guidelines for Custody Evaluations in Family Law Proceedings mentions over 20 times the importance of addressing alienation. It also mentions the importance of input from experts from a diverse area of specialties and the importance of differentiating between valid and false allegations of all types.
- *Kaplan and Sadock's Comprehensive Textbook of Psychiatry*, Tenth Edition, discusses PA as a form of child maltreatment on page 3829.
- The American Academy of Forensic Psychology Specialty: Child Custody Evaluation (80 hours) includes Allegations of Alienation or Child Sexual Abuse in Custody Evaluations in their training (https://concept.paloaltou.edu/course/Allegations-of-Alienation-or-Child-Sexual-Abuse-in-Custody-Evaluations?hsLang=en).
- The AFCC and NCJFCJ issued a JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS in 2022 which states that PA is a factor that should be taken into consideration in custody decisions.

[4] An Analysis of the Report by the Special Rapporteur on Violence against Women and Girls, Its Causes and Consequences. https://bit.ly/3GHbgMG

Yaakov Aichenbaum
Baltimore MD
info@childsafetyfirstreport.com

(https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-ncjfcj-joint-statement-on-parent-child-contact-problems)

- Authors of the DSM-5 chapter on "Other Conditions" explain that PA is included in the DSM-5 under the diagnosis of Child Affected by Parental Relationship Distress (code V61.29). (https://www.jaacap.org/article/S0890-8567(16)30175-7/fulltext)
- A study found that the concept of PA was found to be material, probative, relevant and admissible in at least 1181 US appellate court cases between 1985 and 2018. (https://psycnet.apa.org/record/2020-31425-006)

Contrary to this real research based, the current bill presents a real danger to the children and families that the bill is trying to safeguard. The bill intends to indoctrinate evaluators and other court officials with this anti-parental agenda. In truth, much of the information that has been produced by domestic violence organizations (including Professor Joan Meier's Child Custody Outcomes study) has weak or no per-review. Many claims by the stakeholders are not recognized by the scientific community (e.g. the Center for Judicial Excellence Child Safety First Report contains over fifty citations that are misquoted, taken out of context, or patently fraudulent).[5] Nevertheless, domestic violence advocates claim that their conclusions are evidence-based since they are endorsed by the echo chamber of domestic violence advocates.

Almost every detail of this bill is contraindicated by empirical research. For example, the emphasis of this bill on listening to the voice of the child is contrary to what science tells us about the cognitive development of children.[6] The voice of the child is certainly a factor in custody decisions that should be weighed among other factors. However, the child's wishes or claims need to be elicited in a way that is consistent with his developmental level and in a way that preserves the due process rights of all involved parties. This is especially true in alienation cases.

It is presumptuous and unethical for this bill to give domestic violence advocates a monopoly to determine what is scientific. The details of this bill demonstrate their unreliability. The public policy deception in this bill is so immense that it should be reported to the Assembly Ethics Committee for disciplinary action. We urge the committee to categorically give this bill an unfavorable report. Thank you for your consideration of our opinion. Please contact me with any questions that you may have about this testimony.

[5] https://bit.ly/3t5VuYx
[6] See the *Family Law Review,* Fall 2014 No 3, pages 14-17 for a in depth discussion about the cognitive issues involved in judicial interviewing of children.

Yaakov Aichenbaum
Baltimore MD
info@childsafetyfirstreport.com

Respectfully yours,

Yaakov Aichenbaum, on behalf of the Parental Alienation Study Group (www.pasg.info) and Global Action for Research Integrity in Parental Alienation (www.garipa.org)
Baltimore, MD
info@childsafetyfirstreport.com / (570) 446-4488

Hello. I want to thank the House Judiciary Committee for accepting my testimony in favor of HB 24-1350. My name is Nancy Fingerhood and I am an advocate with the National Safe Parents Organization. According to the National Safe Parents Organization, it is a child's right to live free from abuse. HB 24-1350 makes children's safety a priority in custody disputes between parents.

Numerous academics have raised concerns about the scientific validity of custody evaluations. The purpose of the evaluation is to gather and analyze information from multiple sources based on scientific models of data collection and clinical observation. Scientific and forensic types of evidence can be extremely helpful, but there are rules and standards that these types of evidence must meet before they can be submitted during a family court case.

As a social worker, I am bound to use use evidence based practices (EBP) and treatments in my work. EBP discourages the use of pseudoscientific or harmful interventions. A psychologist or researcher might say their paper is peer reviewed - but you have to look at the journal not just the fact it is peer reviewed. We have to look at the quality of the journal and see if there was a publishing charge. It is not typical to have to pay to get your paper published. Another issue is that many of the people espousing theories that are not evidence-based are attorneys with no training in mental health.

I also want to make it clear that parental alienation is not in the DSM 5 or DSM 5 TR. The American Psychiatric Association has declined to identify Parental Alienation Syndrome (PAS) as a separate, diagnosable mental health disorder. Something important to note is Dr. David Corwin, a professor and director of pediatric forensic services at the University of Utah and a past president of the American Professional Society on the Abuse of Children, stated, parental alienation "almost exclusively affects children of parents with higher socioeconomic status. True mental health disorders are more equally distributed throughout the population, regardless of socioeconomic status, class or social context."

Requiring investigators and evaluators to include all information obtained concerning domestic violence and child abuse is common sense. This includes information regarding coercive control, because coercive control is abuse.

There needs to be some form of accountability for investigators and evaluators. While they have judicial immunity, this should not prevent sanctions when they willfully neglect their responsibilities to protect a child from harm when performing an evaluation. In addition, families have the right to transparency regarding judges and magistrates who complete domestic violence and child abuse training.

According to psychologist Judith Cashmore and family law expert Patrick Parkinson among others "there are a number of studies that suggest children want to participate in the decision-making process and can provide both accurate and meaningful information." The nearly universal acceptance of the UN Convention on the Rights of the Child(CRC) (1989) sets a legal

benchmark for children's participation in decision-making about matters that affect their own lives. While the United States has not ratified the UNCRC, I believe we still must listen to children.

Thank you for the opportunity to submit my testimony. Please vote in favor of HB 24-1350.

Carina Potts
Written Testimony for HB24-1350 Parental Responsibilities Proceedings Child Safety
3-12-2024

In late 2021 during my ongoing divorce we were ordered by the court to have a CFI. The CFI that was chosen was the one with the shortest turnaround time of 60 days to prepare a report. The CFI did not contact us until there were two weeks left in this time frame. He told me I was not allowed to use family members as witnesses, so I provided two witnesses that knew our family unit well, one was a family friend since our daughter was an infant, and the other was a therapist herself and a family friend since our daughter was 2 years old. My ex husband was permitted to use his own mother and father as his witnesses. For the duration of our marriage my ex husband claimed that he was estranged from his parents and did not want them in our lives, but because they expressed a desire to be involved with us and our daughter, I tried my best to include them in our lives while honoring my husband's boundaries. They became my support system and I had a good relationship with them. I was shocked he was allowed to use them as his witnesses. Filling out the CFI interview paperwork caused me a lot of anxiety because I wanted to tell the truth, but was still afraid of what would happen if I did. During our 6 year marriage my husband had never raised his voice to me, never called me names, nor had ever displayed anger towards me, but after we decided to divorce he became a different person. While filling out the CFI paperwork, one of the questions asked if we had ever had any concerning incidents, I reported two. The first being that one night (2 months before our separation) while our 4 year old daughter was asleep in bed with us, she had accidentally kicked him, he jumped out of bed, grabbed her ankle, and flipped her over. I was awake and watched the whole incident and asked what he was doing. Our daughter was sobbing, having no clue what had just happened. The second incident was two weeks after my husband had declared he wanted a divorce, on the same day I had the surgery. He had become angry over something minor I had said, and stood over me, angry and aggressive, with his fists clenched. After I left our home and went to my mother's, I saw my ex husband on our security cameras leaving with all of his guns in hand, I didn't know what his intentions were. I decided to take our daughter to a hotel and we lived there for over a week until our apartment was ready. In the months preceding the CFI investigation, my ex husband had harassed me daily, stalked me, took videos of me at my home, forcibly altered our daughter's diet, and had made multiple filings to the court. I thought the CFI would help us, but instead he ignored the incidents I had reported and instead focused on allegations my husband had made about marijuana, that we had an arranged marriage of some sort, that I was gatekeeping, and alienating. The CFI was also inappropriate while present in my home, he told my daughter to call him a nickname, and tickled her on her side more than once. He got many facts incorrect, and also seemed to fabricate some of the information in our report. I am a disabled veteran at 100% permanent and total, declared by the VA to have conditions that will never improve. The CFI stated in his report that I should be returning to full time work and that it would lessen the "gatekeeping and alienation" he had alleged. When testifying in court, the CFI admitted that he knew about the aggressive incidents with my husband, but also stated that "one incident" wasn't enough for me to develop fear of my ex husband, despite the fact that I already had diagnosed PTSD prior to any of this. Though the judge did not take all of the CFI's recommendations, he did order 50/50 despite my reports of the aggressive incidents, coercive control, harassment, stalking, and other variations of post-separation abuse. Before her father and I were divorced, my daughter had only spent one night alone with her father when I had to have major abdominal surgery. Aside from that one night, I spent every single day and night of her life with her for almost 5 years as a stay-at-home mother, none of which was taken to account with the CFI nor the judge on our case. My daughter's well-being and mental health have been negatively impacted by the recommendations of the CFI and the decisions of family court.

March, 9 2024

Honorable members of the Judicial House Committee,

I am writing to express my strong support for HB24-1350, which concerns standards related to court proceedings for the allocation of parental responsibilities to ensure the safety and well-being of children. This bill represents a crucial step forward in safeguarding the best interests of children and youth involved in family court proceedings.

Under current law, courts may appoint child and family investigators and parental responsibilities evaluators to assist in determining the best interests of the child or youth in parental responsibilities allocation proceedings. However, there have been concerns regarding the quality and reliability of the information provided by these professionals, as well as the potential for biased or unsubstantiated theories to influence court decisions.

HB24-1350 addresses these concerns by implementing several important provisions:

Prohibition of Unsubstantiated Theories: The bill prohibits investigators and evaluators from including information based on theories that are not evidence-based or peer-reviewed in their reports to the court. This ensures that court decisions are based on credible and reliable information, rather than speculative or biased viewpoints.

Adherence to Standards: The bill mandates that investigators and evaluators adhere to certain interviewing and forensic reporting standards, further enhancing the quality and reliability of the information provided to the court.

Protection of Children's Rights: The bill ensures that children and youth involved in proceedings have the opportunity to be heard and have their opinions considered, even without a parent present. This provision acknowledges the importance of considering the perspectives and preferences of children in decisions that directly affect their lives.

Consideration of Safety: The bill emphasizes the importance of considering allegations of domestic violence, child abuse, or neglect in parental responsibilities allocation proceedings. It prohibits forcing children or youth into arrangements that may compromise their safety and gives strong consideration to their preferences when consistent with their safety.

Accountability and Transparency: The bill establishes mechanisms for accountability and transparency by allowing complaints regarding investigators and evaluators to be submitted to the office of the state court administrator. It also requires the publication of information

regarding judges and magistrates who complete domestic violence and child abuse training, promoting greater awareness and understanding of these issues within the judiciary.

HB24-1350 introduces the concept of coercive control, which is a form of intimate partner violence primarily perpetrated by men. Research on gender differences in perpetration of intimate partner violence indicates that coercive controlling violence is overwhelmingly male-perpetrated, with studies showing percentages ranging from 87% to 97% (Frye et al., 2006; Johnson, 2008). This type of violence is reinforced by patriarchal social norms that uphold male dominance over women (Graham-Kevan & Archer, 2003).

Coercive controlling violence differs from situational couple violence in its characteristics and impacts. It is typically more frequent and severe than situational couple violence (Anderson, 2008; Ansara & Hindin, 2010; Graham-Kevan & Archer, 2003; Johnson & Leone, 2005; Kelly & Johnson, 2008). Women subjected to coercive controlling violence often experience more posttraumatic stress disorder (PTSD) symptoms (Anderson, 2008; Johnson & Leone, 2005; Leone, Johnson, & Cohan, 2007) and higher levels of fear (Johnson, 2008) compared to women in relationships characterized by situational couple violence. Additionally, women who experience coercive controlling violence are more likely to engage in formal protective strategies, such as seeking help from the police, seeking shelter, and contacting medical services, than those experiencing situational couple violence (Ansara & Hindin, 2010; Krishnan, Hilbert, & VanLeeuwen, 2001).

Furthermore, women who leave relationships marked by coercive controlling violence often remain at risk for stalking, harassment, and physical violence, including lethal violence, as their former partners attempt to maintain control over them (Campbell et al., 2003; DeKeseredy, Rogness, & Schwartz, 2004; Johnson, 2006; Nicolaidis et al., 2003).

By acknowledging and addressing coercive control within the context of intimate partner violence, HB24-1350 aims to provide greater protection for victims and survivors, particularly women who are disproportionately affected by this form of abuse.

In conclusion, HB24-1350 represents a comprehensive and necessary effort to improve the standards and practices surrounding court proceedings for the allocation of parental responsibilities. By prioritizing evidence-based practices, protecting children's rights, and promoting accountability and transparency, this bill will contribute to the safety and well-being of children and families throughout our state. I urge you to support this important legislation for the benefit of our communities. Thank you for your attention to this matter.

Sincerely,

Judi Atwood

References:

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/

https://journals.sagepub.com/doi/10.1177/1077801215599842

https://pubmed.ncbi.nlm.nih.gov/20501897/

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6277038/

https://journals.sagepub.com/doi/10.1177/0886260517723744

https://psycnet.apa.org/record/2003-06107-007

https://journals.sagepub.com/doi/10.1177/1077801214521324

Virtual Live Testimony
03-12-2024
Joan Kloth-Zanard,
Expert and Consultant in Parental Alienation

I oppose Bill 24-1350. I am an expert and consultant in Parental Alienation. I have been involved in this form of psychological abuse for over 35 years. I provided written testimony which backs up all of my reasons for opposing this bill but I think my personal family and friends' stories are more important for you to hear.

35 years ago, my best friend's ex-husband blocked her access to her sons and tried to claim she was unfit. He used her mother to push this issue. Today, her sons still suffer from this trauma including having their father, who lived in CO, kick them out of his home at ages 11 and 12, making them sleep in his car, when he got tired of caring for them. Back 35 years ago, we did not know what it was called as there was no internet to search for this and public libraries did not have resources yet.

25 years ago, my husband would go through his ex-wife blocking his access to his children. 25 years ago, while we were just learning what this was called, the courts got it and recognized that the mother was deliberately lying, filing false allegations and impeding the relationship. But the courts still were not trained to know how to handle this type of case. After 10 years and 6 of the same or similar court orders for visitation, my husband finally was told to give up. His children were too severely damaged from this. I am. It going to tell you that my husband is a perfect parent. And I know I certainly am not. But there there is no such thing as a perfect parent. If there was, we would not have all these self-help resources. There be only one, the perfect parent.

And this brings the damages to the children's executive functioning skills and in particular the ability to critically think. In 2021, while at the memorial service for a musician friend, I was attacked by my husband's son. This young man jumped of the stage where he was to perform, ran full force at me, shoved me to the ground on-top of other patrons and in front of the widow and her son. While he was told to play his set, and then he had to leave because of his behavior, we are sure it made no impact on him that this was inappropriate behavior at a memorial service. This young man was 33 years old at this time but clearly lacking in age-appropriate executive functioning skills like the ability to critical think that attacking someone in public at a memorial service is not okay.

Then there is my brother's case. His ex-wife alienated his children from him for decades. It is only been recently, when the children have figured out that their dad, a highly respected physician, is actually a good guy. But unfortunately, both children are severely delayed in their emotional and mental development. My brother's son, at 33, is finally figuring out that he is worthwhile and has now gone back to college to get a degree so he can support himself, while his sister, who has a gender identity change, who while very good at drama theater production, is not able to move forward in many other ways for fear of her mother abandoning her.

And then there are the thousands of alienated parents and their children, who I have worked with for the past 35 years. The trauma from this form of psychological abuse is outrageous. Custodial Interference is a felony in all states. Coercive Control that uses domestic violence by proxy is considered illegal or a serious issue. Gaslighting a parent with continuous false allegations, calling their jobs to get them fired, turning friends and family against them, is a form of terrorism and psychologically abusive. All of these are patterns of behavior that are readily seen in 99% of all cases that I work with.

Parental alienation is a cult of anger, fear, hatred and rage that is projected through the children onto the other parent. This domestic violence by proxy is meant to cause intentional infliction of emotional distress and negligent infliction of emotional distress upon the other parent and extended family. The perpetrators of this type of cult-like behavior have serious personality disorders such as narcissism and anti-social. Sadly, this is the only way they know how to parent, as this is the role models that they had when growing. But it is for this reason, that it should not be ignored or thrown out. This mental health problem is growing exponentially with 2.5 children per family. But the fact is that the DSM, ICD and even WHO all agree that Parental Alienation is real and does exist and is a form of domestic violence.

To say that Parental Alienation does not exist and that only abusive men use this term, is to disregard all of the mothers' who are suffering from this abuse. To block the necessary family system and structural therapy that needs to be used to treat this form of abuse, is like blocking treatment for debunking of religious cult, and Stockholm syndrome victims as this is the exact same therapy used in these cases. There are far more cases with positive reunification results with proper therapy, than there are cases that failed. Those that failed did so because the alienating parent or someone on their behalf, would not stop impeding with the court's orders for visitation or custody.

If we continue to ignore this heinous form of psychological abuse, means that this form of abuse will continue to grow exponentially. This form of abuse is learned through one's family of origin and as this means it is a multi-generational issue that is passed down to the children. It causes severe psychoses in the children. These children are the future of this world and we need mentally healthy leaders, not more controlling, anti-social, narcissistic personality disordered leaders.

House Judiciary Committee
State of Colorado

March 12, 20204 RE: HB24-1350
Notes Against Bill Sponsors: Froelich, Story, Winter

CFI and PREs provide an invaluable service for families and courts in the State of Colorado by compiling essential information to assist a Judicial officer in making *life changing decisions* for children and families. The overarching purpose of these investigations and assessments is to assure children are safe. Several proposed changes outlined in HB24-1350 will have unintended consequences that will *harm children/youth*.

Before addressing specifics, it is important to remind the reader that, as outlined in CJD 04-08, even though PREs and CFIs both address the same Best Interests Standards, they are not the same. A CFI provides a "brief" investigation to gather data and evidence for the Court. Clinical evaluation, diagnosis or assessments are not permitted and is provided by other sources. Whereas, a PRE assesses for several clinical issues including attachment, family relationship dynamics, mental health issues to name a few.

Here are s*ome*, not all, issues with HB24-1350 that need to be amended or removed.

1. A CFI/ PRE "cannot include information on parental alienation syndrome"…. "or other concepts not recognized by domestic violence advocates".
   (HB24-1305: 14-10-116.5 Page 7 line 16-18; 14-10-124 Page 10 line 5-6; 14-10-127 Page 14 line 22-25, etc.).
   These statements need to be removed from The Bill for the following reasons:

   First, "parent alienation syndrome (PAS)" was debunked as a "syndrome" years ago. However, the dynamics of alienation are legitimate and commonly referred to as Parent Child Contact Problems (PCCP), alienated child or parental alienation (PA). The Association of Family and Conciliation Courts (AFCC) (the premier interdisciplinary and international association of professionals dedicated to the resolution of family conflict) dedicated a journal to this issue in 2020 and provides ongoing trainings in the matter because of its prevalence.

   HB24-1350 implies the State of Colorado posits this extremely harmful behavior is not important or does not exist and infers the possible issue cannot be investigated. PA/ PCCP is a profoundly damaging dynamic causing children/youth emotional distress, poor self-esteem, poor coping skills and leads to risky behavior. Not addressing this issue, if present, will cause harm to children/youth.

   Second, DV advocates support victims and rely solely on the narrative provided by the victim/ survivor without any other evidence. They are, by definition, concerned with advocating for their client therefore have a bias interest. They do not possess the rigorous training expected of CFI/PREs. A CFI/PRE uses a systemic approach examining a variety of information and sources to prioritize the family, not just presumed victims. It is inappropriate for DV advocates, or any one group, to have prevue or oversight over what theory a CFI/ PRE or the Court can or cannot use. Limiting such, will harm children/youth.

2. Proposed changes to 14-10-116.5 and 14-10-127 state a CFI must "adhere to interview criteria supported by organizations for prevention of child abuse" AND "forensic reporting criteria". When abuse is disclosed, CFIs and PREs report the information to DHS to investigate. Neither a CFI, nor a PRE investigate to substantiate child abuse allegations, that is the role of the Department of Human Services (DHS) and requires specific training. Previously investigated abuse is not forensically re-assessed; data is gathered from previous interviews and documents as well as possible clarifications from children/ youth/ parents or parties and is then analyzed in the CFI/PRE report. HB24-1350 implies a CFI/PRE is qualified to investigate a child abuse claim. *An untrained individual interviewing to substantiate or deny*

abuse can cause substantial further emotional trauma for the child/youth and this is beyond the scope of the investigation.

Further, statements throughout HB24-1350 referring to "psychological" organizations imply CFI investigations are "psychological" or clinical. A CFI gathers data and evidence; they are not mental health providers, and the investigation is not clinical nor scientific.

Finally, statements such as "national professional organizations for the prevention of child abuse", "forensic reporting criteria", and "national psychological professional organization" look great on paper however are not realistic. These statements are vague, unobtainable, and even questionable if these organizations exist and are applicable for a CFI or a PRE.
(HB24-1305: page 5 line 19-14; 5 page 18 line 12-17 and several other locations in the bill)
These need to be removed from The Bill.

3. Throughout HB24-1350 various changes are proposed that will cause harm to children/youth and are seemingly limiting the investigation focusing on the presumed victim, not the family system. It is important to understand some common behaviors presented in these cases:

    a. While many are victims, at the same time children/ parents/parties mislead the CFI/ PRE or Court claiming abuse because of parent child contact problems, aka parental alienation. Parents force children/youth to write a letter or sign a letter they wrote. HB24-1350 ignores this dynamic; CFI/ PREs are tasked with determining truth to the best of their ability, not validate all claims.
    b. Parents/ Parties claim abuse to be involved with advocate programs solely to help their custody case. There are several attorneys who *tell* their clients to go to an advocacy center for this very reason. HB24-1350 assumes every allegation is truth instead of allowing CFI/PREs to complete the task of determining the family situation.
    c. Children/ Youth cannot be placed in the middle of conflictual parties, this causes emotional harm. It is the role of the CFI/PRE as outlined by Statute to report wishes of the child/youth and a CFI/ PRE determines this through interviews without the parents present. Some youth may benefit from speaking with Judge while others may be traumatized, even berated by parents insisting to know what was said. HB24-1350 does not consider this possible traumatization.

    (HB 24-1350: Section 3 14-10-124 Page 10 line 22-23Section 5 14-10-127.5 page 17 line 25- page 18 line 6)

If the State of Colorado truly wants keep children/youth safe, legislation must focus on the systemic issues instead of biased positions. Starting with the basics, CFI/PREs and Judicial Officers should be provided and attend the same trainings, paid for by grants available to assure continuity in training. Similar to a Best Practices Team, CFI/PREs and Judicial Officers should be provided opportunities to collaborate.

In addition, complaints regarding CFI/PREs need to begin with the Court and if they progress to SCAO, the SCAO should utilize one staff with experience as a CFI/ PRE to oversee complaints and sanctions and an *additional staff* to support CFI/PREs. One person acting in both roles, is contradictory and leads to several ethical concerns.

Thank you for your time and consideration.

/s/ Valerie Savoie
Valerie Savoie, LCSW- CFI/ PRE
valerie@zirkel.us 970-846-4346

Colorado General Assembly **03/11/2024**
The House Judicial Committee
Re: HB24-1350

As CFIs and PREs, the undersigned respectfully and humbly approach you in regard to HB24-1350. **We oppose this bill and request the following amendments:**

1. **The Bill <u>does not</u> protect victims/survivors of domestic violence**. Advocates for survivors of domestic violence often approach legislators in the hopes to have their voice heard. Those voices should be heard. Domestic violence is real; coercive control exists; parental alienation (P-C Contact) occurs; and many victims including children suffer. This bill promotes the premise that <u>all</u> parents who claim Domestic Violence have been truly victimized, and that perpetrators cannot be rehabilitated. The reality of our cases does not reflect this. One of the most common strategies used by perpetrators of Domestic Violence is claiming to be a victim of domestic violence themselves. The Bill does not recognized the work of skilled CFI/PREs who conduct investigations to decipher true victimization.

2. **The Bill ignores current Judicial directives ordered by the Chief Justice**.

    a. *<u>The Bill intentionally shifts the role of a CFI/PRE to an advocate for survivors of Domestic violence or child abuse</u>*. Investigators are not allowed to be advocates for either parent. Chief Justice Directive 04-08, Standard 2 for CFIs states, "*CFIs should guard against the appearance of alignment with one side over the other.*" Our recommendations must be anchored in the best interests of children.

    b. *<u>This bill ignores the current "Complaint" process regarding the performance of a CFI</u>*. Judicial directive CJD 04-08 (revised only 8 months ago) delineates a process of filing a proper Motion in the trial court prior to filing the complaint with SCAO. HB24-1350 ignores this Directive by allocating complete authority to SCAO to handle complaints. Appointing someone who has never done CFI or PRE work (as currently in the position of SCAO) does not adequately meet the needs of families.

    c. *<u>The Bill ignores the current Judicial Directive related to the required formal training and experience for PREs</u>*. Judicial directive CJD 21-02 mandates for all PREs to be licensed mental health professionals, who must provide competence in training and experience in seven clinical areas, including competency in the effects of domestic violence and child abuse. Eliminating these requirements negatively impacts survivors/victims of domestic violence and families in general. HB24-1350, Section 14-10-127, has changed "licensed mental health professionals" to "Evaluators" This shift will allow anyone without proper licensure or formal training, to evaluate complex family dynamics, such as those involving domestic violence.

3. **The Bill is redundant as it requires (once again) training for CFIs/PREs to be trained in DV and child abuse**, which we have already done and paid for "twice" in the past two years. The bill allows non-governmental professional trainers to conduct these trainings. What we need is a standardized and uniformed training, to ensure all court personnel, including judicial officers, follow the same methodology.

4. **The Bill provides guidance about significant concepts such as "Coercive control", but it fails to offer guidance about Parental Alienation.** Although the concept of "Parental Alienation Syndrome" is no longer used in the field, the dynamic of parental alienation has now been incorporated under the concept of "Parent-Child Contact" problems. Leaders in the field of training custody evaluators (such as CFIs/PREs) include AFCC (Association for Families & Conciliated Courts) Attached to this Written Testimony is their message about this issue, which better explains this concept.

5. **The Bill does not provide protection for investigators who are "investigative arms of the Court"** As investigators, we collect data/evidence, analyze it within the legal framework of each case, and offer conclusions to the Court. However, the current responsibility of issuing "*Recommendations*" is very often misinterpreted by families as "court orders" This responsibility should be removed from both statutes below, as it does not fall within the scope of an "investigator". It dilutes the significant and important responsibility of judicial officers, who are tasked with issuing orders.

   Current statutes and judicial directives do not address the concept of "quasi-judicial immunity" We are requesting that this concept be included in HB24-1350, as it protects investigators from frivolous claims, which result in many experienced investigators to leave this profession. The statutes C.R.S. 14-10-116.5 and 14-10-127 define the CFI and PRE roles as "*investigative arms of the Court*"; this requires quasi-judicial immunity.

6. **The Fiscal Note of this bill requests approval for an increase to the Judicial Department for $293,000, which includes hiring of a trainer to develop the 20-hour training; collect and report data; and provide administrative support to trainers**. This person should be a licensed mental health professional who has done CFI and PRE work, and who can competently provide trainings that include research-based theories for us to follow. This same trainer should provide the annual CFI trainings for new CFIs.

7. **The Fiscal Note for HB23-1178 last year (dated April 2023) specifically required the Judicial Department to apply for federal grants in compliance with that bill.** According to SCAO, Judicial never applied for such grants, even when assistance from federal grant writers within our group was provided directly to SCAO. We have not seen a report of how the Task Force met the requirements set forth in HB23-1178.

We respectfully request that HB24-1350 be amended with the recommendations herein. We thank the Judiciary Committee and its members for taking the time to consider these.

/s/ *Jeanette Troncoso*

Original signed copy on file in the office of Jeanette Troncoso

---

Jeanette Troncoso, M.A., LMFT, CFI, PRE

Contact email: jeanette0310@hotmail.com – phone: 720-982-3708

/s/ *Holly Nisley*

Original signed copy on file in the office of Holly Nisley

Holly Nisley, LCSW, CFI

Contact email: holly.nisley.cfi@gmail.com; phone : 970-712-3102

/s/ Carolyna Smiley-Márquez

Original signed copy on file in the office of Carolyna Smiley-Marquez

---

Ph.D., LPC, CFI, PRE

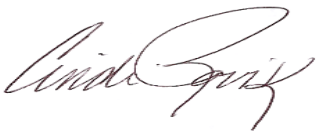
Contact email : carolyna@multiculturalcounselors.com; phone : 303-772-1714

/s/ Maritza Torres

Original signed copy on file in the office of Maritza Torres

M.S.W, LCSW, CFI

Contact email : maritza.torres27@gmail.com; phone :720-295-1527



/s/ *Original signed copy on file in the office of Cindi Rovik*

Child & Family Investigator

Contact email : parentingtime1@comcast.net; phone : 719-338-3766

/s/ Nuria Lopez

Original signed copy on file in the office of Nuria Lopez

Child & Family Investigator

Contact email : nuria@nesthermediation.com; phone : 303-483-1333

/s/ Angela Fullerton
Original signed copy on file in the office of Angela Fullerton

---

M.A., LPC, LSC, CFI
Contact email : afullerton@carbondalecounseling.org; phone : 970-710-9074

/s/ Valerie Savoie
Original signed copy on file in the office of Valerie Savoie

LCSW, CFI, PRE
Contact email : valerie@zirkel.us; phone : 970-846-4346

/s/ Cynthia Roberts
Original signed copy on file in the office of Cynthia Roberts

---

Child & Family Investigator
Contact email : robertsfamilyresolution@gmail.com; phone : 720-606-3424

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

NCJFCJ est. 1937
NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

AFCC AND NCJFCJ
JOINT STATEMENT ON PARENT-CHILD CONTACT PROBLEMS

Problem Statement:
The vast majority of separating and divorcing parents maintain safe, healthy, and positive relationships with their children; however, a small percentage of parent-child relationships remain strained and/or problematic. Children are at greater risk when parent-child contact problems are not effectively addressed and when family law professionals and others echo and intensify the polarization within the family. This problem may be exacerbated by (1) gendered and politicized assumptions that either parental alienation or intimate partner violence is the determinative issue; (2) contradictory rhetoric about the application of research findings and the efficacy of interventions; (3) indiscriminate use of services; and (4) a lack of understanding of different perspectives, education among family law practitioners, and resources.

AFCC and NCJFCJ support transparent, informed, and deliberate dialogue and response to parent-child contact problems following separation and divorce, or when the parents have never resided together, by adhering to the following considerations:

1. Adopt a child-centered approach
Children's behavior should be considered in the context of what is normal for a child's age, developmental stage, and the family socio-cultural-religious norms. This behavior may also be an expectable, adaptive reaction to stress, change, or an adverse childhood experience. The paramount focus of practitioners working with parent-child contact problems should be to promote the safety, interests, rights, and wellbeing of children and their parents/caregivers at all socioeconomic levels. Children should have the opportunity to express their views in family justice matters that concern them. The stated views of children are not necessarily determinative of their best interests. There are multiple factors that may contribute to children expressing views that do not reflect their best interests. Family justice practitioners should understand the basis for the child's expressed wishes and acknowledge their rights.

2. Increase competence in working with parent-child-contact problems
Specialized knowledge and skill are necessary to work effectively with families with parent-child contact problems. Family law practitioners should receive regular and ongoing training on the various factors related to parent-child contact problems including, but not limited to intimate partner violence, substance misuse, high conflict, denigration, parental alienating behaviors, and healthy parenting.

3. Screen for safety, conflict, and parent-child contact problems
In addition to initial and ongoing screening for safety, intimate partner violence and power-imbalances within families in all family law cases, parent-child contact issues, once identified, should be uniquely screened for safety and family risk factors, including the severity, frequency, and impact. Practitioners should, in all cases, employ a structured and evidence-informed screening for family risk factors.

4. Fully consider all factors that may contribute to parent-child contact problems
There should be no immediate label used for parent-child contact problems as there are multiple factors and dynamics that may account for these issues. These include interparental conflict before and after the separation, sibling relationships, the adversarial process/litigation, third parties such as aligned professionals and extended family, a lack of functional co-parenting, poor or conflictual parental communication, child maltreatment, a response to a parent's abusive behaviors, the direct or indirect exposure to intimate partner violence, parental alienating behaviors, an alignment with a parent in response to high conflict coparenting, or a combination of these factors. Therefore, practitioners should maintain a broad lens and sufficiently consider the relative contribution of each potential factor before conclusions are made about cause.

5. Conduct individual case analysis
Social science research findings can provide the field with valuable information about the group studied but cannot be used to determine the characteristics or experiences of individual parties or children; therefore, each family/case/situation must be specifically examined and informed by the best available evidence. Each case must be examined uniquely to understand the etiology and current dynamics of the problem for the family justice system to intervene in an effective child-focused manner.

6. Refer to appropriate and proportional services and interventions
Practitioners should exercise care in recommending, referring, or ordering family members to services and interventions. These services and interventions should be accessible, accountable, proportional to the nature and severity of factor(s) contributing to the parent-child contact problem(s), particularly when there is a court order requiring such services and interventions. Such services and interventions should be informed by a child-centered approach.

Approved by the AFCC Board of Directors, May 11, 2022
Approved by the NCJFCJ Board of Directors, June 15, 2022

AFCC ASSOCIATION OF FAMILY AND CONCILIATION COURTS

January 2024
VOL. 19 No. 1

President's Message: Working for Peace and Safety in Polarized Times

Stacey Platt, JD

Tragically, on October 19, 2023, Maryland Judge Andrew Wilkinson, age 52, was shot and murdered in his driveway only hours after granting custody to a parent. The suspect, the "losing" parent, had a history of abusive behaviors, including child abuse, stalking, financial control, and verbal assaults. A week after the murder, the suspect was found dead, an apparent suicide.

Our work is inherently dangerous. We evaluate cases involving sometimes dysfunctional --but almost always precious-- relationships between parents and their children. We negotiate and mediate with parents during their most troubled and vulnerable times. We recommend, fight for, and adjudicate family schedules and decision-making processes that sometimes marginalize or even completely cut parents off from their children. And while our reasoning may be valid and our positions made in good faith, for some litigants it is easier to blame the family justice system and its players than it is to acknowledge their own challenges. These attitudes are exacerbated by Google searches that, thanks to the algorithms of the internet, quickly identify others who believe they have been similarly wronged and advocacy groups that take myopic approaches to complex and nuanced issues.

As family court professionals we face many questions: How do we navigate entrenched high conflict situations? How do we avoid exacerbating conflict while still remaining true to our professional goals? How do we help mitigate family tensions and professional differences without watering down the truths we see and present? How do we attempt more peaceful processes in a larger society that seems so polarized, where demonization is prioritized, hatred feels almost codified, and truth is nothing but a nuisance? In the world of family law, this translates well beyond dueling experts, to board complaints, malpractice suits, media onslaughts, threats, and even physical violence. We all know the feeling of dread that starts with a parent lashing out at us personally. Can we do something to prevent and rein in the anger?

We must try, and at AFCC we are trying. As an interdisciplinary organization, our members represent virtually all perspectives in family law and dispute resolution. For decades we have addressed challenging conflicts about the most effective ways to address issues including relocation disputes, mediation and domestic violence, shared parenting, parent-child conflict problems, and child abuse and neglect –the most difficult problems separating families face.

Along those lines, last summer, AFCC quietly initiated a Peace Talks initiative, convening a small group of people with different perspectives on parent-child contact problems (PCCP) for informal discussions. In particular, we have been discussing the third rail of family law, looking substantively at our differences in addressing PCCP cases with competing allegations of domestic violence and parental alienation. Participants in the Initiative thus far include Drs. Peter Jaffe, William Bernet, April Harris-Britt, and Michael Saini, along with Hon. Denise McColley (Ret.), Peter Salem, and me.

We began in the early fall by establishing rules of engagement, designed to ensure a respectful process open to honest and open debate. Since then, we have begun working on substance, identifying agreements and disagreements, and working our way through a lengthy list. The conversations are challenging, but we are all committed to moving forward in a collaborative manner.

Several of us will be sharing our Peace Talks experience in a plenary session at the AFCC Annual Conference in Boston, June 5-8, 2024. There will also be related sessions on the program, and we anticipate further discussions, open to more participants, moving forward.

I hope you will join us in Boston the spirit of AFCC's organizational values:

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion, and debate
- Innovation in addressing the needs of families and children in conflict
- Diversity in family structure and cultures
- Empowering families to resolve conflict and make decisions about their futures

Beyond those values, we can all agree that family law must be safe for children, families, and the professionals who work with them.

House Judiciary Committee
State of Colorado

March 12, 2024

RE: HB24-1350
Consideration for Amending

Bill Sponsors: Froelich, Story, Winter

CFIs and PREs provide an invaluable service for families and Courts in the State of Colorado by providing essential information to assist a Judicial officer in making *life changing decisions* for children and families.

The law should support children, victims, families, AND the individuals conducting the investigations. This bill, and current law, fail to protect court- appointed individuals and if this is not addressed the result will be poor investigations and continued decrease in the number of CFIs and PREs.

The intent of the CFI/ PRE process is to determine Best Interests of the child/ren/youth. However, children/youth are not the CFI/ PRE's client, this is the role of a GAL or CLR. While CFI/ PREs are paid by parents/parties (or the state), neither are they the CFI/PRE's client, this is the role of an attorney. CFI/ PREs *work for the Court*. We are an "investigative arm of the court" providing services essential to the judicial decision-making process. We are the only professionals ordered by the Court with this duty.

CFIs and PREs need **quasi- judicial immunity** to be protected against frivolous litigation. Judge Gunning wrote (*Doe v. Kilmer*), "appellate courts across the country uniformly held that quasi-judicial immunity bars civil lawsuits against court-appointed custody evaluator related to their investigation and recommendations". Two of the essential reasons for this immunity is because without it, individuals are less likely to accept appointments and the threat of litigation may impact independence/ objectivity.

There is a shortage of CFIs for these exacts reasons. The SCAO denies a shortage yet the number of CFIs leaving is far more than entering the field. Many CFIs or attorneys report they cannot find an active CFI and several families are waiting months for a CFI.

CFIs and PREs need to be considered as judicial personnel, providing them opportunity to be involved with judicial training, law changes, and provided quasi- judicial immunity. Providing this does not exempt a CFI from complaints or sanctions and the process in place to address these.

Protect the individuals that are working to support the best outcome for children/youth and amend 14-10-116.5 adding specific language providing CFI/PREs quasi-judicial immunity.

Thank you for your time and consideration,

/s/ Valerie Savoie
Valerie Savoie, LCSW- CFI/ PRE
valerie@zirkel.us; 970-846-4346

/s/ Holly Nisley
Holly Nisley, LCSW- CFI
holly.nisley.cfi@gmail.com
970-713-3102

/s/ Cindi Rovik
Cindi Rovik- CFI
Parentingtime1@comcast.net
719-338-3766

/s/ Andrew R. Tidrick,
Andrew R. Tidrick, LCSW - CFI
andrew@andrewtidricklcsw.com
970-881-9332

/s/ Jeanette Troncoso
Jeanette Troncoso, MA LMFT- CFI/ PRE
jeanette0310@hotmail.com
720-982-3708

/S/ Nuria Lopez
Nuria Lopez, MS- CFI
nuria@nesthermediation.com
303 483 1333

/s/ Joni Ericson
Joni Ericson, LPC- CFI
jonid.martin@gmail.com 303-829-2884

/s/ Carolyna Smiley-Marquez
Carolyna Smiley-Marquez, Ph.D, LPC-CFI/ PRE
carolyna@multiculturalcounselors.com;
303-772-1714

/s/ Cynthia Roberts
Cynthia Roberts- CFI
robertsfamilyresolution@gmail.com
720-606-3424