

# Presentation Plan

- Presentation Plan:
- Paul Introduce Om's law (1 min)
- Leah's Journey (2-4 min?)
- Paul reviews key technical policy aspects of the Bill (5-10min) (Stewart Ralphs helps as needed)
- Pediatric Expert: Dr Dave Corwin (2-5 min )
- Pediatric Expert: Dr Kristine Campbell (2-5 min )
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- Questions from Committee (Stewart assists Paul)
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- Public Testimonies
- Youth
- Pediatrician
- Prevent Child Abuse Utah
- Lived Experience



# Acknowledgments

My appreciation to the working group & Advisors

- **Stewart Ralphs** *Executive Dir, Legal Aid Society of Salt Lake, Executive Committee Member, Family Law Section, Utah State Bar*
- **Leah Moses** (*& many others who advocate for family violence prevention*)
- **Danielle Pollack** *National Advocate for Children & Family Court Reform,*
- **Drafting Attorney Alan Houston**
- **Analyst Lisa Sorenson**
- **Senator Mike McKell**
- **Utah State Courts**
  - Michael Dreschel, Administrator
  - Utah State Court Commissioners
  - District Court Judge
- **Utah Domestic Violence Coalition (UDVC)**
  - Erin Jemison, *Policy Director*
  - Jennifer Campbell, *Executive Director*



HB272 2nd Substitute (2<sup>nd</sup> Substitute incorporates changes requested by the UT State Courts, family law experts, and Judicial Committee members)

## OM'S LAW : KEEPING UTAH CHILDREN SAFE

2024 Utah Legislative Session HB 272 : Child Custody Proceedings Amendments

# OM'S LAW

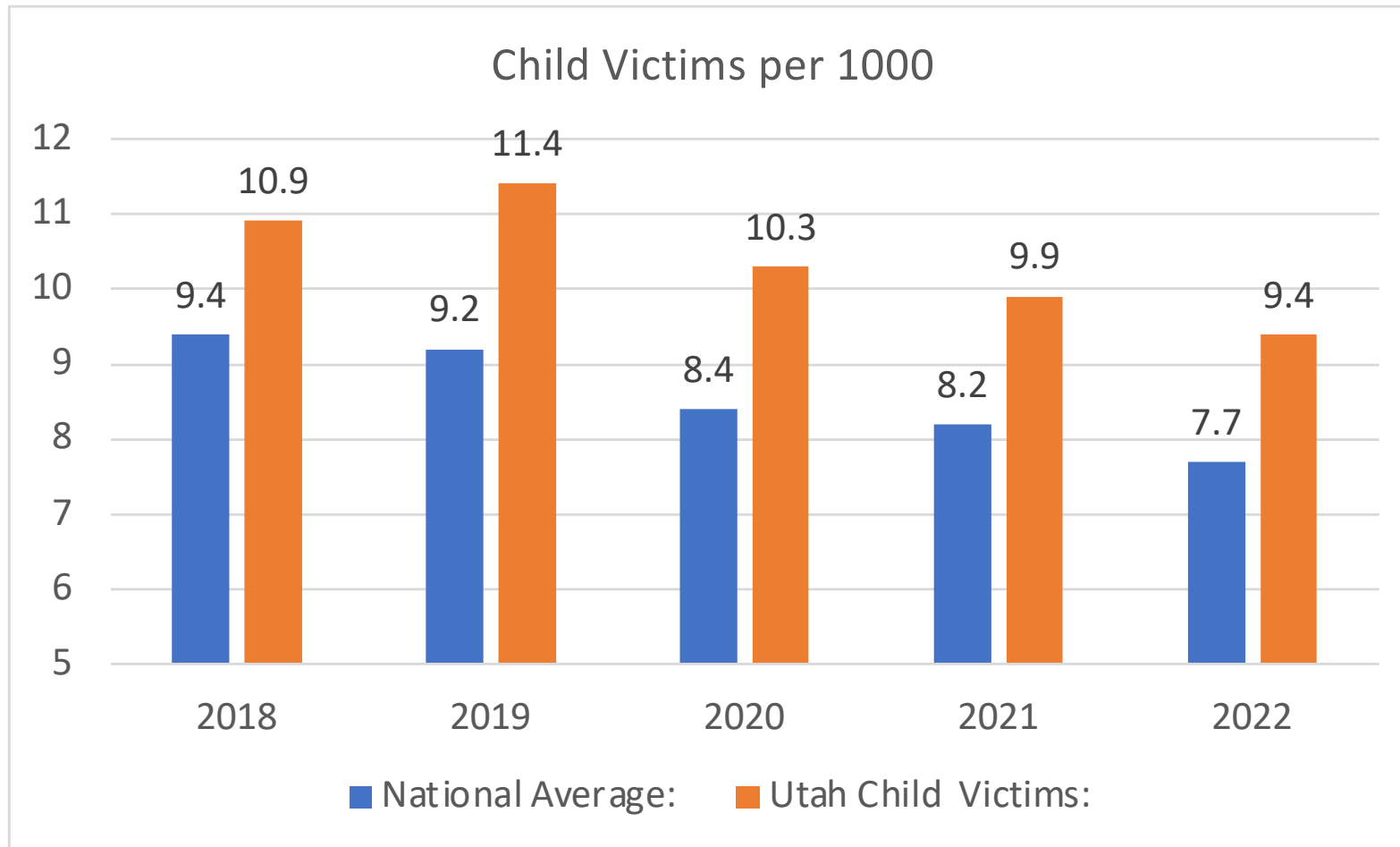
Protecting Utah Children  
From Family Violence

HB 272 : Child Custody Proceedings  
Amendments (Rep Cutler, Sen McKell)



OM MOSES GANDHI

# 2022: 8,765 victims of Child Maltreatment in Utah (Reported)



Source: 2022 Report from the Children’s Bureau (Administration for Children and Families) of the U.S. Department of Health and Human Services.



Leah Moses



**OM MOSES GANDHI**



# HB272S2: Key Policy Points

**50** In determining any form of custody and parent-time...the court  
**51** shall consider the best interest of the child

**Shall Consider** 30-3-10 (2,3)

- evidence of domestic violence, physical abuse, and sexual abuse
- intentional exposure to pornography
- safety & wellbeing of a child & parent who experience violence
- danger to the child's physical health or mental health,

**New**

**May Consider** 30-3-10 (4) items a-p

- psychological maltreatment;
- child's developmental needs (physical, emotional, educational, medical)
- parenting skills, communication skills, past conduct, character, emotional stability, drug & alcohol abuse, financial responsibilities, siblings, other factors, etc

**Moved**

**Redefined from "emotional abuse"**



# HB272S2: Key Policy Points

## Psychological Maltreatment/Abuse

- 210            (7) "Psychological maltreatment" means a repeated pattern or extreme incident of  
211            caretaker behavior that:
- 212            (a) intentionally thwarts a child's basic psychological needs, including physical and  
213            psychological safety, cognitive stimulation, and respect;
- 214            (b) conveys that a child is worthless, defective, or expendable; and  
215            (c) may terrorize a child.



# HB272S2: Key Policy Points

## Supervised Parent Time (1)

304           (2) ~~[A court that]~~ If the court finds evidence of domestic violence, child abuse, or an  
305 ongoing risk to a child, and orders supervised parent-time, the court shall give preference to  
306 ~~[persons suggested by the parties to supervise, including relatives]~~ supervision by a  
307 professional individual or agency trained in child abuse reporting laws, the developmental  
308 needs of a child, and the dynamics of domestic violence, child abuse, sexual abuse, and  
309 substance abuse.

310           (3) If a professional individual or agency described in Subsection (2) is not available,  
311 affordable, or practicable under the circumstances, a court shall give preference to supervision  
312 by an individual who is:

313           (a) capable and willing to provide physical and psychological safety and security to the  
314 child, and to assist in the avoidance and prevention of domestic and family violence; and

315           (b) is trained in child abuse reporting laws, the developmental needs of a child, and the  
316 dynamics of domestic violence, child abuse, sexual abuse, and substance abuse.





# HB272S2: Key Policy Points

## Supervised Parent Time (1)

317            ~~(4) [If the court finds that the persons suggested by the parties are]~~ If an individual  
318            described in Subsection (2) or (3) is not available, affordable, or practicable under the  
319            circumstances, or if the court does not find evidence of domestic violence, child abuse, or an  
320            ongoing risk to a child, a court may order supervised visitation that is supervised by an  
321            individual who is willing to supervise, and [are] is capable of protecting the [children] child  
322            from physical or emotional harm, or child abuse, [the court shall authorize the persons to  
323            supervise parent-time] and the court shall give preference to individuals suggested by the  
324            parties, including relatives.



# HB272S2: Key Policy Points

## Indefinite Supervised Parent Time

333            ~~[(5)]~~ (6) ~~[The]~~ Except when the court makes a finding that, due to abuse by or the  
334 incapacity of the noncustodial parent, supervised parent-time will be necessary indefinitely to  
335 ensure the physical or psychological safety and protection of the child, the court shall, in its  
336 order for supervised parent-time, provide specific goals and expectations for the noncustodial  
337 parent to accomplish before unsupervised parent-time may be granted. The court shall schedule  
338 one or more follow-up hearings to revisit the issue of supervised parent-time.



# HB272S2: Key Policy Points

## Standard of Evidence for Abuse

368 (a) the court may admit expert evidence from a court-appointed or outside professional  
369 relating to alleged domestic violence or abuse only if the professional possesses demonstrated  
370 expertise and adequate experience in working with victims of domestic violence or abuse,  
371 including sexual abuse, that is not solely of a forensic nature; and

372 (b) in making a finding regarding an allegation of domestic violence or abuse,  
373 including sexual abuse, the court shall consider evidence of past domestic violence, sexual  
374 violence, or abuse committed by the accused parent, including:

375 (i) any past or current protective order against the accused parent; or

376 (ii) any charge, arrest, or conviction of the accused parent for domestic violence, sexual  
377 violence, or abuse.

378 (3) Subsection (2) does not preclude the court from admitting expert evidence, subject  
379 to rules of evidence, from a court-appointed or outside professional relating to issues other than  
380 alleged domestic violence or abuse.



# HB272S2: Key Policy Points

## Removing a child from a parent

- 381            (4) As part of a child custody proceeding, a court may not, solely in order to improve a
- 382            deficient relationship between the other parent and a child:
- 383            (a) remove the child from a parent or litigating party:
- 384            (i) who is competent and not physically or sexually abusive; and
- 385            (ii) with whom the child is bonded; or
- 386            (b) restrict reasonable contact between the child and a parent or litigating party:
- 387            (i) who is competent and not physically or sexually abusive; and
- 388            (ii) with whom the child is bonded.



# HB272S2: Key Policy Points

## Reunification Treatment

390            (a) a court may not order a reunification treatment unless there is generally accepted  
391 proof of the physical and psychological safety, effectiveness, and therapeutic value of the  
392 reunification treatment;

393            (b) a court may not order a reunification treatment that is predicated on cutting off a  
394 child from a parent:

395            (i) who is competent and not physically or sexually abusive; and

396            (ii) with whom the child is bonded;

397            (c) any order to remediate the resistance of a child to have contact with a violent or



# HB272S2: Family Violence Training For Court Personnel

- 420           (2) The state court administrator described in Section [78A-2-105](#) shall develop or  
421 recommend a proposed training and education program that:
- 422           (a) shall be designed to improve the ability of the courts to:
- 423           (i) recognize domestic violence and child abuse in child custody proceedings; and  
424           (ii) make appropriate custody decisions that prioritize a child's physical and  
425 psychological safety and well-being;
- 426           (b) shall focus solely on domestic and sexual violence and child abuse, including:
- 427           (i) child sexual abuse;  
428           (ii) physical abuse;  
429           (iii) emotional abuse;  
430           (iv) coercive control;  
431           (v) implicit and explicit bias, including biases relating to parents with disabilities;  
432           (vi) trauma;  
433           (vii) long-term and short-term impacts of domestic violence and child abuse on  
434 children; and
- 435           (viii) victim and perpetrator behavior patterns and relationship dynamics within the  
436 cycle of violence;



# HB272S2: Child Maltreatment Prevention Best Practices

## David Corwin, MD

Board certified in Psychiatry and  
Child Psychiatry  
Professor (Clinical) of Pediatrics  
University of Utah

Former President of the American  
Professional Society on the Abuse of  
Children ([APSAC](#))

## Kristine Campbell, MD

Pediatrician, Primary Children's Medical  
Center

Professor in the Department of Pediatrics,  
Division of Child Protection and Family Health  
of the University of Utah.

*Dr. Campbell's research interests focus on  
understanding the experiences of children and  
families after child maltreatment, and interventions  
to improve outcomes for these families.*



# HB272S2: Lived Experience

**Shaynie Hunter**

Mother

**Trey Hunter**

Son who experience reunification treatment





THANK  
YOU



# Existing State Law

(c) Absent a showing by a preponderance of the evidence of real harm or substantiated potential harm to the child:

(i) it is in the best interests of the child of divorcing, divorced, or adjudicated parents to have frequent, meaningful, and continuing access to each parent following separation or divorce;

(ii) each divorcing, separating, or adjudicated parent is entitled to and responsible for frequent, meaningful, and continuing access with the parent's child consistent with the child's best interests; and

(iii) it is in the best interests of the child to have both parents actively involved in parenting the child.

