

House Resolution 522

By: Representatives Cannon of the 58th and Thomas of the 39th

A RESOLUTION

1 Expressing the sense of the Georgia General Assembly that child safety is the first priority
2 of custody and visitation adjudications and that state courts should improve adjudications of
3 custody where family violence is alleged; and for other purposes.

4 WHEREAS, according to the Georgia Criminal Justice Coordinating Council, in the 2019
5 FY, Georgia's state-certified domestic violence programs sheltered 7,214 children and
6 state-funded sexual assault centers served 1,989 child victims of sexual assault; and

7 WHEREAS, child sexual abuse is significantly under-documented and under-addressed in
8 the legal system; and

9 WHEREAS, child abuse is a major public health issue in the United States, with the
10 estimated annual cost of child abuse and neglect (including physical, sexual, psychological,
11 and emotional abuse; failure to provide for educational, medical, or physical needs; and
12 inadequate supervision) in Georgia ranging from \$2 billion to \$3 billion; and

13 WHEREAS, according to the Centers for Disease Control and Prevention, federally
14 launched, funded, and tracked longitudinal research into "adverse childhood experiences"
15 (the ACEs study) has shown that "children who experience abuse and neglect are also at

16 increased risk for adverse health effects and certain chronic diseases as adults, including
17 heart disease, cancer, chronic lung disease, liver disease, obesity, high blood pressure, high
18 cholesterol, and high levels of C-reactive protein"; and

19 WHEREAS, research confirms that allegations of domestic violence, child abuse, and child
20 sexual abuse are often discounted when raised in child custody litigation; and

21 WHEREAS, according to the Domestic Violence Legal Empowerment and Appeals Project,
22 abusive parents, including those who are accused and adjudicated batterers, tend to be
23 granted sole custody or joint custody by the courts, placing children at risk; and

24 WHEREAS, scientifically unsound theories, specifically parental alienation syndrome, are
25 frequently applied to reject parents' and children's reports of abuse; and

26 WHEREAS, parental alienation syndrome has been rejected by the American Psychological
27 Association, National Council of Juvenile and Family Court Judges, the National District
28 Attorneys Association, and the American Prosecutors Research Institute; and

29 WHEREAS, in cases involving allegations of family violence, courts should rely on the
30 assistance of third-party professionals only when they possess the proper experience or
31 expertise for assessing family violence and trauma and apply scientifically sound and
32 evidence-based theories; and

33 WHEREAS, Georgia lacks state-wide standards defining required expertise and experience
34 for court-affiliated or appointed fee-paid professionals in custody litigation or the required
35 contents of custody-related expert reports; and

36 WHEREAS, custody litigation involving abuse allegations is sometimes prohibitively
37 expensive, resulting in parental bankruptcy as a result of court-mandated payments to
38 appointed fee-paid professionals, in addition to attorney's fees; and

39 WHEREAS, court reporters should be present to create records in all family law matters,
40 particularly in domestic violence and contested custody cases.

41 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
42 the members of this body express that child safety is the first priority of custody and
43 visitation adjudications and that state courts should improve adjudications of custody where
44 family violence is alleged.

45 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
46 and directed to make appropriate copies of this resolution available for distribution to the
47 public and the press.