

The Family Court Conundrum

2018 Child Abuse Symposium

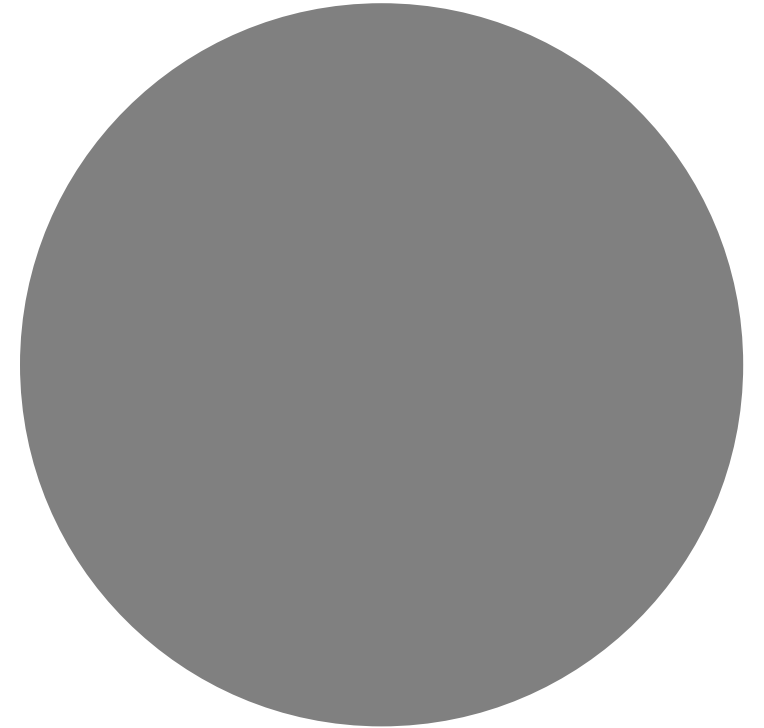
Panelists: Det. Brian Spears

Judge Roberta Hayashi

Kimberly Nielsen

Miday Tovar

Moderator: James Gibbons-Shapiro



| How does it
work now?

Hypothetical Fact Pattern:

Both Parents in Family Court filings are saying their 13 year old daughter is cutting and suicidal, the child's therapist is involved, the child's school was involved, but both parents are blaming the cutting on the other parent.

Responses?

Court

CAN Center

SSA

Police

CIC

DA's Office

Some
questions for
clarification

Structured Decision-
Making Tool for SSA?

Screening Mediator for
Courts?

When does reporting to
law enforcement happen?

A new wrinkle on the facts

Screening Mediator then talks with both parents and also to the child who is reserved and shy and will only say: "I don't like it at Dad's house because of what he does to me."

- Does that change our response in court?
- For SSA
 - No response?
 - 10 day?
 - "Immediate" response?
 - "Joint" response?
- For law enforcement? Can law enforcement get the notes from this conversation?
- How come there has not yet been a CIC interview?

One more new fact

Let's say the child said to the mediator: "Dad touches me under my clothes on my chest, and I don't like it."

CIC?

Police reports?

Police Investigation?

Criminal arrest?

How does the fact of the Family Court proceeding and the custody dispute get documented, considered? Does it?

Filed Criminal Cases

What happens when a criminal case has been filed and is pending against a parent for sexually abusing the child, and the other parent files for divorce and sole custody of the child?

Is it different if the accused parent is in or out of custody?

How does this interact with the Dependency Court?

Questions at the heart of the matter:

Have any of you heard professionals discount an allegation of child abuse because there was a pending child custody dispute?

In what ways is that a reasonable response?

In what ways is that an unreasonable response?

Can we see a
different way
to be?

What can be done to increase the protection for children in a situation where there is an allegation of child abuse that arises during a family court proceeding?

How do we prevent parents from using their children as weapons against one another?

What legal
changes can
we imagine?

How can we imagine better information sharing among the police, the criminal court, the dependency court and the family court?

Is that something that is possible under current laws?

Should there be any changes?

What are we
doing now
that we might
do better?

- Does anything about the way we operate impede the way allegations of child abuse are investigated or dealt with?

What about
our own
issues?

- How do we deal with our own skepticism?

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