

Dear Chairwoman Baker and Senate Judiciary Committee Members:

We, the undersigned, reach out to you today urging your support for Senate Bill 868 with amendment A06061, which is scheduled for a vote in the Senate Judiciary Committee on September 22. This multi-year reform effort began with [House Bill 2058](#) in the 2017-18 session with the principal aim of better protecting vulnerable children in private custody decision-making processes in our courts whenever family violence is alleged. We are so excited to see hearings held on this very important matter impacting Pennsylvania children, their protectors, and our larger communities.

Judges and other court personnel across the Commonwealth are tasked with immensely difficult cases involving criminal, civil, and family law. The workload that is demanded of them requires a tremendous amount of education in each of these respective areas. Of particular importance are those cases that call on court personnel to ensure the safety of children.

Unfortunately, recent [empirical studies](#) show that family courts commonly do not adequately recognize domestic abuse or sexual violence to the extent necessary to keep children safe, and too often minimize or fail to understand their implications for children. According to the Administration for Children & Families' most recent report, there were over 4,000 confirmed child victims of abuse or neglect in Pennsylvania, which is an 18.2% increase from 2014. Of these children, 38.5% were physically abused and 50.4% were sexually abused, with the youngest children under the age of 8 being the most vulnerable. The current trend toward the reversal of custody from protective mothers to allegedly abusive fathers can result in ongoing abuse of the child, loss of a secure maternal-child relationship, or worse, death at their fathers' hands, as was the case in August 2018, with 7-year-old [Kayden Mancuso](#), who was killed by her biological father in Southeastern Pennsylvania following a court order mandating contact with him.¹

As you may recall, Kayden lived with her mother and stepfather. She was visiting her father at his Philadelphia home as part of a court-approved custody arrangement when he fatally beat and strangled Kayden and then hung himself. Jeffrey Mancuso had not previously perpetrated hands-on violence toward Kayden, but he had a history of being abusive to others. The judge in Kayden's case was aware of Mancuso's criminal record and violent, aggressive, threatening behavior toward Kayden's mother, his own mother, and other adults when he granted Mancuso unsupervised weekend visits with his daughter in May 2018. Through this tragedy, and its [continuing occurrence](#) in other family court cases across the nation, it is clear that we must change the law for the safety of children. No child should be forced to face their abuser or their mother's abuser, especially in an unsupervised setting.

The Commonwealth has a duty to protect its children. Together, we must ensure that in all cases and controversies coming before the courts involving questions of child custody, that

¹ *Though a parent of any gender can perpetrate family violence, it is empirically shown that the most severe forms of child abuse (intentional fatality/near fatality, child sexual abuse) are overwhelmingly perpetrated by a male caregiver.*



the health, safety, and welfare of the child are protected and regarded as an issue of paramount importance. The consequences of a wrong decision in custody cases are unlike any other.

With that, we would like to bring your attention to Senate Bill 868, which, with amendment, would:

- Strengthen the current factors that judges consider in making custody decisions and emphasize which party would ensure the health and safety of the child, especially when abuse is alleged;
- Ensure that if there is a finding by the court of a history of abuse or an ongoing risk of abuse, that any custody order includes safety conditions and restrictions necessary to protect the child; and
- Encourage the Supreme Court of Pennsylvania to implement an annual evidence-based educational and training program in step with current research for judges and relevant court personnel on child abuse, adverse childhood experiences, domestic violence, and its impact on children.

As you know, it is not in the purview of the General Assembly to mandate what training our judges and court personnel receive. Our hope is to open a dialogue with the court on how best to implement and update current training standards. An evidence-based educational and training program that includes the latest best practices and peer-reviewed research would improve the ability of courts to recognize child abuse, child sexual abuse, trauma, and domestic violence patterns (including coercive control), and their impacts on children at various developmental stages, thereby allowing courts to make appropriate custody decisions that prioritize the safety of children and their families.

Towards that end, we respectfully request the support of Senate Bill 868 with its updated amendment language when it is brought for a vote before the committee.

Sincerely,



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