

Testimony On HB 4547, 4548, 4549 in Judiciary Committee, May 26, 2015

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Thank you, Mr. Chairman, for holding the hearing on these bills and for allowing me to speak.

I have been watching this legislation for several years, and I believe this is my third time to testify on it. I was pleased last year to see the main bill pass in committee as HB 5272 and pass the full House by 108-0. So thank you to those that voted for it. Unfortunately it did not get the consideration it deserved in the Senate.

Fortunately, most parents take fairly good care of their children. In child protection cases, we as a society are in a difficult situation. When real abuse or neglect is taking place, sometimes children need to go through the trauma of being placed in another home. When there is no other choice, it is the right thing to do. If an accusation and charges of child abuse or neglect are brought forward, there are two serious mistakes we can make: 1.) We can leave a child in a dangerous situation, and 2.) we can tear a child away from his home unjustly, hurting the parents and the children, injuring them unnecessarily in a way from which they may never heal. I hope and I trust that no one on the committee wants to make either of these two mistakes.

To avoid serious mistakes we need to have accurate definitions of abuse and neglect, accurate and thorough investigations, and an accurate and careful judicial procedure in which the judge and jury get the best information possible. The testimony of the child or children involved is critical to making the right decision. Forensic interviews by trained professionals are intended to help that testimony be more accurate. But if the report that goes to the judge or the jury is inaccurate, the judge and jury are more likely to make a mistake. And that we don't want. A video recording in which the judge and jury can hear the volume and tone of every word, and watch the facial expression and body language, will tell a more complete story than an interviewer's report or even a transcript of the testimony. We will have fewer mistakes and fewer negative consequences for those children.

I am confident that every person on this committee knows what it is like to say something and have it reported inaccurately. My experience as a township trustee is that the reporters get the story wrong sometimes. Some reporters make mistakes rarely and some make mistakes frequently because of their own biases and filters. But even if they are trained professionals, they all make mistakes. I would guess that all of you know from personal experience that two different reporters may tell two very different stories of the same event. For me, if the story is incorrect and I don't get re-elected next year, that's not so important. For you, if the reports are inaccurate, and you don't get re-elected, that may be a little more important.

But think of a child, who is interviewed by the professional. If the report from the trained professional is inaccurate, because of his or her own biases, and filters, and mistakes, and the court makes the wrong decision, that could be more than important. It could be tragic, even fatal. Or, it could jerk a child from the parents who love her, and place her with strangers, and it could be the most upsetting experience in her life, even if she is placed in a good home. And the statistics and the stories show that not all foster homes and not all adoptive homes are good places for a kid to grow up. And please think about the parents. If the report from the trained professional is inaccurate, because of his own biases, and filters, and mistakes, and the court makes the wrong decision, and children are improperly taken from good parents, those parents will experience the hurt of a lifetime. They will never be the same. And that does happen to parents from time to time. Our organization has heard from hundreds of them.

Our duty as a society, and your duty as legislators, and especially as members of this committee, is to make the investigations and the trials on child protection as accurate and fair as possible. Mandating a video recording will help make more correct decisions. Providing that video recording to both prosecution and defense will help make more correct decisions. Providing that recording to the judge and jury will help make more correct decisions. This is good legislation.

As soon as possible, please approve these 3 bills in committee and on the House floor and get them to the Senate and the Governor for their approval also.

Thank you. Are there any questions?