



February 23, 2024
RE: HB272

Dear Honorable Members of the Utah Legislature:

I write for the Utah Chapter of [The Association of Family and Conciliation Courts](#) (AFCC). I serve as Chapter President. The AFCC, established in 1963, is the premier interdisciplinary and international association of court professionals, including judges, commissioners, attorneys, mediators, custody evaluators, and mental health professionals. Our association is dedicated to the resolution of family conflict. The Utah Chapter comprises over *300 professionals* who share in the [AFCC mission](#) to reduce conflict in court-involved families using the latest tools, methods, and research standards to guide our practices. We care about all families. We take a multidimensional, interdisciplinary, and case-specific approach when assessing problems and developing case-specific interventions. Every family is unique and requires an approach not guided by bias or assumptions.

We are committed to ensuring children's safety, which is the well-intended purpose of HB272. However, we have serious concerns about the bill as currently drafted. We join and concur with the concerns outlined in the Utah Psychological Association's (UPA) [letter dated February 15, 2024](#). These concerns and the concerns below are consistent with feedback from our Utah AFCC members, who include family law attorneys and court-involved therapists. We encourage you to ask questions and seek input from our membership. To summarize just some of these concerns while again affirming our priority of keeping children safe, we invite you to consider the following as this bill moves through the legislative process:

- The bill will only benefit a small group of families, exacerbating issues and reducing safeguards for others.
- The bill makes it easier for parents acting in bad faith to make false allegations of abuse to cut off a fit parent from their child(ren).
- If a finding of domestic violence is made, judges are stripped of certain discretion and power to intervene based on case specifics. This could have severe consequences for the parties involved, potentially leading to unjust outcomes.
- The bill limits the court's access to necessary experts and evidence, which may impede the proper fact investigation of cases.
- The bill strips the court of necessary tools to provide interventions for severe psychological maltreatment of a child. Such interventions are hindered when the Court lacks necessary tools or authority.
- The bill will limit accepted scientific training and replace it with victim advocacy training.
- Psychological maltreatment is a vaguely defined concept. The American Psychological Association (APA) does not have a universally accepted definition of psychological abuse, although specific patterns of behavior are generally recognized to constitute such abuse. However, no single extreme

incident can be classified as psychological abuse. The current emotional harm code definition is closer to the APA definitions. See §80-1-102(37).

- The presumption of professional supervisors for parent time has limitations. The hiring of professional supervisors is cost-prohibitive. Furthermore, hiring them in the more rural areas of our state is unrealistic. To our knowledge, little to no professional supervisors are in the rural areas. Family member supervisors are also not the best solution, especially the untrained. They may fail to provide appropriate supervision and be unable to provide objective feedback.
- The bill may allow a court to order indefinite supervision, but it is unclear how a parent could have that order reviewed. This contradicts what typically happens in cases of abuse in juvenile courts, where the focus is on reunification, even in cases that are worse than the typical family court cases.
- It is important to note that there is a fine line between a healthy bond between a child and a parent and an unhealthy enmeshment, and sometimes both can happen simultaneously. Removing the court's discretion to modify custody arrangements in cases of extreme enmeshment is a mistake. Such a decision is usually only made when experts closely work with the family and recommend it.
- The reunification therapy orders are too restrictive and could cause significant litigation delays in getting a reunification order. It also could be construed as removing the therapist's discretion as to what therapy topics and modalities are best for a given family situation.

We strongly encourage the bill sponsors to gather additional feedback and real-world insight from our members, an army of family law and mental health professionals working with high-conflict, court-involved families. We are willing to put you in touch with such individuals. Thank you for your valuable time and consideration towards this important legislation.

Respectfully,

Todd W. Wetsel

Todd W. Wetsel, J.D.
Chapter President, Utah AFCC