

## **Public Comment in Support of Proposals 25-09 and 26-07**

I respectfully support Proposals 25-09 and 26-07. I submit this comment as a protective parent whose effort to obtain protection for an injured child became consolidated with a family-law proceeding. I do not ask the Committee to decide my case or determine whether any individual acted improperly. Rather, my experience illustrates procedural problems that can affect protective parents, children with disabilities, and reviewing courts.

### **Proposal 25-09: Preserving the Protective-Order Record**

Proposal 25-09 would require courts to create and maintain a record of protective-order proceedings, including hearings at which orders are issued, extended, modified, terminated, vacated, published, or served—even when the protective-order matter is consolidated with another case.

This clarification is important. In my experience, consolidation made it difficult to determine which proceeding was being heard, what evidence related to the protective-order matter, and which rulings addressed particular requests for relief. The appellate record initially contained only docket materials, while reports of proceedings for numerous hearing dates were filed months later, after the appeal had been submitted.

A docket entry may show that a hearing occurred, but it does not necessarily preserve:

- testimony and exhibits;
- objections and rulings;
- factual findings and the statutory basis for relief;
- oral modifications or limitations;
- the reasons for extending, denying, or terminating protection; or
- the relationship between a protective-order ruling and a family-court order.

A complete and reliable record is especially important when proceedings affect parental access, family relationships, reputation, attorney fees, contempt allegations, or the risk of incarceration.

I respectfully request that Proposal 25-09 include or be implemented with safeguards requiring:

1. **Continuous recording** of the protective-order portion of each hearing, including remote proceedings;

2. **Clear identification** of each recording by date, case number, related case, judge, and resulting order;
3. **Cross-docket preservation** when cases are consolidated;
4. **Retention of original recordings and stenographic notes** when the record is disputed or the proceeding may result in contempt or incarceration;
5. **Preservation of findings and reasons** supporting each protective-order ruling; and
6. **Prompt notice of recording failures** so the parties may pursue a lawful reconstruction while evidence and memories remain available.

These safeguards would benefit not only litigants and children, but also judges, clerks, court reporters, law enforcement, and reviewing courts.

### **Proposal 26-07: Training for Guardians ad Litem**

I also support Proposal 26-07, which would require specified intimate-partner domestic-abuse training before an attorney is appointed as a guardian ad litem in domestic-relations and child-custody cases.

Appointment alone does not ensure that a guardian ad litem has the specialized knowledge necessary to evaluate allegations involving domestic abuse, child abuse, coercive control, disability, trauma, and retaliatory litigation. In my case, the guardian ad litem was required to evaluate medical records, child-welfare information, law-enforcement evidence, statements by children, and allegations involving a child with a disability.

Meaningful training should address:

- intimate-partner abuse and coercive control;
- the relationship between domestic violence and child safety;
- retaliatory and litigation-based allegations;
- trauma and the effects of prolonged litigation;
- interviewing children without suggestion or contamination;
- disability, developmental differences, and communication barriers;
- evaluation of medical, child-welfare, school, counseling, and law-enforcement records;
- minimization, normalization, and victim-blaming;

- investigative independence from parents and counsel; and
- documenting sources, disclosures, investigative steps, disputed facts, and the basis for recommendations.

A child may simultaneously love, miss, defend, fear, or depend upon a parent. A child's statement that he or she is not afraid should therefore be considered in context and alongside the other evidence, rather than treated as dispositive. Guardians ad litem should also be trained to distinguish fear, trauma responses, persistence, or safety-related conduct from proof that a protective parent is acting in bad faith.

### **Requested Action**

I respectfully ask the Committee to:

- approve Proposal 25-09 and preserve its application to protective-order proceedings consolidated with family or other cases;
- require a complete, identifiable, and reviewable record of those proceedings; and
- approve Proposal 26-07 and require meaningful, verifiable training for guardians ad litem concerning abuse dynamics, trauma, disability, child safety, retaliatory allegations, and investigative independence.

These proposals will not determine the merits of any individual case. They will improve the reliability and fairness of the process by which those merits are decided.

I respectfully request that the Committee approve Proposals 25-09 and 26-07.

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