

1995 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 481

Offered January 19, 1995

Creating a joint subcommittee to study the use of allegations of child abuse to obtain custody of a child.

Patrons—Newman, Callahan, Fisher, Griffith, Katzen, McClure, O'Brien and Wilkins

Referred to Committee on Rules

WHEREAS, in 1989 the joint subcommittee studying child abuse reporting and investigation procedures received anecdotal evidence of an apparent increase in the incidence of false complaints of abuse or neglect as a weapon in contested divorce, custody and visitation cases; and

WHEREAS, because the suggestion was made that in some cases attorneys were recommending to their clients that this weapon be used, the joint subcommittee in its report (House Document No. 47, 1989) recommended that the Virginia State Bar ". . . analyze all available data, including the data on unfounded complaints [of child abuse] as it becomes available to the Department [of Social Services] to determine whether attorneys are [so] advising their clients. . . and, if so, . . . develop methods to stop this abuse of the child protective services system and impose appropriate sanctions;" and

WHEREAS, concern remains that this type of conduct by the parties to contested actions, and their attorneys, threatens the foundation upon which the child protective services system is based and further threatens the credibility of that system and the laws of the Commonwealth intended to protect children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a five-member joint subcommittee be created to determine the extent of the problem and to propose deterrents to and sanctions for the use of false allegations of abuse. The joint subcommittee shall seek input and assistance from the Virginia State Bar, the Office of the Executive Secretary of the Supreme Court and the Department of Social Services. The membership of the joint subcommittee shall be as follows: three members from the House of Delegates to be appointed by the Speaker and two members from the Senate to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$ 5,000.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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