

1995 SESSION

HOUSE SUBSTITUTE

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HOUSE JOINT RESOLUTION NO. 481
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on February 2, 1995)

(Patron Prior to Substitute—Delegate Newman)

Requesting the Family Law Section of the Virginia State Bar to study the use of allegations of child abuse to obtain custody of a child.

WHEREAS, the Joint Subcommittee Studying Child Abuse Reporting and Investigation Procedures, pursuant to House Joint Resolution No. 127 (1988), 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 it was suggested that in some cases attorneys recommended to their clients that this weapon be used, the joint subcommittee recommended in its report, House Document No. 47, 1989, 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 so advise their clients, and, if so, that the Department 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, 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 the Family Law Section of the Virginia State Bar be requested to study the use of allegations of child abuse to obtain custody of a child. The Section is requested to determine the extent of the problem and to propose deterrents to and sanctions for the use of false allegations of abuse. The Section shall seek input and assistance from the Office of the Executive Secretary of the Supreme Court and the Department of Social Services.

The Section 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 the processing of legislative documents.

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