

**H.CON.RES.172 -- Expressing the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse of one's spouse should create a statutory presumption that...
(Placed on Calendar Senate - PCS)**

Calendar No. 952

101st CONGRESS
2d Session
H. CON. RES. 172
CONCURRENT RESOLUTION

Expressing the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse of one's spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

October 9 (legislative day, OCTOBER 2), 1990

Committee discharged; ordered to be placed on the calendar

HCON 172 PCS

Calendar No. 952
101st CONGRESS
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H. CON. RES. 172
IN THE SENATE OF THE UNITED STATES

October 1 (legislative day, SEPTEMBER 10), 1990

Received; referred to the Committee on the Judiciary

October 9 (legislative day, OCTOBER 2), 1990

Committee discharged; ordered to be placed on the calendar

CONCURRENT RESOLUTION

Expressing the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse of one's spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

Whereas State courts have often failed to recognize the detrimental effects of having as a custodial parent an individual who physically abuses his or her spouse, insofar as the courts do not hear or weigh evidence of domestic violence in child custody litigation;

Whereas there is an alarming bias against battered spouses in contemporary child custody trends such as joint custody and mandatory mediation;

Whereas joint custody guarantees the batterer continued access and control over the battered spouse's life through their children;

Whereas joint custody forced upon hostile parents can create a dangerous psychological environment for a child;

Whereas a batterer's violence toward an estranged spouse often escalates during or after a divorce, placing both the abused spouse and children at risk through shared custody arrangements and unsupervised visitation;

Whereas physical abuse of a spouse is relevant to child abuse in child custody disputes;

Whereas the effects of physical abuse of a spouse on children include actual and potential emotional and physical harm, the negative effects of exposure to an inappropriate role model, and the potential for future harm where contact with the batterer continues;

Whereas children are emotionally traumatized by witnessing physical abuse of a parent;

Whereas children often become targets of physical abuse themselves or are injured when they attempt to intervene on behalf of a parent;

Whereas even children who do not directly witness spousal abuse are affected by the climate of violence in their homes and experience shock, fear, guilt, long lasting impairment of self-esteem, and impairment of developmental and socialization skills;

Whereas research into the intergenerational aspects of domestic violence reveals that violent tendencies may be passed on from one generation to the next;

Whereas witnessing an aggressive parent as a role model may communicate to children that violence is an acceptable tool for resolving marital conflict; and

Whereas few States have recognized the interrelated nature of child custody and battering and have enacted legislation that allows or requires courts to

consider evidence of physical abuse of a spouse in child custody cases: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),
SECTION 1. It is the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse of a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.
SEC. 2. This resolution is not intended to encourage States to prohibit supervised visitation.

Passed the House of Representatives September 27, 1990.

10/25/1990:

Resolution agreed to in Senate without amendment by Voice Vote.

10/26/1990:

Message on Senate action sent to the House. Enacted