



WYOMING GUARDIANS AS PROTECTORS

April 27, 2018

Dear Judiciary Committee Members:

First of all, thank you for making this issue a priority in the 2018 – 2019 year, we are all so pleased. There are now 22 states documented as having some sort of De Facto Custody laws in place for the protection of children. In this email there are ten separate attachments for your review in preparation for the upcoming May 7th meeting in which the De Facto Custody and child well-being issues will be discussed. Please don't be overwhelmed with the thought of TEN attachments as they are all pretty brief excerpts, some several pages, just a hint of the endless research regarding current third party custody laws, drugs and parenting consequences, and perhaps the most important aspect when writing the bill...the language and thought process used in similar bills and rulings that have upheld constitutional scrutiny. In most every such case, "the parent-child-like relationship the child has developed with his or her psychological parent(s)" and, "the irreparable emotional and psychological harm then occurs when courts sever that relationship", is paramount.

We have literally talked with well over a dozen mental health professionals, law professors and out of state attorneys who have taken a great interest in this topic, most of them who have published in journals and won de facto cases.

It seems that the initial language that Representatives Stith and Olsen suggested in the 'task force' meeting was right on target. However, a more in depth definition is found in cases that were upheld at a state Supreme Court levels... "There is a compelling state interest to preserve the existing, established parent-child-like relationship between the child and the 'psychological parent'. And "failure to..." do so, "severing such established relationship", "causes significant adverse effect on a child's physical, emotional and psychological wellbeing." Please just read

some of the experts from children's mental health and law journals; it's not a matter of opinion. These are lifelong adverse effects based on numerous peer-reviewed research found in both the children's legal and mental health journals.

We contacted several of the *Commissioners on the Uniform State Laws* who are working on their final draft of the Third-Party Custody Act, *a copy which I have attached*. Their final draft is expected to be completed in July and disseminated to all states. We were told that our "important work certainly dovetails with theirs."

Here's a list of the attachments – may send in two separate emails, not sure.

1. The National Conference of Commissioner on Uniform State Laws – current draft on 'Uniform Nonparent Custody Act
2. Excerpt from – Children's Legal Rights – Adapting to the Modern Family: Recognizing the Psychological Parent in Child Welfare Proceedings
3. Excerpt from - Villanova Law Review: The Psychological Parent Standard
4. Excerpt from (10 pgs.) from St. Louis Univ. School of Law: (a 165 pgs. publication)) The Fundamental Truth about Best Interests *discusses compelling state's interest to preserve the child's right to...*
5. Handout : The Effects of Substance Abuse on Behavior and Parenting (*refer to meth and heroin*)
6. Stats on Meth – side effects, recovery rates, changes to the brain
7. MARR Addiction Treatment Center: The effects of addiction on children...devastating Michelle Weirson, PhD
8. 5 tragic cases of Drug-Fueled Child Abuse – typical cases of what happens when we mix parenting with biological parents with on-going drug use
9. The Huckfeldt Children's Story – the 1 YEAR FOLLOW Up by grandmother, Lynn Conrad- One of many WY stories we will continue to share
10. The updated Fact Sheet

The anxiety that these children and their caregivers face continually, not knowing what the next week, the next day, or the next court hearing will bring, is so very difficult to endure.

We are looking forward to the first interim meeting and continuing our collaboration as we move forward in our efforts to pass a state law which *actually* protects the 11,000 children.

Respectfully,

Annie McGlothlin