



The Quarterly Newsletter of the Children's Rights Council, Inc.  
300 "I" Street N.E., Suite 401, Washington, D.C. 20002-4389 Phone (202)547-6227

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**Congress Passes Access (Visitation) Law**



*Andrews*

Congress has passed a law that requires states to recognize each other's visitation findings. President Clinton signed the bill into law on November 12, 1998.

Promoted by its sponsor, Congressman Rob Andrews (D-NJ), as a grandparents' visitation law, the legislation also helps non-custodial parents, because visitation is visitation!

The new law, an amendment to Title 28, U.S.Code, Section 1738A (known before passage as H.R. 4164), passed unanimously in the House and Senate.

In House floor debate prior to passage on

July 14, 1998 (see Congressional Record, Vol. 144, No. 93, page H 5437), Andrews said "Most American grandparents would believe that after a hard fought, very difficult, painful and expensive process of winning the right to visit their grandchildren in state court that they have won that right permanently, or at least until some negative circumstance occurs. Many of them have been shocked and chagrined to find out that is not the case. Very often, when the child moves to another state, the rights of the grandparents evaporate."

"Andrews could have substituted the word non-custodial parents every time he used the word grandparents," said CRC member Rob Whitfield, who monitors Capitol Hill legislation. "If you are a parent or grandparent with a valid custody or access (visitation) order in one state, and are being

*Continued on page 3*

**Yes, 20 Percent of Children of Divorce  
Have Approximately 50/50 Shared Parenting**

Some people were surprised at the article in our last newsletter (Summer/Fall 1998) which reported that approximately 20 percent of children of divorced families are in equal shared parenting situations.

We have double-checked, and the figure is correct!

Equal shared parenting means that there is approximately 50/50 percent sharing of time between two parents on a year-round basis. This figure has doubled since 1990, when only about 10 percent of children were estimated to be in equal shared parenting situations.

This estimate is based on data from the U.S. Census Bureau and the National Center for Health Statistics.

"These figures of equal shared parenting were higher than we anticipated," said Rick Kuhn, a CRC evaluator of research. "And these figures do not reflect situations in which there is less than a 50/50 split of time." Joint custody is generally defined as at least a third of the time on a year-round basis with a parent. 50/50 shared parenting is substantially more than that.

CRC Evaluator of Research John Guidubaldi, Ed.D., who teaches at Kent State and John Carroll Universities in Ohio, and who reviewed the data, said "these figures show the growing popularity of joint custody."

Guidubaldi said "This emerging trend gives reason for optimism about resources parents are able to offer children."

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HELPING PARENTS HELP KIDS



CHILDREN'S RIGHTS COUNCIL



A Non-Profit, Tax Exempt Organization  
Strengthening Families and  
Helping Children of  
Separation and Divorce

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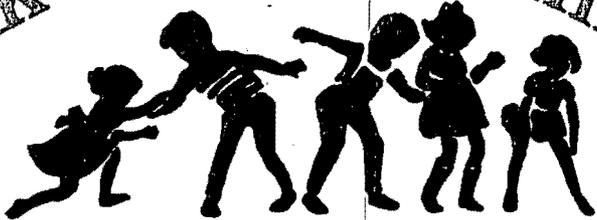
Fathers —

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Council

# SPEAK OUT FOR CHILDREN®



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## Anti-Joint Custody Resolution Derailed—So Far

Good news—so far. The anti-joint custody resolution which had been introduced in the U.S. House of Representatives by Congresswoman Connie Morella (R-MD) has suffered a setback. But it may not be totally dead.

As we reported in the last issue of "Speak Out for Children," the resolution had been included in Sec. 241 of H.R. 3514—the Violence Against Women Act II (VAWA). We encouraged everyone to write to their House member and encourage them to remove Section 241 of that bill. CRC interns also blanketed the hill to encourage Representatives to vote against that section.

On June 18, 1998, Congress passed various portions of the Violence Against Women Act, as an amendment to the Child Protection and Sexual Predators Act (H.R. 3494).

The anti-joint custody resolution was not part of the measure that passed the House!

Observers in Congress credited the success in stalling the anti-joint custody resolution to various factors, including:

- ◆ the initial support, then withdrawal of sup-

port, by Rep. Tom Davis (R-VA), who said he was against domestic violence, but for joint custody. The resolution urges states to give veto power over joint custody to the child's "primary caretaker parent" as a supposed way of preventing domestic violence;

- ◆ the opposition to the resolution of Rep. Virgil Goode (D-VA), who wrote a letter to Cindy and Michael Ewing, longtime CRC members, saying he supported joint custody when he was a member of the Virginia legislature, and had not changed his mind now that he was in Congress;
- ◆ the educational efforts of many CRC members, other supporters of joint custody across the country, and the efforts on Capitol Hill referred to above.

CRC will continue to closely monitor this anti-joint custody (shared parenting) resolution.

Rep. Morella could still seek to pass the resolution as part of the remaining sections of VAWA, if they are called for a vote. Or she could seek to pass the resolution on its own. So CRC supporters are urged to continue writing to your House member, asking the Representative to:

notify Ms. Morella that they do not support the resolution, and to notify you that they have let her know of their opposition.

Then tell CRC!

The resolution in full states:  
 Sec. 241. Child custody, child abuse, and victims of domestic violence.

Expresses the sense of the Congress that for purposes of determining child custody, it is in the best interest of children to have a presumption that children should have their main physical residence with the primary caretaker parent unless that parent is un-



*CRC 1998 Summer Interns  
See story on page 5*

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