

## **Testimony in Support of House Bill 226**

(Expand intimidation offenses to guardians ad litem/advocates)

**Presented by Delilah Nuñez, Esq.**

**Before the Criminal Justice Committee**

**June 10, 2021**

Good morning, Chairman LaRe, Vice Chairman Sweringen, Ranking Member Leland, Joint Sponsors Representative Miller and Representative Pavliga, and members of the Criminal Justice Committee. Thank you for the opportunity to lend testimony here today in support of House Bill 226.

My name is Delilah Nuñez and I have been practicing as a family law attorney and Guardian *ad Litem* (“GAL”) for the last 11 years. I have served as a GAL in hundreds of cases throughout several counties. A GAL is a lawyer or layperson appointed by the Court to assist in its determination of the best interest of a child during the pendency of a juvenile or domestic relations case. Many of us, find this type of work not only rewarding, but impactful. However, this type of work comes with its challenges.

GALs do not have the ability to select their cases, instead they are appointed by the Court. At the time of the appointment, little background about the case is provided to the GAL. It is only through thorough investigation, which may include knocking on doors of complete strangers and asking probing questions, that a GAL is able to identify concerns of domestic violence, child abuse, drug abuse, neglect, or mental illness.

As a GAL, we are required to meet and establish a relationship with the child, interview the parties and relevant individuals, visit the child at each home, and, when warranted, request that the court order psychological evaluations, mental health or substance abuse assessments. After completing these and other investigative tasks, we are then required to submit a report which details our efforts and provides custody and parenting time recommendations. Parties who are not in agreement with the recommendation can become upset and combative towards to the GAL or even worse as with my situation.

This particular case involved allegations of domestic violence and abuse of four minor children. One of the parents began telling the children very intimate details of *my* life, including my day-to-day whereabouts, which then the children reported to me. More importantly, this parent had threatened to kill the children and me if the children disclosed what this parent was doing to them. Things then escalated to the point where I felt I had to seek court intervention, and I questioned whether I could continue advocating for these children and still remain safe.

Subsequent to the conclusion of the court case, one of the children published a book, under a pen name, which chronicles the abuse she endured and in which she expresses her gratitude for my involvement and support. The book serves as a “call to action” to lawmakers for GAL protections, and, in fact, is the inspiration behind House Bill 226.

Last year, after her book was published, I experienced horrific retaliation by the same threatening parent at my home on a consistent nightly basis. This led to me seeking court intervention, yet

again, only this time from two additional courts. I endured hundreds of sleepless nights and I spent thousands of dollars securing my own personal safety.

Although I am not able to share the specific details of all the terror that I experienced, I feel compelled to testify on behalf of this bill. Since speaking out, several other brave GALs have approached me with their own stories of intimidation, stalking, and harassment. We cannot continue to expect GALs to work to protect our children, unless we, as a community, are willing to protect them in return. Thank you.