



Testimony in Support of House Bill 122
(Expand intimidation offenses to guardians ad litem/advocates)
Presented by Delilah Nunez, Esq.
Before the Criminal Justice Committee
May 1, 2023

Good afternoon, Madame Chairwoman Abrams, Vice Chairman Williams, Ranking Member Brown, Joint Sponsors Representative Miller and Representative Pavliga, and members of the Criminal Justice Committee.

My name is Delilah Nunez and I previously testified before this committee during the last General Assembly where the bill passed 94-2. Therefore, I am honored to stand before you to yet again to offer my testimony and to urge all of you to join me in supporting House Bill 122.

For the last 13 years, I have been practicing as a family law attorney and Guardian *ad Litem* (“GAL”). A GAL is often referred to as being the “eyes and ears” of the Court. GALs are appointed to conduct an investigation as to a child’s best interest in custody, divorce, and abuse, neglect, and dependency cases.

The GAL investigation includes interviewing parties, visiting each parent’s home, and establishing rapport with the child or children. The GAL is required to identify and report any concerns of domestic violence, child abuse, drug abuse, neglect, and/or mental illness. The Court relies heavily on the observations of its GALs and requires that they submit recommendations as to a child’s custodial placement and a proposed parenting time schedule. This is often when a GAL is most vulnerable to potential backlash. I personally was not aware of these dangers until a few years ago.

At the time, I was appointed to serve as GAL of four minor children. In my investigation, I discovered that the children were being exposed to domestic violence and were also being abused. The children were terrified to speak with me because their unsafe parent threatened to kill them if they made any disclosures about the abuse. As a mandated reporter, I was required to notify the Court. The children then reported that the unsafe parent was telling them very intimate details about my life, my home, and that of my family. Details that only someone who was engaging in stalking behavior would know. The unsafe parent’s threats towards the children then pivoted towards a fixation of hurting me. Things escalated to the point where I sought court intervention, and I questioned whether I could continue advocating for these children while remaining safe.

A year after the case ended, 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. This unfortunately reignited the unsafe parent's behavior and I then began experiencing horrific retaliation, but this time, at my home on a consistent nightly basis. I had to seek court intervention yet again and I spent thousands of dollars on top of sleepless nights to ensure my own personal safety.

During this time, Rep. Miller, though a mutual colleague, learned about my story and reached out to ask what could be done to prevent this from happening to other GALs and CASA volunteers. This is when House Bill 122 was born.

You see we already have a law in the books that criminalizes intimidation and threats to a judge and/or witness. So why not extend that same protection to our GALs and CASA volunteers, especially since they are required to interact with hostile litigants in their homes. If passed House Bill 122 would close the gap in the statute. We cannot continue to expect GALs and CASA volunteers to work to protect our children, unless we, as a community, are willing to protect them in return.

Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Delilah Nuñez".

Delilah Nunez