

CBA LPRC POSITION REQUEST FORM

The CBA Family Law Section Law position request is as follows:

1. Proposed legislative or regulatory concept: The Section opposes legislation that permits the judiciary to amend statutes to allow the judiciary to remove testimony regarding family laws matters and relying instead on the use of affidavits.
2. Explanation and rationale for advancing this position: These changes take away the ability of people to cross-examine witnesses which is a time-honored way to obtain the truth. The unintended consequences of these changes will be to allow individuals being bullied or abused by one spouse to be unprotected by the court and will relegate some members of the public to become second class citizens. This position is imperative to protect the rights of all of the public.
3. Is draft regulation, legislation or proposed bill included? The proposed bill is HB-0605. Specifically sections 11, 17, 18, 19, 20, 21, 22, 23, 24, 35, 36, and 37.
4. What is the date of any legislative hearing, if known? Unknown.
5. Was this position previously approved by the CBA? If so, when does/did it expire? No prior position was advanced to the CBA.
- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No.
6. Potential or actual CBA opposition from another CBA section or committee? None anticipated.
7. Strength of section position (including process and results of section vote taken on issue): The Section position was approved by unanimous vote by the Executive Committee.
8. Fiscal impact (on the state): None anticipated.
- 10) Are you seeking "fast-track" approval?¹ Yes.

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.