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1 CHAIRMAN CALTAGIRONE. Good morning.
2 I will simply open up the hearing. This is the
3 House Judiciary Committee. The subject matter is
4 the Domestic Relations In The Judicial System. I
5 would like to make an opening statement, then I'd
6 like to have the panel introduce themselves for
7 the record. Then we'll start off with our first
8 testimony.

9 The Judiciary Committee is holding
10 these three days of hearings into the Domestic
11 Relations and the Judicial System to hear
12 citizens who believe the Pennsylvania legal system
13 may have failed them in the process of the legal
14 dissolution of their marriages.

15 At times the Judiciary Committee
16 receives complaints from individuals who have gone
17 through divorce procedures. These complaints
18 usually center around child support, child custody
19 and visitation, division of property, alleged
20 preferential treatment of lawyers by Judges.

21 These hearings are intended to provide
22 us with further insight into these complaints and
23 if - and I emphasize if - problems appear to be
24 occurring whether a solution might be feasible
25 through legislation.

1 We all recognize that the break up of
2 a marriage can cause tremendous mental and
3 emotional anguish, which is compounded when
4 children are involved. But we would ask that
5 speakers please hold their emotions in check and
6 give us the facts as they see them, which is in
7 the best interest of all of us concerned.

8 We are not here to pass judgment on
9 anyone. This is simply to gather information.

10 I would also remind the speakers that
11 we are under a time schedule to fit everyone in
12 who has asked to appear during these three days,
13 and I'll have to enforce the thirty minute limit
14 for each individual's testimony and questions from
15 the Members. The Committee greatly appreciates
16 your cooperation in this regard.

17 Lastly, I should note that in the
18 future another hearing along these same lines will
19 be scheduled by the Judiciary Committee, and that
20 hearing will be regarding the visitation rights
21 for the grandparents.

22 Thank you.

23 I introduce myself as State
24 Representative Tom Caltagirone, Chairman of the
25 House Judiciary Committee from Berks County.

1 I would like the panel members to my
2 left to introduce themselves as we go down and
3 introduce the rest of the panel Members that are
4 here and staff.

5 REPRESENTATIVE DERMODY. My name is
6 Frank Dermody. I'm a State Representative from
7 Allegheny County.

8 JUSTICE GRETH: My name is Gail Greth.
9 I'm a District Justice from Berks County.

10 REPRESENTATIVE PICCOLA. I'm
11 Representative Jeff Piccola from Dauphin County.

12 MS. WOOLLEY: Mary Woolley, Republican
13 Counsel to the Committee.

14 REPRESENTATIVE REBER. Representative
15 Rob Reber from Montgomery County.

16 REPRESENTATIVE HECKLER: I'm
17 Representative Dave Heckler from Bucks County.

18 CHAIRMAN CALTAGIRONE. Staff that is
19 present, if you would please introduce yourselves
20 for the record.

21 MR. DUNKELBURGER. I'm Paul
22 Dunkelburger, Republican Staff.

23 MS. MARSCHIK. Mary Beth Marschik,
24 Republican Staff.

25 MS. MILOHOV Galina Milohov,

1 Republican Staff.

2 MS. PAGE Deborah Page, Chairman
3 Caltagirone's office.

4 MS. MANUCCI: Kathy Manucci, Secretary
5 to the Committee.

6 CHAIRMAN CALTAGIRONE: We may have a
7 couple other people joining us a little bit later
8 that are serving as non-paid consultants, as is
9 District Justice Greth, on some of these issues.
10 And they may be joining us a little bit later as
11 the hearing goes on.

12 With that I'd like to start off with
13 our first testimony which will be Richard Bosa.

14 MR. BOSA. Good morning Representative
15 Caltagirone and Members of the House Judiciary
16 Committee.

17 My name is Richard Bosa and I
18 attempted to work a business out of New Hope,
19 Pennsylvania.

20 As the first speaker I want to thank
21 you for the opportunity to address your Committee
22 on this issue of the Court, the injustices and the
23 family.

24 I know personally most of the
25 speakers. Matt Denman from Bradford County in the

1 west and Eleanor Brown in Milford. Doug Martin is
2 fighting for his life in Allegheny County. And
3 Dennis DiNucci is fighting in Philadelphia.

4 We are all victims of the legal system
5 currently operating in the Pennsylvania Courts. I
6 would characterize it as Judges protecting the
7 lawyers to perpetuate the scheme for the money.

8 The group that I represent, and we
9 formed in Montgomery County because of the abuses,
10 is called VOCALS, Victims Of A Corrupt American
11 Legal System.

12 There are the names of the groups from
13 western Pennsylvania, Families First, Mothers and
14 Children United. We all have the same problems
15 and the same goals, to return our Constitutional
16 rights, privileges, to maintain and raise our
17 family in dignity, to enforce the legislative laws
18 and intent while stopping judicially mandated case
19 decisions with the legislative intent to elongate
20 and complicate all divorce proceedings in order to
21 boost legal fees.

22 We wanted to show you that your laws
23 are well written and have good intentions, but
24 have been usurped by the legal community who
25 appear to be above the law.

1 Thomas Payne said 215 years ago that
2 in America the law was king. And I'll have you
3 know that we have a new king and that's the Judges
4 in the Common Pleas Court of Pennsylvania.

5 In the 215 years since signing the
6 Declaration of Independence or 200 years from the
7 Bill Of Rights, we have diluted our liberties and
8 freedoms that we bearly recognize them.

9 We do not have the right to parent our
10 children. We do not have the right to run a
11 business. We do not have the right to redress
12 government, particularly the Court. We do not
13 have a right to be secure in our persons. The
14 Constitution, Bill Of Rights, and independence that
15 our forefathers fought and died for and many more
16 have passed the illegal Court decisions.

17 Today the Court Order is law. It is
18 not that it's unconstitutional. It's not that
19 it's illegal. It's not that it's illogical. It's
20 not that it's punitive. It's the law.

21 The Court Order on January 22, 1987,
22 destroyed my business. I provided copies to you
23 and each Member of the Committee to know.

24 I left my wife on September 18, 1987,
25 because we just didn't get along. We had

1 different goals and aspirations. She filed for
2 divorce on October 20th in Montgomery County. I
3 was served October 21st at six o'clock for a
4 conference the next morning, less than eighteen
5 hours.

6 At the conference my business lawyer
7 represented me because I didn't have time to
8 secure a matrimonial lawyer.

9 At that conference Judge Marjorie
10 Lawrence issued an injunction against my business
11 from enjoining, from disposing and not limiting to
12 all my commissions. The attorneys were to hold
13 the money in escrow. No provisions were made for
14 me to pay bills, do anything. It was tied up.

15 A full adversarial hearing was to be
16 held December 4th, forty-two days after.

17 As you attorneys know, Rule 1531 calls
18 for a bond being placed on emergency hearings and
19 a full adversarial hearing within five days.

20 A business that I represented, mostly
21 machinery, had the lawyer serve papers showing the
22 irregularities of the hearings, of this injunction.
23 It was ignored by the Court.

24 I lost my business, \$800,000 in
25 assets. It drove me into poverty and bankruptcy.

1 This is the beginning of the charade in Montgomery
2 County that I'm fighting today

3 We must look at the legislative
4 history and the Founding Fathers to see the intent
5 of the original Constitution. Also included would
6 be opposition views needed to be compromised in
7 1777.

8 The rich legal and legislative history
9 of Pennsylvania whose founder, Quaker William Penn,
10 was arrested and tried in 1670 for illegal
11 assembly to protest publicly preaching Quaker
12 philosophy after the church had been closed by the
13 king.

14 At his trial the jury refused to
15 convict him and the jury was imprisoned for nine
16 weeks.

17 We celebrate September 5th as National
18 Jury Day where the jury has the right of
19 conscience to disallow any law that offends their
20 conscience. Out of this came what they call the
21 Edward Bushkill theory, it was based on the
22 freedom of speech, freedom of religion and freedom
23 of assembly.

24 Today in Montgomery County freedom to
25 assemble or redress government does not exist. I

1 was arrested October, 1987, for peacefully
2 protesting Court activities and delays.

3 Before Judge Magistrate Francis
4 Lawrence in November, 1989, I was tried in a
5 kangaroo court proceedings on another charge and
6 placed in Montgomery County Prison for ten days.
7 The first four days were in solitary confinement.
8 I was repeatedly told that I was being taught a
9 lesson by Judge Ott, that I cannot protest him. I
10 fasted for ten days from solid foods while in
11 prison to protest this political jailing in
12 America.

13 What had occurred is I started
14 protesting because I hadn't seen my son in one
15 year. My business was ruined. My estranged wife
16 ignored Court Orders and was allowed to brainwash
17 my son.

18 Dr. Richard Gardner calls it this,
19 Parent Alienation Syndrome, which includes parents,
20 most often the mother, who would use any means
21 available to inhibit visitation.

22 Judge Stanley R. Ott allowed Mrs. Bosa
23 to do this and the rights of the father were well
24 nigh absolute and he so stated.

25 Since February, 1988, when I first

1 became involved with Judge Ott, he does not
2 understand natural or Constitutional rights, or
3 even statutes, and he said so in testimony that I
4 provided this jury.

5 When I asked him for my Constitutional
6 rights he said this Court is not concerned with
7 your rights.

8 He has unfinished business with his
9 own father when he states in testimony at 1689,
10 that he doesn't know his own father since he
11 worked all the time, even on Sunday.

12 He had no problem stripping me of my
13 son from a loving father, who was a good role
14 model and example.

15 In order to justify this perverse act
16 he termed me severely mentally deficient and a
17 danger to my son. Mentally deficient, this is a
18 legal term, it's not a medical term.

19 The reasons was the SAI wrote watch
20 your friends in Huntingdon Valley, in which I
21 numerously vented my anger on friends that had
22 abandoned me. No violence. No sex. No perverted
23 behavior.

24 Is this justice from Pennsylvania
25 Quaker roots, to persecute people from England who

1 built the society based on justice for all'

2 What would you have done, legislator,
3 if they classified you a nut without cause' My
4 offense was protesting the Courts. Do you see a
5 similarity between the Stalin's USSR that insanity
6 was objecting to the government that represses
7 your natural rights'

8 You've got to read the book, Fear No
9 Evil, in which the author spent twelve years in
10 the Soviet Gulag. One man's worst pain in this
11 Gulag was when the government told him he was no
12 longer the father of his children. With the long
13 hours of slave labor, freezing winters, death
14 allowed, the first was his rights of parenting
15 removed, I know how he felt. My stomach, heart
16 and lungs were removed by this Court and
17 theirs.

18 He murdered my son. No different.
19 What do I do, sit passively' Is that the American
20 way'

21 Custody proceedings started February
22 29, 1988, and finally ended 1/6/89. The Judge
23 ruled I had mental difficulties and visitation
24 denied.

25 I appealed this decision to the

1 Superior Court. He brought in terms like severely
2 mentally deficient without regard, no medical
3 testimony. No, as I said, violence, perverted
4 behavior, to justify this.

5 I would like the panel to note the
6 insults and tirades of this Judge of Pennsylvania
7 against me. I never raised my voice to him. I
8 never insulted him. I simply requested my rights
9 when they were due.

10 He went through thirty pages of
11 testimony calling me aberrant, obnoxious,
12 irrelevant, rude, loud, opinionated, refused to
13 listen, crude, in front of my children in the
14 courtroom. So now when I talk to my children they
15 say well even Judge Ott thinks you're crazy. It's
16 simply because I demanded my rights of parenting
17 that I earned.

18 After we finished that in the Order he
19 first says due to existing mental problems. He
20 didn't mention the severe mental deficiency.

21 As I noted in correspondence-- Excuse
22 me. I continued to protest the Court and the
23 police authorities continued to arrest. In
24 Hatboro the City Police ordered me out of a
25 restaurant in which I was sitting with Karen, your

1 next speaker, having lunch. Only Karen's pointing
2 out to the police that it was an illegal act and
3 she had the statutes in her hand saved the day.

4 They wanted me arrested. Is this
5 security of one's person? My attorney at the time
6 called the Hatboro Police Chief who told her Judge
7 Ott saw me in the truck and wanted them to arrest
8 me. Later in an affidavit the Federal Court Ott
9 says, quote, unquote, "At no time did he use his
10 person or entity to harass my in any way." A
11 complete lie.

12 After the hearings I appealed to the
13 Supreme Court and in a twenty-nine page Opinion in
14 which he misquotes, takes quotes from somebody
15 else, his own impression, he says he observes
16 father's over-productive thought which he feels is
17 an instability of moods, which you're recognizing
18 today because I know the law and I know the
19 Constitution, and I know the history, and I know
20 my rights. And because I know them I must be
21 insane.

22 The rights of the severely deficient
23 person he can't otherwise label. And he
24 characterizes my threats as this watch your
25 friends in Huntingdon Valley. Pages of ramblings

1 about family and friends and acquaintances. And
2 the criticism of these individuals accrue.

3 And he goes on to say but here is the
4 real reason for my thing. If you would notice he
5 says in testimony on twelve pages he doesn't care
6 if I go to the press. He doesn't care if I go to
7 the legislators. He doesn't care if I go on
8 television. He doesn't care. It doesn't bother
9 him. It doesn't bother him. It doesn't bother
10 him.

11 He attributes this to my son, it
12 bothers my son. So if you go to the press and you
13 say that you've been abused and neglected, that's
14 what bothers him.

15 I have been denied my rights because
16 I've gone to the press and because I talked to
17 you. And again, my behavior prompted severe
18 mental deficiency.

19 Because my business was destroyed and
20 my children alienated, I wished to recover some of
21 the properties. I filed a petition to open
22 equitable distribution and support based on
23 extrinsic fraud.

24 While my lawyer was representing me
25 she was representing my wife's law firm at the

1 same time. I was getting bad advice. The whole
2 thing went under.

3 I went to the Judicial Inquiry Review
4 Board, the Lawyer Discipline Board, and they wrote
5 everything off.

6 The Court Administrator extended the
7 filing date for Mrs. Bosa outside the scope of
8 local rules. There were always hands inside the
9 Court dictating my case.

10 Judge Maurino Rossanese orders a
11 hearing almost immediately and you'll note in the
12 testimony he introduces material before the Court.
13 He threatens me with arrest. He intimidates me.
14 After the hearing before Ott and Judge Lawrence in
15 which I went to prison, I knew to keep my mouth
16 shut or I'd end up in jail again.

17 Prior to entering the Court I was with
18 two other friends, we were searched like
19 terrorists.

20 Now this is Court proceedings. I come
21 in and the Judge throws a paper over. He says,
22 "Did you write that document?" I said, "Yes, I
23 wrote the document. Your Honor, I am not
24 represented by an attorney." "I'm asking you,
25 answer it, yes or no?" "Your Honor, the Court of

1 Montgomery County and State of Pennsylvania and
2 the Supreme Court have ruled I'm severely mentally
3 deficient, which is equated to be mentally
4 retarded and I'm not." "You're wrong." "No." He
5 has all the papers.

6 Then he goes on, he says, "Well we're
7 going to go into oral argument." I presented this
8 to the Court already.

9 On the third page, C-1, there is a
10 picture of Judge Stanley R. Ott with a concentric
11 circle drawn around his head it can only mean a
12 target. I only implicated that I can draw this
13 from this, Mr. Bosa is trying to intimidate Judge
14 Ott, blank, blank, blank. My Chambers is off
15 limits to you. If you want to discuss anything
16 with me since I am the Judge in this case, you
17 will do it by first class mail. If you come to my
18 Chambers you will be arrested for criminal
19 trespassing.

20 Second. The right of free speech ends
21 at a certain point. When somebody outlines and
22 intimidates by drawing targets around somebody's
23 head, there's a crime for that.

24 If you go anywhere near my
25 neighborhood or my house to try to do another

1 Judge. I will have you arrested

2 It's not a threat. It's not a
3 promise. It's a statement of fact.

4 Do you have anything to say in your
5 position, Mr. Bosa?' And at that time I kept my
6 mouth shut.

7 That's a crime. This is the crime,
8 guys. This is why you lose your house, your
9 property and things in Montgomery County, because
10 I say I want a Judge disbarred on a handout
11 outside the Courthouse. And that's the hearing on
12 equitable distribution.

13 Tell me what right does he have to
14 become a tyrant? I'm damn mad. And what else can
15 I do but write letters and reports, because any
16 outward sign of aggressive behavior will put me in
17 jail. Yet Justice Rossanese can bump me and call
18 out to me in a harassing way outside the
19 Courtroom? He is king. He makes the laws,
20 administers it for his benefit to protect his
21 brethren

22 My complaints to the Judicial Inquiry
23 Review Board are rejected out of hand. The Court
24 Judge, Judge Smyth, rejects all my petitions to
25 open, strike or vacate the Divorce Decree after

1 I noted all the collusion and illegal acts of the
2 Plaintiff.

3 Her counsel, my counsel, the Judge is
4 involved. He is stonewalling all the evidence to
5 protect the illegal actions of the Court and the
6 Justice System.

7 You can see from my statement of the
8 case that I provided I've had to pay besides the
9 lawyers and the Courts, psychologists and
10 psychiatrists. Pay, pay, pay, is all anyone's
11 interested in.

12 You will note in all aspects of this
13 proceedings I have been polite but forceful while
14 my son John was out of control. It's part of the
15 game in alienation demanded of the mother. Yet I
16 received the punishment, the sentence of
17 banishment.

18 Also noted in testimony, as I said,
19 one-sixth is where Judge Ott goes on to twenty
20 more pages of verbal put downs.

21 It reminds me of a colicky boy
22 taunting from inside his mother's house while his
23 mother watched. He has the security and can name
24 call.

25 He has achieved the position in life

1 that demands respect without achievement.

2 As I noted to you in correspondence,
3 the Prothonotary's Office does not have the Rules
4 of Civil Procedure through 36. They say all
5 Orders must come from the Prothonotary time
6 stamped. Not in Montgomery County. If a Judge
7 does something that he doesn't like or it's
8 something constitutional, he doesn't send the Order
9 to you. He sends it to the file so you miss your
10 filing date. Judge Rossanese did it to me and
11 Judge Ott did it.

12 We know the games now. But what it
13 causes you is to go to Norristown, go into the
14 Courthouse and stay on top of your files.

15 They lost my appeal to the Superior
16 Court when he denied me one of the Orders. They
17 lost it. When I tried to reinstate it they gave
18 me a hard time in Montgomery County. Finally the
19 Superior Court allowed me to reinstate it.

20 The Court Administrator, as I pointed
21 out, changes the rules at will. The big question
22 is, how do the Judges get assigned to the case?

23 Attorney Gold-Bikin used to use Anita
24 Brody and Judge Marjorie Lawrence all the time. A
25 certain State Senator will always be before Judge

1 Horace Davenport.

2 It's just too repetitive with eighteen
3 Judges that the same people see the same Judges
4 all the time.

5 We call them Domestic Relations
6 Specialists, that group in our Court that pour
7 gasoline on family relationships to ensure that
8 we're angry and mad at each other and a divorce
9 becomes reality. Not to preserve the family as
10 stated in the Statutes.

11 Without a fight there is no legal
12 fees. They use the one incentive where the
13 clients are told how to embellish a story or just
14 plain lie to get dad out of the house. Montgomery
15 County Emergency Service, District Attorney,
16 Children and Youth, Domestic Relations.

17 Maggie DeCarlo at Domestic Relations
18 will bend, twist or disregard any of the laws or
19 hearings for friends. My wife has yet to report
20 on six support hearings. She didn't show up for
21 the conciliatory hearings and Court hearings that
22 were canceled because she didn't show up.

23 She is being protected by the Court
24 and the tyrants because the whole County
25 Administrator is available to them. Any lawyer

1 associated with me is blackballed They lose
2 cases they would have ordinarily won.

3 Yes, this is Court in Montgomery
4 County. No law. No justice. Only money which
5 buys everything. The right law firm insures the
6 right Judge will hear your case.

7 I have lost everything. My house.
8 The car. My college chair. My father's stone
9 mason tools, I can't get. I was left destitute
10 and the Superior Court will not hear it.

11 One would say that the Appellate
12 Courts are designed to catch and correct the
13 abuses of the Trial Court's main function is to
14 protect the illegal actions of the Trial Judges in
15 the scheme.

16 I don't need to go into the
17 legislative problems you have with the Supreme
18 Court or with frivolous lawsuits, the disappointing
19 Judges, legislation or the funding.

20 The Courts have thumbed their noses at
21 you too. They are out of control.

22 Let me show you what they said about
23 the severe mental deficiency. This is a whole
24 budget presentation, guys.

25 CHAIRMAN CALTAGIRONE: You can put

1 them on the table if it would be easier.

2 MR. BOSA: That's all right. After I
3 appealed what Judge Ott did the Superior Court
4 says, "These facts clearly are supported by the
5 record. We adopt the Court's statement as our
6 own. The Court meticulously detailed the reasons
7 for its conclusion and the Appellant suffers from
8 mental deficiencies which creates a grave
9 psychological problem to his son." And they
10 denied my visitation.

11 This is what the Court says on Judge
12 Rossanese' kangaroo court. "Appellant further
13 contends that the face of the record demonstrates
14 prejudice, bias, ill will against the appellant."
15 I think that's a little bit of ill will. "Our
16 exhaustive and careful review of the records
17 indicates the accusation as groundless; rather, the
18 records reflects the Appellant has been
19 antagonistic, abuseful, disrespectful to the Court
20 system in general while the Courts have been
21 extremely tolerant of his unusual behavior."

22 I went before the Superior Court
23 twice. I made my own legal arguments. My filings
24 are very good, they've been complimented. My
25 testimony for twenty minutes, of course they don't

1 answer any question. I've been complimented. I
2 could show you on one of them where I dictated
3 right out of the page.

4 How can they say that? What do they
5 base it on? It's simply to protect the Judges in
6 the Lower Court.

7 Judges. Again, no example. I will be
8 giving the community an opportunity to judge my
9 filings in the Superior Court themselves since I
10 will seek to impeach the Superior Court of the
11 fraudulent activity in my case.

12 In Moser versus Desea, (ph) 589 2nd,
13 PA 91, "Fraud consists of anything calculated to
14 deceive whether by single act or combination, or
15 by suppression of truth or suggestion of what is
16 false, whether it be directory, falsehood or by
17 innuendos, by speech or silence, word of mouth or
18 gesture."

19 I am sure a jury of my peers would
20 agree with me that fraud and conspiracy exist and
21 would shock the conscience of common man.

22 Most of the community are lawyers here
23 and you have a duty. As officers of the Court
24 you have taken an oath of responsibility to the
25 Court and here. This oath certainly applies a

1 special meaning to your conduct to these official
2 capacities.

3 How immoral to impose on me if you're
4 used as an instrument and knowingly for violating
5 what you swear to support. If such be the state
6 of the things this is worse than a solemn mockery
7 to prescribe or take this oath. It becomes a
8 crime.

9 You might remember Marbury versus
10 Madison, 1803. "My rights to citizenship were
11 tested true in the fires in the DMZ in Korea and I
12 was duly decorated for my efforts. In May of 1968
13 I participated in quelling the Martin Luther King
14 riots in Washington. My normal duties were Plans
15 Officer for the 22nd FASCOM, a Unit with top
16 secret security clearances planning for world wide
17 contingencies of American forces.

18 In Korea I had nuclear weapons and
19 involved in commands, dual control work of these
20 weapons and the systems for their delivery.

21 We had to maintain a higher standard
22 of moral behavior. My three brothers before me
23 were warriors. Alphonse on the USS Storm King
24 involved in every battle in the Pacific. As a
25 seventeen year old volunteer Rudy was called up

1 twice during Korea. My brother John served in
2 Germany. All willingly served while my mother
3 worried and prayed for her sons. And my sister,
4 wrote letters and sent packages.

5 I'll tell you, you legislators here in
6 Washington, you're not going to get any soldiers
7 out of this place because I don't know, the Judges
8 in this Court like our Vice President avoided the
9 action because there were other more important
10 reasons.

11 I had no access to deferments. My
12 parents were immigrants that came to serve, not be
13 served.

14 We are choosing in Montgomery County,
15 probably everywhere in Pennsylvania, Judges without
16 good life's experience. Men that have never been
17 under arms or harms way. As a matter of fact they
18 were raised in upper-class, middle-class
19 neighborhoods, graduated from good ivy league
20 colleges or law schools without participating in
21 an exclusive man's world.

22 They are uninitiated men who have not
23 had to show physical courage and are hollow in
24 life's experiences. Poor role models for
25 determining my children's lives.

1 I note the four Judges I have noted
2 for impeachment. Very political animals that
3 believe Montgomery County's white picket fences is
4 the only life.

5 As I pointed out earlier the Supreme
6 Court has ignored my pleadings. When the Court
7 chooses to ignore gross violations by Judges or
8 government officials, it says it cannot understand
9 or I'm illegible, or that I'm abhorrent or
10 disjointed or the like.

11 Like Judge Rossanese wrote in his
12 Opinion that after I appealed his Opinion on 213
13 in his kangaroo court decision he states, "My
14 criticism of the proceedings are either
15 unintelligible or nonsensical." You judge.

16 We have allowed the Judges to take
17 immunity, not part of our Constitution or
18 legislative statutes. They assumed it under the
19 guise of common law, but history would prove them
20 wrong. The legislative body always dictated the
21 actions of the Court in England.

22 It was also felt that immunity would
23 be given since that Judge's decisions would be
24 controlled in the Appellate Court. Now we are
25 faced with Black Brotherhood protecting the powers

1 at any cost and our children's lives.

2 My son is a zombie. He curses me
3 like the walking dead and he can't say why. I'm
4 not alone. You have ripped my heart out no less
5 than if you had murdered him in cold blood and I
6 will fight these tyrants with all the verbal and
7 written skills available to me.

8 Our Pennsylvania forefathers saw the
9 potential for abuses in Judges in their address
10 and reason for dissent for the minority of the
11 Constitution of Pennsylvania to their constituents
12 December 18, 1787, concerned about judicial
13 despotic power by the Judges. And they saw an
14 infinite maze and complexities of delays in the
15 Appellate system that would be suited better for
16 the rich and wealthy suitors. We now must correct
17 the problems that our forefathers saw.

18 The press who is seen as the fourth
19 estates reporting irregularities and the
20 indiscretions of the Court is in fear of the
21 Judges in this state.

22 I watched the McDermott and
23 Philadelphia Inquirer trial and I would have
24 indicted Superior Court Judge McDermott on
25 corruption, violation of Judicial Codes, ethics,

1 official oppression. Yet he wins.

2 We have an Irish American Judge
3 Emerald Society, being judged by an Emerald Irish
4 Judge chosen by the Supreme Court.

5 This smells rotten. It looks rotten.
6 It is rotten.

7 Now the Inquirer is building a
8 building, a new multi-million dollar building, in
9 Montgomery County.

10 Didn't even announce this hearing we
11 have here. Is it afraid of the government and not
12 printing derogatory articles on the Court? Ben
13 Franklin is turning in his grave.

14 You are the representatives of the
15 people that must correct the corruption. You have
16 acknowledged injustices in noting this.

17 If you don't do it others will be
18 elected. Our organization statewide knows the
19 procedures and we're not afraid to speak up or
20 speak out. The decision is yours.

21 Democracy cannot be maintained in a
22 system of judicial tyranny.

23 Thank you. I'd be pleased to answer
24 any questions.

25 CHAIRMAN CALTAGIRONE: Thank you,

1 Dick.

2 (Applause.)

3 Questions.

4 REPRESENTATIVE GRUITZA: Just very
5 briefly.

6 BY REPRESENTATIVE GRUITZA:

7 Q. How old is your son?

8 A. My son right now is sixteen.

9 Q. Only child?

10 A. No, I have two others.

11 Q. Do you see the other children?

12 A. No I don't. You have to go in to Dr.

13 Richard Gardner's dissipation on Parent Alienation
14 Syndrome. He outlines it in detail.

15 My wife hates me more than she loves her
16 children. Do you understand that? She will do
17 anything. So it's a matter of it's everything or
18 nothing.

19 I coached my oldest children from the
20 beginning to Little League, Boston, Milwaukee,
21 here. They never had another baseball or
22 basketball coach.

23 There's no abuse in the testimony. You
24 can read it. There's thousands of pages of
25 testimony. There's no abuse, no nothing. It's

1 either her or me. That's it.

2 Q. Are your other children adults then,
3 they're grown up?"

4 A. Sure are.

5 Q. Do you see them?

6 A. No. I've taken the stand that I won't
7 compromise these issues. I can't compromise these
8 issues.

9 It's not an idle thing. I volunteered
10 during the Viet Nam War. Volunteered. That's my
11 mental deficiency. And then I went through OCS.

12 The Constitution, the rights. It's not
13 only me. When I saw all these other people
14 getting abused, I can't abandon them. I'm not
15 going to change my position. What they want me to
16 do is acquiesce and say that I'm wrong. That I
17 should be doing whatever they want me to do.

18 Q. There's no Court Order or anything
19 concerning your adult children?

20 A. No.

21 Q. There's no Restraining Order?"

22 A. No. Not right now. There was. I
23 couldn't have-- Ott at one time said I couldn't
24 have any communication.

25 When I had, in one of the testimonies I

1 had noted to my wife at the time that we should
2 both go after the lawyers because we spent so much
3 money in Court. Immediately he said that I
4 couldn't have any communication with her.

5 And that was a Court Order that he didn't
6 send it to me. And that was a Court Order that
7 they lost in Montgomery County Court. You know,
8 it's an absolute right. Like I couldn't talk to
9 them, I couldn't talk to my children.

10 He just has a problem with people-- If
11 you speak out. If you're a forceful man and you
12 know your rights and you say, Your Honor, I demand
13 my rights as they are in the law, then there's
14 something wrong because we're pigeons. We're not
15 supposed to do that. We're supposed to humbly
16 bow, you know, prostrate ourselves before the
17 Judge and allow him everything. But he's not the
18 one that defended this place and he's not the one
19 that made the laws. And he's not the one that
20 makes the money to support him. I'm the guy. I'm
21 the chuch.

22 REPRESENTATIVE GRUITZA: That was my
23 only question. Thank you.

24 CHAIRMAN CALTAGIRONE: Okay. There
25 are a few more questions. Let me just remind the

1 panel members though, just take a good look at the
2 schedule and if you really feel a burning need to
3 ask questions, fine. I'll stay here till the cows
4 come home.

5 I want everybody to have their day
6 here. That's what this is all about, but unless
7 you feel a burning need.

8 We do have some other members of the
9 panel that have joined us. Kathleen Dautrich an
10 attorney from Berks County who handles Domestic
11 Relations has joined us. She's been serving as a
12 non-paid consultant to me on these issues.

13 We have some other members. I'd like
14 for the new members that came in to just announce
15 yourselves for the record.

16 REPRESENTATIVE GRUITZA: I'm Mike
17 Gruitza from Mercer County.

18 REPRESENTATIVE GERLACH: Jim Gerlach
19 from Chester County.

20 REPRESENTATIVE FAJT: Greg Fajt,
21 Allegheny County.

22 REPRESENTATIVE RITTER: Karen Ritter
23 from Lehigh County.

24 CHAIRMAN CALTAGIRONE: Now I know that
25 District Justice Greth would like to ask a couple

1 questions. And I know that Representative Heckler
2 and Ritter also have questions.

3 BY JUSTICE GRETH:

4 Q. In your testimony you stated that you lost
5 everything. Did you have a hearing in front of a
6 Master who ordered this?

7 A. No, never had one. What happened is when
8 this Order came out we had the hearing on December
9 4th. And prior to the hearing my attorney, who I
10 told you was Norma Frank and she was representing
11 my wife's law firm at the same time, said that I
12 would have to resolve this.

13 I was selling balers in New York in the
14 solid waste industry. I had \$175,000 coming in
15 from that month in commissions alone. I lost
16 \$800,000, the house, the car, the property.
17 Everything.

18 I wouldn't have minded my wife having it.
19 I would have given it to her. But she went on to
20 call my customers. So she recommended I give her
21 everything to lift the injunction. She said I
22 would have to do this. So I did that.

23 And then when I came back noting the
24 irregularities in a well presented document to
25 open equitable distribution based on extreme fraud,

1 that's when Rossanese had to do his number on me.

2 But really, you know, in Montgomery
3 County. The conciliator, we went to that, she
4 never showed up. She hasn't showed up for six
5 support hearings. And I owe her \$20,000.

6 Now you've got to remember a father is a
7 nurturing term, guys. He is one who influences
8 the life of his children. My brother has two
9 adopted children, he's their father. These guys
10 now, my offspring, they curse me.

11 I worked in the solid waste industry, in
12 the Military, in the garbage industry, I've never
13 been cursed out more than by my daughter for
14 nothing.

15 This is what it has created. It's
16 adversarial that they don't do it. So they create
17 the dynamite, this adversarial system. And I'm
18 not going to stop. I don't know how I'm going to
19 get it done but the guys in the fox holes, the
20 guys in the fox holes.

21 Our only right today is to hire an
22 attorney. We have no other rights. Pro se
23 litigants they throw out. They don't even listen.

24 So you tell that guy in the fox hole that
25 his only right to defend is the attorneys and they

1 turn the guns around and shoot the other way, I'll
2 tell you that. And that's what it is. That's in
3 fact what it is.

4 CHAIRMAN CALTAGIRONE: Representative
5 Fajt.

6 REPRESENTATIVE FAJT: No questions.

7 CHAIRMAN CALTAGIRONE: Representative
8 Heckler.

9 REPRESENTATIVE HECKLER: Thank you.

10 BY REPRESENTATIVE HECKLER:

11 Q. Mr. Bosa, I've reviewed over the last year
12 or so a great deal of the material that you've
13 provided to me and other members of the Committee.

14 A. Yes, sir.

15 Q. And I'd like to follow up on the question
16 that was just asked by I believe the District
17 Justice, because this hearing is about does the
18 Judicial System work. And I always feel in the
19 materials that I review that the essence of your
20 complaint with the Courts alludes me.

21 The Order--

22 A. You don't understand me?

23 Q. Just bear with me. The Order that led to
24 this demise of your business is a fairly
25 extraordinary matter. I presume that that came at

1 the end of a determination of equitable
2 distribution?

3 A. You mean this one, the Preliminary
4 Injunction?

5 Q. Yes.

6 A. No. That's the beauty of it, it came
7 right at the beginning.

8 At that hearing that was scheduled -
9 conference scheduled, I showed up. I had worked
10 all night to answer, you know, the allegations on
11 the divorce.

12 I answered all the questions. I got
13 there. Marjorie Lawrence wouldn't let me in the
14 conference. So only the attorney that I had, my
15 business attorney, who didn't know anything about
16 my domestic matter, represented me. And he came
17 out and he said there was nothing he could do. As
18 a matter of fact he gave the case up then. He
19 didn't want to get involved in it. I had to get
20 another attorney from Philadelphia to get involved
21 in it.

22 There was a substantial amount of money, a
23 couple hundred thousand dollars that was coming in
24 for me to maintain my business. It would go into
25 an escrow account and the lawyers had already

1 started playing pass with it. So what they would
2 have done is milked it with filings and motions,
3 and blankety, blank, blank, and I would have been
4 left with nothing. That's how it started.

5 Q. So that the purpose of this Order was to
6 secure funds that were due and payable to you so
7 that they could be the subject of equitable
8 distribution?

9 A. I don't know why they did it. I don't
10 know why. What she said is that when my wife, in
11 the filings, that I was psychotic and manic
12 depressive. And then without a hearing she said,
13 you know, when the filings came in and the Judge,
14 you know, of course it's written by a lawyer so it
15 must be right. So that's what she did. She said
16 I'm capable of earning \$100,000 in salary, but I'm
17 manic depressive and psychotic.

18 But even in this, after all of this, this
19 equitable distribution, now the Courts are saying
20 there's Rule 401 that says if you're severely
21 mentally deficient you can get her for support
22 because I'm not working. But it doesn't apply.
23 It doesn't apply to me. Nothing applies to me.

24 Q. Okay. Mr. Bosa, if you would, just follow
25 along with this.

1 A. Yes. This was at the very beginning, the
2 initial document.

3 Q. And those assets then were secured. You
4 were still represented by counsel subsequently at
5 a time when she advised you to reach some kind of
6 a settlement with your wife"

7 A. That's right.

8 Q. But a settlement did not occur"

9 A. Yes it did. It did occur. Yes. I agreed
10 to give her all the property because I still had
11 the business. Unbeknownst to me at the time
12 mostly machinery. The company that I was making
13 all this money with had fired me because I
14 couldn't conduct business. I had salesmen, I had
15 service people. I had things to do in New York
16 and, you know, the garbage doesn't wait. I'll
17 tell you that.

18 Q. Okay.

19 A. And I couldn't conduct any business. I
20 couldn't establish things so they fired me.

21 Q. Now this was in 1988"

22 A. Well it started in December of '87.

23 Q. Is it correct that in February of 1988 you
24 were campaigning in New Hampshire for the
25 presidency of the United States"

1 A. Yes, sir. Yes, I noted it right here.
2 There are two things. I was born and grew up in
3 Northern New Hampshire in the white mountains.
4 And in February I came back from Italy because I
5 represented a company from there and there was no
6 one I could vote for, so we started a two week
7 campaign because there were seven Republicans--

8 You know New Hampshire, you know, the
9 first in the nation, there are all kinds of
10 campaigns and, you know, it's a very little state
11 and you go from one end to the other in a few
12 hours. Very easy to campaign.

13 Because of what was going on here I
14 thought that we could have an issue and, you know,
15 at least bring it to public attention. I didn't
16 expect to win.

17 I got very good respect from the papers.
18 I could show you the articles. They don't treat
19 me in a condescending manner. It was a few
20 friends of mine said let's do it.

21 You know, it's like let's start VOCALS.
22 That's the beauty of once was America, is that we
23 could start a business and we could raise our
24 families, because we're a society of families.
25 Now the Courts are saying we're a society of

1 individuals because we have no parental rights.

2 We can go to Court for a Protection From
3 Abuse and it doesn't even have to be true. They
4 just come in and throw you out of the house.

5 I had a Judge in Montgomery County in '85.
6 I had my wife on the stand and I said, Mrs. Bosa,
7 did I ever abuse you or the children? No. Did
8 you ever hit me? Yes. Umhum. She laughed. What
9 did you do? Well I slapped her three times and
10 kicked her twice. Do you know that Judge Stefan
11 gave me a year's Restraining Order? Now she hit
12 me. She's a petite woman and, you know, it didn't
13 affect me for life. I'm not carrying the scar as
14 a burden. That's reality. Whatever they say in
15 Court or do, there's nothing to law.

16 Q. Okay. One other question. You mentioned
17 that at some point you had a conversation with
18 your wife about, you know, what lawyers were
19 soaking you folks, and thereafter Judge Ott
20 ordered you to stay away from your wife.

21 A. No. He ordered me not to have
22 communications with her.

23 Q. Okay. Was that requested by your wife?

24 A. No.

25 Q. So he did this unilaterally?

1 A. You don't know, huh? He does everything
2 unilaterally. It's what moves him at the time.

3 Q. How did you learn of this communication?

4 A. I said in open Court, I said, Pauline, I
5 said, you know, we're getting killed. We're
6 getting milked here. I said why don't we both go
7 after the law firm because we lost the business,
8 we lost everything. Let's both go after the law
9 firm. Then he said you're not to have any
10 communication with her and the only way you're
11 going to communicate is through me. So I had to
12 write letters to him to get to her.

13 And I hadn't spoke to her in two years,
14 you know, like four times, because I'm very
15 conscious in talking to anybody of power; the
16 second call is harassment for anybody that doesn't
17 want to hear from you. You know if you call the
18 Court and say, you know, I want something, well
19 the second call. So I don't call her. I really
20 don't have any need to call her. I don't want to
21 call her. I don't want to call anybody. All I
22 want is my job.

23 Q. Thank you, Mr. Bosa.

24 CHAIRMAN CALTAGIRONE: Representative
25 Ritter.

1 BY REPRESENTATIVE RITTER:

2 Q. First of all I'd like to say, and my
3 microphone is not working but I don't think I need
4 it anyway.

5 First of all I want to say that I
6 acknowledge that there are undoubtedly bad Judges
7 not only in the Commonwealth of Pennsylvania, but
8 in other areas. But I have a personal concern
9 about what seems to be your opinion and that is
10 that the only people who should be Judges or who
11 should be role models for our children, as you
12 said, are people who have been warriors, who have
13 been--

14 A. I didn't say that.

15 Q. Involved in war somehow.

16 A. I didn't say that.

17 Q. You seem to be saying these Judges aren't
18 appropriate because they haven't been in war.

19 A. I don't think these guys have ever even
20 been on a sports team.

21 Q. Well--

22 A. I mean I saw a couple of them--

23 Q. All right.

24 A. In front of a black, that she was Chinese
25 and he couldn't understand the lifestyle. Just, I

1 mean. They had them in the locker room.

2 Q. It seemed to be your obsession and your--

3 A. No. The obsession is that when you do
4 something for the Constitution. The words are
5 more-- It's the act, not the words. And we can
6 say equal rights under the law, all these highly
7 verbalized euphorisms that don't have reality in
8 action.

9 Now, I am a real small town guy. Didn't
10 have television till I was in high school. Dial
11 telephones. Operators, the whole bit. I believed
12 what the book said. I believed William Penn. I
13 believed in Hanukkah. And I found out it's all
14 bulshit. That's my problem. Now I want to get
15 back to what it really means. That's all.

16 Q. That leads to my question, to what exactly
17 are you saying needs to be done by the legislature
18 to address your problem?

19 A. Very good.

20 Q. Because you don't seem to have a problem
21 with the laws as they stand, but--

22 A. No, not at all.

23 Q. But the way that they're being interpreted
24 by Judges. Now what I want to know is what
25 exactly you think the legislature should be able

1 to do about that given the restraints of our
2 Constitution which say that we are a separate
3 branch of the government"

4 A. Well you have to read the Constitution,
5 that's the first thing. And I think that you will
6 find that the Constitution doesn't say anything
7 about immunity and that's where the Judges have
8 it. They have absolute immunity and they've given
9 it to themselves.

10 We have to be able to sue the Judge. We
11 have to be able to enact the Civil Rights Act of
12 1871 or the Klu Klux Klan Act, or the 42 U.S.C.
13 1983 that anyone, every person who is acting under
14 the color of law that subjects another person is
15 subject to criminal prosecution.

16 It's the law. But what the Courts have
17 done is said that the legislators didn't mean what
18 they said and changed it.

19 We have to just be able to sue the Judge.
20 We have to bring him into Court. We have to
21 control him somehow. Anybody without-

22 Q. Doesn't that need to be done as a federal
23 law rather than a state law? How can the state
24 make a law like that?

25 A. You know, we have to be able to discipline

1 Judges. We have to have the legislature-- You're
2 probably right and I think that our affair might
3 have to go to Washington in order for them to
4 affect that aspect of it. But we have to, you
5 know, the appointing of Judges is what I'm
6 familiar with, Montgomery County, is a political
7 bear. All it takes is, you know if you're
8 connected to the group and if you play the game.

9 We've got three Federal Judges going to
10 come out of that place and that's what I'm telling
11 the Democrats. We're going to be in deep trouble.
12 Deep trouble if the Democrats don't take hold of
13 the force. Because Specter has been leading the
14 Third Circuit and U. S. Attorney Baylson doesn't
15 investigate any Civil Rights violations, is from
16 his office. Katz is from his office. Now he's
17 going to have three from Montgomery County.

18 Q. That's political. I mean I'm very happy
19 with the makeup of the United States Supreme
20 Court. I'm not responsible for it because I've
21 not voted for Reagan and I'm not voted for Bush.
22 But the problem is I have to live with the Supreme
23 Court that's been appointed by these lunatics
24 because that's the system. That's the way it
25 works.

1 A. But you more than me--

2 Q. You're talking about something that you
3 could deal with through the political aspects.
4 And it seems to me you have some political
5 recourse against the folks who were responsible.
6 Get the Judges themselves perhaps, or maybe that's
7 what you're talking about is some change to the
8 way we elect Judges.

9 A. Yes.

10 Q. That may be. But I'm not sure exactly
11 what we could do regarding domestic relations laws
12 that will help with the problem that you're trying
13 to address.

14 It doesn't seem to me that there's any
15 deficiency within the Domestic Relations Law.

16 A. Well I think, you know, whether we elect
17 them or appoint them, they all become narcissistic in
18 time, you know, Your Honor please; may it please
19 the Court.

20 All of a sudden, you know, their heads
21 become so big that they don't acknowledge that
22 even anybody else exists because we made them that
23 way.

24 We have to make them accountable somehow.
25 We have to be able to impeach them. The

1 impeachment process is not a bad word. It says
2 good behavior.

3 What's good behavior? I know what good
4 behavior in my family would mean, or what's good
5 behavior to the common man. Or what would shock
6 the conscience of the common man. My case would
7 shock the conscience of the common man.

8 I think it shocks some of your consciences
9 to know that this goes on.

10 I was in prison ten days. The first four
11 days in solitary confinement without creature
12 comforts because I was protesting. Isn't that
13 ridiculous?

14 And the District Attorney, you know, he's
15 supposed to sign the paper that says, you know,
16 and it was for legal fees. It's ridiculous.

17 Q. But you have used--

18 A. I have suggested a bill for the House
19 Judiciary Committee on being able to sue lawyers,
20 I mean like Judges. Its been around for a while.

21 Q. All right. But didn't you say you have
22 sued?

23 A. Oh, yes.

24 Q. How many folks?

25 A. Twenty-nine in Montgomery County. But

1 you've got to understand that if Judges have
2 absolute immunity by the Federal Court, and the
3 Federal Court says they're absolutely immune. So
4 they can do anything they want.

5 There is no law. The Judges are a self-
6 protecting brotherhood. I'm not saying it
7 paranoid Italy. I'm saying from my experiences
8 going through the Courts what they say is if they
9 don't want to acknowledge something they say they
10 don't understand it.

11 I could say I was talking to
12 Representative Ritter and she had a blue with
13 white dress on. And they say, Mr. Bosa, you're
14 unintelligible.

15 See George Orwell said in 1984 that when
16 government can change the meaning of words or not
17 acknowledge the words, then we're in trouble.
18 Well that's what we've got. They don't
19 acknowledge it.

20 Q. What you seem to be saying though is that
21 we should change the law so that anyone who
22 doesn't receive the decision that they want should
23 be able to then sue that Judge?

24 A. Not really, no. I'm saying we have
25 certain Constitutional guarantees. We have the

1 Fifth and Fourteenth Amendment. The right of
2 liberty falls to parental rights.

3 Case law in my instance that they quoted,
4 the only time a father was absolutely denied
5 visitation was a father that shot the mother while
6 she was holding the baby. And while the father
7 was in prison he demanded visitation from his
8 children in prison. That was the only case that
9 the Courts denied it.

10 Now did I do that? Did I shoot my wife?
11 Did I beat her? Did I--

12 Q. But you're asking for a change though.

13 A. Yes. I'm saying that the Judges have to
14 become responsible for their actions. As you do.
15 As you do. As everyone. They are presently above
16 the law.

17 Q. And you don't think that that's going to
18 have a chilling affect on the judicial system to
19 have a Judge looking over his or her shoulder
20 every time they make a decision?

21 A. Not every time. They have it in Italy.
22 You can sue a Judge in Italy now. It's when its
23 gross indiscretion and they have a panel of
24 citizens, not lawyers and judges, judging whether
25 that act would defer him to impeachment or barring

1 or sue and they go through a panel. And they're
2 sending it over to me.

3 Its just that right now they don't care.
4 See what's going to happen to me next is if I
5 don't get any recourse the next thing is for me to
6 go to jail for child support.

7 I don't have any money. They assigned me
8 \$275 a week. Everything they do is like, oh,
9 Dick, you're talking up again that's another
10 punishment, you know. So, you know, when it
11 happens I'll write to you.

12 I don't know what's going to be next but
13 we have to find a way to discipline the Judges and
14 the legislature is first among equals. Don't ever
15 forget that.

16 You are first among people and you are the
17 peoples' representative. That's final recourse.
18 Because, you know, they tell you that the
19 Constitution says something it doesn't say.

20 Our Foundling Fathers would roll over in
21 their grave on immunity, because it means the king
22 can do no wrong. That's the whole reason for the
23 way. Now we have the king again. We've got to
24 deal with him. Especially Pennsylvania because
25 the Quakers were subjected to tyranny in England.

1 When the people are subjected to tyranny,
2 then when they start their own society they are
3 very attuned to justice. And that's why you had
4 Constitution Hall which was 1851. They built it
5 as the legislature and courthouse. The laws are
6 important or have been important in Pennsylvania.
7 No more.

8 CHAIRMAN CALTAGIRONE: Representative
9 Heckler has a statement to make.

10 REPRESENTATIVE HECKLER: Thank you,
11 Mr. Chairman.

12 I would just ask that, I know Mr. Bosa
13 has provided a number of materials to the
14 Committee over time. I would ask specifically so
15 that this record can be complete that the various
16 Orders of the Courts which have considered these
17 matters be incorporated into this record as a part
18 of it.

19 Thank you.

20 CHAIRMAN CALTAGIRONE: Thank you, Mr.
21 Bosa.

22 MR. BOSA: Thank you.

23 CHAIRMAN CALTAGIRONE: Karen and
24 Jennie Artzt.

25 Does she want to sit up here with

1 you, Karen?"

2 MS. ARTZT: She's going to do her's
3 herself.

4 CHAIRMAN CALTAGIRONE: Okay.

5 MS. ARTZT: Good morning. My name is
6 Karen Artzt. I come from Montgomery County.
7 Norristown to be specific.

8 I moved there over six years ago when
9 I separated from my husband of twenty-two years.
10 And I moved from the Poconos which is in Pike
11 County.

12 At that time I very much like everyone
13 coming into the legal system believed in my
14 rights.

15 I have been in the system now six
16 years. I was separated June 13, 1985 - or excuse
17 me, June 11, 1985. Six years later, \$250,000
18 later I can show you dockets and divorce cases,
19 and my custody case where nothing has been
20 accomplished in six years of litigation. Only the
21 escalation of legal fees.

22 I am here before you today. I have
23 never had a hearing in support. I've never had a
24 hearing in alimony. I have never had a hearing in
25 equitable distribution or divorce.

1 I was divorced at a time by Pike
2 County Court when they had black jurisdiction.
3 And I was divorced when the Supreme Court of
4 Pennsylvania had a stay on the matter because in
5 the divorce matters, specifically because my
6 attorney for that matter was tied up in Federal
7 Court in litigation.

8 We had to go to the Supreme Court of
9 Pennsylvania to obtain a stay so that he could
10 continue to represent me.

11 Approximately fifteen to seventeen
12 days later Judge O'Malley, who is the third Judge
13 on the case, divorced us. That was February 6,
14 1989. And I have the papers here.

15 I came to the House Judiciary
16 Committee and I have been visiting this Committee
17 lobbying for changes in the Divorce Code. Not so
18 much the Divorce Code, but the way divorces are
19 handled in Pennsylvania because of my experiences
20 within the Court and my daughter's experiences,
21 and because there is no upholding of the law.

22 There is no where to go to turn for
23 enforcement of the Constitutional rights. and
24 I'll explain it. I'll show you examples of it.

25 And why I am here today is not to

1 complain of my personal tribulations or what I
2 have had happen to me, but what I am trying to do
3 is pave the way so that the same thing does not
4 happen to another litigant who comes in
5 unsuspecting to the system and goes through what
6 we have experienced in the last six years.

7 Our Divorce Code is very good. It
8 addresses jurisdiction. I said I had filed in
9 Montgomery County on June 13, 1985. According to
10 my records I was to find out in May of 1990 the
11 matter was listed before Judge Subers in
12 Montgomery County and was argued. Judge Subers
13 never disposed of the matter.

14 However, my husband eleven days after
15 I filed for divorce also filed for divorce and
16 custody in separate actions up in Pike County.

17 His action was filed June 24th. He
18 was able to obtain a hearing for custody on June
19 27th without me even receiving the Complaint.
20 Without me even addressing the issue or having an
21 opportunity to respond, which you do have twenty
22 days to respond to a Complaint.

23 My lawyer at the time filed
24 Preliminary Objections. But Judge Thomson up in
25 the Poconos went ahead and decided that he was

1 going to order joint custody.

2 We changed over custody for the first
3 summer, every other week. At the end of August he
4 decided without a hearing that I would have
5 primary physical custody.

6 Then the arguments started. When
7 children have to choose one parent over the other
8 not only do loyalty conflicts start, but then the
9 one parent who is chosen begins to get harassed by
10 the other because their rights aren't protected as
11 well.

12 And I am saying rights, whether they
13 have visitation every other week end or two week
14 ends a month, that is still what they would not
15 normally have contact with their children. And
16 according to the Fifth and Fourteenth
17 Constitutional Amendments, and Federal case law,
18 our rights to parenting are protected.

19 However, in my case although I had
20 primary physical custody and at every hearing
21 custody was confirmed with me, there were times
22 that between April 1986 and January 1987, a total
23 of nine months, I saw my daughter a total of four
24 days.

25 Between February 1987 and August of

1 1987, a total of six months, I never saw her.

2 Between November 1987 and August 1981,
3 a period of a year and ten months, I saw her maybe
4 three days.

5 Seven of those months she was
6 institutionalized at an institution called Northern
7 Tier in Blossburg, Pennsylvania, which is a
8 institution for dependents and delinquents.

9 You know the Juvenile Law as well as I
10 do. You cannot put a child in Juvenile Court
11 without juvenile proceedings. That was done in an
12 in-chambers conference when there was no custody
13 matter before the Court.

14 There was another year between October
15 of 1989, and my husband's death occurred October
16 12th of 1990, that I saw my daughter only about
17 three or four times.

18 Here I said, I had primary physical
19 custody, and although I did not do anything to
20 warrant this kind of retaliation, it was a
21 retaliation by the Court.

22 I strongly suggest to this panel that
23 the Court used my daughter in order to make me
24 settle what would have been a healthy equitable
25 distribution case. They truthfully used her and

1 they abused her.

2 She was placed in this institution -
3 She will probably tell you more about it - with no
4 proceedings taking place in open Court.

5 There's no record of proceedings in-
6 chambers. However, the Judge told her she would
7 return to her father without any proceedings and
8 two weeks later be sent off to a boarding school.

9 Within ten minutes she was made a
10 dependent child and within a day she was sent to
11 Northern Tier.

12 Northern Tier alienated her from me
13 because I did not play the tune. Because I took
14 an appeal to Superior Court I was the,
15 quote/unquote, "bad parent." I would not march to
16 their tune.

17 I wrote two hundred and some odd
18 letters to this Body complaining about the fact
19 that in December of 1987, I believe, the fact of
20 what had happened to my case and what could I do
21 to make Judges uphold law.

22 February of 1988, I had petitioned to
23 remove this Judge. And the same date I had also
24 petitioned for a return of venue to Montgomery
25 County, since Montgomery County had not disposed

1 of this matter at all.

2 On February 10, 1988, an Argument was
3 held on my Petition. I was charging official
4 oppression. I was charging failure to uphold the
5 law according to the Juvenile Act.

6 In particular I was charging failure
7 to the Judicial Officer upholding Cannons I, II,
8 and III, Sections 81, 84 and 85.

9 I was charging failure of the Support
10 Act where we had not had any support hearings. I
11 was charging the failure to uphold the Divorce
12 Code. Constitutional Law, Mental Health Act, and
13 numerous other situations.

14 He heard oral argument. It took me
15 forty-five minutes to argue my Petition. He
16 recused himself. This is the second Judge who
17 recused himself in my case.

18 The first Judge recused himself after
19 he ordered me, after we had been separated for six
20 months, to sign an Affidavit of Consent.

21 He ordered me to Equitable
22 Distribution hearings. You can't have Equitable
23 Distribution hearings until you have a valid
24 Divorce Complaint.

25 We had to be separate and apart

1 because there were no-fault grounds. Living
2 separate and apart for three years before we could
3 continue into equitable distribution. However, we
4 did not have those.

5 He continued the support matter and
6 listed it generally. I never had a support
7 hearing.

8 He denied me alimony pendente lite in
9 April of 1986. I never had a hearing.

10 He wanted me to go to a Master's
11 hearing without my attorney in July of 1986. I
12 had to appeal his Order to show up for the hearing
13 to the Superior Court in order to stop those
14 proceedings, because I had no discovery.

15 My custody case was rather unusual
16 because I was the parent - although I had full
17 primary and physical custody I was the parent that
18 was alienated from my daughter.

19 She was extremely angry, extremely
20 hostile at me. She had been told a lot of
21 untruths and she heard a lot of conflicting
22 things.

23 She had grown up in a resort hotel in
24 the Poconos, a very exclusive type of upbringing.
25 She had everything at her disposal. And, yes, it

1 was quite a change of lifestyle to move to
2 Norristown, Pennsylvania, where the school was
3 extremely large and she wasn't recognized with her
4 friends. It was moving right out of the area.

5 Dr. Richard Gardner, who Dick
6 mentioned earlier, was in our case in June of
7 1986. He interviewed all of us and he suggested
8 to the Court then that if my daughter weren't
9 removed from my husband and if he weren't given
10 supervised visitation until this alienation ceased,
11 that she might have life long problems.
12 Fortunately that did not happen.

13 Fortunately or unfortunately for Jen
14 her father died in October. She returned to me.
15 She has made a 360 degree turn around and we're
16 very close now. Because I went through like five
17 and a half years and there were times I didn't
18 know where I was coming from.

19 I was deprived of her companionship
20 and I was deprived of the right to raise her the
21 way I would have raised her. I was deprived of the
22 good times of seeing a teenager grow up.

23 Now I have an adult child. She is
24 attending college and she is succeeding in life.
25 I am thankful for things of that nature. But it

1 has been a hard five and a half, six years of
2 litigation.

3 The divorce, as I said, occurred-- The
4 first one occurred in April of 1988. This is the
5 third Judge appointed to the case. Now mind you,
6 the first Judge appointed the second Judge.

7 The second Judge, just to digress a
8 little bit. The second Judge I did not know was
9 affiliated with my husband's law firm. My
10 husband's law firm represented this Judge in
11 Federal proceedings for fraud.

12 He had three Grand Jury indictments -
13 it's Judge Conway of Wayne County - returned down
14 here between 1980 and 1982.

15 I did not know that this firm
16 represented him. I did not know the conflict of
17 interest. I knew that prejudice and bias existed
18 for me. I knew it existed against my daughter.

19 I knew from his rulings, his failure
20 to hear post-trial motions, his failure to hear
21 any of my petitions filed with the Court, I knew
22 something was wrong. But I did not know until
23 about four months ago, until I read the Scranton
24 newspaper what really was wrong.

25 He had every right to recuse himself

1 from this matter when he knew that Rosenbloom,
2 Robert Rosenbloom had entered his appearance for
3 my husband.

4 However, Robert Rosenbloom continued
5 in this case. One year later after Judge Conway,
6 the second Judge, was appointed, Judge O'Malley
7 was appointed.

8 Judge O'Malley has heard our case from
9 April of 1988. The second hearing in April of '88
10 he divorced us. It was a retaliation for my
11 failure to sign a twenty-two page property
12 settlement agreement which I had been presented
13 with.

14 The settlement agreement was not fair.
15 It was not equitable and I told my attorney I
16 would not sign it. It did not protect my
17 daughter's rights. It did not protect our rights
18 which are protected by the Statute.

19 Immediately I received a bifurcated
20 divorce. There was no Petition To Bifurcate
21 before the court. We had not been living separate
22 and apart for three years yet.

23 We were then ordered to hearing in
24 September of 1989. Unbeknownst to me, my husband
25 filed an Amended Complaint alleging now that we

1 had lived separate and apart for three years. And
2 I did not see that Complaint until August of 1990,
3 almost two months before my husband's death.

4 Now with that Complaint the Judge then
5 took and divorced us. Although there was a stay
6 by the Supreme Court the Judge divorced us in
7 February of 1989.

8 It consisted of a default divorce
9 which is not allowed in Pennsylvania. And there
10 was no hearing on the issue. No opportunity to
11 present testimony, whatever.

12 In August of 1989, equitable
13 distribution proceedings were scheduled. My
14 attorney once again was attached to Federal trial.
15 He had to go to the Supreme Court and get a stay
16 until he was released from Federal trial.

17 In late August, August 29th or 30th -
18 it was 30th - the proceedings started. I was
19 hospitalized August 30th, the morning of these
20 hearings. I had extreme high blood pressure. They
21 thought I was going to have a heart attack.
22 Needless to say the proceedings went on. Judge
23 O'Malley simply stated it's a civil proceeding, if
24 she chooses not to be present - knowing I was
25 hospitalized - that they were going to go on until

1 their conclusion.

2 My attorney raised all the issues. My
3 attorney raised the various questions that you
4 cannot proceed because of all the issues raised on
5 the appeal, they really did not have subject
6 matter jurisdiction.

7 Also on my release from the hospital
8 two Hatfield police picked me up and took me to a
9 holding cell in Lansdale. And from there I was
10 transferred to a prison somewhere in Sunbury,
11 Pennsylvania, for three days. Judge O'Malley had
12 issued a bench warrant for my arrest and for my
13 daughter on August 28th of 1989, stating he had
14 jurisdiction to hold a hearing.

15 Now mind you, there was an appeal in
16 the custody matter which went way back to August
17 of 1986. He had no such jurisdiction. According
18 to Appellate Rule 1602 subject matter is removed.

19 My daughter had returned to me because
20 her half-brother had assaulted her. A month later
21 she had black and blue marks still on her face.
22 She still had swelling. She had injuries to her
23 ball and socket joint and she had injuries up and
24 down to the ligaments of her back. She received
25 no medical treatment.

1 She returned to me and for three days
2 I was in jail.

3 I was brought before Judge O'Malley in
4 Scranton. He ordered that I appear in front of
5 him two days later.

6 I appeared. My daughter refused to
7 appear in front of him. My daughter went -
8 wherever she went, she disappeared for the next
9 twenty-nine days. The Judge held me hostage.
10 There is no Order incarcerating me. There is no
11 contempt. There is nothing that he had
12 jurisdiction to find me in contempt of because the
13 Order went way back. He had no jurisdiction to do
14 anything. And still I was put away for twenty-
15 nine days. A total of thirty-one days I spent in
16 jail because of this man.

17 It was retaliation because I brought
18 criminal charges against him and the two other
19 Judges in my case on August 23rd of 1989. And
20 mind you, on August 28th he issued the bench
21 warrant.

22 That is against our Crime Code to
23 retaliate whether it be a private individual or a
24 public official.

25 As far as that went, as soon as he

1 did that, as soon as I filed the criminal
2 proceedings I also filed a petition for his
3 recusal.

4 It was filed September 1st, 1989. He
5 impounded this document. He impounded a Petition
6 for a Supersedeas which listed all of the
7 outstanding issues that had not been addressed
8 during the past three and a half years of
9 litigation.

10 In this I charged him with harassment,
11 interference with custody, securing execution of
12 documents by deception, tampering with records.
13 Court records which are supposed to be of record
14 are not. They have disappeared, including the
15 transcript in my equity trial which involves the
16 resort hotel we own in the Poconos. That and all
17 the original exhibits disappeared.

18 The custody proceedings transcript
19 disappeared. Dr. Gardner's report and opinion
20 disappeared. Anything that would have helped my
21 case disappeared.

22 I tried to bring this up with Superior
23 Court. Superior Court would not address it.

24 I accused him of theft by extortion.
25 Obstructing administration of law. Tampering with

1 public records or information again. Tampering
2 with witnesses and informants. Felonious
3 restraint. Endangering the welfare of children.
4 And theft by unlawful taking or disposition. And
5 I named Harold Thomson, Judge Conway, David Artzt,
6 my husband, Donald Artzt, his son, the attorneys
7 involved, Robert Rosenbloom. The numerous court
8 reporters who had rewritten the testimony. Joyce
9 Helms, the Prothonotary, the Assistant
10 Prothonotary.

11 Pike County Children and Youth.
12 Northern Tier Diagnostic. Jennie's attorney,
13 Richard Henry. Also her former attorney, Charles
14 Lieberman, who is D.A. in Pike County. John
15 Klemeyer who is Children and Youth's attorney.
16 Arthur Radlowe who is an attorney for my husband's
17 estate now. And the Northeastern Bank.

18 All of these people I filed charges on
19 because of the conflict of interest and these
20 matters went to the Attorney General's office.

21 The Attorney General because I was
22 incarcerated only gave me fifteen days after my
23 incarceration to write an affidavit in support of
24 all these charges.

25 Now mind you, I had been going through

1 almost four years of litigation and nothing could
2 be documented in that short of a time. And being
3 incarcerated I had no access to my legal documents
4 because I was representing myself in all but one
5 area, which was the divorce.

6 Now currently my case is in the mess
7 it is because it was not consolidated. According
8 to Section 301 of your Divorce Code where the
9 Court has jurisdiction over all matters relative
10 to the divorce, whether it be custody, whether it
11 be pre-nuptial, or anti-nuptial agreements, or any
12 of the other rights to equitable distribution, are
13 to be consolidated.

14 Well my husband and his son started a
15 success of litigation that would have astounded
16 anyone. There were separate actions filed for
17 divorce. Separate actions filed for custody.
18 Separate actions filed in two matters involving
19 equity. Separate actions filed against doctors
20 who testified in our case. In other words just to
21 harass and raise my legal fees and my cost to
22 defend these actions. By law these were supposed
23 to have been consolidated.

24 I asked the Superior Court because
25 these are all based on the same issue, the Court

1 up in Pike County lacked subject matter
2 jurisdiction over me. And accordingly the Judge
3 is not immune.

4 According to Eshelman versus Polk,
5 which is a Federal case law, Judges who act
6 without subject matter jurisdiction, or Judges who
7 act outside the scope of their judicial role are
8 not immune.

9 None of these Judges acted with what I
10 would consider within the scope of their judicial
11 role.

12 When you act outside the scope of
13 upholding the law, when you act outside the scope
14 of abiding by the rules of civil procedure, then
15 you are no longer immune.

16 The other situation is since I am
17 heavily involved in Supreme Court - I am almost
18 nervous to bring this up - but our Constitution,
19 Section 10, Section (c), it says all laws shall be
20 suspended to the extent that they are inconsistent
21 with rules prescribed under these provisions. And
22 I take it to mean that they can prescribe, the
23 Supreme Court can prescribe general rules governing
24 practice, procedure and the conduct of all Courts.

25 However, Superior Court recently in

1 Amandola versus Civil Service Commission states the
2 Constitution law, the Court has no power to insert
3 words into statutory provisions where legislature
4 has failed to provide them.

5 And Section 4 of the issues raised on
6 appeal, where language and statute is explicit and
7 clear Commonwealth Court will not disturb the
8 plain meaning of that statute.

9 About two weeks ago we were in
10 Harrisburg and one of our visits was to the
11 Judicial Inquiry and Review Board. I questioned
12 Skip - I'm not sure of his last name. He was an
13 attorney with the Board and I said, how can the
14 Supreme Court of Pennsylvania issue new rules
15 effective July 1, 1991, that are contradictory and
16 provide words that are contrary to your statute?
17 How can they rewrite the law?

18 You say, and I heard you earlier, that
19 there is a separation of powers. There is not.
20 The Judiciary has taken over all kinds of powers
21 that it was not empowered to have. And one of
22 them is the fact that within these Court rules it
23 says Rule 1920.91, Suspension of Acts of Assembly.

24 Have you read this?

25 I asked-- Skip Arbuckle. I asked him

1 how could this be? What happens to our
2 Constitutional rights that supposedly are protected
3 if we have to go to Federal Court? And I know
4 they're not protected there. But I said, how can
5 the Supreme Court enact rules that are contrary to
6 our Constitutional rights and that are contrary to
7 the statutes of the state? He said you can't do
8 anything about it.

9 I can do something about it because
10 that is not within their realm and not within my
11 understanding anyway.

12 I feel that I can do something about
13 it and if I don't vocalize as to what they've done
14 and make it an issue, then they're going to
15 continue to enact laws from the bench. That is
16 not their right. And that is how so many of us
17 are losing our parental rights.

18 Rather than go on as to my
19 difficulties, I am suggesting to this panel, to
20 both the House and the Senate, that you enact some
21 form of mediation. And I want to see the Courts
22 out of it. I want to see lawyers out of it if
23 possible.

24 I don't think and I found in
25 information from the American Mediation Board you

1 only require sixty hours. And the Justice Center
2 in Atlanta, Georgia, they mediate. Here we
3 litigate.

4 There they know what has happened to
5 children. The trauma. Take the trauma out of
6 custody cases. I am going to leave this with the
7 panel today.

8 During the last few days, and the
9 person that we dealt with in Atlanta who is an
10 arbitrator for the Justice Department, who is also
11 a lawyer, was good enough to bring to my attention
12 many visual aids. Many - what do you call them -
13 motion pictures. I can't think. Videos. Videos
14 that are available.

15 And one comes from the Young Lawyers
16 Section of Texas which has put out a film called
17 Don't Forget The Children. It is to take the
18 adversarial position out of custody proceedings and
19 put them immediately into mediation.

20 And these people who mediate in
21 Atlanta for this Justice Department are trained.
22 Yes, they've received sixty hours of training.
23 And yes, they have to have a hundred hours, ten
24 cases, or at least a minimum of a hundred hours to
25 qualify as a mediator.

1 Also within the past week its come to
2 our attention that a lawyer appeared on a news
3 channel and spoke about a new booklet which was
4 put out by the American Matrimonial Association,
5 which addresses the issues or the ethics of
6 lawyers in divorce matters. And it's put out, as
7 I said, by the American Matrimonial Association
8 based in Chicago.

9 I did ask that they send a photocopy
10 of the forty page booklet to this panel so that
11 you would have an idea of what everyone else is
12 recognizing is the problem with custody
13 proceedings, not so much just in this state but
14 what we're recognizing as the trauma to these
15 children for the rest of their lives. We've got
16 to stop this.

17 Recently the Government, the Federal
18 Government put out a booklet, a rather large
19 booklet, Beyond Rhetoric. This addresses what is
20 the status of our children in today's society.
21 What has happened to them without morals, values.

22 Our children are being raised today
23 without any kind of family traditions. Without
24 any roots. There's one parent families and little
25 or no contact with the non-custodial parent. It

1 just isn't natural. It isn't a family and it's
2 going to cause more divorce related matters in the
3 future.

4 We've got to address the problem not
5 only for our sakes, our damage is done, but for
6 our children's sakes we've got to stop this.

7 I came to this office, or I called
8 this office numerous times because of the
9 situation I had encountered in the Courts with, as
10 I mentioned, four Judges.

11 I had Judge Stubers in Montgomery
12 County. He refused me and my daughter a
13 Protection From Abuse. For four and a half years
14 my husband called me, harassed me, was able to
15 obtain unlisted phone numbers.

16 It continued and continued and
17 continued and I used the Criminal Code, and still
18 I was told I had no jurisdiction to be heard.

19 The same Judge later in a matter where
20 an attorney sued me issued an injunction against
21 my property without notice to me, without a
22 hearing, without a bond being posted. Again, it's
23 the same Rule that Dick had, Rule 1531.

24 The matter is on appeal but these are
25 the things that harass you and take you away from

1 the normal chain of thought which is your Court
2 litigation.

3 I want a settlement. I want to get
4 on with my life, but I want my settlement to be
5 fair and equitable.

6 Now I have to defend a probate matter
7 and I'm defending it pro se. I have no idea how
8 to proceed and yet I have my fourth Judge now
9 appointed by the first Judge in the case and
10 confirmed by the Supreme Court.

11 We are now trying to get thrown out a
12 Will that leaves no provisions for my daughter.
13 By law and by established case law supposedly
14 everything that I have protected because of my
15 Petitions filed and my Complaints filed are
16 protected. My assets. My rights to alimony. My
17 rights to support. However they're not. Unless I
18 get this Will thrown out my rights that I thought
19 were protected under the Divorce Code are not
20 protected.

21 They can come in and do away with my
22 equitable distribution rights. It is fraud. I
23 have stated that it is official oppression. I've
24 stated all kinds of things and I asked for a
25 proceeding to be commenced, and I didn't know how

1 to do it and I haven't had the time to do it, but
2 I fully intend to start my petitions for
3 impeachment.

4 I don't believe that individuals who
5 do not uphold the law should be in public office.

6 Do you have any questions?"

7 CHAIRMAN CALTAGIRONE: Questions?"

8 (No questions from Members.)

9 CHAIRMAN CALTAGIRONE: Thank you,
10 Karen.

11 (Audience applause.)

12 MS. JENNIE ARTZT: Hi, my name is
13 Jennie Artzt. I want to talk about a lot of what
14 happened in my case.

15 It all started out when I was about
16 eleven years old. I'm seventeen at the present
17 time.

18 It started out with Judge Thomson. I
19 wanted my parents to both have joint custody, that
20 way I would get to see both parents. I went back
21 and forth and he told me at that hearing I would
22 have to make a decision before the end of the
23 summer on who I wanted to stay with.

24 I decided to stay with my mother, but
25 I wanted to see my father on a regular basis too.

1 And when you're eleven years old and twelve years
2 old you don't have a car to go back and forth
3 between your parents to see both of them.

4 My father, I switched back and forth
5 for years till I was about in ninth grade. When I
6 turned fourteen about the November after that, I
7 turned fourteen in September, the November after
8 that, on November 6th we had a hearing and the
9 Judge ordered me in his courtroom, in his
10 Chambers, private Chambers. And in his Chambers
11 he asked me what I'd like to do. And he said, "Do
12 you want to live with your mother or do you want
13 to live with your father? Do you want to go to
14 boarding school again? What do you want to do?"
15 And I said "I want to go to boarding school." I
16 thought it would get me out of the situation
17 because it was a constant non-stop battle in the
18 courtroom.

19 So I went out of the Chambers, thought
20 everything was fine. Five minutes later
21 everything broke loose in the courtroom. My
22 mother was sent to jail. My father posted the
23 \$10,000 bail for her. He didn't want to see it
24 happen. It was on a book she didn't even have.

25 And the next thing I know, you're

1 going to be sent to Northern Tier for a diagnostic
2 evaluation for forty-five days.

3 There was no petition. He said you're
4 a dependent now. There was no petition in front
5 of the Court for dependency. I had no attorney
6 representing me. There was nobody there in my
7 behalf. And the next day I was ordered to go to
8 Northern Tier Youth Services with my caseworker,
9 who still is my present caseworker.

10 And what happened there was they took
11 my up there and when I got up there everything was
12 very different.

13 The time I was there was seven months.
14 The State paid for \$22,000 over that amount. And
15 when I got there all my rights in Juvenile Court
16 Law were just totally thrown away through the
17 Court system.

18 When I got there I was strip searched.
19 My pack was searched for weapons like I was some
20 kind of criminal. I never had a criminal offense
21 against me and I had to go through a series of
22 internals again and everything like that. I had
23 no idea what was going on.

24 I was made to think I had problems I
25 didn't have. And it was just-- I was sent away

1 because of my parents divorce.

2 The second week they were allowed to
3 see me, both my parents. I don't know how they
4 did it. They had both my parents come up on the
5 same weekend. I guess to see how they got along,
6 see what was going to go on. They were fighting
7 back and forth and it was very dramatic.

8 But when I was there it was very hard
9 on me. I was crying a lot at the beginning. I
10 had gone through the internal. I had gone through
11 a strip search. I had gone through everything.

12 In this place there was an isolation
13 chamber. I had never experienced that. You
14 weren't allowed to show any emotion. These
15 weren't counselors they were working with. Half
16 of these people hadn't even graduated high school.
17 There was maybe one counselor in our unit.

18 It was very strange. You had to ask
19 to go from one side of the hallway to another.
20 You had to ask to go to the bathroom. It was very
21 dehumanizing.

22 For years I tried to forget about it.
23 Then when I got out of there I did a paper in
24 tenth grade. I had to do a term paper and I did
25 it on Juvenile Court.

1 Then I found out my rights were
2 violated. My mom had told me but I never
3 understood really what was happening and why it
4 was so long that it was happening to me. I
5 thought it was my fault that I was in there. And
6 I read it and I found out a lot and it helped me
7 out a lot.

8 But it's just like I said, there was
9 another girl in there who was even younger than me
10 at the time, thirteen years old, who had got into
11 the same situation. She was sent away because of
12 a custody dispute between her parents.

13 I was almost killed in there. I had
14 a roommate that was a bedwetter. I told the
15 counselors I could not live with the odor in the
16 room. I didn't even want to do that. And the
17 counselors approached her and that morning in the
18 bathroom she had told somebody that she was going
19 to put a pillow over my head and suffocate me
20 that night.

21 And that day we had a group session,
22 an emergency group session to get the problems of
23 the group resolved. And finally this girl that
24 she told in the bathroom talked up.

25 I was deprived of my education in

1 there. There was no suitable education. There
2 was three teachers in there. There was not enough
3 books.

4 There was no books for me and I helped
5 out people who had learning problems that couldn't
6 read or had dyslexia or something was the matter.
7 But I had no schooling until on January 21st I was
8 the first one in the Diagnostic Unit to be sent to
9 a public school. And I went to a public school
10 from there on. But when I got out of there I was
11 very unhappy.

12 I was alienated from my mother I know.
13 I never saw my mother. My mother I saw a total of
14 three times when I was there.

15 She was not allowed to see me. She
16 didn't agree with what they were doing with me up
17 there.

18 My father went along with the plan,
19 but my mother wouldn't go along with the family
20 counseling, with everything there. And it wasn't
21 their right to say well if you don't get family
22 counseling you're not allowed to see her. Or if
23 you don't do this you're not allowed to see her.
24 I shouldn't have been there in the first place.

25 My father was allowed to see me but he

1 had family counseling so when I left I
2 automatically went to my father after a series of
3 Court hearings.

4 Then later on, when I was fifteen, I
5 was just about to turn sixteen, that O'Malley or -
6 I think it was Senior Judge O'Malley ordered us
7 back to Court. And I had went with my mother for
8 a few days, I was not feeling well and I went with
9 her and all of a sudden an arrest warrant was
10 issued.

11 She had primary physical custody of me
12 and I didn't want to go back to Court. I had a
13 fear that I was going to be sent away. But I
14 never went to Court. I left for a while and then
15 I came back when I had the promise of the Court
16 that nothing bad was going to happen to me. Then
17 finally I went with my father and I rarely ever
18 saw my mother again.

19 My father's and my mother's dispute
20 was one thing, but I was in the middle of it.

21 I was watched at a very close range to
22 make sure I would never have contact with my
23 mother.

24 When I was younger my father used to
25 watch me very closely. He didn't want me to get

1 in the middle of it. I'm sure he loved me but he
2 shouldn't have kept me from my mother.

3 It was done and the Courts went right
4 along with him. Over those years I have seen my
5 parents spend so much money in lawyers and Court
6 fees. It's ridiculous. That money could support
7 so many other causes or they could have been so
8 much more happier.

9 And in July of '89 my half-brother
10 beat me up. My father had just got out of the
11 hospital from cardiac heart failure and he was mad
12 at me for some reason or other so he beat me up.
13 He literally sat on my ribs and he's a fifty-three
14 year old man, he is my half-brother.

15 He sat on my ribs, punched me in my
16 face. I have pictures of it at home. My jaw was
17 swollen. It was black and blue.

18 The Court of Montgomery County threw
19 it right out of their jurisdiction. They said it
20 wasn't in their jurisdiction and they did not deal
21 with the matter.

22 I just went in there for a Protection
23 From Abuse so my brother would never touch me
24 again and nothing seemed to be resolved.

25 Right now we've already been six years

1 in the legal system and I don't want to be another
2 six years against my brother.

3 That's it.

4 CHAIRMAN CALTAGIRONE: Any questions?

5 REPRESENTATIVE REBER: Mr. Chairman.

6 CHAIRMAN CALTAGIRONE: Representative
7 Reber.

8 BY REPRESENTATIVE REBER:

9 Q. Where did the assault take place?

10 A. It took place in Pike County.

11 Q. Pike County?

12 A. Yes.

13 Q. Did you go to any authority in Pike
14 County? Any police officer and file a criminal
15 complaint for aggravated assault?

16 A. No I didn't. The police officers in Pike
17 County were all very close friends with my father.
18 The sheriff was very close friends with my father.
19 And my father--

20 Q. I understand that but just answer my
21 question. Did you in any way file any kind of
22 criminal complaint in the Pike County area?

23 A. No I didn't.

24 Q. When you went to the individual you went
25 to in Montgomery County was that for a Protection

1 From Abuse for someone who was living in Pike
2 County?"

3 A. No. I was living in Montgomery County at
4 the time. I had moved back down to Montgomery
5 County.

6 Q. Okay. But the assault itself took place
7 in Pike County?"

8 A. Yes.

9 MRS. ARTZT: There were criminal
10 charges filed against Donald in Pike County and
11 that went to the Attorney General because, again,
12 Charles Lieberman, the D.A., could not intercede
13 in the matter because he had been charged in my
14 initial Complaint against the Judges and against
15 him.

16 REPRESENTATIVE REBER: But who
17 committed the assault?"

18 MRS. ARTZT: Donald Artzt who is her
19 half-brother.

20 REPRESENTATIVE REBER: And there was a
21 Criminal Complaint filed?"

22 MRS. ARTZT: Yes.

23 REPRESENTATIVE REBER: Who was that
24 filed with? What jurisdiction?"

25 MRS. ARTZT: It was filed in Pike

1 County with the local Justice of the Peace.

2 REPRESENTATIVE REBER: It was a
3 private Criminal Complaint then?

4 MRS. ARTZT: That's correct.

5 REPRESENTATIVE REBER: Was there a
6 report made to the Municipal Police or the State
7 Police?

8 MRS. ARTZT: Again--

9 REPRESENTATIVE REBER: Did you or your
10 daughter or anyone at that time initiate such a
11 complaint to the authorities?

12 MRS. ARTZT Other than filing the
13 criminal report, no sir, because--

14 REPRESENTATIVE REBER: The criminal
15 report you're alluding to now is a private
16 complaint filed with the local District Justice in
17 Pike County?

18 MRS. ARTZT: Right.

19 REPRESENTATIVE REBER: Okay.

20 MRS. ARTZT: We did not because no
21 matter what was filed up in Pike County--

22 REPRESENTATIVE REBER: I understand.
23 I don't want an editorialization right now. I
24 just want to try and get some chronology of what
25 was or what was not done. And I appreciate your

1 concerns with the prejudices but I'm just trying
2 in my own mind to see exactly what was done
3 relative to that incident, and then more
4 specifically how that might have related to the
5 denial of jurisdiction in Montgomery County vis a
6 vis the filing of a Protection From Abuse.

7 Thank you.

8 Thank you, Mr. Chairman.

9 CHAIRMAN CALTAGIRONE: Any other
10 questions?

11 (No further questions from Members.)

12 Thank you. Thank both of you.

13 (Applause.)

14 CHAIRMAN CALTAGIRONE: Eleanor Brown.

15 MS. BROWN: My name is Eleanor Brown.
16 I'm a resident of Pike County. Four and a half
17 years litigating in divorce and my cases are not
18 consolidated at the Supreme Court level.

19 I'm going to refer to a chronology of
20 dates and actions just to have you understand. I
21 can do it better if I refer to this.

22 I'm a registered nurse and will soon
23 be sixty-three years of age. I retired from my
24 position as the head nurse of a New Jersey
25 Hospital at the request of my husband to be, a

1 retired funeral director.

2 I was just indicating my background
3 here as far as living quarters. We maintained an
4 eight room apartment in New Jersey and eventually
5 moved to the Poconos to our summer home, which
6 then became our primary home.

7 In May my life began to become a
8 perpetual nightmare. Initially the humiliation I
9 suffered was too embarrassing even to discuss with
10 my family or friends.

11 We had just celebrated our anniversary
12 in April. My husband's gift to me was a Chrysler
13 New Yorker.

14 Since that fateful day in May - I'm
15 backtracking. My husband filed for divorce in May
16 of 1986. My attorney at that time filed the
17 Petition for the usual alimony pendente lite,
18 counsel fees, expenses, etcetera.

19 On the Order To Show Cause why my
20 request should not be granted there was never a
21 response filed by my husband through his attorney.

22 The hearing date was set for July 21st
23 and was continued till July 29th. Then generally
24 continued, then never heard.

25 Never was any document filed regarding

1 the alleged ill health of my spouse as indicated
2 in the Court Order, nor any Petitions are on file
3 requesting the continuances. I was not aware of
4 these goings on.

5 August 4th, two months later, my
6 husband returned home to me as though he had never
7 left and was home to stay. Little did I know what
8 he was really up to.

9 What followed thereafter was a
10 schematic series of events that ultimately, as
11 documents will reveal, thrust me into a life of
12 abject poverty, absolute humiliation, and danger to
13 my very health, safety and well-being.

14 While my husband was still at home
15 Charles Lieberman, Assistant District Attorney, now
16 District Attorney, was appointed Master. My
17 husband's attorney quite coincidentally was an
18 Assistant District Attorney.

19 He was appointed to take testimony on
20 all the issues and return same to Court, together
21 with a report of the proceedings and his opinion
22 of the case.

23 The hearing was set for January 28th
24 the following year. That hearing never took
25 place. However, on that date the Court was

1 advised by the Master that additional time was
2 needed for the hearing. On what did the Master
3 base his opinion I still don't know.

4 On the same date my husband's
5 inventory was filed. I had not seen it nor was I
6 aware of its existence.

7 Now the Master's hearing was set for
8 February 23rd, 1987. I recall a non-documented
9 visit to the Court for the alleged hearing. I sat
10 completely alone in a very large room with a
11 extremely high ceiling. There was no one in the
12 room. There was utter silence. It was eerie.
13 There was no court reporter present.

14 In the Jury Room outside the area the
15 three men deliberated. And I could hear
16 discussions on negotiations regarding finances.
17 These men didn't know me, didn't know really my
18 husband, and yet they were preparing my future and
19 destroying it as well. I dismissed my attorney
20 needless to say.

21 On February 13, 1987, my new counsel
22 made an appearance and filed for a continuance to
23 review the case. The worst thing I could have
24 ever done was to have placed my implicit trust in
25 this man and then proceed to do worse by telling

1 him so.

2 I can only describe my state of being
3 as emotional paralysis, added to cardiac
4 arrhythmia, hypertension and diabetes, the stress
5 was more than any human being should have
6 inflicted upon them.

7 As the March 3rd hearing drew near
8 suddenly it was continued to April 15th. There
9 was no Petition filed for this continuance. Why
10 and at whose exparte request was this done?

11 On April 14th, the day before the
12 Master's hearing which was just rescheduled a
13 hearing before the presiding Judge, Judge Thomson,
14 took place on a Petition for Counsel Fees and
15 Expenses and Temporary Alimony. I was awarded
16 \$110 per week and counsel fees were denied. Up to
17 this time I was barely surviving on \$60 per week
18 voluntary support from my husband.

19 On August 11th, 1987, a motion was
20 filed for a Master's hearing. I don't know by
21 whom since the docket refers to my counsel as
22 appearing for the Plaintiff. However, now we have
23 October 2nd, 1987 as the scheduled date for the
24 hearing on the grounds of divorce only.

25 Again, with no Petition filed by

1 either party the hearing was rescheduled for
2 December 4th, 1987. And I was totally in the dark
3 about it.

4 Actually I never knew the hearing did
5 finally take place until the following year when I
6 dismissed counsel after I had my entire file at
7 the Courthouse copied and was able to comprehend
8 the diabolical sequence of events perpetrated by
9 both attorneys, the appointed Master and presiding
10 Judge, all acting in concert with each other.

11 This rescheduled Master's hearing was
12 not petitioned for and for the purpose of grounds
13 of divorce only took place with neither party to
14 the action present.

15 My very own attorney at this time
16 signed the Praecipe To Withdraw the Divorce
17 Action. He signed it with my husband's attorney
18 knowing full well that I would never have
19 consented to do so had I known about the intent.

20 I had repeatedly been asking prior to
21 this when the hearing would finally take place.
22 That was my only desire, was to have the Action In
23 Divorce heard. My husband simply had no case and
24 my attorney knew this.

25 There was no real effort on my

1 counsel's part to improve my lifestyle to any
2 degree.

3 In August of the following year, 1988,
4 my Petition For Increased Spousal Support was
5 denied. As were all of my Petitions.

6 I was totally unprepared for Court and
7 what would take place. Instead of responding to
8 counsel's questioning from the witness's chair,
9 both parties and counsel stood at the podium. I
10 was totally unprepared to make any sort of
11 presentation and also feeling quite ill.

12 Though my attorney commented on the
13 fact that I did not look well later, he did
14 nothing to alleviate my stress in Court. Now I
15 know why. And by the way, my Petition For
16 Increased Support was denied.

17 Was it just coincidence that on the
18 same date of this hearing, August 30, 1988, the
19 Master's report was filed?

20 I was never aware of a report being
21 filed and how does a Master report a hearing that
22 never took place?

23 Nevertheless on September 21, 1988,
24 the presiding Judge ruled that after review of the
25 Master's reports and attached recommendation filed

1 it was the Order of the Court that a divorce not
2 be granted at this time. It took the Judge three
3 weeks to rule on an Action Of Divorce that had
4 been withdrawn the previous year.

5 Needless to say I dismissed my
6 attorney after he told me a boldfaced lie. Still
7 asking when the divorce issue would be heard he
8 looked rather sheepishly at me and said, oh, we
9 withdrew that sometime ago, never telling me the
10 role he himself played behind my back. This is
11 the following year while I was still asking when
12 is my divorce hearing going to take place.

13 By the time my husband filed his
14 Complaint under Section 201(d) of the Divorce Code
15 - this followed three years of separation - I
16 found an attorney who agreed to review my file at
17 no initial cost. Again my judgment failed me.

18 I didn't even know the Complaint had
19 been filed. While doing research at the
20 Courthouse on another matter a news reporter in
21 the file room asked if I were looking for the
22 document that was amongst those he was reviewing.
23 Imagine the shocked look on my face when I first
24 became aware that I was being sued again for
25 divorce in that matter.

1 To date I have suffered the
2 humiliation and extreme emotional and physical pain
3 of being deprived of water, electricity, telephone,
4 medicine and even food at one time or another.

5 Hardly a day went by that I didn't
6 receive threats of action of one sort or another
7 because of non-payment of bills for life's very
8 necessities.

9 I could no longer belong to dues
10 paying organizations or have any social life
11 whatsoever.

12 Weekly visits to the hairdresser were
13 a thing of the past, as were stylish clothes and
14 accessories.

15 The Divorce Decree was granted to my
16 husband on July 24, 1990, despite the fact that on
17 July 17th I filed an Emergency Petition For A
18 Change Of Venue and Recusal of Judge Thomson.
19 Both were denied without a hearing.

20 A Petition For Counseling was
21 scheduled for the same day as the Complaint In
22 Divorce which I was not notified of. I appeared
23 to be heard on my Petition and only that.

24 Because of what I viewed as fraud, all
25 circumstances leading to that day, I did not wish

1 to proceed without counsel. Yet the presiding
2 Judge went forward. Recess was called and I left
3 for lunch with a friend who was in attendance. We
4 both made certain we were back in Court on time,
5 both thinking the case had not been concluded.
6 Little did I know that it was over.

7 Both my Answer and Counterclaims of
8 the matter were ignored by the Court. Leave To
9 Proceed In Forma Pauperis and the Emergency Motion
10 to stay the proceedings filed that day were
11 denied, like everything else.

12 It was not written up in the Court
13 minutes as a divorce hearing as was in the
14 previous case entered in the same book on the same
15 page. It simply stated that I was also present
16 for Rule Returnable On Motion For Counseling and
17 listed as No. 295-1990 Civil.

18 I could write pages and pages about
19 the past four and a half years, however, I have
20 tried with difficulty to hit the highlights.

21 On July 17, 1990, I filed Criminal
22 Complaints against the presiding Judge, the Master,
23 both attorneys and my husband for official
24 oppression, obstructing administration of law or
25 other governmental functions, unsworn falsification

1 to authorities, false swearing, securing execution
2 of documents by deception, theft by deception,
3 harassment, and recklessly endangering another
4 person under specific criminal statutes.

5 In my Emergency Petition to stay the
6 proceedings of divorce I asked that all matters of
7 Brown versus Brown be continued generally. That
8 all matters be continued generally until such time
9 as the Criminal Complaint had been investigated.
10 That all matters be continued generally until
11 funds had been provided for myself to proceed in
12 litigation on an even footing as my husband in
13 accordance with the Divorce Code and case law.
14 And until a full and fair hearing had been held
15 relative to the Petition For Increase In Spousal
16 Support filed previously. Petition was denied.

17 The Separation Agreement drawn up by
18 my own attorney - which I am ashamed to admit - I
19 was coerced into signing after a good deal of time
20 spent sobbing in his office. It was explained to
21 me as being part of the normal proceedings in
22 divorce.

23 I didn't know anything about the law
24 until such time as I was generally speaking to
25 most other people and copying my records and

1 reviewing them with several.

2 In the one transcript regarding the
3 acceptance of the Agreement, my very words state
4 that I only signed it because the law said I had
5 to.

6 Is it reasonable to think of parties
7 selling their home back in June of 1987? This is
8 before hearings took place, before a final
9 judgement was entered. If that home had been sold
10 and the divorce never granted I mean it's kind of
11 a very mixed up situation.

12 It certainly wasn't a settlement in
13 equity since it was a Separation Agreement and not
14 a final settlement.

15 My recommendation for people like
16 myself who have to act pro se and are being denied
17 my very rights by the Court for alimony pendente
18 lite that should have rightfully been mine.

19 It put me in a terrible position. I'm
20 not in good health. I was extremely upset. Law
21 books, papers, documents, were just a blur. I
22 didn't want to even read my case. I wanted it to
23 just disappear, like it would go away.

24 Somehow I thought this divorce would
25 never happen. What it actually amounted to is a

1 man who grew to a certain age and felt he couldn't
2 support a wife and himself together. And he is
3 off to New Jersey with all our funds and I'm in
4 Pennsylvania penniless. Still living on \$110 a
5 week, except that finally I was able to start my
6 Social Security and pension which isn't a heck of
7 a lot more. Otherwise I was living on \$5,720 a
8 year.

9 I agree with some of the things that
10 have been said about mediation. People that are
11 trained in these domestic issues that deal with
12 people as human beings, not as objects or ways to
13 make money and fatten their bank accounts, this is
14 exactly what it amounts to.

15 They stretch out these cases for years
16 as you can hear, and they get rich and we get
17 poor. Put it in the hands of someone with a
18 background in psychiatry, psychology, who readily
19 can understand the issues.

20 Then if there becomes a particular
21 need for an issue to go before the Court regarding
22 settlement, inability to settle, there are legal
23 actions that should of course involve the
24 courtroom, but not the divorce action itself.

25 Thank you for your time.

1 (Audience applause.)

2 CHAIRMAN CALTAGIRONE: Does anybody
3 have any questions for Ms. Brown?

4 Representative Heckler.

5 REPRESENTATIVE HECKLER: Thank you,
6 Mr. Chairman.

7 BY REPRESENTATIVE HECKLER:

8 Q. Ms. Brown, again, I'm having a little bit
9 of difficulty. What is the specific injustice?
10 Given where you stand now what is the specific
11 injustice, the house was sold and you did not
12 receive a part of it under equitable distribution?

13 A. No, no. No, there's no argument over any
14 settlement. It's the entire proceedings from the
15 start.

16 There was a schematic series of events, as
17 I tried to put them to you so as not to confuse
18 you, where it was my husband's every intention to
19 use the Court to go out of state with funds and
20 leave me here penniless, and it happened.

21 Q. Okay.

22 A. If you followed my sequence where I was
23 telling you the dates of the hearings that never
24 took place. Conveniently after the December 4th
25 hearing took place among the attorneys themselves,

1 the Master and two attorneys, not myself nor my
2 husband, although they knew what it was about.

3 The Separation Agreement had to be signed.
4 That's all they wanted. Once that was signed my
5 attorney went in and signed a Praecipe To
6 Withdraw, totally against my wishes. He knew I
7 was asking every other month, every other day when
8 this is going to be heard in Court.

9 Q. Well you see the thing that confused me,
10 what you referred to as a separation or marital
11 agreement would normally encompass a resolution of
12 all the issues outstanding between the parties,
13 particularly the economic issues.

14 Did your husband succeed in escaping to
15 New Jersey with the property that should have been
16 jointly divided between the two of you?

17 A. No. We still own the home together. That
18 has not been sold simply because the market fell.
19 Otherwise they wanted it sold almost immediately.

20 I cannot see equity like that sold before
21 a case is even heard in Court or decided or
22 finalized.

23 Q. Okay. But is it your position in the home
24 in terms of your equity interest in the home has
25 been protected? Are you still residing in the

1 home”

2 A. I'm residing in the home and he's residing
3 in our other home.

4 Q. Okay. And he is paying some amount of
5 support--

6 A. It's \$110.00. And having lived on that
7 for such a length of time has me totally in debt
8 to I don't know how many people.

9 Q. So your view would be that that was an
10 inappropriate order”

11 A. All the denials by the Court for
12 increasing spousal support or alimony pendent lite,
13 everything was denied.

14 Q. But presumably the Court had some basis
15 for that. Again, two parties rarely agree. In
16 fact most of the domestic relations cases I've
17 seen both parties are unhappy with the lawyers and
18 the Judges and the circumstances that they've
19 encountered.

20 I'm just a little bit curious as to how
21 the system broke down in your case where you
22 evidently signed a separation agreement. Are you
23 saying that--

24 A. Totally under coercion. Totally because I
25 was told that this was a necessary part of the

1 divorce procedure.

2 I did not want to sign it. When the day
3 came-- The only time I saw a Master at the bench
4 was relevant to that agreement, did I sign it and
5 so forth and so on. And my comment to him was I
6 only signed it because the law said I had to.

7 Q. And who told you the law said you had to
8 sign it?

9 A. My attorney could have stopped me in his
10 office. He just sat at his desk and watched me
11 get up, pen in hand, go up to his window. I was
12 sobbing uncontrollably. I did not wish to sign
13 this. I did not wish for the divorce to go
14 through. I knew my husband just needed some time.

15 He did not wish to divorce me. He left me
16 crying. He left to dissipate the funds. When he
17 came back he did just that. But assuming he was
18 back home to stay.

19 He dissipated all the funds. My bank
20 account - our bank account was zero when he left
21 and so I was totally dependent upon him and
22 totally unable to retain counsel.

23 And the Court never followed through to
24 allow me to have counsel on an even footing. I
25 went into debt until I dismissed my counsel. I

1 still have not totally paid him.

2 Q. The separation agreement that you signed
3 was signed before your husband returned?

4 A. No.

5 Q. Okay. It was after he left the second
6 time if you will, is that correct?

7 A. Correct.

8 REPRESENTATIVE HECKLER: Thank you. I
9 have no further questions.

10 CHAIRMAN CALTAGIRONE: Representative
11 Reber.

12 REPRESENTATIVE REBER: Thank you, Mr.
13 Chairman.

14 BY REPRESENTATIVE REBER:

15 Q. Ms. Brown, you reference that your counsel
16 executed a Praeceptum withdrawing. Was that a
17 withdrawing of his representation in the case, or
18 with withdrawing the divorce action that he had
19 filed on your behalf?

20 A. My husband had filed the divorce action.

21 Q. That's what I thought.

22 A. My attorney signed with my husband's
23 attorney, both withdrew the divorce action.

24 Q. Okay. But it was not an action filed by
25 you, it was an action filed by your husband?

1 A. Yes.

2 Q. Okay. I understand. I just want to get
3 it straight.

4 Now, you explained to us the situation
5 that developed one day when you were in the
6 Courthouse and a reporter came up to you, and it
7 was at that time that you were aware that your
8 husband had now filed a second divorce action
9 under 201(d), is that correct?

10 A. Yes.

11 Q. That's the first time you were aware of
12 that?

13 A. Yes.

14 Q. How long prior to that day had the action
15 been filed, do you know?

16 A. I would say approximately twelve days.

17 Q. Twelve days. Had you yet been served
18 with that Complaint?

19 A. No. There's something left out. If I
20 really included everything. I had an attorney, I
21 believe I mentioned that, review my case. And he
22 was not going to charge.

23 Q. I understand that.

24 A. So in essence he called my husband's
25 attorney to discuss the case. And he probably

1 thought he was retained by me. So what happened
2 in the long run is he was sent the Complaint. I
3 was not aware that he had it.

4 Q. That's what I'm getting at.

5 A. And he made no move on it. I could have
6 lost as far as the time involved.

7 Q. Okay. You were in the Courthouse, you
8 found out from the reporter a Complaint had been
9 filed against you approximately twelve days prior
10 to that date. At that point you had not formally
11 been served, correct?

12 A. Correct.

13 Q. What did the Affidavit Of Service in that
14 particular action state as to the manner in which
15 you were served once it was filed of record with
16 the Court if you know, or do you recall?

17 A. I don't know.

18 Q. Were you ever served with that Complaint?

19 A. No.

20 Q. You were never served with that Complaint?

21 A. No. I got a copy of it later but I wasn't
22 served with it, no.

23 Q. Did you ever file any Petition challenging
24 the manner of service of that Complaint, objecting
25 to the proceedings as a result of lack of personal

1 service upon you?"

2 A. No. I'm more timid than that and this is
3 why I was taken advantage of right down the line
4 by my own attorney.

5 Q. During the twelve days, from the date of
6 the filing of the Complaint to the date you
7 discovered the fact it was filed in the
8 Courthouse, was this new attorney that reviewed
9 your file at no charge, was he ultimately retained
10 by you to represent you in the case?

11 A. No.

12 Q. He never represented you after he--

13 A. I realized that he was a friend of the
14 Court also.

15 Q. Okay.

16 A. He was not about to assist me, which is
17 why I said in my statement to you that I again was
18 taken advantage of.

19 Q. And this all took place in what County
20 again?"

21 A. Pike County.

22 Q. Pike County. You and your husband now are
23 divorced, living separate and apart?"

24 A. The Decree was issued, yes. It's on
25 appeal in Supreme Court at this time.

1 Q. Do you desire to be divorced?

2 A. I want the issue of divorce to be heard
3 and have a final settlement as the law would
4 require.

5 Q. Does your husband desire to be divorced?
6 Has there been any attempt with the two of you to
7 sit down, no attorneys, no doctors, no Indian
8 Chiefs, nobody?

9 A. At this time it's too late. As will
10 happen if I attempted to--

11 Q. Well it's never too late until we're dead.
12 I mean in Pennsylvania you can be divorced and
13 remarried a million times if you want to go
14 through that procedure, so it's never too late.

15 A. Attorneys don't help you in that manner.
16 When I went to say something to him, it was just,
17 oh, you don't have to talk to her.

18 Q. Okay. Thank you very much.

19 REPRESENTATIVE REBER: Thank you, Mr.
20 Chairman.

21 CHAIRMAN CALTAGIRONE: Frank, one
22 quick question, then we're breaking for lunch.

23 REPRESENTATIVE DERMODY: Thank you,
24 Mr. Chairman.

25 BY REPRESENTATIVE DERMODY:

1 Q. What does your husband do for a living?

2 A. He's a retired funeral director.

3 Q. So he hasn't worked throughout this whole
4 process?

5 A. No. He doesn't have to.

6 Q. He doesn't have to?

7 A. No. He lives free and clear.

8 Q. What's his form of income?

9 A. His son is controlling the funeral
10 business which is doing a thriving business.

11 Q. So he still has an interest in his funeral
12 business?

13 A. Absolutely.

14 Q. In this is New Jersey?

15 A. There's an apartment upstairs so there are
16 no bills. There's no rent. No heat. No
17 electricity. No nothing. All the bills are paid
18 through the funeral home. But he's still hanging
19 onto whatever he removed from Pennsylvania to live
20 on, so he's afraid it won't last for his lifetime.

21 Q. The funeral home is in New Jersey?

22 A. Yes. This is why my husband filed for
23 divorce. And was assisted by my very own
24 attorney.

25 REPRESENTATIVE DERMODY: Thank you,

1 Mr. Chairman.

2 CHAIRMAN CALTAGIRONE: We're going to
3 recess for lunch and we'll be back here promptly
4 at one o'clock to start again.

5 (Whereupon hearing was in luncheon
6 recess.)

7 * * * *

8 AFTERNOON SESSION:

9 CHAIRMAN CALTAGIRONE: We're running a
10 wee bit behind. If Jean is here we'd like to get
11 started.

12 (Negative response.)

13 Dr. Sagan.

14 (Negative response.)

15 I really do like to get started on
16 time. I know we're running a little bit late.

17 Dr. Joseph Mayerck.

18 (Negative response.)

19 Sinikka Lawless.

20 (Negative response.)

21 Barry Fenicle. If you want to come up
22 Barry. I don't think it's really important in the
23 order, just so we keep things moving along.

24 Barry, if you'd like to state for the
25 record who you are.

1 MR. FENICLE: My name is Barry
2 Fenicle. I am the current President of the
3 Central Pennsylvania Chapter of an organization
4 called Fathers' and Children's Equality. And I'm
5 also on the Legislative Committee.

6 Chairman Caltagirone and other Honored
7 Members of the Judiciary Committee, it is my great
8 pleasure to have the opportunity to address this
9 Honorable Committee regarding Domestic Relations
10 Injustices In The Legal System.

11 As a brief background, my experience
12 with domestic relations injustice comes, in part,
13 from a very bitter and extended divorce war
14 myself, along with being President of the Central
15 Pennsylvania Chapter of Fathers' and Children's
16 Equality, and dealing with hundreds of calls on
17 our twenty-four hour HELPLINE - concerning problems
18 with divorce, custody, support, and abuse issues.

19 F.A.C.E. is a non-profit, volunteer
20 organization that is advocating equality and
21 fairness for ALL fathers, mothers, children,
22 extended family members and grandparents.

23 Much of the testimony you hear through
24 these hearings may be news to some of you. I did
25 address some of our concerns in a letter to each

1 member of the Judiciary Committee on June 20,
2 1991.

3 Since the widespread and devastating
4 injustices continue to spread to more and more
5 people, it is clear to me, that every person in
6 this Great State is vulnerable and could be
7 victimized.

8 I have seen the tremendous
9 devastation, frustration, anger, and indignity that
10 the current domestic system places on people. I
11 am not a great speaker or orator by any stretch of
12 the imagination, but I know that even the best,
13 the most refined, the most knowledgeable person
14 could not begin to describe to you what it is like
15 to go through a contested divorce, custody,
16 support or abuse situation.

17 I know that some couples can settle
18 their differences without dragging their mate
19 through the mud, and that is a fantastic approach
20 for all people involved. Unfortunately, we deal
21 with, and see, the people caught in a contested
22 situation.

23 The tremendous stress and feeling of
24 helplessness is on your mind every second of the
25 day and night. The constant hearings, biased

1 decisions, outrageous rulings, ignored facts and
2 proof, and inequitable demands placed on people
3 becomes "a way of life," sometimes dragging out as
4 long as twenty-five years.

5 I am very proud that we have been able
6 to help many of the people who have come to us.
7 Our membership includes men, women and children,
8 people of all racial and ethnic backgrounds,
9 people of all income categories, and people from
10 all walks of life.

11 However, we can only reach a tiny
12 percent of those fathers, mothers, children,
13 extended family members, and grandparents, who
14 desperately need help due to a limited amount of
15 resources.

16 We are just beginning to get involved
17 with legislative programs. In fact, we see that
18 the overwhelming percent of people who are having
19 problems and are having these injustices done to
20 them are people in their first marriage.

21 We also see that the overwhelming
22 percent of the injustices are done to the
23 father/man. I don't mean this as a chauvinist
24 bias, only as a fact of what we see.

25 We see men automatically assumed

1 guilty when accused of spouse and child abuse,
2 support problems, access problems, etcetera.

3 This is not to say that all mothers
4 and women get justice, because they don't. Some
5 mothers and women get their rights trampled, their
6 equitable consideration denied, and are
7 discriminated against.

8 We see some women who do not get
9 access to their children, who are not able to get
10 support from their spouse, and who are denied
11 their other rights.

12 We see a great need to create and
13 adequately fund programs for all people involved
14 in divorce, custody, support, and abuse situations.

15 We see many laws that are supposed to
16 protect all people, but in reality only accept
17 reports from women.

18 We see many programs that, in reality,
19 only protect and advocate for women - such as
20 shelters, advocacy, legal help, domestic violence
21 programs, lobbying, WIC, etcetera. I don't see
22 any program that will help fathers and men.

23 Estimates show that we taxpayers spend
24 about \$1 billion dollars yearly on these programs.
25 It is clearly time to establish programs for all

1 people who need them and investigate the
2 injustices.

3 I will cover the injustices that we
4 see in the domestic relations system in separate
5 sections. I would like to mention here several
6 suggestions that we have, which would correct most
7 of the problems that people have.

8 I hope you will keep these in mind
9 during the rest of my testimony and see how these
10 ideas would eliminate the injustices that I will
11 cover.

12 We would like to see a mandatory
13 mediation law enacted, such as that used in Maine
14 where over fifty percent of cases were settled in
15 about one session.

16 Mandatory joint custody laws unless
17 there is compelling reasons against it. Equitable
18 child support with a reasonable cap and
19 accountability, and the requirement of proof of a
20 crime before granting a Protection From Abuse
21 Order, with men and women treated alike.

22 In divorce we see widespread lying and
23 false charges made during divorce proceedings.

24 In my case, my ex-wife called the
25 police several times to report me for abuse of

1 her. The charges were totally false, but she was
2 using them I feel at the suggestion of her
3 unscrupulous attorney, to have me thrown out of my
4 own house.

5 We see this done many, many times in
6 order for a party to gain an advantage in
7 proceedings. Since that ploy didn't work she
8 filed for "special relief," another abuse part of
9 the Divorce Code.

10 During the special relief hearing my
11 ex-wife perjured herself many times. The Judge
12 was obviously biased against me from the start, as
13 shown by her not allowing me to properly answer
14 questions, trying to intimidate me, and basically
15 telling me that I lost the case for shaking my
16 head in disbelief at my ex-wife's lies.

17 Part of my problem was that my own
18 highly paid attorney did not properly represent me
19 at this hearing, or at any step of the way.

20 This is a very common complaint by men
21 and women that many attorneys charge very high
22 rates and don't represent the person properly.

23 We see a lot of bad or outright false
24 information given to clients, and some attorneys
25 advising their client to claim all sorts of false

1 charges in order to "win."

2 I did not even get a reasonable
3 result. I was ordered out of my own house within
4 seventy-two hours! Again, we see many thousands
5 of people ordered out of their own home with no
6 where to go. We don't have any shelters to go to,
7 no programs to advise us or advocate for us.
8 There is no law to allow us compensation for these
9 misdeeds.

10 The changes in the Divorce Code of
11 February, 1988, have, by most attorney's opinions,
12 "opened a larger can of worms."

13 On paper the law appears to be good.
14 In practice and in the actual execution of it, it
15 is bad. For example, in Section 102(c), the law
16 requires both parties to sign an Affidavit before
17 the divorce.

18 In my case, my ex-wife wouldn't sign
19 the Affidavit even though she filed for the
20 divorce. She did this because the Domestic
21 Relations Office awarded her spousal support and
22 that would stop when the divorce was final. The
23 spousal support was awarded based on her perjury
24 about her expenses, which were over-inflated.

25 In custody if children are our most

1 valuable resource, there are many parents who are
2 dirt poor. We find that approximately ninety-
3 three percent of the custody orders rule in the
4 mother's favor. This is an outrage.

5 The "Tender Years" doctrine was
6 outlawed many years ago, but most Judges thumb
7 their nose at this fact and award the custody to
8 the mother.

9 We have seen many times that a totally
10 unfit mother has gotten custody to the detriment
11 of the children.

12 We see thousands of children "used"
13 for higher support awards - as my son is -
14 children used for vindictive purposes against the
15 father, children denied access to the father - as
16 my son is - with a father's Court Order for access
17 ignored.

18 Child abuse is allowed to run rampant
19 by Children and Youth Agencies with them denying
20 that some mothers abuse the children.

21 I tried to report child abuse of my
22 son to four agencies in York County. Every one of
23 them told me that "mothers don't abuse children,
24 only fathers do." Two of them told me, "if she
25 kills him, come and tell us, we may be able to do

1 something." Denial of equal access to both
2 parents, unless there is proven compelling evidence
3 to deny it, is abuse in its worst form.

4 We see many, many times that a father
5 is falsely charged with abuse in order to gain an
6 advantage in proceedings. These charges are
7 usually believed by the authorities and many
8 people have been ruined by them.

9 We have seen many people have their
10 children taken from them because of anonymous
11 abuse charges and have had to fight for years to
12 try to get them back - many unsuccessfully.

13 Many studies clearly show that the
14 influence of both parents is best for the
15 children. Studies done by researchers, doctors,
16 psychologists, and others recommend joint custody.

17 Many noted institutions, such as
18 Cedars-Sinai Hospital, and others, report that the
19 children do better in the short and long term if
20 they have sufficient time with both parents.

21 We see constant cases of the custodial
22 parent denying or interfering with the non-
23 custodial parent's access to their children.
24 According to the National Council For Children's
25 Rights in Washington, D.C., there are an estimated

1 349,000 children in Pennsylvania alone that are
2 denied access, or their access is interfered with,
3 to the non-custodial parent. This is astounding.

4 I am one parent who has been denied
5 any access to my son. I haven't seen my son for
6 two and a half years.

7 Excuse me.

8 How would you feel if you couldn't see
9 your child or your grandchild on their birthday,
10 Christmas, Father's Day, Children's Day, or other
11 important days?

12 In fact, I have been Court ordered to
13 give my son "supervised visitation rights to my
14 dog, and I don't have any visitation rights to my
15 son.

16 Let me repeat that. I have been Court
17 ordered to give my son "supervised visitation
18 rights to my dog," and I don't have any visitation
19 rights to him.

20 The whole custody issue must be
21 investigated. Both parents must have access to
22 their children and we must stop allowing the
23 children to be used for vindictive or greed
24 purposes.

25 I also would like to say that I can't

1 get my son's phone number to contact him.

2 Statistics from the U. S. Department
3 of Justice, National Center for Child Abuse and
4 Neglect, U. S. Department of Education and
5 National Center For Health show that eighty-five
6 percent of all prisoners in American institutions
7 today were raised in sole custody or single parent
8 homes.

9 Seventy percent of all juvenile
10 suicide attempts or deaths are by children in
11 maternal homes.

12 Sixty-five percent of the drug and
13 alcohol use by children involve those raised in
14 maternal homes.

15 Seventy percent of teenage pregnancies
16 are to children raised in maternal homes.

17 Sixty-five percent of high school
18 dropouts are children raised in maternal homes.
19 And Sixty percent of runaways are children raised
20 in maternal homes. Injustices in the system must
21 be investigated.

22 Under support, injustice in the
23 support system is ninety-five percent against the
24 father.

25 There is widespread problems with all

1 of the Domestic Relations Offices, including
2 incompetent and untrained staff and hearing
3 officers.

4 Ten percent bonuses paid to some
5 hearing officers based on the amount of support
6 they collect, support orders based on a fathers'
7 "earning potential" (not actual income), and many
8 other problems.

9 In my case my ex-wife totally lied on
10 her income/expense statement and was given a large
11 spousal support, even though she made the same
12 salary as me. No spousal support was called for.

13 My ex-wife listed expenses like \$325 a
14 month depreciation on a seven year old car. She
15 listed insurances an taxes separately when they
16 were included in the mortgage. She listed
17 thousands of dollars of expenses for gifts,
18 medical bills that were smaller and reimbursed,
19 and many items that were not basic needs.

20 The hearing officer wrote to me saying
21 that she considered her expenses because they
22 "exceeded" her income. We find this is a common
23 practice.

24 With the tremendous cost of Court
25 appearances most people can't appeal these

1 ridiculous decisions. The whole model used for
2 figuring support is biased.

3 Since a vast majority of us fathers
4 want our children with us an equal amount of time
5 as the mother, joint custody would eliminate all
6 the fighting, the abuse and drain on budgets and
7 Judges that is now happening.

8 Despite all the propaganda about the
9 "deadbeat" dad, we pay almost \$700,000,000 per
10 year in support.

11 Pennsylvania ranks number one most
12 years in collections and support orders
13 established, with collections in Pennsylvania seven
14 times higher than the National Average. Federal
15 grants to the collection system, along with this
16 tremendous collection income, shows how greed and
17 injustices occur.

18 At this very moment I have overpaid my
19 support order, even projected ahead to June of
20 1991, when it should regularly stop, by over \$600.
21 I have not been able to get this overpayment back.
22 And the York County Domestic Relations Office sent
23 me a letter claiming that I am in arrears and they
24 will put me in jail.

25 Many people have been wronged by this

1 monster known as "arrear." A support order
2 should start the day of the hearing, not when the
3 person filed for support.

4 We have had many people put in jail
5 for false charges of non-payment of arrears or
6 support. There isn't supposed to be a debtors
7 prison in Pennsylvania. Proof of payment,
8 legitimate reasons for not paying like the loss of
9 job, in the hospital, laid off, and unreasonable
10 orders are ignored and payment demanded.

11 We find that few mothers are required
12 to equitably support the children and are usually
13 not required to pay support in the rare cases
14 where the father has full custody.

15 We have seen fathers ordered to pay
16 110% of their income to their spouse. We have
17 seen police officers left with \$25 a month after
18 spousal and child support is taken. Injustices;
19 you bet.

20 With Protection From Abuse, although
21 my ex-wife's attempts to get a Protection From
22 Abuse against me failed due to being false, many
23 innocent fathers aren't so lucky. Many fathers
24 are assumed to be guilty and arrested.

25 People making false reports aren't

1 prosecuted and much damage to a person's life
2 usually results from false reports.

3 All of the statistics that I have
4 seen, including Welfare Secretary White's and York
5 County's, show that a great majority of abuse
6 reports are false. Many reports show seventy to
7 eighty percent false.

8 Most studies claim high numbers of
9 reported abuse occurrences, but they usually omit
10 the fact that the great majority of them are
11 false.

12 We have seen women's shelters urge
13 women to file false abuse charges against their
14 spouse in order to stay at the shelter.

15 The Attorney General's Family Violence
16 Task Force found on page eight, that actually more
17 men than women are assaulted by their spouse, but
18 the Task Force ignored this fact throughout their
19 whole report.

20 Many millions of dollars are given to
21 the abuse groups and agencies, and many people
22 think that their budgets depend on the "numbers"
23 of people served.

24 Crime, murder, and abuse is happening
25 to many men as well. I have had three attempts on

1 my life, several assaults, and many threats by ex-
2 family members. The police say it's a domestic
3 dispute, don't tell them.

4 When I have a witness and go to a
5 District Justice hearing, even though the person
6 admits he is "going to get me" and the witness
7 verifies his threats, the District Justice finds
8 him "not guilty."

9 Where are the agencies and groups to
10 help me? When a man reports domestic violence
11 against himself, he is laughed at. When my ex-
12 wife calls 911 to falsely report abuse of her,
13 even though I'm not even there, the police issue a
14 warrant for my arrest. Injustices? You bet''

15 Since I have taken more time than I
16 wanted, I will close. I hope you will truly listen
17 to all these important people who are testifying
18 before and after me.

19 Please don't allow fair treatment of
20 all fathers, mothers, children, extended family
21 members, and grandparents, to become a political
22 bouncing ball.

23 These issues are not Republican or
24 Democrat, not issues that should continue to be
25 slanted in one direction, nor are they problems

1 that should continue to be ignored.

2 You have taken a bold step with these
3 hearings. Please follow up on recommended fair
4 and truly equitable solutions. Investigate our
5 complaints for us and for our children. We stand
6 ready to support you one hundred percent.

7 I'd like to add that the blue ribbon
8 you see attached to the front of each of your
9 reports is a sign of hope for change and a better
10 system for parents.

11 Our organization has started the blue
12 ribbon policy as the blue means the sky is the
13 limit with regard to fairness for all people. I
14 have one on my car antenna and I hope you'll
15 display yours and keep our testimony in mind.

16 Thank you.

17 (Audience applause.)

18 CHAIRMAN CALTAGIRONE: Representative
19 Reber.

20 REPRESENTATIVE REBER: Thank you, Mr.
21 Chairman.

22 BY REPRESENTATIVE REBER:

23 Q. Barry, what county are you involved with?

24 A. My county is York County.

25 Q. On page six of your testimony you

1 referenced a scenario and obviously it was rather
2 emotional with you to the extent of not having
3 seen your son for two and a half years.

4 Is that vis a vis a Court Order?

5 A. That is not a Court Order because I didn't
6 have the funds to fight the custody. That is
7 because my ex-wife has totally alienated my son.
8 Has told him lies about me and so on. Has denied
9 me access by not giving me a phone number. And
10 has really alienated him in order to continue the
11 support payments as she's told other people.

12 Q. Back on page four of your testimony you
13 reference the mandatory mediation law enacted
14 recently in Maine, where over fifty percent of the
15 cases were settled.

16 Let me ask you this. Do you know whether
17 those cases that are referenced as being fifty
18 percent settled are fifty percent of all cases
19 filed being settled?

20 And the reason I say that is I would
21 suspect that there probably are statistics that
22 could track that, and maybe even do a little
23 better here in the Commonwealth of Pennsylvania of
24 cases filed and a high percentage, or at least a
25 fifty percent plus that are in some way shape or

1 form settled in Pennsylvania.

2 The reason I say that, from 1972 until
3 1980 when I came to Harrisburg in this position, I
4 did a significant amount of domestic relations
5 work, not that I have any specialization in that
6 but being just a general practitioner I had an
7 opportunity. And I would dare say in the hundreds
8 of cases that I was involved in the settlement
9 factor in a reasonably short period of time, none
10 of which do I recall ever going longer than two
11 years at the outside, and those were only brought
12 about when the people themselves really desired to
13 prolong it for one reason or another.

14 What I'm getting at is it seems to me, and
15 I don't disagree and I'm going to follow up with a
16 good message that I'm sure you want to hear in a
17 few minutes, but I'm trying to factually set the
18 tone.

19 It would seem to me that a significant
20 amount of cases in the mediation areas that you
21 hear about in most instances would probably have
22 been settled in some way shape or form within the
23 system in Pennsylvania, notwithstanding.

24 Now I'm sure there are some war stories
25 that might filter out and it's something we should

1 look at. And frankly many of us have advocated
2 that. That's what I want to get to.

3 As you recall, and I think you made
4 reference, and I would tend to say that you are
5 right on point, and I can't find that particular
6 quote, but what you mentioned here is on page five
7 that the Divorce Code Amendments that this General
8 Assembly enacted in 1988 has opened up a larger
9 can of worms.

10 Frankly I tend to agree with you. I can
11 recall those debates. I can recall this Committee
12 and its task, and I think our General Counsel up
13 here, Mary Woolley, will certainly confirm the
14 fact because she worked with me on it. She was
15 one of very few that worked with me on it to do a
16 lot of things to eradicate what I consider to be
17 many inequities in the way the Divorce Code is
18 currently written. Which in any of itself brings
19 about many of the concerns you're expressing.

20 My own personal opinion is a marriage is a
21 union. A divorce is a breaking of that union and
22 there ought to be a community property concept,
23 split it right down the middle. Do the same with
24 custody, whatever, unless the children are of such
25 sufficient desires to have it done otherwise and

1 they can effectually convey that to the Court. Or
2 alternatively there are extenuating health, safety
3 and welfare considerations.

4 I think to a great extent the process is
5 emasculated by taking care of all these little
6 nuances that we currently have.

7 But let me tell you and let me caution
8 you, it was like a voice crying in the wilderness.
9 We offered twenty amendments. One or two went in.
10 We got support on all those kind of concept with
11 maybe one or two votes. And the sad part about
12 it, one of them was mine and the other one the
13 fellow is no longer here. In fact he's practicing
14 law in Pittsburgh making a lot more money than I
15 am right now sitting here listening to your
16 concerns.

17 A. If I may make a comment. I have copies
18 here, a couple of copies of the Maine Mediation
19 Law. I've worked with Paul Sharkman now who is in
20 charge of about eighty-five mediators in the State
21 of Maine.

22 One session of mediation in Maine is two
23 hours. Their rate for mediation is fifty-one
24 percent are settled in 1.03 sessions, a little
25 over two hours, fifty percent.

1 There is charts that I have here that
2 show, yes, some of their other cases are handled
3 by mediation, but their mediation for divorce over
4 the last four years is running over fifty percent.
5 And that's a tremendous plus in the State of
6 Maine.

7 They do not have domestic violence
8 problems in the State of Maine because they're not
9 constantly arguing and fighting about the system.

10 Q. Well I think again it all comes down to
11 the parties that you're dealing with obviously.
12 If you are a conscientious attorney as opposed
13 to - what's the word you used - unscrupulous
14 attorney you're always going to have that kind of
15 problem.

16 My experience has been there are some
17 people out there that are rather irrational at
18 times. And when you place even the irrational
19 clients with irrational unscrupulous attorneys, you
20 have the kind of war stories in many respects that
21 we may be hearing about later today, or may have
22 already heard about. I don't know because I don't
23 know the parties or the people involved in any of
24 them personally so I can't comment.

25 But the system has it breakdowns, but I'm
not so sure that it rises to the magnitude of

1 manifest abuse within the system that, you know,
2 we're hearing about.

3 I think there's obviously concerns that
4 have to be addressed. But I think most important,
5 to get back to my original statement, a lot of
6 your concerns have already been articulated and
7 for whatever may be in its infinite wisdom the
8 General Assembly hasn't attempted to mold that
9 into the Divorce Code as we currently see it on
10 the books.

11 That doesn't mean you shouldn't stop
12 trying. So I do appreciate the various concepts
13 that you articulated today to us. Thank you.

14 Thank you, Mr. Chairman.

15 (Audience applause.)

16 REPRESENTATIVE REBER: Was that
17 applause for me or for Barry?

18 CHAIRMAN CALTAGIRONE: Thank you,
19 Barry.

20 MR. FENICLE: Thank you.

21 CHAIRMAN CALTAGIRONE: Is Jean here?
22 Jean Salvati.

23 (Negative response.)

24 She is not here. Dr. Sagan.

25 DR. SAGAN: I am Cyril Sagan. I'm

1 the Executive Coordinator for what is called the
2 Pennsylvania For Better Justice Committee.

3 What I have to say doesn't cite my own
4 case. As a member of this body I have followed
5 many cases in the Court personally, so what I want
6 to address today are some specifics with some
7 opinions, and I have some recommendations.

8 For the past eighteen years I have
9 closely watched Pennsylvania's Domestic Relations
10 Court and how they have handled fragmenting
11 families.

12 I have seen cases so badly mishandled
13 by Judges that it would make people weep at the
14 agony heaped upon parents and children alike.

15 As I have discovered early and I
16 witnessed today, the Judges do not resolve
17 domestic problems. They don't even settle them.
18 They only by their own actions compound the misery
19 and suffering brought to their attention.

20 There is a woman who appeared on sixty
21 minutes and who was a guest speaker for us in
22 Butler County. A PhD educated grandmother who
23 somewhere along her career decided to become a
24 court reporter. She did it for twenty years.

25 After she left her job she said that

1 in all the years she was part of the legal system
2 she never saw how really bad it was. She said,
3 quote, "It was after I got out and opened my own
4 business that I saw all the pain and suffering the
5 systems causes." Unquote.

6 Now the business that this woman had
7 was to help women conduct their support, spousal
8 support, custody problems where she would assist
9 them in filling in the papers.

10 She was eventually accused and tried
11 and ready to be sent to a Florida prison for the
12 unauthorized practice. And this woman's name of
13 course is Rosemary Berman.

14 If I were asked whether our judicial
15 system is the best I would answer that it could
16 not be proven by me.

17 About ten years ago Time Magazine
18 published a story about judging the Judges. Among
19 the Judges quoted was a Judge from a county in
20 Western Kansas. And he asked the question what
21 does in the best interest of the child mean? It
22 was kind of a rhetorical question and he had no
23 answer. And after all these many years he
24 couldn't answer or give a definition that
25 represents the best interest of the child. And

1 the question I have is that that is common, and I
2 certainly believe it's common in every Court in
3 this State and how can Judges dare to act in such
4 cases?"

5 I know the law is there and that's the
6 way the system goes. But without a definition how
7 is it applied in individual cases?"

8 Judges who think they are fulfilling
9 their sworn duty to society in my opinion are not.
10 As I see it Judges most frequently do a gross
11 disservice to society when they rule on child
12 custody and related domestic cases. I have seen
13 Judges mess up the lives of many parents and many
14 children.

15 I know a Lawrence County mother -
16 that's the county where I live - whose two
17 daughters were ordered by a Judge to live with
18 their mother's sister in Michigan. There the two
19 young girls, both under six at the time, were
20 raped by the boyfriend of this girl, this sister.
21 One child developed venereal disease. The one
22 eventually was recovered by the mother, not the
23 second however.

24 The second was placed by a Judge in
25 the care of an elderly woman. In her home this

1 child was raped again.

2 This elderly woman eventually got the
3 Judge to have this woman's daughter adopt the
4 child. That's where the child is today.

5 The mother for the last nine years
6 attempted to get visitation rights to see this
7 child. She has been denied continually.

8 In another case the Judge gave over
9 protection to an addicted drug runner father who,
10 according to his two young daughters, sexually
11 abused them and showed how he smoked pot.

12 I watched this man in the courtroom
13 rant and rave and even call the Judge a son-of-a-
14 bitch in his face in the courtroom, and the Judge
15 didn't do a thing to him.

16 In Beaver County there is a woman who
17 pleaded with a Judge not to let her daughter
18 travel out of state in order to obey a Court Order
19 that she visit this father, who the mother was
20 convinced was abusing the child sexually. She was
21 denied.

22 Then I know a man in another county
23 ordered to drive his ten year old daughter to
24 Pittsburgh for visitation to see her mother, who
25 she claims sexually abused her.

1 A woman sexually abused the daughter.
2 I know of another case of this in Crawford County,
3 because the strange coincidence about this is that
4 while I knew the father of this child, and I knew
5 the child, because I sat in on this case, there
6 was this case that a ruling was rendered by a
7 Judge in Crawford County that indeed the mother
8 did sexually abuse the girl, the daughter.

9 Each time the father told the child
10 that he had to take her to see the mother she'd
11 become ill. She'd throw up. She begged her dad
12 not to send her anymore to see her mother.

13 When he decided not to the Judge
14 jailed him. He was held in contempt. And even
15 when they threw him in jail they refused to give
16 him his medication for his heart problem.

17 I know a man in the same county who
18 has been paying Court ordered child support to his
19 thirty-nine year old married daughter.

20 Besides doubting the quality of our
21 judicial system, it is my firm conviction that
22 Judges are among the poorest determiners of a
23 child's best interest.

24 In child custody cases Judges don't
25 even know the children involved except as the

1 nameless faces in the Court record. Judges don't
2 care to know these children because children are
3 too emotional. They can't handle it.

4 But young children are pure emotion
5 for God's sake and how could you avoid coming in
6 contact and knowing the case firsthand? But
7 that's the way these cases are heard.

8 I know very few cases where anybody
9 told me that the Judge asked to see the children,
10 or the attorney. Now there may be some but I
11 don't know about them.

12 I know in my own case I had to insist
13 and it was on the basis of my son's testimony that
14 I did get custody of this one of five children.

15 So I got to know the emotion precludes
16 any possibility that a Judge can know the best
17 interest of the child. He cannot therefore render
18 a decision that will protect the child or the
19 child's parents. So a Judge does not serve
20 society if he fails to help society's families.

21 No one really owns a child. The
22 mothers and fathers have been granted the natural
23 right to care for their children, to love, nurture
24 and share them with the world.

25 Parents have the obligation to protect

1 and defend their children. Even in divorce
2 parents have that right to protect and defend
3 their children against abusive Judges.

4 Parents have known the best interest
5 of their children long before they ever go to
6 Court. And no Judge possesses any magical power
7 to perceive what's in the best interest of the
8 child with a mere one or two days of hearings.

9 Surely one can't believe that two
10 attorneys exploiting the adversarial system have
11 any real knowledge of what's best for the
12 children. Courts it seems to me have become the
13 playground of attorneys in these type of cases.

14 American families will continue to
15 deteriorate unless mothers and fathers challenge
16 the abuse of authority of Judges.

17 They must challenge Judges to the
18 point of risking jail for themselves. And I know
19 a lot who have.

20 In the eyes of parents and in the eyes
21 of judicially mistreated children it is far more
22 honorable to be held in contempt of Court than in
23 contempt of children.

24 I know another man from the lower
25 western corner of Pennsylvania that lost both a

1 young son and a young daughter to his foreign born
2 ex-wife. And what she did was she used the
3 intrigue of the Foreign Embassy in Chicago.

4 She came to this country to appeal the
5 case in Pittsburgh and during that time the Judge
6 ordered the father, who had the custody of both of
7 them in Pennsylvania, had custody of both
8 children. The Judge ordered the children to spend
9 the night at the hotel or motel with the mother in
10 this small community.

11 It was during that night - I remember
12 this because the man called me. He had a woman
13 from Lawrence County who was also interested in
14 these cases follow her all the way to Ohio. What
15 happened was during the night she took the
16 children against the Court Order, against what the
17 Judge ordered verbally in Court that day, drove up
18 79, hit 80 and went over I-80 to Chicago. There
19 the Embassy representative was waiting.

20 She was sent by way of Chicago to
21 Toronto and then to Europe. That's where the
22 children were reared for a while.

23 For nine years this father didn't see
24 these children. What he did was he had a couple
25 of Army buddies that arranged to pick up both of

1 the children because technically he had the
2 custody. Pennsylvania custody of both of these
3 children.

4 He arranged to have these men pick
5 them up. They were able to get the boy but they
6 didn't get the girl. One of them involved in this
7 was jailed. Probably is still in jail.

8 But the father's constant concern for
9 the health and safety of his children arose when
10 his then wife admitted that their children were
11 sexually abused by her father, as she had been up
12 until she was married to Tom.

13 Once during this period this man flew
14 to Belgium for a professional meeting and as soon
15 as he got off the plane he was arrested. The
16 grandfather of the children or this man's former
17 father-in-law is very wealthy and he seemed to
18 have influence in another country in Belgium.

19 So with political help, and he had
20 political help from both Pennsylvania Senators,
21 from all the Representatives that his sister knew.
22 He asked them to write letters. I wrote letters
23 to the Judge. Two months later he was released.

24 This story was a full page spread in
25 the Washington Post at the time.

1 Judges cannot argue with what is
2 happening to contemporary American families
3 undergoing separation and divorce is simply the
4 fault of incompatible couples only.

5 Divorcing couples know their faults
6 well enough. They certainly don't need Judges to
7 annihilate already wounded members and fragmenting
8 families.

9 Child custody and all attentive issues
10 are not nor should they be the exclusive domain of
11 Judges, The American Bar Association, selective
12 women's groups or other outsiders. These groups
13 have neither the better wisdom or cooler heads.

14 One impartial intermediary might be
15 for example an intermediary who has a vital
16 interest in children and families is the church.
17 Churches can question the intrinsic meaning of
18 laws that misdirect not only the lives of the
19 children but the parents.

20 I have seen two young boys, both under
21 six, clinging to the knees of a blind father and
22 crying like crazy because a small army of police
23 was sent to the house and jerked the kids from the
24 father.

25 What happened was this was late in the

1 evening when the police in this township got ahold
2 of an Allegheny County Family Court Judge and he
3 ordered the children returned.

4 This man was from Mercer County. The
5 wife who had them, who had formal custody, lived
6 in Ohio. But he was visiting in northern
7 Pittsburgh.

8 He had his rightful visitation
9 privileges as did the children. But the children
10 upon a phone call from the wife or her attorney, I
11 don't know who, but I was there and I saw the cops
12 punch the woman that was watching the children
13 while he needed her to watch them square in the
14 mouth. And that's where it ended. He died about
15 a year later.

16 I know of a father who made repeated
17 attempts to get a Judge to give him custody of his
18 daughter while the ex-wife was shacking up with a
19 drug addict.

20 It wasn't until the child was dropped
21 out of a second story window that the Judge gave
22 this man some credibility and he finally got the
23 child.

24 Another father had his home stripped
25 of all of its furnishings. And I'll never forget

1 the sight of this because honestly he didn't even
2 have an orange crate. He had a box that I could
3 sit on when he asked me to visit him. But all the
4 furnishings of the house were stripped while he
5 worked at the hospital as a laboratory technician.
6 And when he came back not only was the house
7 stripped but his kids were gone. He had two
8 little girls.

9 He was refused visitation. He had to
10 check in with the policeman at the suburban
11 Pittsburgh home and that was an ordeal in itself.
12 Still couldn't see them. Had to be supervised.
13 And often times when he would go he wouldn't see
14 them even then.

15 But he wanted me as a witness and I
16 did go to the police station and all that kind of
17 stuff. But during that time he had another child.
18 That is when the separation occurred a new child
19 was born. He never did see that child as long as
20 I've know him since, and I haven't seen him for
21 quite a while.

22 I know a father who was made to pay
23 child support to his ex-wife who took them from
24 Pennsylvania and settled in Louisiana. He was
25 denied visitation. When I knew him he hadn't seen

1 his children for four years. That was six years
2 ago.

3 One of the most controversial and most
4 misunderstood issues in domestic relations cases
5 deal with child support.

6 Where child support poses a problem,
7 Judges have misused their authority to extort as I
8 see it from fathers under the guise of the best
9 interest of the children. Even when the Judges in
10 a sense have already robbed these children of
11 their fathers.

12 The measure of a father's love for his
13 children cannot be equated to a Judge's support
14 order. Judges and lawyers do it that way as a
15 shady pretense of misrepresentation. However,
16 because of this pretense of misrepresentation
17 fathers stand unjustly accused before society while
18 Judges and lawyers are able to excuse themselves.

19 I know of a child-- This is the last
20 story. I have a lot of them but I think these
21 would be appropriate. But I know of a child -
22 he's not a child anymore, he's a young adult, but
23 he was eleven years old at the time - who had to
24 sue his own mother to get a Judge to understand
25 that he wanted to live with his dad.

1 Another Judge prior to that told the
2 boy that no child was going to tell a Judge what's
3 in this child's best interest.

4 From the taxpayers point of view one
5 solution may be found in a man who is active in
6 fathers' organizations in the mid-west. This man's
7 name is Wayne R. Anderson and this is his
8 recommendation:

9 "The child support is so overriding a
10 problem that children should be placed in the care
11 of fathers when their ability to support their
12 children is greater than the mother."

13 To the disinterested taxpayer, that
14 ought not sound too bad.

15 Another solution to problems of
16 support and custody is to grant joint custody of
17 children to both parents, guaranteeing therefore
18 full participation in the rearing of the children.
19 And that's what fathers want. That's what fathers
20 want.

21 Courts have functioned far too long in
22 excluding fathers from the lives of their
23 children. Courts have denigrated the institution
24 of fatherhood.

25 Every one in a disintegrating family

1 is a loser when they go to Court. For this reason
2 and many more I make the following recommendation
3 in all sincerity to this Committee for
4 implementation.

5 Domestic relations cases involving
6 separation, divorce, child custody, child support,
7 child visitation, must be removed from the
8 adversarial approach and from the control of the
9 Pennsylvania American Courts.

10 That may seem like a harsh or drastic
11 statement but in all of my eighteen years of
12 following these cases I have never believed
13 anything to be so true. Even though I'm a
14 chemistry professor and I know what an atom is, or
15 at least I've read about an atom, and I've seen
16 some evidence. I am more convinced of this
17 problem than I am of the existence of an atom. So
18 I have a few recommendations if you can bear me
19 out and I think these are constructive
20 recommendations.

21 Besides the reconsideration of the
22 current law and custody and so forth, I think we
23 need to open the doors to the judicial system to
24 the layman. After all the judicial system belongs
25 to them, not the lawyer or Judges.

1 We should expect lawyers to blow the
2 whistle on abusive Judges. That would be the day
3 when that happens, but it should happen in terms
4 of a public trust.

5 We must make laws that would forbid
6 part time District Attorneys or any District
7 Attorney from practicing civil law in the Courts.
8 Especially in these domestic cases.

9 Let me just tell you one other case
10 because this pops into my mind every time I think
11 of a DA, a part time DA. This woman was fifty-
12 four when her old man decided to leave. He was
13 already living with another woman and they bought
14 a house jointly. But this women who was fifty-
15 four, the only thing she ever did was to raise the
16 three children, two boys and a girl. And when he
17 announced that he was leaving her he left her
18 stuck with this house.

19 After all these years, I'll say
20 twenty-five or thirty years the mortgage of the
21 house hadn't been paid off. And it was a dump.
22 The bathroom, the toilet stood on the beams that
23 supported the floor in the bathroom.

24 The District Attorney represented this
25 man and she got an attorney that didn't do her

1 much good. And what happened was she was expected
2 out of the little bit of money that she had got
3 awarded through the Judge, not only to pay for the
4 girl who wasn't yet eighteen, wanted to go to
5 school, she dropped out then when she discovered
6 the father wasn't interested in sending her to
7 college.

8 But out of that she had to pay off
9 the mortgage as well. And the DA had the audacity
10 to say - this is now two years later so she's
11 fifty-six now - why don't you go out and get a
12 job. And while it might not have bothered her
13 because she was rather afraid of the District
14 Attorney, it did bother her mother, but her mother
15 couldn't do anything either.

16 But anyhow, I think DA's whether
17 they're part time or not, let them paint houses or
18 something else, but not practice law in these
19 kinds of civil cases.

20 Finally I think it's incumbent upon
21 this Committee at least to consider - you'll
22 probably not do it but honest to God I believe
23 this has got to happen for the sake of men, for
24 fathers - you must establish a commission over men
25 completely separate from the commission for women,

1 because their needs are just as great and they
2 need time for these issues that are uniquely
3 theirs. Thank you.

4 (Audience applause.)

5 CHAIRMAN CALTAGIRONE: Thank you.
6 Doctor, just one thing, what particular area of
7 expertise do you practice in? Is it medical,
8 Doctor?

9 DR. SAGAN: I'm an Analytic Chemist.

10 CHAIRMAN CALTAGIRONE: Analytic
11 chemistry.

12 Thank you, Doctor.

13 DR. SAGAN: Sure. Thank you.

14 CHAIRMAN CALTAGIRONE: Next is Dr.
15 Joseph Mayerck.

16 DR. MAYERCK: It seems like I got here
17 just in time. The pronunciation is May-er-check.

18
19 I'm a practicing dentist for nineteen
20 years outside of Pittsburgh where I deal with a
21 lot of children. And my speech here is not going
22 to be anything formal.

23 But I'm also the Acting President and
24 Director of FAIR, which is a national non-profit
25 organization and it's called the National Fathers
Organization. Fathers Advocacy Information

1 Referral.

2 FAIR was founded about ten years ago
3 when studies were being done with drug and alcohol
4 abuse, delinquency between kids.

5 They were looking for a common link
6 between these kids. And what they found out
7 through FAIR's research was that most of these
8 children who are having problems in school or
9 involved in drug and alcohol abuse and the general
10 delinquency problem, had little or no relationship
11 with their father.

12 And that's how the organization FAIR
13 started. We are now the largest fathers
14 organization in this country. But our
15 organization is not just made up of fathers. We
16 advocate children of divorce should be guaranteed,
17 not just by the Constitution, but they should be
18 guaranteed a relationship with both parents.

19 We also advocate that child support
20 should be defined as the financial and emotional
21 aid by both parents.

22 And when we looked into this problem
23 of child support there just seems to be - I just
24 came in about fifteen minutes ago - and there
25 always seems to be an issue of divorced fathers

1 having this image of being a deadbeat non-caring
2 father.

3 The Federal Government has never done
4 a study on visitational interference and why
5 fathers don't pay child support. So FAIR about
6 five years ago conducted a national study.

7 What they found is that those fathers
8 who-- Well first of all, when they looked into
9 this survey that supposedly was done by self-
10 interest groups stating that fifty percent of
11 fathers do pay their child support while the other
12 fifty percent don't, when we looked into it there
13 were fathers still on the rolls that were in fact
14 dead. And maybe that's where the word deadbeat
15 father came from. Just as you find on the
16 Welfare rolls, there are dead people still
17 collecting Welfare checks.

18 We found out that approximately twenty
19 percent of these rolls included teenage unwed
20 fathers who didn't even graduate from high school,
21 yet alone were able to support a family.

22 There were rolls that included where
23 both the mother and father just gave a child up
24 for adoption. And on those rolls were also the
25 mother that didn't even know who the father was.

1 When we excluded those figures and
2 calculated those fathers who were married and
3 divorced it came out to about eighty percent of
4 those fathers do in fact pay their child support
5 in full and on time.

6 Now we also studied then those fathers
7 that were in default of their child support
8 payments. What we did was we surveyed a vast
9 number of those. There were forty-eight states.
10 And we found out that the average, and this is
11 just going from our quotes, they were something
12 like \$3400 behind in child support payments.
13 But their lawyers' bills to try to enforce the
14 custody orders were approximately \$5000.

15 They had to decide do I want to see
16 my children or do I want to pay for my children?
17 It's a Catch 22 which most fathers are not able to
18 emotionally separate.

19 Now what I'd like to do is also
20 mention a little bit about my own personal case
21 which many people here I'm sure have mentioned.

22 My ex-spouse left the marriage in 1980
23 when my daughter Amanda was three months old. I
24 fought for six months before I was permitted to
25 see her. And then I had a real nice long

1 relationship with her for eight years.

2 My daughter came to me in the summer
3 of 1987 asking me if she could spend more time,
4 because I had remarried and adopted two little
5 boys approximately her age. I told her, well we
6 have to go back to the Court system and so we
7 pursued that.

8 We went to a Court appointed
9 psychologist. He recommended that I should have
10 joint custody. When I tried to work it out with
11 my ex-spouse all of a sudden she went to Court on
12 a motion in Pittsburgh, said that I had verbally
13 harassed my daughter for the last eight years;
14 when the Court appointed psychologist just stated
15 that my daughter loves both her homes and
16 recommended joint custody. And Judge Lawrence
17 Kaplan in Pittsburgh without a hearing, without to
18 this day - this was December of 1987 - my ex-
19 spouse has never uttered one word of testimony
20 under oath.

21 My custody was suspended by Judge
22 Kaplan in Pittsburgh. This case was then passed
23 on to a new Judge who had never handled the case,
24 W. Terrance O'Brien, who then forced me to go
25 through therapy. He made himself therapist,

1 judge, jury, lawmaker.

2 I was never given a hearing and at a
3 point where I became disgusted with it I filed
4 Complaints with the Judicial Inquiry Review Board.

5 I filed Complaints with the
6 Disciplinary Board of Pennsylvania on the lawyers
7 who filed these false and malicious pleadings.

8 My daughter was taken away from me
9 because I filed a Federal lawsuit against these
10 Judges for violating my civil rights.

11 I still have not had a hearing in
12 three and a half years and I now have not seen my
13 daughter in over three years and she lives eight
14 miles from me.

15 Now as I was saying before, I've been
16 a practicing dentist where I deal with a lot of
17 children that are frightened and afraid. I have
18 been involved with Big Brothers of Allegheny
19 County where I've watched these kids and I've
20 worked Grow-Up. I've written recommendation
21 letters for the NOW Police Officers.

22 I've worked with drug and alcohol
23 abused children. I work with fathers all over
24 this country. I do probably about a hundred radio
25 and TV shows a year. And what I'm trying to say

1 here is what does a father have to do to be able
2 to have the right, the God given and
3 Constitutional right to be with their own
4 children?

5 And I can tell you right now the fact
6 that I'm sitting here, I'm going to be further
7 discriminated against once the word gets back that
8 I'm still trying to see my daughter. But these
9 Judges in Pittsburgh will do everything to try to
10 silence me.

11 I've been harassed by public
12 officials. My children, the adopted ones. I've
13 had undercover FBI Agents come into my house and
14 try to coerce me into kidnapping children just to
15 try to frame me.

16 All of this stems from the fact that
17 fathers are willing to stand up and fight even if
18 it means, as the last gentleman stated, that
19 they're willing to go to jail.

20 I was incarcerated because I refused
21 to deal with these incompetent, malicious and
22 corrupt Judges.

23 Once my daughter was taken from me for
24 no reason at all, absolutely no legal
25 justification, they doubled my child support.

1 Once that was done that's when they
2 tried to incarcerate me and I made appeals up to
3 the Pennsylvania Superior Court. And then I
4 appealed to the Pennsylvania Supreme Court.

5 I found that a lawyer working with my
6 ex-wife who had her own lawyer, and I followed her
7 one day and she went right into the office of the
8 Pennsylvania Supreme Court Justice Ralph Cappy, and
9 they told me this was his law clerk.

10 I took my custody case to the
11 Pennsylvania Superior Court. I took it to the
12 Pennsylvania Supreme Court. They remanded it for
13 a hearing. There never has been one.

14 I took my appeals, both support and
15 custody, to the United States Supreme Court. I
16 did all this pro se. I spent as much time in my
17 dental office as I did in the law library.

18 The United States Supreme Court denied
19 me Certiorari. I filed a federal lawsuit asking
20 for not only damage against the Judges, which they
21 say are totally immune, but I asked for injunctive
22 relief. They turned me down. The Third Circuit
23 turned me down. The United States Supreme Court
24 turned me down.

25 Right now as we sit here in Washington

1 there is a Senate Bill asking, and I don't know if
2 any of you are familiar with Poulon versus Allen
3 which stated that even though Judges are immune
4 from damages, they are not immune from injunctive
5 relief.

6 As we try to make changes here in
7 Pennsylvania, Congress in Washington is trying to
8 give the Judges even more leeway. They're trying
9 to say that no matter what they do you won't even
10 be able to get injunctive relief.

11 When I filed my Complaint with the
12 Judicial Inquiry and Review Board they wrote me
13 their standard letter. And the reason why I say
14 standard is because as President of the National
15 Organization I get much mail. Most of it being
16 from Pennsylvania because I live here. I received
17 a file from another father who filed a Complaint
18 against the Judge in Pennsylvania, and in that
19 file he included the letter that the Judicial
20 Inquiry and Review Board sent to him dismissing
21 his Complaint. When I sat my letter and his
22 letter side by side there was not one word of
23 difference. It was a form letter. Every word was
24 identical paragraph by paragraph.

25 This is the insensitivity that I'm

1 speaking about. A mother or a father, no matter
2 who it is. As I said before, we have probably
3 about twenty-five percent of our membership is
4 made up of mothers and grandparents.

5 As a practicing dentist I probably
6 have more training and experience in children's
7 behavioral psychology than all the Judges put
8 together. But Judge W. Terrance O'Brien in
9 Pittsburgh decided that he was going to punish me.
10 And he was going to make me submit to whatever he
11 wanted me to, and until I did it he wasn't going
12 to let me see my child. As I mentioned to this
13 day I still haven't seen her.

14 Now what's the bottom line to all of
15 this? Where does a parent or grandparent, or
16 anyone involved with children, where do they go in
17 Pennsylvania? Do they go through the appeal
18 process in Pennsylvania? It's useless.

19 The Pennsylvania Superior Court and
20 the Pennsylvania Supreme Court will do absolutely
21 nothing.

22 Do they go to the Judicial Inquiry
23 Review Board? From Resolution 8 we know that that
24 is useless.

25 The Disciplinary Board in Pennsylvania

1 does nothing to the lawyers. I had one lawyer
2 file a pleading for my ex-wife stating that I was
3 accused of illegal activity. I was outraged. The
4 most I've ever been accused of is maybe a speeding
5 ticket in Pennsylvania.

6 When I filed a Complaint with the
7 Disciplinary Board they said that she interpreted
8 my activity as illegal and under the Code that's
9 ethical. And they dismissed that Complaint.

10 I've since filed-- Let me back up.
11 One of the reasons why the Courts, in this country
12 ninety-five percent of custody goes to the
13 mothers. It goes to the mothers. Now that's
14 partial favoritism by what we used to think of
15 years ago, that dad went out, he was the money
16 maker, breadwinner, and mom stayed home with the
17 kids. But what a lot of people don't know,
18 there's a big, big financial interest for the
19 Courts to give custody to mom. It's called
20 matching federal funds. It's under U. S. Code 42,
21 Section 658.

22 Under that the Courts get matching
23 federal funds for the amount of support they
24 collect.

25 Also in Pennsylvania there is a \$250

1 cash bonus to the employees who work for the
2 Domestic Courts when they have upward, the raising
3 of fathers support orders.

4 Now again, I've been to the law
5 library and I'm not going to try to impress you,
6 but the United States Supreme Court said in
7 Marshall vs. Jericho that every individual is
8 entitled to an impartial, disinterested tribunal.
9 No one should have a financial interest in
10 enforcing the law.

11 If a police officer was told your
12 salary is going to depend on how many tickets he
13 gives you, you can damn well believe he's going to
14 give out a lot of tickets.

15 Right now Pennsylvania collects twenty
16 to thirty or \$40 million dollars in matching
17 Federal funds.

18 Governor Casey is just as responsible
19 right on down, because he will go on TV talking
20 about deadbeat fathers and how we want to go after
21 the deadbeat fathers simply because we have a
22 stake, like all of us. I live here in
23 Pennsylvania but I know this is happening
24 everywhere.

25 When there's free money in Washington

1 the states are all trying to out do each other in
2 their greed for this money. What Congress and
3 what the Federal Government has to do is get out
4 of the divorce business.

5 Now how much money right now,
6 Washington puts out over a billion dollars a year
7 as incentive payments to the State for the
8 collection of child support.

9 This was intended to help keep the
10 mothers off of Welfare. It isn't working. But
11 yet this is going on and on.

12 Now how much does Congress allocate
13 for the enforcement of custody? Not a red cent.

14 I'm not saying there should be money
15 to enforce custody. I think they have to get this
16 incentive to get out of this greed for money to
17 get the Courts out. And the Pennsylvania Supreme
18 Court right on down is too interested in where the
19 money's coming from. Allegheny County alone
20 received a million dollars a year in Federal
21 matching funds.

22 Now besides the general disposition of
23 these Judges to give mom custody, it's in their
24 best financial interest to give that custody to
25 mom and then to harass dad. And any time he has

1 a visitational problem that costs the Court money,
2 so they will not entertain it.

3 I haven't had a hearing in three
4 years. My ex-spouse had several Court hearings.
5 They'll gladly entertain a support hearing. And
6 with the new laws being passed what has happened
7 is every three years either on the mother's
8 initiative or the Court's own initiative, they can
9 bring the father in and through wage withholding
10 they can just attach his wages.

11 Now this is nice. I think it would
12 be great if the electric companies went into the
13 Congress and said, look, we have some people who
14 don't pay electric bills, let's attach their
15 wages.

16 The bottom line to all of this is
17 what's happening to these children? We have
18 looked at a lot of these studies. We have looked
19 at studies all over this country. None of these
20 children are coming out of this unscathed.

21 The problem is again with the Judges.
22 I'm sure I'm just reiterating what everyone has
23 said to this point. This Task Force, and I've
24 already written to Lieutenant Governor Mark Singel
25 asking, should this ever become a reality that I

1 would like to be placed on this Task Force.

2 However, about six months ago I filed
3 a Federal lawsuit against Governor Casey on down
4 through the Commonwealth, suing the Judicial
5 Inquiry and Review Board, the Disciplinary Board
6 of Pennsylvania, and the State Psychology Board,
7 because their job is to protect private citizens
8 in Pennsylvania.

9 As I said to you before, the Judges
10 are destroying families. I have gotten used to
11 the fact that I probably will never see my
12 daughter again, or ever have a relationship with
13 her. That's very painful. But the worst part of
14 it is watching the abuse by the Court system.

15 I have said over and over again on
16 every program I've ever been on that the largest
17 form of child abuse in this country is legal child
18 abuse. These are incompetent people handling your
19 children and mine - applause - and now I'm still
20 fighting for my child.

21 I'm here today and out there every day
22 fighting for everybody's children. Because all
23 the studies show that these children, the boys and
24 the girls, are going to suffer irreparable damage
25 and these Judges just don't give a damn. We've

1 got to get them out of the process.

2 Now what are the solutions? The
3 solutions are, number one, this Task Force must be
4 formed. And then it's going to make
5 recommendations. But it can't be a political
6 thing.

7 As I said, I think Governor Casey is
8 just as responsible because he's interested in
9 getting the funds into Pennsylvania because of the
10 fiscal problem.

11 Once those Federal funds are dealt
12 with, and I've written to Dr. Louis Sullivan in
13 Washington. He wrote a letter to Pennsylvania.
14 They investigated on it one-sided and they deep
15 sixed it, and that was it.

16 So the bureaucratic avenue is not
17 working. But what can this Task Force do? This
18 Task Force can look into these problems, make the
19 recommendations.

20 Why are these Judges given a ten
21 year - which in essence turns into a lifetime -
22 appointment?

23 Most people here in this capitol
24 building are elected every two to four years. Why
25 not a Judge? They like to cry, well to do an

1 effective job we've got to be given time. Well
2 they're given plenty of time.

3 Once they solidify their position and
4 knowing that they can't be sued, and with this
5 crazy Senate Bill in Washington now, they'll be
6 literally able to go out and murder someone and
7 not be held accountable.

8 They need to be elected every two to
9 four years.

10 We need to have Judges going through
11 education not on what the law is. They're always
12 going to courses. We need education in child
13 psychology. We need to educate them so they know
14 what's happening with these kids emotionally and
15 psychologically.

16 And last, until this society - not
17 just in Pennsylvania but over all - accepts
18 fathers as being an equal parent, we must open up
19 the doors to the impeachment process.

20 (Audience applause.)

21 I do believe that all problems in
22 society are worked out but the wheels of justice
23 move very slowly. And so does the bureaucratic
24 system move very slowly. So maybe twenty, thirty
25 years from now all these problems will be

1 resolved. But that's not helping my children and
2 the second and third generation of children of
3 divorce.

4 Until that happens these Judges know
5 that not one person can touch them. They laugh.
6 I must have brought seven or eight Federal
7 lawsuits against the Court system and individual
8 Judges. Every time I did this they just laughed
9 at me and made it harder and harder for me to get
10 to my daughter.

11 If they know they have something to
12 hang over their heads. As a practicing dentist I
13 have to take continuing education courses. If I
14 screw up in the office I get sued for malpractice.
15 They have absolutely nothing to hide from.

16 If they follow procedure, if they
17 follow law and then make a decision that's one
18 thing. But if they make up their own law and are
19 very malicious in doing so, and preventing either
20 mom or dad from their children then we've got to
21 weed these people out. And every organization has
22 a way of cleaning their laundry except these
23 Judges.

24 And all they do is they keep making
25 more laws to insulate them. And that's why I

1 think for the next ten to twenty years outside of
2 this Task Force being formed, the impeachment
3 process is an absolute must.

4 These Judges have to know that
5 someone's watching over them and they're not going
6 to take this child abuse any longer.

7 Now I'd be willing to entertain any
8 questions that anyone has, as far as my expertise,
9 not only working with children but again, being
10 the President of the National Organization.

11 CHAIRMAN CALTAGIRONE: Representative
12 Heckler.

13 REPRESENTATIVE HECKLER: Thank you,
14 Mr. Chairman.

15 BY REPRESENTATIVE HECKLER:

16 Q. I have a couple of questions about your
17 specific situation. How old is your daughter?

18 A. I have to think. She was eight when I saw
19 her. She's now eleven and a half.

20 Q. And you said you did have regular-- I
21 assume there was an Order entered with custody for
22 your wife. Was it custody and visitation?

23 A. No. I had my daughter from Thursday
24 afternoon to Sunday night, plus holidays, plus the
25 month of August. I had her considerably.

1 Q. Okay. So it was partial custody?

2 A. We both had partial custody.

3 Q. Okay. How did that come to be changed?

4 A. After I applied for a modification of
5 custody because the Court appointed psychologist
6 said I should have it increased even from what I
7 had, my ex-wife went in with her attorney and made
8 a one statement pleading and said I verbally
9 harassed my daughter for six years.

10 There was no hearing. In fact as of today
11 there's never been a hearing. It's her burden of
12 proof.

13 Q. Did the Court enter some kind of written
14 Order in this case?

15 A. They suspended my custody that day.

16 Q. Okay. And you subsequently appealed that
17 decision to an Appellate Court?

18 A. I appealed it. And as you know by the
19 time it got to the Pennsylvania Supreme Court, at
20 first they would not address it. We applied for a
21 allowance to appeal.

22 Q. Right.

23 A. I filed a Federal lawsuit and included the
24 Pennsylvania Supreme Court as a defendant. Two
25 weeks after I did that they accepted the case.

1 They sat on the case for a year.

2 Under U.S. Code 42, Section 1986, it's an
3 action to prevent neglect, I filed another Federal
4 lawsuit among others against the Pennsylvania
5 Supreme Court. They then heard the case.

6 Q. Okay. I'm not much interested in your
7 Federal litigation against the whole system. I'm
8 just trying to understand what the system did.

9 Would it be possible for you to share with
10 the Committee, you know, get it to us by mail at
11 your convenience, copies of the Orders entered by
12 the Court in this situation?

13 A. Typically what they did after that
14 December, 1987, they suspended my custody generally
15 and they just let it keep going on and on and on.
16 And they appointed different Court appointed
17 psychologists who the Judges said we're going to
18 let them handle it. And every time they would
19 start to get it back together, my ex-wife would do
20 something, and I'd go back and try to hold her in
21 contempt and they wouldn't even hear it.

22 Q. Well something just frankly doesn't sound
23 right about your testimony.

24 A. Exactly.

25 Q. Either you're right that the Court system

1 is absolutely malfunctioning or there's something
2 else that we're not getting the whole picture.

3 A. I'm still not getting the picture three
4 and a half years later.

5 Q. What I'm saying to you is it would be very
6 helpful to me in making a determination about this
7 if you would make available to us-- Have you
8 received copies of the psychologists reports?

9 A. They never made a report. And when we
10 asked them they said they don't have to and the
11 Judges backed them up.

12 Q. So that you're saying that the
13 psychologist, the Court appointed psychologist said
14 you should have more access to your daughter, but
15 that's not in writing anywhere?

16 A. Yes, that is and that was submitted to the
17 Court.

18 Q. Okay. I think it would be very beneficial
19 to this Committee to receive and, you know, I'm
20 sure staff can work with you, to give us anything
21 the Court has put in writing, as well as any part
22 of the record which is either in writing and
23 available to the public, or which is in your
24 possession and you are willing to share with us.

25 A. I will be glad to submit that to you.

1 Q. And I have to say to you that you stated
2 in your testimony in a very matter of fact way
3 I'll never see my daughter again. And I find that
4 very troublesome.

5 You are obviously first of all a
6 professional person and capable in your profession.
7 And you're obviously devoting a tremendous amount
8 of time to this effort as a nationwide issue.

9 I have difficulty - and first of all my
10 view is I don't do my own teeth. I have a dentist
11 who does my teeth. My view, my advice to you or
12 anybody in your situation is you ought to have
13 competent sympathetic appropriate professional
14 representation in Court.

15 But putting that aside, even pro se if you
16 devoted all of the energy you're devoting in these
17 various directions to gaining access on some kind
18 of regular basis, or any kind of basis, to your
19 daughter, I just cannot conceive that you would
20 not have succeeded, unless the Court is willing to
21 make some definitive statement that that would be
22 harmful to her.

23 A. Nobody's made a statement. I've spent
24 over \$200,000. I have no retirement fund anymore.
25 My two adopted children have nothing to go to

1 college on. I remortgaged my house. I've gone
2 through several lawyers.

3 The lawyers that assisted me in the civil
4 rights have been blackballed and constantly taken
5 in front of the Disciplinary Board.

6 I have done the pro se work only out of
7 necessity. Most fathers don't have the energy,
8 sometimes the emotional ability or financial
9 ability to do what I've done.

10 I've complained to the Court system. I've
11 gone all the way to the Supreme Court. I've gone
12 through the Federal court.

13 My answer to you is what more can I do?
14 How much more can I spend when there's not one
15 shred of evidence. No one has told me yet to this
16 day why I cannot see my daughter. They haven't
17 had a hearing.

18 And when I say my case, this is not an
19 exception. As a leader in this I can show you
20 hundreds and hundreds of fathers who have never
21 had a hearing. And there are class action suits
22 in the Federal Courts now stating just that.

23 I agree. You're saying I can't understand
24 this happening. Believe me, someone ripped my
25 heart out three and a half years ago and I keep

1 waking up in the middle of the night saying, what
2 does that flag stand for? What happened here?
3 How do I get back to her when I've done everything
4 humanly and even super humanly possible?

5 Q. Well specifically have you applied for a
6 hearing? Have you applied for a hearing? In
7 other words the matter was remanded at some point
8 to the Supreme Court.

9 A. Probably thirty times. And that would be
10 an underestimation.

11 Q. And for what reason is the hearing not
12 being scheduled?

13 A. The last time Judge O'Brien said custody
14 was decided in 1982, he's not going to schedule a
15 hearing. And the Pennsylvania Supreme Court had
16 jurisdiction of the case. They remanded it in
17 March of 1991 and they sent the case back, down to
18 the same Judge, Judge Lawrence Kaplan, that
19 suspended my custody in 1987.

20 I filed a Petition to have him recused and
21 he denied it, and he's sitting on the case, and
22 now we're starting all over again at the bottom
23 And when he denies my Petitions we'll go all the
24 way back. My daughter will be grown and have
25 children of her own by the time this is decided.

1 Q. Okay. That's the part. There's something
2 in the loop there that I'm missing. You're back
3 before Judge Kaplan who should presumably schedule
4 a hearing or some appropriate proceeding.

5 Are you due to meet with psychologists"
6 Does he have some basis" Are there some
7 psychologists saying that you shouldn't have
8 contact with your daughter"

9 A. No. No one.

10 Q. I think it would be very helpful to
11 receive all of the documentation we can on this
12 case.

13 Mr. Chairman, I know we'll be having more
14 hearings on this general subject and I'd love to
15 see the gentleman back again after we've had an
16 opportunity to review these documents. Something's
17 wrong.

18 A. I'll be glad to do it. Thank you.

19 (Audience applause.)

20 BY REPRESENTATIVE DERMODY:

21 Q. Dr. Mayerck, I just have a few brief
22 questions, and actually it's in the form of follow
23 up.

24 A. Sure.

25 Q. I'm from Allegheny County and I know a

1 little bit about the judicial system there.

2 You initially had custody. You described
3 the custody arrangements you had with your wife
4 and your daughter where she spent a lot of time
5 with you. And apparently there was a time when
6 she visited the Court appointed psychologist?

7 A. Correct. It was in the summer of 1987.

8 Q. Was there any particular reason why that
9 took place?

10 A. Well I knew to get a modification of
11 custody I had to go through the Court system. And
12 this Court appointed psychologist was not real
13 keen on giving me as much custody as I had. And I
14 knew I had to go back through him so I just made
15 an appointment saying you were Court appointed.

16 Q. Everything was fine with your daughter--

17 A. From 1982 to 1987.

18 Q. With the current custody?

19 A. Correct.

20 Q. Why did you want to modify that custody
21 arrangement?

22 A. My daughter said can I spend more time
23 with you.

24 Q. She asked you and you therefore asked the
25 Court appointed psychologist?

1 A. Yes. And I said I know I can't get it
2 because they're going to send me to the Court
3 appointed psychologist. So I went back to him, he
4 did evaluations and recommended that I have more
5 time.

6 Q. And that Court appointed psychologist gave
7 you a favorable report?"

8 A. He gave me a report which I submitted
9 through my Petition For Modification.

10 Q. And because of that report you asked for a
11 modification?"

12 A. Correct.

13 Q. You go in for a hearing in front of Judge
14 Kaplan armed with that report?"

15 A. Correct.

16 Q. You filed a request for the hearing with
17 the Petition asking for more time with your
18 daughter having that Petition?"

19 A. Right.

20 Q. That psychologist testified at that
21 hearing?"

22 A. No. There was never a hearing. She went
23 in that day on Motions. We went in to get a
24 hearing. You have to go into Motions Court.

25 Q. Yes.

1 A. Her rebuttal was the Petition, that my
2 custody should be suspended based on the fact that
3 I verbally harassed my daughter for the last six
4 years.

5 Q. That allegation was the only allegation?

6 A. That was the only allegation. It also
7 stated she lived here, I lived there, etcetera.
8 There was one paragraph and based on that without
9 a hearing my custody was suspended that day.

10 Q. Did the Judge ever render any type of
11 opinion as to why he suspended custody?

12 A. No.

13 Q. Did he state any reasons from the bench as
14 to why he suspended custody?

15 A. No. No he did not.

16 Q. Did he talk with the child at all?

17 A. No.

18 Q. And after that, that hearing was ended
19 with Judge Kaplan in Motions Court?

20 A. In Motions Court. Then Judge O'Brien took
21 the case over.

22 Q. How long after that did Judge O'Brien take
23 the case over?

24 A. Immediately after that.

25 Q. How did you end up back in front of Judge

1 O'Brien?

2 A. Because Judge Kaplan was the Motions Judge
3 and they said this needed to be put in front of a
4 Judge, I guess a permanent Judge if you will.

5 Q. I know its a while ago but I'm just
6 confused as to the whole procedure.

7 A. Judge Kaplan was the Motions Judge.

8 Q. And he rendered an Order that day just
9 strictly on the Motion? He took nothing under
10 advisement or anything else? He issued an Order
11 from the bench in Motions Court?

12 A. Correct.

13 Q. Judge O'Brien. Did you appeal that Order?

14 A. That was the other key that happens to all
15 fathers. They're all written temporary and you
16 cannot appeal a temporary order.

17 Every Order I've had since September,
18 1987, has been labeled temporary.

19 Q. Was it temporary pending a hearing in
20 front of Judge O'Brien?

21 A. Yes.

22 Q. All right.

23 A. Never had that hearing.

24 Q. But you ended up in front of Judge
25 O'Brien?

1 A. No, I never did. He allowed two people,
2 two more therapists who worked for the Court to
3 testify. He never let me testify or any of my
4 witnesses. And he said they're not needed and
5 then he wrote an Order finally terminating my
6 custody in August of 1988.

7 Q. The Court proceeding where the people
8 testified, were you present?

9 A. I was present. I was not allowed to
10 testify.

11 Q. Was that a hearing on the final custody
12 order?

13 A. No. We were supposed to have a
14 conciliation on reinstating my custody. Judge
15 O'Brien's secretary called me the day before and
16 said this won't be a conciliation. This is going
17 to be a hearing. I said, "What for?"

18 In the middle of the hearing Judge O'Brien
19 told me this is a hearing to see if you're ever
20 going to see your daughter again. And I was
21 flabbergasted.

22 I had no idea it was coming and he only
23 let this Court appointed psychologist, not the
24 same one, a different one, testify. And I had
25 witnesses the next day and I had my testimony and

1 he wouldn't let me testify and he wouldn't let my
2 witnesses testify.

3 Q. You were represented by counsel?

4 A. At that time I was represented by myself.

5 Q. At that hearing you said at one point the
6 Judge ordered you to undergo therapy?

7 A. After that hearing he stated-- There was
8 nothing in the record that said I even needed
9 therapy. But he ordered me to therapy to learn to
10 cooperate with my ex-spouse. And in essence
11 that's when I filed the Federal lawsuit. I said
12 you can't force someone into guilt therapy. So he
13 and I clashed horns. I mean let's make no bones
14 about it.

15 Q. During the hearing you had clashed horns
16 with the Judge?

17 A. Well not at the hearing but in different
18 pleadings. I kept filing pleadings asking to have
19 my custody reinstated.

20 Q. Did he order you go into therapy?

21 A. Yes.

22 Q. Did he say why he did that?

23 A. Every time-- When I got counsel every
24 time and he was asked he would say he knows very
25 well why he's going in therapy.

1 Q. At the hearing did he say why?

2 A. No, he never gave an explanation.

3 Q. It was an order, you are to go get therapy
4 for?

5 A. And then even when I did--

6 Q. He never gave a reason?

7 A. No. And later on in a transcript between
8 my lawyer and Judge O'Brien he said, well I made
9 him do that because I was angry at him. And it's
10 right in the transcript.

11 This was his very first custody case.

12 Q. Did you go to therapy?

13 A. Twice. And after therapy he says well
14 I'll give you phone calls. And it took me, my
15 lawyer at that time about six hours to negotiate
16 because somehow my ex-spouse just couldn't make my
17 daughter available. And it cost me about \$1000 to
18 negotiate a phone call with my daughter. And that
19 was Judge O'Brien's recommendation.

20 Q. His recommendation that you?

21 A. Have phone calls after therapy.

22 Q. After therapy.

23 A. I also brought in and took a deposition of
24 Dr. Richard Gardner and I don't know if any of you
25 are familiar with him. But I brought him in.

1 Judge O'Brien would not let him testify and he
2 looked at the transcripts and he talked about
3 parental alienation syndrome and how severe
4 brainwashing can get involved and Judge O'Brien
5 wouldn't even listen to him.

6 Q. Did Judge Kaplan or Judge O'Brien ever
7 speak to your daughter?

8 A. Oh yes, many times.

9 Q. They did?

10 A. Many times. And after I was alienated
11 from my daughter-- You have to understand that
12 once these things happen, now my daughter after
13 eight years where we were inseparable, from
14 Thursday to Sunday I never once got a babysitter.
15 I knew how to change her diapers when she was a
16 baby. I knew how to take care of her. Now my
17 daughter states that she doesn't want to see me,
18 but this is as she hangs onto her mother.

19 Q. The visits the Judges had with your
20 daughter, did they take place while you were
21 present?

22 A. No.

23 Q. Did any of them take place while you were
24 there?

25 A. No. Even when I was represented by myself

1 they still wouldn't let me be there.

2 Q. Did he meet with her by herself?

3 A. In his Chambers by herself. And he would
4 not let me see the transcript and I had to write
5 to the Attorney General of Pennsylvania under
6 special rule, I think it was Rule 128, requesting
7 the transcript so I could see what she said.

8 Q. So during the course of these hearings in
9 front of Judge O'Brien--

10 A. Just meetings. They weren't hearings.

11 Q. Meetings. But the Judge met with your
12 daughter?

13 A. My daughter. Correct.

14 Q. Okay. By herself. The mother, your ex-
15 wife wasn't present either, is that right?

16 A. No. Well she was probably outside. But
17 at one point he asked my daughter on four separate
18 occasions what is it exactly that your dad does
19 that's so bad? And my daughter just couldn't
20 answer. And he told her, I haven't heard anything
21 about him. But what did he do, he continued the
22 suspension of my custody. And this went on for
23 years.

24 And the saddest thing about this is even,
25 even when you deal with abused children one of the

1 things they try to do is they try to get the
2 parents and child back together, because that
3 period of alienation, the longer it goes.

4 The saddest thing I see in this is my
5 daughter is being told directly and indirectly
6 that dads aren't important. They're disposable
7 parents.

8 Now can you imagine as she grows up what
9 her image of the opposite sex is going to be. And
10 God forbid should she ever get married and
11 divorced, what is she thinking?

12 What is the message that the Court is
13 sending to my daughter? Judge O'Brien told my
14 daughter in Chambers that, he said your dad is
15 sick and he needs therapy. What is that telling
16 my daughter?

17 Q. There was a court reporter present during
18 this time that--

19 A. I believe so. My lawyer was in there and
20 he heard that. Again, I wasn't permitted in
21 there.

22 Q. Was there a court reporter present when
23 your daughter spoke with the Judge in Chambers do
24 you know?

25 A. Usually there was.

1 REPRESENTATIVE DERMODY: Thank you.
2 That's all I have.

3 (Applause.)

4 CHAIRMAN CALTAGIRONE: District
5 Justice Greth.

6 BY DISTRICT JUSTICE GRETH:

7 Q. Concerning visitation of your daughter,
8 did you have visitation every week from Thursday
9 to Sunday?

10 A. I had her three or four weeks and if there
11 was a fifth week I had that also from Thursday to
12 Sunday. The month of August and holidays.

13 If you want to calculate it out on the
14 ledger I probably had her about forty percent of
15 the time. And again, the only reason I went back
16 in is because my daughter asked me to.

17 CHAIRMAN CALTAGIRONE: Ms. Dautrich.

18 BY MS. DAUTRICH:

19 Q. Dr. Mayerck, I have a question regarding
20 some of your comments about the Domestic Relations
21 Office.

22 You are the first individual I have heard
23 testify that has even mentioned that there is
24 extensive Federal laws and Federal regulations
25 involving the establishment, the collection and

1 enforcement of Domestic Relations Orders.

2 Now in any of your Federal lawsuits did
3 you challenge the constitutionality of these laws,
4 not just the application thereof?

5 A. Yes.

6 Q. You challenged the actual
7 constitutionality of these laws?

8 A. Yes I did. And the Federal Courts, and
9 I'll put this very bluntly, they protect their
10 state cronies that work that wear the black robes.

11 (Audience applause.)

12 And now the fathers and mothers that are
13 filing civil rights violations in Federal Court,
14 the way to stop that the Federal Courts are now
15 sanctioning these people to try to suppress this.

16 This is the way-- And again, I even have
17 flyers out of the Child Support Enforcement Office
18 in Washington, D.C., because being the president I
19 get all this literature, and in it was a - and I
20 can send this to you where it shows that
21 Pennsylvania was rewarding the employees of
22 Domestic Relations \$250 cash bonuses to raise
23 fathers child support orders upwards.

24 Q. Wasn't that part of the Welfare Reform
25 Act?

1 A. That's what was originally intended.

2 Q. Yes.

3 A. That's its original purpose but it has
4 surely gone amuck.

5 Q. Because under the Welfare Reform Act
6 which--

7 A. AFDC funds.

8 Q. Yes.

9 A. Exactly.

10 Q. The Domestic Relations Section is charged
11 with establishing support, with providing
12 representation for plaintiffs, not defendants.

13 A. Right.

14 Q. And also with enforcing it. So there has
15 been some opinions expressed that the law could be
16 challenged on its constitutionality because of the
17 conflicts.

18 A. I did. I challenged all that and I took
19 it to the Third Circuit. About four of these
20 cases I even applied for Certiorari at the U. S.
21 Supreme Court and was denied.

22 The Third Circuit Federal Court in
23 Philadelphia, all they would address was immunity
24 for Judges. They didn't address injunctive
25 relief. They didn't address anything. And now

1 that these lawsuits are starting to mount up
2 against Judges, they're starting to sanction people
3 saying these are frivolous.

4 The don't want to deal with them because
5 once they open the Federal doors the flood gates
6 are going to just. Because this is a serious
7 problem, again not just in Pennsylvania, but
8 everywhere in this country.

9 Q. Because the 1984 Child Support Enforcement
10 Amendments mandated that all fifty states do these
11 things, as do the CFR, they apply to all fifty
12 states.

13 A. Exactly.

14 Q. So it's just not a state problem that can
15 be addressed.

16 A. That's why I said once the Federal
17 Government gets out of the divorce business
18 because there's just too much money out there.
19 You know, a Judge knows he's going to entertain a
20 support petition because he's going to make money
21 on that for his office.

22 He's not going to entertain a custody
23 petition or a contempt for visitation of a parent
24 because it's going to cost the Court money.

25 Q. So as a practical matter while the Federal

1 laws exist as they are, aren't the State Courts
2 and State Domestic Relations Sections mandated to
3 follow those?

4 A. Yes,, they're mandated. Exactly. And
5 this is why I've written to Dr. Louis Sullivan and
6 all they do is deepsix everything. He passes it
7 on to the individual state, in this case
8 Pennsylvania. Pennsylvania ran a very brief
9 letter investigation and they dismissed it also
10 saying they find no wrongdoing. Just like the
11 Judicial Inquiry and Review Board.

12 And I find it interesting that, as I said,
13 there is a Senate Bill in Washington right now to
14 try to give Judges not only immunity from damages,
15 but now to prevent the injunctive relief too.

16 Everything we're doing here could almost
17 be wiped out by Congress in Washington, and that's
18 why I stress for probably the next ten to twenty
19 years until society recognizes we've got a
20 problem, we've got to open up that impeachment
21 process.

22 MS. DAUTRICH: Thank you.

23 (Audience applause.)

24 CHAIRMAN CALTAGIRONE: Thank you, Dr.
25 Mayerck.

1 To keep things flowing I'd like to
2 have Justus D. Merkel, Sinikka Lawless and John
3 Green come up and sit here so that we can go one,
4 two, three and question one, two, three.

5 If you don't mind please take your
6 seats here at the table.

7 I would assume that you're Justus
8 Merkel?

9 MR. MERKEL: Yes.

10 CHAIRMAN CALTAGIRONE: And you're
11 Sinikka Lawless.

12 MS. LAWLESS: Yes.

13 CHAIRMAN CALTAGIRONE: And is John
14 Green here?

15 (Affirmative response.)

16 CHAIRMAN CALTAGIRONE: Would you like
17 to come up, John, and be seated here also.

18 (Mr. Green was seated at table.)

19 CHAIRMAN CALTAGIRONE: All right.
20 We'll start off with Justus. If you would please
21 give us your testimony and when you're concluded
22 we'll hold the questions. We'll go to Lawless and
23 after her we'll go to Green.

24 MR. MERKEL: My name is Justus Merkel
25 and I'm the Acting President of Fathers United

1 from Beaver County. And I am foremost a good
2 father and I am here only to represent good
3 fathers.

4 Bad fathers are another issue and one
5 of the main problems that you have is that they
6 are both treated equally, so that a good father is
7 automatically a bad father in the eyes of the
8 system.

9 But what I would like to start out
10 with is there are some recent Federal statistics
11 that have somewhat surprised me. Eighty-five
12 percent of all your prisoners in this country have
13 come from a single parent maternal household,
14 because the Court system and the State would not
15 permit fathers to be there to parent their
16 children.

17 Seventy percent of teen suicides have
18 come from single parent maternal households.
19 Sixty-five percent of teenage drug problems have
20 come from single parent maternal households.

21 These figures are startling to me. I
22 just couldn't believe them when I read them. And
23 something has to be done with the Domestic
24 Relations system because men and fathers win,
25 actually win custody two and a half percent of the

1 time. And if you think that the mother is the
2 better parent, ninety-seven and a half percent of
3 the time that just could not be true.

4 So we are interested in equality in
5 the system. And quite honestly fathers need - the
6 percentage needs to be increased where the fathers
7 have custody.

8 I have listed some of the broader
9 points that I would like to touch on. Just
10 instances in the system that they basically
11 refused to do.

12 Number one is if the mother skips out
13 and the father is paying support, or the custodial
14 parents, most often the mother skips out and takes
15 the children and the father cannot find the
16 children. And if he tries to find out where the
17 children are, Domestic Relations refuses to tell
18 the father where the children are. And this is
19 obviously wrong.

20 This goes to fragmentation of the
21 system which I will deal with later. But that is
22 obviously something that has to be changed.

23 Another thing is, the second point is
24 refusal to provide for the children while with the
25 non-custodial parent.

1 I pay support. I have paid support for
2 three years. Never missed. Never late. I have a
3 Court Order for partial custody/visitation with my
4 children three days a week. I haven't seen my
5 children for a few months, but I have them forty-
6 three percent of the time. And they eat just as
7 much at my house as they do at their mother's.
8 They consume just as much utilities. They use the
9 vehicle. Everything is similar except the
10 mortgage because you're required to pay for a
11 share of the mortgage. But both parents are
12 obligated to support the children, and both
13 parents do support the children for the custodial
14 parent. Both parents do not support the child or
15 children for the partial custody parent. That is
16 one way of looking at it.

17 Another way of looking at is that you
18 are supposed to give credit for direct
19 expenditures made for the children.

20 And other cases, and my case is no
21 different. In my case the Judge refused to give
22 me any credit whatsoever. Not one penny. This is
23 wrong and there are State laws that cover this.

24 Standard visitation amounts to 21.5
25 percent of the time approximately. I have my

1 children 43 percent of the time. And it basically
2 amounts to for all intents and purposes shared
3 parenting and should be treated as such. But it
4 is not.

5 And I myself in addition to fighting
6 Domestic Relations have fought the entire system.
7 I have had four Superior Court appeals. I've won
8 all four of them. Well I don't know where it got
9 me because I haven't seen my children. I don't
10 have my children back yet. I'm trying to get
11 custody. And my legal fees are about \$20,000.
12 And the only reason that they're so low - if
13 \$20,000 can be considered low - is that I am
14 representing myself in the support case and in the
15 divorce, in the settlement.

16 I have retained my lawyer because my
17 wife, ex-wife insists on filing sexual abuse
18 charges against me. And I have been found
19 innocent three times. And the Superior Court has
20 indeed found the same as the Lower Court, that my
21 wife did coach the children and told them in the
22 van on the way over to the Courthouse that I was
23 touching their private parts. Now what more do
24 you have to do in a case like that?

25 Another thing that is a problem in

1 this State, not throughout the State, is a refusal
2 to assign an earning capacity.

3 Now they're doing fairly well in
4 Allegheny County. They are assigning earning
5 capacities, but in Beaver County they're not doing
6 so well. Quite often they will assign no earning
7 capacity to the custodial parent. And once again
8 it's law and it's not hard to figure out you're
9 supposed to do it. Why they don't do it, I just
10 don't know.

11 Being the president of my group I get
12 to see hundreds of fathers come through and the
13 complaints are very much similar.

14 I have some members come through and
15 say that well the Judge figured their support
16 based on gross. Well it's pretty obvious the
17 State law says net. Why as it gross? I don't
18 know. If you don't like it, appeal it. It's
19 going to cost you \$3000 to go to the Superior
20 Court.

21 That County Judge, the Commonwealth
22 level Judge is God. If you don't like his
23 decision and you can't pro se it's going to cost
24 you. It's going to cost you. And my complaint is
25 that I just think it's open season to bash

1 fathers.

2 Mothers have problems too, They try
3 to get support from the father, Domestic Relations
4 won't help them. We don't deal with that too
5 much. There are mothers that come into our group,
6 but we deal mainly with fathers.

7 The eighth point would be support
8 guidelines. One of the things that they do now is
9 the support for college, the parents are
10 responsible for sending their child or children to
11 college.

12 Well I don't know of anywhere in the
13 State where a child has sued their married parents
14 for college support. It hasn't happened. Why
15 does it happen when the parents are separated or
16 divorced?

17 What it is, it's an automatic boot
18 strapper that it's just a method of punishment for
19 the father because it's supposed to be based on
20 your ability to pay. And if anybody would check
21 the records from what I've seen, the small amount
22 I've seen, they're using the guidelines for
23 college support.

24 The guidelines are not for college
25 support. So it's amazing that it comes right down

1 to the identical figure. I guess it's just a
2 coincidence. I don't know.

3 But the problem is just so
4 complicated. For instance the kickbacks.
5 Domestic Relations gets a kickback of fifty cents.
6 For every dollar that they can collect in support
7 they get a fifty cent kickback, which is
8 theoretically to increase collections.

9 Well if they haven't figured out yet,
10 if you've got a bad father and he doesn't want to
11 pay, you're not going to make him pay. So it's
12 kind of a waste of money. However, one effect
13 that it will have is it does encourage them to
14 collect more support. The more support they can
15 collect the more kickbacks they can collect. So
16 it's kind of backfired for the purpose that they
17 intended for that.

18 Also, I've had two Superior Court
19 appeals on my support and my case is good to use
20 because I'm so familiar with it.

21 But my main complaint in my dealings
22 with the system is they will not let me have my
23 basic needs.

24 Now I'm sure you're familiar with case
25 law and case law you could find dozens and dozens

1 of case laws where it says that you are entitled
2 to your reasonable living expenses. Well that's
3 pretty close to basic needs. But I feel that I am
4 entitled to my basic needs and when you have a
5 Commonwealth level Judge that states your basic
6 needs as it was in my case, he said he has X
7 amount of dollars, leaving X amount of dollars
8 left over for support.

9 The support I have to pay is \$200 more
10 than the money that I have left over. Now this
11 makes no sense.

12 It's in the law. It's in the statute.
13 The statute says, and I quote, "After the basic
14 needs of the parents have been met then the
15 children shall be a priority."

16 Well I don't think the law could have
17 been stated anymore clearly. It's quite clear. I
18 don't understand the problem. I appealed to
19 Superior Court and I have the copies of their
20 Opinion here, it's a fourteen page Opinion that
21 they wrote. They said that my basic needs were
22 largely irrelevant. Gee, I'd like to know where
23 they got that from. It doesn't take a rocket
24 scientist to be able to read that sentence right
25 there. It's right in the statute.

1 And my main complaint is a lot of this
2 is already there. If you want to propose new
3 legislation - I don't know why they don't follow
4 the old laws.

5 It's really simple. It's so simple
6 sometimes that it just amazes me. You walk out of
7 the Courthouse shaking your head, because I don't
8 know if they are just in a hurry and want to get
9 through it or what it is.

10 But the problem with the system is
11 that you do end up with a fragmentation of the
12 system where they will tell you that support is
13 here, partial custody/visitation is here. That
14 divorce is here.

15 And one Judge does not get to see the
16 overall picture. They fragment it. And anybody
17 who wants to take advantage of the system can use
18 that fragmentation of the system to their
19 advantage.

20 My ex-wife denied me visitation. So
21 because I don't see the children my support should
22 go up. When I reminded the Court that they were
23 rewarding my ex-wife for disobeying a Court Order
24 he came right back, visitation and support are
25 separate.

1 Visitation and support are really not
2 separate. They are intertwined. Even the
3 divorce. Everything. The entire case that
4 results from the divorce is all intertwined and
5 the Court should be made aware of what is going on
6 in all the various arenas, because they'll get one
7 and play it against the other.

8 Anybody who knows what they're doing.
9 Anybody who gets a lawyer that can advise them,
10 they will know. Yes, go to the women's shelter.
11 Go to Children and Youth.

12 I have fought the women's shelter. I
13 have fought Children and Youth. I have won. I am
14 innocent. Not once, three times. I don't have my
15 children.

16 My ex-wife got married moved to
17 Virginia. That's kidnapping. It's a violation of
18 the law. So now I have to go back and file for
19 emergency relief. It just never ends.

20 My wife left August 1, 1988. I have
21 not had a custody hearing yet. I'm still waiting.

22 The Superior Court remanded my support
23 case on July 1st back down to the Commonwealth to
24 have another hearing. I'm still waiting. And
25 from my understanding the Court can take as long

1 as it wants to to reschedule a hearing. Meanwhile
2 I pay an onerous amount of support and the problem
3 just goes on and on and on.

4 In my brief I have a lot of things
5 marked down with reference to credit for the non-
6 custodial parent.

7 Actually I'm pretty proud of that
8 brief. I spent a lot of time on it. Saving \$3000
9 helped too. But it's a long hard fight and we
10 just have to find out some way that we can get the
11 system to obey the laws that are already there.

12 I'm not going to tell you and complain
13 to you about the way I was treated because I don't
14 care that they're nasty to me. What do I care as
15 long as they treat me fairly under the laws.
16 That's what makes me mad, if they've had a bad day
17 and they don't treat me fairly.

18 I'm sure there will be other people
19 who will complain to you about the way they have
20 been treated, and what are you going to do,
21 legislate manner school? I don't know. You can't
22 do that.

23 But that's really not the problem.
24 The problem is we need these laws obeyed and
25 they're not obeying them. And I don't see what

1 the big deal is. I mean I would like to get 'this
2 straightened out.

3 My son will be seven years old next
4 month and I'd like to see this straightened out by
5 the time he gets married, and maybe he might be
6 treated the equal of a mother. Maybe. Right now
7 it's not going to happen. Fathers are just
8 stomped into the dirt.

9 We have many fathers in my group, they
10 take their house. They take their car. They take
11 their children. What more do they want? By then
12 the fight's taken out. Me, I'm stubborn. That's
13 why I'm here.

14 Obviously if I was a bad father I
15 wouldn't be here. I'd be out drinking somewhere or
16 something like that. But that's the issue.
17 You're not going to make a bad father pay. But
18 you've got to take care of the good fathers and
19 there's a lot of us out there. Not just two and a
20 half percent. It just couldn't be. And just stop
21 discriminating against men and sometimes women.

22 You didn't tell us what to do when we
23 were married and now you've decided to tell us
24 what to do with our lives now that we're separated
25 and divorced. So it's your problem and with our

1 help you're going to have to try to fix it. And
2 that's basically all I have to say.

3 (Audience applause.)

4 CHAIRMAN CALTAGIRONE: Thank you, Mr.
5 Merkel.

6 Sinikka Lawless.

7 MS. LAWLESS: Good afternoon members
8 of the House Judiciary Committee. My name is
9 Sinikka Lawless and I am the Executive Director of
10 Parents United For Reform Justice and Equality, a
11 Montgomery County based organization from over
12 eight years ago to support and help separated,
13 divorced and single men and women who are having
14 legal problems.

15 We are very pleased and grateful that
16 you have given us this opportunity to air our
17 feelings today and bring to you our proposed
18 change to our judicial system.

19 In May, 1983, I wrote a letter to all
20 Montgomery County Federal and State Legislators
21 expressing a need to have hearings at both Federal
22 and State levels for the legislators to learn what
23 is happening to the people in divorce, custody and
24 support matters.

25 Soon after that, thanks to the

1 regulations our organization became one of the
2 many organizations vested by the Corporation Means
3 Committee of the House and the Senate Committee on
4 Financing in Washington, D.C.

5 Child support amendments of 1984 were
6 passed without any opposition, mandating all the
7 states to include and better define their child
8 support problems.

9 What happened for example to me in
10 1982 when the Judge in Montgomery County without a
11 hearing and without testimony slashed the support
12 for me and my children and forced us on the food
13 stamps, and for me to declare bankruptcy would not
14 happen today but must remain to be done in other
15 areas such as custody and equitable distribution.

16 The well-being of the children of this
17 state is of interest and importance to this
18 Commonwealth and its legislative body. Yet for
19 years the entire class of people, those who choose
20 to be boss, have been left to their own devices to
21 manage the best they can with the system, that at
22 best is slow, inefficient, costly, time consuming,
23 cumbersome, and at times even dangerous to the
24 lives of the people that its supposed to serve.

25 It is a system that is so overburdened

1 by criminal and civil suits that sometimes they
2 have lost sight of the fact that they are there to
3 serve the people instead of lording over them.

4 Years that would otherwise be spent
5 productively for example by returning to school
6 are consumed by useless education and nothing is
7 resolved to the satisfaction of either party.

8 The money, often in astronomical
9 amounts spent for legal services that may or may
10 not have been rendered by lawyers, has deprived
11 many a child of quality education and other
12 necessities for life.

13 People's rights on civil, statutory
14 and parental rights are repeatedly being ignored.
15 At times Courts exhibit great disregard for the
16 laws and rules of the Court that it makes one
17 wonder why legislate laws at all.

18 At the cost of permanently ruined
19 lives Judges every so often are more interested in
20 punishing people for contempt and lording their
21 power than showing interest in children and their
22 parents welfare.

23 The consequences of all this have been
24 disastrous, jailed mothers and fathers, emotionally
25 scarred children, suicides, increased

1 poverty, increased welfare roles. Ordinary law
2 abiding citizens become outlaws and refugees in
3 their own country.

4 Even an occasional murder involving
5 Judges and lawyers between parents and their
6 children are being reported by the media.

7 Most of the problems for the families
8 come at the Common Pleas Court level. Most people
9 cannot afford to appeal and those who can often
10 find after a lengthy and costly process that even
11 if they win damage has already been done.

12 It is at the Lower Court level that
13 the divorce gets lost and the rights of the people
14 are lost to the wind when due process is being
15 denied.

16 There are laws and rules of procedure,
17 I know. And Judges helped by the lawyers are
18 necessary for all of the matters. But many Judges
19 are unable or unwilling to decide the most simple
20 issues even when there's a remedy at law.

21 In divorce there are no jury trials.
22 People are entirely at the mercy of Judges. These
23 black robed men and women who so often seem devoid
24 of all compassion and understanding of the
25 consequences of their decisions.

1
2 Through divorce more letters have come
3 into contact with our judicial system than ever
4 before. The minority people who for one reason or
5 the other choose to be born and their children has
6 been born, new minority has been born. They too
7 are taxpayers and deserve the same attention of
8 any other taxpayer.

9 Total reform is badly needed and we
10 need to take the removal of divorce from the
11 Courts and making Judges and lawyers accountable
12 for their actions and responsible for the damage
13 they cause.

14 Something must be done or the whole
15 generation of children will pay dearly for our
16 mistakes.

17 The evidence shows that divorce has
18 failed miserably in the administration. It would
19 be mind boggling to know just how much the
20 judicial system has made, not only the principals
21 in divorce but everyone in society, to lose
22 financially through incompetence, greediness, and
23 then for divorce lawyers and Judges to complicate
24 divorce and related issues.

25 The judicial system in its handling of

1 divorce tramples on the individual rights and
2 denies the right of happiness from the people. It
3 was never meant to be by our Forefathers.

4 And today we come to you as our
5 elected representatives and ask you to take a
6 serious look as to what went wrong and what can be
7 done to improve and bring about changes. And
8 bring a stop to the many heart-rendering stories
9 you are hearing during these three days. After
10 all, it's still government of the people, by the
11 people, for the people, and not for the lawyers
12 and Judges.

13 From the many cases our group has been
14 involved in, I have chosen one that in my opinion
15 so well illustrates the abuse people are subjected
16 to by the Courts.

17 This is a story of a citizen of
18 another country, Australia. The mother of two
19 small children who in March, 1986, was thrown in
20 the middle of our judicial system and who is still
21 fighting for her children.

22 She has given me power of attorney to
23 relate her story to you. Her name is Susan.

24 In March 1986 when Susan and her
25 family lived in West Germany she came home one day

1 to find a note from her American husband telling
2 her that he had filed for divorce in the United
3 States. And that he had taken the children to the
4 United States. He also asked her to move out from
5 the home and find a job so that she could support
6 herself.

7 He added that after Susan signed the
8 divorce complaint he would discuss with her if she
9 could see the children. The children at the time
10 were three and a half and one and a half years of
11 age.

12 She then contacted the Military Base
13 where her husband was employed as civilian
14 employee. They could do nothing else for her
15 other than give her a listing of lawyers in
16 Montgomery County, Pennsylvania.

17 Susan contacted one and after
18 borrowing enough money she moved to the United
19 States. With the help of her attorney she secured
20 a hearing date on April 7th before a Judge in
21 Montgomery County. And her husband was ordered to
22 turn over the children to her.

23 That should have been the end of it
24 and Susan should have been able to return to West
25 Germany or Australia for that matter. But it was

1 not the end and the nightmare that Susan is living
2 to this day began.

3 The Judge ordered her and the
4 children's passports to be held in escrow to
5 prevent the snatch of the children. And ordered
6 her to live in Virginia where her husband had also
7 moved after being transferred from West Germany.

8 Now, another custody hearing was
9 supposed to be held on August 5th. Now it should
10 be noted that for any action in divorce or custody
11 to take place a person must have been a resident
12 of the state or county and in this case the
13 country for at least six months.

14 Susan and her children have never
15 resided in the United States. Neither had her
16 husband lived in Pennsylvania since 1979.

17 There were no transcripts taken of
18 this hearing. There exists only the Order of the
19 Judge.

20 Susan did as she was told and stayed
21 with friends in Virginia.

22 On August 5th another custody hearing
23 was held before a different Judge. In that
24 hearing susan was led to believe that she would
25 lose the custody of her children if she did not

1 become a permanent resident of the United States.
2 And that her husband would withdraw the divorce
3 complaint long enough to sponsor her.

4 Not knowing any better and being given
5 poor legal advice her attorney appears to have
6 been more worried about his fees than anything
7 else. Susan agreed to stay in the United States.

8 The day after her husband withdrew his
9 divorce complaint and reinstated it after she
10 received her alien card.

11 Being foreign-born myself I have often
12 wondered what the immigration officials would have
13 said to that. This was done with the full
14 knowledge and blessing of the Court.

15 In September of that year, Susan after
16 contacting a Virginia attorney learned she could
17 apply for custody and divorce in Virginia where
18 everybody lived, and that the matter does not
19 belong to Montgomery County at all.

20 Immediately her husband's attorney
21 filed a petition in Montgomery County requesting
22 that she be enjoined from filing custody action in
23 Virginia.

24 A conference on this petition was held
25 on September 30, 1986, and the Judge who had

1 presided over the custody hearing enjoined Susan
2 from starting action in Virginia. Neither she nor
3 her husband attended this conference. They were
4 both living in Virginia at the time.

5 In March, 1988, Susan husband's quit
6 his job in Virginia and moved to Pennsylvania
7 after ten years absence.

8 In July of that year his attorney
9 filed for reduction in visitation due to his move
10 from Virginia where the children resided.
11 Thereafter his attorney has filed numerous
12 petitions to gain the custody of his children.
13 always claiming that Susan was leaving for
14 Australia.

15 All these petitions are almost
16 identical and all these allegations have been
17 already litigated, found to be false and Susan was
18 awarded custody of the children each time except
19 the last time.

20 It appears that when father was living
21 in Virginia no action in custody took place. When
22 he moved to Pennsylvania there was no end of the
23 Petitions filed.

24 The first Petition was filed in
25 August, 1988, when children were visiting their

1 father. That Emergency Petition claims, like all
2 the others, Susan was moving to Australia.

3 And the third Judge who entered the
4 case awarded temporary custody of the children to
5 father.

6 Three days later after learning that
7 father's allegations were false the Judge issued
8 an Order and returned custody to Susan.

9 But Susan was not going to give up
10 from Pennsylvania entertaining the restriction over
11 her and her children. On November 28, 1988, a
12 hearing had been scheduled to hear Susan's
13 objections on the restriction issue.

14 Susan was told by her attorney that
15 her presence was not required to hear the
16 restriction issue and she proceed to leave for her
17 trip to Australia with the children to see and
18 spend time with her father who was dying of
19 cancer.

20 She had informed her husband about
21 this trip, as well as she had made arrangements
22 for the children to keep up with their studies,
23 all of which became evident at the later hearings.

24 However, her husband's attorney
25 already during the course of the restrictionial
hearing claimed that Susan was leaving for

1 Australia permanently. The Judge interrupted the
2 restrictional hearing and issued an Order ordering
3 Susan and the children to be removed from the
4 plane fifteen minutes before takeoff at Los
5 Angeles Airport.

6 Susan was arrested and handcuffed in
7 her children's presence, although she pleaded with
8 authorities not to let her children see this. The
9 children were then placed on Social Services till
10 father picked them up the next day. Susan never
11 saw her father before he died.

12 After Susan was released she moved
13 back to Virginia and filed for custody of her
14 children in Virginia.

15 The Judge in Montgomery County refused
16 to relinquish jurisdiction and Susan retained an
17 attorney in Montgomery County.

18 In January, 1989, Judge returned the
19 children to Susan. And then after six days of
20 hearing were held, which continued another three
21 days in May, 1989, during these hearings it became
22 evident that numerous Petitions filed by father's
23 attorney contained false allegations. And that
24 her husband had known about her trip to Australia.

25 The Judge assured Susan that her

1 husband would never again be able to obtain an
2 Order exparte or without Susan's knowledge.

3 On August 1, 1989, eight months after
4 Susan's arrest, the Judge issued a sixty-one page
5 opinion and the final Order whereby Susan was
6 given the custody of the children once again.

7 The Order did not contain a condition
8 that she was to remain in Virginia. It ordered
9 that she was to notify her husband if she moved.
10 However, she was required to notify her husband if
11 she left for Australia and her and her children's
12 passports were once again taken into escrow.

13 In February, 1990, Susan advised her
14 husband of possibly relocating from Virginia since
15 her lease was about to expire and her landlord had
16 told her he would not renew it for another year
17 since he intended to sell the premises.

18 Susan moved to Colorado on August 4th.
19 Her husband called the landlord on the 8th and
20 received children's forwarding address in Colorado
21 and Susan informed him by letter. Even so,
22 husband's attorney filed for emergency petition
23 claiming that her whereabouts were unknown and
24 that she was going to Australia.

25 Without reading further on the case on

1 the 20th of August the Judge issued temporary
2 order as to the children.

3 While claiming in their petition that
4 Susan's whereabouts was unknown, husband's attorney
5 mailed the Petition with the hearing date to
6 Susan's Colorado address. And on the evening of
7 the 20th her husband appeared in her Colorado
8 residence and in Susan's absence while she was at
9 a job interview, removed the children and brought
10 them to Pennsylvania.

11 Susan flew to Pennsylvania on
12 September 5th to attend a hearing scheduled for
13 that day. By now her legal fees had grown up to
14 over \$30,000 and she was unable to get legal
15 representation, so she represented herself.

16 The Judge realized after fifteen
17 minutes that her husband's Petition was false. He
18 ordered the children to be returned to mother and
19 for them to return to Colorado immediately, father
20 to pay airfare.

21 Father refused to pay the airfare and
22 when Susan protested to the Judge she was told
23 that there was nothing the Judge could do to
24 enforce his Order three hours earlier. So we
25 embarked on a desperate search seeking aid from

1 various agencies around Montgomery County
2 Courthouse.

3 It was to no avail. None of the
4 agencies would help to secure the children's
5 airfare. Finally we found one travel agency who
6 extended credit to Susan and she made the flight
7 with the children and was back at her job which
8 she had just started on the following day.

9 By not having legal representation
10 Susan did not realize that she should have filed a
11 Petition to modify visitation after her move from
12 Virginia to Colorado. But she did try to resolve
13 the issue out of Court by offering alternative
14 visitation to her husband by a letter which her
15 husband received on the 17th. And which became an
16 exhibit in her file.

17 Her husband then filed for custody of
18 the children and another Petition for contempt,
19 and the hearings on these Petitions had been set
20 for November 14th.

21 Her husband's attorney sent her five
22 copies of Orders to appear, all which were
23 unsigned by a Judge or anyone else. And Susan
24 believed that she was once again being harassed.

25 She also relied on the statement of

1 the Judge at the September 5th hearing. The Judge
2 had stated that he would not order her return and
3 he urged the attorney for father to find another
4 Judge.

5 Finally Susan received an Order to
6 appear signed by a Court Administrator. Having
7 never seen the name before and not knowing the
8 local procedure, that the Court Administrator was
9 authorized to sign Orders, she called the
10 Administrator. He in turn advised Susan to call
11 the Judge, who refused to speak to her and thus
12 rejected her request for a continuance.

13 We must remember that Susan was now
14 representing herself and the Judge should have
15 made himself available to her, just as he had made
16 himself available numerous times to father's
17 attorney, including on August 20th and later on.

18 On the morning of the hearing Susan
19 called and made herself available for the
20 conference. The Judge rejected her request and
21 held a hearing which lasted thirty-five minutes
22 without Susan's presence and with her husband
23 testifying. And they found Susan in contempt of
24 the Order of August 1, 1989, and transferred
25 custody of the children to father.

1 The Judge provided no visitation for
2 Susan. Father traveled again to Colorado with a
3 Court Order the following Saturday and demanded
4 that the children be turned over to him.

5 Susan contacted a local Judge who
6 scheduled a conference for Monday morning to hear
7 the matter as provided by the Uniform Child
8 Custody Act.

9 On Saturday the Judge from Montgomery
10 County called the Judge in Colorado and
11 represented that Susan had filed his jurisdiction
12 and demanded that the children be turned over to
13 father.

14 The Judge in Colorado canceled the
15 conference and ordered the children be turned over
16 to father by a search warrant.

17 The children had just returned from
18 Brownie Camp and they were carried out from their
19 home by the Sheriff screaming and crying
20 hysterically. They had tried to hide under their
21 beds in their bedrooms.

22 Father brought them to Pennsylvania
23 and Susan because she could not afford the airfare
24 drove here a week later. She applied for habeas
25 corpus but was told that the Judge would not hear

1 it till two months later.

2 She contacted the Montgomery Legal Aid
3 who refused to represent her but advised her to
4 file for modified visitation and reconsideration of
5 the Order.

6 Susan did so and was given a hearing
7 seven days later, December 13th, to hear the
8 consideration. No hearing date was set to hear
9 visitation.

10 During the hearing the Judge was
11 outright hostile to Susan. He acted irritated
12 that Susan would continue to fight for her
13 children.

14 Susan once again objected to
15 Montgomery County's entertaining jurisdiction.
16 Judge overruled her and denied her a Petition for
17 reconsideration.

18 During that one month stay in
19 Pennsylvania father had refused Susan's request to
20 see the children. And when Susan asked the Judge
21 about visitation he told her to settle it with the
22 father's counsel. Who then offered her eight hour
23 visitation after this must be made into Court
24 Order, signed by the Judge.

25 Susan refused. She no longer wanted

1 this Judge to have jurisdiction and she appealed
2 to the Superior Court.

3 She then filed for Proforma Pauperis
4 and the Judge denied it without reading the
5 Petition or having a hearing. He did the same
6 with Susan's Petition For Reconsideration. And
7 then Susan eventually asked for his recusal from
8 the case.

9 In all of these three cases he signed
10 his denial with large seemingly angry letters.

11 Without seeing her children Susan
12 drove back to Colorado through a serious storm
13 which developed during the last holiday season and
14 arrived back home on Christmas Day.

15 Her parental rights had been
16 effectively terminated without a cause and she had
17 not seen her children for nine months except once,
18 two weeks ago when she returned to Pennsylvania
19 for oral argument at Superior Court and requesting
20 that she be allowed to visit with her children.

21 By what right has the Common Pleas
22 Court of Montgomery County taken over this
23 mother's life and made it utter hell?

24 By what right Susan was made a hostage
25 in this country and subjected to persecution for

1 over five years'

2 By what right did the last Judge
3 transfer the custody to father? By what right did
4 he terminate Susan's parental rights and didn't
5 provide visitation to her?

6 By what right did the Court of
7 Montgomery County take jurisdiction over this case
8 when neither she, her husband or the children are
9 not residents of the state?

10 Why is all this happening to Susan?
11 Will the damage done to her children ever be
12 repaired?

13 Since they were first taken from West
14 Germany they have been removed from their mother's
15 custody four times by the Order of the Court of
16 Montgomery County.

17 Why did not one of the four Judges
18 presiding over this case ever say that
19 jurisdiction does not belong here?

20 Why did Susan have to lose numerous
21 jobs and thousands of dollars due to the over
22 eighteen days of hearings and conferences when
23 Montgomery has come calling?

24 What about mother's pain of seeing her
25 children being taken away? And pain of children

1 seeing their mother being handcuffed?

2 What about her pain of not seeing her
3 father before he died?

4 That Susan had to sue the State of
5 Pennsylvania in Federal Court for her rights to be
6 equalized in this country by the Court of
7 Montgomery County?

8 We are pleased to let you know that
9 Superior Court granted Susan's former custody
10 status, and we are hopeful that the Superior Court
11 will equalize the normal status of Susan and
12 return her children to her and erase
13 Pennsylvania's jurisdiction over her forever.

14 I will leave you with documentation
15 which will give you a more detailed description of
16 this case, and also show that what I have stated
17 about it is true.

18 Thank you for letting me tell you her
19 story.

20 CHAIRMAN CALTAGIRONE: Thank you, Ms.
21 Lawless.

22 (Audience applause.)

23 CHAIRMAN CALTAGIRONE: Any questions?

24 (Negative response.)

25 CHAIRMAN CALTAGIRONE: Thank you again

1 Ms. Lawless.

2 Mr. Green.

3 MR. GREEN: I'm here today to speak to
4 you concerning Protection From Abuse Orders and
5 how they are being falsely obtained.

6 I personally believe that Protection
7 From Abuse Orders are needed for not only the
8 women, but also for men.

9 I've been in law enforcement for six
10 years and during that time I've seen abuse of all
11 kinds from both the male and the females.

12 My problem with the Protection From
13 Abuse Orders is that they're being obtained by
14 lying to Judges, Legal Aid, police and other
15 channels to use as a tool or weapon to get revenge
16 against their spouse.

17 (Audience applause.)

18 I have seen women come in for an
19 Emergency Protection Order through the Night Court
20 District Justice. The next day they're back with
21 the same person. They don't show up for the
22 protection hearing so the charges are dismissed.

23 I'm not here today to speculate on
24 these type of incidents, but I know first hand of
25 what occurs because I have to deal with these on a

1 daily basis.

2 I would like to share with you a
3 personal situation of what happened to me and it's
4 kind of hard to get through this, but just bear
5 with me.

6 Like all new marriages you celebrate
7 your new marriage, and when you're all partied out
8 I guess it's time to slow down and concentrate on
9 your bills.

10 Several months into my marriage I
11 noticed a change in my wife's attitude. She
12 constantly wanted to go out and party and on our
13 budget this just wasn't possible.

14 I attempted to reason with her by
15 telling her the bars aren't going to pay our
16 bills. But by me asking her to spend more time at
17 home and not at the bars, she began telling her
18 family and relatives that I wouldn't give her any
19 money for anything.

20 I worked three separate jobs from my
21 full time position as a law enforcement officer
22 just to make sure that my wife and her two
23 children had everything they needed.

24 She couldn't understand our bills were
25 more important than spending much needed money for

1 bills partying with friends.

2 We had several major arguments because
3 of this. Things got to a point that every time I
4 spoke up for myself, especially when it came to
5 the bills or disciplining her children she would
6 threaten to have me arrested.

7 Prior to our bad times we had decided
8 to have a child. My wife had surgery to have her
9 tubes untied, for which my insurance carrier
10 covered the cost.

11 But the arguments never did stop. She
12 continued to stay away from the home for weeks at
13 a time. So I decided to file for my divorce.

14 We were separated for approximately
15 one and a half months and during that time we were
16 talking and trying to work out our problems.

17 During this time I was receiving
18 reports from my wife's friends and her family that
19 she was seeing this other guy.

20 I asked her on numerous occasions was
21 anything going on between the two of them. Each
22 time she denied any dealings with this guy on a
23 sexual basis. She said they were only friends. I
24 might have believed her but the information that I
25 was receiving was too much in detail.

1 Well we got back together temporarily,
2 but I was still receiving reports from her closest
3 friends that she was still seeing this guy, and
4 that she was using drugs and selling drugs.

5 I also noticed a weight gain around
6 her stomach area. She also had sores around her
7 pubic areas and tried to tell me they were only
8 sores because she had a yeast infection.

9 I called several hospitals and asked
10 if this was possible. Each hospital told me that
11 this wasn't possible and that she could have one
12 of several sexual diseases.

13 The next morning she attempted to have
14 sex with me but I refused her. She became
15 hysterical and left the house approximately 6:30
16 in the morning for a walk. Which I later found
17 out she called her friend and told him that I
18 wouldn't go through with it so we have to take
19 another way out.

20 During that week I followed her on
21 three occasions. I watched her get picked up by
22 this guy in a van. I watched them as they used
23 drugs, then later go into the rear of the van, and
24 I watched the van going up and down. Now I don't
25 have to be a genius to figure out what was going

1 on.

2 That evening we got into a major
3 argument when I brought all that she was doing out
4 in the open. I asked her to leave, so I called
5 the police to have her removed from the home.

6 Prior to the police arriving we were
7 still arguing and I told her, "I know how you get
8 grabbing knives and such, and I'm not going to let
9 myself get hurt. And before someone ends up
10 getting carried out of here in a body bag, I want
11 you to leave." Well in the Protection Order she
12 stated that I threatened to kill her and have her
13 carried out of here in a body bag.

14 This is just one example of how the
15 Protection From Abuse Orders are being obtained
16 under false pretenses.

17 My wife obtained a Protection Order
18 against me to use as a cover-up of her extra
19 marital affairs and using drugs.

20 Before everything was over with I had
21 been suspended from my job three times because of
22 numerous complaints that I threatened to kill her.
23 She said I was suicidal and I was having officers
24 calling her and her boyfriend.

25 During all of this I had a nervous

1 breakdown. I lost forty-three pounds in a two
2 week period. I was kicked out of my house and
3 lived in my vehicle for two weeks until I was able
4 to find housing elsewhere.

5 My hearing was held in front of Judge
6 Hubert Schaffner. Judge Schaffner did what was
7 necessary according to the accusations that were
8 lodged against me.

9 After the hearing, approximately a
10 month afterwards I found out that the reason why
11 my wife got the Protection Order against me was
12 she was pregnant when we got back together and it
13 wasn't my child.

14 She had to do something quick because
15 eventually she was going to start showing more
16 around the stomach area. When I refused to have
17 sex with her - this I guess was her way out so I
18 wouldn't find out that she was pregnant by someone
19 else.

20 All her friends and some of her
21 sisters said they would testify in my behalf. I
22 presented all of my evidence to Judge Schaffner
23 hoping that he would hear my case. Judge
24 Schaffner refused my Petition after I was told by
25 his office that he would hear the case if I

1 petitioned the Court.

2 Now I have a Protection From Abuse
3 Order against me for one year. I feel I'm the one
4 that was abused in every way, but it doesn't seem
5 to matter in the Court's eyes.

6 My wife refused to sign my divorce
7 papers so now she can sponge off my insurance to
8 her heart's desire.

9 My wife had had a miscarriage and my
10 insurance covered the cost of what should have
11 been my child to help clean her system out. And
12 you wonder why I'm upset.

13 Well that's my short story in a nut
14 shell. It's similar to hundreds that I've seen on
15 this job.

16 I feel that prior to issuing a
17 Protection From Abuse Order against an individual
18 an investigation should be conducted to determine
19 if any actual abuse did take place. There are two
20 sides to every story.

21 I know this will take time and money,
22 but this will prevent many future abuses of this
23 kind.

24 It wouldn't have been so difficult to
25 deal with if I didn't have all the proof in the

1 world to prove that she lied to obtain the
2 Protection From Abuse Order, and when the Courts
3 allow this to happen it makes me wonder if I'm in
4 the wrong business.

5 CHAIRMAN CALTAGIRONE: Thank you.

6 REPRESENTATIVE DERMODY: What type of
7 law enforcement are you in, Mr. Green?

8 MR. GREEN: I'm a police officer.

9 REPRESENTATIVE DERMODY: For the City
10 of Harrisburg?

11 MR. GREEN: My Chief told me not to
12 disclose that information for some reason.

13 REPRESENTATIVE DERMODY: So you're a
14 police officer in the municipalities in Dauphin
15 County.

16 CHAIRMAN CALTAGIRONE: Any questions?
17 (Negative response.)

18 CHAIRMAN CALTAGIRONE: Thank you very
19 much, Mr. Green.

20 (Applause.)

21 CHAIRMAN CALTAGIRONE: Paul Seelinger.

22 MR. SEELINGER: My name is Paul
23 Seelinger. I'm a pharmacist from Erie. I'm the
24 father of four beautiful children, I'm proud to
25 say. And I have shared custody of those children.

1 I'm currently paying over \$1000 a
2 month in support, which I have been doing since
3 May of 1989. It has been Court Ordered since that
4 time.

5 I want to pay support and I have never
6 questioned the amount of support or my willingness
7 to pay support at all. That has never been an
8 issue since the very first hearing.

9 So I wanted to mention those things to
10 you in getting started, and also be sure to thank
11 you for the opportunity to be here today. It
12 certainly is an honor but I really in all honesty
13 can say it's been a pleasure based on what I've
14 been through to get to this point.

15 I've provided some written testimony
16 today which really contains a lot of details of
17 the events that I've faced since June of 1990 with
18 the Support Office in Erie County.

19 I know that its been a long day for
20 all of you. I'm going to try to summarize that
21 information as briefly as I can to highlight the
22 key points so that you can get an appreciation for
23 why, I'm here.

24 As I said, I began paying in 1989
25 willingly and at the time of the first hearing I

1 even asked what was the fastest way to really get
2 the funds from myself to my children. And the
3 Hearing Officer at the time told me that a wage
4 attachment, which at that time was voluntary, it
5 was not required by law, was the fastest way to
6 go. So I signed up for voluntary wage attachment.

7 I even made sure to check with them to
8 find out what immediate payments I had to make to
9 come immediately into compliance with my
10 obligation, and I made those payments.

11 I really had no qualms at all until
12 June of 1990 when I was told by the Hearing
13 Officer as I was in the process of making a minor
14 change in my Order, because my divorce had been
15 finalized and a very small amount of spousal
16 support that was included in that Order was
17 subject to removal.

18 So we were in the process of doing
19 that which should have been a very simple task, at
20 least I thought. And I was informed by the
21 Hearing Officer that I was in arrears to the tune
22 of over \$1200.

23 At the time I can tell you now so
24 that you'll understand where I'm going with this,
25 I did not realize that the problems really lied

1 with, number one, my employer submitting the
2 funds, and number two, with the method which the
3 Support Office uses to audit their accounts.

4 At the time I had no idea what was
5 going on, but as you can imagine being suddenly
6 told I was behind \$1200 totally blew me away.

7 Problem number one I encountered at
8 that point was the attitude of that person and
9 other persons I encountered in the Support Office.

10 When I said there was no way I was in
11 arrears, that all my payments had been attached,
12 rather than investigate that matter the comment
13 made to me was, Mr. Seelinger, your children come
14 first.

15 I could talk an hour just on attitude,
16 but that's not really why I'm here.

17 Substantial delays took place in
18 rectifying this problem. Numerous phone calls,
19 visits to the office, and letters. You'll find it
20 all documented.

21 Eventually after a couple of weeks
22 following the initial incident I met with the
23 auditor who was in charge of my account. Here's
24 where I ran into problem number two.

25 I showed the auditor all of my check

1 stubs where wage attachment was clearly documented.
2 She didn't even want to look at them. We can only
3 go by what the computer says is what she told me.
4 She went on to say if the money isn't here it
5 doesn't count.

6 She told me employers have ten days in
7 which to submit payment, which was the first time
8 I knew that. I had never been told that before.
9 But it began to click in my mind that maybe that's
10 where the problem was.

11 But also I saw that there was another
12 problem. The audit was being conducted right to
13 the day that the auditor was looking at your
14 account.

15 With the amount of money that I pay,
16 which I feel is a substantial amount probably in
17 comparison to many support payers, it comes out to
18 about \$35 a day, probably a little more than that.

19 Even if I make a payment every single
20 pay day in person at the Support Office, thirteen
21 days after pay day, or let's say one day prior to
22 the next pay day, I'm \$455 behind in the eyes of
23 the auditor. And I haven't gotten paid again yet.

24 If you add the ten days grace period,
25 as I call it, for the employer to submit the

1 funds, I can be as much as \$800 behind in the eyes
2 of the auditor having met all my obligations.

3 I think we need to work for better,
4 more fair auditing practices. I don't really want
5 to hear excuses that it's the computer's fault. I
6 develop computer applications myself in my line of
7 work and I know that you only get from using
8 computer information, it's what you do with it
9 that counts. You certainly can't blame these
10 things on the computer.

11 It's impossible to audit these
12 situations right to the day and to hold the payers
13 responsible before the next payment is even due.

14 Problem number three. The auditor
15 told me at that time that my employer was one of
16 the worst in the area at submitting payments in a
17 timely fashion. I did not know that that was
18 taking place. I had no way of knowing that
19 because wage attachment appears on my pay stub and
20 I thought I was in good shape.

21 But why am I being asked to subsidize
22 this problem? If there's a clause in the law
23 regarding the employer why isn't it being
24 enforced? It should be enforced on the employer
25 and not the payer obviously. I think we would all

1 agree.

2 So we need to lay out more strict
3 guidelines I think for the support auditors and
4 for the staff in performing fair audits in these
5 situations.

6 I would be very happy to work with
7 your Committee if that becomes possible to give
8 further input on that.

9 In any event it took two months for me
10 to rectify this problem, and it was mysteriously
11 rectified when I suddenly got a phone call one day
12 and I was informed by the Hearing Officer assigned
13 to my case that they had, quote, "Found a way to
14 backdate my audit," close quote, so that I would
15 not be in arrears. At that point I didn't argue
16 because I just wanted to close the matter.

17 There were some other minor
18 complicating factors that are in my written
19 testimony that we don't need to get into. But
20 needless to say this was very upsetting and
21 unnecessary.

22 But in the meantime I did work with my
23 employer to improve the handling of funds and we
24 made some definite improvements. A check is now
25 hand delivered to the Support Office by my

1 employer on the part of everyone who pays support
2 there, and that's done the very next business
3 morning following pay day.

4 And I'm here for that same reason, is
5 to try to give input that will make improvements
6 within the Support Office as well.

7 Well I thought all was pretty well
8 after and I had hoped that I would never run into
9 the problem again.

10 And sure enough on November 2, 1990, I
11 opened my mail and received a notice that I have
12 been reported to the IRS, and possibly to the
13 Credit Bureau. The reason was that I was
14 supposedly \$712 behind in my payments.

15 I don't know about all of you but if
16 I get a notice that has the letter IRS printed on
17 it, it is not too funny.

18 I found out subsequent to that that my
19 name was on a computer tape which was run off in
20 August, sent to Harrisburg in October, two months
21 later. And this tape contained the names of any
22 payers that were supposedly in arrears \$500 or
23 more. I was obviously fit to be tied.

24 I made repeated calls and wrote
25 letters over the next two months. All I wanted

1 was an acknowledgment, a written acknowledgment
2 that a mistake had been made, that all my wage
3 attachments had been withheld and that my account
4 was in order in case I was audited by the IRS or I
5 had any further problems.

6 I got nothing but excuses. The
7 Computer I heard a million times. Some other
8 quotes, "We can't give you special treatment, Mr.
9 Seelinger. We treat everybody the same way."
10 Quote, "You need to understand that most people
11 don't want to pay." What does that have to do
12 with me?

13 "You need to understand, we have a man
14 at the GE who owes \$45,000 and he'll probably
15 never pay. That's why we have to do things the
16 way we do." That makes no sense to me.

17 I never got a letter or any kind of a
18 written response until early January, despite all
19 my efforts, and the response that I got is
20 included in your packet. It is from the Deputy
21 Director of the Domestic Relations Office in Erie
22 County who wrote to say that my name was on the
23 computer tape submitted, the tape that was run in
24 August, but it was not on a subsequent tape
25 submitted in November. Therefore, he felt Erie

1 County had done its job, they removed me from the
2 second tape. But he could not assure me that
3 Harrisburg or the IRS would use the second tape in
4 preference to the first. Nice try'

5 I can only describe these matters as
6 being reflective of gross incompetence and lack of
7 concern.

8 All of my support is wage attached.
9 What else do they want from me?

10 Problem number four. The \$500 amount
11 which they used as a determination of when you
12 kick out onto this IRS report is definitely
13 unfair.

14 In my case, as I mentioned before, if
15 you add the fourteen days between pay days and the
16 ten day grace period for my employer, I can easily
17 exceed \$500 the way they currently perform audits.
18 It would not surprise me one bit to go through the
19 same thing again this coming year.

20 I suggest that this be changed and
21 somehow based on a certain number of payments, or
22 on some other factor. But an arbitrary number of
23 \$500 is certainly discriminatory against higher
24 income and amount paying persons.

25 Problem number five. Even once these

1 problems were brought to the attention of the
2 Support Office staff by me, absolutely no
3 willingness was demonstrated on their part to take
4 positive action to correct them and to do
5 something about them.

6 I don't want special treatment. I
7 hope that this doesn't mean that everybody gets
8 treated this way in Erie County.

9 Guidelines and procedures. These
10 problems really need to be developed for the
11 Support Office to follow.

12 You obviously have laws and
13 guidelines, whatever, for payers, for employers,
14 but Support Office staff needs to have some strict
15 guidelines to follow.

16 If such guidelines already exist and I
17 don't know about them, that's very possible
18 because I certainly do not have privy to that
19 information. But if they do, they need to be
20 enforced because people are not doing their jobs
21 properly.

22 If I ran my pharmacy the way that the
23 Support Office in Erie County is run I would have
24 been looking for a job a long time ago.

25 Please take everything I've said in

1 the written statement into account in making
2 changes to ensure that support recipients and
3 loyal payers of support are treated fairly and
4 with dignity.

5 The system should be looked at as a
6 service for everyone and it has to work
7 effectively for everyone.

8 Thank you.

9 CHAIRMAN CALTAGIRONE: Questions?

10 BY REPRESENTATIVE DERMODY:

11 Q. Mr. Seelinger, the Support Office is Erie
12 County, is that correct?

13 A. Yes.

14 Q. And they were County employees?

15 A. I believe so.

16 Q. Have other than talking to the Deputy
17 Director of that office, did you talk to anybody
18 in the Commissioner's Office about the way you
19 were treated?

20 A. I copied the Family Court Judges, both
21 Family Court Judges on some of the
22 correspondences, and also our County Executive Judy
23 Lynch was copied. And other people within the
24 Support Office. The Hearing Officer and also the
25 Enforcement Officer that's assigned to me I really

1 very rarely have any contact with. But I copied
2 as many people as I knew of.

3 The only person that ever responded
4 and offered assistance was Judy Lynch, the County
5 Executive. And really she explained that really
6 it was not in her jurisdiction, but she would help
7 in any way that she could. And at least I
8 appreciated that offer.

9 Q. Whose jurisdiction did she say it was in?

10 A. Well she felt that it was in the
11 jurisdiction of Judge Jiuliante and Judge
12 Domitrovich who are County Court Judges.

13 Q. Have you ever heard from the Judges about
14 this?

15 A. No, sir.

16 Q. What were their names?

17 A. Judge Jiuliante and Judge Domitrovich.

18 BY MS. WOOLLEY:

19 Q. Did they at any time say that the auditing
20 procedures which were required came out of the
21 Department of Public Welfare, or were they County
22 implemented procedures?

23 A. They really did not say. The only thing I
24 remember them alluding to when they talked about
25 the computer was the fact that it was a local

1 system of some sort. But I couldn't answer your
2 question and I couldn't even tell you much about
3 the computer system.

4 Q. That's something we can inquire into in a
5 later hearing.

6 A. I don't know.

7 Q. Thank you.

8 CHAIRMAN CALTAGIRONE: Anyone else?

9 REPRESENTATIVE HECKLER: I would just
10 like to thank you for your excellent testimony.

11 (Audience applause.)

12 The situation you've encountered is
13 outrageous. I can understand your frustration.
14 It is the kind of thing that should be able to be
15 remedied at the local level. And frankly while
16 most folks who are engaged in on-going litigation
17 about these matters really can't be going to
18 Judges and, you know, political figures to try and
19 address their particular litigation.

20 You're not in any contest. You're
21 doing what the law has deemed appropriate, and I
22 think you have every right to bring as much heat
23 on what sounds like a bunch of unresponsive and
24 inept bureaucrats as you possibly can.

25 MR. SEELINGER: I agree. I failed to

1 mention too that throughout all of this there was
2 never one time and to this day there was no time
3 that my ex-wife on behalf of the children has
4 petitioned for, because of any problem, for any
5 change.

6 She totally has nothing to do with
7 this and I don't think is even aware that I'm here
8 today. So we have absolutely no problem in terms
9 of the support itself and where it's going, and
10 who is receiving it. It's totally between the
11 office and myself.

12 REPRESENTATIVE HECKLER: Well that's
13 one of the difficulties. I suspect if you could
14 find some reason to be in Court before a Judge, I
15 would hope the Judge would be as upset as I think
16 we are with this process and light somebody's tail
17 up about it.

18 That's really one of the things I was
19 curious about, nobody has your, whatever the
20 status the computer had you in, that hasn't
21 tripped a situation which a petition was filed or
22 a hearing set"

23 MR. SEELINGER: No. But as I said my
24 concern remains that it could easily happen to me
25 again at any time because as far as I know the

1 circumstances haven't changed.

2 REPRESENTATIVE HECKLER: Thank you.

3 CHAIRMAN CALTAGIRONE: Thank you very
4 much.

5 Mr. Thompson.

6 MR. THOMPSON: I had rather hoped for
7 a bit more audience than this, but I'm glad to
8 take any little bit I can get.

9 This kind of organizes into two
10 statements I'm going to make today. And without
11 further arrangement I better give it as I prepared
12 it so I keep it orderly.

13 Family Court is a misnomer for a meat
14 grinder from what I have seen of the process, and
15 as reported to us at the Common Law Network of
16 which I am the founder.

17 We are only one of an ever increasing
18 number of grass roots organizations attempting to
19 protect citizens from abuse of a legal system that
20 has been commercialized to the point it can best
21 seize control and assets of any individual,
22 corporation, or democratic institution while
23 utterly failing to protect the public treasury
24 against plundering by supposed civil servants,
25 officials, bankers, and regulators.

1 Divorce, custody, and family matters
2 no longer have any legitimate reason to be ground
3 up in such a merciless mechanism that promotes
4 lawyer profits at the expense of family incomes,
5 savings and lives.

6 The system must be opened up to panels
7 of parents who could judge more fairly, without
8 profit motive, and without the inbred conflict of
9 interest that today renders divorce court such a
10 threat to children and adults alike, that no young
11 couple would ever undertake the vows of marriage
12 if they knew beforehand the open invitation for
13 court corruption to take over their personal
14 lives.

15 This is an historic hearing, and one
16 of the first attempts for the legislature, and the
17 people, to regain their right to government by the
18 people that has been usurped by an out of control
19 judicial branch that will reach one million
20 members by the year 2000, and is costing the
21 economy \$300 billion a year in direct and indirect
22 expenses, with little or no justice to anyone.

23 To provide a background for my
24 testimony to this Honorable Committee, I will give
25 a glimpse of what he told me and an associate, and

1 which we have on tape. A copy of which I can
2 leave with this Committee.

3 This is a summary of selected items
4 from a conversation with Richard Teal given to me
5 on the 11th of December, 1989, at the Metropolitan
6 Hospital in Philadelphia. And I have a note here,
7 this chronological summary is reconstructed from
8 the information gathered in a December 11th
9 conversation with Richard Teal. The Common Law
10 Network assumes no responsibility for any
11 inaccuracies in the summary, and for more and
12 complete information you can listen to the tapes
13 from which this extract was taken.

14 Richard Teal lives at - did live at
15 1211 North Frazier Street in Philadelphia. He's a
16 black male, 36, married, eleven children and owns
17 a small trucking firm. He was a contractor.

18 In January, and this may make your
19 ears burn. In January of 1980, Richard Teal was
20 hired by the grandmother of his then babysitter,
21 an Abbie Biggs, to move some items. The job
22 required that Teal be gone seven days so he hired
23 Abbie Biggs to babysit while he was gone.

24 Teal comes home in three days instead
25 of seven to find Biggs and a Philadelphia police

1 officer, an Assistant District Attorney and others,
2 filming sexual acts between themselves and
3 children, including Mr. Teal's three oldest.

4 They set up a studio in Teal's
5 bedroom. At this point Teal took the tapes
6 forcibly with a gun and told them to get out of
7 his house.

8 Teal had confiscated six video tapes
9 amounting to approximately six hours of
10 pornographic material. The materials also included
11 photographs. The materials were all of children
12 and adults having sex.

13 The children were of all races,
14 varying in ages from approximately three to
15 fourteen. The adults were Judges and other white
16 collar workers.

17 Teal was arrested and tried for rape
18 of Abbie Biggs in Judge Louis Hill's Court in
19 February, 1981. Hill found Teal guilty. Later
20 the Judge changed his mind and ordered the
21 District Attorney's Office to arrest Biggs.

22 When Teal tried to take action and
23 inform the people of what was happening, such as
24 the media and the FBI, the District Attorney in
25 charge, Alan Rice, entered false charges into the

1 computer and stained Teal's credibility. Teal
2 went before another Judge and got his record
3 expunged. However, the charges were never taken
4 off the computer.

5 Teal later became romantically
6 involved with a Wendy Demcheck Alloy, then
7 Assistant District Attorney in the Philadelphia
8 Police Department Rape Unit. She was shown the
9 tapes and knew many of the Judges on them. She
10 was given copies by Teal to use to prosecute the
11 adults on the tape. However, she used the tapes
12 to blackmail the Judges so she could win her cases
13 in Court.

14 On December 7, 1989, Teal appeared in
15 Family Court in front of Judge Levin on a Support
16 Order. Abbie Biggs claimed Teal to be the father
17 of her child and demanded child support.

18 Teal said he is not the father and in
19 his defense presented the pictures of the kiddie
20 porn ring.

21 When Levin saw the pictures he ordered
22 everyone out of the courtroom and had Teal locked
23 in a cell at 1801 Vine Street, which is Family
24 Court.

25 Levin also ordered that no one could

1 talk to Teal. Later after it was dark they
2 covered Teal with a blanket and took him to a
3 hospital for a Section 301, Involuntary Psychiatric
4 Evaluation.

5 Now further to enhance this story is a
6 newspaper article run by Family Court Judge
7 Stephen Levin which says, "If you do not appear in
8 Family Court, 1801 Vine, Courtroom J, on December
9 15, 1989, you will be jailed. Judge Levin has
10 issued a warrant for the arrest of the following
11 people." And here the good Judge has listed 142
12 derelict fathers, or those behind in their support
13 payments. And this story was covered by TV 10's
14 Harvey Clark, among other people.

15 So these are the two characters and
16 here is the amazing story that Richard Teal
17 followed, and you have a copy of this Complaint
18 filed with the Judicial Inquiry and Review Board,
19 marked received by them on April 24, 1990. And he
20 cites the case of Biggs vs. Teal, Court Term and
21 Number 82-14453.

22 And these are exact photocopies and he
23 also gave these to the District Attorney and the
24 FBI.

25 I bring this to the panel today

1 because the man is deceased. And we'll see in a
2 moment the significance of this.

3 The front of this Complaint claims,
4 "Possible attempted murder. Practicing medicine
5 without a license. Injecting me with an unknown
6 substance. Torture. Abuse of process. Civil
7 rights violations. Malicious abuse of process.
8 False imprisonment. Unexplained search and
9 seizure. Moral Turpitude. Misfeasance. Laches.
10 Etcetera."

11 I've been seeking some kind of
12 response from the authorities on this, but to
13 date have received none and only found this
14 weekend, this past weekend did I learn that
15 Richard Teal did die on October 16th of last year,
16 as this very Complaint were told in fact.

17 And here's his story of his episode
18 with Judge Levin, which I keep putting away and
19 associates said no, well that's what the record
20 is. Richard, you might be the only one that
21 knows. Let the other people investigate and
22 evaluate for their own.

23 But this is what Richard Teal says and
24 I met him and I have him on tape. We had two
25 extensive interviews and he was a delightful young

1 man and I'm very sad that he's dead.

2 Thursday, December 7, 1989. I was
3 ordered to appear in front of Judge Steven Levin
4 at 1801 Vine Street, Philadelphia. The reason for
5 this was to answer Ms. Natalie Biggs argument to
6 the suspended order that was granted by the Court
7 two months prior by one hearing officer, and the
8 second time on November 2, 1989, by Judge Edward
9 Rosenberg.

10 Do-- His spelling isn't quite perfect.
11 I mean his phraseology. I might stumble on some
12 of it, but you have copies.

13 Due to the fact that it was way past
14 the ten days that Ms. Biggs filed, and this would
15 have been the third hearing after I was told that
16 she was notified to the fact that the case was
17 suspended, I figured I'd better show despite the
18 fact I was supposed to stay off my feet.

19 When I came to Court, I had all papers
20 and pictures to prove my case, along with two
21 letters from two different doctors explaining my
22 reasons, medical reasons, why I was unable to pay
23 \$20 a week support order.

24 My case was called. When I came into
25 the courtroom my folder fell out of my hands

1 because my leg was in a cast, and I was walking on
2 crutches.

3 The Judge at that point asked, "Why
4 are you on crutches?" I explained to him that my
5 leg was injured back in November. He came off the
6 bench to where I was sitting, felt my legs, tried
7 to pull the injured leg and take the cast off. I
8 yelled in pain. He returned to the bench.

9 Ms. Biggs told him she had a death in
10 the family and that was her reason for not showing
11 up in Court the last two times. She went on to
12 tell him that my doctor told her that she, the
13 doctor, never wrote me a letter. I showed him the
14 letter from her along with my updated examination
15 from the second doctor. He read the letters,
16 originals, not copies, and threw them in the air.

17 He then called the first doctor in
18 question. He stated to me that she told him that
19 I never came back to her office to pick up the
20 letter. He showed her a letter that Ms. Biggs gave
21 him that I never seen before. He then called me a
22 "liar" and that he would never believe anything I
23 had to say in his courtroom. "Ever."

24 He went on yelling, jumping up and
25 down in the courtroom. He asked me, "Who wrote

1 the doctors letters?" My reply was "Ms. Biggs."

2 He asked me to explain why "such a
3 pretty woman like herself" would do that. I
4 informed him of all the other tricks she had
5 pulled in Court to keep me from exposing her and
6 the others who were involved in the child
7 pornography in this City.

8 I asked him to read and to look
9 through the file that was on his bench. He
10 flipped through the file and looked at the photos.
11 A minute later a man who was sitting in the
12 courtroom with the sheriffs yelled out, "Judge,
13 you better look at this." The man had my folder
14 which had fallen to the floor when I came in. He
15 ran up to the bench. He and the Judge took the
16 file from my folder and ran into the side door.

17 Ten minutes later a gang of sheriffs
18 came into the room. When the Judge came out of
19 the side door, he told them "Lock him up. Don't
20 let him talk to anyone. I want him in a cell
21 alone under guard."

22 I asked, "Why are the sheriffs
23 handcuffing me?" His reply was, "Boy' I will
24 give you what you need."

25 Hours later the sheriff that was

1 guarding me opened the cell door and took me into
2 a visiting room. A female doctor came in. She
3 wanted to take off my cast. She told me that the
4 Judge wanted her to fix my leg. She started
5 asking me questions that I refused to answer
6 because I wanted a lawyer.

7 The sheriff that was with me grabbed
8 her arm and said, "Doc, don't let the Judge get
9 you in trouble with this. He's trying to set this
10 man up to cover his ass. Those pictures everyone
11 is talking about, some of them had the Judge in
12 them."

13 The doctor replied, "I'm not getting
14 involved in this, Mr. Teal. I have no right. The
15 Judge has no right to make me examine you. I can
16 be sued and so can he. When you go back to your
17 doctor have him re-examine your leg. I can see
18 where he was trying to twist it off. I will tell
19 that Judge he has no right to stop me from doing
20 my work so that I can conspire with him to violate
21 anyone's rights." She left.

22 The sheriff took me back to the cell.
23 One hour later a man came to the cell and told the
24 sheriff to bring me into the back room. He told
25 me that he was a psychologist and that the Judge

1 told him that I wanted to see him.

2 I refused to talk with him until they
3 would let me call my lawyer. He kept me in the
4 room for twenty minutes and then he asked, "Where
5 are the rest of the pictures that you showed the
6 Judge?" I refused to answer. He than asked, "Do
7 you feel upset that Ms. Biggs has control over the
8 Judge?" I asked him, "You have the evidence you
9 need to lock her up, so why are you holding me?"
10 He went on to explain to me that the Judge has a
11 way of dealing with niggers like you. He can lock
12 you up so fast, for so long, and even kill you,
13 and no lawyer or Judicial Review Board can or will
14 help you, boy."

15 He went on to say, "Most if not all
16 Judges belong on the staff and if not them, their
17 family members, and they don't dare correct any
18 Judge. They and he are like Gods so you better
19 play ball boy." I think he means the staff of
20 the psychiatric hospital.

21 "He is going to do the same to you as
22 he did to others he didn't like. Harvey Clark and
23 his news team are around and you gave the Judge
24 this hot potato. He called the newspapers, TV
25 stations, and everything and he has to keep you

1 where no one will know." Let me ask you another
2 question. "If the Judge was to put you in jail
3 for a year, would you do the time or kill
4 yourself?" My only reply to that was, "I would
5 kill myself first before I'd do time in jail for
6 exposing corruption."

7 Later the sheriff's handcuffed me, put
8 a blanket over my head, and drove me to Mercy
9 Catholic Hospital.

10 When I arrived seven security guards
11 came up to me and lead me to a room. They and the
12 sheriff's ordered me to take off all my clothing.
13 I refused.

14 They stripped me naked and they tied
15 me to a seventy inch by twenty-eight inch by
16 twelve inch floor table in a room with no heat.

17 I asked for clothing because I was
18 naked and cold. I asked to go to the bathroom. I
19 asked for food. I asked to call my family. They
20 told me no on all requests.

21 I asked why. They said "Judge Levine
22 wants the rest of the photos and tapes. He told
23 us to treat you as if you were in jail. He told
24 us that you were wanted in two other states and he
25 would be here to see you himself."

1 I asked if I could call my wife.
2 They said no. The Judge said that no one was to
3 know that you are here. When he comes to see you
4 both of you can work this thing out.

5 Several psychiatrists--

6 CHAIRMAN CALTAGIRONE: Mr. Thompson,
7 can I interrupt you just for a second.

8 MR. THOMPSON: Yes.

9 CHAIRMAN CALTAGIRONE: It's about
10 twenty after four. We're going to have to
11 conclude this around 4:30. We have to limit it to
12 about thirty minutes or so, so actually it will be
13 over thirty minutes, 4:30.

14 We have all this here so could you
15 just hit the highlights of the parts you want to
16 concentrate on. You'll have to finish up by
17 around 4:30.

18 MR. THOMPSON: Okay. Perhaps I'll
19 leave it at the end of this page three, because I
20 think you get the flavor of it.

21 Several psychiatrists came in through
22 the night asking about the pictures. Sometime
23 that evening the Judge came into the room
24 threatening my life and the life of my family. He
25 then took something and rammed an object up my

1 penis saying, "You won't have anymore children.
2 We have enough niggers in the world. I see boys
3 like you every day in my courtroom. None of you
4 will take care of them so none of you should have
5 them." And I passed out.

6 On the 7th of December my weight was
7 225 pounds. When I was set free my weight was 192
8 pounds.

9 Now this Compliant that was filed with
10 the Judicial Inquiry and Review Board is also
11 acknowledged by the FBI. And I gave you a copy of
12 that letter also, which is received by them on the
13 27th of July and signed by a John R. Thomas,
14 Special Agent, Principal Legal Advisor, at 600
15 Arch Street in Philadelphia, saying, "Your matter
16 is properly lodged with the Judicial Inquiry and
17 Review Board."

18 He went through a series of-- He was
19 picked up and put through his psychiatric ward
20 thing a couple of times. One more time at least.

21 And in July of 1980, his wife called
22 me and said that he had gone deaf. He was
23 injected and was bleeding profusely from his
24 throat and his ears while the Judge had him
25 incarcerated in 1801 Vine Street.

1 This past weekend on Saturday I got a
2 letter back from Richard Teal. I had sent out a
3 mailing for Jury Rights Day, September 5th, and he
4 was on my mailing list. And the letter came back
5 marked deceased. And I was rather appalled
6 because his Complaint - that wasn't the only
7 Complaint. He sent another Complaint in which he
8 informed the Judicial Inquiry and Review Board, "I
9 was contacted and told that there's a contract out
10 on my life for filing a Complaint against the
11 Judge." Etcetera. Etcetera.

12 And the interviews that we took, he
13 told us that he was in dread of violence and no
14 one would pay attention to him, the District
15 Attorney or the FBI. Certainly not the Court.

16 He couldn't find a lawyer. The
17 lawyers were too expensive. And so he came to the
18 Common Law Network with these copies. And so I'm
19 passing that on to this panel.

20 He was in fact knifed at a work site
21 by somebody he had known. Someone he had taken to
22 be an innocuous sort of a loner that stabbed him
23 as they knocked on the door and gave him multiple
24 wounds, and apparently he died instantly.

25 And I don't know that there's any

1 correlation. I don't know that the District
2 Attorney who is investigating has correlated this
3 reliction of death with his actual violent death
4 some - let's see, July, August, September, it was
5 about three months later. Within ninety days of
6 him contacting me he was in fact murdered. I'm
7 putting that on your desk.

8 Let me return to my prepared remarks,
9 having brought to you a voice from the grave so to
10 speak, a complaint of the Family Judicial System
11 straight from the grave.

12 If course I want this Committee to
13 impanel a Grand Jury to subpoena the Richard Teal
14 case, Biggs v. Teal, Family Court, etcetera. And
15 investigate fully the circumstances behind his
16 murder on October 16th. Copies of these
17 Complaints, etcetera, have been given to Ron
18 Castille and Channel 10. And I've shown you the
19 newspaper article about the Judge Levine.

20 More hearings must be held on
21 manipulation of all the trial courts in
22 Philadelphia, Common Pleas, Municipal and Traffic.
23 And they should be held in Philadelphia and other
24 cities on a regular basis and coordinated with the
25 new Chief Administrator in Philadelphia, a Geoff

1 Gallias who takes office on the 1st of December of
2 this year.

3 These experiences are firsthand. I
4 have the only free and unbiased legal complaint
5 hotline in the Delaware Valley.

6 I am a consumer rights activist and
7 participate in public events. I know what is
8 going on and here is what the smart money is
9 saying:

10 Reform is hopeless. Don't worry about
11 what is drug money and what is not, everything's a
12 racket. Take the money and run, hide your assets
13 and don't take on the Judges, you can only be sued
14 and lose what you have.

15 These smart money handlers spell out
16 the future: business off the books. No critical
17 evaluation of the courts or law profession, or
18 corporations. And, consequently, less tax
19 revenues, greater deficits, more inflation, and
20 eventually default on state and municipal bonds.

21 Libel SLAPP suits violate the first
22 amendment right of free speech, as we saw it used
23 by Judge McDermott against the Inquirer last
24 Thanksgiving before a woefully incompetent jury
25 that returned an illogical and preposterous verdict

1 of guilty in the amount of \$6 million when the
2 facts, they admitted, were true.

3 The public cannot risk any kind of
4 suit and is stunned into frozen silence by this
5 kind of judicial violence - and it happens
6 routinely right here in the state that gave birth
7 to the Bill Of Rights.

8 We may never know how many times a day
9 the threat is made by those of power to sue for
10 libel, but we organizers know how it utterly
11 defeats democratic action and disperses potential
12 members and willing contributors.

13 The legal system has developed a self-
14 protective mechanism that has defeated the free
15 market system that is so vital to growth, strength
16 and rejuvenation of the country's economy.

17 CHAIRMAN CALTAGIRONE: Could you do
18 your closing, Mr. Thompson.

19 MR. THOMPSON: In closing, I have
20 several specific recommendations:

- 21 1. Free index to Philadelphia Courts.
22 It now costs \$30 to do a name check.
- 23 2. Public access to lawyer complaint
24 records.
- 25 3. Financial disclosure for lawyers

1 and judges.

2 4. No judge should compete with the
3 general public in holding stock. It is a conflict
4 of interest and a conduit for graft.

5 5. Family matters should be decided
6 by panels of masters made up of other individuals
7 already adjudicating domestic matters.

8 And finally, everyone should be
9 permitted to defend themselves in Court, or bring
10 a complaint. Presently lawyer costs drive
11 perfectly valid issues out of Court, off the
12 record, and out of sight, creating an underground
13 legal and financial economy.

14 I thank you very much for your
15 attention.

16 (Audience applause.)

17 CHAIRMAN CALTAGIRONE: Thank you.
18 That's all for today.

19 (Conclusion of public testimony.)

20 * * * *

21 (Testimony for inclusion in record.)

22 (Testimony of Martin Decanini:)

23 "MR. DECANINI: Ladies and gentlemen,
24 because it is a financial and physical
25 impossibility to be here personally, please accept

1 this letter in my behalf.

2 I am a divorced father who has since
3 remarried and fathered a second family of two
4 children. A little over a year ago I received a
5 serious back injury at my job which has prevented
6 me from working.

7 This has reduced my total income to an
8 impossible level which has drastically changed the
9 standard of living for my family. I still have
10 the same fixed financial obligations each month
11 but not the same income to meet these obligations.

12 I have gone from a \$14 an hour job to
13 a \$310 disability check every two weeks, which
14 will soon be running out.

15 My ex-wife has also remarried. Both
16 my ex-wife and her spouse are currently working.
17 My ex-wife has the earning capacity of an
18 electrician, which she has trained for and her
19 spouse is working as a mechanic.

20 I petitioned the Court for a decrease
21 in child support payments for my child to my
22 previous marriage. My current wife and I prepared
23 for this hearing by researching the laws in the
24 law library.

25 I went into this hearing with the

1 laws I had researched and confidence. I came out
2 feeling disrespected, belittled, stripped of all
3 rights and self-worth.

4 I wasn't allowed to fully prove my own
5 case at this hearing. When my ex-wife deviated
6 from the purpose of this hearing, I questioned
7 this. The hearing officer, Mr. Begley, told me to
8 shut up and let her continue. This happened
9 several times.

10 Every time my ex-wife said something,
11 he said he would recognize it. When I showed him
12 the laws I researched, he said he would look at
13 them.

14 I asked him to put in writing why he
15 wasn't recognizing these laws. He said he didn't
16 have to. When I asked for his supervisor, Dawn
17 Johnson, to come in and monitor this hearing, my
18 ex-wife asked if she could leave. Mr. Begley told
19 her to go, saying, "This hearing is over" and I
20 was told to get out.

21 This hearing lasted at least fifteen
22 minutes. When I protested the fairness of this
23 hearing and asked to see Dawn Johnson, Mr. Begley
24 told me that I couldn't see her.

25 Intimidating tactics such as calling

1 four sheriff's deputies to escort me and my family
2 out were used. This caused much emotional
3 distress to my oldest daughter by my second
4 marriage.

5 These tactics are used regularly by
6 the Domestic Relations Department of Beaver County
7 and are unnecessary and uncalled for.

8 I have since filed for exceptions to
9 Mr. Begley's recommendations and am awaiting a
10 hearing with the Judge. I feel the
11 recommendations impose an unreasonable burden on me
12 and adversely affects the children of my second
13 marriage.

14 Mr. Begley also stated I am in arrears
15 and expected an additional \$5 payment towards
16 these. I have been able to prove that I am not in
17 arrears.

18 I can't retain an attorney to
19 represent me because of my current financial
20 status. I have gone to Neighborhood Legal
21 Services only to be turned away because of budget
22 cuts. There is no legal representation available
23 to me or other fathers in my position.

24 I feel the laws should be my
25 representation but I find in the Domestic

1 Relations hearings of Beaver County this is not
2 so. The problem lies in the lack of recognition
3 of equality during these hearings.

4 I am a father who has accepted my
5 financial responsibilities to my child assigned to
6 me by the Court over the past fourteen years as
7 records will show.

8 I am temporarily disabled and asking
9 for a temporary reduction in child support
10 payments. Why aren't my pleas for help being
11 heard? Why isn't equality under the law being
12 recognized for fathers? All I am asking is to
13 give my family the dignity of living on the income
14 it's trying to survive on which is \$620 per
15 month."

16 (Testimony of John L. Gleeson, Jr.)

17 "MR. GLEESON: I am writing in regards
18 to House Resolution No. 8 and would like my
19 written testimony entered into the record.

20 My case number is 37580. On November
21 30, 1987, I was divorced in Montgomery County,
22 Pennsylvania. A settlement agreement was reached
23 beforehand and support was set at \$600 per month
24 for my two minor children Jack and Patrick. At
25 that time my ex-wife worked only part time.

1 In 1990 I married again and we had a
2 daughter. My wife has two daughters from a
3 previous marriage. She receives no support from
4 her previous husband as he cannot be found.

5 Money is tight in my house and since
6 my ex-wife has long since retained full time
7 employment, I filed a petition to reduce support
8 on May 24, 1991.

9 We had a hearing with an officer. No
10 agreement could be reached so we went before
11 Master Of Support, Matthew Santangelo.

12 Now in 1990 my ex-wife's income was
13 \$45,000 compared to my \$36,500. According to the
14 Supreme Court of Pennsylvania Uniform Support
15 Guidelines of September 6, 1989, based on our
16 individual incomes, I felt the Order should have
17 been reduced to \$400 monthly. Instead it was
18 raised to \$620.

19 I have appealed this decision and am
20 awaiting a Court date. I feel it was unfair for
21 the Master to include my wife's income,
22 approximately \$30,000, as mine and if this
23 decision stands as it is I will certainly lose my
24 home.

25 Thank you."

1 (Testimony of Stephen M. Tobias.)

2 "MR. TOBIAS: I am a single/divorced
3 father writing to tell you my story on behalf of
4 myself and all divorced fathers, and the rights of
5 fathers with their children. I have been a member
6 of Fathers' & Children's Equality, F.A.C.E., since
7 December, 1990.

8 I have been divorced since October 4,
9 1990. My ex-wife and I separated in our marriage
10 on August 26, 1990, after over a year of
11 continuing and worsening breakdown of the seven
12 year marriage, mostly on her part, despite my
13 efforts to save the marriage through marriage
14 counseling, in which she refused marriage
15 counseling.

16 After the marital separation, my ex-
17 wife, at that particular time, stated to me that I
18 would see my son on her terms at the time to suit
19 her needs.

20 At that point in September, 1989, I
21 arranged for the services of an attorney so that I
22 could see my son in a fair and equal amount of
23 quality time rather than just two or three times a
24 month as was stated by my ex-wife.

25 On January 9, 1990, the Court ruled

1 joint/shared custody and visitation with my ex-wife
2 being the primary custodial parent.

3 At this child custody conciliation
4 hearing my ex-wife put up a substantial battle
5 verbally with her own attorney over the
6 joint/shared schedule of custody and visitation, so
7 that she could still control when I would/would
8 not see my son regardless of what I or anyone else
9 thought. Her efforts were to no avail in that she
10 was advised to back down on this matter by her own
11 attorney.

12 After that time, my ex-wife still
13 tried to control when I would see my son by lying
14 and when I attempted to take custody of my son as
15 stated in the Court Order, she risked being
16 charged with contempt of a Custody/Visitation Order
17 of Court. She did not attempt to interfere with
18 the child Custody/Visitation Court Order ever
19 again.

20 Then we addressed the issues of child
21 support, property value settlement and outstanding
22 credit card payment responsibility between myself
23 and my ex-wife, in which she was not cooperative
24 in these matters as well. At the conclusion of
25 those issues, the divorce became final on October

1 4, 1990.

2 Problems with my ex-wife have
3 continued since the divorce became final. She has
4 not fulfilled her proper responsibility as primary
5 custodial parent in that (1) she has not provided
6 proper fitting clothing for the child and (2) she
7 has not provided a proper diet for the child.

8 She has been advised on many occasions
9 by more than one person, including myself, as well
10 as my son's daycare provider, to arrange for
11 proper fitting clothing, especially for the child
12 to wear. My ex-wife has for the most part ignored
13 and refused to address/resolve these issues
14 concerning the child.

15 Recently during a discussion between
16 myself and my ex-wife, she refused to purchase
17 and/or provide proper fitting clothing for the
18 child, as she said to me that she did not have the
19 money to spend on the child. More about this
20 later.

21 My ex-wife also has not been seeing to
22 the matter of proper medical care for the child at
23 the time(s) that it was needed, including routine
24 medical and dental examinations for the child.

25 It was I, the child's father, who has

1 taken the proper responsibility for these medical
2 and dental needs including emergency medical
3 services on more than one occasion.

4 I also provide and pay for the medical
5 HMO coverage and dental insurance coverage, in
6 addition to my child support which I pay directly
7 to the daycare provider/early learning center.

8 I also provide and pay for life
9 insurance policy coverages for the child. My ex-
10 wife does not provide medical/dental coverage and
11 I have been recently advised that she also does
12 not provide or care to provide any life insurance
13 coverage for the child as well.

14 On May 31, 1991, I was advised that
15 there are further problems with my ex-wife
16 providing for the child in her responsibility as
17 primary custodial parent.

18 I was told by a confidential source,
19 known to myself and my attorneys, that in addition
20 to not providing proper fitting clothing and
21 proper diet for the child, my ex-wife was not/is
22 not fulfilling her parental responsibility by
23 spending too much time away from the child and
24 leaving the child with non-family members who did
25 not/do not want the responsibility of caring for

1 the child in his parent's absence.

2 These non-family members also were not
3 advised of who the child's father (myself) was or
4 where I could be reached, or even who the child's
5 doctor and/or medical coverage was in the event of
6 any medical need.

7 My ex-wife and her boyfriend/man
8 friend spent/spend much time in the gambling
9 casinos on most weekends, which now explains her
10 financial inability to properly provide for the
11 child.

12 Also, it was told to me that my ex-
13 wife did not advise these non-family members, left
14 to care/provide for my son, as to where she could
15 be reached concerning the child while out-of-state
16 with her boyfriend/man friend. And on at least
17 one occasion she was away overnight while these
18 non-family members were left to care for my son
19 and these people had no idea where the child's
20 mother was. And she did not return when she had
21 promised or even called to check on the child.

22 On that particular evening, she went
23 out saying that she would return in two to three
24 hours, but she did not return until several hours
25 later and the child was left alone overnight with

1 a young girl.

2 It was later discovered that my ex-
3 wife was at her own apartment with her boyfriend
4 overnight alone while my son stayed at the
5 boyfriend's house alone with this man's young
6 granddaughter. And the young girl had absolutely
7 no idea where the child's mother was for at least
8 ten hours.

9 I've been in contact with my own
10 attorney(s) in this matter and there has now been
11 issued a Petition To Modify Existing Custody Order
12 with a new Court Conciliation hearing date set in
13 the next few weeks.

14 I am now pursuing primary physical
15 custody of the child as suggested by my
16 attorney(s).

17 My ex-wife has been charged with (1)
18 not providing for, caring for, or nurturing the
19 child and (2) conduct and behavior which is
20 detrimental to the health and welfare of the
21 child. This child custody conciliation hearing
22 this month will determine future primary physical
23 custody, visitation rights and child support.

24 This all has not been without great
25 emotional as well as financial cost, especially on

1 my part.

2 After I was made to move out by my
3 ex-wife in August, 1989, as she stated that "she
4 did not need me around anymore" and states that
5 "she wished that she were his (the child) only
6 parent," I moved to my own apartment with what
7 personal possessions I was permitted to take.

8 Unfortunately, at the end of November,
9 1990, I was forced to give up my apartment and
10 move back to my parent's home. At that time most
11 of my possessions (furniture, appliances, etcetera)
12 were placed in rental storage.

13 But since the early spring of 1991,
14 the majority of my possessions/belongings I was
15 forced to sell and/or give away because of ever
16 increasing attorney's fees/Court costs to the point
17 that I could not even afford to continue paying
18 the expensive monthly storage rental fee,
19 especially from May 31, 1991 to present date.

20 At this point my pursuing of the
21 divorce action as defendant and my pursuing of the
22 child custody as plaintiff from September,
23 1989/January, 1990 and May/June, 1991, has cost me
24 not only my apartment, but the majority of my own
25 personal possessions and some of my son's

1 possessions as well. This is my story'

2 The emotional and financial cost of
3 divorce is very high, especially when there are
4 children involved. The effects of divorce are
5 long-lasting and far-reaching, especially when it
6 includes fathers and their rights to their
7 children.

8 There is not a day that goes by that
9 I wish and hope that another father of a
10 child/children does not have to go through what I,
11 as well as other fathers, including their
12 children, especially in the Fathers' and Children's
13 Equality support group have gone through and
14 continue to go through with their ex-wives/the
15 mothers of their children who continue to have the
16 upper hand.

17 I am one of the more fortunate
18 fathers. I see my son every week on Tuesday
19 evenings through Wednesday afternoon, and every
20 other weekend in addition to alternating major
21 holidays and vacation custody. Some fathers I
22 know see very little of their children and/or
23 these fathers don't see the children at all.

24 Also, in some cases the primary
25 custodial parent which is usually the mother

1 moves/relocates so far away that it makes it
2 practically impossible, especially financially, for
3 the father to have and/or regain custody/visitation
4 and quality time with their children on a regular
5 basis.

6 In many cases, these fathers have to
7 hire an attorney in another state to represent
8 themselves because their ex-wives have moved, and
9 the father's own attorneys cannot pursue child
10 custody/visitation over state lines in another
11 state.

12 This is not only unfair to fathers, it
13 is especially unfair to the child/children in that
14 these children do not have the love, caring and
15 nurturing that their natural father can provide.

16 Many women/divorced mothers deprive
17 the natural father(s) of this right, the right of
18 natural fatherhood and parenting of the
19 child/children. This deprivation not only hurts
20 natural fathers, it especially hurts the children
21 as well, and for a long time to come.

22 This is why I am writing' The women's
23 rights movements, especially those women who are
24 mothers, must realize that the fathers of their
25 children have rights too. Rights to equal

1 parenting of their children. Rights that are too
2 often taken away from the fathers not only by the
3 women's rights movements, but by the Court Justice
4 System as well'

5 The fact of a child's parents
6 divorcing is especially not the child's fault, but
7 it is the child/children, and also the father(s)
8 who suffer the most when they are kept apart.

9 I am only one father who has been
10 given the shaft in this way in the divorce with
11 and by my ex-wife. And it may take me years to
12 recover both financially as well as emotionally.

13 I have read many articles and one
14 article in particular stated that "divorce is
15 hell" and I agree, especially when there are
16 children involved.

17 No matter what my ex-wife and myself
18 now think of each other, we still have to
19 communicate and be amicable for many years to come
20 in the best interest of our child. This has not
21 been entirely successful despite my
22 repeated/continued efforts to properly communicate
23 in this way with my ex-wife.

24 As the saying goes, "I may have won
25 the battle(s), but she has won the war." My

1 ex-wife's lifestyle is basically unchanged since
2 the marital separation/divorce. She still has her
3 own apartment, almost all of her possessions that
4 were once ours, and primary physical custody of
5 our child at this time. Am I bitter? Yes, I am!

6 We've both made mistakes that we both
7 will have to answer to, but I feel that the child
8 is deserving of a better and proper parent
9 (myself), and family atmosphere in which to live
10 and be raised properly.

11 If my son's mother is going to have
12 the lifestyle as I've described in this letter,
13 then that being her choice does not mean that my
14 son should have to keep living with her and her
15 choices.

16 My son, age four, does not have a
17 choice in this matter of lifestyle. If his mother
18 is not willing to fulfill her primary parental
19 responsibility, then that responsibility is up to
20 me to fulfill, and I accept that responsibility
21 willingly.

22 The time is now that father's rights
23 are to be recognized with their children,
24 especially in determining who will be the "proper"
25 parent for the child/children, rather than

1 automatically assuming that the child/children's
2 natural mother is the deserving primary custodial
3 parent rather than the natural father in most
4 cases, and the mother/ex-wife is awarded full
5 custody and/or primary physical custody, especially
6 for marital separation/divorce under irretrievable
7 breakdown/unreconcilable marriage.

8 If the natural mother/ex-wife is not a
9 fit mother, as my ex-wife obviously appears to be,
10 then the mother should not continue to be the
11 parent with primary custodial parental
12 responsibility. The father of the child/children
13 should be the parent with primary custodial
14 parental responsibility.

15 Fathers' and Children's Equality,
16 F.A.C.E., is a support group that especially
17 assists the separated/divorced fathers pertaining
18 to their legal rights as natural parent(s) with
19 their children. It is time that these fathers'
20 rights are recognized with their children
21 throughout the State of Pennsylvania as well as
22 throughout the United States' "

23 (Testimony of R. Scott Pierce.)

24 "MR. PIERCE: It all started in May,
25 1987, when my wife (now ex-wife), Robin and myself

1 separated. We agreed at that time to share taking
2 care of Christy.

3 Just a few weeks later, Robin had
4 another man living with her. At this time I took
5 Robin to Court for custody of Christy, as I felt
6 this was a poor home situation for Christy to live
7 in. The hearing was August 7, 1987, and the
8 result was joint custody, alternating care of
9 Christy every other week.

10 Starting Monday, August 10, 1987,
11 Robin had the first full week of custody. Monday,
12 August 17, 1987, my first week of custody began.
13 That evening while getting Christy ready for bed,
14 she told me that mommy's boyfriend, John Morris,
15 had touched her. I asked her, "Where?" And she
16 said "Her peachy (vagina)." I asked how many
17 times and she said three. I asked her if mommy
18 knew what John did and she said "Yes." I asked
19 her what her mommy did and she said, "Mommy told
20 him he better not do that again." I didn't know
21 what to think. She seemed scared, but it was hard
22 for me to believe that something like this
23 happened.

24 Robin got Christy again on Thursday,
25 August 20, 1987. When I got her on Friday, August

1 21, 1987, I asked her in the car on the way home
2 if John had touched her anymore. She said, "No.
3 But when he did before he dug his finger in and it
4 hurt."

5 When I got home I contacted my
6 attorney and she told me to contact a psychologist
7 named Dr. Vincent Berger. I couldn't get in touch
8 with him until Monday, August 24, 1987. This was
9 also Robin's second week of custody. He advised
10 me to contact Children and Youth Services because
11 if Christy would report something like this to him
12 he would have to report it to them anyway.

13 So after talking to Dr. Berger, I
14 called Children and Youth Services and talked to
15 Bob Holtzberger. I wanted to find out how to
16 report something like this, but I was hesitant on
17 releasing too much information.

18 But after I gave him my name he told
19 me they have to see Christy within twenty-four
20 hours after something like this is reported.

21 I explained to him that this was not
22 my week of custody, but I would get her on
23 Wednesday, August 26th. I told him I didn't want
24 Robin to know she was coming in because Christy
25 had said that her mommy knew what happened and

1 didn't do a thing.

2 He told me I had to bring her in the
3 next day. I told him I'd try and take an early
4 lunch and pick her up at the babysitter. He said
5 if I was not there by noon August 25, 1987, he
6 would be calling me.

7 On Tuesday, August 25, 1987, I went and
8 got Christy at the babysitter and went to Youth
9 Services and met with Kathy Jones. Christy told
10 Kathy that John put his peach (penis) to her
11 peachy (vagina) using dolls.

12 I told Kathy she never told me that,
13 then I got pretty upset and started crying. Kathy
14 told me to take Christy home even though it was
15 Robin's week of custody, and they would contact
16 Robin.

17 The next day Kathy Jones had Robin
18 take Christy to our family doctor, Dr. Jeffrey
19 Potter. During the examination, Christy mentioned
20 what John did to her in the company of Robin.

21 Later the same day, Robin took Christy
22 to the Rape Crisis Center at the request of Youth
23 Services to see Jo Sterner.

24 After Christy's appointment, Kathy
25 Jones called me and told me that Christy told Jo

1 Sterner what happened then she said, mommy said
2 nothing happened.

3 Then Kathy requested that I make an
4 appointment for me to take Christy to see Jo
5 Sterner. My attorney and Youth Services requested
6 that a Court Order be signed that said Christy was
7 to have no contact with John Morris, but the Judge
8 also wanted Robin and me to continue with the
9 joint custody.

10 When I got Christy back the following
11 week, Christy told me her mother and John said
12 they would hurt me if she told anybody what
13 happened. I asked her if she saw John and she
14 said no. I then said how did he tell you this and
15 she said on the phone. She was so upset and
16 scared. I never saw her like this before.

17 The next day I called Kathy Jones and
18 asked her to please help Christy. I told her what
19 Christy had said and then requested that she be
20 put in a foster home because she was being scared
21 to death.

22 I figured that a foster home would be
23 better than her being with her mother. Kathy said
24 that they would rather her be with a relative than
25 someone strange. The closest relative was my

1 parents, who live in Dubois, Pennsylvania, one
2 hundred fifty miles away.

3 So at the recommendation of Youth
4 Services, my attorney and Robin's attorney agreed
5 for Christy to go to my parents. The Court Order
6 said there was no contact allowed by either
7 parent. I agreed to no contact because it made it
8 easier for Christy to go to my parents and I knew
9 she was in good hands.

10 An appointment was set up by Kathy
11 Jones for Christy to see Dr. Doris Tinker at the
12 Hershey Medical Center on October 4, 1987. Dr.
13 Tinker does most of the evaluations for Youth
14 Services in the five surrounding counties and is
15 highly regarded.

16 Since Robin and I were not allowed
17 contact with Christy, Robin's attorney, my
18 attorney, Dr. Tinker, and the Judge's secretary
19 had a conference call. The result of the call was
20 that Robin and I were to call Dr. Tinker to find
21 out when we could see Christy.

22 We were not permitted to see Christy
23 until she met with Dr. Tinker and then it was to
24 be supervised. Before Christy met with Dr.
25 Tinker, Robin came in and picked up Christy and

1 made a scene. Later, when Christy saw Dr. Tinker,
2 Christy told her that her mommy told her not to
3 tell what John did.

4 A few weeks prior to Christy's
5 appointment with Dr. Tinker, Robin and I both
6 agreed to a custody evaluation. Robin didn't like
7 the results of the evaluation, so she changed
8 attorneys, John Connelly, Jr., and he in turn
9 hired a psychologist, Dr. Stanley Schneider.

10 My parents brought Christy down for
11 someone at Dr. Schneider's office to see Christy.
12 My parents gave them a copy of the Court Order and
13 told them Christy was not to be allowed to be
14 alone with Robin.

15 Then they told my parents to leave and
16 come back three hours later. They didn't even
17 have my parents stay with Christy until she was
18 comfortable with the lady.

19 All the other professionals had
20 whoever brought her stay with her for at least
21 fifteen minutes until she was comfortable.

22 His report said that Christy would be
23 safe with Robin if John or no other males were
24 present. Robin has a history of being with many
25 men.

1 Because of Dr. Tinker's report, I was
2 able to be with Christy over the Thanksgiving and
3 Christmas holidays. Dr. Tinker's recommendation
4 was that I have primary custody and that Robin
5 should see Christy, but only under the supervision
6 of Children and Youth Services. Because of Dr.
7 Schneider's report Robin got Christy two days
8 after Christmas, December 26th and 27th, 1987. I
9 hired a detective to watch Robin and Christy those
10 two days.

11 On January 4, 1988, the detective
12 testified in Court that he saw Robin and Christy
13 leave John's house. Robin testified that she
14 wasn't even there those two days.

15 The Judge said that we didn't prove
16 that Christy was around John. He said, "How do
17 you know John was there?" Christy told Dr.
18 Tinker, Dr. Brown and Youth Services that John got
19 her a purple elephant for Christmas. But at the
20 April 15, 1988, hearing, Robin's sister testified
21 that she got it for Christy.

22 Robin's mother, sister and brother
23 live in Texas. So after this mini-hearing, it was
24 back to joint custody until all the professionals
25 could be there to testify.

1 I had changed attorneys myself right
2 before Thanksgiving. So after this January 4
3 hearing I took Christy to another psychologist,
4 Dr. Hazel Brown, because of all the things her
5 mother was still telling her.

6 Robin had told Christy several times
7 that she would never see her again if she told
8 people what happened. Christy was really scared.
9 John Morris was still to have no contact with
10 Christy.

11 On Valentine's Day, 1988, the
12 detective saw John leaving Robin's apartment. A
13 couple of hours later, Robin and Christy came out.
14 There is only one way in and one way out of the
15 apartment.

16 At the April 15, 1988 hearing the
17 Judge didn't do a thing about Robin breaking
18 another Court Order. (He said January 4 that if
19 she broke another Court Order he would severely
20 restrict her visitation.) Even after all the
21 professionals testified he still left it joint
22 custody.

23 January 11, 1989 there was an appeal
24 hearing (continued to February 22 and April 12,
25 1989). Robin and John are trying to get this off

1 his record.

2 The report was "indicated" that John
3 molested Christy. Dr. Tinker, Dr. Brown, Dr.
4 Potter, Jo Sterner (Rape Crisis) and Kathy Jones
5 have testified what Christy told them.

6 Christy also testified to what
7 happened. She was three years old when she was
8 molested and 4 1/2 when she testified.

9 This hearing was in front of a hearing
10 officer at the Child Welfare Building in
11 Harrisburg. As of this date there has been no
12 decision on this appeal.

13 At this hearing Robin made up so many
14 lies just to get her boyfriend off. She said that
15 I wanted to get Christy a anti-sexual abuse game
16 at Toys "R" us. She said that I would pull down my
17 underwear and point to my penis and tell Christy
18 to tell mommy to suck this. She also came up with
19 a different story than the five professionals.

20 April 6, 1989, we had a custody
21 hearing set, but instead of the hearing taking
22 place the attorneys agreed on another custody
23 evaluation.

24 Dr. Shienvoid did this evaluation and
25 his recommendation was that Robin should get

1 primary custody because of my anger.

2 My anger and frustration that I
3 related to him was the fact that Robin still was
4 seeing the man that molested Christy and letting
5 her have contact with him. The same things I
6 related to Dr. Tinker and her recommendation was
7 the opposite of his.

8 But at this April 6 meeting the Judge
9 told Robin to start taking Christy to Dr. Brown,
10 Christy's therapist, but she never did.

11 The Judge knew that she kept Christy
12 away from me. That she refused to take Christy to
13 Dr. Brown, and that she let Christy around John
14 Morris (the molester) but didn't seem to care.

15 Shinevoid's report said that Christy
16 was more affectionate with Robin and my new wife
17 Sarah than me. But didn't mention that he never
18 saw me with Christy like he did Robin.

19 He sent one of his employees to the
20 household to do an "in-house evaluation." But the
21 fact is when she came to my house there were other
22 people there. My wife, her daughter Rachel and
23 myself.

24 If you would look at Dr. Tinker's
25 report, Christy was more affectionate with me than

1 Robin. The fact is Christy wants to be with me
2 and my family.

3 Dr. Brown testified that Christy
4 always draws pictures of myself, my wife and her
5 daughter, my parents, and some of her friends in
6 the neighborhood and this indicates where she
7 feels the most comfortable and secure. Also, the
8 child abuse expungement hearing has been made part
9 of the last hearing, August 38, 1989.

10 In summary, I just don't understand
11 how a Judge that is supposed to be looking out for
12 children can let something like this go on.

13 He threatened her with severe
14 restriction on visitation if she broke another
15 order, but at the two hearings since he said that,
16 he has turned his head the other way when there
17 was testimony that Robin was still allowing this
18 man around Christy, that she has kept her from me,
19 that she disobeyed a direct order for her to take
20 Christy to Dr. Brown.

21 I can't help but believe that if this
22 would have been me breaking the Orders that he
23 would have put me in jail.

24 He also disregarded the fact that on
25 August 7, 1987, that Robin said John was living

1 with her and for her protection from me. That
2 they were just friends. Then after the abuse
3 allegations a few weeks later they were boyfriend
4 and girlfriend.

5 Then December 24, 1987, her attorney
6 told the Judge in Chambers that John Morris was
7 history. Then all of a sudden, January 4, 1988,
8 Robin testified that she was still seeing him.
9 Then April 15, 1988, she testified that they are
10 no longer seeing each other except when they are
11 working on the expungement appeal.

12 But at the expungement hearing,
13 January 11, February 11, and April 12, 1989,
14 John's mother testified that they are engaged.

15 Robin and John say how in love they
16 are. Then to top it off at the end of the custody
17 evaluation, Robin's last visit, July 12, 1989, she
18 tells Sheinvold that she is no longer seeing the
19 guy that molested Christy.

20 How could anybody in their right mind
21 believe what she is saying. The Judge told
22 Robin's attorney in closing arguments at the April
23 15, 1988, hearing that he has been on the bench
24 nine years and that he knew a liar when he saw
25 one, referring to Robin, but after all this he

1 still gives Robin custody.

2 No one should have to go in debt for
3 ten years or more and spend over \$40,000 to try
4 and protect their child, and then their efforts
5 are for nothing.

6 Also, when I had joint custody I had
7 to pay \$40 a week, even though I filled out the
8 expense sheet which showed that I was going in the
9 hole each week.

10 My parents gave me \$100 a month to
11 help me keep my head above water. My girlfriend,
12 now my wife, had me and my daughter for supper
13 most of the time or I couldn't have made it. Why
14 fill out an expense sheet if it is not
15 considered?"

16 (At 4:30 p.m. hearing was
17 adjourned.)

18 * * * *

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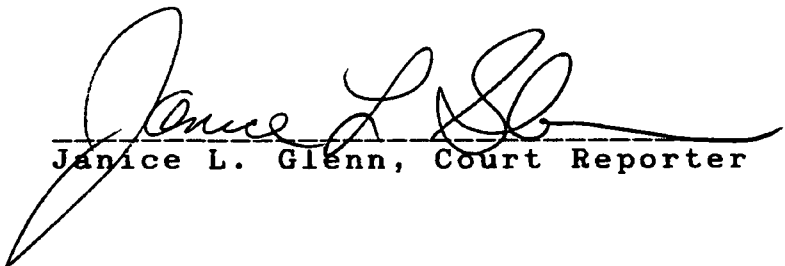
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C E R T I F I C A T I O N

I hereby certify that the evidence taken
by me of the within proceedings is accurately
indicated on my notes and that this is a true and
correct transcript of same.


Janice L. Glenn, Court Reporter