

Written Statement
by
William T. Reil

Hearing on House Bill 1260

April 16, 1992

Mr. Chairman, Representative Jim Gerlach, other members of the House Judiciary Committee and Representative George Saurman.

I am William T. Reil, a resident of Chester County at 235 Jefferis Road, Downingtown, Pennsylvania, 19335.

I appreciate the opportunity to speak with you this morning briefly about the devastating negative experiences that my family has tragically been forced to endure in the Pennsylvania Divorce and Custody process and why I believe that mandatory mediation and major reforms in our domestic relations civil law and procedures are required to offer the people of Pennsylvania a positive alternative to the current unjust adversarial civil court process.

First let me state simply that I an honest man who has repeatedly been falsely accused and thus embroiled in the Chester County legal, medical and Child and Youth Services systems for more than two long years. I now clearly know what it means to be a victim of our divorce and custody process. Since the fall of 1989 when this tragic struggle began, I have seen my daughter, my family, our life savings and my reputation maliciously destroyed at the hands of unethical and self serving individuals.

Because I was forced financially in April of 1991 to represent myself as Defendant, Pro Se, I have gotten a unique opportunity to study and began to learn the process from the inside, so to speak. Obviously, I am not an attorney, a fact which has been stated and restated to me repeatedly by apposing counsel and the sitting Judge in on custody case, therefore, I am not actually an insider. However, because I am not an attorney, I can not be intimidated and controlled by the Judge. Thus, I am able to candidly and truthfully tell you what I have learned and experienced.

Since Representative Saurman asked me to speak with you concerning House Bill 1260, I have tied to figure out a way to compress into 15 minutes, the more than two years of events that I and my family have experienced going through this struggle. To somehow help you understand the anger, pain, sorrow, love,

cyclic hope for justice, betrayal and so on, which many experience in our Divorce and Custody process. I know some of you have personally gone through the process. With approximately 54% of all marriages ending in Divorce today, I can safely say that everyone at least knows one person who has gone through divorce and thus shared the experience, if only from a distance. If the divorce which you experience in one way or another also involved children, then you know the real tragedy of this destructive family epidemic in America.

Frankly, I have been unable, try as I have, to do an adequate job of the compression task. I have concluded, however, that for the purpose that brings me here today, the specific details of our case are less relevant than the overwhelming suffering that thousands of Pennsylvania children and their parents are needlessly going through because of the obvious failure of the current divorce and custody process. More specifically, many are needlessly suffering because of the greed, hunger for power and/or loss of ethics of certain individual who operate within this process. In my experienced opinion, the current civil legal process generally just does not function in the best interest of anyone, except the lawyers, judges, psychologist, social workers, etc. who currently feed on the decaying emotions of families in trouble.

Over the past few months, I have provided Chairman Caltagirone's staff with extensive documentation in support of my Petition, presently before this Judiciary Committee, requesting the Impeachment of Judge Alexander Endy, the sitting judge on our custody case. For the sake of completeness, in the interest of time and for those who wish to know the details of my experiences and qualifications to address this issue today, I request that those documents also be made a part of or at least reference in the record of today's proceedings.

As I have said before, the innocent victim of the destructive process that my family has endured and continues to endure, is our 12 year old daughter, Elizabeth. She has been abused, manipulated, brainwashed, lied to, programmed and reprogrammed etc. to a point that threatens her permanent mental health and welfare all for the sake of gaining and/or justifying a change in Custody. Judge Endy's vindictive Final Opinion and Custody Order in our case was issued on February 14, 1992. He totally ignored all credible testimony and extensive evidence and did not read many of the transcripts of this complex and lengthy case before rendering his opinion. Judge Endy's Order, with its provisions for the use of police power and enjoining me from having any contact with Elizabeth for 60 days, was, in my opinion, issued in revenge for me filing my Petition for Impeachment with the Speaker of the House on February 5, 1992, exercising other Civil and Constitutional guaranteed rights and in an attempt to avoid

and/or influence the outcome of a then ongoing investigation for mental abuse of Elizabeth by her mother. The facts and supporting documents which I have presented to the court are overwhelming conclusive.

As I am sure this committee is aware, Elizabeth's abuse is not an isolated case. I have been cognizant of the effects on Elizabeth of this process and of certain individuals within it for some time. However, not until March of this year when I read the book Children Held Hostage by Dr. Stanley S. Clawar Ph.D. and Brynne V. Rivlin, M.S.S., did I understand the details of brainwashing and programming abuse on children involved in divorce and custody. While reading this book, I saw my family and what we have experienced on nearly every page. As the target parent, try as I have, I felt and still feel powerless to stop the heartless damage being done to Elizabeth. I sincerely recommend that each of the members of this committee read this book and do what ever you can to insure that all of those dealing with children in the Divorce and Custody process, what ever form, do the same.

As for House Bill 1260, I am convinced without a doubt that mediation rather than litigation can be a much more positive and productive process. In my opinion, the primary goal of any divorce process when children are involved must be an attempt to maintain the family unit, be it unified or separated, and the protection of the innocent children who are always adversely effected by this upheaval in their lives.

I do not believe that voluntary mediation is as an effective solution as Mandatory Mediation with the full legal encouragement and authority to ensure active participation and efforts to reach an agreement. In our case, Family/ Conjoint Counseling was recommended and so ordered on February 23, 1990. However, because my wife's attorney knew, based on events in January of 1990, that if my wife participated in the ordered counseling, the truth would be exposed and thus his fabricated case would be lost. Over the course of the past two years, Each of my three attempts to have the court enforce the February 23, 1990 Family/Conjoint Counseling provision has failed. I had two Counter-Contempt Petitions filed which were both dismissed out of hand without comment. My Contempt Petition which was filed on March 19, 1991 and finally heard before Judge Endy on August 14, 1991 also failed to get my wife to participate in conjoint counseling. The deception, manipulation and other unethical behaviors of my wife's attorney to, among other things, prevent this recommended and ordered Family/Conjoint Counseling from taking place is appalling and has resulted in heartless harm to Elizabeth, my wife and me. In his February 14, 1992 Opinion, Judge Endy when so far as to state that he "concluded that there was no order for "Conjoint Counseling" and that Mrs. Reil was reacting to what she perceived as Mr. Reil's attempt to control

her by insisting on an activity which would impinge on her limited time with her daughter, and which had little, if any, chance of success". This position taken by Judge Endy is simple not true or rational. Yet, it is consistent with his and others expressed belief that true counseling and/or mediation do not apply to custody and divorce matters.

A Voluntary Mediation process, in my opinion, has to many overt and covert opportunities to be avoided and/or misused.

While I was represented by counsel between January 2, 1990 and April 8, 1991, I felt totally out of control of my life and caught up in a process that was apparently not intended to help solve the problems, but rather exacerbate them for the financial gains of those making their livelihood from the process. Our lawyers spent hours preparing, discussing and arguing over material things and trivial matters. Procedure seemed to be more important than issues, facts and the truth. Having to deal with my wife's attorney and defend against fabricated charges and other attempts to create or validate false grounds for divorce or justify a change in custody, frustrated me and caused a great deal of needless pain, emotional and mental damage and expense. Others in the legal and medical communities have caused similar effects. My wife did go to counseling by her self. However, since her therapist only had a single prospective to work with, the results were no very productive and in fact, based on my wife's testimony and continued destructive behaviors, these sessions were often counter productive.

When representing myself after April 8, 1991, I had an opportunity for the first time to discuss the issues with my wife. She had to stay on the witness stand and deal with the facts. She could not run away and avoid issues as she had done so often when we lived together. Unfortunately, only I benefited from this experience. Had we participated in Conjoint Counseling, Mandatory Mediation or what ever you wish to call this process, I believe that we very likely could have resolved our differences, improved our communication skills, and established a more positive relationship, at least as far as it related our interactions with Elizabeth.

Since beginning to investigate mediation alternatives, I have learned that several states have dealt with this alternative process for some time with varying degrees of success. California, for example, has been using mandatory mediation since 1981 with, by all accounts, very good results and a high rate of satisfaction being reported by the parties. This state wide process is funded out of \$4.00 fees for obtaining copies of marriage licenses and final divorce decrees, as I understand it. Mr. Hugh McIsaac, the Manger of Family Court Services has indicated to me that he and others in the California Superior

Court, Family Court Services are very willing to share information and assist those in Pennsylvania to gain an understanding of their mandatory mediation process.

Other states such as Maine, after which I understand House Bill 1260 was modeled, Arizona, Maryland and Washington have also implemented some form of mediation as an alternative or first step to litigation of Divorce and Custody.

The Washington State process also includes, as I understand it, the requirement for the parties to attend parenting classes and to develop joint consistent parenting plans for their children.

The Academy Of Family Mediators located in Eugene, Oregon and other established organizations and individuals specializing in the field of Mediation can also effectively assist Pennsylvania to rapidly develop a comprehensive Mandatory Mediation Process.

I am sure that the other speakers here today can address these opportunities better than I can at this time.

As for the areas of reform in our Civil Courts dealing with Divorce and Custody, I and other informed individuals have many suggestions for this committee and other to consider. They include, but are not limited to, the following areas:

- 1) Judicial Ethics
- 2) Confidentiality
- 3) Discipline of Judges and Lawyers
- 4) The ineffectiveness of the Pennsylvania JI&RB
- 5) Accountability of those operating and/or practicing within our Legal and Medical Communities
- 6) Emphasis on prevention and training in areas of marriage, child care, child abuse, and divorce
- 7) The elimination of children as pons in litigation and/or mediation by establishing the legal starting point of a "Presumption of Joint Custody"
- 8) Equal Protection and Enforcement of Laws
- 9) Protection of our Civil and Constitutional rights in the Courts
- 10) Due Process

- 11) Child Abuse with specific emphasis on a more comprehensive Mental Abuse definition in our laws
- 12) Better understanding, training and prevention of mental abuse

These discussions are lengthy and clearly beyond the matter before the committee today.

I would like to sincerely suggest, however, that without addressing the entire process, as they have done in California, the results will be a band-aid effect at best and very likely could make the problems worse. I am not in any way suggesting, however, that Pennsylvania should not move with the greatest of urgency and expediency to put in place a comprehensive solution to the existing destructive Divorce and Custody process.

I sincerely believe that we must make every effort to reinstate religious and family values and responsible parenting in America. Government, while minimizing its role in these affairs, can and must move aggressively to reinstate and safe guard the Civil and Constitutional rights to the people of Pennsylvania particularly the children, who are our hope for the future.

In conclusion, the inherent adversarial legal process of pitting lawyer against lawyer, neither of whom have a personal involvement and both of whom have great incentives to complicate and protract the process for financial gains with the parties as insulated subservient participants, creates the natural breeding grounds for corruption and collusion. Even those who would like to speak out, fear reprisal from judges and lawyers, so they remain publicly silent. The Pennsylvania Rules of Court are very clear and provide the frame work for the discipline of Judges and lawyers. Unfortunately, reality is far less than the Rules of Court mandated. I exercised my Constitutional rights and paid the price on February 14, 1992 by losing custody of our daughter, Elizabeth, to her mother who mentally abused the child at the direction, support and participation of her attorney, his selected court appointed psychologist and others. With his vindictive act of Ordering Custody for my wife, Judge Endy has again officially validated in Elizabeth's and her mother's minds all of the lies and the false belief that "Dad is Bad". (For additional detail about Judge Endy's Opinion and Order in this case read the document "Exceptions to the Opinion" filed on February 26, 1992.)

Sadly this is more the rule than the exception in the present Pennsylvania Divorce and Custody process.

The issues that we are now addressing and the House of

Representatives has been investigating for some time are not new or unique.

It is well past time to correct the sever problem that truly do exist within our current Divorce and Custody process.

A proven viable alternative of Mandatory Mediation exist.

Those in the Superior Court of California Family Court Services are willing to help. As are others organizations and individuals.

For the sake of our innocent children, I sincerely ask that you act on these issues as quickly as humanly possible.

Thank you very much for allowing to share my thoughts with all of you today. I stand willing and able to assist you in any way that I can to move this matter forward in a positive direction.