

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
PUBLIC HEARING

House Judiciary Committee  
House Bill 826

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Transcript of meeting held in  
Kurtzman Room, University of Pittsburgh  
Pittsburgh, Pennsylvania

Thursday  
April 29, 1993  
at 10:00 o'clock AM

MEMBERS OF THE JUDICIARY COMMITTEE PRESENT:

Thomas R. Caltagirone, Chairman  
Gregory Fajt  
Christopher K. McNally

Public Hearing  
University of Pittsburgh  
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Caltagirone: {I would like to wait a few more minutes. I know there was some mixup in the time that people had originally indicated that we would get started. Since there was an outpouring of additional people who wanted to testify we had originally planned on starting at 10 and then moved it to until 9 but it looks like we are going to start around 5 or 10 more minutes yet. }

We are going to get started with the hearing taking testimony on House Bill 826. I'm Chairman Tom Caltagirone from Berks County, Chairman of the House Judiciary Committee. It is my understanding that there will be other members that will be coming to the hearing at some point this morning. I have a statement that I want to read and I want to assure everybody that is testifying here today that we will have this transcribed. I am here at my own expense, not at the expense of the state, not at the expense of the taxpayers. I am doing this on my own time, at my own expense and for the record I would like to indicate the reasons why I personally feel that this is happening.

In my 17 year history with the State of Pennsylvania as Representative, I have never, ever been involved in a situation like this where free debate, free debate has been stifled. And I don't care what side of the issue any of you happen to be coming down on, I think you need to know that this issue was not going to be heard because there were certain forces at work that absolutely did not want public hearings held on this issue. The procedure in

the General Assembly of which I have been a part of for 17 years, is that when a Committee, and this wasn't of my doing, when a Committee votes to hold public hearings, public hearings are held.

When this issue was brought up, House Bill 826, and a little history about this bill, this bill is not new. This bill was introduced in the last session by the same prime sponsor, Jerry Birmelin. This bill was in fact reported out to the full House for a vote by a vote of 21 to 1, I believe the vote was. This session when this bill came up, Jerry had asked me, he is a member of the Committee, he is a Republican, I am a Democrat so its not political at all, if I would consider the bill and I said absolutely. We brought the bill up before Committee with a host of other bills at the time and there were several new members on the Committee from the last session, there were a number of members who had retired, so the new members had questioned what the issue was all about and if it could be possible to hold some public hearings. I didn't particularly care, one way or another if we had held public hearings, because I wanted to get it to the floor to debate it publicly on the floor of the House so that all members could participate and air this issue publicly with the entire General Assembly.

Well, a motion was made and seconded, Kathy Manderino by the way and that is an official part of the record, was the one who made the second, Dave Heckler, made the motion, seconded by Kathy Manderino, it was a unanimous vote by the Committee 21-0 to hold public hearings on this issue. The only reason that public

hearings cannot be held according to the House rules which we just approved would be monetary or budgetary reasons. And if that is true for this Committee that is certainly for the other 20 standing Committees of the House. And that same principle has to be upheld until the end of June until our new budget is approved.

The point I'm making is that certain forces at work both in and outside of the legislature didn't want these hearings to be held. Period. I think that's an insult to the people of this Commonwealth, to the media that have a stake in hearing these issues and getting this issue across to the public. And like I said in the beginning, whether you are in agreement or opposition to this particular bill I think one thing we should all realize is that the entire public has the right to be heard on any issue. I think this is still the United States of America. I still think we operate under a Constitution. But I'm beginning to wonder when people, because of their attitude towards issues, want to stifle free debate in this country. That's part of what this is all about.

Forget the issues involved, the Majority Leader, Ivan Itkin, refused and this is his district by the way, refused to approve these hearings. Refused to approve these hearings. Ivan Itkin, I lay the blame at his door step. And in 17 years I have never, ever heard that a situation like this would unfold in the General Assembly of this Commonwealth. Denying people free speech, their right to be heard on any given issue that we're dealing with.

Three hearings were to be held Pittsburgh, Harrisburg and Philadelphia. Only yesterday, only yesterday, when I agreed to allow Kevin Blaum to participate with this Committee, did he agree to hold, to approve the hearing in Harrisburg next Thursday. It's almost like blackmail. And I want the public to fully understand what is going on with this issue. I think everybody has the right to be heard. Whether you agree or disagree with anybody, I think those are our basic fundamentals of freedom, of rights that we all hold near and dear to us and when people are trying to stifle free debate and free speech there is something drastically wrong.

And if anyone knows anything about Tom Caltagirone, I don't get pushed around so easily, I fight back. And I've told him point blank, I owed it to the Western part of the state, particularly Allegheny County and Pittsburgh, to come out here to allow them to have their voices heard. And I said to him point blank earlier this week it's an inconvenience and a hardship on many of those people that maybe can't get to Harrisburg maybe because of work, or expenses, or whatever, we need to go to them, to allow them the convenience of testifying without having to go all the way to Harrisburg and that's the reason why I'm here today. Now I do have a statement that I want to make for the record.

Good morning. Child abuse is a very serious crime. The State must do everything in its power to protect children. The State also must do everything that it can to guarantee that those who harm or threaten children face stiff penalties such as

imprisonment. We must ensure the safety of our children who make our future.

However, our country is founded on individual rights and liberties. Due process of law stands as one of our most important rights. Our laws must protect those who cannot protect themselves like children. We also must ensure that our laws are not abused - that they are not used for revenge or to do harm against the innocent.

We hold this hearing today on House Bill 826. The legislation would amend the Domestic Relations Code to add the offenses of unlawful persuasion and false reporting in relation to someone intentionally using a child to make a false report of child abuse.

There are questions on whether such legislation is necessary. Last year the Judiciary Committee held hearings to closely examine the state's domestic relations laws and the problems affecting our Commonwealth's family court system.

One topic that arose quite often was the problem involved with our state's divorce and custody laws. Some testimony focused on how parents fought over the custody of children without thinking what was truly best for the child.

We heard several cases in which one parent, wanting to be vindictive, hurt the other by falsely reporting child abuse. Such a report would ensure the other parent lost custody and all contact with his or her children. The state has no power to stop such false reporting.

People falsely accused of child abuse face immediately losing their children and their lives without true due process. They face the financial and other burden of having to defend themselves against charges without merit. They often are tagged as guilty as soon as such charges are lodged. They can lose their jobs, their reputations and their lives because someone decides to ruin them by falsely reporting them.

Children are also hurt and abused in such cases. They become pawns in a struggle and their feelings of love and devotion are being tested.

Children and Youth Services in each county receive and investigate thousands of reports of child abuse yearly. Every report must be considered seriously and thoroughly examined.

However, state child abuse investigators risk being overburdened with cases of false reporting. Many cases that investigators look into are found to be without merit or are obviously falsely made. Many children could be hurt if investigators must focus their time on cases that are false or without merit instead of the cases in which children and child abuse being put to risk is truly happening.

The state has laws and penalties against those who falsely report crimes such as rape. It has laws against those who falsely report a fire because such reports can put people at risk.

Falsely reporting child abuse also can put our children at risk. It also can tear relationships apart between parent and child and others within those families. Again, we must ensure our

children are protected. To me, that is uppermost in my mind and I think in most people's minds that the children absolutely must be protected. We also must ensure that our laws and child protective system is not abused. Hopefully, these hearings will show a true solution to that problem. Thank you.

I would like to start off with our first testificant, Dr. Cyril H. Wecht, Coroner from the County of Allegheny, former.

Wecht: Good morning Mr. Chairman. I would like to welcome you to Pittsburgh. I would like to make a couple of preparatory comments, Mr. Chairman, in light of some of the things that I dealt with and to which you have illuminated and commented on directly this morning. First of all, sir, you and I have never met until this morning. Secondly, it is I who wrote to you asking to give testimony pursuant to an article that I read in our local newspaper about a bill that was introduced by your colleague Rep. Birmelin. You did not seek me out. I asked if I could testify. But I just wanted to make that clear because if some people think this is some sort of an orchestrated sketch here then they should be informed otherwise at the outset.

I am not going to read my statement, I never do Mr. Chairman. But I did prepare what I think capsulizes my comments. I would like to point out that there is one typographical error on page 4 in the middle in the beginning of the paragraph the word "sage" should be "saga", of course on page 4, it is just a typo. Mr. Chairman, I have been informed by you earlier today a little about your background and I am pleased to learn that you are a father and



grandfather and involved with children in many ways and also that we have another area of mutual interest SIDS, Sudden Infant Death Syndrome, which I have been professionally involved with for 30 some years. I have a few credentials, not as far ranged as you but familiarly I only have four children and no grandchildren yet. But I have been involved with issues like this professionally.

I think my background will speak for itself, not that there is anything unique or spectacular about it but like any other, a forensic pathologist who has functioned in a coroner or examiner's office for three decades, I have predictably been involved in a great number of cases in which child abuse has been alleged. I was a chief forensic pathologist for four years and a coroner for 10 in Allegheny County and at the present time, since 1970 or so, have been the forensic pathologist for Westmoreland County Coroner's Office and for the past several years also for Fayette County Coroner's Office and on occasion do work for some other coroners. I do a lot of independent medical consultation and receive cases for review and analysis from parents from throughout the country.

I think I have a pretty good perspective, I have been interested in child abuse. I have written and published on this several articles and I have some book chapters including the first chapter in an outstanding book edited by a distinguished international author, Professor Mitchell Mason of Scotland dealing with pediatric forensic pathology and as I point out in my statement, I have testified in a good number of cases and to my knowledge every case in which I have testified for the prosecution,

in a situation in which there have been allegations of child abuse or child sexual abuse leading to death in most of these cases, to my knowledge, all of these have resulted in convictions. I am very proud of that, not vindictively or vengefully, I am proud of the fact that my judgement was forenoted and more importantly that in those cases the people who I considered to have performed some very terrible acts than were brought to justice as we say.

I should also like to make a comment leading into another aspect of my background by the way, I am from this district. Representative Itkin is my legislator. I am very embarrassed and very disturbed by his action, although, I certainly am not going to become involved in the interpersonal politics of the state legislature. But it is ironic, and it should be noted for the record, I would wager that more than 50% of the card carrying members of the American Civil Liberties Union in Allegheny County probably reside in Representative Itkin's district. One might want to ponder that in terms of freedom of expression, First Amendment rights and so on. He should poll his district on the question as to whether or not people should be permitted to speak. I used to be a card carrying member of the ACLU until Skokie, that became too much for me but I will just refer to that too if I wave my background, so I have that kind of involvement and political philosophy.

The situation with child abuse is this as I see it. We have an entity which many people do not realize was not officially recognized, was not understood by health care professionals until

30 years ago. Although Dr. Kathy, a retinologist made some observations in 1946, it was not until 1961 that Dr. Henry Kemp first put this together and came up with the concept of a battered child syndrome, first set forth at a meeting in 1961 and published in a JAMA article in 1962. Now, since that time we have come to learn a great deal and in the ensuing few years every jurisdiction had state reporting laws and to this time, to my knowledge, they are all mandatory, originally some were voluntary but to my knowledge they are all mandatory. I am in favor of that and the incidence of reporting has multiplied 9 - 10 fold since the early 60's and there is no question that it is largely attributable to these mandatory reporting laws. Who, in a civilized society, could bargain with the concept of protecting children? We've come a long way.

By the way it is interesting to reflect upon the fact that just a couple of hundred years ago, in fact, what we read about, and sometimes forget, stems from reality in Oliver Twist and other great English novels was true about the way in which children were treated, children were cattle, children were disciples of the devil, religious leaders preached this, children were not considered to be really to be part of society and one did with them as one wished and in our own country, as we all will recall, into the 20th century children were working 12 - 16 - 18 hours in sweat shops in New York and metropolitan communities.

We have learned that children must be protected. I think the more advanced and more civilized and more sophisticated a society

is, the more they grasp this concept. This is a nonarguable issue. That in place let's move on and see what has happened. Succinctly, what has happened is the child abuse issue has reached a stage of mass societal hysteria that bursts through from time to time in certain situations and which is really there pretty much throughout our society. It has unquestionably become a massive industry. Now I am saying that one does not necessarily mean it in a pejorative sense, there can be industries of all kinds, military, industrial, health care and so on but it has become a tremendous industry. Health care, social welfare agencies, segments of law enforcement, psychology/psychiatry and so on.

When you develop an industry of any kind, then you develop a vested interest, you develop all kinds of positions, jobs, budgets, research frames all kinds of programs sometimes specially appointed faculty and academic positions and so on. One has to keep this in mind, now again this is not necessarily that and for the most part I believe it has been good, but there can be some adverse applications of that kind of illusionary process if one is not careful. We have reached a point I believe in our society in which the pendulum has undoubtedly swung too far.

The issue of child abuse has become essentially a sacrosanct issue. It is number one on the hit parade in the health care professional, ethical societal field. It transcends rape, sexual abuse, spousal and elderly abuse, even racism and sexism. It really is number one. Who can be opposed to the ferreting out of child abusers and doling out the appropriate discipline measures

for such monsters? Who? Republicans? Democrats? Liberal? Conservative? Black? White? Jew? Catholic? Protestant? Nobody, right, so it is a wonderful band wagon to get on. It is a comfortable one, it's a good one, it's one that society welcomes and there is no down side. Well, think about that, everybody is on board, what happens to somebody that, who comes in the path of this growing locomotive that just keeps moving down a track with no lights and no stop signs and no other precautionary measures or obstacles of any kind.

In the health care field, we see tremendous pressures. One need only look at the Peggy McMartin Bucky trial in which that woman and her husband, Raymond Bucky, were prosecuted over a period of three years. Well, she was let out after the first trial. The second trial continued on. What is important here, not to get to the details of that case, but what you must know, Mr. Chairman, or what must be pointed out is that no medical person in the United States of America, and the defense tried, they went everywhere, would touch that case, even though privately several outstanding experts told the defense attorney that there was no basis for these allegations of child molestation. One gentlemen, an outstanding man, Dr. Robert ten Bensel, who is a professor at the University of Minnesota, Maternal and Child Health Center, this man was lined up to testify, the top guy, he was so pressured, so pressured that he backed out. He made a beautiful comment, the four classic virtues of antiquity are courage, wisdom, justice and moderation and of these the most important is courage, and then he explained to the

news media with complete frankness and tremendous sorrow that his courage had failed him. He had research grants threatened. He went to a meeting and he was booed. These are the kinds of pressures that ensued.

Ultimately a close personal friend and professional colleague of mine, Dr. David Paul, one of the coroners in London, a dual degree MD/JD guy came over and testified and all those charges then were ultimately dismissed and eventually on the few remaining ones there was a mistrial. This is the kind of thing that happened. Several of these people said they would never think of testifying for the defense in such a case. In my own field of forensic pathology, I have colleagues who will testify, who will review and analyze cases of any crime and all kinds including some of the worst kinds of cases, rape, sexual abuse of adults and so on if they feel that there are legitimate areas for them to address as I have and I think that's proper and commendable, when it comes to child abuse, there is seldom one who will not touch that case from a defense standpoint.

Now you see the other side of the coin is more important, that these are the people who are in coroner and medical examiner offices, these are the people who are examining the babies and infants and young children sometimes who find that death is due to some sort of a traumatic injury, the ideology of which could be attributable to accidental or homicidal means, they don't know, but instead of putting down undetermined, they will take the information given to them by the homicide detectives, by the social

welfare agencies, by the emergency room doctors, at places like Children's Hospital around the country and so on and they will, then, put on the death certificate, homicide. They don't really know. They cannot rule out from a physical dynamic standpoint that this cranial cerebral injury might not have been sustained in the fashion with which the father or the mother or someone else in loco parentis says that it happened, but they may in fact leap that quantum leap which then sets into motion an entire set of events that result in catastrophe, and now that forensic pathologist is locked in, now he's committed himself and he's going to go forward and testify and then it will only be with great reluctance and only with a skillful defense attorney that he may with great reluctance admit on the witness stand in cross examination, "well, yes, it might have happened that way, it might have happened that way".

In the meantime, you have a jury that is inflamed, incensed, and believe me while I'm no expert in the sense of studying juries in an epidemiological fashion but I've been before them enough in jurisdictions throughout this country over 30 years to say that I have some feel for juries. There is nothing like the palpable hatred that a jury has for everybody that comes in to testify for the defense including you. They don't even know what your credentials are, who you are, what you are, they are, they already have a fixed mind, a child abuser, we see this then professionally in terms of the psychiatrist, the psychologist, the forensic pathologist and other people from the stand point of law enforcement, here to, it's a beautiful thing for police and

detectives and so on and many of them they get real turned on, you've got to read what transpired in the Bucky case and more importantly and more relevantly in the Kelly Michaels' case, the young woman in Pittsburgh who was convicted and spent five years in jail in New Jersey.

You've got to read the accounts, read from Dorothy Rabinowitz, who has studied and written on this case, from Dr. Richard Gardner, someone who, Mr. Chairman, you may wish to contact, a medical professor of child psychiatry at Columbia University, the College of Physicians and Surgeons, New York City, who examined these people subsequently, that he was consulted actually by the insurance company which was being sued by the parents of these children for civil damages separate and apart from the criminal charges, read what transpired, read what these detectives and these other people did to these kids, how they maneuvered and manipulated these kids, this business of teaching and showing them and so on, it will make you, you do not have to be a, anything near a civil libertarian to be totally offended by what transpired. The testimony by some of these pseudo-scientific people that reason kids begin to dislike peanut butter, well in that case specifically those kids started to dislike peanut butter because Kelly Michaels had put peanut butter on her body and made the kids lick it and so they later disliked peanut butter.

One witness in a later case said the reason why kids do not like tuna fish is because the smell reminds them of the odors of the vagina or the genitalia area and this proves that all the kids



have been sexually abused in some way when they were children and they remember that odor, there is that objectory recollection very deeply within the cerebral cortex and it manifests itself in later years by a dislike of tuna fish. These, this is testimony that has been given in the American courts of law. These are the kinds of things that are going on.

I've been involved in cases with, a young man in Philadelphia, a young black man, 17 years old who was working as kind of an assistant in a child care center was charged with rape and sexual abuse and penetration of all these young kids and so on. I had the attorney take him into another room, have him an erection, I measured the length and circumference of his penis and then I compared that with the circumference and depth of a four year old girl's vagina and I asked, "where, where was the evidence?"

In the Michaels case in New Jersey, according to the prosecution, she had inserted knives, forks, large wooden spoons, pieces of a Lego set into these four and five year old kids' anuses and vaginas and penises over a period of years and, then in a brief lunch time and then took them upstairs in this church and whipped them downstairs after playing all these games, nobody was aware of this, the kids were being dressed, undressed, bathed by their parents every day. Not one incident, not one episode, not one report of abrasion, contusion, try it sometime just to anatomically, just try it, go to an autopsy table, look, measure, see, it's fascinating.

In medical malpractice cases and other kinds of homicide cases, I'm always asked about dynamics, I'm always asked about correlation of the physical nature, you know, could this have done that, about patterns of injury and so, in cases of child sexual abuse all that goes out the window and forget about it. What happens to these people? Once you're labeled as a child abuser, you could kiss it good-bye. You think that Kelly Michaels, and I don't know Ms. Michaels, I'm not here to plead her case, I do not know her or her family, I'm not involved in the case, I'm not consulted, so I speak without any involvement whatsoever, you think this young woman will ever, ever live this down when somebody, man or woman, is charged with this crime, especially a man and goes to a prison setting, do you know what is number one on the agenda in terms of the kind of prisoner the other prisoners hate the most, it's not going to be somebody who killed eight student nurses, like Richard Speck in Chicago years ago, or Gasey, another mass murder, or even a Jeffrey Dahmer, I mean they will be high up there but a guy who will leap ahead of a Jeffrey Dahmer, I guarantee you in terms of being the object of hatred by the fellow prisoners and who is likely to be brutalized and sodomized first, will be the child abuser. The fact that he gets out of jail in a week, a month or maybe, like with Bucky or Peggy Michaels, years later, that's not going to protect him or her. Now I'm not suggesting that I have information about what happened to Ms. Michaels in prison, I want to make that clear, or to Mr. Bucky, I do not but I do know about

other people who have been in prison who have been charged with these crimes.

Getting to your, to the bill that Representative Birmelin has introduced, I am definitely in favor of this bill. I think it's simple. I think it's straight forward. I don't see how any body could argue against this. An adult who intentionally and knowingly causes or persuades a child to make an allegation of child abuse which the adult had no reasonable grounds to believe is true, misdemeanor of the second degree and then if he does it maliciously, with malicious intent, then it will be a misdemeanor of the first degree. Who can honestly be opposed to this? I cannot wait! I apologize for having to leave, I can't wait to read and learn from your transcript and watch on TV and listen on radio to the account of witnesses here and the subsequent weeks ahead what it is that they are opposed to here. What right does anybody have to make such an allegation and to knowingly manipulate a child? This is a terrible thing! And how are the two incompatible? What is inconsistent with it? Can we not have child abuse reporting laws?

Can we not have physicians well trained and nurses in the emergency rooms and health care clinics, can we not have psychiatrists and physiologists who understand this, can we not have forensic pathologists and other legal investigators well trained and alert, astute, sensitive, can we not have law enforcement officers who specialize in this, can we not have child and welfare agencies and individuals well trained and so on. And

as you pointed out, I have it in my comments, too, what will result, I think, predictably, not overnight but in a while there will be a greater opportunity for all of these people to address their attention, to focus on the real cases, to take the resources we have in society, to ferret out, to investigate and to ensure a successful, dynamic, aggressive prosecution against such terrible people who do these things. At the same time, can't we protect people against whom these spurious allegations are made for a variety of reasons.

I am an attorney, I don't do any domestic relations work of any kind, but I have several good friends and one who is my former secretary and she went to law school and she became my chief deputy coroner and she's an outstanding domestic relations attorney in town. I talked to her and to several others, men and women. They all tell me the same thing, while the percentages vary and their own experiences and so on but they all tell me the same thing, no question, that in the spousal conflicts and these domestic crises and so on, one of the favorite ploys is to make an allegation against the other spouse, that there was some kind of child abuse, child sexual abuse and so on. And from that point on, the individual so charged is on the defensive.

Your bill, the bill Representative Birmelin and others, addresses this. And by the way if I may digress and insert a parenthetical observation here, I know several of these people from Allegheny County who are anybody to suggest that they could be manipulated, Michlovic, Trello and Colafella and Gigliotti, these

are people with independent minds. I used to be the chairman of the Allegheny County Democratic Party, no one knows better than me what ordinary cusses these people can be. I mean, they're not going to be dangled on a string so, and as you pointed out the bill was introduced by a Republican so clearly we are not dealing with partisan issues. What is the problem?

I saw one of your colleagues said that people will be discouraged from reporting cases. I don't read that in the bill! How are you going to be discouraged?! You're an emergency room doctor, you're a forensic pathologist, you're a psychiatrist, how are you going to be discouraged? It talks about knowingly, intentionally, manipulating a child and so on and so forth and in some instances, maliciously, what's he going to report? You still have the Shield Law built in. You still have the immunity laws for good faith reporting. But let's think, let's stop. You can't go on and cry. You can't cry rape. You can't cry sexual abuse without some basis and that is, I think, what we are dealing with here.

I honestly say, and I mean this most genuinely, I do not engage in ploys and I don't mean to be the least bit ingenuous, I do not understand what all the hullabaloo is about here. I truly don't. I recognize and understand the concept of political discord. I understand the philosophies in America and you address issues like abortion and right-to-die and euthanasia, I understand these things, believe me I teach them, I write about them, I understand them. I don't understand what the problem is here, this

is no emasculation, this is no weakening, this is no compromise of, there is no diminution of purposes, intent, objectives of the child abuse reporting laws, in noway does this undermine the entire sphere of multifaceted activities vis a vie the child abuse. But what it does do is, it will, diminish, it will not eliminate, but it will cut down upon the incidents of false allegations.

There's no question in my mind that in doing so, I believe, it will spare the resources of society which are becoming more limited all the time by virtue of budgetary constraints and a burgeoning population at least in some areas and increasing society problems anyway no question about that, it will permit people to address matters that have to be dealt with. I strongly favor this.

I do not understand how anybody in good faith can be opposed to this, I see nothing wrong with protecting people and it's to a limited extent really. I think probably in future years the way things are going it may be necessary to think of some other ways to protect people but you're talking about a serious matter. It's not like saying somebody committed an illegal act or so on, none of those things are pleasant but what most of them can be lived through successfully.

The allegation of child abuse, child sexual abuse is one that I believe remains with somebody, it is literally a stigma that is burned deeply into your soul, it is a mark that you will carry on your forehead for the remainder of your life. You may move to another jurisdiction but no matter where you go the moment that you become involved in something which requires a focalization of

attention on you and some investigation or even just a historical accounting of who you are, where you came from, why you're running for office, or so on or so forth, or why you're being considered for promotion up the corporate ladder, or you're being reviewed by a medical or law group, or whatever, they're going to see this, child abuse, you're not going to get past that to a point that it was dropped, to the point that the charges brought against you by some spouse that found it a convenient way to squeeze you for more money, or to squeeze you for something else that was involved in this divorce action, it's a terrible, terrible thing.

I really don't understand it! I'm going to continue to be involved in child abuse cases. I'll be testifying in cases where I think that people have murdered children and I will also be reviewing other cases, privately, as a legal consultant and I will not hesitate to write opinions and to provide testimony in open court in those instances in which I believe that people have been falsely accused. I have this experience with three or four black basketball players at Duquesne University and the jury, fortunately, understood that but that involved an adult woman on campus and it wasn't quite the psychological obstacle to overcome that one does experience in these cases involving children. They are tough. They are really, really tough and what, I repeat for emphasis and to corroborate and to underline what I've said about the pressures of society the fact that it is almost impossible in the United States of America to get professional people, at least in the publicized cases and the cases that reach the point of

notoriety, of infamy like Martin/Bucky, like Michaels, get some of the top level professionals in the areas of child psychology, in the areas of child gynecology, pediatric gynecology and so on, it's almost impossible to get these people but, boy, give the prosecution a chance and they come tumbling of the rafters to ring the bell and get six, eight, ten, twelve people to run down from Children's Hospital in the case it is easier than inviting them to the best restaurant in Pittsburgh and picking up the tab.

You'll get them to come faster, they'll trip over their feet in rushing down there but go to them with another case and ask them to review it, even though privately they will tell you that they have great doubts, further that they will believe and so on, and then ask them to testify and see then how fast they will run into the court room, what does this tell you? Not that these are terrible people, that they are liars, that they are hypocrites or something, it tells you, Mr. Chairman, that they are scared. It tells you that they are pressured, whether they consciously recognize it, whether they will candidly admit it publicly, they are scared and they are part of the problem!

In a very real, difficult matter to deal with, I do not envy you and your colleagues, I admire your courage in pursuing this, I know nothing about your own personal involvement, I am sorry that you were besmirched, that's my reading of the local article by some people. Somebody has passed the ball, so I guess they are for it, if Senator John Glenn speaks up in the United States Senate having anything to do with the space program I sure as hell don't want to



listen to him because, you know, he's sullied, he already walked up in space. I sure don't want to listen to Bob Dole, or Kerry, on the Senate floor telling me about anything military, that they were wounded and battered and beaten, so I don't want them to tell me anything about the military, what the hell do they know? So therefore, somebody who has been involved in any kind of a problem, as a legislator has no right to address that, I mean, that doesn't even merit a comment. It's disgraceful! And I just toss this out not to embarrass you and I repeat that I just met you this morning, but as one who has been subjected to this in a totally different context, totally different context, I cannot help but empathize with you.

One final observation, I was just thinking about child abuse, isn't it remarkable, I don't read these things but I'll sometimes see excerpts of them in newspapers and so on, isn't it remarkable how many adults now are coming forward and telling you "Oh, yes, when I was a kid", usually that fat woman on television, I don't know who she is, Rosemary Barr, or whatever, anyway you know who I'm talking about, and I think Jackson's sister and all these people say that they were abused when they were kids just, it's remarkable, it's just remarkable. I sit around with my wife and we think maybe we were abused too when we were kids. I'm going to see if I can dig it out from deep within my subconscious. The things that a very big percentage of children throughout the world, at least in this country were abused. It's remarkable.

Another FASCINATING observation to make, it has become the thing. The Salem witch trials, it's Joe McCarthy back in action! This is not to say that we did not have a right to address communism. This is not to say that we don't have the right today to address child abuse, it is very MUCH to say that WE have no right to defame, to besmirch, to humiliate, to embarrass, to ridicule and to put up for contempt, to hold up for the oblige of society and to bring about the incarceration and in many instances the destruction of human lives of people who have done nothing wrong whatsoever and anybody who is opposed to this bill, I think, has a heavy, heavy burden, morally, ethically and intellectually to tell you, to tell the news media, to tell everybody, what it is that offends them about saying that someone who manipulates a child into making allegations of this horrendous nature should have, very modest, I don't know what it is a second degree misdemeanor, I guess, the local magistrate raps your knuckles six times and fines you \$100 and sends you home, I mean, I don't know what is involved here either by the way, it's not like you're asking for their execution, so I anxiously look forward to hearing what these great protectors of children in our society who can't help but climb on each others backs and leap over each other to see who is the greatest protector of all, I anxiously want to see what it is that disturbs them about this.

Thank you Mr. Chairman.

Caltagirone: Thank you doctor. (Applause from all in hall.) We certainly do appreciate your testimony and of course this was not

rigged as some people have accused me of and I certainly afforded everybody an opportunity, even though I have been criticized for saying that this was going to be stacked, anybody that wants to testify, anybody who knows how I conduct hearings, will have an opportunity to either testify here or present written testimony, whatever their choice may be. I have always operated that way. There was some confusion about the numbers of people that wanted to testify here. It was getting very heavy on the side of people who have had their rights trampled upon. I can't control that, I mean, if people want to come forth and tell us how they have been abused by the system and their numbers happen to be very large, that to me shows somewhat of a significant problem that has to be addressed.

Just for the record also, it should be noted that this Committee and with this little piece of legislation we are holding hearings to take evidence and testimony, on the other hand, there has been a package of bills that was ran through Youth and Aging Committee without benefit of a single hearing, a package of bills that will greatly expand the power and authority of Children and Youth Service agencies in reportings and all this other stuff that the public should be aware of, that the public should be aware of, not one single hearing.

We are at least affording the opportunity as you have rightly pointed out, on this minor piece of legislation which was dealt with in the last session, an opportunity for public input and to go one step further, I was a former special education teacher and a social worker with Head Start, so nobody in their right mind can

ever accuse me of not feeling for children, with a father of four, three of whom are living with me, and two of my grandchildren are living with me, can ever accuse me of not caring for children. I said right in the beginning of this hearing, I don't want to see children abused by anybody. Period. Anybody. And I hate like the devil to see them used as pawns in any type of situation. But I am deeply offended by the overzealous, social activists within our society who are trying to manipulate the systems for their own benefit.

We have, we have had our phones ringing off the hook, it's interesting when you have attorneys and judges calling you and saying "Tommy, you're right on target! We need to have this situation exposed for what it is because people don't want to speak about it publicly, the abuses that are going on." And I'm thinking to myself, "what land are we living in? Is this Russia? What's going on in this country? What's going on in this state?"

Wecht: The old Russia, Mr. Chairman.

Caltagirone: Right, the old Russia! Not the new, as a matter of fact the new Russia probably has more freedoms than what is going on in this country, and I'm thinking, "something's wrong", when you have attorneys and judges calling you and when you have some agency people telling you privately what they are being put through, the forced situations, and some of this is going to be testified to and put on the record publicly, then you're going to have to start scratching your head and saying "what in God's name is going on with this issue? Why do they want to keep this in a box?" Nobody

wanted these hearings to take place. They wanted this muzzled. Thank God, we're still allowed to have some freedoms and people can testify to what they feel, in their heart, is the truth. And I don't care whether it's good, bad or indifferent because I know there's some of you in here who want to testify the other way but at least you have the opportunity to do it here today. This wasn't supposed to happen. And I do have Representative Fajt with me and. . . Greg, do you have any comments?

Fajt: Yes, thank you Mr. Chairman, it's good to be here this morning. I wanted to state for the record that I have not been in the legislature long, I've been in about 30 months so far, I'm on my second term, just beginning it, but I've been around long enough to know that there are two sides to every story. This is obviously one side of the story but it's a side that must be and should be heard. And I told Chairman Caltagirone this week that I would definitely be here for part of the hearing today. Unfortunately, and I'm sure many of you have seen the tragic death of Gus Spanos, who was the police officer in Tulsa, Oklahoma, who was shot last week and killed in the line of duty was a constituent and personal friend of mine, I've got to go to his funeral service here in Pittsburgh in about five or ten minutes, so I'm not going to be able to stick around for the rest of the hearing but, again, I want to say for the record that this is important that we do hear this side of the story.

I had a friend of mine one time who was falsely accused by her husband, it was a very, very bad marital situation, the man beat

this woman and then had the audacity to concoct a fabrication of child molestation through their daughter and my friend went through living hell for a number of times. I would be getting phone calls from her two o'clock in the morning, eight o'clock in the morning, all hours of the night, all days of the week, because she knew that I was someone who cared and was concerned about this issue and she was taken over the coals in a lot of different ways and so I have seen where false accusations of child abuse have reeked havoc in people's lives, and again, this is one side of the story, I know there are other people in Harrisburg who believe that the passing of a bill like this will have a chilling affect on reporting of child abuse, I don't necessarily buy that, but they certainly have their right to state their piece, but I congratulate the Chairman, I'm here today to show my support for the Chairman because I think it is important that we do hear this side of the issue and with that I will let you carry on with the hearings, Mr. Chairman.

Wecht: Mr. Chairman, may I just add two brief anecdotes. One from personal experience, the other I would like to apprise you of. The case that you and your Committee members should know of and ask your colleague, Representative Fajt and others in Pittsburgh and they'll get all the information from them, we had a horrendous case right here in Allegheny County just in the recent past. The young woman brought charges against her parents. Dig into that case and see what happened to her mother's teaching career and her father's career with a corporate account but beyond, look and see then, the way it was dealt with, by the law enforcement people, by the child

and social welfare agencies and their personnel and professor of psychiatry at Western Psychiatric here in University of Pittsburgh School of Medicine is absolutely horrendous. And ultimately it proved to be absolutely nothing, this is a case that is a beautiful example of what we're talking about.

And in the case in which I was personally involved with in Florida, the young man who lived with a woman who had two children from a previous marriage and he was charged with the murder of one of those children. I won't go into the details but to tell you that upon reviewing the case I felt that there was no basis from a pathological standpoint. Well, the young woman insisted that he had never been anything but kind and gentle with the children and she stuck by him and she had been grilled and interrogated by detectives for hours, upon hours, upon hours and she never, never backed away from that at all and ultimately a short time before the trial was to begin, a couple of homicide detectives and the local child and welfare agency people, this was not in Allegheny County it was in Florida, went to her home, without apprising her attorney, without warning her in advance, asking her if she wanted an attorney, went to her home and literally threatened her that if she did not give testimony against this young man with whom she lived that her other child would be removed from her home, taken away from her permanently, that they had the power to do that, and if she told her attorney or any body about that that she would be sorry.

Well, fortunately this woman had real courage and she did contact her attorney and her attorney has courage and experience, he is a veteran, and this eventually came out. But these are the kinds of things that are going on and probably these kinds of people in the governmental agencies will continue to enjoy immunity of a governmental nature and then the private sphere that they would not and should not and one even gets into the question of medical malpractice when you're talking about a psychiatrist who makes an erroneous diagnosis of that kind just as you talk about malpractice with a surgeon who misses an abdominal catastrophe or an internist who misses a myocardial infarction. Thank you Mr. Chairman.

Caltagirone: I would like to have the next three testificants come forward. Briton Motheral, Cynthia Baldinger, and Steven Lashuk. If you would please come up and be seated and we will.

Motheral: Before we start, my case is still pending. If I testify, I don't want my name used in the paper or any photographs. Is that, can I do that? No photographs, no name in the paper.

Caltagirone: Once you, I can't, the only thing is . . .

Motheral: I do understand I'll be on the transcript, but I don't want the Pittsburgh papers . . .

Caltagirone: OK. If that's agreeable with the press, I can't control what the press does, you have to talk to them.

Motheral: Thank you very much.

Caltagirone: You're Steven.

Motheral: I'm Briton Motheral.



Caltagirone: Is Steven here?

Baldinger: He was here?

Caltagirone: He was the one sitting. OK, I guess he'll be coming back in. If you would like to start, and then.

Motheral: I promise, I timed it, it's about 10 minutes. Good morning, my name is Briton Motheral. I'm 46 years old. My family's been in Pittsburgh for five generations. I'm a real estate broker and developer. In 1982 I became involved in a relationship with a woman, a year later she became pregnant, we discussed abortion but she elected on birth. I attended Lamaze classes and was at my daughter's birth. Initially I was not enthusiastic about this birth. On my daughter's first day, however, I looked at her and something happened to me. She looks like me, I melted. This attraction and bond grew throughout the years. It was the first time I had ever experienced unconditional love. My daughter was born July 11, 7:11, 1984.

I would see my daughter daily. I purchased a house for the mother and the daughter and they live two blocks from my office and about a mile from my home. I was uncomfortable with the arrangement and proposed to the mother to get married to legitimize our daughter. I had a prenuptial agreement prepared, it was signed by the mother, a marriage license was done by a Greensburg Justice of the Peace on November 1st, 1985. I don't want him taking pictures.

?? Reporter: This is a public hearing.

Caltagirone: Yeap, but he's got . . .

Motheral: If you're going to take pictures, I'm not going to testify.

?? Reporter: This is a public hearing.

Motheral: Well, I understand that, but my case is still pending.

?? Reporter: Well, if it's the truth?

Motheral: There was no ceremony.

?? Person: You cannot put people in jeopardy for crying out loud. Give him a chance to talk.

?? Reporter: This is a public hearing.

Motheral: Let's get it squared away. If you're going to take pictures, I'll stop now and I remove myself.

?? Reporter: I'm going to take pictures. You can stop and do what you want. This is a public hearing.

Caltagirone: Can you submit your comments for the record? Could you submit your comments for the record?

? Reporter: This is a public hearing.

Motheral: No, I understand. May I request that I be allowed in Harrisburg.

Caltagirone: Certainly. Certainly.

Motheral: Because I think I have something.

?? Reporter: This is a public hearing.

Caltagirone: Cynthia. Steve, I'm sorry. Please.

Baldinger: I'm testifying today because over the course of the past two months, I have fallen victim to every single issue that encompasses House Bill 826 amending Title 12, Domestic Relations. Although charges of emotional abuse were finally determined to be

unfounded, 22 days after the Westmoreland County Children's Bureau had clear, documented evidence that the problem between my son and myself was never more than a case of a 17 year old young man who was retaliating against my parental authority went for more than just cause.

I made the decision to withdraw my permission for him to continue to wrestle on the Greensburg/Salem Varsity Wrestling team. When he failed to regain my permission through violent and manipulative methods, he pulled all stops in order to get his own way. He enlisted the aid of his high school vice principal, Mr. Falkin, and Mr. Dennis Donahue, a caseworker at the Westmoreland Hospital Mental Health Unit, to further his cause to obtain a method to escape my decision. It is interesting to note that Mr. Falkin signed my son out of school and had him transported to see Mr. Donahue during school hours and most definitely without my consent or knowledge.

There was a very good reason for Mr. Falkin to have done this. My son had sustained a knee injury during the previous season that required surgery for torn cartilage. Mr. Alexander, the Wrestling Coach, never reported the incident, did not get attention for the injury and continued to wrestle this kid after he applied a quarter inch layer of adhesive tape to his knee for every match from sections through states. The coveted state title was more important to this coach and team than common sense regarding my son's physical needs. There was no reason for this to happen since, at that time, my son was in the custody of his father who

had very good medical insurance but had failed to have my son treated either. When I gained custody of my son this past August, I had the surgery performed and the school was made aware of this situation in writing.

When Mr. Falkin and the athletic director failed to address this, as well as the other issues which included the consumption of alcohol by members of the wrestling team which had been provided by an adult at the state tournament while they were under the alleged supervision of the coaches and school in Hershey Pennsylvania, I permanently withdrew my permission for my son to wrestle. It is important to note that my son made this admission that he had participated in this illegal consumption of alcohol in front of me, Mr. Falkin and athletic director Mallego. At that point, they knew that they were in some real trouble since I had grounds for a law suit against the school district and that the alcohol was a criminal offense for which the school and coaches were liable.

When my son's team lost the WPIA League Championships during the weekend of February 20th, 1993, another serious chain of events began to take place. My son's behavior deteriorated drastically and his violent outbursts became a daily matter which my family and I were forced to cope. You must understand that this young man is nearly 6 feet tall with 11 years of wrestling experience. When I contacted the Discover Unit at Montessori Hospital, they told me to bring him in to the emergency room his behavior had become so violent. He had been hitting my 5 1/2 year old and struck me as well. Upon hearing that he was being taken to the hospital, he ran

from my home to the police station up the street claiming that I was drunk and abusive towards him. When the officer returned him to my home a short time later, he left the boy in my care. The police report bears out the fact that nobody in my home was intoxicated. There was no alcohol present and that there were no signs of abuse.

Two days later I was finally able to have this child admitted to the hospital for evaluation. It was the day that he was admitted to this hospital that the Children's Bureau received a report of alleged "emotional abuse" against me. Two days later in the presence of my attorney, Mr. Henry Hudson, the Children's Bureau was presented all of the certified mail to the school which clearly outlined the wrestling issue as well as the police report of several days prior but they continued to pursue this matter until they took custody of my son on March 16, 1993 upon his release from the hospital after 2 1/2 hospitalization.

My son's discharged diagnosis was "oppositional defiant disorder" and "dysthymic disorder". Never through all of the paperwork regarding this case have I been able to get the Children's Bureau to include this very important diagnosis in either their families service plan or its amendment. It has gotten to the point that I will no longer deal verbally with this agency since they say one thing and are only to put another quite different thing into their records. Although the charges were unfounded, they will maintain a file on me for at least one year.

I have dealt with threats and coercion by Mr. David Dinatti

and Mr. James Pier at this agency because of my refusal to sign an incomplete, inaccurate and untruthful document. I was told that if I did not sign this document, they would not recommend to the judge that my son return to my home at his next disposition hearing in June. They have finally made the same threat in writing, although it is thinly veiled under the guise of their working with the "cooperative parent". Since my 5 1/2 year old son is in the same school district and has my oldest sons wrestling coach as his gym teacher, as a retaliatory measure I could very well be subjected to the same circus if I do not back off from the issues with the school. I'll go on record as saying, I will not!

I have provided Representative Caltagirone with more than 35 pieces of documentation which includes photographs of the severe ringworm condition that caused my son to request that I pursue custody last year. Again this ringworm condition went untreated by my former husband although requests for treatment were made and he had the insurance coverage to have provided treatment. Ironically, I took him to the Children's Bureau at that time and they acknowledged verbally it was a case of severe neglect but REFUSED to investigate because I had gotten treatment. They could not comprehend that I was not the custodial parent at that time and was bound to return this child to this unhealthy environment. I would like to offer this documentation supporting the truthfulness of my statements here today as evidence and respectfully request that you review it in making your decision regarding this new proposed legislation.

The problem with the proposed amendment in its present state is that since the children's Bureau does not have to reveal the source of their reports, it will be very difficult, if not impossible, for this legislation to be effectively and uniformly enforced. There appears to be no system of checks, balances, regulation of, or within this agency, which basically has Carte Blanch to enter, disrupt and destroy the lives of innocent people. This is the only area I have ever seen a citizen not have the right to face their accuser. In my case, I have been victimized by at least two mandatory reporters who knowingly and willingly encouraged and assisted my son to pursue charges that were not only unfounded and maliciously filed but exerted persuasion in the form of reward upon my son in order to hold me at bay, to avoid addressing very serious matters for which they were responsible and accountable. I believe that serving in the capacity of a mandatory reporter, an individual should be severely penalized for suffering such manifest self interest to make use of the instruments of justice to work in justice such as I have suffered.

Caltagirone: Thank you Cynthia. Are these given to the Committee for the record then?

Baldinger: There were two packets that I mailed and they included photographs.

Caltagirone: Yes, this is it. OK.

Baldinger: If you would like, I brought my records with me and if you would like to check off what you possess and what I have in my possession, I'll be more than glad to be sure it's complete.

Caltagirone: Would you need any of this returned to you?

Baldinger: Oh no, I sent that to you. I'm keeping the printer in business.

Caltagirone: OK. I thank you very much Cynthia. Steve you're next. Would you please come forward and we would like to have Ron and Natalie also come forward? Is Ron here? How about Gwen? Gwen Elliott? Glen Lucas? Would you please . . .? OK Steve.

Blanchik: My name is Steve Blanchik. I'm 64 years old. I have a daughter 9 years old. Before I start talking, I want to warn everybody in this room that I am dangerous. I am violent and I am very explosive. It says right here. The party never saw me in my life. This is the preliminary report they made on me, on my third, on my fourth, I called it a conviction, that's what they called me, so I want to warn everybody. I mean, I carry guns and I go around shooting. Secondly, I want to mention I have a wife that's chronically manic depressive. She is the violent kind. There are different kinds of manic depressions, she's violent. She's torn up bowling alleys, she's robbed stores while she's in these moods. And she has a persecution complex. She's been in Western Psychiatric 25 times in the last 22 years. As high as six weeks at a time. She started the ball rolling, or should I even say any more.

OK, I've been accused of child abuse four times, so far. And they've all been found unfounded. OK. A couple of them I had to hire lawyers and spend a lot of money. Two of them we resolved locally but that is what must have put me on parole. I've been



told by one of the managers of the Western Division here in Pittsburgh that I'm on parole by the CYS. I'm a bad father and I don't know how to father children, therefore, I have to be monitored. My, two of them as I say have been resolved just in the local, by letter, they are so ridiculous, they just sent me letters. On the third one they tried to make it stick.

I want to relay a little information which is what makes it very interesting. While my wife was in one of these manic stages, she left the house, which she often does, she always does, she always leaves the home when she builds up, just before she's admitted to the hospital, she gets so paranoid against me that she leaves, she took the child to her sisters, now I don't know who reported me, I'm not allowed to know because one time I went down to the State building and asked one of the men who is in charge of this whole organization with the public welfare, how, is it possible for me to get any records, he says, "we can't give you the records", now this was his comment "because you're liable to come in here and go burr, burr, burr, with a machine gun", this was his comment on not allowing me to review anything on my records. Where these people get these notions at.

But the interesting thing about this third accusation is the caseworker, I have her name, JoAnne Hoffman-Hanna, promised my wife, while she was at her sisters, that she was going to have me in jail within three days. My wife stayed there for a week waiting to have me locked up by her promise, you know, her word was about as ridiculous by this time, I had lawyers and so forth, but I never

heard anything, I had to live a home while my wife and her sister waiting to have me incarcerated. For what reason, I don't know. If anybody would read this report, therefore, it was expunged. They didn't even see any signs of any bruises on my child.

Then I'll go on to this report where I was written up as being violent. This is a little bit of a different story. My wife was normal at this time, so, I don't know where the report comes from, I guess I do, it came from the school because the principal admitted it. Mrs. Eileen Fisher came to the house and wanted me to confess to child abuse and when I said that I didn't commit any child abuse, she threatened to take my child away from us and she kept insisting and kept harping at me to make a confession in writing. She wanted me to sign her paper here that I was a child abuser and when I refused she kept insisting, she's going to take the child out of the house and it was only then my wife broke down crying that she backed off and left. This is the fourth report but this, my case still isn't done.

I caught a school counselor, they call themselves, I finally traced it down, they wouldn't return my calls. It took me like six weeks to find out who she was or what she was about. I caught the school principal hiring a school counselor who started counseling my child, my child started coming home telling me, I'm not going to mention names, told me that "it's none of your business what we talk about. Mrs. so-and-so told me it's none of your business, it's none of you and mommy's business, what we talk about". And she told me, my daughter said that, "if you people don't want me,

I can always go live with so-and-so. I can go and play in her house and live with her".

So, I guess I'm still on parole. I mean, I want everybody to realize how, what a dangerous situation this is. This is about how close I came to this other famous case here in Pittsburgh you all know about where the school counselor started the ball rolling and brainwashed their child. In other words, I'm saying was I next in line for the same process of brainwashing my child with this last episode. And then when I, we had a meeting at the trailer, at the principal with this counselor and when I raised a rumpus about what was going on, about why was she interrogating my daughter, the principal, after they told me to leave, my wife stayed there crying and when I left the principal told my wife, "if he don't settle down and abide by some of the rules around here, I'm going to call Children's Youth Services".

Now where did this notion come from. I want anybody to explain it to me. Where did she get this notion about Children's Youth Services? In other words, these people use Children Youth Service as a tool. I want everybody to realize that and I think most of you do. They use this as a tool. They use Children Youth Services. The whole nation is using Children Youth Services as a tool. We have to stop this. I mean, I'm in favor of some kind of a Children's Youth Services but not as a weapon. So my case, I guess I'll be on parole for the rest of my life. I don't know with Children's Youth Services. But I don't want to harp too much on my own hardships.

I want to mention a few things as far as a legislator is concerned. I just, I'm the kind of a person I think something should be done with this issue more, in fact don't get me wrong, I'm humbled for what you're doing Mr. Chairman, I'm very humble and proud and it kind of makes me feel almost like living again, but I don't think this is going far enough. I think what we have to do is form, I don't know how much input the regular people could have, but we have to reorganize the Children's Youth Services. This one law, this one law isn't going to stop this abuse. It's going to be a big help, and I'm proud of it, but it's not, the Children Youth Services needs scrapped and a new one needs formed.

I think what I would suggest, I know I have not much input, is some kind of a citizens committee formed by mothers and father and lawyers and doctors and like Mr. Wecht here, that start forming a new Children's Youth Services, organize some kind of a citizens committee and NOT give these people so much power. I think each division, or whatever you would want to call it, should have some kind of a citizens committee where people go and complain to. Right now we have nothing. You will hear, if you set here 50 years you'll hear testimony. We have no where to go! No where!

During my trials and tribulations, I've contacted probably a dozen lawyers, out of all of them, I only found two with guts enough to take my cases. Two of them. They just refuse, they don't want any part of it. I had one lawyer tell me can you imagine seeing me going in front of the judge, like, you know he's part of the click there, I'm not condemning him, it's his business,

he knows his lawyer business and I don't blame him. This was his statement to me. We have no place, we should form some kind of a citizens tribunal or something where we can go complain against these people.

And one more real important thing and then I'll quit. The one most important thing on earth is a person's child. That's a God given right. For any goon to come into your house and take your child away or come into the hospital. I've an acquaintance the minute the child was born, they grabbed that child, he never saw him again. Never! We got to stop this! For goons, we've got to have kind of citizens tribunal. We can't, we got to take this out of the judges hands. I've heard cases where judges have asked the caseworker, "should we take the child out of her house?" for giving the child a whipping. He asked the caseworker at some guys school, maybe even a pervert, "should we take this baby out of this woman's house?" I mean I can give you the literature here and show you even the name of it. We got to stop! We've got to take this out of the judges, we have to establish some kind of a citizens tribunal before a child is removed under any circumstances, unless its immediate life and death, unless someone points a revolver at them. That's how strongly I feel of how a child is a God's given right to a parent. That's all I have to say. Thank you.

Caltagirone: Thank you. OK. Natalie? Is Ron here yet? Ron isn't here. OK, he may show up. Briton, Cynthia, Steven, we're down to Natalie. Natalie, please.

Natalie: Again, I thank you for allowing my husband and I to share our testimony.

Caltagirone: Is that your husband back there? Does he want to come up?

Natalie: Yes.

Caltagirone: Sure he can come up if he would like.

Natalie: At work I can do this without a microphone, I usually have enough voice. We are in support of House Bill 826 as we have lived through this horror. Unlike others who have been through this ours is not an issue of child custody but a property, mud and buried fence.

In the spring of 1991, my neighbor removed his back lawn to reseed his grass. He rode into the dirt but because of supposed health reasons did not reseed his lawn. Through 1991 until the spring of 1992, the mud and dirt ran into our yard and buried our fence. In April of 1992 when he re-rode and tilled the yard, he was approached by my husband to help us repair the damage to our property. His response was that by making him fix our yard would be taking advantage of him. The damage was assessed at \$800 and we took this issue to the local magistrate. Upon notification of the hearing date, my husband received a letter outlining my infidelity and the illegitimacy of our four year old daughter and the first complaint was filed to CVS. The day after the magistrate hearing, the second complaint was made to CVS. Unfortunately the magistrate did not decide in our favor, however, we opted not to appeal the

decision if this was the price we had to pay for attempting to do what we thought was right.

We were visited by the CYS caseworker on July 6th. This was a lengthy, private investigation which essentially stripped us, including my daughter, of all our rights. To add insult to injury, my mother-in-law passed away six days later after an eight month bout with cancer. This process, interview and emotional turmoil robbed my family of irreplaceable time that could have been better spent with a loved one and family. This case was closed on July 24th without incident. However, the shock and disgust still linger.

We thought that by fall we might be finished with this ordeal but we were wrong. October 23rd my husband, father-in-law, daughter and her friend were in another neighbors yard raking leaves to fill pumpkin bags. Apparently this did not suit the neighbor next door as he backed out of his driveway, he glared at my family and the following day the Baldwin Police came to my door with a phoned in complaint of child abuse. Luckily we had reported all the other incidents to the local police and they had suspected that this report may also be untrue. The dispatcher traced the call to this neighbor daughter's place of employment. She was at work at the time the call was placed. The police called her in for questioning but she never admitted doing any of these things.

According to our pediatrician, the police chief, and our attorney the best way to handle this was with an agreement between these people and us and to stay out of court. The agreement was

drafted and sent to them on December 24th, to date the agreement is unsigned. With no other choice, we went to the District Attorneys office in the beginning of April to file a criminal complaint. We were told there that there is insufficient evidence to file criminal charges. Presently we are pursuing a civil suit for these incidents. I am told that the passing of this law will not affect my family situation at all, however, it may spare someone else from going through the same hell.

I do not believe that the law will impede the reporting of true, or suspected child abuse because as the current law stands anyone who reports child abuse is granted anonymity. This is the privilege that has been taken advantage of when this type of malicious crime is committed. In our case, the neighbors daughter not only abused this privilege but as a pediatric nurse abused the professional privilege of knowing how to work the system. Her intention was to inflict pain and suffering on my family without just cause. You see, if my family did not have the strength, security and love that it does, irreparable harm truly may have been done to my daughter, Ashley. Ashley is a bright, outgoing, active preschooler who has had to endure more in her four short years than most of the rest of us in this room have had. She's lost two grandparents, a beloved pet, she's had tubes in both of her ears and most significantly she's had open heart surgery.

Physiologically this is the only child that my husband and I will be able to have. At all cost, we will protect her with our lives, if necessary. And if it is in our power, abuse will not be



part of her life. False accusations run a high cost. Our caseworker, pediatrician, physicians and attorney could have spent their time and my personal and tax dollars for a better purpose. But I ask you to put a price on the following:

What is a sleepless night worth? My husband, immediate family and I, have had many.

What is the cost of crying uncontrollably? That was all that I was able to do for three days at the thought of the loss of my daughter or my daughter being taken away.

How much are three of the last nine days of life worth? This is what my family missed in my mother-in-laws final days.

What is the cost of feeling violated, scrutinized and inadequate? These are just some of the feelings that are inherent in going through this process.

What is the inner struggle to figure out why worth? How could someone be this deceptive and hateful, especially someone who lives next door to you and in a suburban neighborhood where you grew up and chose to raise your family?

I have only begun to tell you what it's like to withstand this ordeal and did not even touch on the actual financial cost. I think that one of the issues that upset me the most was that many people including our attorney, CYS caseworker and pediatrician were not at all surprised that this happened. It was as if this were an everyday occurrence. Through malicious vendetta my family has gone through hell and legally we have little recourse. We have suffered

while the other people have enjoyed a system that protects the guilty and does not support the innocent. And this must stop!

My family and I are asking that you pass House Bill 826 into law so that other people will not have to endure this same torment. If this is passed, people opting to use this system for revenge will think twice and the legal system will again protect the innocent. Thank you.

Caltagirone: Gwen. Is Gwen here?

Krantz: She's going to come in the afternoon. It's still too early for her.

Caltagirone: Lynn Lucas?

Lucas: My name is Susan Lucas. This is Lynn Lucas. I'm going to make a statement that I have.

Our families problem with malicious child abuse allegations started in December of 1986 when my brother-in-laws wife left him and filed for divorce. The divorce had been a bitter one and it took four years to become final. My brother-in-law and his wife had shared custody of their two children for 18 months. After several confrontations, and the fact that the children did not want to return back to their mother after visitations, the first child abuse allegations were filed against my brother-in-law. After these first allegations, my brother-in-law and our whole family, which we are a very close family and we've all stuck together through this ordeal, after these first allegations, my brother-in-law and our family did not have any visitations with the children for four months.

During this time the Fayette County Child Youth Services was supposed to conduct an investigation and a hearing was finally set up for my brother-in-law. The hearing was spread over three months with four separate hearing dates: August 29th, September 19th, the 20th and October 24, 1988. There were numerous errors in proper procedure during these hearings. Among these my brother-in-law received a letter from Warren Lewis, the director of Department of Public Welfare, stating that the reports were unfounded. Then three weeks later, a letter came that the Department's letter was in error. Can you imagine what kind of anxiety this puts people under? There was no evidence to further try my brother-in-law criminally but the judge, who was handling his first child abuse case, totally disregarded my brother-in-laws child psychologist's testimony and ruled that the children were abused.

In January 1989, child visitations were set up for my brother-in-law with court appointed supervisors and my mother-in-law was granted grandmother's rights for visitation. My mother-in-law and sister-in-law are here with us today.

Beginning on February 15th, 1989, the children were not returned by my brother-in-law's wife for his or my mother-in-laws visitations. Again the children were becoming reluctant to return to their mother. After waiting one month, a hearing with the Fayette County Child Mediator was held. After no decision was made, a hearing was set up with a Fayette County Judge. There was no reason presented to justify my brother-in-law's wife stopping of the visitations for the previous month but upon her insistence,

seven new supervisors, including two elementary school teachers, were appointed by the board and the visitation times were slightly changed. The visitations did not resume until four weeks after the judges hearing. There were several other incidents when visitations were stopped and maybe at a later time I could provide you with written information on these.

On August 12, 1989, after the visitations had resumed, my brother-in-law and Lynn, my husband, received letters from the Fayette County Child Abuse Services informing them that allegations of child abuse were called into Child Line accusing them of sexual abuse. Lynn was not even one of the court appointed supervisors and any time Lynn was present with the children, there was a court appointed supervisor present. After this, Lynn and I and my mother-in-law, went to Pittsburgh and complained about the Fayette Child Youth Services. They then had the children evaluated at Children's Hospital in Pittsburgh. As a result of this evaluation, the reports against my brother-in-law were determined to be unfounded and Lynn's allegations were voided. They decided they were voided. Even though the reports were unfounded, my brother-in-law's wife would not let the children come for visitations. He filed contempt of court charges against her. Hearings were held in the Fayette County court system. Somehow, at the end of these hearings, again full of errors and improper procedures, the judge ruled that my brother-in-law could only see his children if he admitted that he was an abuser and went to counseling. My brother-in-law would not agree to this and consequently no one in our

family has had any contact with his children for almost four years now.

From the time of the first allegations in 1988, Lynn and I and the rest of our family, my mother-in-law, sister-in-law and brother-in-law, have had personal and written contact with numerous people and agencies begging for help. We have written letters to and received correspondence from Mr. John White, Secretary of the Department of Public Welfare; Senator James Greenwood, he was the head of a task force back in 1990; we have contacted the late Senator John Heinz and Arlen Specter; we have a letter from Mary Lou Barton who was the Deputy Attorney General in charge of the Child Abuse Protection Assistance Unit; from an attorney that we had contacted in Harrisburg to try to help us get through the Child Youth Services; we have a letter from Mr. William Cammarata, Director of the Western Region office of Children, Youth and Family Services in Pittsburgh; letters from Warren Lewis, the director in Harrisburg; another letter from Greenwood; a letter from Stuart Grubber, the director of Office of Special Investigations in Harrisburg; a letter from Ronald Brinkley, Deputy Inspector General, Department of Public Welfare; another letter from John Heinz; a letter from Thomas Jenkins, the director of the Office of Child Welfare Services. As I said we have contacted many people to try to get this situation resolved with these false allegations but to no avail. None of our inquiries were successful. NO ONE HELPS STOP THESE MALICIOUS ALLEGATIONS!

Then on November 1st, 1990, someone called in a false report that our daughter, who had just turned five the week before, had allegedly made a statement about her father. On November 2nd, 1990, Fayette County Child Youth Services and a state policeman, a caseworker from Fayette County Child Youth Services went to our daughters preschool. The allegation was that her father had peed in her face. At the beginning of the interview, they asked our daughter if her father did this. She said "no". They asked her whether she made the alleged statement. She stated that she never said anything like that to anyone. You would think that her interviewers would be trained to be responsive to a child answering that question and not traumatize innocent children, but they continued. They talked to her about good touch and bad touch. Then they got out the anatomically correct dolls. They undressed them, pointed out the body parts. The hair under the arms, genitals, everything. They asked her about touching her, they even asked her if her father put his finger up inside her. They showed her how the tongue came out of the doll's mouth and asked her questions to determine whether the tongue or the male genital was used on her. When Laura was asked about this, they tried to get her to act or say anything bad about her father or anyone. She denied anything bad had been done to her and told them she loved her mother and father very much.

Now what kind of ideas have they put in her head! How would you like your child to be put through this?

When the interview was over, they sent her back to her preschool classroom. Then, I love my children very much, we have always felt that it was our responsibility to raise, provide for and protect our children. On November 2nd, 1990, it's hard for us to accept, that someone who does not know our family at all, a caseworker and state policeman came and took our daughter and interviewed her without our knowledge and consent. We knew that the allegations against Lynn were false and Child Youth Services should have suspected it especially after our previous involvement with them. During this time, I was having physical problems and finally these were diagnosed as having anxiety attacks while this happened.

Needless to say, Lynn and I were very upset and we went to Child Youth Services that afternoon. Unfortunately, Lynn took an unloaded gun. We did not hurt anyone or anything. We only acted to get the attention that we felt we needed after having been stressed to the limit by a system that had failed us after all our pleas for help. After a lengthy, legal struggle, I was placed on and now released from the ARD program but Lynn was convicted of a misdemeanor and must serve time in jail. Lynn and I have said that we are sorry for what we did but no one from Child Youth Services has ever said that they were sorry for what they did to our daughter. There was no doubt that their interview mentally and emotionally upset our daughter. Consequently, Lynn and I took her twice to a child psychologist here in Pittsburgh to help minimize the mental harm that the interview had done.

Lynn and I were advised not to come today but we felt strongly that something must be done to change the system so that innocent children and adults cannot be harmed by malicious child abuser allegations and we hope that our testimony today will help in some way. Thank you.

Caltagirone: Thank you.

Krantz: Who advised you not to come here today?

Lynn: Our attorneys.

?? Male voice: The allegations that were made I think informed on the basis of this interview of your daughter at the preschool, was that on, I'm sure you do not know the identity of the person who made those allegations but did the Children and Youth Services Department or Office of Children and Youth Services or the state police, did they know the identity of the person who made the allegation?

Lynn and Susan: I'm sure they did (said together).

Lynn: Yes, they would have too.

?? Male voice: Is it, or maybe the chairman can run through this, is it possible for someone to call the state police or the Office of Children and Youth Services anonymously and not give, not identify themselves in any way.

Susan: Yes, it is possible.

?? Male voice: And that can form the basis of an investigation?

Lynn: Mr. Chairman, if I may, my wife speaks a lot better than I do but this phone call can be made by anybody, it does not cost a dime, can be done locally, this is what is really scary. This has



not happened to myself and my family once, not twice but five times this has happened in Fayette County against my family. We have not harmed our children in any way. A phone call that does not cost this person a dime, has cost me over \$70,000 in attorneys fees and I'm not a rich person. I did nothing to my children.

My mother, my brother, our whole family have not seen my brother's children, he was unfounded! There should be no dispute about Children's Hospital, their investigation. You have a doctor that is specialized in this field says that there is no physical damage, no scarring, no vaginal tearing, nothing. And then you have some, a doctor that practiced in Tiajuana Mexico and I can prove everything I'm telling you, he didn't even examine my brother's daughter. He just wrote it off that a woman who works along with the Children and Youth Services, they can just, as the one man said, if the judge says "what do you think we should do with this guy?" If the caseworker says, "hang 'em", they're going to "hang 'em". But this, nothing had happened in the Lucas family. I've got documents that I will give to you. And there's a lot of them that this case is very bizarre. I've spent an awful lot of money defending something that SHOULD HAVE NEVER GONE TO COURT.

When a guy as big as I am 6' 4", 280 pounds, I've been there with my fists, when I have to take a drastic measure to taking a double barrel shotgun to get someone's attention, endanger my life and my wife's life to leave us alone, that's all we ever asked for, don't do it again. On November 2nd, 1990, they hurt my young daughter. My young daughter has never seen me naked. The question

that they asked should not be asked to any kid. They shouldn't do that. If there is a person who knows there is a child abuse, I'm all for child abusers be put away. But you have a handful of people that for vindictive reasons, for whatever reason, they slip through the crack these people are chastised, they are hounded. We've done nothing wrong and that's the reason I came here today. And I do again appreciate your allowing us to speak and appreciate that.

Krantz: You mentioned in your testimony that somebody, I think from Children and Youth Services, advised if you agreed to state that you were a child abuser that you could then see the child.

Susan: Yes, it was my brother-in-law.

Krantz: Can we have the name of that individual so that we could call them, in essence on the carpet, and ask them why. Because to me that seems to be wrong.

Lynn: Through attorneys, the attorneys and Children and Youth Service people, they said the only way my brother, they had three stipulations that told him it was an order, that if they, he had three stipulations he had to meet with in order to get visitations with his small children. Number one being admit that he did it. Number two he was . . .

Susan: Counseling.

Lynn: . . .had to go to sex therapy counseling for a period of time until they deemed he was OK. The third thing was what?

Susan: I think to meet at Child Youth Services.

Lynn: Oh, the meeting was to be held at Children and Youth Services building under supervision for one hour a week between the hours of 8 and 4:30 during the day.

Krantz: And this was in a written order by the courts?

Lynn: It was a written order. To tell you I have it on me here today, I don't have it but it can be . . .

Krantz: But you could supply it because that's something we should look into because that seems to be horrendous

Caltagirone: The thing that bothers me about these anonymous phone calls, I was kibitzing earlier before the hearing with one of the gentlemen who is going to be testifying that if anybody, hypothetical, anybody could call in on the Governor, the Attorney General, the Secretary of Health or Welfare, or Children and Youth Services employees . . .

Susan: They wouldn't look at them the same way.

Caltagirone: They would be assigned an incident number and they would supposedly investigate the situations, so if people want to be vindictive, if people for political reasons or other reasons want to get you, they can cause you as evidently has been testified here earlier a nightmare. What does that say about the system? Well, that's what we're looking for. We're looking for justice. We're looking for a leveling affect. We're looking for people who are doing that to be held accountable for their actions and that they should be, in fact, prosecuted. In all other areas of the law, you have due process, you have constitutional rights and

protections, you do not have those protections or rights in this area of the law.

I don't know what the answer is, that was part of what we're attempting to look for but certainly when people are making false reports they should be held accountable and I don't give a damn if it's Children and Youth Services themselves that are calling in reports on other people, if they are doing it they should be held accountable or anybody else. I don't care if it's doctors, lawyers, judges, I don't care who it is. If it in fact can be proven that those are false allegations or false reports, they should be held accountable. In a court of law. Like if somebody were to call in a false allegation on sexual abuse and/or an attempted rape or fire, we have safeguards in our society for other areas, why should somebody be left off the hook in this particular area for whatever reason, for whatever reason happens to motivate them.

There has to be some accountability and some fairness in this system. I think that's all people are asking for. They're not saying that abusers should be let off the hook. Nobody that I've talked to has said that or even implied that. True abusers should be prosecuted to the fullest extent of the law. But you've got to be careful that you're not going overboard and overzealous people getting involved creating mayhem in innocent peoples lives. Now how do you achieve that? We certainly don't have that now. I think what we're going to continue to hear are more and more and more, we've been flooded with calls, we could have packed this room

today, we could be here for 15-20 hours. I've got reams of stuff in my Harrisburg office. I think we're going to continue, we're just on the tip of the iceberg. That to me points to me that there is a problem in the system, that we've got to do something, somehow. I don't know what the answer is, I'm being very honest with you, but we've got to try to do something. I don't think we should just let this go unanswered. I'm sorry, I got a little carried away with this. OK, thank you.

Lynn: We can appreciate your letting us come to speak today sir.

Caltagirone: Thank you. Were you scheduled to testify?

?? Someone from audience: I'm not sure of the procedure but I have some points I would like to raise. Are you taking questions from the audience, if I volunteer information?

Caltagirone: Sure, as soon as we're done with the other, yeah, yeah. Gwen Elliott is she here yet? Bob Bloom? What time were these people scheduled Dave?

Krantz: It was supposed to be after 12, Tom.

Caltagirone: Dr. Mary Carrasco? Thomas Popolowski? Would you please come forward? And Bill Blake? Bill do you want to come forward also. And Frank? Why don't we have the three of you? We'll start off with Tom and then Bill and then Frank.

Popolowski: My name is Tom Popolowski. I'm a father, a father rights activist and a victim of false, malicious and frivolous allegations leveled against me by my estranged and vindictive wife. Although only accused of child neglect, the other allegations against me resulted in my being incarcerated for a week, lost

employment and severely restricted custodial time with my daughter. It took more than a year of psychological and physical examination and more than \$10,000 in legal fees alone to exonerate myself and restore my parental and child relationship to the typical alternating weekend granted to most fathers.

The proposed legislation, House Bill 826, is a necessary and long overdue deterrent to curb rampant false child abuse reporting by vindictive spouses and neighbors of parents. False or "unfounded" child abuse reports comprise the majority of all reports made. It is a well known and published statistic that 2/3 or 60-70% of alleged child abuse reports are "unfounded". At current, anyone accused, anyone can accuse anyone of child abuse, falsely or maliciously and not have any concern or fear of reprisals from the law because simply enough there is no penalty whatsoever in the statutes.

As a member and officer in Fathers United for Equal Rights organization, I have come in contact with numerous individuals. Fathers, and on occasion grandparents as well as the occasional mother, who are alleged to have committed "child abuse" and the majority of the cases, there is no evidence ever presented and the foundation of the allegations was simply the statement of the accusation alone. These people, due to the required investigation, were compelled or required to retain lawyers at great expense to defend themselves from false and malicious allegations.

Even after successful exoneration of false and malicious allegations, these fathers and grandparents, many who had extensive

involvement with their child or grandchildren's lives, were still punished. Punished in a way much of the public doesn't realize or understand. This punishment is impart created by the lack of the proposed legislation now being proposed and it comes in the following forms. Time and access to the child and or children is denied and or severely restricted during the investigative process and continues in a very restricted fashion throughout the litigation process which in and of itself can easily consume two months at minimum and could easily run into years.

The vindictive parent by making allegations against their estranged partner can cause that parent to be subject to extensive and lengthy investigation called "discovery" such as home evaluations, psychological and physical examinations. Then at the conclusion of this period of investigation a father's claim or pursuit of full or primary custody of his children is severely compromised because of what is known as the status quo situation. Thus, once you clearly concede to reason this tactical approach of making false child abuse allegation is the all too common tool utilized in divorce and custody cases.

Do vindictive spouses and attorneys employ such tactical venture to gain the upper hand over the other parent? Without a doubt. The numbers bear that out. This has gone unchecked for far too long; where forth, the desperate need has finally come of age for the proposed legislation to be admitted and passed. We need this law, gentlemen, I don't want to take up too much time, a lot

of these gentlemen to speak. I thank you for bringing this to the forefront. Good day.

Blake: My name's Bill Blake. And I'm a resident of Brookville, PA. I'm glad to be here today. This is the second time I've testified before one of your Committees and I'm in favor of House Bill 826 and the only problem that I question is that with the immunity clauses in some of the laws that judges and psychologists, psychologists who are given absolute immunity in Pennsylvania, you're unable to prosecute them in the court and presently I do have a law suit against Neil Rosenbloom in the Supreme Court of Pennsylvania based on immunity that doesn't conform with the Federal standards.

Sidney Harris once said, "it's no accident that first moral fables were written by slaves. Only those who suffer injustice can have a true insight into what justice consists of. Whereas, those who benefit from it have a hundred ways of rationalizing it into something else". Our nation is fighting a civil war on values and if you look ahead with greater consequence. Let's begin to clarify what we do not want. We do not want to hear lies from unethical judges, corrupt attorneys, unfit psychologists, mentally unstable women and unqualified employees of Children and Youth Services telling us there are no false reporting of child abuse when the statistics prove that 70% of all child abuse cases are false. We do not want to be separated from our children or see our children abused through a degenerative family court system. We do not want to be diagnosed by psychologists who have never met us and



submit fabricated stories and false allegations in court proceedings.

In relation to House Bill 826 I must report the facts as concerned in my personal case as to the substantial misrepresentations by my ex-spouse. As a matter of court records, Martha Blake has been in contempt of a custody order since September of 1987. This order has never been enforced by the court. On or about August 9th, 1987, Martha Blake wrote me a personal letter which stated in part, "Marla and Jodi love you very much" and on the back of my testimony is exhibit A which is a copy of that letter in her own handwriting. On December 1st, 1988, Martha Blake testified in an equitable distribution hearing and said, "oh, my husband, I mean he was very good taking care of the children". This is seen on exhibit B, line 23, page 17. Martha Blake lied in her evaluations she had with several psychologists that interviewed her.

On May 8th, 1988, Dr. Neil Rosenbloom wrote a defamatory and fabricated psychological evaluation without my knowledge. The prime purpose was to gain control of the marital assets, custody of the children and gain support through this unlawful activity. He was referred to Mrs. Blake by her shyster attorney, Robert Garman, from the firm of Goldberg and Kaneman. In part the following statements were made by Mrs. Blake, "the girls have been exposed to much of this type of behavior that they are also afraid of their father. The girls have been generally afraid to visit their father." Marla, who is seven years old, my oldest daughter, "has

written essays in school expressing how bad her father is and how she hates him. Her husband has also been nasty toward the girls." This is contradictory to what Martha Blake stated in the deposition and in the letter which you have exhibits of. Rosenbloom states in Marla's interview "she spontaneously verified many of the problems which her mother had related to me. Marla feels that her father is definitely bad and that he is doing mean things for quite some time. Marla feels that her father was nicer in the past but states that the last year he has been very bad and very nasty to her mother." The fact is that I've been separated from her for one year and had little contact with Mrs. Blake.

Mrs. Blake voluntarily terminated child visitation in March 1987 without the consent of the court. In my youngest daughter's interview, Jodi, Rosenbloom stated, "she said that her father would not hit her but did confirm that her father has hit Marla in the past" but in Marla's interview she never mentioned of being hit. Rosenbloom also stated "Jodi does not feel that she misses her father, and as Marla, feels she does not want to visit him. The girls tended to stay close to their mother and were reluctant to interact with them". In Rosenbloom's conclusion he stated "although it certainly would be helpful to have the opportunity to interview Mr. Blake . . ." he wrote an evaluation whereas I was not even present. Then he made the following remarks "I've had the opportunity to review some of Marla's essays about her father and they were indeed sad and disturbing. As a professional, I have rarely recommended a parent not to be allowed to visit his children

but in this case, I believe there is justification . . ." Although Rosenbloom's report states that the father is unfit, the children is living with the mother.

Rosenbloom was used as a hired gun to further the scheme to interfere with custody. His report was defamatory, unethical and unprofessional. He's nothing but a liar and a disgrace to his profession. He supported Mrs. Blake's lies. Consequently, he was sued by the Pennsylvania Department of State for his unethical practices, Docket Misc 91, File Number 86-63-01749. He's been linked to Judge Kaplan in a rash of complaints to destroy family relationship, see exhibit C. Judge Kaplan, as you know, has been sued in Federal court many times for his bad behavior in office, it's no big secret and nobody wants to do anything about it. He is also retained by the Children and Youth Service of Pittsburgh but even though these people were notified, the director and the people who are in charge of Children and Youth of his abuses, and they have to be aware of the law suit that the Department of State when they sued him, they still keep him on as their psychologist.

Subsequently, March 25th, 1990, Dr. James E. Wentzel wrote another evaluation without interviewing me. He stated in that interview or evaluation "it's hard to understand how contact with Mr. Blake and his daughters is in the girls best interest." However, he asked Jodi to draw a picture of her family. Jodi drew her mother, sister and herself. Jodi drew herself the largest from interviews with the psychologist which, of my own choice, I was told that that indicates that her mother and sister are less

important and Jodi also stated "it is her mother who spans her". Marla drew a picture of a house with a very light colored crayon and then drew dark crayon and scribbled all over the drawing of the house. And according to the interview that I've had with my own psychologist, when we discuss these matters, he suggested Marla was depressed. Wentzel's conclusions are upside down when a recommendation of the father is unfit when the children are actually living with the mother and show signs of maladjustment.

The report was made in February 1990 and I have not had contact with the children since March 1988. Accordingly the psychologist can lie on their reports that are submitted to the court and have absolute immunity by Pennsylvania law, this is wrong and needs to be changed. The problem arises from the diseased minds of the family court judges of Allegheny County who don't have the decency to be concerned about family values. Judge Kaplan, Judge Strausburger, Judge Baer, and Judge Baldwin are not qualified to be judges in the family courts. They are biased, corrupt, harass men and give their, these crooks their blessings. They need to be removed from their present positions immediately.

Judge Kaplan has been sitting on my custody case since December of 1990. He also made the statement in court that children are not important. Judge Bear sat on my modification of support case for two years. Judge Kaplan has been sitting on a civil contempt since February of 1990. Judge Kaplan fined me for wanting to have visitation with my children. The judges are arbitrarily set fees for psychological evaluations. Those of us

who have suffered from the false accusations of child abuse in the family division courts of Allegheny County have to face the world through ridicule that lasts for a life time. Our children have been abused. They're maladjusted and somebody has to be held responsible. House Bill 826 is a step in the right direction but the immunity clauses in the Pennsylvania laws and the Federal laws protect these sick minded people.

Audience: Applause!

Bloom: Before you go, I would like to just take a minute to move that my speakers broke and I would be a minute into the record there is some stuff that I would like to include.

I must admit that Mr. Blake and Mr. Valentich, I have crossed their paths in my nightmare of the past five years in litigation and although I haven't met either one of them in the past two years I'd say, the nightmare still goes on. What Mr. Blake has just testified as to the incidence and/or the sitting or quashing of litigation occurring in the Allegheny County courts is very true and reflective of reality. I, unlike Mr. Motheral, my case has gotten so bad in an equitable point of view that I don't fear retribution because it can't get much worse. The competence of Judge Baldwin I regretfully admit that it's in question. It took over a year to conduct an equitable distribution trial and to get a decision over, it's just unbelievable the lengths of litigation. I don't want to ramble too long, time is precious and you have much to consider.

Valentich: Mr. Chairman, my name is Frank Valentich. I was born and raised in Turtle Creek, PA. I'm an employee of the University of Pittsburgh here at this point for nearly 30 years. So I guess there's no reason for us to go into my character. It's impeccably clean although it's been under scrutiny by the Family Division for many years. Actually since 1984. I would like to allude to some of the things the guys here said, we're very familiar with each other and the way I feel now after all these years of dealing with this stuff, I think I feel exactly like Patrick Henry when he said "give me liberty or give me death"

Audience: Applause!

Valentich: We're just about at that point where things don't mean that much to us. We've tried and tried and tried to stop this steam roller that Dr. Wecht talked about, this locomotive that's going wild in the City of Pittsburgh here and it's basically based on the good old boy network in this legal system that we have here. I've had opportunity to have, I've had many attorneys, some attorneys didn't even want my case because, I believe, it didn't fit the patter for the good old boy network to deal with. It was too complicated, they didn't want my case. What we're talking about here is changing the bureaucracy. And that's next to impossible to do unless we can get droves of people down there to want to do it and I think it flourishes is because those guys know we're not doing our job on our end. I've had extensive conversations with some of the news media here in town and it appalls me that they don't do their job in reporting the things

that are going on. It's good enough the way it is. I've even spoken to attorneys who told me, there's nothing wrong with the system, it's OK. What are you getting involved with in those hearings and like we were involved with in Harrisburg and today here. They want to keep this locomotive going, at our expense of course.

I was falsely accused of sexually abusing my son. I've suffered for it, very much so, since 1985. I'm not a child molester, I was brought up better than that. My illiterate immigrant parents brought us up better than to do something like this. My divorce from my ex was filed behind my back and she colluded some two years before she informed me of doing this and I was at work here at Pitt one day when one of the girls came in and said I saw your name in the paper, your wife is filing for divorce. I says "no kidding". I didn't know anything about it. She colluded two years prior to this.

While during our separation period we sort of worked out the visitation which was very difficult. My son's did stay with me a number of times at night. At that time my youngest son was 4 1/2 and my older son was about 12 or 13. Now these boys did stay with me overnight. So, I being raised by immigrant parents know the value of a home, of a house and a good neighborhood and I strived all my life to be able to provide these things for my family which I did. This woman took my children out of this environment which I provided for them and took my children into an apartment.

OK, during our separation period, visitation didn't work too good although I did have some overnights with my kids. So I figured since I bought this house to raise children in I should have primary custody of these kids. I went in and sued for primary custody and that's when I become, became a child molester so that stopped any effort of my having a better relationship with my kids. The only reason that was done is to really give it to me good. Nobody thought about what it was going to do to the children and what it has done to me over all these years. But that's the way it went and it's been a constant struggle since then and Bill mentioned Dr. Neil Rosenbloom who is the hired gun of this county here who will write any kind of report necessary to stick it to the father again. We were never given any proper tests.

I can also, I work for the Psychology Department here at Pitt for the past 25 years, so I learned a little about psychology from my own perspective. I know the rights and wrongs and directions psychology goes. His report was negative towards me. I think it should have just stated the facts of the situation. As I said before though no tests were given to me to find out if I could be this. It was only an interview. So I was restricted with my children, a new court order was issued where I would not be allowed to spend time with my children at night, they would not be allowed to stay with me. And the only way my children would be allowed to be with me was if they were together. I couldn't take them into a room alone. I wasn't allowed to display any guns. No talk of violence. All kinds of stupid restrictions were put on me.



Then in, I had to defend this naturally, and I think my own attorney sunk me during this whole situation because when this allegation he really never pushed to stop this aside from the fact he sent me over to see Dr. Levitt here in Pittsburgh, who is a renowned psychologist/psychiatrist. The whole family went there to get an evaluation and that cost me \$1,500 right off the bat right there. So right, I'm starting to sink pretty deep right now. So at Dr. Levitt's, the children, I and my ex all got psychological profiles, very extensively. It was about a seven or eight page report which basically stated that "Mr. Valentich should have his parental rights". Well, to this day I have never gotten my parental rights. Although at that point in time, I had to sort of let things go for a year or so just to get myself back to start feeling like a human being again. I had to take time off of this case otherwise it would drive you crazy, being kept away from your kids and not having, having this stigma on you of being a child molester.

So I think it was 1987, I believe, I went into court, I figured I had it made now since Dr. Levitt said that I should have my parental rights. I sued also then for primary custody of my kids. So we go into court before Judge Kelly, I've already paid \$1,500 for the Levitt's report, I have to pay my attorney, my new attorney at that time, I don't recall what it was, it was probably around \$1,500, I also had to hire Mr. Miravitch as a child advocate for my two sons which cost me \$1,000 and I had to have a new home evaluation done, again, when I already had one done prior

to these allegations. I had to have a new one done. So you can see how this money gets spread around among the good old boys in this town.

All the evidence was presented in the court and we finally come down to Dr. Levitt's report, I thought that would have some affect on my getting my custody, even partial custody, or some better custody with my kids. It, the final summation of the court Mr. Kerries who was the home evaluator recommended that I don't get any overnight visitation. I shouldn't have overnight visitation. So Mr. Miravitch concurred with him. Judge Kelly, in his wisdom, the honorable Judge Kelly in his wisdom, put me back to my 1985 court order which had all the restrictions in it that Neil Rosenbloom put on me. So, I've spent maybe \$2,500 to go backwards here. They got my money, I'm back to square one. I'm not the only one this is happening to, or happened to, unfortunately. Some people here couldn't make it because of these same complaints that we have here.

I'll tell you, I'm really in favor of this bill and I think it's long overdue, I know there is probably a lot of restriction or pressure from other entities of our government not to have it go through because it's going to cut into their clout that they already developed here today. I personally don't like the CYS because I've heard too many horror stories from this organization from personal people I know as you've heard from other people testifying here. The CYS ends up being part of the good old boys network to get people hooked up into the system so that locomotive

can continue moving, not stopping for any stop signs, or any red lights like Dr. Wecht said. But how do we get rid of these self serving people and self serving parts of our government? It seems there are legislators and Senate is self serving to a great degree also. The tail is wagging the dog and we're the dogs on this end here. The law is good but I would like to see it have a little stiffer penalties and also the monies that a person like me who spent to protect himself from these false allegations, I think a person like me should get that money back from the accuser plus a little bit more.

Caltagirone: In the form of restitution?

Valentich: Yeah, right.

Caltagirone: I think that could be appropriate findings to be recommended.

Valentich: Up until this point now, this is sort of a timely occurrence what happened here about two or three months ago, I did file a law suit against my ex for false accusing me of these charges. We went to Motions Court once and something was wrong with the paperwork, I don't even recall, I'm about ready for Patrick Henry, you understand, how bad this has us all down. So we're supposed to go back into court, I believe, Motions Court, I don't even know, to be honest with you. Anyway to see if we can get this suit of mine to fly downtown. Now I'm sure those down town all know me. Not all of them, but most of them know me. And they're not going to like me sitting here, talking about these issues here but that's too bad. This is my responsibility as a

citizen and I guess we're going to take our beating if there's one to be given out and then we're going to go on to fight another fight somewhere else. But we're not going to stop.

I know there is enough nucleus in guys like Bill Blake, myself and probably Bob Denman, there's guys like us all over this state but I just hope we don't get the hell beat out of us that we're 75 years old and we're still sitting in the same spot. We've got to try to make some progress here. We're willing to do a lot of the work but it's gone very, very slow. We can't get big government moving, it's just like a dead whale there, it feeds off itself. I would like to, we were all laughed about, probably by the wrong people, mostly by these good old boys about being members of various groups and you know yourself, Mr. Chairman, that there are tons of men's and women's groups across Pennsylvania, let alone the United States. Now these people aren't just getting together just to squawk about stuff, they truly are there to want to make some inroads into this but we can't get the big dead government whale moving. We don't know where to poke at. I think it would behoove, maybe your Committee, to acknowledge these groups and maybe tap them for some better insights to the answers for some of the questions we're trying to achieve here.

Caltagirone: Let me just say this as a student of early American history, that's what I have my degree in, my Master's work done on, you know, the smugness of some of the agencies and the other governmental leaders in this state, let alone this country, make me laugh to think that you just look to the Russia Revolution and I'm

not advocating revolution, but I am telling you, if you push people to the wall on issues like this you are going to get a reaction at some point that you're not going to like. And Thomas Jefferson had indicated in the writing of the Constitution of this country, that we have every right when government gets uncontrollable to in fact formulate and/or revolt openly and do another revolution to turn things upside down, inside out if it comes to that point. I'm certainly not advocating this. We do hopefully still have rights as citizens to speak out on issues and to effectuate change. If it in fact comes to the point where that change is impossible for whatever reasons to occur, you may very well see the formation of a revolution that could very well take place. You don't necessarily have to see people desperately hungry to cause a revolution and I am saying with all honesty those intellectuals and social elitists that are feeding on these problems that they had better hope that with a solution or they may not be very comfortable with the resolution if this continues on as I see it especially in this Commonwealth. People are getting fed up and they are desperate for solutions. They just want justice and it isn't happening.

?? Male from audience: I predict mass suicides.

Valentich: Not to belabor the point, I'm not a revolutionary, but I think it was Thomas Jefferson who said "the country should go through a revolution every so many years" to cleanse itself from the things that we're trying to cleanse ourselves for here. Another thing we have to protect our Second Amendment rights. I use

this platform here to affirm that fact. The good old boy network doesn't want us to be able to actively participate our Second Amendment rights. They're trying to take our, from law abiding citizens, they're trying to take our abilities to protect us from. I think that's just about all I have to say here. I could, there's no sense in belaboring the point here. I think all have the same questions about this.

Caltagirone: Let me just say this and I will say it again. If there are other points of view in this room, I certainly would like to hear from them. It is not that I tried or even anticipated trying to stack this hearing this way but what I've been accused of publicly, it's not true. We are trying to afford the opposing point of view, or at least to hear from others who are involved in the system and I'll open up in Harrisburg and I will in Philadelphia to the other points of view. I think it's healthy and I think that's what we really do need, the exchange.

Let me also say at this time, I would like to thank the University of Pittsburgh from the bottom of my heart for allowing us to have the hearing here today and also in Philadelphia, the University of Pennsylvania for allowing this to even take place because we couldn't take it to a governmental institution and be guaranteed that we would even have a hearing, that's how sad it's gotten. Yes sir?

Valentich: I think what I said is totally true about the good old boy network because you know we did testify in Harrisburg, I guess it was 1991, do you Bill?

Blake: Yes, September 1991.

Valentich: And it was nice for the Committee to come down here to Oakmont sometime in November of 1991 to hear from the judges and the attorneys of Allegheny County and Westmoreland County, what have you. Now I came away from that one very distraught because you could see the good old boy network in action there because almost every attorney and every judge said there's nothing wrong with the system. If there's nothing wrong with it, what the heck are we doing here today? It's, this sort of a poor turn out today, I would have liked to see 200 people in here, even citizens but I'll tell you what this was not very well advertised in the media. I tried to get it across the talk shows as much as I could but you see we've even get resistance from a part of our country, a part of our government who is supposed to beat the drum for whatever issues are before us. So the good old boy network stands very strong here and how we break that down I have no idea.

Krantz: Mr. Chairman, if I may. We were moved to a larger room based on the number of calls the University of Pittsburgh got, why people did not show, I cannot answer that. We had expected a larger crowd.

Valentich: Maybe some were intimidated?

Caltagirone: There were. I know that.

Krantz: We received testimony today from some of the people that will essentially go numbered versus identification of the individual.

Valentich: But the news media will take this up that well, Representative Caltagirone didn't have a very good turn out, this and that but he's, there not going to know how many of these things you're going to get probably through the mail from people.

Caltagirone: You're right, we've gotten plenty.

Valentich: Plenty?

Krantz: It think possibly . . .

Caltagirone: From all across the state by the way, not just the Pittsburgh area. All of it.

Blake: It's permeated across the country. It's not just Pennsylvania or Allegheny County. I think one of the problems you're going to find is finding the opposing view from our view against this legislation because I believe any intelligent human being would support this legislation. That there is nothing in here that is going to prevent an intelligent person from bring forth a valid child abuse charge when discovered. You see a child bleeding or emotionally distraught, it's visible, it's detectible, I don't believe any human being is not going to come forth. Professional or layman.

Caltagirone: All right, I have several more people who need to testify and those who would like to, we will certainly be called after we end the formal, but I would like Gwen to come forward, she's with us now. Ron's with us and Bob. Thank you.

Elliott: My name is Gwen Elliott. I'm in charge of the Child Abuse Unit for the Pittsburgh Police Department and I felt compelled to come here today because I've only been here a few



minutes. I was scheduled to come at 1:00, I just got a call, so I got here in 10 minutes, I don't have any written material but I will go to your office.

One of the things that concerns me greatly about this bill is, I think if we have this legislation it will stop people from making child abuse reports and I can tell you that there is a percentage of people who do make false reports, we also get reports where people think abuse has taken place and the cases are unfounded but a lot of times we know there is abuse but we can't do anything about it because the child is unable, for whatever reason to testify, maybe the child is too young, that sort of thing. Right now in the Criminal Code, there is provisions for people who make false reports, period. So I think if we could enhance that law.

I think if you tie this specifically to child abuse, you'll have situations where we see everyday where abuse has taken place over a period of years and these children are unprotected because nobody stepped forward to report the abuse. I could show you case after case after case where there's been abuse that happened in the home behind closed doors, and not a blatant cases we're used to see with a child with his head busted open, we have little babies brought to the hospital with gonorrhoea and other diseases like that and nobody owes up to it because the privacy laws, we can't prove who did it but I see from you're list that you had Dr. Carrasco as one of the witnesses and I haven't talked to her to see what she was going to say but I think what you have to realize is that the Police Department is now more sophisticated.

We don't get a report in and just automatically go out and make an arrest. We have an excellent unit over at Children's Hospital. We work directly with them. We have psychologists, we have psychiatrists, we have social workers, and the police all attached to a unit and a lot of times the kids who are not taken out of the home, there's cases where we can see where the family goes through programs, there's an excellent program run by Western Psychiatric Institute. There's other programs run by other agencies where parents can go and get the help that they need so children can stay in the home. I just think that this would be, just take us backwards because now we are to the point where we have people who call on the hotline, who call on the police, who talk to a school social worker, I think this will just make people back off and kids will suffer too long before it becomes apparent that there is a problem in the home.

**Blake:** Not to really comment on what she had to say and I see it's like a catch 22 when you talk about abuse which none of us want to see but they say there's a certain percentage of abuse that takes place but I think there are those that become opportunist whether it be a bad marriage, divorce such as I, myself is involved in, that they say 70% of this or so many percentages of the cases were proven to be without merit or with merit, but what happens is people that, for one reason or another be it vindictiveness, getting back at a spouse, for one reason or another, have used this for their own gains. Now that may or may not be true but then there is also, I think the mere allegations of the heinous things

such as child sexual abuse, child abuse in general, is so heinous that the mere allegation on someone that may never had anything against them in their entire life is traumatic. And the thousands and thousands of dollars that you would put into proving you didn't do what you didn't do, I think comes from the play here.

I heard the gentlemen here before me testify the exorbitant amounts of money that one can spend and I think, sometimes, not in all cases, the police has to do their job but I think sometimes when you get different departments overstepping their boundaries such as it is the job of the District Attorney to issue an award, it is the job of the police to arrest but I think when you have different departments overstepping those boundaries and it seems like when a person is accused in these cases that it just becomes, in some cases I'm not saying in all, an overzealous attempt to convict, that is their position, that you know instead of innocent until proven guilty, I think they get into the premise of guilty until proven innocent because one has to do when they are accused of something like that is prove their innocence, not only through the Domestic Relations court, if it goes from the Domestic Relations court, then it goes to appeals, then it can go to the Commonwealth court, and then to the Supreme Court and there are those out there who know the ploys that can be used to take it to all these processes.

I had a situation where some five years ago, I was wrongly accused, have been since exonerated of everything that was ever brought against me, but to this day now, it is five years later and

with the courts and the appeals and the evidence is overwhelming that I was a victim of the system or that I was a victim of the person who said these things but yet I believe with all sincerity, the courts want to rule on the safe side so as opposed to going ahead and making decisions which they're not 100% one way or the other, it is safe to rule on the side of the child which in all reality is something that they should do but what happens to the 30% of the people that get involved in that, it's like 100% of the people, rather than say a 70% rate that they're not guilty of this or that, I saw in the report, in the newspaper article, or whatever, that this seems like it becomes 100% of the people accused in those circumstances that are punished. And why are they punished, they are punished because it is safer to rule on the side of the, what shall I say, the challenging or charging person, than it is to give somebody a break to see their child.

You can go through psychologists, psychiatrists, this one refers you to this one, this one refers to that one, that one refers you to this one, that one is a case manager who cannot make any decision but we will refer you to someone who is more of an expert, I think what it gets right down to is there are, we're in the land of law suits now and everybody is suing everybody for everything and that even carries over into the health care, the mental health care, the psychologists and I'm not taking this from statistics but many people in the field of psychologists they say, they are gun shy about being sued by one or the other or both parties so the safe thing to do is be a neutral party and sort of

ride the fence with something and say "well, we don't, we see this and we see that and we see this party's traumatized, we see that party's traumatized, we say that side says this and this side says that and this doctor says that and that doctor says this and this is abuse and this isn't abuse" and this is just back and forth.

I guess, I am sorry to be long winded, but what I'm saying is I would like to see something, and a lot of times it's hard to prove, but in the cases where its proven like beyond a shadow of a doubt that someone has used the system in an abusive manner to get what they want such as in the case of parents and children custody, I think those people should be punished. Do I think they should go to jail? Well, in case of abuse like that, what do you do? Do you put the mother of your child in jail? I dare say not even if you have all kinds of feelings about what they did to you. Traumatizing your life. You can recover and you can regain and you can be professional and I'm living proof of it, but you can never regain the lost time with the child, the rapport, the very special years that are just by the boards and you have to move on but it seems like the wheels get stuck in motion and they keep spinning and there, there are probably many people, and I had my reservations about even coming today because you're told by an attorney or what not, you better not say this, you better not say that, you better watch this and you wonder about it, "well, what is the reason these things are being said".

I don't see, and I felt, I said, I have to take a stand somewhere, be it right or wrong, but I stand on the side of what is

right and I stand on the side, much like the police, I think that the attentions are all there and it is meant for the welfare of the child, I just think about how it's gone about, it's something that needs to be looked at. And there are probably numerous people and I can't speak for everyone, I can only speak for myself, but if they are, if their case was much like mine, my heart goes out to them because this thing has made me a survivor, it has given me the gumption, the courage to say "look, I'm the person I always was, if I don't come forth, if I want to be the kind who sits in the background and says "this should change, that should change, this should change" and I still sit there then I'm a bigger fool than anyone else in this room". And I don't think I'm a fool and I feel that I have rights and would I put my ex in jail, no. Why wouldn't I put her in jail? Because I love my child and I don't think that's the answer.

I think you get involved in these things, both sides get so traumatized that they may in fact think that something has happened when something didn't happen and you may have so called professionals who not only, who should be doing a thorough investigation in dismissing it at a certain level and then yet, they will pursue past the point even when they've learned something wasn't. And I just want to see, not only for myself today because I'm sure, like I said there are many who would not come forth that this has happened to, and I guess that's really all I have to say about it. There's much more.

As far as monies, I won't go into that. Thousands and thousands of dollars, the home I've lost, the monies I lost. If money was my God, maybe I won't be here today, if I thought that much of it. But this issue is something that I think needs to be addressed and if the legislators wanted to let it go by the boards and, as you said, I think something down the road terrible can happen with the situation, I only hope that my words aren't falling on deaf ears because I had my reservations about even coming today thinking that I'm very disgusted with the way the system is set up and I really wish that people, I mean, meaning the courts and the agencies and what not, would be, I say be bold enough to take a stand, not be afraid to take a stand, someday, because, like I said, the wheels of progress in this issue and I can see them spinning because even when you could have all the logistics, all the proof, all the evidence in the world that you were a victim of the system, I mention to say, I say, I have been a victim in this case and I, like I said I don't know how many others were but I don't feel very well about it but I do feel that I'm in the few percent who will speak up for it.

?? Male voice (He did not identify himself): My case is concerning an 8 year custody battle which it's, it has wound down finally, after 8 years of trying to convince the corrupt county courts of McKean County that the mother was totally unfit right from the start to be having care of my two children, that the woman was an alcoholic, a totally moral-less woman, she was not raised with any moral stature, I can foresee back in 1984, around 1984 when we

split up that the children would be in very poor hands at high risk to be destroyed if left in her hands to be cared for, as a matter of fact I do have a letter, I just thought of it a few minutes ago, I did not make copies but I will be happy to mail them to you, a letter that came from her mother, who is now deceased, warning me, while I was in California, to come out here and get my children, take them out of the care of her own daughter.

Ten days after my ex-wife and I separated, my little girl, the last thing I told my ex-wife, we separated from Los Angeles, I put her on a bus and I sent her back here to her family, and the last thing I told her was, I said, we didn't have seat belt laws back then, but I firmly believe in seat belt laws and they made sense, I felt the government didn't have to impose that on it, use your head, and I told my wife, "you buckle the children up, use child seats, don't let them ride on people's laps", that was just one of the little things I kind of tucked along with her before she left and ten days later I got a call my little girl went through the windshield of an automobile, my wife was with a boyfriend already, she had her grandmother with her, the grandmother was drunk and driving, they were all drunk in the car except the two little children, my daughter's face went through the windshield, was imbedded with chips of glass for about five days before the mother decided to ever take the child to, for medical treatment.

I've submitted that and a number of items of evidence to the courts since 1984 to convince them that the mother was causing harm and damage and destroying those children. Right now my son is 12



years old, my daughter is 14. My son has a police record a mile long going back to when he was 7 years old. My daughter, I've got a report here from Dr. Addius, a psychologist, that was, the psychologist had been submitting reports to the court for the last 3 1/2 years to whatever the Judge White of the Nagle County, he was specially presiding over the matter and Judge John Cleland of McKean County which originally handled the case, I had him removed when I filed Federal suit on civil rights charges against Judge Cleland and since Judge White's handled the matter, he has appointed Dr. Addius, a psychologist, to do periodic evaluations on the children and periodically on myself and my ex-wife.

Well Dr. Addius has just been feeding the courts what they wanted to hear, that the children would be better off being raised in the mother's care in the mother's apartment, they need a mother. He kept repeating that for the last 3 1/2 or 4 years. Until last year, I guess, he was convinced that the whole circus did a thorough and complete job of destroying both the children. I almost lost my daughter last year from an attempted overdose at 13 years old, a suicidal attempt. And had I lost my daughter, I would not be sitting here today because I know that I would be incarcerated for the rest of my life as the outcome of what I would have done to react to that. Because I hold every bit of responsibility with what's happened to my two children, the damage that's been permanently set in there, which I've got evidence here, I don't have extra copies but I would be happy to mail them to you from Dr. Addius, the permanent lifetime damage that has been done

to those two children, I hold John Cleland, presiding judge of McKean County wholly responsible for what he's done to those kids.

And after filing a Federal law suit against the Commonwealth of Pennsylvania, McKean County Children and Youth Services, Judge Cleland, my ex-wife and a few other individuals, I have been attacked with false charges constantly coming at me from every direction for standing up against a corrupt judge.

I was scheduled, as your probably recall to give testimony in the fall of 1991 at hearings on domestic relations issues and William Blake gave testimony on my behalf that I'd been hospitalized. When I was hospitalized it was against my will. I just had a telephone conference hearing and on the custody disposition of my children, immediately following the custody hearing over the telephone, I got a phone call from a newspaper reporter friend of mine in Bradford, the BRADFORD JOURNAL, Fran Nickels, I spoke with him on the phone, he wanted to know how I made out with the matter. I told him I could see that the court was going to make no decision in my favor, I was totally disgusted at the unfair practices that had been occurring, I could see it was just a repetition of things in the past, got disgusted and hung up. So I was discussing this matter with my friend, the newspaper reporter, when I was interrupted with call waiting by my psychologist at the Guidance Center. The Guidance Center called to see how I fared with the hearing with the hearing. I told them I

wasn't too pleased, that I got discouraged and hung up. He says, "OK".

About ten minutes later, about three state troopers appeared at my door while I was speaking with the newspaper reporter. I got the whole incident on tape at home because I hit the record button on the recorder and the troopers came in and took the position that I was a danger to myself. Handcuffed me and treated me as a prisoner. Took me to the Bradford Hospital and did not release handcuffs until I was locked up in the psychiatric unit. From there, I was threatened to be sent away for several years to Warren State Psychiatric Hospital because I was standing up for what was right, for what I believed in, and again, I don't have solid proof to convince anybody but I believe, and many of my peers are convinced beyond a shadow of a doubt, that whole entire incident stemmed from a conspiracy from John Cleland, presiding judge of McKean County, in retaliation because I'd gone and stuck myself out on a limb and I've taken every effort, I've made a commitment to Judge Cleland, I've made a promise to his face in the court room, that I will do everything in my power for the rest of the days of my life to destroy him, politically, and to see him incarcerated behind prison walls, if it's possible, that I will that my life long goal because of what he has done to my children.

I have not broken the law but I've wide spread circulated material on the judge and I've been retaliated against under false charges. Their intention was to send me to Warren State Hospital where I would have received extensive shock treatment, where my

brain would have been totally destroyed and I would have come out of there in maybe 3 years or 6 or 7 years later, a walking vegetable, where my mouth would never say another word about the corruption of McKean County Family courts, Judge Cleland and McKean County Children and Youth Services and I believe one of the problems that we're facing, and not only in McKean county or in Pennsylvania but throughout the United States today, is immunity and I believe that immunity is the biggest problem that this country faces. Nobody is willing to accept responsibility for their actions. We're paying out billions of dollars in taxes across America today and nobody can be responsible.

I mean our elected officials in this country today, our Children and Youth Services people, our social workers, all receive very generous income and benefits from the taxpayers. Our elected officials are treated quite well in this country and yet not one will want to own up to the responsibility for their wrongdoing, for their criminal activity, maliciously conducted for political purposes against private citizens. Judge Cleland is a total hypocrat. The man constantly give lectures at the University of Pittsburgh at Bradford on the importance of civil rights. He goes to breakfast meetings periodically out at the Federal prison facility in McKean County and speaks about civil rights, but when Judge Cleland was faced with a Federal law suit for the deliberate violation of civil rights, he had a staff of about 12 attorneys out of Philadelphia at the taxpayers expense to represent him and to

get a plea of "not guilty under the immunity clause" which gives him absolute immunity.

Now I believe that we need to eliminate the immunity out of our vocabulary, period. If a person's going to take a position in public office, take that responsibility, then he better do his job right and if they can't do the job right, they have no business being there in the first place and if they're going to conduct criminal activity against private citizens, the penalties should be severe and they should be punished. I've heard complaints about corrupt judges from one corner of the Commonwealth to another and I've talked to about every county, I've received letters, I receive newsletters from all over the United States, the same kind of thing, right now there are over 700, I've got a list on the computer, over 700 "fathers rights" or "fathers and mens rights" organizations throughout the United States.

Caltagirone: Bob we have about three more people.

Bloom: I'm sorry, that's all I have to say.

Caltagirone: Thank you very much for testifying. I appreciate your testimony. There's a young lady here, did you want to testify?

?? Female voice: No.

Caltagirone: Did you want to make a statement?

?? Female voice: No. I will testify in Harrisburg.

Caltagirone: OK, then I'll see you on Thursday.

?? Female voice in background: Can I make a statement?

Caltagirone: Sure, you bet.

?? Female voice in background: What bothers me, we constantly hear about putting all this money into education, for whom? For the youngsters who are going to be the leaders of our country, right? Last night on WKDA radio, I heard a man say that the harshest punishment that a parent can get for killing a child, you know, like beating a child to death, is a year and half for involuntary manslaughter? Is that all a child's life is worth? I mean, we're spending these billions on education so that the parents, so that, Bob Lowe asked me to find out today, is it true that that's the sentence, the maximum sentence if a parent beats their child and kills him, is a year and a half to two years?

Caltagirone: The parent should be shot as far as I'm concerned. Anybody that takes a child's life but I'm going to tell you on the other hand, somebody who's convicted of making false reports, and I don't care if it's a Children and Youth Services social worker or anybody else in the system, a psychologist, a psychiatrist, they ought to be penalized to and maybe they ought to spend 30 days in the can to wake up to reality that their imposing their rule on people's lives and destroying them mentally, emotionally, physically, financially and then I think the scales of justice would start to dip back the other way because we know that we're seeing figures of 70 to 80% of these reports are unfounded. We're hearing horror stories. These are the stories that people didn't want to surface! We're going to hear a lot more over in Harrisburg and a lot more in Philadelphia. We're going to hear the other side.

I'm perfectly willing and able to hear the other side. I have no problem with that. The problem that I have is what we're hearing today not only in Pittsburgh, it's going to be a repeat in Harrisburg and a repeat in Philadelphia. Where is the justice and the, you're right the immunity they have, should that be taken away so they can be held accountable. And I'm beginning to wonder on the immunity issue that if they are to be held accountable, financially and otherwise, that maybe they would think twice that they would do their job a little more effectively and a little more thoroughly before they jump in with both feet and hurt people, hurt innocent people and that's something that we have got to think about.

?? Female voice in the background: Why isn't the penalty given to them that the person, say you're accused of something and they would erroneously find you guilty, the penalty that you would get should be what the accuser should get whenever you've proved your innocence.

?? Female voice: Plus finances.

Caltagirone: What about the agency people or the police? Or the psychologists or psychiatrists? You need at some point to have a leveling effect of justice because if there are, in fact, overzealous people that jump in . . .

Elliott: I would like to answer her questions. That's not the maximum sentence. We haven't mentioned for first degree murder, third degree murder, the sentences last, they would be . . .

?? Female from background: They say it's a misdemeanor. Bob Lowe asked me to . . .

Elliott: (Very garbled and distant) There's a range of sentencing so 1 1/2 years is not the maximum sentence you could get. I believe, I think that if anybody who works for me, if any of you are welcome to come to my office, I'm at 1600 West Parson Street, I've known various people who would bring charges, they should be dealt with. Sometimes we cannot prove the case. If we cannot prove the case, there are no arrests, but we have investigated it thoroughly through various methods that show there's no truth in his lines. As I said, there are some cases where there's money where a criminal is tempted but it's just a responsible family where (Cannot make out the remainder of the answer) . . . Some of the things happening here in Pittsburgh is a result of people like me pushing for us to develop social service agencies as a place for people to go . . . (The remainder was very garbled)

Caltagirone: Thank you Gwen. If you would introduce yourself for the record? Rita Rubick and Tom Tully. Rita would you like to go first?

Rita Rubick: This is not to child abuse exactly but it goes on further when it reaches in to the adult area which is following this same pattern, what I'm concerned about are the psychologist licensed and being charged for promoting these accusations of sexual abuse by parents and grandparents, which is going across this country. You said that you were going to the University in Philadelphia with a hearing . . .



Caltagirone: We're going next Friday.

Rubick: Well, they had a hearing last week and there were thousands of people from across the country with this same problem as these people with the younger children, older parents having the same problem with it coming through the University's teaching, is what I feel. Through the psychologists, and these are adult children who are accusing their parents of the same thing that's happening here for money and other things that, and I wonder what you could do with this law to include that, or are they licensed or will they be licensed, is there anything in the law that will do that?

Caltagirone: We could take a look at that, certainly.

Rubick: Because it's growing across the country and in other countries too.

Caltagirone: Tom

Tully: Mr. Chairman. I'm not a scheduled speaker and I'm only responding because I thought I understood you to say that you aren't quite sure what to do about some of these things. I think we have adequate documentation of cases and victimization of people by the system but I would point out that it's fundamental in our own legal structure that this is an adversary proceeding, that there is a prosecution and defense, but a family procedure should not be an adversary proceeding, even though a group of lawyers that have been named in the trade "bombers" and what they do in a divorce case is they try to really build up the animosity so that they can get the most for their client, I don't know and can't

comment on husband's and wife's fighting, I do know in some cases of divorces that are not adversary and where the children are not shared and they don't have the color and animosity of a lot of the things that I've heard today, you want a suggestion on what to do with the law, I think that France has a useable system but understand that France has a different system of law.

In France a family proceeding like this goes before a board and the board has representatives from the state, has representatives from the members of the family, they are people whose term is limited and they are people whose responsibility it is to solve that case, they can't build up the tenure of some of the things that have occurred in Pennsylvania. I've heard Dr. Rosenbloom's name mentioned, he apparently, if what's to be said is to be believed has built up a tenure in these kinds of things, I don't know if that's right or wrong, but I do know that a board like the type in France and I've heard they also have in Philadelphia, with Philadelphia county's court or whatever, maybe a good kind of thing to institute to eliminate the advocacy procedure. I think that the advocacy procedure is incompatible with the immunity clause, it's just fundamentally incompatible and it's a legal marriage that has no merit.

I think the U. S. Supreme Court has taken that into account in one of their family cases involving New York state, not Pennsylvania, where the Supreme Court remarked that the social worker had the position as both judge and the jury and that there was no review of the social worker's position and it's my

understanding in Pennsylvania, there is no review either. So my suggestion is to be appoint a board. Now I'm not objecting to this law. I think this is a good first step but I don't think it goes far enough yet.

What's the cost of this? If my cost numbers are anywhere correct, there's a maximum of \$25,000 per child in the custody system that is available to the State of Pennsylvania? If my numbers are any where correct, the board of Welfare in Pennsylvania has a budget of about \$172 million which does not include some administrative costs, legal fees, doctors and other stuff. It is my understanding that Allegheny County alone, if you include all these peripheral costs, may be given as much as \$104 million a year yet I am impressed that some of that money was made available to the families could very quickly straighten out a lot of the adversity. A gentlemen was mentioning \$60,000 or \$70,000 in an adversary proceeding. Couldn't half of that money or a quarter of that money be spent in trying to resolve the problem, then I think that would be a step in the right direction?

We live in an evolving society. Right now, I think you're trying to react to what I've heard are injustices here that have occurred in the past. I would hope that the law looks ahead and try to not only to react to injustices but also would try to anticipate things evolving society needs. I point out to you that some of the information with respect to judges and prosecutors and lawyers and so on, they have their job in an adversary proceedings which is to prosecute and the defense has the job of defending but

it's not an adequate balance in family circumstances today because all of the money the prosecutor has is state money, all of the money that the defense has is defendant's money. Does not seem that the adversary proceeding is appropriate. You cannot put a public defender because they don't, they are assigned from case to case, they don't seem to help you, so I would make the point that we need things to change and this law is a first step in the direction of change. We don't need things cast in stone. I think we need this law as a step in the first direction. I support the lady over there from CYS who says our structure needs to be reshuffled but I also believe that in reshuffling the structure, you need, what I think is one of the fundamental causes, and that is the adversary relationship and the leave on society to maximize the adversary aspects of all this.

Caltagirone: That is a very good point that you raise. As a matter of fact, in discussions that I had yesterday with some of my legal staff in Harrisburg, one of the thoughts was rendered about the possibility of completely rewriting the Juvenile Justice Act, Juvenile Court, Domestic Relations, that's a lot to bite off more at one time but I attempted to do some of that last session. A lot of people think petitions that have been filed for impeachment of judges, that was the way the changes should occur, it beats certain judges and 99.9% involved domestic issues. If there's no justification, that's a witch hunt that you go on. Once you start that, I mean, it doesn't stop. I understand people are upset with particular personal situations involving judges, that doesn't mean

the entire system is bad or that we can't reform or at least attempt to reform parts of the system so that you bring back the scales of justice, in this particular area in juvenile Justice and the abuse area, it is very heavily weighted and from what has been attested to today, those that are accused pay out even if they are found innocent basically unfounded, who makes them whole, the state doesn't, the county certainly doesn't, those that have accused still basically remain anonymous and then who makes up for the emotional, the family, the financial, I mean, where do you begin to extract those that have paid very dearly and where's the leveling effect.

I mean, it's all right, in almost all other areas you pick up a stone and want to throw a hole in that window, I'm going to get arrested, I'm going to immediately get a public defender, I'm going to have rights protected and everything else, what rights do you have walking through this system?

Tully: The state is your adversary in each one of these proceedings.

Caltagirone: I agree and I think that what you've expressed makes some sense and certainly should be looked at. We need to restore some balance of fairness and justice. That's all I think people are asking. I don't think they're asking for anything really unreasonable.

Tully: Excuse me, I don't mean to interrupt. Something you should consider, Judge O'Kicki, I think, is prime proof that the judiciary is not what we'd like. Number 2, the recall of judges in

California seems to have done a considerable amount to try to reduce the amount of complaints you've heard here about the judiciary.

Caltagirone: I read that, not to interrupt you, but you're right. California, Texas, Maine, I think it was Maine I looked at very carefully in the last session,

Tully: So there's no fair reason why a recall of the judiciary should not be appropriate?

Caltagirone: Conciliation, mediation, is what they've used and used very successfully, in Texas is the other one, very effectively without the aide of hired guns, the attorneys, because as soon as you put attorneys in a situation, one person over the other is going to do a one-up-man-ship and you're paying for that service and they're in there to win, so they will tear your heart out if they have to and that's what its all about, the adversarial position and whatever bombs they have to throw at each other, and I'm sure there isn't a person sitting in the room who hasn't had a friend or family member involved in those kinds of situations where it just gets out of hand, it gets ridiculous because you think to yourself "is that what we really want?" And then the tearing apart of the family with the divorce is bad enough but then injecting all of this other nonsense well let's call Children and Youth Services on this phoney, or with vindictive neighbors, I mean, we've heard some of that too and other things that go on, I mean, it doesn't make sense, we're destroying ourselves is what we're doing.

Rubick: And it's nationwide.

Caltagirone: Absolutely! It is nationwide. I've been reading up on this and it's just not restricted to Pennsylvania, it is nationwide and it is an industry. And when you have people that are working for the agency during the day and this can be documented by the way, and in the evening working for clinicians in psychiatric care, I know that that is an absolute ethical violation of the State's Ethics Act and they should be reported and prosecuted and they happen to be a director and a supervisor in this particular instance and that to me is certainly an ethical violation. Yes?

?? Male voice in background: I thought one of the Constitutional amendments states that you have the right to face your accuser.

Caltagirone: Yes.

?? Male voice in background: You call these organizations and try to find out who made the allegation against you all you run into is a wall of confidentiality.

Caltagirone: You'll never find out.

?? Male voice in background: There, in fact, protecting the person who has caused the ball rolling and their protecting that person. That person is not identified at all. The system's partly their fault in procedure.

Caltagirone: You're right.

Rubick: I want to know if the psychologists are immune from prosecution by the accused?

Caltagirone: I would say it depends, it depends. They don't have totally immunity unless working for the agency and a governmental

unit and completely funded, but if they're doing private practice, nobody in private practice has total immunity from a law suit, a civil law suit.

Tully: I believe I can answer that. I believe in the case of the Supreme Court, Pennsylvania versus some of Pennsylvania's employees where they determined that no state employee, even vested with the duties of his office, has the right to violate anyone's civil rights.

Caltagirone: That's true.

Tully: Now under those circumstances, if someone can show that the person who's rights were violated, I don't think the immunity clause is worth the powder to shoot holes in it.

Caltagirone: That's extremely difficult to prove in a court of law and I think you know that. That's extremely difficult because that's the shield that they use to cloak themselves when all types of abuses occur. What we're saying is when a case is unfounded or there is false abuses that are thrown out, do they then in fact stand naked legally, or should they, to be exposed to some type of legal filings against those people, whoever they are, to be within the system? Be it Children and Youth Services, or the person who had the false filing or anybody in between. I mean, these are some of the serious things that I really think that need to be looked at and discussed because right away I understand what people are saying, on the one hand "oh, there's going to be chilling effect". Dr. Wecht testified this morning, if somebody makes a false accusation, it's a false accusation. What's a chilling effect have



to do with a false accusation? If it's not right, it's not right!

?? Female voice in audience: We were told in our cases, first of all we have criminal cases instead of civil, and we were denied a jury trial. We asked for a jury trial and were denied it. And they brought in the Tender Years law which the children don't even have to show up in court, they can someone said, "Grandma said the children were said . . ."

Caltagirone: And they do on camera instead of anyone being in the court room, which I'm wondering about that too.

?? Female voice in audience: We were also told there were only 40 hours of training required for some of these counselors and we were told our case was the 9th case and they had to make it stick because they would not get Federal monies unless they had so many cases stick.

Caltagirone: It's the churning of the pot. There is \$67 million that is going to be given out in addition this year. Kevin Blaum ran through his Committee without benefit of one single hearing broadening all of these powers, believe me when I tell you, broadening all of these powers.

I get criticized for this little bill about saying that if somebody does a false filing, and its not my bill, it Birmelin's who was introduced in the last session and they wanted to have hearings, much not to my approval, I wanted to go ahead and debate the bill on the General Assembly and vote it up or down. The members that are not here today that wanted to have the hearings didn't show up, of course except for two, say two, so the swirl of

events around this and what's been going on, if the media wanted to treat it fair as an issue they would have told what really was going on and nobody has questioned Kevin Blaum's motivations.

And I want to add for the record, Nancy Rorem is not here. She had been invited to be here to testify. Who is Nancy Rorem? She helped to develop the package of bills that Kevin Blaum got out of his committee on Youth and Aging. She happens to work for Children and Youth Services Advocacy for the County Commissioners Association. She also happens to be married to State Representative Allen Kukovich. I am going to ask her at the hearing in Harrisburg if there isn't an inherent conflict of interest with somebody who is a legislator who served as Policy Chairman who helped to develop these issues if there isn't in fact an inherent conflict of interest, don't you discuss any of these things over dinner at night. I'm beginning to wonder what really is going on. She had an opportunity to show up here and testify today. Is that correct Executive Director Krantz? And did she indicate ...

Krantz: She said she would be here.

Caltagirone: Now I don't want to get this out of control because I do have to get started back to Harrisburg shortly... I think it does explain something and I think it is going to be brought out in Harrisburg.

?? Male voice from audience: What is the status of this bill now? Is it in Committee? Is it going to come up this month?

Caltagirone: It's . . . The Committee, to way the process works. I wanted to move this bill out of this committee as we did in the last session, it was 21-1 in the last session to move it to the floor for a vote, it's Jerry Birmelin, a republican's bill... I had asked Committee in this session two weeks ago, three weeks ago, to consider bills that we had voted out previously so that we don't have to reinvent the wheel and spend a lot of time and get onto other business in other areas. Rep. Heckler made a motion along with Kathy Manderino, seconded it, to hold public hearings or at least look at this issue publicly which I did not object, if they wanted that, it was 22-0, I believe it was the vote, and that was only two or three weeks ago.

Krantz: That's correct.

Caltagirone: And try to get hearings held on this and all of a sudden the walls of opposition are coming up from Nancy Rorem, Kevin Blaum, and others, that these hearings should not take place. What is the matter with having public hearings?

All right, we are having a hearing next Thursday in Harrisburg and next Friday in Philadelphia. The one on Thursday has tentatively been approved, or sanctioned, by Ivan Itkin only because Kevin Blaum and the Youth and Aging Committee will sit there with us and will be allowed to have some of his witnesses testify about this issue and I hope that on some of these other issues Kevin will afford me the same courtesy that I am affording him, on a bill that is in my Committee. After the hearings are conducted next week, we will then attempt to get the bill up for

consideration in Committee to vote it out for a full debate and vote on the floor of the House ...

?? Male voice from audience: Is there a similar bill in the Senate?

Caltagirone: Not that I am aware of. If the bill is approved in the House, it goes over to the Senate and goes through basically the same procedure. It has to be voted out of the Committee, voted on the floor of the Senate and sent to the Governor. I'm not sure, don't hold me to that, we have several hundred bills, maybe 1900 bills submitted thus far so I'm not saying with any degree of certainty that there isn't a similar bill in the Senate, I don't know if there is, I don't think there is.

?? Male voice from the audience: Mr. Caltagirone. One thing, I called Ivan because I read his article about he wanted to stop you from doing this, I called his secretary, I couldn't get a hold of him, she guaranteed me that you were going to be reimbursed for this.

Caltagirone: Absolutely not. That is not true.

?? Male voice from the audience: And the second question I have, do you need any help? And what do you ...

Caltagirone: You know, let your representatives and senators know how you feel about this issue. Pro or con. It doesn't matter to me. It's . . . the important thing is. . . The reason I'm here today at my own expense is that I felt that people have a right, and I said this from the very opening, and people who know me, irregardless whether you agree or disagree with me you have the right to be heard. I may not agree with you but you have the right

to be heard. We have an issue here that we want to try to deal with to try to make sense out of but I don't think anybody should stifle free discussion, free debate on any issue. That's what was attempted here today. The attempt was to stifle this debate or this hearing from even taking place. That offends me and it should offend you and I think you ought to let your representatives and senators know that.

Now what else can you do? We have two more hearings coming up, let other people know who have had similar instances that would like to testify come forth. I think the representatives on this Committee and the Leadership in the House and Senate ought to know that this isn't just a small minority of people. When you multiply the numbers of calls that we have been receiving and the packets of information and letters that we've received, I have an attache case filled out in the van and I've said to people, "I think this is only the tip of the iceberg there is a lot of people who are afraid to come forward that don't want to testify" and its, bearing me out, it is true and then you multiply the number of families and extended families that have been affected by this and your taking about a very large number of people.

Rubick: And it's grown into the adult world.

Caltagirone: And if you get those groups organized, see you are at a distinct disadvantage, you don't have advocacy groups like Children and Youth services do throughout the state, that are funded by the state, that are working for the state that have advocates in Harrisburg lining the hallways up there to get

additional monies, to get additional legislation, you see they deal in numbers. The more numbers the more numbers each of these counties have, the more they can get after more money, the more people they add, the more people they add they start sending them to physiologists/psychiatrists, it's a churning mill. It's an industry, an absolute industry, make no mistake about it. And those of you who have gotten ground up by it you will understand what that industry is all about. And if you think that is fair and just, so be it. If you think it is wrong you will have to advocate to try to change it. That is what this is all about. And I'm not saying that this is going to be successful, it may not be and it may take more than one or two years to change some of these things but I think we are all talking about the same things fairness and justice . . .

Blake: We have complained about these things and problems since 1991 and it's some of the same problems we had then, we have now and we never received nothing. Nothing.

Caltagirone: Bill, you know as well as I do . . .

Blake: In fact nothing has changed. In fact, you know what you did, you passed a law this last month or so, in fact it went through the House so fast, on the lottery, I mean, that law, they found out that somebody's selling tickets and the they didn't make a buck on it, they passed that law so fast. But you know when us people are abused by corrupt and scheming and economics, you don't seem to know . . .

Caltagirone: . . . it's not me. You don't know how to change the system . . . I don't have the magic wand in Harrisburg to do the things that you think can be done. It's not just me, that's what I'm telling you . . .

Blake: Why are other people . . .

Caltagirone: No there not. No there not. Believe me.

Blake: Just how do the rules work? I would like to support . . .

Caltagirone: If this bill were to become law, I think we'd start to get a little bit more justice back as it concerns this issue. We've dealt with a lot of different issues here today, a lot. And I'm not sure I have the answers to all the problems that we're dealing with but with this particular issue, I think you need to level the playing field, as they say, so that people have a little more justice. That's all I'm saying.

Blake: This is 1993. The last session that we had was 1991. There hasn't been anything that's changed in the judiciary as far as I can see. It was . . . There's nothing that's been done. You say that you expect something from us, well, shouldn't we have something from you, our legislators.

Caltagirone: So should we give up? Should we give up? Bill, we've got a bill and we're trying to work it through the system. This is a test. You're say "how do you do it?" How do you make a change?

Blake: Well, I'm asking you? Would you like a thousand people come to Harrisburg?

Caltagirone: Bring 'em down. I think the more the merrier. I would like to see 10,000 people show up.

Blake: You know it's impossible to do stuff like that, organize people. That's impossible!

Caltagirone: No, it isn't. No, it isn't.

Rubick: No, it isn't. If we had two weeks more, I'm sure we could get thousands of people.

Caltagirone: You know that it can be done, right? And it can be.

Blake: I don't think you see the forest for the trees. What it is, is just another hoax, or you're going to do something else?

Caltagirone: Who's going to something? Do you think I have 102 votes in the House and 26 in the Senate? Am I going to do something?

Blake: No. But I think we deserve the best from our legislators.

Caltagirone: I agree.

Blake: I will do the best I can.

Caltagirone: I really must be going because I wanted to try to get out of here by 1:30 because I've got to get back to Harrisburg.

?? Female voice: House Bill 900 that it was in Committee, that was four years ago, Allen Kukovich's bill, was this, is this like a shoot off of that? Because he was supposed to identify child abuse in simpler terms that it could be used to get people with abusive . . .

Caltagirone: You should take a look, and if you want a copy of that packet of bills that Kevin Blaum ran through his Committee, you give us your name and address and I'll make sure David sends it



to you because you will be petrified as to how they want to broaden the powers. They don't want to limit the powers, they want to give them more authority to give them more of the same thing.

?? Female voice in audience: Who's Nancy?

Caltagirone: Nancy Rorem? She is the County Commissioners Association.

All right, if you don't mind, I'm going to adjourn this meeting and get ready for the next one next Thursday.

OK, did you want to come up? Do you have something written for the record.

?? Male voice: I've given your staff a copy of the transcript of this hearing. As you can see, I was accused of being a parent. This is the expungement order, it only took 2 years to get this through to be expunged. I still do not see my children. I have not seen my children for well over . . .

(Nothing on the tape after the last sentence)