

**TESTIMONY TO THE PA. HOUSE JUDICIARY COMMITTEE ON
THE TOPIC OF FALSE REPORTING OF CHILD ABUSE**

Mr. Chairman, members of the committee,

Thank you for both conducting these hearings and allowing me to participate in them. My name is Michael Abramowitz.

For the last five years, I have been registered as a sex offender here in Harrisburg; a molester of my child in the eyes of the commonwealth.

During that time I have spent thousands of dollars, lost all my savings and credit, and compiled thousands more in debts and expenses I have no idea how I will repay. I have had to have therapy to help me manage my grief, pain, and anger; I have lost many friends and even close members of my family have turned their backs. My work has suffered as well.

I have had to put a lot of attention toward coping with becoming wary and distrustful of people. Attempts to socialize have been poorly affected, and though having a family and children is my highest priority, I have found it difficult to trust a woman enough to become close again.

I have been called a pervert at work and in front of my daughter by her maternal family. They tell me and her that I am no longer her father.

My general health has progressively deteriorated and I've been treated for several stress related physical illnesses and lost considerable weight. People at work have commented about my appearance, and I've seen myself age ten years in the last five.

And now after five years, the commonwealth has determined that the allegations are not true, never were true. The people who made the allegations and those who took my daughter's father away from her expect me to be so grateful for the restoration of the previous visitation that I will not pursue the reasons the allegations were apparently made in the first place. They do not expect I will seek custody any longer.

I have absolutely no desire to describe my pain to you and I consider the thought of having to do so an affront to my dignity. I do not seek your pity, and I have not come here to speak of myself on this day. But I have been told that is what you are interested in. I consider that unnecessary and demeaning, as you should not have to wonder what the effects are of such a situation as this. You should be soliciting more important information from people such as me about this topic of grave concern to us all.

I am here on behalf of my daughter, and that should be the sole concern of every adult here, on both sides of this table. I do not want you to rescue me, I am an adult and responsible for myself. But my daughter and all the children of the people you have listened to are helpless victims of abuse, not at the hands of sexual molesters and child beaters, but worse, of shameless, arrogant, adults who sacrifice their children's future stability and happiness either to punish someone who has the temerity not to love them anymore, or to award and receive custody of children as if they were sale items at a closeout auction.

My little girl is the result not of an accident, but of the hopes and dreams I had as a young man, when young people think about what they want to do with their lives as they prepare to enter adulthood, I believed that my highest goal was to have a loving partner and a stack of kids to care for, to raise with good ethics and principles, and most importantly to supply the world with love in abundance enough to turn things around just a little bit for the lovelier and better.

In 1988, my little girl was placed in a situation she had absolutely no control over; you see, she had just turned three years old. She had her toys neatly arranged in her play space, and people whom she both knew and did not know, walked into her play space and smashed her toys in front of her.

More importantly, every day for the last five years she has attempted to sit in her fragile little play space and reset her toys so she can try to stay out of the big people's world and just have some fun, and every day for the last five years someone, many different ones, but always someone, walks up to her and smashes her toys.

In one so young and fragile, it's easy to metaphorize life as a play space and toys as all a child has and all she needs and wants. I find myself wondering if until the day you are in my place you can in the meantime imagine all this. And believe me when I tell you that in the space of one day, YOUR life as you know it now can be snatched from in front of you in a way that can never again be retrieved. Don't wait to find out.

Our children have become victims of so many individuals at the many levels of the so-called child protective services who make decisions and take actions motivated by reasons openly contrary to the welfare of children. And let there be no mistake about this - as often as not these people know their actions, at best, will not serve the interests of the child, and at worst will cause irreparable harm to them.

That is where you must place your attention if you are sincerely concerned about the welfare of children like my daughter. Whether it be to protect the child from actual abuse or the harm caused by false allegations, both are processed through the same system and by the same individuals, all of whom fail far too frequently. Even ^{one of} your special assistants, Mr. Chairman, ~~was~~ was quick to educate me about how the blame and responsibility for the problem lies solely on the shoulders of the parents and family. Nothing you conclude from these hearings could be more harmful to the future of our children than that position, because that conclusion will result in your failure to take the necessary measures to prevent the protracted, incompetent, and ill-intended processing of these cases.

In examining this point we find that :

The position this bill implies is that legislation making it a crime to falsely report child abuse will serve to lessen the occurrence of false reporting.

You can't know on the face of either claim what the truth is, so if ANY investigations of abuse allegations are to be successful in determining their veracity, we must have agencies that are dedicated to fairly and neutrally deciding the various issues associated with child welfare, including true or false abuse allegations, all working in concert, under guidelines and standards which are at the highest of expertise, conduct, and motivation. All for the sake of justice and the welfare of children and families.

The mistake that you people make is to automatically assume that those agencies and individuals whose mandate is to secure justice and public welfare actually are concerning themselves with that. That's like assuming that if a person makes a report of child abuse, they must be telling the truth or they wouldn't make the allegation. You can't say either with the authority of fact. And if these services and individuals are in some way deficient, incompetent, or corrupted, the process we rely on for accomplishing the results we want from this legislation will likewise be deficient and ultimately will fail. Justice is not a system, it is a goal; the composite agencies and individuals who comprise the system determine by their actions whether the goal is achieved. And if a system is designed to fail, it will do so in all directions, with the certainty of harm to our children.

Look at it this way:

If the child welfare system now in place, and which you will rely on to execute this legislation, were working in the first place there would be no need for this legislation making it a crime to falsely report child abuse.

It isn't the false reporting of child abuse which has caused such a furor and raised the voice of the people, it is the system of investigation and determination which failed to both properly recognize and deal with these reports which caused the problems that raised the voices of the people. Can that which is the problem become the solution through this legislation? It cannot.

Hope exists for preventing the harm of false allegations only if you always remember that the goal is not *primarily* to punish the perpetrator of false allegations, but to prevent damage to the child. Please remember that, for the sake of children surrounded by adults who could care less about them in the face of their rage, cleverness, and greed.

For you see, when clever adults keep it in the system so long that the child grows up, even if the decision is eventually reversed, what do you suppose happens to the child? Do you think they get shrunk again so all the right things can happen like they could have before? Do you think there is some kind of therapy that takes abused children and makes them forget all the lies, anguish, psychological and emotional damage, and then they just make believe that they can love, trust, and be intimate as though none of it ever happened? There isn't. Even if justice appears to have been served, it has not, because the human being that the child is, even as an adult, suffers from then on.

So I want to tell you how you can really make a difference in these children's lives and rescue them and be real heroes to them. And it is not simply by the legislation you propose. I hope you are surprised and made curious enough by that remark enough to allow me to illustrate what I mean.

In May of 1988, my estranged wife went to Allegheny County Children and Youth Services and told an intake caseworker that our daughter made to her the following statement :

" Daddy put his wee-wee in my mouth and between my legs, and told me not to tell the bad people, Grandma and Grandpa, or they'll get hurt."

At that time my wife and I had been separated nearly a year and she had been pressuring me for a few months to sign the divorce papers. I had been delaying doing so because of the section which referred to custody. I had told her I had a few problems with the wording of that agreement and I needed to consult an attorney, which was delayed due, ironically, to lack of money.

On that fateful Saturday morning I went to pick up my daughter for our weekly overnight, and no one was there. I figured my ex was up to some coercion tactic, another of those occasions when she would make other plans for my daughter's time and then when I would call and ask what happened she would simply say "sign the papers," and hang up. That day was different, though. When I finally reached her by phone she had a different message for me, and since then every single day of the past five years has been a living hell.

I asked the caseworker at the subsequent interview to pursue the answer to the following question :

" Did my daughter actually make the statement she was alleged to have made, and if so why ?" He said then that she did.

It later was revealed in testimony during the appeal process that my daughter did not ever make that statement to any employee of CYS; the only thing she ever did was to make some sort of gesture with a doll's bottle at the instruction of CYS caseworkers, i.e. " Show us with this bottle what Daddy did with his wee-wee." They then interpreted the gesture to be some sort of sexual act.

Here is amazing fact #1 :

Of all the individuals in all the offices, agencies, and courtrooms, there has been only one individual who has made any effort whatsoever at any time to pursue the answer to that question... The accused.

To put it simply, if I did the crime I have absolutely nothing to gain by pursuing the answer to that question, and absolutely everything to lose. Yet pursue that answer I have, and I have never once passed up the opportunity to call upon all others to do the same. Wonder, please, not just why I would do that if I were guilty, but also why no one else would if they believed me to be. I will inevitably return to that question. All roads lead there.

I begged, borrowed, and scratched together enough money to retain legal counsel. My attorney said that the way to handle this matter was to ask for custody of my daughter in court and allow the judge to incorporate the findings of the investigation into his decision making process. The caseworker officially notified the County that he saw indications of possible child abuse and that CYS had contracted a child psychologist, expert in child abuse allegations, to conduct an investigation. They said that if the findings of the expert did not support the allegations they would submit the appropriate paperwork for ending the matter.

Based on his investigation and interviews with the child, the doctor contracted by CYS submitted a report stating that the child "denied all allegations... expressed only positive feelings about her father... and expressed a desire to see him." He further concluded that all the evidence shows there was no abuse on my part and he recommended that our normal relationship be reestablished at the earliest possible time. End of story? Not quite.

At the same time, my father-in-law, **Franklyn Conflenti**, hired a private psychiatrist to conduct a separate interview. Mr. Conflenti told me that if I did not pay for the expense he would have my legs broken. I did not. He did not.

The day the findings were issued to us we had a conciliation in the chambers of Judge Eugene Strassberger, President of the family division, who without a hearing ordered that custody be awarded to the mother and who, in spite of a neutral, expert report saying no abuse occurred on my part, ordered severely restrictive visitation between father and child, at the home of the child's maternal grandparents, for four hours a week. Then after doing so, he chose to appoint his own expert to conduct an investigation, at my expense of course, and he selected an expert from his own list of court approved evaluators.

Why did he say he was doing that ? Because at the time of the conciliation, my daughter's mother presented a report written by a child evaluator whom her father hired privately, and to no surprise this evaluator happened to report the opposite findings from the independent CYS contracted evaluator.

At a time when he should have dismissed the report of the private doctor as obviously prejudiced and non-neutral, especially in light of the fact that he had in his possession a report from a neutral expert pre-approved by CYS, he let both reports cancel each other out. Is it not appropriate for the judge to disallow a report of a private doctor hired by the father of the accuser, rather than disallow both reports? Maybe not, if the judge felt he only wanted to trust someone whom he had personally designated as reliable. But if that is so, why do Judges allow reports from CYS appointed evaluators when they determine against the accused.

Amazing fact #2 :

The incredible irony is that the person regarded as expert and pre-contracted by CYS, but disallowed by Judge Strassberger, was the same person hired by the judge. You're not misreading that: Judge Starssberger hired the man whose report he just dismissed as unreliable, to conduct an investigation he had just completed and submit a report he already wrote and just had dismissed by the same judge who was now re-appointing him on behalf of the court!

Amazing fact #3 :

Even that was not the end of Judge Strassberger's bizarre behavior. After awarding custody to my wife without a hearing, and after ordering the highly restrictive visitation without a hearing, and After ordering further evaluation, to be paid for by me, and after setting in place all procedures for the conduct of the case, Judge Strassberger summoned me and my attorney to his chambers to say that he was removing himself from the case because he was " a personal friend of my father-in law, who contributed heavily to his election campaign." He concluded his comments by saying that he believed my father-in-law's remarks to him, and considered him an honest man.

FYI, my ex-father-in-law, Franklyn Conflenti, is a past president of the Pa. Trial Lawyers Assn., and an elected president of the Pa. Bar Assn.

It's a curious sensation. The facts and truths of the people involved in this issue are so powerful that it often seems a breach of some law to speak their names, even in the light of truth. After all, power is something to be feared and respected. When you are a nobody, you quickly learn the cost of defiance in a system which, by no accident, is based on power rather than justice; people spend their lives cultivating this with admirable dedication, in a surreal sense. And when the need presents itself, there is a system in place in which powerful people take part - not necessarily conspiratorially, for they don't always know each other personally, that's one of the beauties of it - but they always connect in an invisible network, as circumstances warrant.

Though these aspects of my case make it different from others, it epitomizes so well the general experiences of most and highlights the real problems and obstacles to justice.

The Dept. of Public Welfare, when recently asked about the need for this pending legislation, said through their spokesperson Matt Jones, that they don't believe the problem is nearly as large as is claimed, and they further stated that by narrowing the standards for filing a report, (as well as the standards for what constitutes a properly conducted investigation?) we are jeopardizing the welfare of children who may have been abused but who won't be able to be protected under the restrictive guidelines and penalties of false reporting laws .

I'm sure that Mr. Jones is to at least some degree correct in his contention that there will be some citizens whose fear of recrimination will stop them from reporting actual abuse of a child, and their loss of courage at a crucial time will result in tragedy for the child and the family.

And it presents you with a conundrum that bean counters love. Just how many of these situations will occur? Would it be enough to preclude this legislation's passage? How can you know, it hasn't occurred yet. That is difficult enough to think about, both personally and politically, for it's potential consequences. But it's unnecessary to consider. I'd like to clarify the issue.

I believe that the reason why those who oppose the legislation are wrong to do so.. is the same reason that those who favor the legislation have such a difficult time convincing you legislators of it's importance. The problem is the belief that the purpose of this legislation should to be primarily to protect the rights and welfare of adults who are falsely accused of child abuse. What you women and men of the legislature must keep in mind at all times is that this bill will accomplish something far more important to me; it will protect my child from abuse. But how, and what kind ?

What Mr Jones and amazingly, his employer, either fail to realize or refuse to acknowledge is that virtually every child who is *reported* to be a victim of abuse becomes in fact a victim of abuse form then on, even if the allegations are eventually determined to be unfounded; What do I mean by that?

Well, when a child is in fact physically or sexually abused by an adult, in other words, when the allegation is true and founded, if they acknowledge their wrongdoing, accept treatment, have therapy with the child and family (assuming the abuser is a parent), supervised and monitored properly along the way, there is always a *possibility* that the relationship can be rehabilitated. When there is not the situation of a significant relationship between the two, such as parent - child, with love and proper therapy the child still has a *chance* of overcoming the trauma of abuse by the time they are an adult; and I realize those are big ifs, but the possibility is there. That is after all the reason and intent of therapy.

However, when you allow a child who had a healthy and nurturing relationship with it's parent to be, for reasons the child has no control of, either tricked, coerced, threatened, or otherwise compelled to say that the other parent abused them, or even simply compel them to remain silent without denial, then have them treated over a period of years by a psychologist for something that knowingly never occurred, and subject them to continuous epithets about that parent, both in and out of that parent's presence, with trips to judges, lawyers, doctors, caseworkers, and many other strangers, all for the intent of estranging and alienating the child from it's parent, You end up with a child like I have. Abused. Why must an adult must see this happen only to their own child to believe it?

And so the stated goal of this legislation must be to prevent the abuse to a child which false allegations unavoidably cause.

Mr. Chairman, my daughter personified the essence of cute and cuddly, imagination and ideas, and a heart bursting to give and receive love. As a matter of fact, for most , to know her was to love her. Then we were separated and virtually estranged.

Try to imagine five years of continuous indoctrination with lies and hatreds, trips to psychiatrists and doctors receiving clinical therapy for a sexual abuse that never occurred, being told by close members of your family that your father is no longer your father because he's bad and did things to you. **You know they never happened**, but they tell you that if you say so you'll never see your mommy again, because your daddy will steal you away where you can't ever see her again. Is it true? Well, Mommy says it is.

Imagine being three and four years old, then five and six years old, constantly hearing and thinking that you can't be alone with your daddy because your mother reported to someone called Children & Youth service that *you told her* that daddy put his wee-wee in your mouth and between your legs, and said that if you tell the bad people, Grandma and Grandpa, they'll get hurt. **You know it's not true.**

But Mommy tells you that Daddy wants to do it again. That's why when you see your daddy for three or four hours when he comes here to visit you each Saturday , Grandma stays within feet of you at all times and watches everything you and daddy do. And that's why Grandma doesn't allow hugs with daddy.

That's why Grandma says to stop it when you are playing and having so much fun with daddy you lose yourself in laughter and climb all over him and try to kiss and smooch and tickle.

And that's why grandma tells you and daddy that if we want to show affection, a simple pat on the head will do. And Grandpa used to call daddy a pervert in front of you before they told him not to be around when daddy comes.

I know it's not true, I know Daddy never hurt me, but I'm confused because I don't understand all they say, and Mommy tells me this bad stuff about Daddy all the time, and so do my grandparents, aunts, uncles, judges, doctors and lots of other people I don't even know. I don't like being in the middle, and I'm scared.

To substantiate the veracity of my claim, when the court appointed child psychology expert conducted an investigation on behalf of the court, he concluded for the second time that there likely had been no abuse, but that because of the heavy amount of pressure placed on the child by her maternal family, and the psycho-therapeutic treatment she received which reinforced this, she had been made so frightened of her father specifically and men in general that he recommended that visitation continue to have third party participation until she and I were allowed to reestablish our previous relationship,

What happens to the emotions and mind of a child placed in that kind of situation? The results of such treatment by the people to whom a child has trusted every aspect of her life are such that a child will spend the rest of her life untangling, and is likely not to be erased even with therapy. And where will you or those people be and what will you or they care when she is an adult out on her own, responsible by herself for the feelings she has?

This is why the answer to child abuse fraud cannot be found simply by creating a law that says it's a crime to make a false report. It sounds well intended enough on the face of it, but falls short standing alone.

The thinking is cold and simple here. If you are willing to do such a thing to your child, to force this confusion and pain on them, which they are powerless to resist, it is easy to cause that child to give the appearance before others of having been abused, especially when you know beforehand that proper measures will not be taken to find out what's gone on. And the results of doing that to a child are harder to treat than actual physical or sexual abuse. This is exactly what has happened to my daughter. I consider this abuse, and so should you, by law.

Exaggeration? Let me ask you something, if at seven years of age she makes imaginary lists of things to do with her baby doll that include "Teach baby how to not like men", and if at eight years my daughter says that she will not have children when she grows up, rather that she'll adopt so there doesn't have to be a daddy, how is she going to be when she's sixteen, twenty, and older?

You see, my little girl is still cute, she just doesn't cuddle. She is still lovely, she just never says " I love you." Never. She still imagines about life, it just doesn't include men and daddies. To know her is still to love her, but it's also to cry an awful lot about her.

It *IS* possible to protect children from abuse and at the same time protect their right to have a nurturing and loving relationship with both parents, despite the estrangement between the parents. If addressed there and then it can be stopped quickly.

But what occurs after individuals in the family law system and the various child protective professions get involved is a nightmare literally beyond believability. It is these individuals who *perpetuate* the horror.

If you can believe that one parent or family member can be so selfish that they would knowingly jeopardize the child's welfare just to estrange the child from the other parent, why is it unbelievable that professionals in the judicial and child protective system would *knowingly* participate and abet such an action.

Much to my frustration, most of the time that has passed has been simply in waiting for court dates to be set, paperwork to be reviewed, interviews to be arranged, scheduled, processed, conducted, reviewed, reported upon, submitted, argued over, and then ordered upon; then with a slight alteration due to an objection, or as a result of some discovery re-ordered, re-arranged, re-scheduled, re-processed, re-conducted, re-reviewed, re-reported, re-submitted, re-scheduled for conciliation, re-conciliated, re-objected, re-scheduled for hearing, re-processed, re-heard, and re-ordered upon.... over and over again. You are lawyers, you understand the strategy; it is a simple one, and it has been played for generations by lawyers. And it works. It's actually ingenious in it's simplicity. You see, people get lost in the clutter of the judicial system every day, that's just the way it goes with the system being the way it is . It's not intentional, is it? But can you prove that? No. So if you want to achieve the same result as a legal document just keep the case going in the maze until the child is older, and no one will be the wiser.

All it requires are unsympathetic, misanthropic, incompetent, biased, or just plain greedy lawyers, judges, caseworkers, and doctors, plus a rudimentary knowledge of how the system functions, and oh yes, that you also be able to completely disregard the welfare of a child. They have done that and so they have succeeded at delaying. That is the simple truth. If you don't believe that, please say so to the voters.

If, God forbid, you experience the same problem, you may think that your position, wealth, or renown will prevent the same consequences. Good luck to you, but what about your child ?

It is very important that you realize somehow that this situation is not simply the result of two parents and their families who did not have the maturity or sense to consider the children before their own emotions, greed, or ego.

A false report is simply the beginning of an odyssey of abuse; the worst damage occurs after the case becomes locked into that system of litigation, political manipulation, and an endless cycle of protraction. It's been horrifying to realize that most of the individuals with whom I have come in contact over the past five years knew shortly after this issue began that there was likely no abuse by me; at least that all of the evidence seemed to show that. But each of these individuals had their own reason for allowing my daughter to endure this trauma.

So where do you start to make a difference? Well, at the official beginning, of course. When a parent contacts the local CPS it becomes officially "in the system."

First, let's make sure that they are adequately staffed, with highly qualified, well paid, intensely trained workers, supervised by politically neutral, non-biased administrators. Then give them clear, consistent, well conceived and regularly reviewed and updated guidelines to follow, and the administrative support for pursuing the interests of the children, not the beaurocracy. Also, a mistake corrected is worth any cost, because it saves the child. Admit them when they occur.

When I received my notice that CY5 had determined that I sexually abused my daughter, I went to the office of the caseworker with the report of the expert psychologist whom CY5 contracted to conduct an investigation. As I said, that report concluded that there was no abuse, sexual or otherwise on my part. I asked him if he read the report, and he told me he did not. Well, my next question should be obvious. " Upon what did you base your conclusion, then, that the child was abused?" In the presence of his supervisor, which was at my insistence, he replied that he was so overworked with cases and had so little time to give to this case that he decided to determine that the report of the private doctor hired by the child's grandfather was true in its conclusion of abuse by me. He said he determined this " just in case it might be true, to protect the child."

When I looked at his supervisor, a recent replacement who had nothing to do with the case, he hung his head and apologized to me, saying that he was sure that if I wrote to the county and explained what we both just heard they would simply throw the case out.

But of course that didn't happen, because the Child Protective Service system has lost its focus. It no longer has the child's interests primarily in mind, it has its "agenda" to consider first. You would surely ask what agenda could any CPS have other than protecting children? The answer is that their agenda is to first and foremost protect their infallibility, the notion that if they say a child has been abused, the people in the community should only ask how high to hang the perpetrator; get the torches and the axe handles and storm the lair of the monster.

When questioned under oath about their policy of contracting an independent expert child psychologist or psychiatrist to conduct an investigation and present an evaluation report, the manager of the Children and Youth Services office said that the reason they do so is not to try to reach the truth through any haze of doubts, but rather simply to get corroboration for the conclusions which they make from their initial interview, and if the report does not support their conclusion they ignore it and either try another evaluator or several, or just go without including any report if they are unable to get a supporting evaluation. The citizens of the community don't stop to ask if the criteria for making this determination are valid and well administrated, they simply and innocently assume that to make such a determination the good folks at the local CPS have made damn sure that it's true, and that if it's not it's going to be because the villain was just too clever and diabolical for them and took great pains to fool them. But never could it be because they were too busy to take the time and so just determined it was true just in case, or because of the bias of a social worker who has been given awesome power over people's lives. But that is a very old saw in the world of justice. Error or prejudice in favor of the many at the expense of the few. My God, this is my child they sacrificed. And yours could be next.

My case eventually went to the Department of Public Welfare on appeal. Those hearings lasted over a year, and the review process lasted another year. The final decision, thanks to the courage of the Director of the Office of Hearings and Appeals, **Mr. Peter Speaks**, was to reverse the decision of Allegheny County Children and Youth Services and expunge the case. The County has appealed that decision, and the appeal process can take years longer.

Stop and think of what you have on your hands if what I'm saying about the Child Protective and Family Law systems is true (and remember that what I say is supported by transcript).

So be sure your staff are expert , not just graduates of college in social work, but expert at how to conduct a highly sophisticated, psychologically exacting investigation, which is at the same time constitutionally protective of the child, the accused, and the accuser? Do you even know the policies and procedures of these agencies? Do you have any idea how these agencies work statewide or in your district on a day to day basis?

This had all better be so or every single investigation is just a roll of the dice. And if not, is there any wonder that the errors are going to be against the accused. What would you decide in a similar role? And is it any wonder that there are serious, epidemic incidents of false accusations. It's like announcing a custody sale, based upon the Peter Principle as applied to sociology and law. What must you do? It all depends: Do you seek the truth or excuses?

You may feel compelled to reply that they simply do the best they can within the boundaries of the many restrictions and problems they face. Okay, fine, that's one argument that is at least understandable, if not concurred with. Re-write the rules and guidelines, then, after carefully studying them in the light of case histories.

But how do you support the act of determining the allegation to be true, just in case to protect the child, made because of the restrictions of time, money, or workload? Easy, you deny it after the fact. It's just too, well... unbelievable. Well, those individuals will be getting their surprise soon enough, but that is for another day in court.

Most parents want to have a full, healthy, complete relationship with their children after a marriage ends, but because of the hardness of the adult heart, they are often prevented from having that, if the other parent attempts to prevent this from happening. To that extent parents ARE responsible when they do this to their children. And it really is so easy to do that, easier than adults usually realize; that's why they tend to go overboard if they go that way at all. And it only takes one of the parents being that way to place the child in the middle.

So they do the simple little act of accusing an estranged spouse of child abuse. But remember here that it is not the CPS which determines custody and visitation. That's where the judge comes into the picture, unless as in my case they know the judge before the charge is ever made - but that's another point.

Now let's talk about judges.

Once upon a time when a woman and man divorced, it was the man who divorced the woman, and the woman was shunned in her disgrace by the community and sent out into the world to fend for herself with no skills for success, because she was previously kept barefoot and pregnant. So the good judge, the good, fatherly, compassionate, male judge made the husband pay alimony to at least keep her fed, clothed, and sheltered. And since the man had to earn the money to do so, he could not stay at home to care for the children, so the judge in his wisdom awarded custody to the mother, and perhaps in his mind keeping her busy with the children would keep her out of the kind of trouble which caused her to ruin the marriage - and also keep her out of the power alley, the work place. After all, he didn't want her coming after his position.

It wasn't until women began making some small accomplishments in equality that reverse discrimination began to occur. There is no longer any rationale for automatically awarding custody to women, and there are even many women judges in family courts.

It is truly a sexist world we live in, and now I imagine you expect me to cite an example of reverse sexism, but you would be wrong. I'm telling you that flatly awarding custody to women based on gender is sexist and harmful to the larger interests of women, and blatantly so. Yes, my experience has been that women judges as well have blatantly discriminated against me in family court based on sex, but I do not know how they treat other men, so I will avoid any presumption.

The point about judges is that they too are part of the system, and they are a major, major part of the problem; quite possibly the most central. Their job is to interpret the laws you make, but they all too often manipulate the laws to accomplish their biased or self-serving interests, not the child's. A parent like me going into family court before a judge with a predetermined agenda, is like playing poker against someone who deals from a stacked deck, then says, "Okay, just so we all know I'm impartial, I'll let you open the betting." Why show up? When the result is harm to a child, especially my child, I cannot tolerate that. I show up. And I tell what I see as I see it.

What judges tend to do virtually always, upon hearing the allegations, is award custody to the accuser without so much as a hearing, without so much as a passing comment to the effect of warning the accuser that there are consequences to remember regarding custody if any investigation should reveal indications of false reporting for purposes of custody. In fact, in most cases it seems rather clear through transcripts and rulings that when the accuser is a woman, as in most cases of child abuse, the judge's judicial behavior reflects his prejudice.

In my particular case at least one judge has imperiously admitted his interests were influenced. That is important for it's illustration of the feeling of impunity and hubris with which judges openly practice biased conduct, whatever the nature of their bias - and are allowed to get away with it because of the combination of their position and that of the poor schlubs like me who stand before them unarmed with legal knowledge and power.

Even if their bias is based solely upon their dislike for someone like me whom they perceive as arrogant and disrespectful, for which I have such a reputation in the courts, based on the straightforward manner of my presentation, it is nevertheless bias, which results in innocent children being harmed.

Judges expect a man to be grateful for getting out of a family courtroom with his male organs intact, so they are surprised by someone who stands up and tells them that he doesn't plead for justice, but rather expects nothing else.

I have thus far explained why and how Child Welfare officials and judges can be as much if not more of a problem in child abuse cases as the family members, and I have said that a private doctor can also be a part of the problem, the reason being obvious.

The other important part of the equation is lawyers.

If you were not happy about hearing my thoughts about judges, you won't like what I have to say now because you are most likely lawyers yourselves, and whether it be lawyers, doctors, judges, or bean counters, the number one priority which always seems to come before justice, as I have already said, is protecting the security and infallibility of one's position. It seems self-defeating to tell a congregation of attorneys and say that most of them are unscrupulous, greedy, arrogant, and insensitive. But I believe it is more important to tell the truth when lives depend on it, than to skirt an issue to avoid the risk of alienating powerful people.

When it comes to family lawyers, it is undeniable that they place their client's interest before the interest of the child. And so if the client happens to place their own interest before their child's, the lawyer doesn't say " I won't do what you pay me to if it conflicts with what I believe to be the best interests of the child." The lawyer's only priority is to win. Winning means getting what the client wants, even if the attorney believes that what the client wants clearly is going to have a negative impact on the client's child. When a lawyer dishonestly creates an image before the court that their client's position is noble & honest, motivated only by their concern for the welfare of their child, the line is breached.

The attorney's basic belief that the interest of the client supersedes the interest of justice, and more so the interest of a child, is the fundamental flaw in the family justice system, and what compounds the problem is that this position is not based on some noble tenet of moral integrity, but rather upon their greed and lust for position, power, and reputation in the legal community. Lawyers are rated by their peers according to these standards, and make their names and advancements this way, thus they perpetuate this antinomy, this opposition of laws and principles.

I have been accused so often of being my own greatest enemy in my pursuit of justice and the protection of my daughter because I always tell it as I see it, believing that integrity is everything. If you as legislators lack the integrity to pursue and deliver honest justice, you not only become transparently distasteful to the constituents whom you serve, you also become useless, and the

higher you place yourself above those you are sworn to serve and protect, the further you and we will fall as a result of your failures.

Again you may say that the blame for the backlog in family court lies solely at the feet of the parents and family members, those who bring to court issues that should be resolved at home out of concern for the children.

There is a confusion here between the terms "responsibility" and "blame". We understand that every parent is responsible for making their best effort to avoid placing their children between them in marriage difficulties, and is at blame if they fail to do so. But when a parent finds that their best efforts have failed they find themselves participating in the family court system and other family related agencies, like it or not, and they expect that system to be there to manage legal processes in a fair and neutral way, without personal motive. If there will be any pre-conceived motive it should be the desire to manage the proceedings with the best interests of the children as the first priority, not to punish one parent or the other for their failure and the law's burden, at the inevitable expense of the child. And if you fail in your responsibility, you share the blame for the result.

Nor should attorneys be allowed to profit from family tragedies by protracting the processes and piously pontificating about the best interests of children from one side of their mouth while rationalizing emotional indifference as necessary in their work from the other side of the mouth.

I have come to learn that lawyers feel they must always have, in life as well as in court, either an impenetrable defense or an indefensible attack; that's how they rate themselves. Is this news to anyone?

If you don't debate this issue along with the others I raise, and make the changes necessary, you will fail. period.

And now, the circle comes full with the restatement of the question, "did my daughter ever make the statement she was alleged to have made, and if so why?"

Again I tell you that from the time that this allegation was made, and I stood accused, there was never any attempt made to find the answer to that question, and the only "investigations" which occurred were said to be to determine if I ever abused my daughter and how to corroborate that determination, not whether anyone else had, and neither before, during, or since, has anyone made any attempt to determine whether if she did actually say that, it was for any other reasons, which could be numerous. Nor was it ever as much as suggested to be a possibility by anyone other than me.

At every step along the way of this process, from the very first day through every appearance in every courtroom and office, I have asked that question, and made it clear to everyone concerned that I intend to pursue the answer to that question. Never once has anyone said anything in direct reply except to say that question can't be answered.

But why am I the only one to seek the answer to that question? I openly tell you that the judges, caseworkers, doctors, lawyers, and all the others related to my case knew then and now that the answer to that question can and by rights should be pursued, but chose deliberately not to, each for their own reasons , none of which included the welfare of my daughter, which is my singular concern.

If any of them actually cared for the welfare of my daughter, or any child, how could they NOT pursue the answer to that question, For while it is always possible that the precise answer may never be found, the pursuit of it is the key to all the answers to all the questions about these cases; that one question encompasses all other relevant questions, and the answer if found would answer all other relevant questions. How is it that a judge, lawyer, agency official, or law enforcement person dares to say that a reasonable investigation is not warranted because they know beforehand without even a preliminary investigation that the answer cannot and will not be found. That's outrageous! And that is an issue you must deal with here somehow if you even hope to make a real difference to the children.

But how can we possibly expect legislators, being lawyers, to change the very laws which are made by them to protect their interests? Though we come and plead before you who have the power, we generally believe that left to your own process (wetting the finger) you will find a way to forsake us.

We've learned to expect you to turn your backs on our children for the sake of your self-interests. But we do vote, and of all the issues facing us as voters, this is the one agenda we live every day.

The problem of false allegations of abuse is not new, it is not just a current trend, yet it has taken years for this bill simply to reach this point, and now that the gates have been opened, nothing short of justice can be tolerated from here on in. We will know whether, when the time came for you to do the right thing, you took a stand or retreated. Any wavering on your part equals more harm to thousands of our children.

I want to be sure to remind you of one more thing in my particular case, and probably in many others. This is something many other fathers in my position will likely relate to.

I have presented to you what I believe seems to be the reason for the false allegations in my case, which is custody. I can not, of course, be sure that I am correct about that. Most of the evidence points that way, including the likelihood that she never made the statement of allegation, but it is also possible that my daughter has actually been physically molested at someone's hands and she was forced, coerced, tricked, or otherwise compelled to say it was her daddy. Every day for the last five years I have had to live with that question, all the while being powerless to move even one person of authority to take any steps whatever to find out. I know that I have never harmed my daughter and that I never would, and so does she, and has said so, but I don't know for certain that no one else has. And you need to ask me what the effects are?

Finally, I know this subject wouldn't be complete without some numbers to bandy about. In 1991, according to the Pa. Dept. of Public Welfare, there were 23,861 reports of child abuse in our commonwealth. That was one year. Of those reported cases, 66.4 percent were determined to be unsubstantiated, or as Matt Jones, the spokesperson for the Dept. of Public Welfare states, unable to be conclusively determined.

I have little tolerance for numbers; so and so many beans counted. What tends to occur is that when the number of beans counted reaches the point where it is too unsettling to the people to consider the ugliness of so many beans, we just start counting bean jars, moving on to larger jars if necessary.

So to cede Mr. Jones' argument to him for the sake of a different, more important one, let's hypothesize that of the 15,758 unsubstantiated reports, only 50% are truly false or malicious. that comes to at least 7,850 beans.

Mr. Jones or anyone else may have had a smaller percentage in mind than half, so let's say that only 1/4 of unsubstantiated reports are false or malicious, which leaves us with 3,940 beans. But Mr. Jones or someone else, anyone else, may want to really stack the cards, er.. beans in their corner, so let's theorize that of the total number of unsubstantiated reports of child abuse in the Commonwealth of Pa. in 1991, only ten out of every one hundred were actually false or malicious. That would, after, of course, careful allowances are made for the more influential folks to clear the premises beforehand, leave us with 1,578 beans in the jar labeled 1991. Just 1991.

Look in the jar marked 1988, Mr. Chairman and Members of the Committee, and know this; the reason I speak of your numbers and beans is to say that we are not beans, whether it be 23,000 ... or one. Mr. Chairman, my little girl is NOT a bean. The difference between a bean and my daughter can be noticed in the way a bean counter speaks about beans, and the way I speak about her.

Let this go another year without making any changes and you will not believe what you will have on your hands. Wait, let the children grow up not only with the affects of abuse, but also with the effects of being treated for abuses which never occurred, with feelings of betrayal, confusion, hatred, lynch mob mentality, and most of all the sense that lies are tools for success. Do you see how America is now? Wait until these of your creation grow up and take charge.

The answer to whether you have done something worthwhile comes not at the polls, or in the papers, but when you look at yourself in the mirror all alone, or when you think the thoughts you do in bed just before you fall asleep - and when you stand naked before God, which we all must.

As for me and my daughter, all I can say is that my name is Abramowitz, and that means the day will come when the people I have named today will answer the following question :

Did Michael Abramowitz' daughter ever say " Daddy put his wee-wee in my mouth and between my legs, and told me not to tell the bad people, Grandma and Grandpa, or they'll get hurt"; if so, why - and if not, why did her mother say she did?

And now you know the reasons that I say that. Thank you for your time and concern.

Michael Abramowitz