

My name is Jo-Ann Spiering. I have been a resident of Pennsylvania for all of my fifty-eight years. For most of those years I had been a homemaker and mother. I am here today to hand in written testimony.

I became involved with the court and legal systems because I committed the unthinkable crime of leaving an abusive marriage and became a divorce litigant in 1987.

A new nightmare began. Through networking, I have found others have shared similar nightmares in the Pennsylvania court system. On September 13, 1991, at the capital in Harrisburg, I submitted written testimony on hearings held as a result of House Resolution #8 being introduced. Resolution #8 was to establish a special task force to investigate the injustices of Domestic Relations Judicial Proceedings. This investigation never came about and the number of victims has increased in the three years following those hearings. How many more lives have been financially, physically and emotionally?  
DESTROYED

I can only comment on older women in divorce. Because of the long length of the marriage there are many assets. Spouses may be business men or professionals.

The nightmare begins with Domestic Relations

- 1) Guidelines for support are not followed
- 2) Litigants are only permitted in support the last few minutes. They are unaware of all that took place.
- 3) Litigants excluded from hearings before judges. Attorneys, spouse are in courtroom while other spouse waits in the hall unable to present documentation essential for case.
- 4) Complex Support Cases are continued but one spouse is denied the right to be heard or have supposed witnesses give testimony essential for support and equitable distribution.

Something is wrong when a person has to contact the Federal Banking Commission in order to get copies of their cancelled checks, because the bank refuses to do so.

Something is wrong when an attorney and court appointed officer are shown documentation of wrong doing by another another attorney involved with the case and ignore to act on it. Is this representation to protect only an elite few?

Something is wrong when one agrees and signs for properties to be sold and after almost three years later the sale is not finalized. The monies for these sales would have had to be put in an escrow account. Since the sales were not finalized the money would not be available for the dependant spouse for legal fees, cost of a master and expert witnesses. Nor could one be able to upkeep other properties.

Each county has their own local rules regarding Domestic Relations and divorce. There is no uniformity. These rules often conflict with the intent of the Pennsylvania Rules of Civil Procedure.

Westmoreland County has a local rule W 1920.50, "All COUNTS CONFERENCE". I have discovered that Pa. R.C.P. 1920.31 and Pa. R.C.P. 1920.33 were voided and put into Blank Rule W 1920.50 "All COUNTS CONFERENCE".

I was present at two AllCounts Hearings as it was referred to. I could find no information on this type of hearing in the Pennsylvania Divorce Code Manual. When I asked my attorney what it was he said, "it is something new and only costs \$16.00". At this time I had not known about rules of court local or otherwise, I depended on my Attorney. Also I was appalled to learn later that it was a hearing officer not a Special Master as he had been referred to me as, nor is he an attorney, hearing such a grave matter as equitable distribution. Written proposals are required, I did not submit any nor was I asked to. No written proposals were presented to me.

On January 3, 1990, I was present at the second ALL COUNTS CONFERENCE AND I was not prepared to what took place. I sat in the hall from 9A.M. until after the lunch hour, when I finally entered the hearing room. There was no stenographer, being an unrecorded hearing, intimidation and badgering can and does take place. No new verbal propositions were offered which wife had refused in the past and at the present time. Inventories and appraisements were filed but they were not referred to nor did I see them. The hearing officer said I would get 10 years alimony then quickly changed it to eight years, until I was 62. I then requested permanent guaranteed alimony. He screamed at me that I could take a part time, minimum paying job. I was in tears and very upset, he then told me I had to give up all back support owed me in domestic relations, The amount that had been kept from me amounted to approximately \$12000.00. Because I was so upset I asked for more time when I could think more clearly. He said "take five minutes". I was made to feel that I had not contributed ~~anything~~ anything to accumulate the assets. No pension, IRA'S, and some assets were not valued on the inventory and appraisements nor were they discussed at this hearing but were written into the agreement. The guarantee of my alimony was discussed but was mysteriously excluded from the agreement. To date one property on the agreement was to be taken care of by my attorney and settlement shared was never completed by my attorney. From the beginning I had questioned him to why nothing is being done he then told me he is no longer representing me. He told me to go to my ex-husband's attorney. I refused to do so. In the summer of 1992 I discovered that property had been sold. I was never contacted about the sale. My name is no longer on the recorded deed, we had owned this property since 1976.

I went to an ALL COUNTS CONFERENCE under the impression that issues were to be discussed, but instead this was only to procure a divorce and settlement. What is the true function of this hearing? Is it mediation? Is it for equitable distribution or inequitable distribution? Is it to finalize separated parties to a divorce to clear the courts no matter how much financial harm is done?

Shortly after the divorce I went to the Westmoreland County Prothonotary and asked to see my divorce file. I was told that it was sealed and I could not see it. "We do it in all final divorces"

W 1920.63 MISCELLANEOUS DIVORCE RULES

- 1) In all cases where the defendant is a member of the Armed Forces of the United States compliance with the Soldiers' and Sailors' Civil Relief Act of 1940 as amended is required.
- 2) In all actions for divorce, when a decree has been granted, the Prothonotary shall immediately place the Decree on the docket and impound the papers and the same shall be opened only upon an order of the Court or upon request of counsel for either party.

A year later I was able to see my divorce file, upon presentation of identification. The file is not all there.

~~On October 5, 1994, I went again to the Prothonotary in~~

Westmoreland county and requested a certified copy of the docket in this case. I was told I could not have a certified copy but I could get a regular copy if I had a court order for it. How strange I thought these were public records. I did get a court order and then a copy of the docket.

I am not versed in the law but any layman can see there is something wrong. there is no accountability or checks or balances. I feel there is no justice any longer in Pennsylvania. No wonder the young have so much disrespect for the law. No wonder the image of judges and the attorneys are tarnished.

I hope this committee will not close their eyes and ears to the complaints brought here today.

Thank You for this opportunity to present this written testimony.

JO-ANN SPIERING



**Rule W1920.12 Complaint.**

- a. Signature of the Plaintiff on a Complaint in Divorce or Annulment must be notarized.
- b. The Plaintiff shall also set forth in the Complaint the Social Security numbers of both parties, if known. If the Social Security numbers are not known, the pleading, will contain an averment so stating together with an explanation.—

**Rule W1920.31 Joinder of Related Claims.**

All financial data and statements required by Pa.R.Civ.P. 1920.31 shall be filed and served in accordance with Westmoreland County Rule of Civil Procedure W1920.50 concerning the "All Counts Conference".

*Editor's note:* Adopted February 6, 1992, effective March 20, 1992

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**Rule W1920.33 Joinder of Related Claims. Distribution of Property.**

All inventories and statements required by Pa. R.C.P. 1920.33 shall be filed and served in accordance with Westmoreland County Rule of Civil Procedure 1920.50 concerning the "All Counts Conference".

*Editor's note:* Adopted February 6, 1992, effective March 30, 1992.

**Rule W1920.42 Affidavit and Decree Under Section 201(c) or Section 201(d) of the Divorce Code.**

1. The affidavits under Section 201(c) and Section 201(d) of the Divorce Code shall be notarized.
2. No hearing shall be required before the entry of a Decree in Divorce under Section 201(c) or Section 201(d) of the Divorce Code, but the Court may require such a hearing, as it deems necessary.
3. Where both parties have filed affidavits under Section 201(c) of the Divorce Code evidencing consent to the entry of a final decree, plaintiff shall file at the Prothonotary a Pennsylvania Vital Statistics form, an Affidavit of Non-Military Service of Defendant, and a proposed Decree in Divorce. Upon Praecipe to Transmit, the Prothonotary shall deliver all of the papers filed at that number and term to the Court for entry of the Decree in Divorce. The proposed Decree in Divorce shall include a clause retaining jurisdiction in the Court of all other related claims that have been joined, which have not been decided by the Court as of the date of the presentation of the proposed Decree in Divorce.

retaining jurisdiction in the Court of all other related claims that have been joined, which have not been decided by the Court as of the date of the presentation of the proposed Decree in Divorce.

- b. If the Defendant does not object within the time allotted, the Court may enter a Decree in Divorce, or schedule a hearing, as the Court deems appropriate.
- c. If the Defendant does object and raises new legal or factual issues, a hearing shall be held before the Court or a Master, as the Court may direct.

**Rule W1920.50 All Counts Conference**

Whenever a Pleading pursuant to the Divorce Code, as amended, is filed which includes any counts other than divorce, or annulment, an All Counts Conference shall be required before any hearings are held, either before the Court.

- a. The Conference shall be scheduled, upon request and presentation of an Order, by either party, after the moving party has file the All Counts Conference forms and attachments. The All Counts Hearing Officer shall notify counsel of record, and if no counsel is of record, then the unrepresented party as to the date and time of the conference, by letter, sent first class mail.
- b. The non moving party shall file the All Counts Conference forms and attachments at least fifteen days prior to the scheduled conference.
- c. Both Parties shall, at the time of All Counts Conference, submit a written proposal for settlement.
- d. Failure to file the required forms, attachments and proposals may result in sanctions, costs, and attorney fees.
- e. The order for the scheduling of the All Counts Conference shall be substantially in the following form:

*See Form on Page 60*

*See Form on Page 61*

*See Form on Page 62*

- f. The All Counts Conference Forms and attachments, also collectively referred to as "Addendum A:", as required in section a. above, shall be substantially in the following form:

*See Form on Page 63*

*See From on Page 71*

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

CIVIL ACTION - DIVORCE

JOANN E. SPIERING )  
Plaintiff )  
vs ) : No. 2349 of 1987  
FRANKLIN D. SPIERING )  
Defendant )

ORDER OF COURT

AND NOW, to wit, this 5th day of October, 1994, IT IS  
HEREBY ORDERED and DIRECTED that the Prothonotary's Office shall  
deliver to the plaintiff a copy of the Docket Entries in the  
above captioned case, upon payment of cost for same.

BY THE COURT,

  
President Judge

ATTEST:

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Prothonotary