

REMARKS BY REP. STEVEN R. NICKOL

LIKE MANY OTHER YORK COUNTIANS, I WOKE UP ONE MORNING LAST SUMMER AND WAS HAVING MY FIRST CUP OF COFFEE WHILE READING THE YORK DAILY RECORD WHEN ONE ARTICLE IN PARTICULAR GRABBED MY ATTENTION.

ALL AROUND TOWN THE SAME ARTICLE WAS THE PRIMARY TOPIC OF CONVERSATIONS. THE PENNSYLVANIA SUPERIOR COURT HAD JUST RULED IN A YORK COUNTY CASE THAT A DIVORCED MAN, JEFF FEESER, NOW WITH A SECOND FAMILY, MUST PAY INCREASED CHILD SUPPORT SO HIS EX-WIFE, DONNA FRANKENFIELD, NOW REMARRIED, COULD STAY AT HOME AND NURTURE A CHILD BY HER SECOND HUSBAND. THE CHILDREN FROM THE FIRST MARRIAGE WERE BOTH OF SCHOOL AGE.

THE APPLICATION OF A COURT-MADE DOCTRINE, CALLED THE NURTURING PARENT DOCTRINE, IN THIS MANNER HAS CREATED THE UNFAIR SITUATION OF THE WORKING PARENT SUBSIDIZING A STAY-AT-HOME PARENT'S SECOND FAMILY.

HOUSE BILL 22 WAS INTRODUCED TO 'OVERTURN' THE DECISION. I FEEL THAT PENNSYLVANIA COURTS SHOULD BE LIMITED FROM APPLYING THE NURTURING PARENT DOCTRINE IN THE WAY IT WAS APPLIED IN THE YORK COUNTY CASE. WE NEED TO REINFORCE LONG-STANDING PUBLIC POLICY THAT BOTH PARENTS ARE RESPONSIBLE FOR THE SUPPORT OF THEIR CHILDREN.

IN THE YORK COUNTY CASE, JEFF FEESER WAS REQUIRED TO HELP SUPPORT MR. FRANKENFIELD'S BABY, AND COULD BE REQUIRED TO DIG DEEPER INTO HIS WALLET EACH TIME ANOTHER FRANKENFIELD IS BORN.

IN MY SIMPLE NONLEGAL WAY OF THINKING I CAN SUM THIS UP AS A CASE OF WHO SHOULD SUPPORT FRANKENFIELD'S BABIES. I FEEL IT IS OBVIOUS, MR. & MRS. FRANKENFIELD HAVE THE SAME OBLIGATION AS ALL OTHER PARENTS TO SUPPORT THEIR OWN CHILD.

YES, I REALIZE MRS. FRANKENFIELD'S DECISION TO STAY AT HOME WILL IMPACT ON HER ABILITY TO SUPPORT THE CHILDREN OF HER FIRST MARRIAGE. HOWEVER, IN DECIDING TO CREATE A SECOND FAMILY, THIS IS A COST CONSEQUENCE OF HER OWN CHOICE. MR. FEEZER HAD NO SAY IN THE DECISION, AND SHOULD NOT BEAR ANY RESPONSIBILITY FOR THE FINANCIAL CONSEQUENCES OF MRS. FRANKENFIELD'S SECOND FAMILY. AFTER ALL, I UNDERSTAND THAT THE COURT WILL NOT CONSIDER THE COST OF MR. FEEZER'S SECOND FAMILY IN DETERMINING HIS SUPPORT OBLIGATIONS.

I WILL LISTEN WITH GREAT INTEREST AS MANY SO-CALLED EXPERTS IN THE FIELD WILL JUSTIFY THAT THE SUPPORT OF MR. FRANKENFIELD'S CHILD IN THE OBLIGATION OF HIS WIFE'S FIRST HUSBAND.

TO DATE I HAVE NOT FOUND A SINGLE
CONSTITUENT TO SUPPORT THIS CONCLUSION.

PLEASE NOTE THAT MY LEGISLATION WILL NOT
OVERTURN THE NURTURING PARENT DOCTRINE
ITSELF, BUT RATHER CONFIRM IT IN STATUTE.
THE DOCTRINE WILL, HOWEVER, BE LIMITED TO
CASES WHERE A PARENT IS STAYING AT HOME TO
CARE FOR A CHILD FOR WHICH THE WORKING
PARENT IS OBLIGATED TO PAY SUPPORT.

I WELCOME THIS HEARING TO LOOK MORE DEEPLY
INTO THIS ISSUE.

THANK YOU FOR THE OPPORTUNITY TO APPEAR
BEFORE YOU TODAY IN SUPPORT OF HOUSE BILL
22.