

**TESTIMONY OF
CHARLES GORDON**

BEFORE THE HOUSE

DOMESTIC RELATIONS TASK FORCE

Tuesday, July 15, 1997

We believe that legislation is needed to provide the right to partial custody for siblings of a deceased parent in custody visitation proceedings.

On April 13, 1991 our daughter Denise was shot and killed. Her then two year old son (our grandson) was witness to this horrible act. The father of the child who shot and killed our daughter was incarcerated in North Carolina.

Law enforcement officials in Raleigh did not immediately notify us that our daughter had been killed. Her friend from Raleigh called us here in Pittsburgh to tell us what had happened. She saw the incident being reported on the local T.V. News.

By the time we found out where our grandson was he had been turned over to his paternal grandparents, who went to Raleigh from Pennsylvania to get him.

In an attempt to shield us from an further agonizing ordeals after our daughters death, another daughter Doreen, who is provided free legal counsel thru her employment, sought thru the courts, visitation and/or partial custody of her nephew (our grandson). The court denied her because she didn't have "standing". The paternal grandparents were not very cooperative concerning visitation.

Doreen appealed the courts decision to the Superior Court. (Judges - Wiland , Cirillo, and Montgomery.)

Judge Cirillo wrote the opinion which upheld the Common Pleas decision, Judge Wiland dissented.

The court turned her down, however the courts opinion in part stated:

"Because Jackson (Doreen) does not seek legal custody of the child, or attest that the child resided with her for a year or more or that she assumed in loco parentis status. *Her case unfortunately slipped through one of the voids in the law. Having specifically addressed parents, grandparents and great grandparents in the visitation statute; we are presented with the issue of whether the legislature intended to preclude an adult sibling of a deceased parent from seeking visitation rights."

Denise has brothers and sisters (they all have children) and she also has a now nineteen year old son (a half brother to the child who witnessed her death.) They could not visit with their nephew and brother because they did not have "standing".

Since our daughter was denied visitation by the court we took legal action at a great financial loss to visit our grandson. We were permitted to visit with him on two occasions a month in a mall.

Since we are currently in our sixties we are extremely concerned that if something would happen to us, because of the current law, the court would deny Denise' siblings and her eldest son visitation because they do not have "standing". Any contact our grandson would have with his mothers side of the family would be cut off.

How many other families in Pennsylvania are suffering because of the current law? Please we urge that legislation be passed to provide standing to seek partial custody and visitation to siblings of deceased parents in custody matters.

Thank you very much.