

**TESTIMONY OF REP. MIKE VEON  
BEFORE HOUSE JUDICIARY COMMITTEE  
RE: HB 1723  
MARCH 16, 1998**

**GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. FIRST, I WANT TO THANK YOU FOR HOLDING HEARINGS ON HB 1723, AND FOR GIVING ME THE OPPORTUNITY TO SPEAK.**

**THE ISSUE OF CHILD CUSTODY IS A VERY IMPORTANT AND VERY EMOTIONALLY CHARGED ONE. I THINK WE CAN ALL AGREE THAT THE FOCUS OF CUSTODY PROCEEDINGS SHOULD BE TO DETERMINE WHAT IS BEST FOR THE CHILD OR CHILDREN INVOLVED. HOWEVER, AS WE ALL KNOW, SOMETIMES THE RANCOR AND ANIMOSITY BETWEEN PARTIES RUNS SO HIGH THAT MAKING THAT DETERMINATION IS VERY DIFFICULT.**

**IT IS CRITICAL IN SUCH PROCEEDINGS THAT OUR COURTS OPERATE FROM AS NEUTRAL A POSITION AS POSSIBLE, AND THAT THE GROUND RULES FOR CUSTODY PROCEEDINGS BE AS FAIR AS POSSIBLE TO ALL PARTIES INVOLVED.**

**THAT, MR. CHAIRMAN, IS WHAT I AM TRYING TO ACHIEVE WITH HB 1723 -- FAIRNESS. FAIRNESS FOR BOTH PARENTS, AND FAIRNESS FOR THE CHILDREN.**

**TO ACHIEVE THIS, HB 1723 MAKES THE FOLLOWING CHANGES TO TITLE 23:**

- **IT SETS DEFINITIONS OF THE TERMS JOINT CUSTODY, JOINT LEGAL CUSTODY AND JOINT PHYSICAL CUSTODY. BY USING THE TERM "JOINT CUSTODY", WE PUT PENNSYLVANIA IN LINE WITH NATIONAL MODELS.**
- **IT SETS OUT AS THE GENERAL RULE FOR COURTS THAT A JOINT CUSTODY ORDER SHALL BE AWARDED, UNLESS THE COURT FINDS THAT JOINT CUSTODY IS NOT IN THE BEST INTEREST OF THE CHILD. IN OTHER WORDS, WE ARE ESTABLISHING JOINT CUSTODY AS THE OFFICIAL JUDICIAL STARTING POINT.**
- **THE BILL CLEARLY STATES THAT THE COURTS ASSUME A REBUTTABLE PRESUMPTION THAT AN AWARD OF JOINT CUSTODY IS IN THE BEST INTEREST OF THE CHILD. UNDER THIS PROPOSAL, EACH SIDE IN A CUSTODY DISPUTE MAY REBUT OR PROVIDE EVIDENCE AS TO WHY JOINT CUSTODY IS NOT IN THE BEST INTEREST OF THE CHILD. IT IS IMPORTANT TO NOTE THAT, ULTIMATELY, THE DECISION REMAINS WITH THE JUDGE.**
- **THE BILL REQUIRES THAT THE COURT STATE ON THE RECORD THE REASONS IN GRANTING ANY OTHER AWARD THAN JOINT CUSTODY.**

- THE BILL OUTLINES SPECIFIC CRITERIA FOR COURTS TO CONSIDER WHEN DETERMINING CUSTODY, SUCH AS THE LIKELIHOOD OF THE PARENTS TO COOPERATE ON CHILDCARE MATTERS AND TO MAKE PARENTING DECISIONS JOINTLY.
- IT SPECIFICALLY PROHIBITS AN AWARD OF JOINT CUSTODY FROM AFFECTING CHILD SUPPORT, WITHOUT THE EXISTENCE OF OTHER FACTORS.
- *MANDATES* THAT THE COURTS *REQUIRE* PARENTAL COUNSELING IN CASES WHERE THE PARENTS HAVE NOT AGREED TO A CUSTODY AWARD. IT ALSO REQUIRES THE JUDGE TO CONSIDER THE RECOMENDATIONS OF THE COUNSELORS BEFORE AWARDING CUSTODY.
- IT MANDATES THAT PARENTS SUBMIT TO THE COURT AN AGREED-TO PARENTING PLAN, AND UPON FAILURE OF THE PARENTS TO DO SO, REQUIRES THAT THE COURT PRODUCE SUCH A PLAN, WITH THE ASSISTANCE OF A MEDIATOR. THE BILL SETS OUT THE REQUIRED ELEMENTS OF THE PARENTING PLAN, INCLUDING:
  - EDUCATION
  - RELIGIOUS TRAINING
  - HEALTH CARE
  - PARENTING TIME, INCLUDING HOLIDAYS AND VACATIONS
  - TRANSPORTATION ARRANGEMENTS
  - A PARENTAL DISPUTE MEDIATION PROCESS
- HB 1723 ALLOWS ONE PARENT TO BE DESIGNATED AS THE PRIMARY CARETAKER FOR PUBLIC ASSISTANCE PURPOSES.
- HB 1723 ALSO STRENGTHENS THE ABILITY OF A PARENT TO ENFORCE THE COURT ORDER WHEN THE OTHER PARENT IS IN VIOLATION OF THE PARENTING PLAN, AND THE BILL ENABLES LAW ENFORCEMENT AUTHORITIES TO IMPLEMENT LAWS FOR RELIEF OF PARENTAL KIDNAPPING.

THE PROVISIONS I HAVE MENTIONED AND OTHERS IN THE BILL ARE DESIGNED TO BRING MORE FAIRNESS TO THE CUSTODY PROCEEDINGS, AND TO EMPOWER PARENTS WHO ARE DEPRIVED OF THEIR RIGHT TO SHARE IN THE RAISING OF THEIR CHILD.

I INTRODUCED THIS LEGISLATION AFTER HEARING FROM MANY FRUSTRATED, NON-CUSTODIAL PARENTS WHO CONTACTED ME AS A RESULT OF MY WORK IN STRENGTHENING CHILD SUPPORT LAWS. AFTER TALKING WITH THESE PARENTS, AND AFTER RESEARCHING THE ISSUE, IT BECAME CLEAR THAT ALL THESE PEOPLE ARE ASKING FOR

**IS A LEVEL PLAYING FIELD BEFORE THE COURT SO THAT THEY MAY HAVE AN EQUAL CHANCE IN THE CUSTODY DECISION.**

**I THINK THEY DESERVE THAT SIMPLE AND BASIC RIGHT. I WAS ALSO MOTIVATED TO INTRODUCE THIS LEGISLATION BECAUSE I BELIEVE THAT WE SHOULD APPLAUD THOSE PARENTS WHO WANT TO PARTICIPATE IN THE RAISING OF THEIR CHILD, AND WE SHOULD ENCOURAGE THAT PARTICIPATION TO THE FULLEST EXTENT POSSIBLE.**

**A SURVEY OF THE RESEARCH ON CUSTODY ISSUES SHOWS THAT JOINT CUSTODY RESULTS IN MORE INVOLVEMENT FROM *BOTH* PARENTS, WHICH LEADS TO BETTER-ADJUSTED CHILDREN.**

**OVER THE PAST YEAR, I HAVE WORKED WITH AND GAINED THE SUPPORT OF SEVERAL STATE AND NATIONAL ORGANIZATIONS DEDICATED TO THIS ISSUE. THE GOAL WAS TO CRAFT A RATIONAL AND FAIR PROPOSAL FOR PRESUMPTIVE JOINT CUSTODY. I BELIEVE WE HAVE ACHIEVED THAT GOAL.**

**ON BEHALF OF THE THOUSANDS OF CHILDREN OF DIVORCE IN PENNSYLVANIA, I ASK THAT THIS COMMITTEE GIVE SERIOUS ATTENTION TO THIS ISSUE AND THAT, ULTIMATELY, YOU DECIDE TO SUPPORT THIS LEGISLATION.**

**THANK YOU FOR YOUR TIME.**