

COUNTY of BLAIR

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Judiciary Committee
House of Representatives
Commonwealth of Pennsylvania
Harrisburg, PA

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Mr. Chairman and Members of the Committee:

I sincerely appreciate the opportunity to address you concerning HB 1723 and ask for your support of this much needed legislation.

You will, I am confident, hear many statistics about the importance of having both parents involved with a child's upbringing. I have received many studies during my tenure as a divorced parent which conclusively demonstrate that two involved parents are the best platform for a well adjusted, academically successful and well behaved child.

I concur with this contention which is not a stretch for most thinking people. In fact, with the exception of some extremist groups, no one would dispute the basic premise of the benefit of a two parent family.

I have been amazed, however, at our court's track record of predominately awarding custody to one parent and confounded to see that the one parent, as a recent study shows, is the mother ninety per cent of the time. When you deduct the mothers who are found unfit for obvious reasons such as criminal involvement or health factors and deduct those which choose not to accept the child, the figure drops to just three and one half per cent. I find it impossible to believe that only three and one half per cent of the fathers of this country are fit, in the eyes of the court, to have the primary physical custody of their own children. I find it even harder to understand why I was not granted this status.

It was a devastating day in 1990 when my former wife and mother of our two year old son left our home. Initially, communication between us was good. I spent alot of time with my son Johnny, in fact, more time than she did. When communication broke down and scheduling became a problem, we went before a judge. A temporary order was issued which placed my son with my estranged wife and gave me visitation privileges every other weekend. I was told by my attorney that this was a "standard" order and that after psychological evaluations were completed, we would be back in court for a permanent schedule.


What I learned later in the process was that this initial temporary order would set the tone for everything which was to follow. This temporary order was now referred to as the "existing" order and shifted the burden onto me to change what the court had already decided.

Stunned and confused by this first time involvement in the legal process, quickly drowning financially from the debt my estranged wife left behind accompanied by mounting legal fees and suffering from the emotions of loss and humiliation from the divorce, I none the less felt confident that my day in court would protect me from losing my time with my son. After all, I was never in any trouble with the law. I was not accused by my estranged wife of any misconduct or abuse. I remained in the household, she left and got an apartment in the area. All of my family of four siblings, mother, grandmother, aunts, uncles and cousins lived in the area, she had only her two parents and one grandmother who lived in the area but were all in the process of moving out of the state and did so during our proceedings. Lastly, we both had full time jobs.

In the end, I was awarded joint legal custody with primary physical custody being awarded to my exwife. In a convoluted visitation schedule, I see my son about forty five per cent of the time. I was informed by my attorney that this was as good a deal as I could expect and that I was very lucky to get that. I still cannot understand why my forty five per cent is considered good, although I know many others who are less fortunate.

As a County Commissioner, I have made my views on equal custody very public. As one elected official to another, my position has been surprisingly well received. Interestingly, the mothers, grandmothers, sisters and aunts of divorced men stop me at the grocery store or on the street and tell me how much they miss spending time with their special child which they seldom see any longer.

Extended families are important. Some of my fondest childhood memories are those of special times with my grandparents or uncles. Time is so limited in many orders that the father needs what time he gets to build the bond between himself and his child leaving precious little time for those special moments with others.

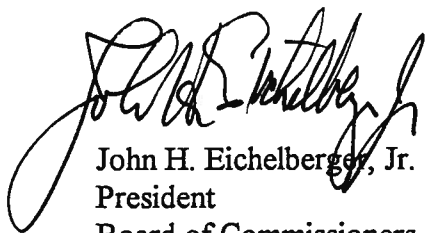
I would be remiss if I did not take this opportunity to mention a much less human and arguably less important concern which is that of the millions of dollars of tax money spent each year on the seemingly endless array of options available through our courts to determine the fitness of parents. This bill, if enacted into law, would, for many, dramatically shorten the process and stop the aggression of the current competitive system. 

Our courts, one would think, would guarantee the presumption of equality in every matter before them. If calls came to this great capital that the court system in our land was treating Blacks or Jews or Asian Americans or Hispanics or anyone in our society any differently when they came before them because of their race or religion, the public outcry would be tumultuous, the action taken swift and the consequences to the offenders severe. The court's record is crystal clear as is your public responsibility.

I pray that you have the wisdom, the strength and the courage to support this bill which, if enacted, will restore justice to the court system of this commonwealth.

Thank you again for your time and attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Eichelberger, Jr.", written in a cursive style.

John H. Eichelberger, Jr.
President
Board of Commissioners