

Francis X. Ryan  
1273 Ash Lane  
Lebanon, PA 17042-9618

August 24, 1998

Karen L. Dalton, Counsel  
House Judiciary Committee  
House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

Re: Testimony of August 24, 1998  
Judicial Reform and Domestic Issues

Dear Ms. Dalton,

It is with pleasure that I accept the opportunity to testify on August 24, 1998 in Edinboro, PA at 1 P. M. before the Task Force on Domestic Relations of the Judiciary Committee of the House of Representatives.

A copy of my testimony is attached.

Should you have any questions, please contact me at 717-228-1711.

Kindest personal regards,



Francis X. Ryan

The issues that I will discuss today and the recommendations presented are intended to reflect on the general issues of family court reform, custody, and the reality, versus the perception, of economic justice for the dependent spouse.

While I may use my personal experiences to amplify the points I wish to make, I am NOT asking for, nor do I seek, any assistance in my own case. It is my opinion that the futility of the "system" is such that my case is beyond anyone's capabilities to resolve except for the tremendous legal team representing me to help make sense out of the chaos of the family court system. This futility, however, has driven me to seek reform so that my children, when married, are not embroiled in this legacy of horror that has marked my case.

In 1973, I took an oath of office in the military of the United States to support and defend the Constitution of the United States against all enemies foreign and domestic. In that regard, I have served honorably as a reserve officer, now a Colonel, for almost 30 years. I have served in Haiti, Bosnia, and have been awarded the Legion of Merit for such service. With the dangers of going in harm's way constantly a possibility, and frequently a reality, in my military reserve capacity, I never dreamed that harm's way was the family court system in the State of Pennsylvania. The degradation, humiliation, delays, lost correspondence, lost records, and dehumanizing experiences, I have witnessed first hand have made combat look like a welcome respite from the pain and horror of family court. The family court system in Pennsylvania is such a traumatic experience, that I cannot conceive of a more destructive domestic enemy of the Constitution of the United States. The right of appeal to federal courts, afforded to criminals, does not apply to those wishing to appeal family court decisions; nor can a person, "in the system", reasonably expect a judge to recuse him(her)self without fear of recrimination. Even appeals to the Judicial Review Board are met with admonitions that you will have your life destroyed for using the Review Board process.

The family court system encourages all of those activities we, as citizens, have come to loath. In the name of protecting children, we destroy their lives. In the name of protecting a spouse, we encourage legal fighting and maneuvering. In the name of equity, we promote dependency. In this time of grief of the breakup of a family, we, in fact, by the very process of ending a marriage, encourage more destruction, more scars, more everlasting legacies of a failed marriage than the married couple could have ever possibly dreamed of inflicting upon themselves.

The discrimination that exists in the family court system is widespread. It is directed first at fathers and then at working mothers. Only non-working mothers are coddled and protected in this system and afforded rights that no one else could possibly conceive. Please remember that equity can only be achieved if EVERYONE who parents a child has EQUAL responsibility: financially, emotionally and physically for his and her children.

If you hope that cosmetic changes will serve the citizens of Pennsylvania well then you may wish to ignore the rest of my testimony. The system, as it currently exists, is beyond repair. By the time, I am done today, I pray that the rallying cry of "Saving Colonel Ryan" will be the decisive force in encouraging you to restore a semblance of credibility to our society and to protect our children, our husbands and our wives well into the 21<sup>st</sup> century.

First, lest anyone in this room believe otherwise: THERE ARE NO WINNERS IN DIVORCE: NOT THE FATHER, NOT THE MOTHER, NOT THE CHILDREN. With that being said, my recommendations to you are:

1. Before a marriage license is issued, it should be mandatory that all couples receive formal training and counseling in the union to be undertaken. The counseling would be either state sponsored or sponsored by a religious organization but will foster a greater awareness of the importance of the decision both parties are about to make. At this time, both parties should be asked to file a financial disclosure about assets and earnings potential. Pre-marital counseling, will be the single most important deterrent to divorce. You should view the counseling as you would instruction for a driver's license or a CDL.

2. Should a divorce ensue, both parties to the marriage should receive mediation from an attorney accredited by the American Academy of Matrimonial Lawyers before a case can go before the court AND before attorneys are allowed to enter an appearance. Remember, family courts are only needed by those who cannot cooperate with one another which means it is adversarial in nature in and of itself. Therefore, the system needs to provide for assistance to BOTH parties traumatized by divorce during that critical period before battle lines are drawn. Little to no value exists in the family court system for those thousands of couples who divorce amicably, but the structure of the system has to be changed to give EQUALITY to both parties when the family court system becomes involved to settle disputes. WHENEVER, THE SYSTEM APPEARS TO FAVOR ONE PARTY, EVERYONE LOSES. THIS IS TRULY A CASE WHERE JUSTICE MUST BE BLIND AND NOT BIASED.

3. NO ATTORNEY SHOULD BE PERMITTED TO PRACTICE FAMILY LAW WITHOUT FORMAL TRAINING IN FAMILY LAW AND BE A MEMBER IN GOOD STANDING OF THE "American Academy of Matrimonial Lawyers". This training is essential given the emotional situation of the type of case at hand. I know that the professionalism of the attorneys representing me had a very positive effect of keeping me focused on my children no matter what was done to me by the courts.

4. THE SYSTEM NEEDS TO BE CHANGED THAT FAILURE TO PROVIDE THE NON-CUSTODIAL PARENT (Typically the father) WITH RECORDS ON THE CHILDREN IS TREATED AS SERIOUSLY AS FAILURE TO PAY CHILD SUPPORT.

As an example, in a recent case that I have seen an ex-wife, despite a court order, continuously refused to provide her ex-husband with medical information about the children. In the case, the daughter had three teeth extracted and it took over 3 hours to find out the dentist, where he was located and her condition. Only after providing them with a copy of the court order would they tell the father her condition. In considering to pursue a contempt of court action against the ex-spouse, we have been told repeatedly that should we push the issue for contempt, the father would likely have the joint custody arrangement modified so that he would not have access to the information at all. The system rewards mothers who disregard father's rights (and their children's) while it would condemn a father who could not pay child support despite the change in financial circumstances.

5. THE SYSTEM NEEDS TO BE CHANGED TO FORCE DECISIONS FROM THE COURTS WITHIN A REASONABLE PERIOD OF TIME NOT TO EXCEED 12 MONTHS.

The current system discriminates against non-custodial parents (typically fathers). As an example, the Pennsylvania court system has been extremely slow to settle my property settlement such that I am working 16-18 hours a day, seven days a week to pay alimony pendente lite to an ex-wife who has been married for almost three years even though our youngest child is now eleven. The case has been pending for 5 to 6 years with almost no hope in sight because it is of economic value to my ex-spouse to keep the case alive. Settling a case earlier permits all parties to get on with their lives and preclude the opportunity of perpetual legal maneuvering.

As an example in the five or six years that my case has been pending, I have paid \$70,000 or so in alimony pendente lite whereas my ex-wife has made less than \$12,000 during the entire time. Of that approximate \$70,000 (not including child support), over \$39,000 has been paid since her marriage. While this appears to be a "good deal" for my ex-wife, it, in reality, reinforces a dependency, while at the same time causing the isolation of the father from his children. It also provides an incentive to continue the legal battles with NO positive effect on anyone.

6. THE SYSTEM NEEDS TO BE CHANGED SUCH THAT 50%/50% CUSTODY IS ASSUMED AT THE BEGINNING

The current system gives mothers a favored position relative to custody. Fathers are told consistently that they have little to no chance at custody without an extremely costly battle.

7. The compensation program for Domestic Relations personnel must NOT be based upon amount collected since that provides incentive to not reduce support orders when such a reduction is justified.

8. THE SYSTEM NEEDS TO BE CHANGED TO PRECLUDE ONE PARENT, EXCEPT DUE TO MEDICAL REASONS, FROM HAVING TO PROVIDE ALL THE SUPPORT. A JUDGE SHOULD NOT HAVE THIS DISCRETION. ADDITIONALLY, A TIMELY THREE PERSON (NOT JUDGE) REVIEW PANEL SHOULD BE ESTABLISHED TO PROVIDE FOR EQUITABLE RELIEF FROM JUDICIAL ABUSE.

My ex-wife has a master's in nursing but the judge indicated that she has no earning's potential. At the time we separated, my ex-wife had not worked in 8 years and it was one of the reasons that we separated. By the time the delays in the courts ended, she had not worked in 12 years and, as such, the judge indicated that she did not have an earning's potential, would not allow evidence to the contrary, and despite her having a current nursing license from the State of Pennsylvania. Even after she started working part-time, she was assigned no earnings potential. This makes the father work even more which makes time with our children all the more difficult. Due to my unusual stamina, I still see my children about 35% of the year but it comes about as a result of no sleep for days on end.

The need for a review panel also is important since the ridiculousness of the system cannot be controlled. For example:

A. I was ordered to provide dental coverage for my children. In answering a letter to Domestic Relations, I told Domestic Relations that I was self-insured and, in fact, had been paying the dentist bills regularly. Domestic Relations told me that I must still provide insurance or be held in contempt. I purchased dental insurance only to be told that my ex-wife refused to use it. So now, I pay dental bills and dental insurance and my children lose the benefit of \$1500 per year that I could use for them.

B. I have applied to the courts to terminate child support for my son who turned 18 in March and graduated on June 1<sup>st</sup>. The hearing for the reduction will be on August 31, 1998 at which time, it is expected, that my ex-wife will not agree to a reduction and we will have a scheduled hearing before a judge. The hearing will be scheduled for sometime in January 1999 with a decision issued in July 1999 or 16 months after my son turns 18. The request to terminate alimony pendente lite will be made at the same time.

C. My ex-wife's attorney indicated at the last property settlement, that he intends to appeal whatever decision the judge makes on the property settlement. The rationale is that the Alimony pendente lite will continue, in all likelihood, during the appeal process at a cost of about \$13,000 per year. I will obviously have to pay legal fees at the same time while paying my ex-wife to stay home and continue this legal form of harassment.

D. I had to continue to provide my ex-wife with medical insurance for approximately 22 months after she was married to another man. Once the judge terminated the insurance for her, she then added my children to her new husband's policy and kept all medical information from me. At the same time, not knowing that she had also insured them, I continued the insurance at a cost of \$3000 per year for no benefit to anyone. It will take me another 12 months to correct the stupidity of this situation or face contempt for not providing insurance.

Ladies and Gentlemen of the Task Force, if you really want to make a difference, and I know you do, then stop the system which makes being a father or a full-time working mother almost impossible. Let's stop the systemic destruction of fathers and full-time working mothers in our state courts and really make a difference for our children.

Only by positive, proactive steps will divorce trends slow down because whenever the system benefits one person to get divorced, then more divorces will follow. Let's stop the discrimination and put Pennsylvania in the forefront of major citizen lead, judicial reform of domestic matters. To achieve equality for the partners to a divorce then treat both with equality. Let "Saving Colonel Ryan" not be a wasted life to have saved and let his wounds and scars, and the wounds of his children, be worth the lives that have been destroyed before mine by this process that systematically destroys the very families it is intended to protect.

Thank you, Good Luck, and God Speed.