

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bills 1976 and 1977

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House Judiciary Committee
Task Force on Domestic Relations

Room 205
Ryan Office Building
Harrisburg, Pennsylvania

Monday, March 6, 2000 - 12:00 p.m.

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BEFORE:

Honorable Lita Indzel Cohen, Majority Chairperson
Honorable Scot Chadwick
Honorable Tim Hennessey
Honorable Stephen Maitland
Honorable Albert Masland
Honorable Frank Dermody
Honorable Harold James
Honorable Don Walko
Honorable LeAnna Washington

ALSO PRESENT:

Karen Dalton, Esquire
Chief Counsel to Task Force

Judy Sedesse
Majority Administrative Assistant

Jane Mendlow
Minority Research Analyst to Judiciary Committee

Beryl Kuhr
Minority Chief Counsel to Judiciary Committee

C O N T E N T S

<u>WITNESSES</u>	<u>PAGE</u>
The Honorable Joseph H. Kleinfelter President Judge - 12th Judiciary District	7
Angela L. Martinez, Chief Counsel Office of Child Support Enforcement Delaware County	21
Susan M. Montella Child Support Education and Resource Center	25
Rhodia D. Thomas, Managing Attorney Central Pennsylvania Legal Services	29
Sharon Myers	44
Michael L. Viola, Chair Elect Family Law Section Philadelphia Bar Association	57
Peter H. Brown	77
Hubert X. Gilroy, Esquire Custody Conciliator - Cumberland County and Family Law Practitioner	82
Gloria M. Perlis Court Appointed Special Advocate Berks County Court of Common Pleas	96

C O N T E N T S (cont'd.)

WITNESSES

PAGE

Samuel Andes
Former Custody Conciliator
and Family Law Practitioner

101

David A. Vincent

112

Written Testimony Submitted By:

Abigail E. Jarboe
Lebanon, Pennsylvania

Michele K. Speck
Huntingdon, Pennsylvania

1 CHAIRPERSON COHEN: Good afternoon. This is
2 another in a long series of hearings of the Judiciary
3 Committee of the Pennsylvania House of Representatives,
4 Task Force on Domestic Relations. As you know, we have
5 been holding hearings throughout the Commonwealth relative
6 to House Bills 1976 and 1977 dealing with reform of the
7 domestic relations process throughout the Commonwealth.

8 We have heard from literally thousands of
9 people in this Commonwealth, ordinary citizens who in some
10 way have a nexus with the court system. We've heard from
11 judges and members of the court, and we will hear again
12 today. We've heard from social workers and people totally
13 involved in the domestic relations aspect throughout the
14 Commonwealth.

15 Why are we doing this? We have been studying
16 this issue for several years and several terms of the
17 Legislature. We have discovered that our citizens, and
18 especially our children, are suffering terrible pain
19 because of the breakup of families.

20 When a marriage dissolves, it's a painful
21 situation. It is unfortunate, however, that our families,
22 through the court system, have their pain compounded
23 because of the way the courts have historically dealt with
24 domestic relations issues.

25 Our goal is to develop legislation, which we

1 have developed, which will reform the court system so that
2 the people of the Commonwealth, and especially our
3 children, will come out of the painful situation with less
4 pain. I want to first state that I have received a
5 resolution adopted by the Pennsylvania Bar Association
6 dealing with this legislation, and we will send copies of
7 the resolution to the members of the Task Force.

8 I would now like to introduce the folks that
9 are sitting up here with me. For those of you that see me
10 dressed in a different manner than I'm usually dressed, so
11 that everyone doesn't have to ask, I'll tell you. I had
12 carpal tunnel surgery a couple days ago. And hopefully, I
13 will survive.

14 To my right is Karen Dalton, who is the Chief
15 Counsel to the Task Force. We have Representative Tim
16 Hennessey -- welcome. Thank you -- from Chester County.
17 And Representative Scot Chadwick from --

18 REPRESENTATIVE CHADWICK: Bradford and
19 Susquehanna.

20 CHAIRPERSON COHEN: -- Bradford and
21 Susquehanna. Thank you. Judy Sedesse is a staff member
22 also.

23 MS. KUHR: I am Beryl Kuhr. I'm Chief Counsel
24 to the Democrats on the Judiciary Committee.

25 CHAIRPERSON COHEN: Thank you. At that point,

1 we will begin our proceedings in the testimony today. We
2 are honored to have as the first witness to testify before
3 us the Honorable Joseph Kleinfelter, who is the President
4 Judge of the 12th Judicial District here in Pennsylvania.

5 Judge Kleinfelter, welcome. We look forward
6 to having you testify. You may begin at any time.

7 JUDGE KLEINFELTER: Thank you. Do you swear
8 in your witnesses?

9 CHAIRPERSON COHEN: No, no. You're honorable,
10 and that gets you in right away.

11 JUDGE KLEINFELTER: Well, then let me begin by
12 thanking your counsel, Karen Dalton, for giving me the
13 opportunity to appear and speak before you on these two
14 pieces of legislation. As you indicated, you're asking for
15 commentary on two House Bills of the 1999 session, 1976 and
16 1977.

17 I'm here today essentially to speak in
18 opposition to both bills, not so much on what they seek to
19 accomplish because their ideals as stated in the
20 commentaries I've had are very worthwhile, but rather, on
21 the proposed course which has been suggested in order to
22 affect the desired changes.

23 House Bill 1976 would amend Article V, the
24 Judiciary Article of the Pennsylvania Constitution, by
25 adding a provision that would, as I read it, mandate that

1 the Courts of Common Pleas have a procedure for disposing
2 of family law cases.

3 I find the proposal somewhat puzzling and even
4 amusing because -- puzzling because as far as I know, our
5 Courts of Common Pleas have been handling these cases quite
6 well ever since our first Constitution was adopted in 1776
7 and have done so without any specific provision in the
8 Constitution that would provide for the handling of such
9 cases.

10 So I fail to see any necessity for amending
11 the Constitution to allow for these provisions some 225
12 years later. Unlike our Federal Constitution, which
13 created a government of limited enumerated powers expressly
14 delegated to it, our State Constitution creates a
15 government of inherent general powers.

16 The three governmental branches, including the
17 judiciary of course, possess the general traditional powers
18 necessary to govern and applicable to them unless limited
19 by the State or Federal Constitutions. I suppose the State
20 Constitution could affirm certain inherent powers even
21 though conceptually such powers would exist without such a
22 grant.

23 In this case, I see no reason to do so. In
24 the case of the Courts of Common Pleas deciding family law
25 issues, it seems to me unnecessary to amend the State

1 Constitution to empower that which is already understood to
2 exist. If we need an amendment in this area, well, then
3 why not one that would mandate the courts have a procedure
4 for the disposition of negligence cases or contract cases
5 or to provide equitable relief?

6 So I'm opposed to the amendment because I
7 don't believe it is necessary, likewise in that same
8 provision that would provide for an amendment to the
9 Constitution the proviso for a family resource center. If
10 the Legislature deems it necessary to mandate and fund
11 something like this, I see no need for a constitutional
12 amendment to do so.

13 The real problem with putting something like
14 this in the Constitution, as I'm sure you all know, is that
15 if the idea proves to be unworkable, it will be hard to get
16 rid of. I'm not saying I support legislation in support of
17 a family resource center because I really do not. But if
18 you must have it, then create it by legislative enactment
19 and not by a constitutional mandate.

20 Let me turn now to the provisions under
21 subsection 5(e), which again would amend the Constitution
22 to require education for judges and family law masters and
23 mediators. The term as it's presented in the proposed
24 amendment is somewhat vague because it doesn't say exactly
25 what it means by an educational requirement.

1 I believe it must mean some kind of
2 educational requirement as opposed to some kind of an
3 initial requirement in order to hold the position of judge
4 or master. I favor continuing education for all
5 professions. And it may be that the only way you could
6 compel Pennsylvania judges to obtain continuing legal
7 education is through a constitutional amendment because
8 otherwise, I think you would somehow impinge upon their
9 inherent right to serve in office.

10 The potential for mischief arises in having
11 such a provision in the Constitution is that it then allows
12 the General Assembly, through statute, to require certain
13 levels of continuing education. I believe that a grant of
14 this authority would violate the Separation of Powers
15 Doctrine.

16 Essentially, what I'm saying there is that if
17 the courts deem -- if the Supreme Court of Pennsylvania
18 deems it necessary to have continuing legal education,
19 well, then let, through its rule making authority, the
20 Pennsylvania Supreme Court mandate that.

21 Lastly, staying with the constitutional
22 amendment, there are some proposals to subsection 10,
23 judicial administration, which would add the position of
24 family law master to that group of people subject to
25 discipline by the Judicial Conduct Board.

1 Again, I find this to be unnecessary for
2 several reasons. But first, there's a problem; and that
3 is, there's no definition for this term "family law
4 master." In my experience throughout the Commonwealth,
5 that term means different things in different counties.

6 What a family law master does, this authority
7 varies widely. As far as I know, all masters, whether they
8 serve as a divorce master, custody master, juvenile master
9 or whatever, are appointed by the president judge of each
10 of the judicial districts and serves at that judge's will.

11 So where a master, for some reason, is not
12 doing his or her job in an efficient, ethical and competent
13 manner, the president judge may and should remove such
14 person forthwith. The formal procedures that would
15 implicate certain due process considerations, such as a
16 complaint, a hearing, appeal and the like, are simply not
17 necessary under current practice. So to impose all of that
18 on our local courts through a constitutional amendment
19 would be a mistake.

20 I'm now going to turn briefly to the second
21 piece of legislation. That's House Bill No. 1977. The
22 bill would amend Title 42 to establish procedures for
23 litigating family law cases. Time wouldn't permit a
24 section by section analysis of those provisions.

25 So let me say simply this: It is fairly

1 well-established that each branch of government should
2 establish its own rules of procedure. The Supreme Court
3 doesn't tend to tell the House Judiciary Committee its
4 rules for conducting hearings. Neither should the General
5 Assembly dictate to the Supreme Court how it should set up
6 procedures for administering its courts.

7 I say in my remarks that I brought with me a
8 copy of the Pennsylvania Rules for -- of Court. I did not.
9 But it's about a 3-inch thick volume that I'm sure many of
10 you are familiar with. It does cover civil procedure,
11 criminal procedure, rules of evidence, and lots of other
12 procedural aspects.

13 Particularly in family law matters, there are
14 rules for the conduct of support actions, for custody,
15 visitation, domestic violence, divorce, annulment. All of
16 these should be left, again, to the Pennsylvania Supreme
17 Court. One of the problems with House Bill 1977 and the
18 various procedural requirements set out by that legislation
19 is that it's a one-size-fits-all type of bill.

20 It assumes that what would work in
21 Philadelphia County would work in Dauphin County, would
22 work in Perry County, would work in Fulton County. And as
23 anyone at all familiar with all the diversity in our
24 counties knows, that simply doesn't work.

25 So we really should leave -- even though many

1 of these objectives are unsalable, we really should leave
2 the rule making authority to our Pennsylvania Supreme Court
3 and/or our local courts which also have rule making
4 authority that can entail or make these provisions to fit
5 the particular needs of a particular community. And I
6 thank you very much.

7 CHAIRPERSON COHEN: Your Honor, we thank you.
8 I think that you have articulated the opposition to these
9 two bills succinctly and quite competently. And for that,
10 I certainly thank you. I would like to welcome two
11 more -- a lot of more members of the House of
12 Representatives.

13 Representative Maitland has joined us.
14 Representative Walko has joined us. Representative Walko
15 is a minority member of the Task Force. Representative
16 James and Representative Washington. We thank you for
17 being here.

18 Again, I respect certainly and I appreciate
19 how you have voiced your opposition to these bills. And
20 that is the major opposition to these bills. Let me just
21 respond briefly because, again, we are on a time bind. We
22 have -- well, historically, when we started this project
23 several years ago, it was my opinion that we indeed did not
24 need legislation to accomplish our goals. Our goals were
25 to save the world.

1 My son used to tell me that when he was
2 little, Mom, you can't save the world. But that is my goal
3 and always has been and hopefully will continue to be.
4 Thousands of people have contacted us. They've gone
5 through the system.

6 If they haven't gone through the system, their
7 children have, their brothers and sisters, their parents,
8 their relatives, and even far more significant, their
9 employees because they suffer, the job suffers when
10 employees simply miss work or can't work because they're
11 attending hearing after hearing and they're unhappy because
12 the system's doing them in.

13 So yes, you are correct. The court has the
14 power and the authority to remedy these wrongs; but it
15 hasn't done it, again, with all due respect. We have a
16 history of a -- and as an attorney, I do respect the
17 separation of powers.

18 However, the Legislature has acted on numerous
19 occasions to, if you will, make rules of court. We mandate
20 how many judges there will be, as you know, what kinds of
21 cases are heard. And of course, before the Code of
22 Evidence was adopted, we had a lot of legislation on
23 evidentiary matters.

24 So there is precedent for doing this. You
25 dealt with the issue of masters. Again, time after time,

1 our masters simply are not doing their jobs. They have
2 nobody to report to, and the judges are not overseeing them
3 correctly.

4 We want to alleviate pain from a painful
5 situation. By the time families approach the court, a
6 relationship is most of the time irrevocably destroyed.
7 And there is no reason for us as public servants -- and
8 when I say us, I mean us as legislators and you, sir, as a
9 member of the court -- to make their pain worse.

10 And that is what's happening. We've been
11 holding hearings for years all over the Commonwealth. We
12 get calls, we get letters, we get E-mails, we get personal
13 visits constantly, constantly. And people are suffering
14 because the system simply doesn't work.

15 I'm happy to see as we've been having these
16 hearings, at each one of our hearings, we have a member of
17 the judicial branch come and speak to us. And they say
18 Well, we are in the process of or we have implemented the
19 following rules. That's wonderful.

20 I think what we have done is, perhaps, we in
21 the Legislature are a threat to the courts. And what we've
22 done is kind of spurred the court on to reform itself. But
23 it hasn't done it because I see my people suffering. And
24 that's my job, to improve the quality of life of my
25 constituents.

1 I'm telling you -- and I would hope that every
2 court in the Commonwealth does what Max Baer has done in
3 Allegheny County and to some extent Manny Bertin in
4 Montgomery, Paul Panepinto in Philadelphia. And they're
5 isolated incidents throughout the Commonwealth.

6 And I would hope that every jurisdiction would
7 do exactly what Max Baer has done. But the problem is,
8 sir, they're not. And I'm afraid even if they do it, they
9 could stop doing it. I think at this point, it's incumbent
10 upon the Legislature to mandate these procedures. It works
11 in other states.

12 Pennsylvania's the laughingstock of other
13 jurisdictions throughout the country. And we've dealt with
14 these jurisdictions. These laws -- and this is -- I mean,
15 we can take credit. And certainly, Counsel Dalton is
16 substantially responsible for the -- being the author of
17 these bills.

18 But these are really clones of a whole lot of
19 other states, our neighbors in New Jersey, all over, as far
20 away as Hawaii. And they laugh at Pennsylvania because
21 they don't treat our citizens correctly. We're not nice to
22 our people. And that's our job as legislators, to make
23 sure our people get treated fairly.

24 So I thank you, and I respect your
25 presentation. But I think we're authorized. We have the

1 authority to do this. And this is going before -- this
2 will be a constitutional amendment. Hopefully, it will be
3 on the ballot next spring in 2001. But let the people
4 decide.

5 And I bet you dollars to donuts that it will
6 pass overwhelmingly because the people need -- they're
7 crying for help.

8 JUDGE KLEINFELTER: Well, your committee and
9 Counsel Dalton put a lot of work into the legislation. And
10 I know it's difficult to hear negative comments from
11 someone after you've done all that work. And it's hard to
12 assail a mother/legislator/attorney whose goal it is to
13 save the world.

14 You just have to remember, though, that when
15 you mandate these things, somebody has to administer it,
16 somebody has to pay for it. And if -- what the courts
17 don't do, if one of our judges, for example, doesn't do
18 exactly what you order in the leg -- in this legislation,
19 then you have to think what you're prepared to do about it.

20 CHAIRPERSON COHEN: Well, I have complete
21 respect and confidence in our judicial system that when
22 these laws are passed and even before they're passed,
23 they'll jump to it. It's only fair.

24 JUDGE KLEINFELTER: And again, thank you for
25 the opportunity.

1 CHAIRPERSON COHEN: Thank you. Do any other
2 members have any questions? Representative Hennessey.

3 REPRESENTATIVE HENNESSEY: Thank you, Madam
4 Chairman. Let me see if I can find a middle ground here,
5 Judge. When I hear your testimony, it sounds like the
6 system's operating perfectly smoothly and nothing's wrong
7 with it and it doesn't need to be changed.

8 But when I hear the Subcommittee Chairman
9 speak, it sounds like the wheels have fallen off the wagon.
10 And I think the truth is somewhere in between. Yes, I
11 think the system works. I don't know that Pennsylvania's
12 system is far lagging behind the rest of the states as
13 might -- somebody might think from hearing the comments.

14 But I think that there are certainly cases
15 that you probably would admit where the system fails
16 individual cases very badly. And in those cases, we have
17 to find some way to help the people who are so badly
18 treated by this system, whether it's a failing of
19 individual judges, whether it's a failing of the attorneys
20 they've, you know, sought to represent them or represent
21 either side.

22 There are certain problems, though, that have
23 surfaced and the people have complained about. And quite
24 frankly, I guess what I'm hearing the Chairwoman say is
25 that if we push a little bit from this side of the

1 legislative -- or the separation of powers divide, that
2 maybe we'll get the attention of the judiciary branch and
3 some changes will be made that have to be made because it's
4 really not as smooth and tranquil a situation as your
5 initial comments would indicate.

6 JUDGE KLEINFELTER: First of all, I don't
7 think I indicated that everything is perfectly smooth in
8 this area. But that would be disingenuous for anyone to
9 suggest that any area of government, executive, legislative
10 or the judicial, always works perfectly. It does not. And
11 there's always room for improvement.

12 Much of the impetus, though, for change in the
13 areas which this legislation addresses has come from the
14 family law section of the Pennsylvania bar and local bar
15 associations. The active practitioners who are most
16 directly impacted by some of the concerns that this
17 legislation addresses have been working in the Rules
18 Committee of the Pennsylvania Supreme Court to address
19 these issues.

20 It may very well be that this legislation
21 will, if it does nothing else -- or the proposed
22 legislation -- serve as that push you suggested that the
23 Pennsylvania Supreme Court rules making committee needs.
24 But I don't think it's as bad either as has been portrayed
25 by the Chairlady.

1 I don't think that folks who seek redress in
2 our courts in family law issues for divorce, for custody,
3 for support are badly treated. In fact, I take somewhat of
4 an offense to that because I think we have a lot of
5 dedicated, hard-working people in all of these areas, not
6 just judges but all of the people that administrate the
7 system, that do everything in their power to see that cases
8 move quickly, that the participants are treated fairly and
9 that all the courtesies and other considerations that could
10 be afforded to them as litigants they get.

11 REPRESENTATIVE HENNESSEY: I'll agree with
12 that. I think that most of the time, as I indicated, I
13 think the system works fairly well. But it is important
14 that we focus on the failings so that we can correct those
15 failings and make it work even better for even more people.
16 So thank you very much.

17 JUDGE KLEINFELTER: I'll try to do that in
18 everything we do.

19 CHAIRPERSON COHEN: Thank you. Does anyone
20 else have any questions? (No response.) Thank you very
21 much, Your Honor. We appreciate your being here. Thank
22 you.

23 JUDGE KLEINFELTER: Thank you for having me.

24 CHAIRPERSON COHEN: The next two people to
25 make presentations are Angela Martinez, the Chief Counsel,

1 the Office of Child Support Enforcement in Delaware County;
2 and Susan Montella, Child Support Education and Resource
3 Center. Welcome. And you may proceed at any time. You
4 may begin.

5 MS. MARTINEZ: Thank you, and good afternoon.
6 Generally, I would like to say -- I'm sorry. I'm Angela
7 Martinez. Since there are two of us, I'm sure you don't
8 know who we are. I'm Angela Martinez. I'm Chief Counsel
9 to the Delaware County Office of Child Support Enforcement.

10 Generally, I would like to say that I applaud
11 the goals of these acts. In particular, creating a family
12 court system which is efficient and effective in an
13 atmosphere of courtesy and civility is, I believe, a highly
14 laudable goal. I have been a family law practitioner for
15 20 years in private practice.

16 But additionally, for the past 12 years, I
17 have served as Chief Counsel to the Delaware County Office
18 of Child Support Enforcement. Our office provides free
19 legal services to any custodian so that their financial
20 resources are not drained in efforts to collect child
21 support.

22 Our office represents clients in about 8,000
23 hearings a year. However, of all of the primary aspects of
24 family law by which I include divorce, custody, equitable
25 distribution, alimony and support, only support court has

1 funding to provide such free legal representation.

2 As a result, there's a constant effort by the
3 participants, by the plaintiffs, the defendants, the moms
4 and the dads and the other family members, to squeeze other
5 aspects of their lives into our court because there really
6 is no other -- I'm sorry -- low cost or no cost access to
7 the family court system.

8 I do also understand that this happens in
9 protection from abuse, which I don't count as part of the
10 major part of family law. It's not in that -- the area
11 where most of us work. But because, again, in family abuse
12 court or protection from abuse court there is free legal
13 representation and, again, there is easy access for pro se
14 litigants, I believe that this also happens there.

15 I would like to note a few concerns with the
16 materials that I reviewed. First, with regard to Section
17 7215 on consolidation, subparagraph A of this section
18 authorizes a family law master to consolidate as much of
19 the family litigation as practicable and dispose of it at
20 one proceeding.

21 Again, I think this is an admirable idea. And
22 it's something that parties constantly request from us.
23 However, there are -- there are, for example, constant
24 requests in our office while we're doing a child support or
25 a paternity establishment, the parties will say, Well,

1 could we also do a custody agreement or a partial custody
2 agreement.

3 Or they won't even use those words. They'll
4 say, Well, now that we've established paternity, can I see
5 my child? And that seems very logical to them. And
6 unfortunately, we have to direct them elsewhere and tell
7 them that they need to go to a different division of the
8 court in order to do that.

9 However, the concern that is raised by this
10 are the severe restrictions that my office has, my
11 attorneys and my staff have as a result of the fact that we
12 are funded by restricted funds from the State Bureau of
13 Child Support Enforcement.

14 Thus, while the support aspect of the case
15 goes on, my staff attorney could be representing this
16 client; but the minute the issue of, for example, custody
17 or partial custody was raised, we'd have to literally step
18 back and stop all conversation with that client.

19 I'm concerned that that's going to leave them
20 in that same unprotected position and sometimes without
21 warning that I believe that this bill is trying to avoid.
22 I think it would create an even more disjointed
23 presentation to that family law master than you might have
24 had under other circumstances.

25 Therefore, I'm going to just suggest that

1 prior to the implementation of any legislation like this,
2 the role of IV-D agencies such as my own, our attorneys and
3 our staff and our roles as participants in the multifaceted
4 hearing that you've described be more defined for us.

5 Additionally, in order for us to establish or
6 participate in the case management team set forth in
7 Section 7220, we would need specific authorization from the
8 Bureau of Child Support Enforcement.

9 Finally, a note on Section 7218 on tentative
10 decisions. If I read this section correctly, it appears to
11 authorize a judge to make what's called a tentative
12 decision on important family law matters based on papers
13 filed of record.

14 I wholeheartedly agree that our system of
15 adjudicating family law issues is sometimes so slow that
16 participants are left with really no other alternatives
17 other than, in their minds, self-help or emergency
18 petitions. However, there is also, I believe, a very real
19 sense among the general members of the public that we push
20 them through our system as if it was an assembly line.

21 Therefore, I would like to discourage the
22 notion of tentative decisions made before any party has
23 even appeared in front of the court and been given an
24 opportunity to speak. I would also like to strongly
25 recommend the case management teams be encouraged to

1 provide really meaningful access to the courts.

2 And that means spending the necessary and
3 appropriate amounts of time with people and, again, not
4 shoveling them through the system as if they were on an
5 assembly line. Because we think that the quality of the
6 case management teams is so critical, Ms. Montella is now
7 going to address that issue further.

8 CHAIRPERSON COHEN: Why don't we hear from Ms.
9 Montella, and then we can get questions.

10 MS. MONTELLA: Thank you, and good afternoon.
11 The Child Support Education Resource Center is a nonprofit
12 agency serving Bucks, Chester, Delaware, Montgomery, and
13 Philadelphia Counties. We confront the social justice
14 issue of nonsupport of children by offering education which
15 promotes awareness of rights, options, and services.

16 In 1999, our volunteers communicated with over
17 1,500 parents experiencing difficulties with the domestic
18 relations system and met with local public and court
19 officials for problem solving and as well as sensitivity
20 training. We consult with several experienced
21 organizations representing the interests of children,
22 including the Center for Law and Social Policy and the
23 National Center for Children in Poverty and local family
24 law attorneys like Angela Martinez.

25 Every day, our agency receives calls from

1 desperate parents in need of assistance. And they enter
2 the system full of hope for justice. They expect that the
3 court will help them quickly and wisely. And many report
4 that they have lost faith.

5 Our agency applauds the Task Force on Domestic
6 Relations of the House Judiciary Committee for this
7 remarkable effort to elevate family court from the status
8 of stepsister and fully supports the legislative intent of
9 House Bills 1976 and 77 and the hope it will bring,
10 especially for children.

11 It is the methods for achieving the
12 legislative goal through delivery of quality service that I
13 will address. In Section 7220, the case management teams
14 that Angela initially mentioned, it does not establish
15 caseload limits. Without limiting the caseload for
16 caseworkers or the management teams, the system has the
17 potential to become inefficient and ineffective.

18 For example, the Office of Domestic Relations
19 in Pennsylvania has no limit on caseloads for its
20 caseworkers. In large counties, a single worker is
21 unrealistically expected to provide service for thousands
22 of cases.

23 Convicted criminals receive the benefit of
24 mandated limits on a number of cases handled by each parole
25 or criminal caseworker, and we believe families deserve no

1 less. The case managers and the case management team
2 members play a central role in the handling of cases, yet
3 there is no educational requirement mentioned in the
4 proposed bills.

5 The manner in which cases are managed and
6 processed from inception is crucial to the success of the
7 unified system. In order to deliver consistently
8 outstanding service and encourage professional development,
9 a core set of competencies focusing on procedure, conflict
10 resolution, and customer service training should be a
11 requirement.

12 The requirement should also include ongoing
13 annual training. Just as caseworkers for convicted
14 criminals are required by law to complete a specific number
15 of educational credits each year in their field, so should
16 family law case management team members.

17 The next section is 7228(c)(4), the family
18 resource center, an employee answering questions and giving
19 information to the public. For the same reasons as I
20 stated with the case management system, we believe that
21 this position should have an educational requirement
22 initially and ongoing.

23 Section 7232, continuing ed. -- judicial
24 education, should also include the topic of the practical
25 and special needs of children. The continuing education

1 requirement should be on an annual basis, we believe,
2 rather than on every two years.

3 And then lastly, Section 7207, the annual
4 report. Statistical monitoring of the progress and
5 operation of the family law system is a useful tool.
6 However, this type of monitoring falls short in assessing
7 the manner in which the court delivers service, the level
8 of quality of service, and if the court indeed promotes
9 public trust and confidence and why.

10 The court is more than numbers and needs more
11 than actuarial information. The annual report provision
12 should include a client survey. Every client should be
13 asked to participate in an anonymous survey. The survey
14 could inexpensively and independently be achieved through
15 internships for graduate college students from local
16 colleges.

17 Survey results could provide the basis for
18 discussion, evaluation and adjusting, where necessary, the
19 new system. A client survey would prove a powerful tool in
20 refining the system and demonstrate a commitment to provide
21 the highest quality of service possible to families.

22 On behalf of the children whose lives will be
23 enhanced by this important work, thank you.

24 CHAIRPERSON COHEN: On behalf of the Task
25 Force, thank you very much. I have no questions. I'd like

1 to welcome Representative Masland, who is the majority
2 member of the Task Force. Does anyone have any questions?
3 (No response.) No.

4 Well, we thank you very much for your
5 presentation. After the first presentation, obviously, we
6 need all the support we can get. We certainly appreciate
7 you being here. Thank you so much.

8 MS. MONTELLA: Thank you.

9 MS. MARTINEZ: Thank you.

10 CHAIRPERSON COHEN: The next person to make a
11 presentation to us is Rhodia Thomas, who is the managing
12 attorney of Central Pennsylvania Legal Services. Ms.
13 Thomas, we welcome you and thank you for being here.

14 MS. THOMAS: Thank you very much. I'm glad to
15 be here today. As Representative Cohen has already said,
16 my name is Rhodia Thomas. I'm the managing attorney of --

17 CHAIRPERSON COHEN: Excuse me. Is that mike
18 on? Is there a little green light?

19 MS. THOMAS: Now it is. I'm the managing
20 attorney of Central Pennsylvania Legal Services right here
21 in Harrisburg, Pennsylvania. I've been a legal services
22 attorney for the past 12 years. I want to start out by
23 saying that I'm fully supportive of the unified court
24 system with respect to family law matters.

25 Certainly, as a legal services practitioner

1 over the course of the years, I have seen many family law
2 cases filed, have experienced fragmented results and
3 inconsistencies in the way the cases are handled. That is
4 not a criticism. That's the judicial system. That is just
5 a fact of the way our present system exists.

6 I think the stated goals of this particular
7 legislation of creating a system for hearing and deciding
8 family law matters that promotes justice, a more fair
9 cost-efficient system and is litigant-friendly is certainly
10 laudable. And it's to your credit and to the credit of the
11 courts for taking on this issue.

12 I think it's going to take both the
13 legislative and judicial branches of our government to come
14 up with a solution, however. And I hope that -- I would
15 hope that plans are under way for both bodies to work
16 together to do this. Now I have some general comments
17 about the legislation.

18 Again, I want to emphasize that I believe the
19 goals are very laudable and certainly necessary. With
20 respect to family law matters, more probably than any other
21 type of case, family law has an impact on all of the
22 families of Pennsylvania citizens.

23 As is pointed out also in the legislation,
24 family law cases are -- you're not only dealing with the
25 law, but you're also dealing with people's emotions and

1 their feelings in a time when they tend to be most
2 vulnerable in their lives.

3 Having a speedy resolution of the matters in
4 which cases come to quick conclusions or there's fair
5 results or there's consistency in the results certainly
6 would only serve to promote stability among Pennsylvania's
7 families. I believe, first of all, the idea of
8 consolidating the variety of the family law -- law matters
9 is long overdue.

10 Again, for all the reasons that I've already
11 spoken of, you get fragmented results without the
12 consolidation of these matters. I would, however -- let me
13 put it this way: I do, however, question why some areas of
14 family law were left out, such as adoption, protection from
15 abuse.

16 I can see arguments both way. And in talking
17 with some of my colleagues, we certainly could come up with
18 ideas for why they were left out. However, I think before
19 the legislation would go any further, perhaps it might be
20 good to examine all the areas of family law and see if more
21 areas can be included.

22 I would like to start by offering some
23 comments on Section 7212. And that particular section of
24 the legislation deals with the filing of the family
25 information statement. While I understand the need for the

1 statement, I wouldn't want the filing of the statement to
2 become somehow a barrier to those who are
3 unrepresented -- unrepresented, uneducated, who may face a
4 language barrier or some other type of disability of having
5 their case dismissed from the court system for failing to
6 file such a statement.

7 I think that's less likely to happen in a case
8 where the party's represented but more likely to happen
9 where the folks aren't represented. Also, there is the
10 possibility of sanctions being filed against individuals.
11 And although the legislation doesn't specify what those
12 sanctions would be, I would think -- I would hope that
13 the -- it wouldn't be an assessment of fines and costs
14 against low income or pro se litigants.

15 Because I do believe that dismissing a case,
16 kicking it out of court on procedural grounds such as
17 failure to file the statement would not result in the goals
18 that the legislation is trying to achieve, I would urge
19 that any legislation that's passed would assure that
20 adequate safeguards are in place to prevent this from
21 happening.

22 And safeguards would include just having a
23 simple and understandable procedure as well as some type of
24 assistance that would be provided to litigants who would
25 need it to help with completing this statement. The last

1 thing I have to say about the statement is that I think
2 there needs to be some sort of safeguards in place that
3 would ensure that the information that is gathered from it
4 is not somehow used in a harmful way against the litigants
5 in the case. That's either side.

6 I think, as we've already -- as you already
7 know, these cases are very emotionally charged. And I
8 would hope that a disclosure of domestic violence or
9 substance abuse or sexual assault or whatever it may be
10 would not in some way come back to haunt either of the
11 litigants and the case be used in some kind of way that is
12 very harmful to them or the -- or their children.

13 Section 7229, which mandates the development
14 of a manual, family law manual, again, I think this is a
15 very good provision. I do think there has to be some
16 recognition, however, that providing a manual to
17 everyone -- and I don't think that that's the intent of
18 this. And I want to get that across as well -- to pro se
19 representatives, litigants in cases would assist in every
20 type of matter.

21 I think it's a good educational tool. I think
22 there is little done to educate litigants and just our
23 citizens -- citizenry in general about the -- the process
24 that they go through when they're in court or when they
25 have to file something in court.

1 Many times, I sit across the desk from
2 individuals. And they say, You mean I have to go to court
3 for this? It might be the filing of a custody action or a
4 PFA or whatever it is, a divorce. You mean at some point I
5 have to appear in court? People are confused. They don't
6 understand.

7 So I think the more education we can do of our
8 populous, we're certainly going to have a better result
9 because people are going to be better informed. I also
10 believe, however, that we have to recognize that sometimes
11 they're very complex situations, one that I mentioned in
12 there such as an intrastate custody case in which there are
13 lots of jurisdictional issues which a manual is just not
14 going to suffice.

15 The next portion that I'd like to comment on
16 is Section 72 -- 7109, which provides for the intake and
17 screening process to take place within the domestic
18 relations section. I'm not here on behalf of the domestic
19 relations section.

20 However, I represent many clients in domestic
21 relation actions. And I know that they're generally very
22 overburdened with taking -- doing the work that they need
23 to do to get information about the particular support
24 matter that's going to ultimately confront them.

25 I would hate to see them burdened with doing

1 this. I don't think that this is a bad idea. I think it's
2 a good idea. But I also think there has to again be some
3 safeguards in place to protect people. The screening
4 process, I think, is going to take more than just a onetime
5 meeting.

6 I think people will not openly disclose
7 problems that may exist in their family unit in just the
8 onetime setting when you're getting information about who
9 the other party is, et cetera, et cetera. People don't
10 disclose for a variety of reasons.

11 And I think it's just -- it might become -- it
12 might have the opposite result. Rather than creating an
13 information gathering that's helpful to people, it may in a
14 way become a hindrance to them.

15 And lastly, I'd like to comment on Section
16 7226, which would establish the family justice account. I
17 wholeheartedly support this provision of the -- of the
18 legislation for the reasons that I have listed in my
19 statement.

20 Presently, I know of one county within our
21 service area -- not here in Dauphin County but another
22 county -- in which court-ordered custody evaluations are
23 routinely ordered. And the cost of them range from 1,500
24 to \$2,000. Those costs are assessed against many low
25 income people who can't afford to pay those costs.

1 And even though they can't afford to pay those
2 costs, inability to pay is not taken into consideration.
3 And without being able to pay for the cost of the custody
4 evaluation, their case cannot move forward within the court
5 system. So there's no resolution to the matter no matter
6 if the child is living in a particularly -- well, not
7 particularly -- but a very bad situation.

8 So I think that the establishment of that
9 account, I think it would have safeguards in place again to
10 ensure that those who are using the funds, are getting the
11 funds are entitled to them because of their income status.
12 But I see that as a very good move in the right direction
13 to ensure that everyone could have a resolution to their
14 family law matters. Thank you.

15 CHAIRPERSON COHEN: Thank you very much. I
16 think it's interesting. As they say, perception is 99
17 percent of the truth. And when we contrast your testimony
18 with Judge Kleinfelter -- you're both practicing and
19 working in the same jurisdiction -- again, I think
20 perception is indeed quite interesting.

21 And certainly, you've shed some important
22 light on the issue from your perspective, which is really
23 the people's perspective. And we certainly appreciate
24 that. And your comments are well -- well-taken, and we
25 will certainly take them under advise.

1 Does anyone have any questions or comments?

2 Representative Masland.

3 REPRESENTATIVE MASLAND: Yes. Thank you,
4 Chairman Cohen. Just a couple comments on Section 7212,
5 which I have on page 24 and -5 of my copy of the bill, in
6 as far as the filling out of the form, the family
7 information statement. As I read that, I mean, maybe
8 there's a potential for a problem.

9 I don't think you're going to see cases thrown
10 out on that account, you know, a plaintiff's case thrown
11 out. The sanctions in section B say if a party
12 intentionally fails to file a family information statement,
13 I think those are going to be not -- not a situation where
14 a plaintiff is intentionally failing to file.

15 It's probably going to be a defendant, and
16 that might impact their ability to argue something as far
17 as equitable distribution or custody down the road. But
18 they do so at their own peril in terms of not sharing that
19 information, but that is something we do want to make sure
20 does not happen. So it's -- I'm glad you pointed that out.

21 The other thing I just want to comment on is
22 Section 7229, the family law manual on page 39. As a
23 cosponsor of this, I never envisioned that as being a -- a
24 form manual per se, just a -- an overview really, as you
25 say, to educate and familiarize.

1 So I don't know AOPC are the ones that would
2 ultimately do that. And I doubt they would be putting
3 specific forms in that somebody would say, Oh, I can just
4 fill this out and take care of it myself. I think we have
5 to be very careful as to how that is ultimately drafted.

6 But I'm sure AOPC will -- will not impinge on
7 the need for attorneys. We definitely don't want to do
8 that. The last thing we want to do is --

9 MS. THOMAS: And I agree with you about the
10 manual. It's just been our experience that in Florida,
11 they've included all the forms in that. And
12 that's -- that's why I brought that out. And if I can back
13 up about the family information statement, I agree with
14 you.

15 I don't -- but I think the legislation has to
16 be more specific in terms of what the sanctions would be.
17 And I guess what I was trying to say, for pro se litigants
18 who may not understand or for folks who may not understand
19 what the impact of not filing the statement would have on
20 their case, number one; but then if we're going to educate
21 people, then I think it will take care of that.

22 And also for folks who may have language
23 barriers of some sort. And I hope that there would be
24 some -- and I'm assuming, making that assumption, that it
25 will be made available along with any legislation.

1 **REPRESENTATIVE MASLAND:** Well, I'm sure we'll
2 have to be very careful about both those issues. So I'm
3 glad you raised them. But hopefully, we can -- we can
4 address that, maybe not so much in the legislation, but in
5 dealing with AOPC on some of that. But thank you.

6 **MS. THOMAS:** Thank you very much.

7 **CHAIRPERSON COHEN:** Thank you. I think that
8 some of the comments that we've heard throughout the years
9 working on this project, I have to say we've had very few
10 complaints about attorneys. They have indeed protected,
11 and that's what they're charged with doing.

12 They have protected their clients and have, I
13 would say in 99 percent of the cases that have been brought
14 to our attention, well-represented the people who are going
15 through this process and have done a more than commendable
16 job. So there's -- we don't have any problem with -- with
17 the bar. Representative Walko.

18 **REPRESENTATIVE WALKO:** Thank you, Ms.
19 Chairman. Ms. Thomas, you seem to wholeheartedly endorse
20 without reservation the idea of consolidating to one
21 team/one judge/one case. And as Representative Cohen
22 alluded to earlier in Allegheny County, that's been done or
23 is being done voluntarily under the leadership of Judge
24 Baer and now Judge Mulligan.

25 I was wondering, in your activities in the

1 bench/bar here in Dauphin County if there has been any
2 indication of movement toward that concept here in Dauphin
3 County?

4 MS. THOMAS: There has been limited movement
5 towards that concept here. I think there are judges on the
6 bench who certainly endorse the concept. I think some
7 of -- I think it's less fragmented than it has been in the
8 past. We now have one judge who hears support cases as
9 well as protection from abuse.

10 However, custody is still with a separate
11 judge even though in many of the instances where we're
12 getting protection from abuse orders for individuals, we
13 also have to then go in front of another judge for the
14 custody aspect of it. And we start the support proceedings
15 someplace else.

16 And I think some move -- again, I
17 wholeheartedly endorse the unified court system. I know
18 what's going on in Allegheny County. I have colleagues of
19 mine who have come from Maryland. Baltimore has such a
20 system in place. Florida has made attempts.

21 One of the problems I have with Florida -- I
22 already pointed it out -- is the manual with the forms.
23 And I know of other places that do it, and it works well.

24 REPRESENTATIVE WALKO: So it would seem to me
25 then if this legislation is necessary, if we were to

1 effectuate this in Dauphin County and perhaps other
2 counties currently --

3 MS. THOMAS: Yes, I think we have to have
4 consistency. That's the other thing. I think it's
5 probably been pointed out many, many times. With the 60
6 judicial districts, we have 60 things going on. Out of our
7 particular office, we also service Perry County right
8 across the river over there. And we get different results.

9 I mean, it's a smaller county, two judge
10 county. We have eight in Dauphin here, but we get
11 different results. We get eight different results in
12 Dauphin County sometimes. So I think some consistency is
13 definitely needed in these types of cases.

14 REPRESENTATIVE WALKO: And certainly, with
15 society being more and more mobile and more transient, that
16 would even bolster the argument.

17 MS. THOMAS: Yes, yes. We've had in the last
18 two months two intrastate custody cases. And I think
19 you're right. Society is very mobile. People are moving
20 from place to place. And I think you're exactly right.
21 And even within the state so --

22 REPRESENTATIVE WALKO: Thank you, Ms. Thomas.

23 MS. THOMAS: Thank you very much.

24 CHAIRPERSON COHEN: I believe within the
25 remaining two minutes Representative Hennessey has a

1 question.

2 MS. THOMAS: Oh, okay.

3 REPRESENTATIVE HENNESSEY: Thank you, Madam
4 Chairman. Ms. Thomas, with regard to the Section 7216, the
5 new emphasis on, I guess, non -- non -- not bifurcating
6 various aspects of the divorce and family issues, how do
7 you feel about that?

8 How would it affect your clientele? And
9 how -- it would seem to me that lots of times, especially
10 when there are substantial property issues involved,
11 bifurcation is sometimes seen as a favorable thing. You
12 represent the legal services clientele. So perhaps their
13 property issues aren't as substantial, but certainly
14 they're important to them.

15 How do you feel about this -- the new emphasis
16 which, as I read it, would say that unless there are
17 exceptional circumstances, that no divorce can be issued,
18 no divorce decree could be issued until all of the other
19 ancillary matters are resolved as well?

20 MS. THOMAS: Again, I think that that would
21 only serve justice. I think that that is the way in which
22 to do things. I think it's -- you're right in that many of
23 our clients don't have those type of property issues.
24 However, a woman recently came to us for service where
25 there is -- this divorce has been going on for a number of

1 years.

2 There's tremendous assets involved. So we
3 could not serve her. And some aspects of the divorce are
4 finalized; but the property distribution, et cetera, et
5 cetera isn't. And she's been trying to get this matter
6 concluded for, I think, about three or four years now.

7 And she's run out of money for attorneys, her
8 attorneys. So that's why she presented herself to our
9 office. But however, because of the assets that were
10 involved, we couldn't serve her. But it's been going on
11 for a very long time. And I can't see that how it's helped
12 her situation in her life.

13 And I felt very bad telling her that we
14 weren't able to help her.

15 REPRESENTATIVE HENNESSEY: And then she agreed
16 initially to a bifurcation in the aspects of the divorce
17 proceeding?

18 MS. THOMAS: Yes, she did.

19 REPRESENTATIVE HENNESSEY: She did?

20 MS. THOMAS: Yes.

21 REPRESENTATIVE HENNESSEY: All right. But
22 moving away from her individual case, as far as your
23 clientele generally are considered or are concerned, do you
24 think that bifurcation or non-bifurcation is a better
25 process for the courts to adopt as a general policy?

1 MS. THOMAS: I think non-bifurcation. I think
2 any time that you can get a matter resolved, you should be
3 able to do that because it gets people the chance to move
4 their lives ahead. And you're still dealing with one
5 matter out here that's hanging on.

6 I think it does nothing to help people to move
7 ahead and to leave what's ever happened in the past in the
8 past and to try and now rebuild their lives. I think our
9 clients -- I'm certainly in favor of it.

10 REPRESENTATIVE HENNESSEY: Okay. Thank you.

11 CHAIRPERSON COHEN: Thank you, Ms. Thomas.

12 MS. THOMAS: Thank you.

13 CHAIRPERSON COHEN: We certainly appreciate
14 your being here. The next person to make a presentation to
15 us is Sharon Myers, who I believe will talk to us about her
16 experiences as a consumer in the system. Ms. Myers, you
17 may proceed.

18 (Discussion off the record.)

19 MS. MYERS: Thank you. Good afternoon, ladies
20 and gentlemen of the House Judiciary Task Force on Domestic
21 Relations. My name is Sharon Myers, and I am here at the
22 request of Representative Lita Cohen to testify about the
23 experiences of my family under the current procedure in the
24 Commonwealth for litigating various aspects of family law
25 cases, specifically divorce, custody, child support,

1 alimony, and equitable distribution of marital property.

2 I appreciate this opportunity to share my
3 story. In October 1996, I left my marriage of 22 years.
4 For me, it had become intolerable for reasons which are
5 unimportant for today's discussion, described in legal
6 terms as irretrievable breakdown or irreconcilable
7 differences.

8 Many efforts to save the relationship had
9 failed. So I made the most difficult and painful decision
10 of my life. Excuse me.

11 CHAIRPERSON COHEN: That's fine. Just take
12 your time.

13 MS. MYERS: Knowing that my husband would not
14 leave the marital home and would not permit me to leave
15 peacefully, I left with our three children, all boys, ages
16 8, 10 and 13, while he was out of town. I filed for child
17 support immediately and filed for divorce three months
18 later.

19 Today, three and a half years later, these are
20 my statistics: Regarding child support, I filed for child
21 support with domestic relations effective the day of
22 separation, which would have been in October of 1996.
23 Based on our tax returns for the past three years, I was
24 awarded \$1,100 per month for the three children.

25 Five months after filing, I still had received

1 nothing. So I requested enforcement of the order through
2 my domestic relations hearing officer. Two months after my
3 request, a hearing before the president judge was
4 scheduled. By that time, my husband had changed jobs.

5 And the support amount was reduced to \$600,
6 and he was wage attached at that time. A year after that
7 ruling, payment stopped for three months. And I again
8 requested enforcement. By the time another hearing was
9 scheduled, again, two months after my request, my husband
10 had again changed jobs. And the amount of support was
11 reduced to \$400 where it remains today.

12 This is for three children, all boys, who are
13 now ages 16, 14 and 11. I believe the structure of the
14 court allowed for delayed resolution and manipulation of
15 the system which resulted in unfair reduction of child
16 support creating financial hardships for my children and
17 me.

18 Regarding custody, from the time of
19 separation, I have had primary physical custody of my
20 children. After initially agreeing that I should have
21 custody with liberal visitation scheduled by the two of us,
22 my husband then sought primary physical custody through the
23 court; and we were scheduled for a hearing with the custody
24 conciliator.

25 The conciliator maintained that I should

1 retain custody. And because my husband was unhappy with
2 that decision and arrangement, she scheduled a hearing
3 before our assigned custody judge. And this was somebody
4 different from the president judge with regard to support.

5 Prior to the hearing, we were ordered into a
6 custody evaluation with a psychologist certified as a
7 custody evaluator. The evaluation began in the spring of
8 1997 and took nearly three months to complete. We did not
9 receive the report until January 1998.

10 We were then ordered back to conciliation,
11 which took place in April 1998, where my husband was denied
12 his request but granted a modification of the order
13 reflecting the evaluator's recommendations. A year later,
14 in April 1999, my husband filed again for another
15 modification.

16 We were ordered back to conciliation, which
17 took place three months later in June of 1999. No changes
18 were agreed upon. So we were scheduled for court again in
19 late July of 1999 before a custody judge. The custody
20 judge ordered visitation only for the youngest, who was
21 then 11 and is still 11 now.

22 Throughout this process, my husband has
23 refused to talk with me and only communicates with me by
24 written memo or through the children. Repeated attempts on
25 my part of negotiation outside of the legal system had been

1 refused. The cost for all of us, both financial and
2 emotional, has been and continues to be enormous.

3 Following is a case in point: Shortly after
4 custody court, my youngest experienced an anxiety attack
5 and subsequent acute hyperventilation in anticipation of
6 bearing the burden of visitation alone without his
7 brothers. After two hours, I took him to the hospital
8 emergency room where we were referred to a crisis
9 intervention counselor.

10 In talking privately with my son, then with
11 me, the counselor wrote a report saying he could not advise
12 me not to send my son on his regularly scheduled visit
13 since it was court ordered but he would back my decision to
14 do so. In an effort to comply with the custody order, I
15 called my husband and left a message saying my son was too
16 ill to visit this weekend.

17 And I may interject here that this was the
18 first time in three years that I had not sent this child on
19 a regularly scheduled visit. I asked him to call me and
20 also gave him the names of the counselor and the doctor on
21 call at the hospital.

22 The first communication I received from him
23 was two weeks later in the form of a complaint for
24 contempt. A month and a half later, a hearing was
25 scheduled before a custody judge. And I was found in

1 contempt for not sending the child on a court-ordered
2 visit.

3 The sanctions, however, were not against me
4 but against my 11-year-old son. Because of my decision,
5 made what I believe to be in his best interest at the time,
6 my son was ordered to make up the missed weekend, plus go
7 an extra weekend when he normally would have been with me.

8 Surely a better way can be found which is not
9 so time consuming, costly, and emotionally draining.
10 Regarding divorce, equitable distribution and alimony, I
11 filed for divorce in January 1996. After two years of
12 repeated continued and protracted attempts by our attorneys
13 to settle this case, it became apparent that a divorce
14 master was necessary.

15 Our first hearing was scheduled in August of
16 1998. Due to a conflict in attorneys' schedules, the
17 hearing was then set for December 1998. When testimony
18 required additional time, it was continued in June of 1999.
19 The master's report was filed in August of 1999.

20 Our divorce became final in October 1999,
21 nearly three years after the initial filing. By this time,
22 my attorney's fees approached \$27,000, which is far beyond
23 my ability to pay. I filed bankruptcy, and I've lost my
24 house to foreclosure.

25 All awards in equitable distribution were kept

1 by my attorney to offset fees which had continued to accrue
2 and gone unpaid with the expectation of receiving some
3 money in the divorce settlement. I received no alimony. I
4 still have an outstanding balance due to my attorney of
5 \$5,700.

6 In recent custody disputes, which are ongoing,
7 requiring the conciliator, I have represented myself. And
8 please keep in mind that these financial statistics are
9 mine only. I can only assume and surmise that my
10 ex-husband's fees and costs are similar.

11 The facts presented thus far represent only a
12 small portion of the ordeal my family has experienced.
13 Each depiction occurred in a separate branch of the system
14 with separate staff and judges specific to each branch.
15 Because the current system is adversarial and segmented,
16 the result has been aptly described in Section 7202 of
17 House Bill 1977 as overly lengthy and costly and only
18 serves to deepen the wounds caused by family breakup.

19 The emotional toll has no measure, especially
20 on those innocently caught in the middle of the fray, the
21 children. I cannot begin to tell you how my children have
22 suffered through all of this and continue to suffer because
23 of it.

24 House Bills 1976 and 1977 from a layman's
25 point of view offer some hope, compassion, and sanity to

1 those facing the trauma involved in restructuring a family
2 regardless of the individual circumstances. I believe the
3 proposed system of one team/one judge/one family would have
4 been extremely helpful to me and my family in navigating
5 these very troubled waters.

6 I am encouraged by the goals set by the Task
7 Force in reforming family case law, particularly those
8 which focus on: One, enabling family members to deal with
9 the same court officers and staff each time they need the
10 court's dispute resolution services.

11 And I digress from my notes here just to say
12 it would have also been helpful because of opposing
13 testimony which was given in the different branches,
14 depending on how it served the purposes of the situation.
15 Two, reducing duplication and fragmentation of court
16 events; three, deciding family litigation cases speedily,
17 efficiently, fairly and cost efficiently; and four, giving
18 increased attention to the emotional stress experienced by
19 all the parties but especially ongoing trauma and
20 far-reaching effects for children.

21 I realize that no legislation can remove all
22 the hurt and pain; but certainly, the proposed legislation
23 contained in House Bills 1976 and 1977 begin the process of
24 much needed reform. And again, I thank you for this
25 opportunity to share my family's experiences.

1 CHAIRPERSON COHEN: Sharon, you and I have
2 spoken before. And I just want to commend you and thank
3 you for your courage in making the presentation here today.
4 It is unfortunate that Judge Kleinfelter left and didn't
5 hear your presentation.

6 But we are going to send him a copy of what
7 you've written because I believe that you are just one
8 example. They say misery loves company. We've heard
9 thousands of cases. Each one obviously is different. But
10 we've heard thousands like yours where people have been
11 done in in a domestic personal situation and then come
12 seeking relief to the people that are supposed to
13 administer justice and are only caused more pain.

14 So you are just an example. And we certainly
15 appreciate your courage today to come here and give us your
16 own personal story. I'd like to welcome Representative
17 Dermody to these hearings. Representative Masland, I think
18 you had a comment or a question?

19 REPRESENTATIVE MASLAND: Yeah. Just a brief
20 thank you, Sharon, for coming forward. We've talked
21 obviously a number of times. And I think your case is just
22 one of those examples that we need to share with other
23 people out there as to why we need to address the system.

24 As you say, no system is going to remove all
25 the pain. But we can at least seek to minimize it and at

1 least not make it worse. And that is sadly, I think, the
2 case with our fragmented system. So I thank you again for
3 sharing -- sharing your testimony.

4 MS. MYERS: You're welcome. I appreciate it.

5 CHAIRPERSON COHEN: Representative Hennessey.

6 REPRESENTATIVE HENNESSEY: Thank you, Madam
7 Chairman. Ms. Myers, if I can just focus for a moment on
8 the child support aspect of your situation. Initially, you
9 were ordered \$1,100 a month, and it was reduced to 600, and
10 it was reduced to 400.

11 Were these as a result of voluntary reductions
12 in salary that your husband had somehow managed to achieve
13 because if they were --

14 MS. MYERS: Yes.

15 REPRESENTATIVE HENNESSEY: -- it seems
16 difficult to understand why the court would sanction
17 because, you know, the laws -- the law is clear, I think,
18 and the rules of court are very clear that voluntary
19 reductions in salary, choices made to take a lesser paying
20 job with the intent of, you know, having a downward effect
21 on the amount you're supposed to pay and the monthly
22 support payments is not supposed to be sanctioned by the
23 court.

24 MS. MYERS: We never got to court specifically
25 on child support. All of our issues were settled out of

1 court and sometimes on the courthouse steps. As it was
2 explained to me, we wanted the man to work. To put him in
3 jail or whatever means that he wouldn't be working.

4 So the alternative was to have him working and
5 at least get something. And also, as I say, he -- yes, it
6 was voluntary reduction. During the course of our
7 marriage -- as I said, it was 22 years -- after my first
8 child was born, I had the privilege of staying at home with
9 my children for 11 years.

10 So this man supported me and three children as
11 an at-home mom in, I would say, comfortable middle class
12 accommodations in a salary between 50- to 70-, 75,000 a
13 year, give or take. By the time we got to this stage, I
14 was working, having been basically forced back to work
15 because he had quit working.

16 He was an independent insurance salesperson.
17 So that made wage attachment difficult and also because
18 there were -- it's an independent thing, self-employment.
19 That made the issues a little different, too, than somebody
20 who is employed by somebody else where you can just go in,
21 get earning statements and wage attached.

22 There were business expenses that were taken
23 into account as well. So he quit the insurance business at
24 that point and took a job at 22,000, after two months
25 decided that was not working for him. I don't know. By

1 that time, he and I were not talking.

2 The next time we went back, he had taken a job
3 at a salary of 16,500 per year. And that's what my support
4 is based on.

5 REPRESENTATIVE HENNESSEY: Okay. But just to
6 follow up, it was not a court decree that said this was
7 what you were supposed to get. It was a matter before you
8 ever got and presented that to the court, both attorneys,
9 yours and his, worked it out; and you agreed to that. And
10 then it was a result of that agreement that you --

11 MS. MYERS: On the advice of my attorney, yes.
12 She felt that that was the better way to go as opposed to
13 continued litigation where I may not receive any more at
14 that point. And that's -- as I say, that's what I receive
15 now.

16 REPRESENTATIVE HENNESSEY: Okay. I was
17 just -- I'm glad you clarified that because it seemed to be
18 clear from my recollection of the domestic relations rules
19 and the statutes that support those rules, that voluntary
20 reductions in salary were not to be accounted by any court.

21 Of course, if you turned around and agreed to
22 something --

23 MS. MYERS: It sounds good, sir. But in
24 reality, when you go to enforce these things, I was hit
25 anyway with all kinds of distractions. I don't know what

1 else to call them. That it wasn't as clear. I would -- I
2 would read the law.

3 And I would ask that the hearing
4 officer -- which you have to do in writing. You cannot
5 just call them on the telephone and say -- or I had to do
6 it through my attorney. And sometimes I would contact my
7 hearing officer on my own and say, Can't you please enforce
8 according to domestic relations code, title dah, dah, dah,
9 dah, dah, section blah, blah, blah, blah. And no, couldn't
10 do it.

11 There was always something that got in the
12 way. And after a while, you give up. And you say, well --

13 REPRESENTATIVE HENNESSEY: And you take the
14 most practical approach --

15 MS. MYERS: Exactly.

16 REPRESENTATIVE HENNESSEY: -- as opposed to
17 the letter of the law.

18 MS. MYERS: Exactly. And in respect with
19 that, as with other cases or other segments of my case, my
20 attorney often referred to the fact that many of her
21 clients had files; that I had boxes. And my domestic
22 relations box was like this (indicating).

23 My divorce box was like this (indicating). My
24 custody box was like this (indicating). And we would go
25 through mounds and mounds of paper because I am dealing

1 with a litigious man who, when you talk about a pro se
2 manual, scares me to death because I'm dealing with a legal
3 want-to-be who continues to file contempt against me and
4 bring me back under legal action for nothing at all.

5 REPRESENTATIVE HENNESSEY: Thank you very
6 much.

7 MS. MYERS: You're welcome.

8 CHAIRPERSON COHEN: Again, thank you so much.
9 We appreciate your being here. And I think we have a lot
10 to learn from your testimony. Thank you very much.

11 MS. MYERS: You're welcome. Again, I
12 appreciate the opportunity to share. I hope I have not
13 used this as a full room to vent, but it has been --

14 CHAIRPERSON COHEN: No, no. We admire and
15 respect your courage. Thank you.

16 MS. MYERS: Thank you.

17 CHAIRPERSON COHEN: The next person to appear
18 before us is Michael Viola, the chair-elect of the Family
19 Law Section of the Philadelphia Bar Association. Mr.
20 Viola, welcome.

21 MR. VIOLA: Thank you. I feel like I should
22 be wearing a black hat being an attorney testifying. Good
23 afternoon, ladies and gentlemen. My name is Michael Viola.
24 I'm an attorney with the Law Firm of Shainberg and Viola in
25 Philadelphia. It's my honor to share with you some

1 thoughts about House Bill 1976 and House Bill 1977.

2 I address you today on behalf of the Family
3 Law Section of the Philadelphia Bar Association, of which I
4 am chair-elect. At the outset, please let me explain the
5 perspective I bring with regard to family law. The Family
6 Law Section consists of attorneys who practice in all areas
7 of domestic relations.

8 We are private attorneys. We're attorneys who
9 work for and volunteer for public service organizations.
10 We are attorneys who work for the family court division in
11 Philadelphia. We are involved in divorce, custody,
12 support, adoption, dependency, and domestic violence cases.

13 We handle simple and complex cases. We bill
14 our time. We provide free legal representation. All
15 family law attorneys are welcome to our meeting table.
16 Many perspectives are brought to the table whenever the
17 Family Law Section meets.

18 It is with the collective experience of its
19 members that the Family Law Section has reviewed and
20 discussed House Bills 1976 and 1977. These House Bills
21 call for the restructuring of family courts throughout the
22 Commonwealth to create what has been referred to as a
23 unified family court system.

24 The Family Law Section recognizes one of the
25 goals of a unified family court system is for the prompt

1 resolution of custody, divorce, and support matters. The
2 Family Law Section would favor an expedited process for the
3 administration of family law cases.

4 However, we do not believe that the structure
5 established by House Bills 1976 and 1977 is the best way to
6 create a unified family court system in Pennsylvania. If I
7 may, I'd like to explain why the Family Law Section is
8 opposed to House Bills 1976 and 1977 by use of an analogy.

9 Imagine three separate apartment buildings on
10 Government Street in Pennsylvania. Each apartment building
11 has a different owner. One is owned by Mr. Executive, the
12 second by Ms. Legislature, and the third is owned by Mr.
13 and Mrs. Court.

14 As an aside, I wanted to have some parity with
15 the three houses, male, female, and one joint. Each owner
16 determines what happens in his or her respective building.
17 Together, these landlords make sure Government Street
18 operates safely and for the benefit of the whole
19 neighborhood.

20 Mr. and Mrs. Court have established rules for
21 their building as to what the tenants can and cannot do in
22 their apartments. These rules apply to everyone who lives
23 in the apartment building. Mr. and Mrs. Court have
24 established these rules based upon what resources they have
25 and the needs of their tenants.

1 They monitor their tenants to make sure the
2 apartment building operates smoothly. House Bill 1976
3 calls for amendments of the Pennsylvania Constitution with
4 the creation of a unified family court system by statute.
5 This would be similar to Ms. Legislature telling Mr. and
6 Mrs. Court how to run their apartment building.

7 The administration of the courts is within the
8 control of the Pennsylvania Supreme Court. House Bill 1976
9 attempts to usurp that control from the judicial branch and
10 place it in the control of the legislative branch.
11 Citizens in Pennsylvania would not want the Legislature
12 dictating how they should run their households and their
13 family.

14 We would not be in favor of the Legislature
15 dictating how family courts throughout the Commonwealth
16 should be administered. The Family Law Section of the
17 Philadelphia Bar Association opposes the constitutional
18 amendments suggested by House Bill 1976.

19 In a similar vein, the Family Law Section of
20 the Philadelphia Bar Association opposes House Bill 1977
21 which intends to create the unified family court system.
22 As I stated before, the section is in favor of the prompt
23 adjudication of family law cases.

24 Members of the section believe a system
25 whereby the same judge presides over all aspects of a

1 family's domestic relations matter may result in the faster
2 processing of cases through the legal system. However, the
3 Family Law Section has identified some flaws within House
4 Bill 1977, which warrant our opposition to the bill.

5 House Bill 1977 mandates sweeping changes to
6 the administration of family courts which may require
7 hiring and/or training additional court personnel without
8 providing a mechanism for the funding of such changes. If
9 there is insufficient funding, the changes required under
10 House Bill 1977 may not be implemented completely or
11 properly.

12 This may result in further delays, which the
13 legislation is trying to avoid. The transition to a
14 complete unified family court system under House Bill 1977
15 would also result in considerable delays in the
16 administration of family court matters in counties like
17 Philadelphia where there's a high volume of family court
18 cases, which again undermines the purpose of the unified
19 family court system.

20 As a brief aside, approximately 80 to 85
21 percent of the cases being handled in Philadelphia by the
22 family court system involve pro se litigants. There are
23 only attorneys in about 15 to 20 percent of the cases.
24 House Bill 1977, by removing the administration of the
25 family courts from the Supreme Court, enables the

1 legislative branch to micromanage the daily management of
2 family court matters without regard for the specific needs
3 and resources of the individual counties.

4 It divests individual counties of the
5 abilities to determine the role of masters in family court
6 matters based on the particular needs and resources of the
7 county. It's like your neighbor telling you how to run
8 your household and how to spend your money.

9 Individual programs within the unified court
10 system outlined in House Bill 1977 can place an undue
11 burden on the family members that the system is designed to
12 assist. The legislative branch should defer to the
13 experience of the Supreme Court in areas such as the use of
14 masters in family law matters, the mandatory education of
15 judges and masters, and the creation of a system whereby
16 the same judge handles all matters involving a single
17 family in family court.

18 Let the Supreme Court work in concert with the
19 individual county courts to develop rules to gradually
20 implement a system similar to the one envisioned by House
21 Bill 1976 and 1977. Thank you. And if I may, just to
22 follow up with the prior testimony.

23 Having heard Ms. Myers' situation, it's a
24 situation I'm very familiar with, having represented
25 clients in situations similar to Ms. Myers' and on the

1 other side. My concern is that the system being suggested
2 by House Bills 1976 and 1977 would not address some of
3 those needs.

4 There would still be the issue of problems
5 with contempt of custody cases. The problem is the
6 remedies that are available, not necessarily the system for
7 implementing it. If a litigant is going to constantly
8 change his or her income, you're always going to be back in
9 court in a modification of support.

10 This system doesn't necessarily alleviate some
11 of the concerns which Ms. Myers had. And I just noticed
12 that listening to her testimony based on my understanding
13 of the House Bills. Thank you.

14 CHAIRPERSON COHEN: Thank you, Mr. Viola.
15 Don't leave. I've got some comments. And I'm sure that
16 some of the other members of the Task Force -- and I
17 think -- yes, we are all attorneys sitting here. First of
18 all, let me say that we strive for perfection.

19 We would love to carve legislation which is
20 not only perfect but makes everyone happy and which deals
21 with all situations perfectly. It ain't going to happen.
22 We know that. We try. But there is no way that we will
23 ever be able in any aspect of the law to carve legislation
24 which makes everybody happy and which is perfect and which
25 deals with every aspect of a domestic situation.

1 Someone testified -- Ms. Thomas, I think,
2 testified before, Why didn't we include adoption? There is
3 an Adoption Task Force, of which I am a member. But we
4 simply cannot make each House Bill all-encompassing and
5 deal with every aspect of every domestic situation.

6 We do our best. And certainly, I passionately
7 believe that with all the limitations that there are in
8 1976 and 1977, it's better than the situation that appears
9 today. You've -- you've touched a nerve when you said,
10 "Let the Supreme Court work in concert with individual
11 county courts to develop rules to gradually implement a
12 system similar to the one envisioned by 1976 and 1977."

13 Where's the court been all these years? Ms.
14 Myers is not alone, and she's not unique. She's one of
15 thousands that we've heard through several years. We
16 didn't just come upon these House Bills. We've been
17 working on these situations for years. And she's not
18 alone. She's one of thousands.

19 And that's just the tip of the iceberg that
20 we've heard from. You and people that are sitting in this
21 room that represent the Bar Association and the attorneys
22 hear many more cases that are unsatisfactorily handled
23 within the courts. Something's got to be done.

24 And I've said this at other hearings when
25 other judges have testified. Where have you been all these

1 years because time after time, judges have come before us
2 to say, We've begun implementing or we're going to
3 implement or we've recently implemented.

4 Did it start with the Legislature that we had
5 to wake up these people to have them implement rules? So I
6 respect what you've said, "Let the Supreme Court work in
7 concert with the county courts." But they haven't. And we
8 the people who represent the people have no guarantee that
9 they'll do it, or that they will do it and then change
10 their minds and slacken off.

11 So I think that that's very important for you
12 to understand our perspective. You've talked about
13 funding. There are dollars that are wasted year after
14 year, federal dollars as well as state dollars, that we can
15 use to implement the system.

16 I think everyone sitting here -- and I think
17 I can speak for all 203 members of the Pennsylvania
18 Legislature -- we customarily do not introduce frivolous
19 legislation. There's a fiscal note attached to every
20 single legislation, every single piece of legislation.

21 We have made provisions to pay for this
22 legislation, or else I certainly would not have introduced
23 this legislation. So there definitely is funding. You've
24 also taken issue with the separation of powers reasoning.

25 And again, I don't know if you were in the

1 room when we started this -- this hearing. But again,
2 historically, the Legislature, through its laws and through
3 constitutional amendments, has on many occasions prescribed
4 rules and regulations for the courts. We've done it.

5 We used to do it before the Code of Evidence
6 was adopted. We do it again regulating the number of
7 judges, the cases that can be heard. And I can go on and
8 on and on to describe when the Legislature indeed has set
9 rules and regulations for the courts.

10 And again, I'm willing to let the people
11 decide. When we adopt this -- and as you know, to achieve
12 a constitutional amendment, it has to be heard -- it has to
13 be dealt with two separate sessions of the Legislature. We
14 are assuming -- we're hoping and our goal is to put this on
15 the ballot in the spring primary of 2001.

16 And again, I would bet -- and I don't usually
17 bet -- but I'm telling you that I would bet that this
18 constitutional amendment will pass overwhelmingly because
19 the people are screaming for help; and they're not getting
20 it from the court. It's -- it's that simple.

21 MR. VIOLA: If I may respond.

22 CHAIRPERSON COHEN: Please do.

23 MR. VIOLA: I can only give you the
24 perspective for Philadelphia because that's what I'm
25 hearing. Philadelphia has in place -- had in place for

1 several years what they refer to as a one judge/one family
2 system.

3 CHAIRPERSON COHEN: And excuse me. I have to
4 tell you again, I introduced my presentation this morning
5 by complimenting Judge Panepinto. And we've worked with
6 him. And the system is working very well in the
7 Philadelphia --

8 MR. VIOLA: The other thing I would like to
9 point out is -- and this is not through my personal
10 experience. But this gets to my point with regard to the
11 individual resources within the county -- Philadelphia has
12 what they've done as a day forward/day backward program as
13 a way to resolve some of the backlog in the dockets for the
14 civil cases.

15 I have not had any experience in that program,
16 but I have only heard about it. And it's been able to
17 eliminate a large portion of the docket for all the backed
18 up cases that were in the Philadelphia system. That type
19 of change, which is a restructuring of how court cases are
20 handled in Philadelphia, was done by the Philadelphia
21 courts looking at what its resources were and what its
22 needs were.

23 That's why I brought that point out with
24 regard to my statement because I think the individual
25 county, specifically Philadelphia which has such a huge

1 volume of cases, such a huge volume of pro se cases, can
2 best address its needs.

3 A structure, which is being suggested by these
4 House Bills, may work in some counties but may not work in
5 all counties because of their different needs. Some
6 counties have two judges. Philadelphia family court has 11
7 judges in domestic relations.

8 That separates out the dependency aspect of
9 family court, and that separates out all the other civil
10 and criminal matters. And we have 11 just hearing divorce,
11 custody, support, and protection from abuse. The adoption
12 cases tend to be heard in the same building as the
13 dependency cases, though those are actually different
14 judges.

15 So it's a matter of -- Philadelphia has
16 different resources, different needs. And on the one hand,
17 I personally believe that this statute is opening up some
18 eyes, saying, you know, maybe we aren't acting on it fast
19 enough.

20 If it gets -- if it gets judges and counties
21 to move, great. But I think personally that dropping a
22 structure down and saying it has to be done this way may
23 cause more problems and may end up backing things up even
24 further than what you originally envisioned. Thank you.

25 CHAIRPERSON COHEN: Thank you. I believe we

1 have some members that have some questions. Representative
2 Masland.

3 REPRESENTATIVE MASLAND: Thank you. As I look
4 at your testimony and listen to it, it seems to me that
5 your two main concerns with House Bill 1977 are, number
6 one, the funding; and number two, the transition because
7 the transition in the system might cause delays.

8 You go on to say in your last sentence that
9 you would like to see the Supreme Court implement a similar
10 system to the one we envision. So you're not saying that
11 the system isn't broken. It appears to me that you're
12 agreeing that we need to do something.

13 You're just saying that you want the court to
14 do it.

15 MR. VIOLA: We think that it's better for the
16 court to do it and in a gradual system.

17 REPRESENTATIVE MASLAND: Well, nothing happens
18 overnight. I mean, everything happens gradually. But as
19 Representative Cohen said, some things happen more
20 gradually than others and so gradually that they don't
21 happen with all due speed, that they happen with all due
22 lack of speed.

23 And I think what you need to keep in mind here
24 is we know that there's three houses. I liked the
25 Government Street. Sometimes it appears to be Sesame

1 Street. But we like the analogy. And we can't tell people
2 what exactly to do in all these different houses.

3 But if the people in one house don't talk out,
4 don't speak out when they hear a problem -- and besides the
5 roads, this is the one I get more calls about than anything
6 else in my office. And I have to say there's not a whole
7 lot we can do. We're trying to do something here.

8 Maybe indirectly by us trying to do something,
9 we'll get the court to do something. So that's one thing
10 to keep in mind. That has been shown to be the case in the
11 past where the rules of evidence, code of evidence conflict
12 that we had in our first term or now first term here for
13 the three of us back in '93/94.

14 So you're agreeing that there's a problem.
15 It's just that you want the Supreme Court to do it.

16 MR. VIOLA: Well, the other aspect that I
17 mentioned, gradually implementing it. I'm not licensed in
18 New Jersey, but I've spoken with several New Jersey
19 attorneys about their particular system. And their system
20 which is presently in place I believe took 10 to 15 years
21 to implement.

22 They were implementing the various portions of
23 it at times. This is what I've been advised. I'm
24 not -- again, I'm not licensed in New Jersey. But that's
25 what we were referring to by saying gradually implementing.

1 By setting up a process where you have the case management
2 system, the handling of motions, and the comprehensive
3 intake sheet, doing all that at once may set things back.

4 So that's why I wanted to emphasize a gradual
5 system where possibly one portion of it may be put in place
6 so that they can work things into it. The -- I'm sorry.

7 REPRESENTATIVE MASLAND: No, go ahead. Go
8 ahead and finish.

9 MR. VIOLA: And one thing I did not want to
10 get into to not take up a lot of this Committee's time is
11 when -- the members of the Philadelphia Bar Association
12 will examine this. We have 14 specific points of specific
13 provisions in these bills that we have concerns about.

14 It's not so much there's a problem with this
15 particular section. Part of it is, How does this section
16 deal with that section; how does this section deal with
17 this issue? There were more questions that were being
18 raised by the bills than so much simply saying there's a
19 problem here and there's a problem here.

20 REPRESENTATIVE MASLAND: And let me suggest
21 that you share those problems with it because that will be
22 more helpful because frankly, sir, telling us that funding
23 is a problem isn't telling us anything we don't already
24 know. Telling us that transition is a problem isn't
25 telling us anything we don't already know.

1 Whenever you change anything, there's
2 transition, there's delay, you know. We wouldn't change
3 anything if we used that as a reason not to do something.
4 So give us the specific points. That I think would be more
5 helpful.

6 MR. VIOLA: If I may, also, Representative
7 Cohen and I had a meeting scheduled for I believe it's the
8 17th. And these are the specific points that I was
9 planning on raising. I would just give some of them out
10 for example. There is a limited exception of custody cases
11 which involve domestic violence under the bill.

12 But there are many cases which deal with
13 custody in domestic violence cases. And many protection
14 from abuse orders have custody provisions in them. It's
15 not very clear are they going to be in the case management
16 system or not in the case management system. There is some
17 inconsistency or some lack of clarity.

18 There's a provision in House Bill 1977 which
19 calls for an appeal of a master decision to a judge. Is
20 that going to be a de novo hearing, is that exceptions
21 because there are different systems presently in place
22 under the rules of civil procedure?

23 Some matters in some counties go up on
24 exceptions. Other matters are de novo trials. House Bill
25 1977 doesn't clarify what the next level is when you get to

1 a judge. There are some concerns from some of the members
2 of the committee that looked into this that when you're
3 having mandatory mediation, it's no longer mediation
4 because the whole purpose of mediation is the parties want
5 to be there.

6 And when you're saying people have to be at a
7 specific location and they have to try to deal with these
8 issues, it's no longer voluntary. It undercuts the whole
9 purpose of mediation or the mediation process. There was a
10 concern that dealing -- that having the mediator work with
11 the case management team, that might affect the mediator's
12 confidentiality with the parties, which is one of the
13 underlying premises of mediation because if you have the
14 mediator talking to the other members of the case
15 management team about what happened, well, there's no
16 confidentiality anymore.

17 It wasn't clear that when the parties attend,
18 with regard to a custody case, when they go to the
19 parenting session, does that take the case out of the
20 system? How do they get back into the system? How does
21 that timetable all fall into place?

22 These were some of the specific concerns that
23 came out. That's why I said they're not always there's a
24 problem here, there's a problem there. They are questions
25 that we have as attorneys who would be practicing within

1 this structure. I can go on. I mean, I don't want to take
2 up all the --

3 REPRESENTATIVE MASLAND: I appreciate those
4 comments. If you're going to share them with
5 Representative Cohen, that's fine.

6 MR. VIOLA: Yes.

7 REPRESENTATIVE MASLAND: My only point was
8 that that would be more helpful for us today than just
9 telling us that you're worried about funding and transition
10 because we have that with literally everything we do.

11 MR. VIOLA: Well, we see it as -- these
12 specific points of clarification are things that we would
13 want to find out more information about as opposed to
14 saying this is a problem here, this is a problem here, this
15 is a problem there because we can work -- we're attorneys.
16 We can work with whatever system's in place.

17 We can work with it. We'll have no choice.
18 If a statute provides that this is what the structure's
19 going to be, attorneys will be working within the system.
20 That's what we do.

21 REPRESENTATIVE MASLAND: It's good you raise
22 those with us and hopefully with the court as well because
23 somebody has to work on those issues.

24 MR. VIOLA: Yes. Thank you.

25 CHAIRPERSON COHEN: Thank you. Counsel Dalton

1 has some questions.

2 MR. VIOLA: Yes.

3 MS. DALTON: Hi.

4 MR. VIOLA: Hi.

5 MS. DALTON: I will be at that meeting on
6 March 17th, and we'll be able to go over -- I will be able
7 to answer those questions for you point by point. I just
8 want to address what you said about New Jersey. New Jersey
9 has the largest family court in the nation.

10 Representative Cohen and I about two years ago
11 I would say -- right? -- sat down with Jeffrey Kuhn who
12 was the court administrator for family court in New Jersey
13 at that time. He's been since replaced by Mary DeLeo. And
14 Jeff has moved on to be the ADA's consultant of family
15 court reform and has gone around the country and helped
16 other jurisdictions set up family court reform.

17 So I want you to know that he's been an
18 integral part of this whole process.

19 MR. VIOLA: It's my understanding he's also
20 testified earlier.

21 MS. DALTON: Yes, he testified at our first
22 public hearing and came out in favor of the proposals,
23 which isn't a surprise because he was an integral part of
24 developing them. As for New Jersey, in 1983, I believe it
25 was, there was a constitutional amendment.

1 And even though they had a lengthy statutory
2 change in place, there was a one sentence question posed on
3 the ballot. And it was something -- again, if my memory
4 serves me correctly because I'm getting up in years -- it
5 said something like, Do you favor a change in the family
6 court in New Jersey, blah, blah, blah, blah, blah. And
7 that was the entire thing.

8 And then you're right, there has been a
9 process of change. But from the way I understand it is in
10 New Jersey -- and it is a leading court in this
11 country -- the New Jersey Supreme Court has dedicated
12 itself to ongoing change.

13 So most recently, they put out this Supreme
14 Court of New Jersey Special Committee on Matrimonial
15 Litigation Report. And I've gone through this a number of
16 times. And you will find that there are many things that
17 are in here that have wound up in House Bills 19 -- in the
18 House Bill 1977.

19 And in fact, we've actually issued another
20 report after this, rules implementing some of these
21 proposals. So I just wanted to straighten that for the
22 record that, yes, there was a constitutional amendment.
23 That's how they did it.

24 So apparently, in New Jersey, they didn't find
25 the separation of powers problems because when you take a

1 look at the whole system, the democratic system we have,
2 government derives its power from the consent of the
3 government. And so if the folks want to change their
4 constitution, they can.

5 And that's all that this Task Force is
6 recommending, that the people, as Representative Cohen has
7 so eloquently said, get a chance to decide just as they did
8 in New Jersey and just as they have done in other states.
9 And so we've looked to New Jersey many times for guidance
10 with this. Thank you, Madam Chairman.

11 CHAIRPERSON COHEN: Thank you, Counsel Dalton.
12 Mr. Viola, we look forward to pursuing these issues with
13 you --

14 MR. VIOLA: Yes.

15 CHAIRPERSON COHEN: -- in a week or so. Thank
16 you.

17 MR. VIOLA: Yes, thank you very much. I
18 appreciate your time.

19 CHAIRPERSON COHEN: Thank you. The next
20 person to speak with us is Peter Brown, who is also going
21 to present a different personal experience. Welcome, Mr.
22 Brown.

23 MR. BROWN: First of all, I would like to say
24 at the outset that I hope none of my remarks offend anybody
25 personally. This is the way I feel, but it isn't meant to

1 be offensive. Thank you for giving me this opportunity.
2 The subject of family law is very complex and difficult to
3 cover in ten minutes.

4 Some biographical background: I was born in
5 London, England in August 1939. That was bad timing.
6 After serving five years in the Royal Air Force, I
7 immigrated to the US in October 1963 and worked in the
8 banking industry until June 1989 when my employment was
9 terminated.

10 Shortly thereafter, my son's mother filed two
11 lawsuits against me, one for custody and one for support.
12 The support lawsuit started accruing immediately, long
13 before the custody trial was held. In October 1991, I was
14 incarcerated, after being unemployed for more than two
15 years, for the first time in my life at the age of 52 for
16 contempt of court, which I might add did nothing for my job
17 employment prospects.

18 I believe the present system for custody of
19 children of broken relationships does children serious
20 harm. It has been my experience that regardless of what
21 facts are given to the trial court in contested child
22 custody cases, the mother is almost always assigned the
23 status of custodial parent, while the father is given the
24 quasi criminal status of noncustodial parent or absent
25 parent.

1 I believe that the children of this
2 Commonwealth would benefit by a change in the law from the
3 present adversarial custodial/noncustodial parent regime to
4 one of shared legal and physical custody with neither
5 parent being superior to the other in the eyes of the law.

6 This quite radical change for the better would
7 reduce considerably the number of contested custody
8 lawsuits and would, of course, be detrimental to the
9 financial interests of the legal industry. I would urge
10 this Committee to give serious consideration to including
11 provisions contained in H.B. 1723, now S.B. 175, in this
12 legislation.

13 I would like to summarize a number of points
14 concerning child custody and support as the system exists
15 at present. I believe that the determination in contested
16 custody cases as to which parent will be the custodial
17 parent is being made in violation of the US Constitution.

18 Child support is, in reality, a euphemism. It
19 is, in effect, war reparation to the victorious parent,
20 very similar to the reparation demanded by France following
21 the first world war and which by bankrupting Germany
22 planted the seeds of fascism a decade later.

23 Child support should be accounted for by the
24 receiving parent in much the same way that social security
25 representative payees are required to account for benefits

1 received in the name of another person.

2 I would like to end with a quote from a letter
3 I received shortly after being released from the Lancaster
4 County Prison written by Mr. Gilbert M. Branche, who is the
5 Deputy Secretary -- or was -- in 1991 of the Department
6 of Public Welfare.

7 Quoting the last paragraph of his letter, it
8 goes, "It is unfortunate that you feel that the court
9 system is dictating your actions. However, I think it is
10 important to remember none of these actions are to benefit
11 the court. All actions have the final goal of providing
12 financial support to your son."

13 The sentiment being that -- end quote. The
14 sentiment being that you, Peter Brown, are such an
15 irresponsible, worthless human being that the courts and I
16 as a bureaucrat must intercede to protect your son.
17 Nothing could be further from the truth.

18 Government should encourage individual
19 responsibility in parents with laws that are inclusive of
20 both parents and repeal laws that have the effect of
21 removing parents.

22 CHAIRPERSON COHEN: Thank you, Mr. Brown. I
23 know this is painful for you, as it was for Ms. Myers. And
24 it is necessary for us to hear these stories so that we can
25 represent all the people who are involved in a painful

1 situation and do the best we can to ease the difficulties
2 that they are experiencing.

3 And again, we thank you for making this
4 presentation to us, painful as it is. I think it was
5 necessary for us to hear this. And we thank you. Does
6 anyone have any questions or comments? Jane.

7 MS. MENDLOW: Mr. Brown, could you advise us
8 as to your incarceration, was it related only to -- for
9 failure to provide support? The reason I'm asking that
10 question is that many domestic relations offices have
11 advised us in the past that courts are very reluctant to
12 incarcerate a parent for very long because their ultimate
13 goal is to see that person working, providing some type of
14 financial assistance for the family. Thank you.

15 MR. BROWN: The way it worked out was that I
16 had contacted the judge involved in the custody matter.
17 And a warrant had been issued for my arrest, as I
18 understand, some months earlier. And I was trying to get
19 employment. When my son was born, I was living in Upstate
20 New York.

21 And it was an 8- or 9-hour trip to come to
22 Lancaster County to visit with him every other weekend. I
23 was trying to get employment in the Albany, New York area
24 and then the Lancaster area, virtually anywhere. It was in
25 1990 and '91 when employers were not interested in hiring

1 people that were past 50 years old.

2 I went -- I called the judge at his home and
3 explained to him why I wasn't complying with the support
4 order. He said, Well, I never put people in prison that
5 are unemployed and legitimately looking for employment.
6 Well, I went to his court the following Friday, business
7 court.

8 And when I naively raised the matter of the
9 arrest warrant, I was simply taken by the sheriff's
10 deputies into the prison. I'm not sure if that answered
11 your question.

12 CHAIRPERSON COHEN: Thank you. Thank you, Mr.
13 Brown. Again, we appreciate your being here.

14 MR. BROWN: Thank you very much.

15 CHAIRPERSON COHEN: The next person to make a
16 presentation is Hubert Gilroy, Esquire. Mr. Gilroy is the
17 custody conciliator, Cumberland County, and a family law
18 practitioner. Mr. Gilroy, thank you. And you may proceed
19 at any time.

20 MR. GILROY: Thank you. If you'd indulge me
21 on two items. First of all, I bring warm regards to this
22 committee from my law partner, John Broujos, who served
23 with you approximately ten years ago. And Mr. Masland has
24 ably performed in John's place since that time.

25 CHAIRPERSON COHEN: He has indeed. We are

1 classmates. We both came in in the election of 1992. And
2 please convey to your partner that Mr. Masland has served
3 nobly.

4 MR. GILROY: We're aware of that. And we're
5 very thankful in Cumberland County. Secondly, I'd like to
6 note that with me here today is my niece, Erin Gilroy.
7 Erin, would you stand? Erin is a senior at Bloomsburg.
8 She is a fellow with the Bipartisan Management Committee
9 that the State House has formed working with your
10 colleague, Representative Keith McCall.

11 So I'm happy to be here today, especially
12 happy to have the opportunity to be here when Erin is here
13 learning about state government.

14 CHAIRPERSON COHEN: We hope that she is
15 impressed with the way the Task Force is functioning. And
16 we appreciate your being here.

17 MR. GILROY: Thank you. I appreciate the
18 opportunity to appear here today. Any time the government
19 is looking at an opportunity to expedite matters involving
20 family litigation, it can do nothing but help the citizens
21 of this Commonwealth.

22 An effort to make a more effective and
23 user-friendly procedure is certainly admirable. And we
24 wish you a great deal of luck. I only hope my comments
25 here today are in some small way an aid in your

1 determination of what the ultimate legislation should be.

2 What I'd like to do is just focus on a number
3 of areas of House Bill 1977 that drew my attention when I
4 was examining the various information that your counsel,
5 Karen Dalton, provided to me. Section 7203 proposes to
6 resolve all family litigation within six months.

7 I feel that is a fine idea. However, I
8 suggest that it is in conflict with the current divorce
9 code in Section 3301, which allows for a two-year waiting
10 period in no fault divorce where there is no joint consent.
11 It's been my experience that this two-year waiting period
12 is quite often used for a variety of reasons, sometimes a
13 tactic to -- for tactical advantage on the economic issues.

14 Quite often, the parties are sometimes simply
15 emotionally unable to make a decision on divorce. Or at
16 other times -- at other times, the parties are legitimately
17 desirous of keeping the marital unit together. I'm not
18 suggesting a shortening of that two-year time frame.

19 However, I'm suggesting that a goal of six
20 months does not jell with the suggested two-year time
21 frame. And perhaps this Committee should look at either
22 expanding your 6-month goal provision or maybe look at
23 Section 3301 with respect to the two-year waiting period
24 for no fault divorce.

25 Section 7210 and 7211 are, in my view,

1 excellent proposals. The privatization of domestic cases
2 would serve everyone well. There is really no need for
3 anyone to be involved in the intimate details of any family
4 litigation. And Section 7211, which would limit the
5 testimony of children to only those circumstances where a
6 court order would be obtained, I think is a great idea.

7 I would also suggest to this Committee that if
8 1977 gets bogged down in the process, that perhaps those
9 two Sections, 7210 and 7211, are such a good idea that they
10 maybe could be implemented with separate legislation that
11 might go through the legislative process without much
12 delay.

13 Section 7212 deals with your family
14 information statement. I'm a firm believer in domestic
15 cases to make an effort to not turn the borderline skirmish
16 into a nuclear confrontation. In many cases, you will not
17 need this family information statement at the time a
18 divorce action is filed.

19 That statement can be filed at a later date if
20 it is determined it is necessary. Requiring the parties to
21 allege abusive behavior right from the onset is going to
22 impede the opportunity to amicably resolve some cases. And
23 I think this Committee really needs to make an effort to
24 recognize that there are those folks out there who just
25 simply want an easy, uncontested divorce. And making one

1 spouse outline a history of alleged abusive behavior
2 against the other spouse would, in my view, impede that
3 process.

4 Section 7216 speaks of bifurcation. The
5 legislation would allow bifurcation by court order when you
6 have exceptional circumstances. You don't define
7 exceptional circumstances. I don't believe that's going to
8 allow a judge much -- it's going to allow a judge a lot of
9 leeway.

10 Basically, whenever the judge wants to, the
11 judge would bifurcate the divorce. You also don't provide
12 that if the parties would agree, that they could bifurcate
13 the divorce. As drafted, Section 7216 would still require
14 a court order. And conceivably, a judge might say, Well, I
15 don't see exceptional circumstances. So I'm not going to
16 allow a bifurcation.

17 Bifurcation is good. It gives the parties an
18 opportunity, though. Even though they may not be able to
19 decide their economic issues, perhaps they can move on with
20 their life in other areas. I think it should be allowed
21 without court order if the parties agree.

22 And perhaps this Committee could put forth in
23 the legislation some language to define what exceptional
24 circumstances are so at least the practitioners can make
25 some point of argument to a judge when you're trying to get

1 a bifurcation.

2 Section 7218, as I understand it, incorporates
3 some of the New Jersey law to allow the preliminary
4 decision of issues on papers filed or briefs. I think this
5 is a bad idea. Maybe it's working in New Jersey, or maybe
6 they tell you it's working.

7 But it's quite by coincidence that I spoke
8 with a friend of mine from New Jersey within the past two
9 weeks. This individual was quite frustrated over the fact
10 that their spouse filed a long affidavit, made various
11 allegations which they did not believe were accurate.

12 They were now in a position where they had to
13 file a counteraffidavit. And then the person understood
14 the matters were going to be argued before a judge, and
15 that's how a preliminary decision was going to be made on
16 custody. I think that's a bad idea.

17 This person was very frustrated. I note in
18 your initial task force report that this provision is in
19 there, and I'm going to quote. "The goal is to cut down on
20 the amount of time spent in the courthouse by families."
21 That's a good idea.

22 But the level of frustration is going to
23 exceed any appreciation that the parties might have simply
24 because they weren't there. If they're there and they're
25 listening to attorneys argue and judges ask questions and

1 they don't even get an opportunity to open their mouth,
2 they're not going to be satisfied. The case is not going
3 to be resolved.

4 I'm going to suggest to this committee that
5 perhaps you look at something different. We've had a
6 custody conciliation process in Cumberland County for ten
7 years. I've served as a conciliator since its inception.
8 The process is a case gets assigned to a conciliator.

9 And within 30 days, if we can, a conference is
10 held. The parties get to meet across the table from each
11 other. They get the opportunity to ventilate. The
12 conciliator gets an opportunity to make a judgment based
13 upon the credibility of the parties.

14 We've kept 90 percent of the custody cases out
15 of the courtroom in Cumberland County. I've heard the
16 representative from the Philadelphia Bar Association. I
17 don't know if this would work in Philadelphia, but it
18 certainly works in Cumberland County.

19 There's no reason why a similar procedure
20 can't be implemented for all domestic issues. As a
21 conciliator, I can suggest -- I can suggest to a party that
22 they're completely off the wall on a domestic issue
23 concerning custody and it will never -- they'll never win
24 in court.

25 But I could also do the same thing when it

1 comes to maybe some preliminary alimony issues or some
2 return of property issues. If conciliators were appointed,
3 it's a person who can sit down and let the parties simply
4 meet. And it's phenomenal how many people I just think
5 feel they need their day in court.

6 I don't think the citizens of the Commonwealth
7 will feel they've gotten their day in court if they simply
8 listen to their attorney argue against an affidavit. And
9 anyone who has attended argument court in any county or
10 even at any appellate court level recognizes that sometimes
11 judges may not be as sensitive to the attorneys as they
12 might be to the litigants if the litigants were present.

13 I'm only suggesting that parents need to have
14 the opportunity to control their own destiny. And one of
15 the things I preach in my custody conciliations is that the
16 judges aren't the all-knowing Wizards of Oz. And people
17 need to realize that.

18 People need to take on their own
19 decision-making process, and -- and I think they will if
20 given that opportunity. But it won't come if they're just
21 filing a 30-page affidavit that their attorney is charging
22 them for. And then they're filing other pleadings. And
23 then their attorney has to go to argument court.

24 They're going to pay more to do that than they
25 are to hire an attorney to represent them before a custody

1 conciliation process or to merely come in themselves.
2 Quite often, parties represent themselves in a conciliation
3 process. I would concur with one of your former witnesses
4 here that sometimes that's abused.

5 Those parties that represent themselves are
6 oftentimes the most difficult ones to get the cases
7 resolved within a reasonable fashion. But we're going to
8 have that 10 percent or whatever percent that we just can't
9 agree on the day of the week, and the judge is going to
10 have to decide.

11 Section 7227 talks about the appointment of
12 legal counsel. It talks about appointing legal counsel in
13 custody and support issues. I'd really be happy to hear
14 some situation where a child would need an attorney on a
15 support issue. I couldn't imagine anything.

16 And maybe there's procedures in other counties
17 that are different than what I see here in Central
18 Pennsylvania. But under our current support guidelines,
19 support is pretty cut and dried. And I just don't know why
20 a child would need it on a particular support issue.

21 Also, the statute would mandate, as drafted,
22 would mandate that an attorney be appointed in any case
23 where there's an allegation of abuse. I don't know if
24 that's wise. I would suggest you defer to the judge.
25 Unfortunately, there is a lot of abuse, spousal and child

1 abuse, in the Commonwealth.

2 But also, unfortunately, abuse has become the
3 buzzword. And many litigants advance that as -- as a
4 weapon against the other side, when sometimes it's just not
5 actually accurate. So rather than having a check in the
6 box in your family information statement that there's abuse
7 immediately triggering appointment of counsel for a child,
8 perhaps someone needs to have a preliminary determination
9 before you expend that resource that may not be necessary.

10 The family resource center under Section 7228
11 talks about providing supervised placement for children. I
12 think that's a little contradictory with your Section 7211
13 where you say you want to keep the children out of the
14 court system.

15 In the ideal situation, the kids really don't
16 need to know mom and dad are going to court. There's no
17 reason why Aunt Milly, the neighbor next door or some
18 child-care center down the street can't provide child care.
19 I appreciate the fact that there are indigent clients.

20 I deal with that quite often in the custody
21 conciliation process where we have to make adjustments for
22 people who don't even have transportation. But again, if
23 your focus is to try to allow the parties to determine
24 what's going to happen, let the parties make the threshold
25 decision that it's not a good idea to drop the kids off in

1 the basement of the courthouse to be supervised while mommy
2 or daddy are upstairs fighting it out.

3 Leave the kids at home where they belong. If
4 you don't want the kids coming to court except by court
5 order, there's no reason for them to be in a courtroom
6 setting. It sends the wrong message to the children. And
7 it also allows the parents to continue to rely upon the
8 system when the parents should -- from the beginning should
9 be determining things on their own and should be solving
10 their own problems.

11 Finally, I'd like to indicate that your
12 counsel, Karen Dalton, has provided me with a wealth of
13 information. She's been very helpful. And it's clear to
14 me that she's generally concerned about this litigation and
15 generally concerned about the people of the Commonwealth.

16 So I'd like to just take a minute to thank her
17 and suggest to this Committee that she does a fine job on
18 your behalf. I'm happy to respond to any questions.

19 CHAIRPERSON COHEN: Thank you, Mr. Gilroy.
20 And we all echo your comments about Karen Dalton. She's
21 really been the mainstay of this. She's not only been at
22 the hearings and been instrumental in researching and
23 writing these bills, but she has contacted many other
24 jurisdictions.

25 She has worked for the last several years just

1 really behind the scenes. I know some of the work that
2 she's done, that she's heard everything possible and
3 everything that's ever been published I think since
4 printing began. And she's certainly -- we're lucky to have
5 her.

6 I think probably other members have some
7 questions. I really, though, wanted to take particular
8 issue with your last point about bringing children to
9 court. I want you to know that I'm a member of the
10 Montgomery County Bar. And our court has established a
11 day-care center, a baby-sitting center, call it whatever
12 you want, because litigants simply have no other options.

13 And perhaps in your county, people have the
14 opportunity to leave the child with a neighbor or relative
15 or such. And other -- in most places throughout the
16 Commonwealth, it is unfortunate that litigants simply do
17 not have that privilege and that benefit of leaving
18 children at home or with family members or neighbors.

19 And indeed, I believe it is incumbent upon us
20 to provide the proper setting for children because people
21 simply have no other option but to bring them into the
22 court situation. We try to make our day-care centers as
23 consumer-friendly as possible.

24 And it is very costly to the taxpayers in the
25 county to do that. But I believe that we have to do that

1 rather than dragging the children into the courtroom. But
2 some people just don't have the privilege and the
3 opportunity to leave them at home, and they have to bring
4 them to court.

5 MR. GILROY: I agree that's sometimes the
6 case. But by providing the opportunity for the day-care
7 center, I think you're going to be sending a message to the
8 parties that this is there, this is government providing
9 it, and you can rely upon us.

10 I was in the Domestic Relations Office in
11 Cumberland County today, and there was a young mother there
12 with her two children. And they were just going all over
13 the place. And it would have been a great situation where
14 they -- if they were taken care of at another location
15 within the county.

16 And I sympathize with that position. I
17 sometimes find, though, that where people say -- for
18 example, in a support situation, a lot of people come in
19 and say they don't have any money; they can't pay support.
20 And the judge says, Well, did you buy your cigarettes
21 today? There's -- it's --

22 CHAIRPERSON COHEN: That's a different issue.

23 MR. GILROY: It's a difficult --

24 CHAIRPERSON COHEN: That's a different issue.

25 MR. GILROY: It's a difficult situation.

1 People need to find resolutions to sometimes their own
2 problems. And if they can find a baby-sitter for their
3 child, maybe they can find a way to settle a custody issue
4 with their spouse.

5 CHAIRPERSON COHEN: I respect that. I
6 appreciate it. Unfortunately, that's the reason that we're
7 here because people simply cannot. Thank you. I'm
8 assuming that other members -- Representative Masland.

9 REPRESENTATIVE MASLAND: Yeah. I just want to
10 say thank you to Hubert for really giving us some of the
11 feedback that will be helpful as we go over these bills.
12 That was really my point with one of the previous
13 testifiers to say don't just give us some generalities.

14 Give us some specifics so that we can really
15 work with it. And you've given us some things to look at.
16 So thank you.

17 CHAIRPERSON COHEN: Thank you. Any other
18 members? (No response.) Okay. Well --

19 MR. GILROY: Thank you very much.

20 CHAIRPERSON COHEN: -- we thank you. And we
21 hope you'll be available for -- your comments are very
22 timely. We hope you'd be available for further discussion
23 on the issues that you've raised.

24 MR. GILROY: I'll have my niece keep an eye on
25 you folks.

1 CHAIRPERSON COHEN: Okay. Thank you so much.
2 The next person to appear is Gloria Perlis. She's the
3 Court Appointed Special Advocate in the Berks County Court
4 of Common Pleas. Ms. Perlis, welcome.

5 MS. PERLIS: Thank you.

6 CHAIRPERSON COHEN: And you may begin at any
7 time.

8 MS. PERLIS: Good afternoon. My name is
9 Gloria Perlis. I reside in Lehigh County, but I am a CASA
10 in Berks County. I want to thank you for extending this
11 invitation to me to testify at this hearing concerning
12 House Bills 1976 and 1977.

13 I would like to share with you today some
14 information concerning CASAs and CASA programs. There are
15 community volunteers who speak up for children who are
16 abused and neglected. The volunteers are called court
17 appointed special advocates or CASAs.

18 Each year, over a half million children are
19 part of a real-life courtroom drama. They have committed
20 no crime. But they have been abandoned, neglected, or
21 abused by their parents and families. Today in
22 Pennsylvania, there are over 20,000 children who are
23 currently experiencing this courtroom drama.

24 And for these children in nine counties in
25 Pennsylvania, there are CASAs appointed to focus on what is

1 in the best interest of these children. A CASA's role is
2 to bring focus to the child and the child's needs in cases
3 where children have been neglected and abused.

4 CASAs add continuity, consistency,
5 timelessness, and focus to a child's life that has been
6 caught up in an overburdened child welfare system. CASAs
7 are appointed one or two cases at a time. CASAs are needed
8 because social workers and guardian ad litem are handling
9 40 or more cases at a time.

10 Neither of these parties have the time to
11 focus on the needs of each and every child. A CASA can be
12 the one person who follows the case from the moment it gets
13 to court right through to the permanent plan. And that
14 would be a secure and safe home.

15 This may include adoption or return home to a
16 relative or back to foster care. Due to changes in social
17 workers, attorneys and foster homes, the CASA can be the
18 catalyst for reform in bringing parties together to focus
19 on what is in the best interest of the child.

20 What it takes to be a CASA is commitment to
21 children, objectivity, responsibility, communication
22 skills, the ability to talk with different kinds of people,
23 some of whom will be wrestling with difficult problems, at
24 least a minimum of eight hours a month. No special
25 experience is required.

1 CASA volunteers come from all cultures, ethnic
2 backgrounds, professions, and educational backgrounds. As
3 child advocates, CASAs have three main responsibilities:
4 To serve as fact-finder for the judge by thoroughly
5 researching the background of one or perhaps two assigned
6 cases; to speak for the child in the courtroom focusing
7 exclusively on the best interests of the child. A CASA
8 provides the thorough knowledge to help a child answer
9 these profound questions; to continue to act as an advocate
10 for the child during the life of the case, which could be
11 as long as seven or eight years, ensuring the child becomes
12 a permanent -- becomes a member of a safe permanent home.

13 CASA volunteers undergo extensive training.
14 Substantial in-service training is provided on such
15 subjects as sexual and substance abuse, negotiating skills,
16 changes in the legal and welfare system and educational
17 systems.

18 Once accepted into the program, volunteers are
19 trained in courtroom procedures, social services, the
20 juvenile court system, special needs of children who have
21 been abused and neglected. Sadly, only one out of four
22 abused and neglected children currently have someone
23 speaking up for their best interests.

24 CASAs believe these children deserve every
25 chance at a safe, loving home. CASAs are trained

1 volunteers appointed by a judge to speak up for the abused
2 and neglected children in court. With information provided
3 by CASA volunteers, judges are able to make informed
4 decisions as to what is in the best interest of the child.

5 Those decisions can happen in a more timely
6 fashion so the children will have a chance at a safe, happy
7 childhood. CASA volunteers work with attorneys and social
8 workers. CASAs review records, research information, and
9 talk to everyone involved, foster parents, grandparents,
10 medical and mental health professionals, teachers, family,
11 neighbors, and of course the child.

12 From this information, a CASA can present a
13 recommendation to the judge as to what is in the best
14 interest for a child. I thank you for your time and
15 attention. And I would be glad to respond to any questions
16 that you may have.

17 CHAIRPERSON COHEN: Thank you very much. I
18 have worked with some CASAs, and your services are
19 extraordinary. I wish we could clone you into thousands
20 and thousands because your work is so effective. And as
21 they say, the proof is in the pudding.

22 And I certainly think your success stories
23 just say it all.

24 MS. PERLIS: Thank you.

25 CHAIRPERSON COHEN: I think that Counsel

1 Dalton has some comments or questions.

2 MS. DALTON: Ms. Perlis.

3 MS. PERLIS: Yes.

4 MS. DALTON: Given your background as a CASA,
5 can you tell us what you think about House Bill 1977's
6 provision of an appointment of a CASA if there's an
7 allegation of abuse? Do you think that that would be
8 helpful?

9 MS. PERLIS: Yes, I think it would be
10 extremely helpful. I think that, yes, that CASAs should
11 definitely be provided.

12 MS. DALTON: Okay. Thank you very much.

13 MS. PERLIS: You're welcome. Thank you.

14 CHAIRPERSON COHEN: Thank you very much.

15 Samuel Andes is the next person, a former custody
16 conciliator, and family law practitioner. We are ahead of
17 time. And David Vincent is not here. We're too efficient
18 I've been told. Why don't we take a break for a few
19 minutes.

20 And hopefully, Mr. Andes and Mr. Vincent will
21 return or come back or come in.

22 (A brief recess was taken.)

23 CHAIRPERSON COHEN: The next person to appear
24 before the Task Force is Samuel Andes. He's the former
25 custody conciliator and family law practitioner. Welcome,

1 Mr. Andes. We appreciate your being here. And you may
2 begin at any time.

3 MR. ANDES: Thank you very much. My name is
4 Samuel Andes. I practice law in Lemoyne. I graduated from
5 the University of Pennsylvania in 1968 and from the
6 University of Michigan Law School in 1973. And I
7 established my private practice of law in Lemoyne at that
8 time.

9 And I have remained in Lemoyne for 27 years
10 since then with an increasingly heavy concentration in
11 family law, which I mean to include divorce, child custody,
12 child support and related issues involving occasionally
13 child abuse and physical abuse of spouses.

14 I am flattered and pleased that you asked me
15 to come. And I'm very happy to give you some thoughts
16 based upon my experience. I must say that in addition to
17 being an attorney going into court to represent people,
18 I've advised literally thousands of people about their
19 marital and divorce situations and problems with their
20 children, many times in a way that never involves the court
21 because we were lucky and we can avoid that.

22 And I served for five years, from 1990 to
23 1995, as a child custody conciliator in Cumberland County.
24 And my partner in that enterprise, Hubert Gilroy, I believe
25 appeared before you just a short time ago. Hubert and I

1 were the first two conciliators, and we were pleased to
2 have the opportunity to help create that system as it
3 operates in Cumberland County.

4 And I think it might be helpful if I take one
5 minute and explain to you that the child custody
6 conciliation system in Cumberland County is different than
7 in some other counties in that the child custody
8 conciliators do not decide cases and we do not, as a rule,
9 make recommendations to the court as to how they should be
10 decided, which means that not only do we not take testimony
11 and hear evidence, but everything that people tell us is
12 somewhat off the record.

13 It's not purely confidential obviously, but
14 it's somewhat off the record in that it doesn't come back
15 to haunt them. And it makes it much easier for them to
16 negotiate in a freewheeling way, which is something that's
17 very critical to resolving any family dispute.

18 I have reviewed the bills, and I have some
19 comments on those. I think that your group is to be
20 commended for working on this. I can tell you that our
21 courts do not handle -- are not able really to handle many
22 of the problems that come before them as well as we and the
23 courts themselves may like to.

24 And that is for a lot of reasons. Certainly,
25 one is resources. Certainly, one is a heavy burden on all

1 of the other members of the court system to do other
2 things. And a lot of it's got to do with the fact that
3 unlike many other matters that come before the courts, the
4 people in divorce cases are not driven just by monetary
5 concerns or financial concerns but are driven as well by
6 emotional concerns which distract them, which upset them,
7 which prevent them from concentrating and many times
8 prevent them from doing what's in their best interest. And
9 that all makes the system much more difficult to administer
10 and to work.

11 I have a couple comments. I think that some
12 of the ideas in the bills are excellent; for example, the
13 requirement that judges and that masters receive mandatory
14 training and continuing mandatory training. I think the
15 fact that parents of children be required to attend
16 educational seminars is an excellent idea.

17 I'm sure you've heard about the parenting
18 seminar that they have in Dauphin County. And I have seen
19 good results from that. I think those kinds of ideas are
20 excellent and should be included in the bill. I also think
21 the idea that there will be an information center open at
22 the courthouse during regular courthouse hours is a good
23 idea.

24 I don't share Hubert Gilroy's concerns about
25 using that to baby-sit children. I don't know that that's

1 so critical. But I think it's very important that people,
2 when they first become involved in the system, can go
3 somewhere and get a packet of information, a booklet that
4 outlines certain information for them and can have someone
5 to talk to or to listen to them and can assure them that
6 what they're going through is something people go through
7 every day of the week in the courts and they all seem to
8 survive it.

9 There are a lot of other good ideas. I think
10 that the -- the suggestion or the hope, the goal that the
11 cases be resolved in six months is a -- is a commendable
12 goal. I don't know that it will be achievable because of
13 the emotional overlay which all too often takes more than
14 six months to dissipate or get under control.

15 And I also think it's a nice idea, an
16 excellent idea in fact, that the cases are categorized by
17 their complexity and, therefore, the length of time and the
18 amount of judicial resources they are going to take. I am
19 particularly pleased with the provision for a fund to give
20 the courts money to do things that the courts need to do.

21 When I was a child custody conciliator, I
22 found that people really desperately wanted to resolve
23 their problems. And even when they did not agree with each
24 other, they really did not want to go to court and fight
25 about it if they could avoid that.

1 However, there were some people that had cases
2 or problems that could not be addressed by the court
3 without the assistance of a psychiatrist or a psychologist
4 or some professional. And all too often, the people that
5 needed those services the most could not afford them, could
6 not pay for them.

7 And every attorney who does this, I'm sure,
8 has had that experience. And it was always a problem in
9 Cumberland County because our president judge wanted very
10 much to have the funding to have this work done. And it
11 just was not available.

12 There are some areas of the bill that I
13 think -- or the plan that I would invite you to give some
14 more thought to before you adopt. And I'm not going to go
15 into great criticism of them. But there are some things
16 that in my experience you may want to think about twice
17 before implementing.

18 The first is the family information statement.
19 And I believe Mr. Gilroy, Hubert, touched on some of those
20 concerns. I am particularly concerned where you tell
21 somebody when a case starts you've got to disclose any
22 history of violence or abuse if you include the term
23 emotional abuse because in my experience, 90 percent of
24 people that are going through a divorce or about to go
25 through a divorce feel they have been a victim of emotional

1 abuse.

2 And once one party makes the accusation, the
3 other party feels duty bound to defend it and to defend
4 themselves. I feel that that is something that certainly
5 the court needs to know if there's a history of abuse,
6 particularly sexual abuse or physical abuse of children.

7 I think that the court needs to be tipped off
8 or alerted to that. But I'm not certain this is the time
9 to do it. All too often when I was a child custody
10 conciliator, accusations were made of that type which
11 prevented the kind of freewheeling compromise that we might
12 otherwise get.

13 And all too often, in my experience when you
14 really ask and inquire what type of abuse they were talking
15 about, they were talking about loud voices, name-calling,
16 and belittling, which certainly are not to be commended.
17 But they are not the kind of thing that, if one parent
18 directs toward another, would disqualify that parent from
19 seeing their children.

20 And I'm just concerned about raising that
21 early in the case. I'm also concerned about the mandatory
22 mediation. Mediation can be a very useful tool but only
23 when both people want it to work. And in my experience,
24 when you force people to go to mediation -- and there is
25 a -- there is a county in this area that had -- still has

1 that type of program.

2 And I think they have a very, very low success
3 rate. And I'll touch on why I don't think that's a good
4 idea again in a moment. The tentative decisions that the
5 court can render I think are fine if they are limited to
6 certain procedural matters.

7 I am very concerned that people will get the
8 impression that the judge will make a decision about their
9 custody or their visitation schedule or some other
10 important personal matter without a hearing. I found when
11 I was a conciliator, sometimes the most important function
12 I served was sitting in a chair and let people talk to me
13 and knowing that there was someone there with a tie who
14 appeared to be in charge who had to be quiet and listen to
15 them for ten minutes or five minutes.

16 And I think that if you take that away or if
17 the people think they may be deprived of that, it will
18 disrupt the system and it will undermine their confidence
19 in it. One other thing. And I -- I'm not certain that I
20 read this correctly. But it would appear to me that this
21 bill would permit masters to hear custody cases.

22 And I think that would not be a wise idea. I
23 really think people feel that when it comes to their
24 children, that they ought to go to the highest possible
25 source for that decision. And I think that they will view

1 masters being assigned those tasks as a deprivation of
2 their children's rights.

3 Finally, just by way of my experience in doing
4 this for 27 years, I have found that people want to
5 solve -- most people want to solve most of their disputes.
6 When I was -- first took up the -- first assigned the task
7 of being a conciliator, I was pleasantly surprised at the
8 success rate we had.

9 The first year, more than 50 percent of our
10 cases were finally resolved at the conciliation conference.
11 And more than 90 percent of those conferences resulted in
12 an order being entered which solved the immediate problem
13 and gave people time to work on the rest.

14 And that's a success rate that continued
15 throughout the existence of the program, in part because
16 people, when they came to the conference without witnesses,
17 without having to testify, without their parents backing
18 them up and telling them what a bad guy their spouse was,
19 were a lot more flexible.

20 So you want to have that. You want to have an
21 opportunity for every person to meet with their spouse or
22 their opponent and try to work things out. But you
23 don't -- in my view, you don't want to create multiple
24 tiers that they have to get through before the matter is
25 resolved.

1 In other counties in which I practice, there
2 have been in the past multiple tiers of proceedings,
3 conciliation conference, mandatory mediation, parenting
4 seminars, pretrial conferences with judges, pretrial
5 statements, elaborate statements, sometimes discovery of
6 witnesses.

7 And as a result, the resolution gets pushed
8 off further and further. And as it does, the ill will
9 festers; and the problems become worse. So I think you
10 need to find a way. And I think your bill and the scheme
11 of your plan does that fairly.

12 You need to find a way to prevent these
13 non-confrontational methods of resolving things from
14 becoming a barrier to getting into court. There's no
15 substitute for two people that really have a disagreement
16 to get into court, have their say, and let the judge
17 decide.

18 If that's what they're going to have, the
19 sooner they have it I think the better. That concludes my
20 prepared remarks. I'll certainly try to answer your
21 questions.

22 CHAIRPERSON COHEN: Well, I certainly have no
23 questions or comments because if you're a Penn grad, then
24 you're okay. We do appreciate your being here. And we'll
25 certainly take note of your comments. It's always very

1 healthy for us to hear from people in the trenches and in
2 the real world because you really know what's happening out
3 there.

4 And so I think that your comments will be
5 absolutely duly noted. I think Representative Walko has
6 some questions.

7 MR. ANDES: Yes.

8 REPRESENTATIVE WALKO: Thank you. I commend
9 you for your Penn background. But I don't like that tie,
10 the Michigan colors.

11 MR. ANDES: Yeah, that's right. That's true.
12 My wife helped me pick this tie. I was married when I
13 attended Michigan. That's a nice tie you have on, though.
14 I have to say that's a Penn tie.

15 REPRESENTATIVE WALKO: Well, that's
16 coincidental. But anyway, I don't believe -- you didn't
17 comment on the one team/one judge/one family system. Did
18 you do so intentionally or --

19 MR. ANDES: No. Frankly, I think that's an
20 excellent idea. And in that regard, one of the -- and I
21 don't want to sound as though I'm critical of our judges
22 because our judges work hard; and they have a job I'm not
23 after.

24 CHAIRPERSON COHEN: We've already done that.

25 MR. ANDES: Okay. But quite honestly, in the

1 counties in which I practice, it is very unusual that a
2 judge is elected who has a background, an extensive
3 background in family law. They tend to be district
4 attorneys. They tend to be trial attorneys.

5 They're comfortable in the courtroom. They
6 know the rules. They know how the jury system operates.
7 But all too often, seldom are they themselves the product
8 of a divorce or the survivor of a divorce. And almost as
9 rare do they have a lot of experience.

10 So yes, I think that the one -- the concept of
11 having a team, a judge follow all aspects of the case is an
12 excellent idea. And I think that would help streamline
13 things. And it would help prevent things getting away from
14 the court.

15 But I think that an equally excellent idea is
16 to have a division wherever the courts can afford it,
17 wherever they have the resources and the number of judges
18 required, to actually have a family court division where
19 possible. So yes, to answer your question. Yes, I think
20 that's a good idea.

21 REPRESENTATIVE WALKO: Thank you. No further
22 questions.

23 CHAIRPERSON COHEN: Again, our thanks. We
24 appreciate your coming early. And thank you very much. I
25 hope you'll be available if we have further questions.

1 MR. ANDES: I'll be happy to. I'm flattered
2 to help.

3 CHAIRPERSON COHEN: Absolutely. Thank you.

4 MR. ANDES: Thank you very much.

5 CHAIRPERSON COHEN: Is David Vincent here?
6 Yes. Mr. Vincent.

7 MR. VINCENT: Good afternoon.

8 CHAIRPERSON COHEN: Good afternoon, Mr.
9 Vincent. You may begin at any time.

10 MR. VINCENT: Honorable members of this
11 Committee, I am giving my testimony on my own behalf and in
12 support of a large number of mostly men, probably in the
13 millions, that are subject to unfair treatment by the
14 family court system as it pertains to child support in
15 Pennsylvania.

16 There are many other issues in which there is
17 unfair treatment, such as custody and visitation. But due
18 to time limits, my concentration will be mostly on the
19 support issue. I was divorced in August of 1998 from a
20 woman which I had one child with.

21 When the separation started, my ex knew the
22 system and how to use it. She immediately filed for a
23 protection from abuse order and even had it written in that
24 she would have exclusive use of a vehicle that was in my
25 name. This PFA was granted without anything other than her

1 word, which I believe is wrong.

2 At the hearing, my lawyer advised me to accept
3 the PFA and not try to fight it just in case my ex-wife was
4 a good actor, which she is. This was all unneeded because
5 there was no abuse, there was no proof of abuse, and it
6 went on my record just because my ex used it as a tool.

7 On top of all this, I later received a bill in
8 the mail from Schuylkill County Court ordering me to pay
9 for the cost of this PFA which my ex filed. When I called
10 to raise the question as to why I had to pay for this when
11 I wasn't the one that filed it, I was told she claimed she
12 didn't have any money and that the courts were ordering me
13 to pay for the costs.

14 Immediately after my ex-wife left our home and
15 took my son with her, the very next day she went and filed
16 for child support. My first order was \$90 a week, which I
17 thought was very high. Since then, as soon as the
18 guidelines changed in Pennsylvania, my ex took me back to
19 court for even more money.

20 Domestic relations raised my child support to
21 131 per week as of the last order. I am only making \$12.85
22 per hour at my present job. There is absolutely no way
23 that I would be able to live on my own and pay that amount.
24 I could not afford a home and the basic costs that go with
25 it.

1 This at times -- the support order amounts to
2 \$786 in months that I have three pay periods. There is no
3 way that it costs that much for one parent's half of the
4 financial support of one child. After paying my
5 court-ordered support, I am left with approximately \$250
6 per week.

7 That's after taxes and all the other
8 deductions to live on. This is not enough and leaves me at
9 a level of poverty. The worst thing about being ordered to
10 pay outrageous amounts of child support is that I believe
11 in reality that it's ex-wife support because in my opinion
12 it doesn't go for the child. A lot of it doesn't.

13 There is absolutely no accountability to me
14 where the money is being spent. I believe that there
15 should be a system in place that any money that is not
16 spent on the child is returned to the payer. Some type of
17 voucher, debit card system would accomplish this nicely.

18 There would be a record and it would be as
19 easy as an ATM network to do. I'm currently remarried. My
20 wife has two children that live with us. We do not spend
21 anywhere near the amount that I am forced to pay for one
22 child to my ex for the expenses of the two children that
23 live with us. Their ages are 6 and 8. My son's 4.

24 The two children that live with us are
25 well-taken care of and have everything they need. My wife,

1 she could at any time take her ex back to court. And if
2 she lets the courts decide, he'll be left with nothing
3 also. She chooses not to do this because she knows it
4 would eventually ruin the relationship that he does have
5 with his children.

6 We receive \$50 per week for two children that
7 live with us, and that's plenty to cover their support for
8 his share. When I was married, the government did not come
9 into my house and tell me how much money I was going to
10 spend on my son.

11 When I was married to his mother, the amount
12 we spent was nowhere near these current guidelines say it
13 should be. Since I am divorced, I have had my
14 constitutional rights taken away and have been subjected to
15 what I believe is a form of slavery.

16 Domestic relations just takes what they feel
17 is the proper amount of money from me without any regard to
18 what my wife and me are left with and what it realistically
19 costs for half my support of one child. All I'm ever told
20 as an explanation for this is that the guidelines are law
21 and we have to follow them.

22 To my understanding, when laws are made, they
23 have to be drafted, pass the House, then the Senate, and be
24 signed by the Governor. These guidelines did not go
25 through the process, yet they are considered law. It is my

1 understanding also that these guidelines were adopted
2 behind closed doors by a judge and a panel of lawyers
3 without any accountability to the people that they affect.
4 I could be wrong.

5 Since these guidelines were set by lawyers, it
6 is also my belief that they are being used to create
7 revenue for lawyers, as most people that are forced to pay
8 these ridiculous amounts are going to disagree and attempt
9 to take legal action just creating more business in the
10 family court system.

11 At the beginning of these guidelines, it is
12 stated that failure to deviate from these guidelines
13 represents misuse of the guidelines. There is a
14 substantial difference between the standard of living
15 between my ex-wife and me.

16 She is living, as I am going to call it, high
17 on the hog, and I am barely scraping by. She and her
18 boyfriend have new vehicles, an expensive house, a large
19 amount of land. And my family and me just have the
20 opposite, which we can barely afford.

21 The courts refuse to look at all the factors
22 and are allowing inflated support amounts to her while we
23 live almost in poverty. It's been my experience that the
24 courts are very inaccessible to a man in my case that
25 cannot afford to pay an attorney.

1 I filed exceptions to the last order and was
2 told I was required to submit a memorandum of law. This is
3 nearly impossible to do if you have no legal training. And
4 my case is still pending on whether or not a real judge
5 wants to hear it without the memorandum being filed.

6 My gross income is too large to get any type
7 of assistance, legal assistance. If government assistance
8 went by net income and what I'm actually left with, I would
9 qualify for all types of programs. An interesting fact is
10 that my case has never been in front of a real elected
11 judge.

12 It started out as what I will call a clerk who
13 set the initial amount. And then it went on to an
14 appointed master, which is from my understanding nothing
15 more than a lawyer. These people are accountable to no one
16 because they're not elected yet are given the authority to
17 make drastic changes to someone's life and take mass
18 amounts of money from them without even considering all of
19 the facts.

20 I believe that people should not have this
21 type of power. If what they do is not fair, which in most
22 cases it is not fair because they adhere strictly to these
23 guidelines, we the people cannot even vote them out, which
24 enables them to do whatever they want and get away with it.

25 At the very least, an elected official should

1 hear each case so that both sides of the story can be heard
2 along with the financial data presented. I hear all the
3 time the need for bulletproof glass and steel doors in the
4 domestic relations offices.

5 If it was fair, there would be no need for
6 fortification. The guidelines that are in use by the State
7 of Pennsylvania are unfair to the noncustodial parent,
8 which could be woman or man. I'm not necessarily here to
9 raise any issue of that kind.

10 These guidelines are supposed to be
11 guidelines. And if each case is not examined in its
12 entirety, important factors are left out that are crucial
13 to the setting of a fair support amount. The amount of
14 money that noncustodial parents are being ordered to pay is
15 forcing many like myself to a level of poverty, which would
16 make it impossible to live on my own.

17 For example, if I were living on my own and
18 not remarried, I would not be able to afford the basic
19 needs of an adult such as a reasonable mortgage
20 payment/rent, transportation, along with other required
21 expenditures.

22 Since I am remarried, my family and me are
23 barely getting by. My wife assumed a large portion, much
24 more than her share of the normal household bills, and even
25 some of my personal bills. She would not have to pay for

1 my share of the household bills and my personal bills if
2 the amount was fair.

3 Also, there is absolutely no consideration
4 given to my expense when I have my son for visitation. And
5 I still have to pay the full ordered amount even though it
6 is ordered that I have the child one-third of the time. As
7 a result of this, I have not taken my son for visitation
8 because I can't afford anything with him or to take him
9 anywhere as it stands now.

10 There are many issues that need to be
11 addressed. These problems need to be corrected now. The
12 noncustodial parents of Pennsylvania do not have the time
13 or money to keep fighting in court and getting nowhere for
14 things such as a fair amount of ordered support.

15 It should be rightfully theirs without
16 interference or partial treatment of one parent by the
17 government. I am enclosing for your review a resolution.
18 I handed that off already. The resolution, if enacted,
19 would make the system fair.

20 And it would help stop the reward and
21 financial gain for a custodial parent to file for divorce
22 and retain primary physical custody of the children of a
23 marriage, which it doesn't seem that they have to fight
24 hard to do.

25 I am also submitting a copy of an article

1 called The Child Support Guideline Problem that clearly
2 demonstrates how the guidelines that Pennsylvania now uses
3 are solely for profit. Thank you for the opportunity to
4 testify before this Committee.

5 And please consider the people that these
6 problems affect and the ones who are getting hurt worst of
7 all as a result of them, the children. I will answer any
8 questions you might have at this time.

9 CHAIRPERSON COHEN: Thank you very much. We
10 shall certainly take your views under advisement. We
11 appreciate you being here. I just want to announce for the
12 record that the record will be kept open for anyone that
13 did not get the opportunity to testify today.

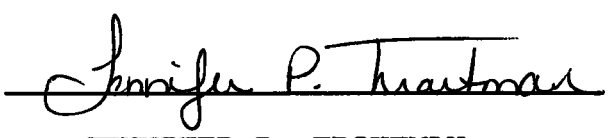
14 We'll accept any other written testimony that
15 there is. And thank you all for being here and for
16 testifying. This hearing stands adjourned.

17 (Whereupon, at 2:48 p.m., the hearing
18 adjourned.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause and that this is a true and correct transcript of the same.



JENNIFER P. TROUTMAN

Registered Professional Reporter

My Commission Expires:
April 30, 2001

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