

David M. Scott

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Representative Lita Indzel Cohen
Task Force on Domestic Relations
House Judiciary Committee
PA House of Representatives
Post Office Box 202020
Harrisburg, Pennsylvania 17120

Dear Representative Cohen and Committee Members:

We support any changes to make family litigation more friendly; however, we would strongly support Presumptive Joint Custody in Pennsylvania.

I would like to begin by introducing myself. My name is David M. Scott and I am a life-long resident of Pennsylvania, except for my service time in the United States Army. I am currently a practicing Certified Public Accountant in Altoona and have been with the same firm for fifteen years. I am also the Altoona Division Director, Greater Pittsburgh Chapter, National Congress for Fathers and Children.

We have over 100 participants in our Altoona Division. The participants include fathers, mothers, grandparents, second spouses, and other family members.

The following is a brief summary of my experience as a divorced father in Pennsylvania.

When I entered the courtroom in May of 1990, it was the beginning of my limited relationship with my daughter. In a matter of 15 minutes my involvement with my daughter, Ashley, was reduced to every other weekend and one evening per week. When I left the courtroom on that day, it was also the beginning of my current status as a second-class parent.

I had no idea at the time what turn the future would take. During 1991 and 1992, there was custody litigation that lasted 18 months and resulted in conciliation conferences, evidentiary hearings, appeal to the superior court, false allegations of sexual abuse, court home study, a number of visits to various psychologists. I spent in excess of \$30,000, but my former wife was provided with attorneys and expert witnesses by the Watchtower (Jehovah Witness). This custody case was a segment on CBS News 60 Minutes on December 27, 1992.

During the three years following that litigation, I was a full-time father and "mother" at times. I was extremely involved with my daughter's life. Two nights every week and on every other weekend, I saw that my daughter got her meals. I saw that she combed her hair, brushed her teeth, and learned table manners. I taught Ashley to cook simple things, wash dishes, dust the house, and fold the laundry.

Every Thursday evening I would take Ashley to dance class and pick her up when it was over. I paid for the cost and took care of all associated fund-raising activities. I took her to children's theatre, the circus, concerts, and ballet events.

I was the parent who took care of Ashley's school activities and school fund-raising activity. I took care of getting Ashley's school clothes, winter boots, hats, gloves, etc. in addition to my monthly support payment. I was there when Ashley needed someone to take her to the library for a school project and to help her with her homework. We would read books together every week.

In May 1995, my former wife married a member of Jehovah Witnesses in another state. Now there was additional custody litigation that lasted six months and resulted in conciliation conferences, evidentiary hearings, appeal to the superior court, and more visits to psychologist and the financial burden which ended in the loss of my home and debts of \$25,000. It will take me the next five to seven years to pay off this debt.

My daughter was allowed to move out of state with her mother. In the next three school years, she let Ashley be tardy 22 days and absent 31 days from school. She has gone from an above average student in Pennsylvania to a below average student in another state.

Currently, there has been a major change in our relationship because her mother and stepfather have been able to limit my physical access to almost zero and limit my communication to almost none even though the law and my court order states that this should never happen.

The above described experience might seem extraordinary, but what is very sad is it's the rule in this state not the exception for the following reasons:

1. The current primary physical custody model is what creates the current custody battle climate which is based on a win or lose premises.
2. Each parent acquires an attorney and battles for the prize, the children, because when you enter the courtroom it is winner takes all.

There are no winners but only losers. The losers are the children of this state. They are caught in the middle of the custody battles with the high probability of being eliminated from one of the parents. The excessive financial cost of this litigation could be used instead to educate our children.

During the above-described litigation, my former wife brought false allegations of sexual molestation against my daughter's psychologist. False allegations of sexual molestation are used as a weapon to eliminate a father from his children and can be used to eliminate the grandparents. This is based on the custody battle mentality which is "do and say anything to win and who cares what it does to the children."

During the above-described litigation, my former wife falsely accused me of spousal abuse. False allegations of spousal abuse and false protection from abuse orders are the other weapons used to eliminate a father from his children, and can be used to eliminate the grandparents.

There is no such thing as "taboo" anymore in this society which thinks fathers are all child molesters but seem to forget that our children are placed in homes with a mother's new husband or significant other without any knowledge of that individuals background. My daughter was allowed to move to another state with a stepfather whom she had met only five times.

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The parent who becomes the noncustodial parent (visitor) has a high probability of being eliminated from his or her children's life.

These noncustodial parents are usually fathers who are needed in these children's lives together with the mother. As fathers we just do not want to be limited to the role of financial giver. We also want to be an equal caregiver.

It is very sad that more than 50% of the children in this state come from a broken home. When a father or mother is eliminated from the child's life it will have a life long effect that can rarely be fixed.

Currently, as Altoona Division Director of the Greater Pittsburgh Chapter of the National Congress for Fathers and Children, my phone rings off the hook. I have found my experiences, as a second-class parent, are not the exception.

We should do everything in our power to rejuvenate fatherhood in this state and maximize contact between the child and both parents. One clear way to eliminate the adversarial custody battles in this state is the establishment of Presumptive Joint Custody in Pennsylvania.

Yours truly,

David M. Scott
Father
Altoona Division Director
Greater Pittsburgh Chapter
National Congress for Fathers and Children