

12:15-12:45

PA House of Representatives
Judiciary Subcommittee on Family Law Public Hearing on H.B. 463

To The Chair and distinguished members of The Judiciary Subcommittee, I would like to thank you for the opportunity to testify on the important topic of House Bill 463 – Presumption of Joint Custody.

My name is Jeffrey Dick, I represent Fathers 4 Justice, an organization dedicated to fighting for equality in family law. For many years our courts have failed to protect the rights of parents in custody disputes, millions of children across America have been separated from their fathers while the family court system wades through what seems like miles of legal red tape. A report by Dr. Kirk Johnson states that 37.9% of fathers are denied any visitation.

Why should you? Our state policy makers care about responsible fatherhood? Let me give you some sobering facts --

First and most importantly, father absence has an adverse impact on the well being of millions of children.

In recent years researchers have begun to discover that there are numerous ways that father absence affects the well-being of children. In terms of emotional, physical, financial and social health, children are at an advantage when they have paternal involvement.

Now, I recognize that the healthiest environment for children is in a two parent household. It is clear that children who live in single parent homes face far more challenges than those children who live with both parents. However, I think it is foolish and even dangerous to assume that in cases of divorce, separation or births out of wedlock, that paternal care be considered as undesirable as the courts imply today.

FACT – Fatherless children are 100 – 200 percent more likely to have emotional and behavioral problems according to the National Center on Health Statistics.

Similarly fatherless young adults are twice as likely to need psychological help. The statistics concerning crime and fatherless children cannot be ignored.

More than 70% of all juveniles in state reform institutions come from fatherless homes.

Fatherless sons are more than twice as likely to engage in some type of criminal activity.

Fatherless sons are 300% more likely to be incarcerated in state juvenile facilities.

72% of adolescent murderers grew up in fatherless homes.

There is a strong connection between father absent homes and teenage pregnancy.

Researchers using a poll from both the U.S. and New Zealand found strong evidence that father absent homes have an effect on early sexual activity and teenage pregnancy.

Teens without fathers were more than twice as likely to be involved in early sexual activity and 7 times more likely to become pregnant as an adolescent. In fact, 71% of pregnant teens are from fatherless homes. Our fatherless daughters are in fact 164% more likely to give birth to an illegitimate child, and 92% more likely to fail in their own marriage.

The Department of Health and Human Services even acknowledges that children from father absent homes are twice as likely to drop out of school.

Sadly, a more sobering issue is the increase in child abuse within fatherless homes.

British Data on Child Abuse and Family Structure shows that rates of serious violence against children are 14 times higher in the always single mother households. Similarly, the likelihood of an occurrence of child abuse resulting in death is 9 times higher in the always single mother family. This report can be compared to the U.S. Census Bureau Report on Child Abuse and Single Family Homes of 2004.

Sadly, our opponents of House Bill 463, The Domestic Violence Coalition, failed to inform you of this, the most tragic of statistics – our children are most vulnerable and abused in single mother households.

Concerning the topic of Domestic Violence, we are very aware of this pandemic. In the drafting of this legislation much thought went into protecting these victims. This Bill includes three pages of activity ranges from PFA's to murder convictions that would be exempt from this Presumption of Joint Custody legislation. We also believe that this Bill will positively affect the outcome of adversarial parts forcing both parties to work toward an amicable resolution, as this Bill would place them both on equal footing.

The Bar Associations opposition to this Bill makes sense. By speeding up the legal process many lawyers would substantially lose revenue, of course they claim the best interest of the child will be compromised. However, evidence shows the best interest of the child, is best served by involving both parents, nor does the Bar Association speak for the entire legal profession as shown by this letter of support for House Bill 463.

"To The Members Of The General Assembly of Pennsylvania:

I have been in the practice of law for more than (10) years in the states of Pennsylvania and Ohio. I strongly encourage the adoption of House Bill No. 463 as it embodies what is truly in the best interest of our children.

***Respectfully,
Joshua D. Lamancusa
Esquire"***

I would also like to share with you this letter of support from the Human Service Center.

"To Whom It May Concern:

I am writing in support of House Bill No. 463, Printer's No. 516. As a Clinical Psychologist for over 30 years I am well aware of the contentious and adversarial atmosphere that often serves as a context in child custody decisions-making. House Bill No. 463 serves to formalize the very important variables in the awarding of custody as well as delineating visitation conditions. It clearly specifies the importance of the child's or children's best interest and provides a thoughtful and sound framework within which the courts can act.

***Sincerely,
Dennis W. Niebel, Psy.D.,
Executive Director, Human Services Center"***

Clearly, opponents of this legislation do not speak for all members of their profession, opponents of this legislation would have you believe that the family court system is fair and changes are not necessary. If this were the case, we would not be here today !!

Some opposition members believe that the standard of custody should be established based on which parent was the primary care giver during the marriage or cohabitation. This argument is moot. Post divorce all lives are effected and changes amongst all family member are imminent, work schedules, normal daily routines, even housing can and do change dramatically. The former status quo no longer applies. The protection that should be guaranteed is our children's right to expect the substantial involvement of both parents within their lives. This Bill has the ability to offer our kids emotional protection, security and stability.

This is just common sense legislation !!

The system as presently structured invites confrontation, a judge listens to two adversaries, mostly hostile towards each other and hearing mostly distorted facts concerning the other parent's child rearing abilities and is forced to make a parenting decision in a matter of hours from a relationship that was usually years in the making, many times without the inclusion of the children involved in the battle.

A Presumption of Joint Custody at the onset of litigation will alleviate the burden now placed on our judiciary system and defuse potential aggression that occurs in our present form of family law justice.

Quite frankly, justice does not exist. Presently in family courts, 85% of mothers are awarded custody, less than 10% of custody is awarded to the father. There is nothing equal or just about these facts. If we are to ask fathers to step up to the plate then it's up to this legislative body to insure that the tools and scales of balance exist in order to give these fathers the opportunity to meet the responsibility of raising their children.

At most courthouses across Pennsylvania and The U.S., there are sculptures, engravings or paintings of a woman who usually represents the concept of justice. I'm sure you are familiar with the image of her holding a sword in one hand and a scale in the other. She is also blindfolded, a picture of impartiality towards justice. She illustrates that justice is meted out objectively without prejudice or favor. Fathers visualize Lady Justice peeking through her blindfold to inspect gender, a sword aimed precariously at their hearts and scales unbalanced discriminately against them.

Another reason to support this Bill is because children often want and need to spend more time with their fathers. According to author and researcher, C. Ahorns, the conclusion was that a vast majority of children wanted more time with their fathers after parents stopped living together.

Clearly, the problems relating to fatherless households are not easy to solve, but I do believe that we can and should reform aspects of the family court system. There is a critical need not just to protect the rights of fathers but to also support the best interest of our children who are being deprived by discriminatory custody awards.

CRAY YOUTH AND FAMILY SERVICES, INC.

332 HIGHLAND AVENUE • NEW CASTLE, PA 16101

724-654-5507

September 24, 2009

To Whom It May Concern:

I am the Executive Director of Cray Youth and Family Services which is a social service agency providing services to at-risk youth in our community. I am writing in support of House Bill No. 463, Printer's No. 516. House Bill No. 463 serves to formalize the very important variables in the awarding of custody as well as delineating visitation conditions. It clearly specifies the importance of the child's or children's best interest and provides a thoughtful and sound framework within which the courts can act. I believe this bill will improve conditions affecting children's lives, and therefore, I fully support it.

Sincerely,



David Copper
Executive Director
Cray Youth and Family Services

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September 14, 2009

To The Members Of The General Assembly of Pennsylvania:

I have been in the practice of law for more than ten (10) years in the states of Pennsylvania and Ohio. I strongly encourage the adoption of House Bill No. 463 as it embodies what is truly in the best interest of our children.

Respectfully,


Joshua D. Lamancusa, Esquire



Professionals in Behavioral Health Care

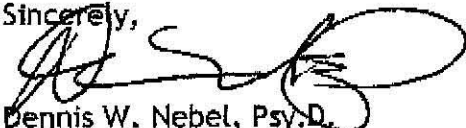
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September 17, 2009

To Whom It May Concern:

I am writing in support of House Bill No. 463, Printer's No. 516. As a Clinical Psychologist for over 30 years I am well aware of the contentious and adversarial atmosphere that often serves as a context in child custody decisions-making. House Bill No. 463 serves to formalize the very important variables in the awarding of custody as well as delineating visitation conditions. It clearly specifies the importance of the child's or children's best interest and provides a thoughtful and sound framework within which the courts can act.

Sincerely,



Dennis W. Nebel, Psy.D.
Executive Director
Human Services Center