

Hi my name is Christian Stahl and I'm here today to advocate for judicial reform.

I'm the father of 6. 4 of whom are subject to a custody and support matter in Delaware County and have been since July of 2012. I'm a stay at home dad with my youngest who is two and I'm remarried.

Like many of you, fighting for your rights I have sought through the courts to correct the mysterious outcomes of the court.

I have been to magisterial district court, the court of common pleas, commonwealth court and the Supreme Court of the Commonwealth of Pennsylvania.

My brief backstory was that I was a stay at home dad for a decade prior to divorce. My ex hired an attorney 7 months before she filed for divorce, asked me to get a job to save the marriage, which I did, then she moved to take my children and my livelihood.

My ex is a millionaire, part of a billion dollar family with a connected attorney in Delaware County. Until August of last year one could look up the dockets in Delaware County and see how well he did in particular with the judges he and his firm had supported in their judicial campaigns. Court Administration has since shielded this information from the public and it is not subject to a Right to Know Request.

My ex refused to allow me to see my children in the beginning. Her attorney told her not to even speak with me, and when they did make it into court, they said I was hard to work with and she couldn't even speak with me.

**Step One:** Create and manage conflict!

The Master we went before the first time had the audacity to tell me, after not hearing evidence and just hearing opposing counsel's seemingly never-ending soliloquy, that *I would never have 50/50*. **Wow** this fellow spent an hour after I had spent a decade raising my children and just said forget it you can never have shared custody.

In support, I found that I had to pay my ex for watching my children. My base pay of \$60k was imputed to \$138k and I was left in a position where I could not meet my basic monthly necessities. This was compounded by Custody Court demands for counselling \$410 monthly and a custody evaluation for \$10k. See in Custody they can spend any amount of money one doesn't have to perpetuate the conflict and create fud for whatever they wish to do.

Eventually this same fellow would remove my legal custody illegally because my ex violated legal custody. Yep. He was supposed to state some reason for doing this either on the record or in the recommendation. Appellate courts decided this loss of a fundamental right was *interlocutory*.

I'd eventually get it back. I'd have to explain to the kids I couldn't sign their field trip permission slips anymore and suffer some unusual embarrassment as a result.

In 2017 I did recover legal custody and for a time 100% physical custody after my alcoholic ex checked into an inpatient rehab facility. Yes this is the only thing that overcame the Master saying you'll never have 50/50.

**Remember Step One:** Create Conflict (The Courts and Bar run a cash for conflict family asset stripping operation with impunity.)

**Step Two:** validate the current imbalance by pointing to prior imbalanced adjudications.

Along the way to me eventually having 100% physical custody of my children there were a series of mysterious judgements. For example my ex was arrested for (and eventually convicted of) DUI and Endangering the Welfare of Children charged for hitting a police car drunk with my then 11 yr old daughter in the car. The Judge dismissed this in Custody and opposing counsel filed for attorney fees stating how frivolous this was. One month later my ex again struggled and the Judge gave her **Primary Supervised Physical Custody** – YES anybody over the age of 18 could supervise my children and my ex. *Anybody but DAD.*

It turns out opposing counsel and this Master were pretty friendly so I sued them for conspiring to deprive me of my rights. The Supreme Court erroneously affirmed Commonwealth Court last month and held that the Master is immune and opposing counsel can therefore not conspire with him. **28 MAP 2018.** What this means for all of you is that any attorney may conspire with any court official, social worker therapist etc. and deprive you of your rights. Unless and until the legislature makes a beneficial move.

The Supreme Court of Pennsylvania also refused to hold opposing counsel accountable for numerous Rule of Professional Conduct violations and unsurprisingly topped it off by not holding any judge accountable for not referring him.

The judiciary is not accountable to the laws of Pennsylvania nor the constitutions of the United States or Pennsylvania. Just look at *Scrip v. Seneca* where the judiciary fired a whistleblower in Washington County for telling on them and stated the whistleblower law was an infringement on the Judiciary's right to police itself.

Call to action:

**Transparency on the dockets and in the courtrooms** (put cameras there and record everything). (The judiciary has issued strict rules that there be no recording in the courts wonder why?)

**Create a Constitutional Check on the Judiciary outside the judiciary and end sovereign immunity for non-monetary relief specifically declaratory and injunctive relief** – the JCB rarely, less than 1% of the time holds someone accountable. (There are other problem areas in particular Article V, Section 10(c)).

**Campaign finance reform** – no dark money and no funds from the legal industry.

**Simplify the Domestic Relations code** – 50/50 shared custody out of the gate unless there is documented abuse or neglect. (This is how it works for all of those folks who haven't ended up in a broken relationship, lets treat everyone equally).

**Community Property** – 9 states have this and Alaska has an option.

When people marry have them **write up a stipulation on child support** which they are free to update at any time. (Have them agree when they are agreeable to what makes sense not conflict).

That's my time. I have a few copies of my speech if anyone is interest seek me out.

TESTIMONY IN SUPPORT OF HB 1397  
TO THE HONORABLE MEMBERS OF THE HOUSE  
JUDICIARY SUBCOMMITTEE ON FAMILY LAW

Rep. Sheryl Delozior, Majority Chair  
Rep. Tina Davis, Minority Chair  
Rep. Jerry Knowles  
Rep. Jonathan Hershey  
Rep. Paul Schemel  
Rep. Summer Lee

June 21<sup>st</sup>, 2019

To the Honorable House Judiciary Subcommittee on Family Law:

Thank you for the opportunity to present written testimony to the Honorable Committee. My name is Christian Stahl. I am the father of six (6). Four (4) of my children are subject to a custody and support matter in Delaware County since July of 2012. I am currently a stay-at-home parent with my youngest son and have been since his birth in April of 2017.

My brief backstory is that I was a stay-at-home parent for a decade prior to divorce. My ex hired an attorney contemplating divorce seven (7) months prior to filing a divorce complaint. Despite significant assets my ex demanded I get a job to save the marriage. I complied hoping to maintain a nuclear family for the children. She then moved to take our children and my livelihood. Our marriage counselor implored us to mediate rather than litigate which she agreed to until she consulted with her attorney, current President of the Delco Bar, who directed her to litigate.

In our first custody hearing the "Master" had the audacity to tell me, after not allowing evidence and just minding opposing counsel's seemingly never-ending soliloquy, that I would never have 50/50 custody. Thus began my seven (7) year journey through the courts. I would eventually lose legal custody due to this Master for several years for no reason (I challenged this to no avail. Losing legal custody is interlocutory, not collateral and unappealable). There is no basis in law for what transpired and no remedy. I would eventually gain 50/50 physical custody after my ex had strung together

numerous alcohol abuse related incidents including a short period of incarceration for DUI highest level and EWOC. I would go on to have sole physical and shared legal custody while my ex was in in-patient rehabilitation for alcoholism and retain primary custody until another mysterious order of the court in November 2018 that reset custody to 50/50. This is subject to appeal at 504 EDA 2019.

From the onset I asked for shared 50/50 legal and physical custody. Court opinions when issued have always found me to be an involved, attendant, capable and fit parent. Yet our Custody docket at 2012-06263 is seventeen (17) pages long.

Drawing upon this experience and in pursuit of a universal remedy for this Commonwealth's children and parents I make the following comments:

**THE PAIN ADDRESSED AND REMEDY PROPOSED BY HB 1397**

**PAIN –**

*Conflict -*

Step One currently in Custody is to create an imbalance, a conflict, something not fair to induce parties to engage the adversarial system. According to a recent study only 15% of custody outcomes in PA are 50/50. 85% of custody outcomes therefore are imbalanced and subject to extensive litigation.

*Custody Evaluations –*

To overcome an imbalance one might engage in a custody evaluation (\$10,000 in my case) and pay an expert to testify (\$1.5k per day in my case). To counter one might bring in a forensic expert to undermine the testimony of the expert. If successful one might engage in another custody evaluation...rinse and repeat.

*Counseling -*

One might be compelled to attend ongoing therapy which is essentially a professional intervention to support an unfair and imbalanced outcome in custody (\$420/mo in my case). Counselors will invariably support the current custody arrangement. They seek referrals from the court as part of doing

business and their impartiality is often suspect. The rinse and repeat scenario in Custody Evaluations above can be applied here should one side have an in with the current counselor. This back and forth alone can delay custodial outcomes for years.

#### *Attorney Bullying -*

Once the imbalance is set forth the law of the case eventually takes hold and the dominant party will seek to silence the lesser party with demeaning rhetoric in pleadings protected by judicial privilege and demands for attorney fees.

#### *Psychological Intimidation –*

The dominant party will often seek psychological examinations of the lesser party as they come at a high cost (which typically the lesser party cannot afford) and the requests themselves paint a picture supporting the dominant party as being more fit.

#### *PFA abuse –*

Where there is imbalance, dominant vs. lesser parties, there are tactics employed to shift the balance of power. This is a hot topic as the falsely accused rights are regularly expunged and the rightly accused tend to do something PFA's were intended to prevent. Unscientifically I would suggest that an imbalance, a deep seated feeling of unfairness could only exacerbate poor outcomes and a just system may tend to limit systematic abuse thereby allowing for more intense scrutiny of those who warrant it.

#### *Costs –*

*Financial costs* can easily be measured and tallied. For example in my case had my ex mediated we would have been out around \$3,000 in lieu of a tally that now exceeds \$500,000 and has completely destabilized one party financially. By far the largest cost comes in attorney fees. In our case that tally is around \$360,000. It would be far higher however if I had not familiarized myself with the law and represented myself for several years saving easily another \$200,000. The clear winner here is the attorney who billed \$210,000 to generate and maintain conflict.



*Emotional costs* are trickier. My ex wasn't always a raving alcoholic. I suspect the actions of her attorney compelling her to seek a divorce in the first place and then proceed absent a moral compass propelled her decent into alcohol dependence. She hit a police car while .272 BAC with our eldest daughter in the front seat, fortunately at low speed. As a result of the imbalance and conflict, our children spent most of four (4) years primarily with someone who was intoxicated, inconsistent and emotionally abusive. How this will impact them over time has yet to unfold. How it will impact future generations has yet to unfold.

## **REMEDY –**

### **THE RIGHT TO THE CARE, NURTURE AND COMPANIONSHIP OF ONE'S CHILDREN IS A FUNDAMENTAL ONE**

HB 1397 in essence reverberates a century of case law<sup>1</sup> supporting one's fundamental parenting rights and the rights of children to access the love and care of both fit parents. The presumption is set to equal and neutral. The strict scrutiny bar falls to the moving party to demonstrate an actual and material unfitness of a party placing the parties' children at risk.

#### *Conflict Remedy –*

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The liberty interest at issue in this case—the interest of parents in the care, custody, and control of their children— is perhaps the oldest of the fundamental liberty interests recognized by this Court. More than 75 years ago, in *Meyer v. Nebraska*, 262 U. S. 390, 399, 401 (1923), we held that the "liberty" protected by the Due Process Clause includes the right of parents to "establish a home and bring up children" and "to control the education of their own."

*Troxel v. Granville*, 530 US 57, 65 - Supreme Court 2000

the right of parents to make decisions concerning the care, custody, and control of their children; that such right is a fundamental one, see *Troxel*, 530 U.S. at 65-66, 120 S.Ct. at 2060-61 (discussing cases); *Hiller*, 588 Pa. at 358, 904 A.2d at 885; and that, as such, it is protected by the Fourteenth Amendment's due-process and equal-protection guarantees. See U.S. CONST. amend. XIV, § 1 (forbidding states from depriving "any person of life, liberty, or property, without due process of law," or from denying to any person within their jurisdiction "the equal protection of the laws"). In light of these factors there is also no disagreement that, to survive a due process or equal protection challenge, Section 5325 must satisfy the constitutional standard known as strict scrutiny.

*DP v. GJP*, 146 A. 3d 204, 210 - Pa: Supreme Court 2016

HB 1397 overcomes custodial imbalance and significantly erodes potential conflict. An interesting study would be to examine if there are any scenarios where married couples, prior to divorce, claim the other spouse is unfit. For example, one might ask how many times did one spouse go out to book club leaving the children with a spouse they now claim is unfit?

#### *Custody Evaluations -*

HB 1397 sets the bar at equal and neutral. At present this court chess move is one of desperation in most cases for the lesser party. In future lesser parties will be a rarer occurrence and custody evaluations might be reserved for scenarios where actual abuse or neglect is in play.

#### *Counseling -*

HB 1397 will have a positive impact on why people engage in counselling. It will not be due to a court induced conflict or imbalance. It may in fact become founded upon support for parents and children who still are going to be managing change and may need some assistance navigating this process.

#### *Attorney Bullying –*

Conflict is at the core of the adversarial system and inherent in divorce. Attorneys pressing the boundaries of zealous advocacy will no longer find support in low hanging systematically induced conflict driven by unfair outcomes. Parties' emotionally driven lust for controversy will wane as is seen in Scandinavian countries. When these folks are asked if they ever go to court to get more custody they say no we have 50/50 custody and that is best for the children.

#### *Psychological Intimidation –*

The current incentive is to counter or cement custodial imbalance. Without the incentive it is less likely this can or will occur. There should be a lesser custody case load, there should be much shorter dockets and unless a situation truly warrants a mental health evaluation, it is unlikely one will proceed.

*PFA abuse –*

HB 1397 lets the hot air out of the balloon. Emotions tied to unfair outcomes are dissipated. The premise should now become how do we cooperate and co-parent.

*Costs –*

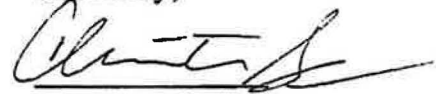
*Financial Costs* associated with litigating custody matters are essentially expunged. Parties going through a divorce or separation are already financially stressed. This ensures there will be MORE money available for the support and welfare of children.

*Emotional Costs* are mitigated rather than exacerbated by a system that engages a predictable and fair framework for custody. My ex, before her attorney told her not to speak with me, contemplated me coming to dinner some nights on her time to beneficially engage with the children. I think this may have been a much healthier scenario for all.

In conclusion, I support HB 1397 particularly the premise that 50/50 shared legal and physical custody is in the best interests of children absent documented abuse or neglect.

Thank you for allowing my commentary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christian Stahl', with a long horizontal flourish extending to the right.

Christian Stahl