

**Testimony in support of 50-50 custody of the proposed bill HB 1397**

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President of families civil liberty Union (FCLU) in Pennsylvania

Administrator of Erased parents

Affiliated with and supporters of HB 1397, Dr. Mark Roseman (psychologist) founded the Toby Center for Family Transition, Larry DeMarco Esq, Billy Ayres Esq, Jack Puškar Esq, Parental Alienation Awareness in PA, Erased Parent Through Parental Alienation, United Parents Four Children, Americans for equal shared parenting and PARENTAL ALIENATION World wide support group services.

November 26, 2019

**To The Honorable members of the house judiciary subcommittee on family law in Pennsylvania**

**Rep. Sheryl Delozier, Majority Chair**

**Rep. Tina Davis, Minority Chair**

**Rep. Jerry Knowles**

**Rep. Jonathan Hershey**

**Rep. Paul Schemel**

**Rep. Summer Lee.**

My name is Timothy M Shilling and On November 14, 2019 I emailed Mike Fink of the House Judiciary Staff for the opportunity for a written Testimonial and for an allowance to speak over the 50-50 custody bill being proposed December 9, 2019 in Harrisburg Pennsylvania. On a return email by Mr. Fink Notified me that they will accept my written testimony before December 5, 2019 and my testimony will be made available at the hearing and be listed on the agenda that will become part of the legislative record.

The state of Kentucky has proven that shared parenting does work.

I deeply appreciate the opportunity to present my written testimony for The support of HB 1397.

**I now Have 50-50 custody in Pennsylvania against all odds.**

I will give the Honorable Members of the House committee a copy of my **50-50 custody order, stipulation of custody And a first page TimeStamp copy of the criminal background Report that is required by law for two fit parents**, as well to prove that once the conflict is removed from the case parents can work together for the best interest of their child.

Cases like mine are sprouting up all over Pennsylvania And although I have personally been through a lot, I never gave up and I always maintain my composure no matter what happened to me in my case.

Now I have 50-50 custody of my daughter after five years of this nightmare. Me And my ex-wife have made Peace with one another. I don't blame my ex-wife for what happened, I blame the party's that created chaos/falsification to create conflict between me and my ex-wife.

We could've had 50-50 in the early stages of my case and there wouldn't of been extra conflict But we were told that we had to go through counsel, Which cost us thousands of dollars.

Please give parents a right for an option of 50-50 custody so they're not automatically compelled into conflict when 2 fit parents really want to work together for the benefit of their children.

Not all parents can work together but please give this right to the parents that can work together.

**Testimony of Tim Shilling in support of HB 1397 and what can happen to fit parents in the beginning of their case.**

I am telling My story and I have decided to break the silence to **The Honorable members of the house judiciary subcommittee on family law in Pennsylvania.**

*All I did was filed for a divorce from my wife at the time and I didn't file for a divorce of my child.*

*This is a real case that went horribly wrong, Please do not ignore this truthful written testimony by me of what really happened.*

*No parent should ever be tortured like this for only wanting equal rights of 50-50 custody.*

*In my case I had to hire nine attorneys and the president judge in my case has denied me 27 times to resolve issues. I even requested to have hearings for the meeting of the minds which was also denied.*

*So I had to be a pro se litigant not by choice but by financial necessity and I had to learn how to defend myself and fight back The best that I could by telling the truth. I did not even graduate high school.*

*I have one child that I love more than anything in this world, I was working as a Boilermaker at the time and now I am a caregiver trying to support my family, I have never committed a crime but because I told the truth that all changed.*

*On **December 9, 2013**, I hired an attorney to file for a divorce, custody action and equitable distribution and to defend against a **PFA** that was placed upon me that had many discrepancies of the truthful events.*

**On December 18, 2013 the PFA was dismissed.**

**December 18, 2013** My Attorney had me sign two stipulation agreements **December 17, 2013** a day before the hearing December 18, 2013.

*The one agreement was for my ex-wife to have spousal support and the other agreement that my wife excepted would allow my wife sole possession of the marital home, I had to pay the mortgage payment and insurance for the minor child and in exchange my wife at the time had to pay the property taxes and maintain the upkeep on the marital home and I would obtain the divorce according to my counsel.*

*At a later date I was notified (by my third counsel I hired) that the stipulation agreement should not have been done. Because this stipulation agreement made it appear that the PFA was dismissed because of the stipulation agreement, and was deceived in thinking I had my Final divorce.*

**December 20, 2013** my wife hired an attorney and On January 10, 2014 my counsel informed me about a **conflict of interest** that was created in my case **(A family member)**.

*My attorney informed me that I could find a different counsel because of the conflict of interest, I was under tremendous stress about this situation and was also worried about trying to find a different counsel.*

*My attorney at the time provided me a waiver of conflict to sign and I felt that there was no choice but to sign the waiver because my attorney as already my divorce, custody and equitable distribution attorney.*

**I was confused and I didn't understand why would my wife's attorney decides to take this case and is a highly respected attorney in the community knowingly take a client on that would directly put himself in a conflict of interest that would leave me particularly vulnerable to try to find a different attorney for the divorce custody and equitable distribution case clearly speaks for itself.**

**January 27, 2014** I received a message from my wife that my wife didn't have no objections of unsupervised visits and wouldn't have any objection over equal rights with my child just as long as there's no custody action. I was informed that it has to go through counsel.

**March 6, 2014** I received a letter from my attorney that indicated that my wife's attorney Knows that I was seeing my daughter numerous times. My wife even invited me up for visitation with my daughter so we could work things out over custody matters. This was After my wife was demanding supervise visits, so instead of fighting in court over custody me and my wife at the time came to an agreement that this would be more beneficial for our daughter to have a normal visitation schedule.

**April 2, 2014** I received a letter from my attorney that there was accusations against me that I was involved in drug abuse because I was taking at the time prescribe medication for some severe medical problems. My attorney requested from my therapist a description of what was happening to me and requested that I should go get tested at the Indiana County open door for these claims of the alleged drug abuse. So my therapist requested that I go get tested so I can prove without a reasonable doubt that I am not involved in any drug abuse or take any illicit drugs. I paid for a drug test to prove that the accusation was false and misleading. At a later date I passed all their tests.

**April 3, 2014** my attorney sent me a letter indicating. That my wife's attorney was going to file a motion to the court for a risk of harm hearing. This was from a criminal charge that I was facing. On December 4, 2013 I found something and didn't know what it was or what I should do, so at a later date I showed a therapist what I found and asked for advice on what I should do and upon the non-professional opinion of the therapist, told me that I should do the right thing and turn what I found into the Indiana County state police and gave a truthful statement.

On February 3, 2014 I was charged by the Pennsylvania State police for a drug possession for turning in what I found.

I was also notified by my attorney that the other substance that I took to have it tested by a facility was a false positive and the bag that I found and turned in and didn't know what it was, determined to be 99% pure cocaine (according to my attorney and my wife at the time also knew about the alleged claim of the 99% pure cocaine).

At a later date I request at the FBI's office in Johnstown Pennsylvania to do an investigation and notified them of the 99% pure cocaine claim. The FBI agent notified me that is impossible of the purity of this claim and could not do an investigation because it was just under the amount for the FBI to be involved.

I notified my attorney to request an investigation on this matter. My Attorney then notified me that a continued accusation of using drugs was being asserted. I immediately notified my attorney that I was more than willing to take a hair follicle test, a polygraph test and any other test deemed necessary to fight this charge. I already gave proof to my attorney that I had approximately three blood work drug test done and approximately 25 other drug test done and I passed all of them because of my job at the time to prove that this claims would be false. My Attorney notified me that this would not be necessary since I had the documented proof and because of the stressful condition of anxiety issue that a polygraph test may prove inconclusive and would not be admissible into evidence.

My attorney asked me if I would take a plea bargain. I notified my attorney that I Will not take a plea bargain.

**April 22, 2014** I was Notified that there will be a mediation over custody matters that was scheduled for June 25, 2014 at 1:15 PM in the mediation conference room located on floor 4 M of the Indiana County Courthouse. I was still seeing my daughter unsupervised, but my wife was indicating that she had refused to sign the consent custody order and that there may have some ulterior motive (According to my ex-wife's attorney and my attorney) for not signing a consent custody arrangement.

**May 12, 2014** there was hearing at Homer City Pennsylvania over the pending drug charges. I was never in front of any magistrate. Negotiations was being conducted in the hallways. My Attorney notified me that if a plea bargain to a summary offense of guilt is not done that I will be immediately arrested and charged with a false police report of at least six months in jail at which would affect any chance of custody of the minor child. I notified my attorney that I wanted to go to a hearing and show the documented proof of the discrepancy of the police report and didn't want to take any kind of plea bargain.

My attorney became extremely persistent for me to take this plea bargain, making claim that if this isn't done this would cost up to \$10,000 on top of the \$1500 that was already given to my Attorney to fight this in court and I will be immediately arrested and lose all hope of having any kind of fair custody arrangements with my daughter ever again.

*I notified my attorney why should I take a plea bargain for something that was turned in willingly and did not know what it was and voluntarily cooperated with the state police to allow the state policeman to thoroughly search the vehicle provided proof that there was no narcotics being used by me and told the truth, I also had documented proof of the discrepancies on the police report, was willing to take a hair follicle test to prove that I was only taking a prescribed medication.*

*My attorney explained that since I turned A substance into the police that contained 99% pure cocaine (**according to my attorney**) and of the seriousness of it, That if a hearing is conducted that I will lose and go to jail immediately and will also be charged with falsifying a police report.*

*There was a continuing negotiation for me to take a plea bargain under threat of incarceration not having Rights to see my daughter and the extreme cost it would take to push this into court, I under severe duress and finally did a plea-bargain for a summary offense that my attorney claimed he would start the custody issue immediately if I take a plea bargain and I will not have a criminal record.*

*So because of the threat of not seeing my daughter and many other things I felt I had no choice but to take a plea bargain for something I was telling the truth about.*

***May 12, 2014** my attorney sent me a letter that showed that I did not want to agree to do this plea bargain but my attorney made it appear that I as paranoid. I was not paranoid but extremely displeased over taking a plea bargain for telling the truth and did not falsify any police report.*

***May 2014** my attorney had me sign a stipulation for the custody issues and visitation schedule for me and my daughter.*

***May 21, 2014** my attorney sent me a letter that shows that all provisions have been made for both parties to agree and sign the custody stipulation.*

***May 30, 2014** a letter sent to my attorney by my wife's attorney will indicate the my wife's attorney was now going to use this drug charge against me. Also claiming of other discrepancies will also be used against me.*

**May 30, 2014 to June 9, 2014, during this time I received numerous Messages from my wife that there was no hostility or fear from my daughter. The two parties was civil to one another and ready to move on with our lives. The wife understood and accepted at the time that the two parties would no longer be together. My wife even promised that she would never keep my daughter away from me.**

**June 2, 2014 ,My Attorney notified me that my wife was ready to sign a stipulation consent for custody order and also requested my wife's attorney to return a copy to my attorney for the final conclusion of the custody agreement.**

### **Start of the conflict that created parental alienation**

**June 16, 2014 at 10:53 AM, my wife's attorney emailed my attorney. Now all of a sudden my wife took my daughter to psychologist. Now all of a sudden there was claims being made that my daughter was saying some pretty disturbing things and that the psychologist notified my wife to refuse to sign the custody consent.**

**June 16, 2014 there was a complete change with my wife that revealed the true intentions. My wife took my daughter to a facility and made statements about me that wasn't true. My wife was now all of a sudden allegedly blaming me (according to the attorneys) of hurting our daughter (which didn't make any sense). Instead of my wife signing the custody agreement like previously explained by my attorney, my wife was allegedly claiming that my daughter was scared of me which created fear to cause the parties to go to an unnecessary mediation. It came to my understanding that my daughter was write notes and allegedly making claims to this accusation. I asked to see my daughter and my wife said never, mediation next week she will be there. This didn't make any sense why my wife at the time would all of a sudden do this.**

**June 25, 2014, My attorney did not file on record A criminal background check for myself for the custody mediation June 25, 2014, which is required by the law and I did not have any criminal record or any abuse history. But since this was not filed I was tricked into supervised visits and reunification counseling. My wife's attorney did not file a criminal background report until July 7, 2014 after the mediation. Both criminal background report should've been filed not later than 30 days after service of the complaint or petition.**



Rule 1915.3-2: in part

(a) criminal record or abuse history verification. A party must file and serve with the complaint, any petition for modification, any counterclaim, any petition for contempt or any count for custody in a divorce complaint or counterclaim verification regarding any criminal record or abuse history of that party and anyone living in that party's household:

The [petitioner] party must attach a **blank verification form to a complaint, counterclaim or petition served upon the [respondent] other party.** Although the [respondent] party served need not file a responsive pleading pursuant to Rule 1915.5, [the respondent] **he or she must file with the court a verification regarding [any] his or her own criminal record or abuse history [of the respondent] and that of anyone living in [the respondent's] his or her household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition. [upon the respondent.]**

**A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party. Both parties shall file and serve updated verifications five days prior to trial.**

(b) Initial Evaluation. At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the **existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary.** The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, **the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.**

*Also I was notified that I had to pay for Half of the mediation before the mediation even started and mine was paid and filed on record March 7, 2014 and I have to have a certificate of the children in the middle filed on record before the parties could even have a mediation, Mine was filed March 26, 2014. But My wife at the time Attorney did not filed the children in the middle certificate until July 29, 2014 well after the custody mediation June 25, 2014.*

## PROTHONOTARY OF INDIANA COUNTY

Randy Degenkolb  
Prothonotary



Sharon Mleck  
First Deputy

TIMOTHY MARK SHILLING  
vs.  
PAULA S SHILLING

Case Number  
12066 CD 2013

### PROTHONOTARY DOCKET ENTRIES

12/18/2013 COMPLAINT IN DIVORCE AND CUSTODY AND EQUITABLE DISTRIBUTION AND CUSTODY  
12/18/2013 AFFIDAVIT OF CUSTODY -PLAINTIFF  
12/18/2013 ACCEPTANCE OF SERVICE  
12/18/2013 STIPULATION AND AGREEMENT AS TO EXCLUSIVE POSSESSION OF MARITAL RESIDENCE  
12/20/2013 PRAECIPE FOR ENTRY OF APPEARANCE FILED BY CHRISTOPHER S WELCH ESQ AND ANNMARIE E EVERETT ESQ ON BEHALF OF DEFENDANT  
12/26/2013 ORDER OF COURT DATED DEC 26, 2013 AN ICC IS SET FOR JANUARY 16, 2014 AT 9:00 O'CLOCK A.M. IN JURY ROOM NO 2 JUDGE MARTIN COPY TO ATTY HUMMEL AND ATTY WELCH  
01/24/2014 MOTION FOR MEDIATION CONFERENCE FILED ON BEHALF OF PLAINTIFF  
01/27/2014 ORDER OF COURT DATED JAN 24, 2014 A MEDIATION CONFERENCE IS SCHEDULED FOR THE 16TH DAY OF APRIL 2014 AT 1:15 P.M. JUDGE MARTIN COPY TO ATTY HUMMEL AND ATTY EVERETT  
03/07/2014 MEDIATION FEE PAID BY TIMOTHY SHILLING  
03/26/2014 CHILDREN IN THE MIDDLE CERTIFICATE FILED FOR TIMOTHY SHILLING  
04/02/2014 MOTION FOR CONTINUANCE  
04/07/2014 ORDER OF COURT DATED APRIL 3, 2014 CONTINUING THIS MATTER TO JUNE 25, 2014 AT 1:15 O'CLOCK P.M. IN THE MEDIATION CONFERENCE ROOM JUDGE MATTIN COPY TO ATTY [REDACTED] AND ATTY [REDACTED]  
06/18/2014 MEDIATION FEE PAID BY BUDASH AND WELCH FOR PAMELA SUE [REDACTED]  
07/07/2014 CUSTODY CONSENT ORDER OF COURT WJM COPY TO TIMOTHY MARK SHILLING AND ATTY WELCH  
07/07/2014 CRIMINAL RECORD/ABUSE HISTORY VERIFICATION - PAULA SUE SHILLING  
07/29/2014 CHILDREN IN THE MIDDLE CERTIFICATE FILED FOR PAULA  
08/25/2014 WITHDRAWAL OF APPEARANCE WITH CONSENT FILED BY FRED D HUMMEL ESQ ON BEHALF OF PLAINTIFF  
08/25/2014 ENTRY OF APPEARANCE FILED BY TIMOTHY S BURNS ESQ ON BEHALF OF PLAINTIFF - COPY TO ATTY  
10/17/2014 WITHDRAWAL OF APPEARANCE WITH CONSENT TO WITHDRAWAL FILED BY TIMOTHY S BURNS ESQ ON BEHALF OF PLAINTIFF - COPY TO ATTY  
10/23/2014 CORRESPONDENCE FROM LAKE PSYCHOLOGICAL SERVICES  
10/30/2014 PRAECIPE FOR APPEARANCE OF TIMOTHY MARK SHILLING PLFF PRO SE  
10/30/2014 PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER ON BEHALF OF TIMOTHY SHILLING CONCERNING PAULA SHILLING NOT PAYING TAXES COPY TO ATTY WELCH ON NOV 3, 2014  
10/30/2014 PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER ON BEHALF OF TIMOTHY MARK SHILLING CONCERNING EXTRACURRICULAR AND SCHOOL ACTIVITIES COPY TO ATTY WELCH ON NOVEMBER 3, 2014

10/30/2014 10:30 AM

10/30/2014 PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER ON BEHALF OF TIMOTHY MARK SHILLING CONCERNING LAKE PSYCHOLOGICAL SERVICES COPY TO ATTY WELCH ON NOV 3, 2014  
10/31/2014 ORDER PETITION FOR CIVIL CONTEMPT ON BEHALF OF LAKE PSYCHOLOGICAL SERVICES IS DENIED JUDGE MARTIN COPY TO ATTY WELCH AND TIMOTHY SHILLING  
11/03/2014 ORDER DATED OCTOBER 31, 2014 A HEARING ON THE PETITION CONCERNING TAXES NOT BEING PAID IS SET FOR DEC 9, 2014 AT 8:30 A.M. IN COURTROOM 3 JUDGE MARTIN COPY TO

*June 25, 2014 there was a mediation for custody. I was not allowed in the mediation process. I had to wait out in the hallway/waiting room with family members. My Attorney notified me that the parties came to an agreement and had equal rights with my Daughter. My Attorney then notified me to sign the numerous documentation for the custody order. I signed a similar agreement for a custody stipulation back in May 2014 of the parenting plan that was presented. The parenting plan lays out in detail of the custody arrangements. A document similar to This is what I agreed to and at this time there was no mention of supervised visits or reunification counseling upon signing any agreement.*

*Then my attorney went back into the mediation and when my attorney came back and notified me that my daughter was making claims to the mediator That my daughter was scared of me. My Attorney also made claim that I have to have reunification counseling and supervised visits. I notified my attorney that I will not agree to do this and it would appear that my wife or someone created this fear. My attorney would not let me participate in the mediation process, The mediator never spoke to me. I wanted to hear for myself that my daughter was making these alleged claims. My Attorney refuse to allow me to participate in the mediation process.*

*At a later date I requested transcripts of the mediator speaking to my daughter, I was notified there wasn't any. I Also verbally requested to my attorney for an appeal.*

*I didn't understand what happened because Before June 16, 2014 I had a great relationship with my daughter and me and my wife was getting along. This fear was created for the whole purpose of directly parenterally alienating me from my daughter. I was in complete disbelief that this could happen And couldn't understand how a system that was created for the good intentions for families could now be used against me to create conflict that would cost me even more financial harm.*

*My attorney informed me that if I don't go to reunification counseling and supervised visits at some point I could be held in contempt of court.*

Clearly this act was based upon fraud in the inducement, when my attorney notified me to sign the custody order it was based upon equal Rights and a parenting plan with my daughter. There was no mention of supervise visit or reunification counseling as there was absolutely no need for that upon signing the documents my attorney gave me.

October 9, 2014 and November 15, 2014 I was notified by my wife that when the mediator spoke with my daughter that my daughter was now scared of me all of a sudden. My wife claims that the mediator base the decision off of my daughter's alleged fears of being scared of me. The mediator never spoke to me, my attorney clearly did not show evidence of the 46 visits and 200 phone calls, did not show the pictures where my daughter enjoyed spending time with me , including iMessages that my daughter sent to me to further support that there was no alleged fear of my daughter. I didn't understand why anyone would create this alleged Fear.

This would be biased and improper for a mediator to base a decision under alleged fear of my daughter that was under false pretenses. The mediators requirements are to assist The parties in attempting to reach a mutual agreement this is not the decision of the mediator to based any decision off of alleged fear without even speaking to me.

According to rule 1940.4(a)(1) The mediator has to have minimum requirements psychiatry, psychological counseling ,family therapy, and should've recognized the discrepancies of my daughter's alleged fear and according to rule 1940.6(a)(4) relating to termination of mediation inappropriate for mediation. Which the mediator has an ethical obligation to do. Rule 1940.6(b) should've terminated the mediation due to suspected manipulation of my daughter's alleged fear and taking my daughter to a psychologist nine days before the mediation, that should've been a factor of why this happened right before the mediation, that should've indicated to the mediator immediately and should've been under scrutiny. Also because there was no criminal background report filed before the mediation June 25, 2014 the mediator should've terminated the custody matter until a criminal background report was properly filed. Rule 1915.3-2; (a).

***Also According to rule 1940.5(6)(c) The mediator may meet with my daughter upon the consent of both parties. I never did give consent and the mediator only heard what my seven-year-old daughter was now all of a sudden Allegedly claiming. I never even spoke to the mediator and never had a fair opportunity to question the motives Involved in custody matters. I was not allowed to be involved in the custody matters .I was not allowed to show the documented prove that there was no alleged fear and my wife was going to sign a fair custody agreement, then all of a sudden my daughter was making alleged claims of fear which didn't make any sense.***

***I also did not understand why my attorney didn't stop this immediately and my attorney could've requested for the mediation to be terminated as well. My attorney could've used rule 1940.6 (2)(a).***

***I still was in disbelief that My attorney had me sign numerous documentation in the hallway/waiting room, then make a claim that I had a fair custody arrangements ,then make claim afterwards about reunification counseling and supervise visits to make it appear that I agreed to the reunification counseling and supervised visits.***

***I was never a danger to my daughter because if I was such a danger then why did my wife before June 16, 2014 requested numerous times for me and my daughter to spend time together at The marital home and I also had my daughter down at my place taking her to meet my friends without any altercation.***

***Picture taken before June 16, 2014 of me and my daughter and she was never scared of me it was all a lie. This was a dirty trick to put me and my daughter in reunification counseling and supervised visits for no reason except to cause Financial harm.***



***There should've been no reunification counseling or supervised visits and was conducted under trickery and fraud. (fraud) an intentional provision of the truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact. Which deceives and is intended to deceive another server that he shall act upon it to his legal injury. It consists of some deceitful practice or willful device, restored to with intent to deceive another of his rights, or in some manner to do him harm. (emphasis added)-Black's law dictionary 50 division, page 594.***

McNally vs U.S.483, U.S.350.371-372(1987). Quoting U.S. vs Holzer.816 F.2d.304,307(7th Cir.1987)  
***fraud in it's elementary common law sense of deceit, includes the deliberate concealment a material information in a setting of fiduciary obligation. A public officer is a fiduciary two words the public, and if he deliberately conceals material information from them he is guilty of fraud.***

*The court order of custody was signed by the Judge July 7, 2014 and was induced under fraud and therefore lacking the inherent power to enforce the custody order produced by fraud is therefore void and nulled. Also according to the court docket my wife's attorney filed July 7, 2014 a criminal background report but yet my attorney never filed one, which both attorneys violated the law. Rule 1915.3-2:*

***A Void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter a particular order or judgment, or where the order was produced by fraud. In re Adoption of E.L.,733 N.E.2d 846, (111.App,1 Dist.2000).***

***My wife's attorney and my attorney also conveniently picked the reunification counseling facility and supervised visit center, I had no choice.***

*Since I was being forced to do this against my will I requested numerous times for my attorney to do something about this custody order. Because of this Bad faith custody order that should be nulled and void.*



***At a later date I was speaking to different counsel's about what I can do about this custody order and the attorney explained that I couldn't do anything about the existing custody order now and if reunification counseling and supervised visit was necessary that I should've had a right to pick from three different facilities and the court order should've showed a reason why I had to go to reunification counseling and supervise visits in the first place.***

***July 10, 2014*** my attorney notified me in a letter to please read this carefully and be certain to abide by all the terms and conditions of the custody court order when I go to this reunification counseling center.

***July 14, 2014*** I went to the reunification counseling place that I was Forced to go to and I was informed that I have to sign numerous documentation that is part of the process of reunification counseling. My Attorney notified me to sign release documents and any other documents that they have at this facility, I was tricked and forced to participate in reunification counseling for my daughter that I have already been seeing for the last five months.

***At this facility later on I was notified by the therapist that because of my plea bargain (that I didn't want to take) was magically was being held against me.***

23 Pa.C.S.A.5329: consideration of criminal conviction.

***(a) offenses. Where a party seeks any form of custody, the court shall consider whether the party or member of the party's household has been convicted of Or has pled guilty or no contest to any of the offenses in this section or an offense in another jurisdiction substantially equivalent to any of the offenses in this section. The court shall consider such conduct and determine that the party does not pose a threat of harm to the child before making an order of custody to the parent when considering the following offenses.***

***Section 13(a)(1) of the act of April 14, 1972 P.L.233, No. 64), known as the controlled substance, drug, device and cosmetic act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.***

***(C)initial a valuation; at the initial in person contact with the court, the judge, conference officer or other appointed individual shall perform an initial evaluation to determine whether the party or household member who committed an offense under section (a) poses a threat to the child and whether counseling is necessary. The initial evaluation shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court deems it is necessary.***

**(d) Counseling.**

**(1) where the court determines under section(c) that the counseling is necessary, it shall appoint a qualified professional specializing in treatment related to the particular offense to provide counseling to that attending individual.**

**(2) counseling may include a program of treatment or individual therapy design to rehabilitate the offending individual which addresses, but not limited to, issues regarding physical and sexual abuse, the psychology of the offender and the effects of the offense on the victim.**

**(e) subsequent evaluation:**

**(1) at any time during or subsequent to the counseling under subsection (d), The court may require another evaluation to determine whether further counseling is necessary.**

**(2) if the court awarded custody to a party who committed an offense under section(a) or who shares a household with an individual who committed an offense under subsection(a), The court may require subsequent evaluations on the rehabilitation of the offending individual and the well-being of the child subsequent to the order. If, upon review of a subsequent evaluation, the court determines that the offending individual poses a threat of physical, emotional or psychological harm to the child, the court may schedule a hearing to modify the custody order.**

***July 21, 2014, my wife's attorney notified My attorney about me wanting to go see my daughter at a Bible school play. According to the court order that was imposed on me, I was allowed to participate in all activities. My wife's attorney was making claims that I would be in violation of the court order and was going to petition the court accordingly. This was based upon me just trying to see my daughter in a Bible school play. My wife's attorney was purposely using his position to threaten me to not see my daughter and interference with the current custody order. My attorney would not stick up for me and notified me to not participate to see my daughter at the Bible school play because my wife's attorney was going to file a petition of contempt of court.***

*My wife's attorney was clearly interfered with the custody order and My attorney would not do anything about it, this court order that was in place July 7, 2014, was causing more parental alienation, intentional emotional distress on myself. In the custody order it clearly says that on page 1, third paragraph, 13th line, Each parent shall have full access to school or medical records of the Child and Shall be equally entitled and is encouraged to participate jointly and medical appointments, parent/teacher conference or back to school nights of the child as well as to attend school performances, sports events or extracurricular activities of the child.*

*Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection. In the interest of Cooper, 621 P 2d 437; Kansas App Div 2d 584, (1980).*

*September 9, 2014 and October 14, 2014, The reunification counseling center sent a Bill that intent to extort me for services never rendered by reunification counseling center for psychological services. There was an email from This reunification counseling center that was allegedly claiming they were providing me with Psychological Services that never happened. This reunification counseling facility was showing their intent of making it appear that they were submitting claims on my behalf. Even though I never seen a psychologist. This facility was billing for a therapist and a psychologist at the same time which created substantial unjustified enrichment. Even though there was never no mental treatment that was conducted by this reunification counseling center for myself. Also because I found out what they was doing they created a bogus diagnosis of me so I notified this counselor and this facility that they are in direct violation of the APA standards and consumer laws.*

***Professional compliance for psychologist under the APA standards and Pennsylvania unfair trade practices and consumer law.***

*All psychologists are required by standard 9.01 a of ethics code of the American Psychological Association.*

***APA code of ethics to be considered of Lake Psychiatry services violations.***

***3.10 informed consent.(a)(b)(4),(c)(d)***

***5.01 avoidance of false or deceptive statements(a)(d)(5)(7).***

***6.01 documentation of professional and scientific work and maintenance of records(4)(5).***

***6.04 fees and financial arrangements.(c).***

***6.06 accuracy in reports to payors and funding sources.***

***9.01 bases of assessments(a)(d)(c).***

***9.03 informed consent in assessments(a)(3)(d).***

***10.01 informed consent to therapy.(a)(d).***

***10.02 therapy involving couples or families.(a)(1)(2)(b).***

***Pennsylvania unfair trade practices and consumer protection law.73 P.S.201-2(4).***

***This facility was directly interfering with my custody rights by creating falsification so they could keep me held hostage in reunification counseling so they could create maximum profit. A parent's rights to The preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend specifically on his ability to participate in the wearing of his child. The child's corresponding right to protection from interference in the relationship derives from the psyche importance to him of being raised by a loving responsible, and reliable adult. Franz v. U.S., 707 F 2d 582, 595^Q 599; U.S. Ct App (1983).***

*Because of the custody order I could no longer afford to pay the fees to see my daughter at the supervised visit center and no attorney would help me modify the custody order **(At later date in 2019 I found out that I have been deceived by attorneys and that there could've been a modification of custody arrangements at any time to be fair**. Karis v. Karis, 544 A. 2d 1328 -518 Pa. 601 (1988), the Supreme Court.*

*I was desperately wanting to see my child and I notify the agency that I was laid off my job and running out of unemployment and could not pay there fee for me to see my own daughter. This facility **refused** to allow me to see my own child because of this court order that was created to cause me and my daughter harm. **The facility was also going to notify my wife's counsel to let them know that I could no longer make their payments to see my daughter and claiming if I don't pay them that I was going to be in contempt of court.***

***October 23, 2014, my wife's attorney was planning on using The reports from The reunification counseling center and supervised visit center to modify the current custody arrangement. I spoke with another attorney about my horrifying case it was explained to me that The judge will review and base his decision on what these facilities said about me. I found out this reunification counseling center was illegally billing for services that was not rendered, this facility created a false report against me to cause me harm. I was also told that because of my plea bargain it was also being used against me for custody, even though I was clearly no threat of harm to my child and I was no criminal but a father that has been set up.***

***Chapter 53, 5329, consideration of criminal conviction.***

***(e) Subsequent evaluation:***

**(1) and anytime during or subsequent to the counseling under section(d), The court may require another evaluation to determine whether future counseling is necessary.**

**(2) if the court awarded custody to a party who committed an offense under section (a) or who shares a household with an individual who committed an offense under section (a), The court may require subsequent evaluations on the rehabilitation of the offending individual and the well-being of the child subsequent to the order. If, upon review of a subsequent evaluation. The court determines that the offending individual poses a threat of physical, emotional or psychological harm to the child, the court may schedule a hearing to modify the custody order.**

**October 30, 2014 I filed a petition for civil contempt for disobedience of the custody order.**

**October 30, 2014 I filed a petition for civil contempt for disobedience of the custody order by the reunification counseling center for providing false information and refusing my rights for access of records over the reunification counseling of my daughter. This facility had my wife sign a paper to keep me from access of record which was in violation of the custody order July 7, 2014.**

**Title 23, Chapter 53, 5336, access to records and information: (a) General rule; except as provided in subsections(b) and c:**

**(1) A party granted so or shared legal custody he under section 5323(relating to a word of custody) shall be provided access to:**

**(3) upon request, a parent, party or entity possessing any information set forth in paragraph 1 shall provide it to any party granite soul or shared legal custody.**

**(b) non-disclosure of confidential information: The court shall not order the disclosure of any of the following information to any Parent or party granted custody:**

**(4) information independently produced from disclosure by the child's right to confidentiality under the act of July 9, 1976(P.L.817, No.,143), known as the mental health procedures act.**

**31. October 31, 2014 the petition for civil contempt of The reunification counseling center was denied by the Judge.**

**Title 23, chapter 53, 5336(a)(b) Rights to obtain progress report but it was still denied.**

**Rule 1915.8. Physical and mental examination of persons:**

**(a) The court may order the children and/or any party to submit to fully participate in an evaluation by an appropriate expert or experts. The order, which Shall be substantially in the form set forth in**

*rule 1915.18, May be made upon the court's own motion, upon the motion of a party with reasonable notice to the person to be examined, or by agreement of the parties. The order shall specify the place, manner, conditions and scope of examination and the person or persons by whom it shall be made and to whom distributed. In entering an order directing an evaluation for Offender to this rule, the court shall consider all appropriate factors, including the following, if applicable.*

- (b) unless otherwise directed by the court, the expert shall deliver to the court, to their attorneys of record for the parties, to any unrepresented party, and to Guardian ad litem and/or counseling for the child, if any, copies of any reports arising from the evaluation setting out the findings, the results of all tests made, diagnosis and conclusions. No reports shall be filed of record or considered evidence unless and until admitted by the court. Any report which is prepared at the request of a party, with or without a court order, and which a party intends to introduce at trial, must be delivered to the court and other party at least 30 days before trial. If the report or any information from the evaluator is provided to the court the evaluator shall be subjected to cross examination by all counsel and any unrepresented party without regard to whom obtains or parties for the evaluation.*
- (c) if any party refuses to obey an order of the court made under subdivision (a) of this rule, the court may make an order refusing to allow the disobedient party to support or oppose designated claims or defenses, prohibiting the party from introducing in evidence designated documents, things or testimony, prohibiting the party from introducing evidence of physical or mental condition, or make such other order as in just. The willful failure or refusal of a party to comply with an order entered pursuant to this rule may also give rise to the findings of contempt and the imposition of such sanctions as may be deemed appropriate by the court, including, but not limited to, an adverse inference against the non complying party.*

**November 7, 2014** I filed a motion for discontinuance of the current custody order.

**November 24, 2014** petition to strike my Motion to discontinue was filed by my wife's attorney.

**November 26, 2014** it is hereby ordered and decreed my Motion to discontinue has been stricken by the Judge.

**February 26, 2015** petition for contempt of the custody order was filed, But my attorney did not file a criminal background report for me as I have no criminal record. Which can be seen on the picture below.

**March 2, 2015** hearing for contempt of custody order was set for March 31, 2015 at 8:30 AM.

**March 10, 2015**, My wife's attorney filed a criminal background report.

**March 17, 2015**, The court allowed my attorney to be removed from the case.

**March 20, 2015**, I hired a new attorney to help me out with the contempt charges and try to resolve all issues including custody matters.

**March 26, 2015** there was a hearing for contempt charges to be held on March 31, 2015 it was already set but the Judge called My attorney at the time and My wife's attorney My wife's attorney to let The parties know about the hearing.

**March 31, 2015** there was a contempt hearing for my wife of the custody order. I also wanted to show the court **The parental interference by my wife's council, the reunification counseling center and the supervise visit center of the said custody order.**



10/30/2014 PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER ON BEHALF OF TIMOTHY MARK SHILLING CONCERNING LAKE PSYCHOLOGICAL SERVICES COPY TO ATTY WELCH ON NOV 3, 2014

10/31/2014 ORDER PETITION FOR CIVIL CONTEMPT ON BEHALF OF LAKE PSYCHOLOGICAL SERVICES IS DENIED JUDGE MARTIN COPY TO ATTY WELCH AND TIMOTHY SHILLING

11/03/2014 ORDER DATED OCTOBER 31, 2014 A HEARING ON THE PETITION CONCERNING TAXES NOT BEING PAID IS SET FOR DEC 9, 2014 AT 8:30 A.M. IN COURTROOM 3 JUDGE MARTIN COPY TO ATTY WELCH AND TMOOTHY MARK SHILLING

11/03/2014 ORDER DATED OCTOBER 31, 2014 A HEARING ON THE PETITION FOR CIVIL CONTEMPT CONCERNING TEXT MESSAGES IS SET FOR DEC 9, 2014 IN COURTROOM 3 AT 8:30 A.M. JUDE MARTIN COPY TO ATTY WELCH AND TIMOTHY MARK SHILLING

11/07/2014 MOTION FOR DISCONTINUANCE FILED ON BEHALF OF PLAINTIFF

11/24/2014 PETITION TO STRIKE PLAINTIFFS MOTION TO DISCONTINUE

11/26/2014 ORDER DATED NOV 25, 2014 IT IS HEREBY ORDERED AND DIRECTED THAT THE PLAINTIFFS MOTION TO DISCONTINUE BE STRICKEN JUDGE MARTIN COPY TO ATTY WELCH AND TIMOTHY MARK SHILLING

12/09/2014 PRAECIPE FOR ENTRY OF APPEARANCE FILED BY MICHAEL VAPORIS ESQ ON BEHALF OF PLAINTIFF

02/26/2015 PETITION FOR CONTEMPT OF CUSTODY ORDER FILED ON BEHALF OF PLAINTIFF

03/02/2015 NOTICE AND ORDER TO APPEAR WITH HEARING SET FOR MARCH 31 2015 @8:30AM COURTROOM #3 COURTHOUSE TMB COPY TO MICHAEL VAPORIS ESQ AND CHRISTOPHER WELCH ESQ

03/10/2015 CRIMINAL RECORD/ABUSE HISTORY VERIFICATION - DEFENDANT

03/17/2015 PETITION FOR A RULE TO SHOW CAUSE FILED ON BEHALF OF ATTORNEY MICHAEL VAPORIS AND KATRINA KAYDEN

03/17/2015 ORDER - MICHAEL N VAPORIS ESQ AND KATRINA M KAYDEN ESQ ARE GRANTED LEAVE TO WITHDRAW AS COUNSEL FOR PLAINTIFF WJM COPY TO MICHAEL VAPORIS ESQ/KATRINA KAYDEN ESQ CHRISTOPHER WELCH ESQ TIMOTHY MARK SHILLING

03/20/2015 APPEARANCE OF COUNSEL FILED BY J ALLEN ROTH ESQ ON BEHALF OF PLAINTIFF

03/26/2015 MOTION FOR SPECIAL RELIEF FILED ON BEHALF OF PLAINTIFF

03/26/2015 ORDER OF COURT SETTING HEARING FOR MARCH 31 2015 @8:30AM COURTROOM #3 WJM COPY TO J ALLEN ROTH ESQ AND CHRISTOPHER WELCH ESQ (ALSO CALLED ATTY ROTH AND ATTY WELCH TO LET THEM KNOW)

03/30/2015 ANSWER TO PLAINTIFF'S MOTION FOR SPECIAL RELIEF

03/31/2015 ORDER OF COURT WITH PETITION FOR CONTEMPT OF CUSTODY ORDER IS DISMISSED CH COPY TO J ALAN ROTH ESQ AND CHRISTOPHER WELCH ESQ

04/02/2015 ORDER OF COURT DATED MARCH 30 2015 CONTINUING THIS PROCEEDING UNTIL AUGUST 26 2015 @1:15PM COURTROOM #3 FLR 4 COURTHOUSE CH COPY TO CHRISTOPHER WELCH ESQ AND J ALAN ROTH ESQ

05/07/2015 MOTION TO WITHDRAW AS COUNSEL

05/07/2015 ORDER OF COURT - ORDERED THAT THE APPEARANCE OF J ALLEN ROTH ESQ ON BEHALF OF PLAINTIFF IS WITHDRAWN TMB COPY TO J ALLEN ROTH ESQ AND CHRISTOPHER WELCH ESQ AND COPY MAILED TO TIMOTHY MARK SHILLING ON 5/8/2015

08/03/2015 APPEARANCE OF TIMOTHY MARK SHILLING PRO SE

08/17/2015 MOTION FOR CONTINUANCE FOR SPECIAL RELIEF FILED BY TIMOTHY SHILLING

08/19/2015 ORDER OF COURT DATED AUGUST 18 2015 RESCHEDULING HEARING FOR SEPTEMBER 28 2015 @8:30AM CH COPY TO CHRISTOPHER WELCH ESQ THERESA C HOMADY ESQ JUSTIN P SCHANTZ ESQ JAMES R WALSH TRUSTEE AND COPY MAILED TO TIMOTHY MARK SHILLING ON 8/19/2015

09/25/2015 MOTION TO CONTINUE HEARING

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23 Pa.C.S.4346 provides:

***(a) General rule. A party who willfully fails to comply with any visitation or parental custody order may, as prescribed by general rule, be adjudged in contempt.***

***(b) The five elements deemed essential to a civil contempt adjudication are (1) A rule to show cause why attachment should issue, (2) and answer and hearing (3) A rule absolute (4) A hearing on the contempt citation (5) An adjudication. Cahalin vs Goodman, 280 Pa. Super. 228, 421 A.2d 696, 698 (1980).***

***The US Court of Appeals for the 9th circuit (California) held that the parent-Child relationship is a constitutionally protected liberty interest (see; declaration of independence-Life, liberty and the pursuit of happiness and the 14th amendment of the United States Constitution-no state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) Kelson v. Springfield, 767 F 2d 651; US Ct App 9th Cir. (1985).***

***My attorney at the time without any notification to me orally withdrew all the contempt charges. (At a later date my own attorney filed bankruptcy for my ex-wife April 23, 2015 without my knowledge or consent to set me and my ex-wife up for more financial harm, he was removed from my wife's bankruptcy case July 2, 2015 and was publicly reprimanded by the disciplinary board of Pennsylvania September 13, 2016 for his misconduct.)***

***I was not properly notified by My attorney at the time that he orally withdrew all the contempt charges.***

***I didn't find out until a later date what really happened.***

***An Elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all circumstances to apprise interested parties of pendency of the action and afford them an opportunity to present their objections. (Mullane vs Cent. Hanover Bank & Trust Co. 339 U.S. 314-15 (1950).***

I was only prepared for contempt charge hearing and did not know that there was any kind of modification of the custody order that was even requested. If there would've been any kind of modification for a custody I should've been notified. If there was a modification of custody I would've requested that the supervised visits and reunification counseling would no longer be needed, as it was all based Upon **deception**. Also, all I wanted was a fair custody arrangement with my daughter.

**Langendorfer vs Spearman 797 A.2d.303(2002)** in addition to this case to the foregoing, we emphasize that father's due process rights were violated by the actions taken by the court, because father had no notice that custody would be an issue in the proceedings. Notice, in our adversarial process, ensures that each party is provided adequate opportunity to prepare and thereafter properly advocate its position, ultimately exposing all relevant factors from which the finder of the facts may make an informal judgment. (**Choplosky, 584 A.2d at 342.** without notice to the parties that custody was at issue, the trial court could not assume that the parties had either significantly exposed the relevant factors or properly argue their significance. Consequently neither we nor the trial court make an informed, yet quintessentially crucial judgment. *Id.* 343.

**Nobility**, The fathers temporary modification petition only requested that the court order that all family conduct including contact with father be prohibited for the period of time suggested by mentor. The petition did not request changes involved custody or legal custody.

The father recognized that pursuant to that Domestic Relations code(6) A party may be held in contempt for willfully failing to comply with the visitation or partial custody order, so as long as the procedure outlined in (**Crislip vs Harshman, 243 Pa Super. 349, 365 A.2d.1260(1976)**), are followed. However with reliance on **Choplosky vs Choplosky, 400 Pa. Super. 590, 584 A.2d. 340(1990)**, and **Serger vs Serger, 377 Pa. Super. 391, 547 A. 2d. 424(1988)**,

Father contends that the court may not permit only modify a custody order without having a petition for modification before it. We agree. See also **Rosenberg vs Rosenberg, 350 Pa. Super. 268, 504 A. 2d. 350, 353(1986)**. willful **interference** where is the court ordered visitation, no matter how deplorable, cannot be made the basis for an automatic change of custody. Have concluded that the mother's contempt petition and that father did not have noted that custody would be an issue, we conclude that the court committed a clear abuse of direction in ordering a change in custody. For these reasons, we vacate the orders and resend the 1998 custody order. **Orders vacated.**

**Fathers rights are protected by liberty interest. The Supreme Court of the United States of America has made plain Beyond any doubt that parents these are for and the right to the companionship, care, custody and management of his child or her child is an interest that is a far more precious than any property right. May vs Anderson, 345 U.S. 528, 73 S.Ct 840(1952). The nature of the parents interest is one's child and relationship of that interest to the constitution of the United States has been articulated on numerous occasions by the Supreme Court.**

*Now because of my own attorney orally withdrawing all contempt charges has only complicated matters and allowed issues to continue without being resolved.*

*Loss of the First Amendment freedoms, for even minimum periods of time, unquestionably constitute irreparable injury. Though the first amendment rights are not absolute, they may be curtailed only by interest of vital importance, The burden of proving which rust on their government. Elrod v. Bums, 96 S Ct 2673:427 US 347.(1976).*

**This was the contempt charge hearing there was No petition for modification of a custody filed but yet the contempt charge hearing was converted over to a modification of the current custody order without my knowledge/understanding and proper representation of the matter.**

**November 5, 2015, I filed a complaint against the reunification counseling center with the insurance company and with the Pennsylvania District Attorney's office. A letter from my insurance company clearly showed were The reunification counseling center has made a false claim to My insurance company. The reunification counseling center was making claims that I was there for mental treatment which would be false and misleading and they were billing for services that was never rendered.**

**There was no mental health treatment ever provided to me by anyone at this reunification counseling center. Therefore this reunification counseling center knowingly and willfully create a fraudulent statements of a diagnosis about me that was submitted to My insurance company so they could financially gain. This reunification counseling center had to paid back all the money to my Insurance Company. My insurance company also referred The psychologist for an investigation to the Pennsylvania department of insurance and the Pennsylvania state licensing board for a proper investigation.**

**November 14, 2015,** The attorney representing The reunification counseling center sent a letter to the Commonwealth of Pennsylvania office of the Attorney General. In this letter clearly indicates that **The conspiracy of the parties in question.** Conveniently The attorney representing this reunification counseling center made claim to many of the earlier deceptions by the parties to use against me. The attorney representing this reunification counseling center Made false claim that I was court ordered to participate in mental health counseling with this reunification counseling center. **This is false and misleading and has no merit. (this is falsification to authorities). I was forced there by fraud in the inducement and was tricked in participating for reunification counseling for my daughter. This reunification counseling center could not get paid by the insurance company for reunification counseling so they created a Bogus diagnosis so they could double bill the insurance company and be used in any custody modification at the courthouse. This was done To discredit me in any custody matters and for retaliation for finding out what they was doing.**

**November 29, 2015,** I sent a rebuttal to the Commonwealth of Pennsylvania Office of the Attorney General. I pointed out all the discrepancies and also requested an answer from the attorney representing the reunification counseling center, no answer was provided.

**December 17, 2015,** A letter from the office of the Attorney General of Pennsylvania shows where the mediation of the parties in their final position. It was also indicated that they are unable to mediate my complaint any further. It was also directed for me to personally file a complaint with the local magistrate district judge. I am low income and can't afford legal counsel to prosecute This reunification counseling center for their deception. Furthermore, why should I have to prosecute this facility for their actions when there is state and local government that are more equipped and financially able to prosecute for the public from facilities such as this. This facility should not be allowed to do this to a parent and get away with it.

**For this entire time I always called my daughter on a daily basis to tell her I love her and miss her every single day. Also requested numerous times to see my daughter over the years. My daughter even request to see me and can be proven that there was no alleged fear in my daughter of me.**

***Supervise visits and reunification counseling was based upon trickery and deception of the actors posing as noble officers of the court. I have only seen my daughter for around 4 to 5 hours in the last three years. The conspiracy to commit fraud of the custody order to make me Pay for services by extortion has become a pattern by and through the actions of the parties to use my child as a kid for cash scheme is appalling and disturbing. What kind of people use parents and children to do this to create conflict and income for themselves.***

***Since custody and visitation encompass protect nearly all of what we call parental rights a total denial of both would be the equivalent of termination of the parental rights.***

***Franz v. United States, 707 F.2d 582,602 (D.C. Cir.1983)***

***During this time I was also sending approximately 38 weekly letters to the President of the United States, Governor Tom Wolf, a representative, a senator and congressman of the severe parental alienation that has kept me held hostage from receiving any remedy of law by the court system.***

***February 1, 2017 I filed an affidavit in my divorce case and notified every individual that was involved in my case that I will no longer allow this court system or any other individual to use my daughter or myself for any more kids for Cash scheme.***

***May 12, 2017 a United States trustee filed a motion to substitute my ex-wife out in my divorce case and on May 12, 2017 the judge immediately granted the substitution of my ex-wife, That complicating matters even more.***

***May 28, 2018 my ex-wife now reached out to me after many years of me requesting to see my daughter and asked me if we could work things out for the interest of our child to resolve things peacefully so both of us can move on with our lives and not rely on the court system.***

Finally **August 8, 2019** The trustee removed himself from my divorce case, now me and my ex-wife was able to finally file a petition to modify custody **September 13, 2019** and I follow all the procedures. I created a stipulation agreement for **50-50** custody for me and my ex-wife and on **September 13, 2019** the judge signed our order of the stipulation agreement for **50-50** custody in Pennsylvania. **Me and my ex-wife also filed a criminal background report that's timestamp to prove that neither of us have any criminal record.**

Now because all the conflict has been removed from the case me and my ex-wife was finally able to sit down and resolve the custody matter and now me and my ex-wife work together for the best interest of our child and we both have 50-50 custody of our daughter.

**Pennsylvania laws involving custody that should be applied in every case.**

In Pennsylvania, both parties have to fill out a criminal record or abuse history and for some reason this isn't happening in Pennsylvania. Whenever there is no criminal abuse history filed on record and when a mediator is involved in the case, the mediator has no way of reviewing a criminal background report because it was not filed or given to the mediator over any alleged Abuse that would require supervised visits and reunification counseling.

Mediators may be unable to properly screen for domestic violence and may overlook many cases in which domestic violence is present without a criminal background report filed on record. This would determine if a parent was fit and able to have 50-50 custody.

In a study of mediation reports in San Diego, researchers found that the mediator only accounted for domestic violence in 43.1 percent of cases where the screening form filled out by the client had an explicit domestic violence allegation.

Mediators also fail to recommend taking custody away from batterers. In the San Diego study, mediators recommended joint custody in 91.4 percent of domestic violence cases, a rate even higher than their average of 90 percent joint custody recommendation for non-domestic violence cases. Even when the father/mother was clearly a perpetrator of abuse, he/she received at least some physical custody in 96.8 percent of cases.

*The concept of mediation assumes that cooperation is attainable, there is little to no abuse among the parties, and each party can adequately argue for his or her needs that would allow for 50-50 custody in cases, and would also bring up if any true/false assumptions when Alleged abuse is present.*

*Rule 1915.3-2. Criminal Record or Abuse History.*

***(a) Criminal Record or Abuse History Verification.*** *[The petitioner] A party must file and serve with the complaint, [or] any petition for modification, any counterclaim, any petition for contempt or any count for custody in a divorce complaint or counterclaim a verification regarding any criminal record or abuse history of [the petitioner] that party and anyone living in [the petitioner's] that party's household. The verification shall be substantially in the form set forth in subdivision (c) below. The [petitioner] party must attach a blank verification form to a complaint, counterclaim or petition served upon the [respondent] other party. Although the [respondent] party served need not file a responsive pleading pursuant to Rule 1915.5, [the respondent] he or she must file with the court a verification regarding [any] his or her own criminal record or abuse history [of the respondent] and that of anyone living in [the respondent's] his or her household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition. [upon the respondent.]*

***A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party. Both parties shall file and serve updated verifications five days prior to trial.***



*(b) Initial Evaluation. At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the **existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary.** The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, **the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.***

*Note: **The court shall consider evidence of criminal record or abusive history presented by the parties.** There is no obligation for the court to conduct an independent investigation of the criminal record or abusive history of either party or members of their household. The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, **the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.***

*(c) Verification. The verification regarding criminal or abuse history shall be substantially in the following form:*

*(Caption)*

#### **CRIMINAL RECORD/ABUSE HISTORY VERIFICATION.**

*If you are aware that the other party or members of the other party's household has or have a criminal record/abuse history and failed to do so would cause great harm to the parent and the child*

*On the website **find Law** describes the Pennsylvania child abuse laws that will protect parents and children from any abuse party.*

<https://statelaws.findlaw.com/pennsylvania-law/pennsylvania-child-abuse-laws.html>

## **Pennsylvania Child Abuse Laws**

*Pennsylvania child abuse laws, like the abuse laws found in other states, fall under the criminal or penal code. The crime is broadly defined to include any type of cruelty inflicted on a child, such as mental abuse, physical abuse, sexual assault or exploitation, and neglect. Charges for physical child abuse often include assault and battery. Additionally, child abuse laws include provisions requiring certain adults with access to children (such as teachers and doctors) to report signs of abuse.*

## **Pennsylvania Statutes**

*The state child abuse laws can differ depending on your jurisdiction. Below, you'll find a general overview of Pennsylvania child abuse laws, mandatory reporting requirements, and penalties for failure to report, as this would protect children and parents from any abuse party, this would further strengthen and support to give parents 50-50 custody.*

## **Pennsylvania Statutes Title 23 Pa.C.S.A. Domestic Relations § 6303.**

### **What Constitutes Abuse?**

*Act which causes non-accidental serious physical injury, sexual abuse/exploitation, serious physical neglect constituting prolonged or repeated lack of supervision or failure to provide essentials of life.*

### **Mandatory Reporting Required By?**

*Physician, coroner, dentist, chiropractor, hospital personnel, Christian Science practitioner, clergy, school teacher/nurse/administrator, social services worker, day care or child center worker, mental health professional, peace officer, law enforcement official, funeral director, foster care worker.*

### **Basis of Report of Abuse/Neglect?**

*Reasonable cause to suspect (within their respective training) that child is abused.*

### **To Whom Reported?**

*Department of Public Welfare of the Commonwealth.*

### **Penalty for Failure to Report or False Reporting?**

*Summary offense for 1st violation; misdemeanor in 3rd degree for 2nd and subsequent offenses.*

### **Related Statutes?**

*Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 4304. Endangering welfare of children.*

*(a) Offense defined.--*

*(1) A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.*

*(2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).*

*(3) As used in this subsection, the term "person supervising the welfare of a child" means a person other than a parent or guardian that provides care, education, training or control of a child.*

*(b) Grading.--*

*(1) Except as provided under paragraph (2), the following apply:*

*(i) An offense under this section constitutes a misdemeanor of the first degree.*

*(ii) If the actor engaged in a course of conduct of endangering the welfare of a child, the offense constitutes a felony of the third degree.*

(iii) *If, in the commission of an offense under subsection (a)(1), the actor created a substantial risk of death or serious bodily injury, the offense constitutes a felony of the third degree.*

(iv) *If the actor's conduct under subsection (a)(1) created a substantial risk of death or serious bodily injury and was part of a course of conduct, the offense constitutes a felony of the second degree.*

(2) *The grading of an offense under this section shall be increased by one grade if, at the time of the commission of the offense, the child was under six years of age.*

(c) *Counseling.* --*A court shall consider ordering an individual convicted of an offense under this section to undergo counseling.*

### **Parents rights to raise their children**

*In Pennsylvania let's turn our attention to page 66 and 67 of the Pennsylvania Dependency Benchbook Office of Children and Families in the Courts Administrative Office of Pennsylvania Courts. This explains the law on how the court system **should treat parents and has been neglecting parents rights for way too long.***

*In Pennsylvania it has been recognized As long term goal is reunification of the parents and children, a parent may not be denied visitation "except where a grave threat to the child can be shown" (In the Interest of M. B., 674 A.2d 702, 705 (Pa. Super. 1996).*

*This standard reflects the parents Visitation constitutionally protected liberty interest in visitation, and also the significant consideration of allowing a parent to maintain a meaningful and sustaining relationships with his or her child (Id.) (See also In re: B.G., 774 A.2d 757 (Pa. Super. 2001); In re: C.J., 729 A.2d 89 (Pa. Super. 1999)).*

*Pennsylvania is a jurisdiction that recognizes parental alienation in the case of; W.F.F. v M.G. 115 A 3d 323 (Pa. Super 2015).*

*The applicable statutory provisions, 23 P.S. §§ 5304, 5310 do not compel the elimination of the substantial change in circumstances requirement. These provisions, as the Superior Court observed, simply permit the lower courts to entertain a petition for modification to shared custody at any time the threshold test has been met. Once the petitioner has established a substantial change in circumstances, justifying a reexamination of the original order,[1] the court is to be guided by the "best interest of the child" standard in ruling on the petition for modification. The cogent reasoning employed by the Superior Court on this issue should not be lightly dismissed. See Karis v. \*610 Karis, 353 Pa.Super. 561, 568-569, 510 A.2d 804, 808-809 (1986). See also Constant A. v. Paul C.A., 344 Pa.Super. 49, 496 A.2d 1 (1985); Agati v. Agati, 342 Pa.Super. 132, 492 A.2d 427 (1985).*

*When parents fall out, children are often victims of conflicting loves; love sometimes stronger than what their best interests require. Childhood is a small stretch of time in which events and changes can alter life to its last day. Doubtless such loves will foster spurious petitions and unsubstantiated contentions, but they cannot go unheard, as the Act clearly indicates. Courts must remain vigilant, patient, and perhaps even indulgent to such deep human needs. Because we cannot undo the past we must be more careful of the present, all too soon in the life of a child, to be the past. See Agati 342 Pa.Super. at 146-147, 492 A.2d at 433-434 (Beck, J., concurring).*

*A parent's rights to the preservation of his/her relationship with his/her child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend specifically on his/her ability to participate in the wearing of his/her child.*

*The Parent's child's corresponding right to protection from interference by the state in the relationship derives the parent from the psyche importance to the affiant's child of being raised by a loving, responsible, and reliable adult. Franz v. U.S., 707 F 2d 582, 595^Q 599; U.S. Ct App (1983).*

*Even The United States Supreme Court has held that parents have a constitutionally protected liberty interest in the care, custody and management of their children.*

*This can be seen in the case of Santosky v. Kramer, 455 U.S. 745, 758-59, 102 S. Ct. 1388, 1397. "As a general rule, therefore, before parents may be deprived of the care, custody or management of their children without their consent, due process—ordinarily a court proceeding resulting in an order permitting removal—must be accorded to them." Tenenbaum v. Williams, 193 F.3d 581, 593 (2d Cir. 1999) (citing Stanley v. Illinois, 405 U.S. 645, 649, 92 S. Ct. 1208, 1212). "At the same time, however, the State has a profound interest in the welfare of the child, particularly his or her being sheltered from abuse." Id. at 593-94.*

*In the protection of this fundamental right to parents, The parent should be afforded at a minimum the constitutional protections afforded to a criminal defendant who faces the loss of his fundamental loss of liberty in a criminal proceeding.*

*The permanent risk of loss of the relationship of parent-child is no less devastating to both the child and the parent than the risk of incarceration.*

*Even Criminals who face incarceration are at least provided a determinative sentence for punishment of their crimes and the ability to rehabilitate no matter the length of sentence.*

*Parents in Pennsylvania Demands the rights afforded to the fit parent's 50-50 custody of the minor child and should not be any less.*

*Therefore, Parents in Pennsylvania should have the following:*

*The right of due process prior to the deprivation of parents' rights.*

*The right to a jury trial if there are accusations of abuse;*

*The right to face and cross-examine all accusers, including those reporting abuse or neglect to the state agency for child welfare, Crawford vs Washington supreme court rules 9-0, march 8, 2004, supreme court rules that hearsay evidence in child abuse/neglect and domestic violence cases is not admissible. Parents have the constitutional right to confront their accusers under the sixth amendment to comply with the sixth amendment rights in Child abuse/neglect and domestic violence cases.*

*Even a Loss of the First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Through the first amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on the government. Elrod vs Burns, 96 S Ct. 2673, 427 U.S. 347, (1976).*

*Each parent shall have full access to school or medical records of the Child and Shall be equally entitled and is encouraged to participate jointly and medical appointments, parent/teacher conference or back to school nights of the child as well as to attend school performances, sports events or extracurricular activities of the child.*

*Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection. In the interest of Cooper, 621 P 2d 437; Kansas App Div 2d 584, (1980).*

*The right to be provided all evidence, both inculpatory and exculpatory, that is in the hands of those who seek to destroy parents' relationship with the child.*

*Single Parenting Data further supports the parents right to equal parenting in Pennsylvania.*

*According to federal statistics from sources including the U.S. Centers for Disease Control, U.S. Department of Justice and the U.S. Census Bureau, children raised by single parents account for:*

- 63% of teen suicides;*
- 70% of juveniles in state-operated institutions;*
- 71% of high school drop-outs;*
- 75% of children in chemical abuse centers;*
- 85% of those in prison;*
- 85% of children who exhibit behavioral disorders; and*

- **90% of homeless and runaway children.**

*According to the American Bar Association, as of 2008, 32 states included “friendly-parent” presumptions as a factor in the analysis of the best interest of the child. Friendly-parent presumptions assume that “in all child custody cases the parent who was the most generous in sharing the child with the other parent would have a greater ability to understand and provide for the child’s needs.*

*Pennsylvania should be a leader of parents rights as Bills for 50-50 custody have been already filed in:*

*Alabama, Arizona, Connecticut, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, New Hampshire, New York, North Dakota, Oregon, South Carolina, South Dakota, Texas, Vermont, Washington, West Virginia, Wisconsin and Wyoming.*

*In a recent article about Kentucky’s shared parenting is working at a phenomenal rate.*

*People going through a divorce or breakup often face a difficult choice. Should I stay to protect my children or leave to protect myself? No person, mom or dad, should have to face that choice. Fathers are more likely to face another level of issues such as false abuse or domestic violence claims. In fact, Kentucky’s citizens said that false abuse claims were not uncommon “to gain an advantage” in custody cases by 61% to 13%. Mothers have their own unique issues. If they leave, they may lose custody of what they love most, their children. Additionally, non-custodial moms face the stigma that goes with not being their children’s caregiver.*

***However, healthy moms and dads want to be parents after their families end. And, Kentucky recently became the first state to make that easier by passing the nation’s first true shared parenting law. Shared parenting is defined as joint custody, which is equal legal decision making, and equal parenting time. Kentucky stated last year what we all know that children need both parents if the adults are healthy. It seems so obvious that it is hard to believe it was truly a bold step.***



Now, the results are in from Kentucky's bold shared parenting step. The year before Kentucky had any shared parenting laws, there were **22,512** family court cases filed. They declined to **21,847** the year the partial shared parenting law began. When the complete Shared Parenting Law took effect in the last 12 months, new cases plummeted to **19,991**. In other words, Kentucky's families filed to sue each other in family court over **11% less** despite the state's population increasing. In comparison, the Center for Disease Control says national divorce cases increased slightly.

The highest conflict cases, those with domestic violence claims, showed a similar **decline**. Kentucky domestic violence claims declined by **248** in 2017 when the partial shared parenting law was enacted. Further, the decline of domestic violence accelerated by **dropping an additional 445 cases as the complete Shared Parenting Law took effect in 2018 versus the prior year**. Debbie Sivis, Director of the Shelter of Hope said, "There has been a drop off in the percentage of new guests with a domestic violence history who have children. The percentage with children has reduced from a majority in 2016 and 2017 to less than a third so far this year."

As survivors of domestic abuse, we want to thank Matt Hale, who led the effort, and the lawmakers who made Kentucky the national leader on child custody issues. No law can control a person and force him/her to never be violent. However, Kentucky's Shared Parenting Law saves parents from fighting just to remain a custodial parent. **It seems so obvious now that if a state does not force parents to fight for their children that they will, well, fight less.**

If Kentucky's new law would have been in place back in 2013, maybe the courts could have prevented parental alienation from happening to me. It's been over 7 years with no contact or communication with 2 of my children and I have a clean record. There is no excuse for this type of abuse to happen. **And our new law will help prevent parental alienation!**", Alexandra Beckman, coauthor of this column recently said.

[https://www.dailyindependent.com/opinion/forum-shared-parenting-law-having-a-positive-effect-on-domestic/article\\_dc94c6ee-d653-11e9-af23-77c5fa97c921.html?fbclid=IwAR2zhfqt8441-eanodp4xTEbu-GmhG5nHXWkhK1Bqj7X8eN4qokQuYC\\_AFjo](https://www.dailyindependent.com/opinion/forum-shared-parenting-law-having-a-positive-effect-on-domestic/article_dc94c6ee-d653-11e9-af23-77c5fa97c921.html?fbclid=IwAR2zhfqt8441-eanodp4xTEbu-GmhG5nHXWkhK1Bqj7X8eN4qokQuYC_AFjo)

*As **The Honorable members of the house judiciary subcommittee on family law** can see there are laws in place to protect children and parents from any alleged abuse party. Sometimes criminal background reports are not even filed by the attorney on record which allow false accusations of abuse to occur like in my case. A criminal background report to be filed before any custody or modification, **it is the law**. But sadly this has been severely neglected in Pennsylvania.*

*Not all parents are bad, please don't punish the good parents and allow this bill to go through as this would be the first step in the right direction for our great Commonwealth of Pennsylvania for our children's future.*

*My daughter and Children in Pennsylvania are the most valuable resource in Pennsylvania and these children need both parents in their lives.*

*I want to show my daughter that there are good people and to give her hope that her future will not be bleak.*

*If Kentucky can do it Pennsylvania can do it too.*

***Wherefore**, I pray that **The Honorable members of the house judiciary subcommittee on family law** recognizes The importance of HB 1397 which would allow fit parents to have 50-50 custody.*

*Me and my ex-wife want to work together for the benefit of her daughter, we don't want any more conflict and want to live our life in peace, we can prove that 2 fit parents that can work together and have **no criminal record** and we did this together, against all odds.*

*I will also show you a picture of what the court system does to parents, as no parent should ever have to be tortured like I was, so please consider 50-50 custody for fit parents in Pennsylvania before this happens to any other parent.*

***Respectfully submitted***

**By:**

*Timothy M Shilling*

***Timothy M Shilling, Father***

***1203 Philadelphia Ave., Northern Cambria PA 15714. (814-691-5548)***

**COURT DOCUMENTS  
FROM 2017-19**

**I AM BREAKING THE SILENCE**



**THIS IS WHAT THE COURT  
SYSTEM DOES TO PARENTS**

# COURT FILINGS AND CORRESPONDENCE FROM 2013 TO 2016



**In The Court Of Common Pleas Of Indiana County, Pennsylvania**

Timothy M Shilling

[REDACTED]

Plaintiff/Petition

vs

[REDACTED]

Defendant/Respondent

INDIANA COUNTY  
PROthonotary AND  
CLERK OF COURTS  
2014 SEP 13 AM 10:09

**Petition to modify custody order**

**Now comes**, Timothy M Shilling, pro se hereby files this petition to modify custody order hereby states the following;

1 Timothy M Shilling The petitioner resident at Cambria County Pennsylvania and resides at 1203 Philadelphia Ave. Northern Cambria PA 15714.

2 [REDACTED] the Respondent The resides at Indiana County Pennsylvania and resides at [REDACTED]

3. The petitioner Timothy M Shilling respectfully request that on July 7, 2014 and March 31, 2015 orders was entered for supervised physical custody.

4. A true and accurate copy of the orders are attached.

5. The orders should be modified because the petitioner and the respondent has peacefully came to a consent stipulation agreement of custody matters of shared legal custody and shared physical custody that has been signed by the petitioner and respondent that will be attached thereof.

6. The petitioner and the respondent has attached a copy of the Criminal Record/Abuse History Verification form required pursuant to Pa. R.C.P. No. 1915.3-2.



COPY

1 of 8

7. The court should respectfully hereby excuse each party from appearing in open court for the purpose of entering The within stipulation agreement for custody matters.

**WHEREFORE**, The Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child.

Respectfully submitted

By: Timothy M. Shilling Date: 9-12-19

**Timothy M. Shilling, Pro Se**  
1209 Philadelphia Ave.,  
Northern Cambria PA 15714.  
814-691-5348

**In The Court Of Common Pleas Of Indiana County, Pennsylvania**

**Civil Action-Law(Divorce)**

Timothy M Shilling

Plaintiff/Petitioner

vs

Defendant/Respondent

**Scheduling Order Only**

And now on, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. This matter coming before the Honorable Court upon the Reconsideration of the Petition to modify custody order A hearing on this matter shall be scheduled for the \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_. In courtroom No. \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. Indiana County Court of Common Pleas Pennsylvania court.

**If you fail to appear as provided by this order, an order for custody may be entered against you or the court may issue a warrant for your arrest.**

**You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation) but not later than 30 days after service on the complaint or petition.**



No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 191517 regarding relocation.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**



**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Indiana County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Date: \_\_\_\_\_

By the court: \_\_\_\_\_ J

In the court of common pleas of Indiana County, Pennsylvania

Civil Action-Law(Divorce)

Timothy M Shilling

[REDACTED]

Plaintiff/Petition

vs

[REDACTED]

Defendant/Respondent

Order of the court

And Now, this \_\_\_\_\_ day of \_\_\_\_\_, 2019 it is adjudicated, ordered and declared that upon consideration of the Petition to modify custody order is hereby granted and the Stipulation custody arrangement between the Mother and Father shall be entered into effect.

This order shall supersede any other custody order and shall remain in full force and effect until further ordered of the court.

Furthermore The court excuses each party from appearing in open court for the purpose of entering The within stipulation agreement for custody matters.

By the court:

\_\_\_\_\_ Judge

Verification pursuant to Pa.C.S.A. Section 102 and Pa.R.C.P.76

I verified that statements contained in the foregoing Petition to modify custody order Are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Respectfully submitted

By: Timothy M Shilling Date: 9-12-19

Timothy M Shilling, Pro Se  
1203 Philadelphia Ave.,  
Northern Cambria PA 15714.  
814-691-5548

**CERTIFICATE OF COMPLIANCE**

**Docket No.12066 CD 2013**

**I certify that this Petition to modify custody order complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that requires filing confidential information and documents differently than non-confidential information and documents.**

**Respectfully submitted**

By: Timothy M Shilling Date: 9-12-17

**Timothy M Shilling, Pro Se**

1209 Philadelphia Ave.,  
Northern Cambria PA 15714.  
814-691-5548

In The Court Of Common Pleas Of Indiana County, Pennsylvania

Civil Action-Law(Divorce)

Timothy M Shilling

Plaintiff/Petitioner

vs

Defendant/Respondent

Certificate of service.

The undersigned hereby certifies that on this day of SEP 12 2019 the foregoing Petition to modify custody order has been served upon the respondent listed below in the manner indicated, which service satisfies the requirements of Pa. R. A. P. 121 and 906.

Service by Hand-deliver.

respondent will receive a copy of the time stamped copy by the petitioner.

Respectfully submitted

By: Timothy M Shilling Date: 9-12-19

Timothy M Shilling, Pro Se

1203 Philadelphia Ave.,  
Northern Cambria PA 15714.  
814-691-5548

In the court of common pleas of Indiana County, Pennsylvania

Civil Action-Law(Divorce)

Timothy M Shilling

Plaintiff/Petition

vs

Defendant/Respondent

INDIANA COUNTY  
PROthonotary  
CLERK OF COURT  
2019 SEP 16 AM 10:00

Order of the court

And Now, this 13<sup>th</sup> day of September, 2019 it is adjudicated, ordered and declared that upon consideration of the Petition to modify custody order is hereby granted and the Stipulation custody arrangement between the Mother and Father Shall be entered into effect.

This order shall supersede any other custody order and shall remain in full force and effect until further ordered of the court.

Furthermore The court excuses each party from appearing in open court for the purpose of entering The within stipulation agreement for custody matters.

By the court:

/s/WILLIAM J. MARTIN, PJ Judge

In the court of common pleas of Indiana County, Pennsylvania

Civil Action-Law(Divorce)

Timothy M Shilling

[REDACTED]

Plaintiff/Petition

vs

[REDACTED]

Defendant/Respondent

2019 SEP 16 AM 9:59


Order of the court

And Now, this 13<sup>th</sup> day of September, 2019 it is adjudicated, ordered and declared that upon consideration of the Petition to modify custody order is hereby granted and the Stipulation custody arrangement between the Mother and Father Shall be entered into effect.

This order shall supersede any other custody order and shall remain in full force and effect until further ordered of the court.

**Furthermore** The court excuses each party from appearing in open court for the purpose of entering The within stipulation agreement for custody matters.

By the court:

 Judge

In The Court Of Common Pleas Of Indiana County, Pennsylvania

Timothy M Shilling

[REDACTED]

Plaintiff

vs

[REDACTED]

Defendant

INDIANA COUNTY  
PROthonotary  
CLERK OF COURTS  
2019 SEP 12 PM 10:10

Stipulation custody arrangement between the Mother and Father

**THIS AGREEMENT**, made this day of September 12 2019  
**TIMOTHY MARK SHILLING** of Cambria County, Pennsylvania (hereinafter  
referred to as **FATHER** ") and **[REDACTED]** of Indiana County,  
Pennsylvania (hereinafter referred to as a **MOTHER** ").

**WITNESSETH:**

**WHEREAS**, Mother and Father were married on July 16, 1994; and

**WHEREAS**, certain differences have arisen between Mother and Father, and,  
as a result of which, they wish to live separate and apart; and

**WHEREAS**, Mother and Father have been separated since December 4, 2013  
and have not cohabitated since the date of separation; and

**WHEREAS**, Father filed for divorce December 18, 2013 on three counts,  
divorce, custody and equitable distribution; and

**WHEREAS**, Mother and Father entered into a custody consent order of court  
July 7, 2014; and

 COPY



**WHEREAS**, Mother and Father on March 31, 2015 entered into an order of the court of various custody matters; and

**WHEREAS**, said Divorce proceeding was, by Agreement of Mother and Father, bifurcated, and the Court of Common Pleas of Indiana County, Pennsylvania, in the proceedings docketed to Case No. [REDACTED] on May 24, 2016, duly entered a Final divorce Decree in Divorce on record May 25, 2016, thereby terminating the marriage of Mother and Father; and

**NOW, THEREFORE**, in consideration of the mutual promises herein contained, as aforesaid, Mother and Father, intending to be legally bound, each covenant as follows:

Mother and Father wish to stipulate this custody arrangement.

**Child Custody And Visitation:**

1. Mother and Father have a custody consent order of the court dated July 7, 2014. **This order will be exhibit A.**
2. There was also a order of Court dated March 31, 2015 over custody related matters. **This order will be exhibit B.**
3. The Mother and Father have decided to mutually work out any child custody and visitation schedules together for the best interest of our child without any further court intervention or modification of the court.
4. Mother and Father are exercising their rights as parents on averment **16 of the custody order dated July 7, 2014 that will be stated as such:**

**Averment 16.** Nothing in this order of court shall limit or restrict the ability of the parties to mutually agree on alternative arguments as the parties are free to modify the terms of this order but they must be in complete agreement to any new terms. The parties are encouraged to be flexible in permitting additional or different custody arrangements to accommodate each parties schedule. Any request for extra custody and/or a different custody arrangement by either parent shall be given with as much advance notice as possible and may be granted upon mutual consent.

**The Mother and Father have a parenting plan in accordance to Pennsylvania rule 5337(c) which the Mother and Father have mutually consented to.**

5. This complete Mutual agreement between Mother and Father are as such:

6. The parties to this matter are the Plaintiff, **Ex-Husband**, Timothy Shilling (father) and the defendant, **Ex-Wife** [REDACTED] (Mother).

7. The child that is the subject of this matter is [REDACTED] [REDACTED] 06 and currently at the age of [REDACTED].

8. Mother and father shall share legal custody of the minor child. Shared legal custody mean shared responsibility for all major decisions concerning the upbringing, education, medical, dental and religious/spiritual care and in matters affecting the general fair of the child including, but not limited to, choice of daycare, choice of or change in schools, choices of positions, participation in extracurricular or sports activities that may be of concern to either parent and other such matters.

9. For the purposes, both parents shall consult one another and confer on matters affecting the general welfare of the child taking into account the best interest of the child, and as far as possible, the desires of the child. Each parent shall have full authority to sign for emergency medical care, school absence and other activities regarding the signature of either parent.

10. Each parent shall have the authority to sign for emergency medical treatment and shall notify the other as expediently as possible regarding such medical treatment but shall notify the other as expediently as possible regarding such medical treatment including the same, address and telephone numbers of the medical facility where the child is being treated.

11. Each parent shall have full access to school or medical records of the child and shall be equally entitled and is encouraged to participate jointly in medical appointments, parent/teacher conference or back-to-school nights of the child as well as to attend school performances, Sports events or extracurricular activities of the child. Shared legal custody also means that each parent shall be named as an emergency contact with the child school.

12. Each parent has the affirmative duty to keep the other party aware and is prohibited by law, apprised of the residence addressed, which includes the street address and telephone number, of the party and the minor child. Mother and father shall discuss and agree upon selected educational institution for the child. Both parties share legal custody, and have mutually agreed to work with one another peacefully and shall assist one another with any Day to Day decisions involving the child.

13. Each parent shall keep the other apprised of the minor child's extracurricular and school activity schedules and/or information as soon as possible upon receipt of the schedule and/or information. The parties shall ensure that the minor child attends his/her extracurricular and/or school activities during their periods of time. Each parent may attend and participate in the child's activities/events and may have upon communication with the child during these activities/events.

14. Mother and Father shall have Shared physical custody. The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

**Mother and father have mutually agreed to participate in the best interest of our child to set our own parenting time with the minor child.**

15. Mother and father have agreed that when the minor child is with the other parent that phone contact between father and mother of the minor child shall be permitted on a daily basis, at reasonable times and shall be encouraged by mother and father.

16. The minor child shall be given privacy *(If the minor child wishes)* during her communications with mother and father, without interference by any person.

17. If mother or father is not available when the mother or father calls a message shall be left with mother and father and shall encourage a return phone call to mother and father as soon as possible. Both mother and father shall keep the other party apprised of their phone number and if either parties number changes it is the responsibility of the mother and father to notify each other and provide each other with their new telephone number immediately.

18. Mother and father will communicate with one another if there was any relocation that would be necessary in changing any visitations schedule that would significantly impair the ability of the mother and father. If either parent would have to move and change the school district for the minor child or to exceed a 25 mile radius have mutually agreed to work with one another for the best interest of their child in notifying each other in accordance with section 5337 of the Pennsylvania custody act. No relocation shall occur unless (1) every person with custody rights concerns or (2) the court approves the proposed relocation.

19. There shall be no restrictions on Mother or Father to communicate on setting their own schedules for the Mother and Father to have overnight visits with the minor child.

20. Mother and father have mutually agreed over the years to work with one another's ( for the best interest of their child) busy work schedule's Monday through Sunday to accommodate each parent.

21. Mother and father have mutually agreed to work with one another over visits of holidays to ensure that each parent has quality time with the minor child.

22. Mother has mutually agreed with father for the best interest of the child not to take steps of court intervention/or mortification and have mutually agreed to work out any disagreements mother and father may have with one another without any court intervention.

23. Mother mutually agree not to withhold/restrict visitation of the minor child from the father and the father mutually agrees not to withhold /Restrict visitation of the child from the mother.

24. This Stipulations Agreement of custody matter supersedes any and all other orders, agreements, either oral or in writing, between Mother and Father hereto.

25. The Mother and Father have put their differences aside for the best interest of their child and wish to live their lives in peace.

26. This Stipulation Agreement of custody matters are held by this court of competent jurisdiction of Indiana County Pennsylvania.

27. This court should not object to this mutual binding Stipulation agreement over custody matters that the Mother and Father have shown extraordinary circumstances for the best interest of their child.

28. Mother and Father decided to there live in peace for the rest of their lives, to raise their child without any further unnecessary court intervention.

And Now intending to be legally bound hereby, the Mother and Father to this stipulation agreement of custody matters have sent their hands and sealed The day and year as said above.

Respectfully Submitted

By:  Shilling, Date 9/12/19.

Paula S Shilling  
351 Harkleroad Clymer PA 15728  
814-948-5763

By: Timothy M Shilling, Date 9-12-19.

Timothy M Shilling  
1203 Philadelphia Ave., Northern Cambria PA 15714  
814-691-5548

IN THE COURT OF COMMON PLEAS OF Franklin COUNTY, PENNSYLVANIA

Timothy M Shilling  
Plaintiff

v.

No. [REDACTED]  
CUSTODY

**CRIMINAL RECORD / ABUSE HISTORY VERIFICATION**

I, Timothy M Shilling, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea or no contest plea, or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

20 SEP 13 AM 10 10  
FRANKLIN COUNTY  
PROBATIONARY AND  
CORRECTIONAL  
DEPARTMENT

1

COPY

Custody Form 3  
Criminal Record/Abuse History Verification  
Pa.R.C.P. 1915.3-2(c)  
AOPC 4.18.16

COPY

IN THE COURT OF COMMON PLEAS OF Isabella COUNTY, PENNSYLVANIA

Timothy M Shelley  
Plaintiff

v.

[Redacted]  
Defendant

No. [Redacted]  
CUSTODY

**CRIMINAL RECORD / ABUSE HISTORY VERIFICATION**

I, [Redacted] Shelley, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea or no contest plea, or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

INDIANA COUNTY  
PROthonARY AN  
CLERK OF COURTS  
2019 SEP 10 AM 10:10

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07/19/2019 UPDATED IFP INFORMATION FOR TIMOTHY SHILLING  
07/26/2019 RECEIVED QDRO  
07/26/2019 RECEIVED QDRO  
07/29/2019 QUALIFIED DOMESTIC RELATIONS ORDER DATED JULY 26, 2019 WJM COPY TO TIMOTHY SHILLING AND JAMES WALSH ESQ ON 7/29/19  
07/29/2019 QUALIFIED DOMESTIC RELATIONS ORDER WJM COPY TO TIMOTHY SHILLING AND JAMES WALSH ESQ ON 7/29/19  
07/29/2019 RECEIVED CONFIDENTIAL DOCUMENT FORM (QDRO)  
08/08/2019 SUBSTITUTION OF PARTY FILED ON BEHALF OF JAMES R WALSH ESQUIRE CHAPTER 7 TRUSTEE OF THE BANKRUPTCY ESTATE OF PAUL SUE SHILLING BY K PETAK ESQ  
08/08/2019 ORDER WHEREBY THE SHILLING IS SUBSTITUTED AS THE SUCCESSOR-IN-INTEREST TO JAMES R WALSH ESQUIRE CHAPTER 7 TRUSTEE OF THE BANKRUPTCY ESTATE OF PAUL SUE SHILLING WJM COPY TO KEVIN J PETAK ESQ JAMES R WALSH ESQ THERESA C HOMADY ESQ TIMOTHY SHILLING AND JAMES WALSH ESQ ON 8/9/2019  
08/19/2019 NOTICE JUDGE MARTIN DID NOT ORDER THE PLAINTIFF TO FILE A CONCISE STATEMENT OF ERRORS OF THE RECUSAL OF JUDGE MARTIN AND THE PLAINTIFF DID NOT WAIVE ANY RIGHTS OF THE ISSUES RAISED ON APPEAL UNDER 1925(B)  
09/13/2019 PETITION TO MODIFY CUSTODY  
09/13/2019 RECEIVED CONFIDENTIAL INFORMATION FORM  
09/13/2019 CRIMINAL RECORD/ABUSE HISTORY VERIFICATION - T SHILLING  
09/13/2019 RECEIVED CONFIDENTIAL INFORMATION FORM  
09/13/2019 CRIMINAL RECORD/ABUSE HISTORY VERIFICATION - P SHILLING  
09/13/2019 STIPULATION CUSTODY ARRANGEMENT BETWEEN MOTHER AND FATHER  
09/16/2019 ORDER OF COURT DATED SEPTEMBER 13 2019 - IT IS ADJUDICATED ORDERED AND DECLARED THAT UPON CONSIDERATION OF THE PETITION TO MODIFY CUSTODY ORDER IS HEREBY GRANTED AND THE STIPULATION CUSTODY ARRANGEMENT BETWEEN THE MOTHER AND FATHER SHALL BE ENTERED INTO EFFECT WJM COPY TO TIMOTHY SHILLING AND P SHILLING ON 9/16/2019  
09/17/2019 ORDER OF COURT WM (2 ORIGINALS WERE MADE OF THIS ORDER - ONE FOR OUR OFFICE AND ONE FOR DOMESTIC RELATIONS PER JUDGE MARTIN)  
(COPIES OF THIS ORDER WERE SENT BACK TO CA OFFICE TO BE GIVEN TO DRS)

September 18, 2019