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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

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October 6, 1997

Mr. Robert G. Kearns, Jr.  
RR 3, Box 254A1  
Hollidaysburg PA 16648

Dear Mr. Kearns:

Thank you for writing and informing me of your current situation as it deals with your custody arrangements and the trouble you are currently experiencing. It is extremely difficult for children whenever parents separate or divorce and certain situations, such as the one you are experiencing, compound the problems.

I wanted to inform you that I have co-sponsored House Bill 1723 and believe that this proposal will, in fact, be brought forth from committee and discussed. I am also aware this bill may not be a complete solution to the problems.

Thank you once again for informing me of your opinion on this extremely important issue. I have taken the liberty of contacting Chairman Tom Gannon and will ask him to consider this bill in the Judiciary Committee.

Sincerely,

A handwritten signature in black ink that reads "Jerry A. Stern". The signature is written in a cursive, flowing style.

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

JAS/jeb

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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

July 16, 2001

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Robert G. Kearns, Jr.  
RR #3 Box 254A1  
Hollidaysburg, PA 16648

Dear Mr. Kearns,

I am sorry for the delay in responding to your letter. The complexity of your situation combined with the voluminous material involved in this issue has resulted in more time passing before following up with you than I would normally allow.

The main responsibility of a Legislator involves creating, amending and repealing the laws that govern the citizens of the Commonwealth. Aside from legislation, the other major duty of a State Representative is to serve the individual needs of the people within the district. In your instance, it involves problems that you have encountered over the last six years. As a father myself, I anguished over the details of your situation. I can only imagine the devastation you and your family experienced over the course of this upheaval.

At this point, I would like to emphasize that I am committed to responding to your concerns within the parameters of the powers of my office. You know better than anyone that nothing can undo the harm that has been done to you and your daughter.

As a leader in our Commonwealth, I am aware of the short and long term effects of divorce on the parties involved and especially the children. I have examined the detrimental effects divorce is having on our communities, and I am working to enact public policies that speed up the process, policies that restore justice to a wronged person, and policies that recognize that fundamental bias against fathers in the area domestic relations. Such bias is generally acknowledged by the public and is often privately acknowledged by court officials.

This fundamental bias against fathers is not in the statutes themselves. Pennsylvania's custody statutes are gender neutral and support parental involvement by both parents. As stated in the title 23, Chapter 5301, the public policy of this Commonwealth is to assure a reasonable and continuing contact of the child with both parents. Similarly Chapter 5303 (a) provides that the court shall consider which parent is more likely to allow continuing contact between the noncustodial parent and child.

In terms of how much time the non-custodial parent should be spending with his or her children, the Pennsylvania support guidelines can be found in Pennsylvania's Rules of Court, Rule 1910. 16-4; Explanatory Comment-1998: The designated routine arrangement is 30% of the time the noncustodial parent should have the child. Therefore, Pennsylvania's custody statutes are gender neutral and promote substantial parental involvement by noncustodial parents.

But something is wrong with this picture when we consider the fact that mothers are awarded primary custody in about 80% of cases. Additionally, the most frequent arrangement for non-custodial parents in Pennsylvania is one night during the week for two or three hours and every other weekend. This works out to be about 15% of overnight stays.

The notion that mothers are inherently superior parents and that fathers should withdraw except to send regular support checks is unjustified. You and I both know that dollars do not make daddies. The simple fact is that parents love their children, want to be with them, and deserve to be an active part of their children's lives.

The present winner-take-all approach encourages a court to find that one parent is a good parent and the other is a bad parent, while in most situations both former spouses are good parents. Presumed Joint Custody will give legal recognition to children like your daughter who need the continued, active physical and emotional involvement of their fathers after a divorce.

Consequently, I support enacting a statute of Presumed Joint Custody. By passing this law, we will be relieving Judges of the burden of deciding who is the better parent when both parents are fit parents.

Because the structure of the law shapes the behavior of all parties involved, lawyers, judges, mental health professionals, litigants, as well as, the children. I am confident that you would agree that laws that reward cooperation and conciliation are essential. Ultimately, Presumed Joint Custody provides a basis for resisting prejudices against fathers both in the courtroom and on appeal.

With regard to your requests for video cameras in the courtroom and that litigants be provided audiotapes at the closing of a hearing, both seem to speak to the same fundamental concern. I am assuming that your concern is with accountability by the courts and protecting a citizens rights by providing them with some form of proof of what occurred during the proceedings.

I come to this conclusion because video and audio technology is often used in court proceedings today. Specifically in the context of custody hearings, video is routinely used when one party is housed in a correctional facility. Video technology is prescribed in some situations and available by agreement in others. But I am not aware of any situation where video is utilized to provide a 'record' for the parties involved.

Each court has their own particular procedure to establish a 'record' of the court's proceedings, and audio and video technologies play a role in every courtroom. But in terms of the final record, judges sign the transcript itself establishing the official record. Any audiotape is the work product of the stenographer and not available for distribution.

House bill 1054 addresses the use of video in the criminal context, and hearings are scheduled to be held on the particulars of this bill. But once again, this would seem to be a different matter from what I think you are asking for, irrespective of the fact that custody hearings are not covered under the bill. Frankly, providing video and audiotapes to citizens, or to establish a formal record of court proceedings, would seem to open up a host of concerns and privacy issues. Although it might contain a solution to your problem, the negative ramifications of potential manipulation and exploitation of court proceedings, not to mention the fundamental vulnerability of participants, would seem to outweigh the benefits for the vast majority of cases.

Currently, there is no specific penalty for false accusations of 'child abuse', as opposed to other false statements given to law enforcement authorities. All false reports to law enforcement authorities are handled the same in Pennsylvania. Depending on whether the statement was given during a court proceeding (perjury), or to a law enforcement official, the penalty varies from a first class misdemeanor to a second class misdemeanor.

Therefore, in order for there to be a harsher penalty, false accusations of child abuse would need to be separated from other false statements by criminal statute. This would not seem to be an unreasonable request, given the unique consequences for the falsely accused individual. At the same time, current public policy in Pennsylvania strongly supports a process that ensures suspected cases of child abuse are reported to maximize the protection of children. I do not see any direct conflict between the two policies because a false accusation made by an individual, who knows that the accusation is false, is a different situation from an individual who has reason to suspect that abuse has occurred. But a harsher penalty could dissuade individuals from reporting suspected cases, and thus, run counter to the Commonwealth's goal of protecting our children first and foremost.

I understand that you have complaints regarding the custody proceedings in Blair County Court and that you are requesting that I recommend that a state investigation be opened to examine the practices of the Blair County Court System. I also understand from your correspondence that the District Attorney, as well as the Attorney General, has declined to assist you in this request. However, it is important that you understand that as a State Representative I am prohibited from becoming involved in the legal affairs of my constituents. Such involvement would be overstepping my moral and ethical duties. Therefore, I will refer you to two contacts depending upon the specific nature of your concern over judicial accountability.

For concerns about the Blair County Court system itself, and the relationship between the court and mental health professionals, lawyers, and other individuals or agencies involved with the court, you would contact The Honorable Thomas G. Peoples,

President Judge, Blair County Courthouse, 423 Allegheny Street, Hollidaysburg, Pennsylvania, 16648. At the County level, the President Judge is the administrator in charge of the court system itself.

For concerns over the conduct of a particular judge, contact the Judicial Conduct Board, 225 Market Street Fifth Floor, Harrisburg, Pennsylvania, 17101. The phone number is (717) 234-7911. Under Article V §18, the Constitution of the Commonwealth of Pennsylvania establishes an independent board known as the Judicial Conduct Board. The powers and duties of the board include receiving and investigating complaints filed by individuals, issuing subpoenas and compel the production of documents and records relevant to the investigation. I am including a copy of the Constitution of the Commonwealth of Pennsylvania for your reference needs.


While there is not a current groundswell of support to change judicial term limits from ten to five years, it does not seem to be an unreasonable request to me. This would require a significant desire on the part of Pennsylvanians to amend our Constitution.

In terms of your request for Children and Youth Services caseworker accountability and that CYS interviews with children be videotaped, you would need to direct your inquiries to the Office of the Blair County Commissioners.

I realize that neither the information I have given you, nor my present course of action will undo the damage done to yourself and your daughter; however, it is important you understand that I simply cannot offer more on this matter. Our Constitution clearly defines what duties and authorities belong to the executive, legislative and judicial branches of government. I am certain you understand that I must abide by these rules, even if there are cases where my personal beliefs and feelings may indicate otherwise.

In closing, I wish I could say that what happened to you and your daughter was an isolated incident in the Commonwealth, but it is not. Consequently, as your legislator, I will continue to support enactment of Presumed Joint Custody in Pennsylvania, as I have supported this proposal in prior sessions. Once again, my deepest heartfelt condolences to you, no parent or child should have to undergo what you have endured.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry".

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

JAS/frb

enclosure

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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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July 24, 2001

Robert G. Kearns, Jr.  
R.R. #3 Box 254A1  
Hollidaysburg, PA 16648

Dear Robert,

Thank you for your kind words and support of my position on emerging legislative policies in the area of Domestic Relations. While I recognize that my communication with you could apply to other people who have dealt with custody disputes similar to yours, each case is unique. My response to you was based upon research into the details of your particular situation and what materials you provided my office to review.

Therefore I respectfully request that you do not share my letter to others publicly, as far as copying my letter to you. However, please feel free to share my comments and thoughts with anyone who you think would personally benefit.

Once again, thank you for kind words of support. If I can be of any further assistance to you, please don't hesitate to contact my office.

Sincerely,

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG  
January 15, 2002

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Mr. Michael S. Schwoyer  
Chief Counsel  
House Judiciary Committee  
Ryan Office Building  
Harrisburg PA 17120

Dear Michael:

I am forwarding a letter to you from a constituent of mine, Robert G. Kearns, Jr., who is drafting a petition for impeachment against Judge Hiram Carpenter of the Blair County Court of Common Pleas.

I am sure you are aware of Article 6, Section 4, of the Pennsylvania Constitution that gives sole authority of impeachment to the House of Representatives. As Chief Counsel for the House Judiciary Committee, I am respectfully requesting your answer to Mr. Kearns questions raised in the enclosed correspondence. Please reply directly to Mr. Kearns and be as kind as to forward me a copy.

I appreciate your time and attention to this matter.

Sincerely,

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

JAS:jlj

Enclosure

Cc: Robert G. Kearns, Jr.

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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
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February 22, 2002

Mr. Robert Kearns  
RR #3 Box 254A1  
Hollidaysburg, PA 16648

Dear Mr. Kearns:

Thank you for your correspondence dated February 9, 2002.

I wanted to bring it to your attention that I have forwarded your petition to Mr. Michael Schwoyer, Esq., Executive Director of the Judiciary Committee for his review.

Again, thank you for your correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Jerry A. Stern".

Jerry A. Stern  
State Representative  
80th Legislative District

JAS/llw



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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

June 7, 2002

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Robert G. Kearns, Jr.  
RR 3 Box 254 A1  
Hollidaysburg, PA 16648

Dear Mr. Kearns,

I am writing in response to your letter of May 7, 2002, in which you enclosed further information related to the impeachment petition you filed with the House of Representatives in February 2002. I am also in receipt of a copy of the letter you sent to Representative Thomas Gannon, Chairman of the House Judiciary Committee, on May 7, 2002.

As you know, the petition was referred to the House Judiciary Committee. Although I am not a member of the Committee, I will be happy to contact the Judiciary Committee research staff to verify that all materials have been received.

Thank you for contacting me. If I can be of future assistance in any matter related to state government, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry".

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

JAS/alp

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*House of Representatives*  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

May 23, 2003

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David Kearns  
RR 3 Box 254A1  
Hollidaysburg, PA 16648

Dear David:

I have received a copy of your letter to Representative Tom Gannon of the House Judiciary Committee concerning the Impeachment Petition against Common Pleas Court Judge Hiram A. Carpenter; and therefore, I want to inform you that the structure of that committee has changed. The new Chairman of the House Judiciary Committee is:

Representative Dennis O'Brien  
100 Main Capitol  
PO Box 202020  
Harrisburg, PA 17120

Thank you for your interest and for the information that you have supplied to my office. I will forward your letter to Chairman O'Brien for his review.

Sincerely,

A handwritten signature in cursive script that reads "Jerry A. Stern".

Jerry A. Stern  
State Representative  
80<sup>th</sup> District

JAS/wmt

Cc: Dana Alwine—Majority Chief Counsel's Office