

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH  
COMMITTEE HEARING

STATE CAPITOL  
HARRISBURG, PA

MAIN CAPITOL BUILDING  
ROOM 60 EAST WING

TUESDAY, NOVEMBER 12, 2013  
10:38 A.M.

PUBLIC HEARING

PRESENTATION ON  
HOUSE BILL 642  
STANDING FOR VISITATION FOR SIBLINGS

BEFORE:

HONORABLE KATHY WATSON, MAJORITY CHAIRMAN  
HONORABLE DAN MOUL, VICE CHAIRMAN  
HONORABLE DAVID MALONEY  
HONORABLE TOMMY SANKEY  
HONORABLE TARAH TOOIL, SECRETARY  
HONORABLE LOUISE BISHOP, MINORITY CHAIRMAN  
HONORABLE MICHELLE BROWNLEE, VICE CHAIRMAN  
HONORABLE STEPHEN KINSEY  
HONORABLE STEPHEN McCARTER  
HONORABLE DANIEL MILLER  
HONORABLE KEVIN SCHREIBER  
HONORABLE MARK ROZZI, SECRETARY

\* \* \* \* \*

Pennsylvania House of Representatives  
Commonwealth of Pennsylvania

COMMITTEE STAFF PRESENT:

JOHN SCARPATO  
EXECUTIVE DIRECTOR, CHILDREN AND YOUTH -  
REPUBLICAN RESEARCH  
MEREDITH SCHULER  
ADMINISTRATIVE ASSISTANT - REPUBLICAN CAUCUS  
  
ROSEANN CADAU  
EXECUTIVE DIRECTOR - DEMOCRATIC CAUCUS  
HEATHER WALSH  
LEGISLATIVE ASSISTANT - DEMOCRATIC  
CAUCUS  
VALERIE WHITNEY  
RESEARCH ANALYST - DEMOCRATIC CAUCUS

ALSO PRESENT:

HONORABLE ROSITA YOUNGBLOOD -  
PRIME SPONSOR OF HB 642

## I N D E X

## TESTIFIERS

\* \* \*

<u>NAME</u>	<u>PAGE</u>
HONORABLE ROSITA YOUNGBLOOD.....	7
AVIDAN MILEVSKY, PhD. ASSOCIATE PROFESSOR OF PSYCHOLOGY, KUTZTOWN UNIVERSITY OF PENNSYLVANIA.....	10
J. PAUL HELVY, ESQUIRE. McNEES, WALLACE & NURICK, LLP.....	23
HON. CAROL VAN HORN. JUDGE, COURT OF COMMON PLEAS, . FRANKLIN AND FULTON COUNTIES.....	40

## PROCEEDINGS

\* \* \*

CHAIRMAN WATSON: Good morning. I'd like to call to order then the -- this hearing for the House Children and Youth Committee. For those who wouldn't know our testifiers, my name is Katharine Watson, Kathy, and I'm Chairman of this Committee and Co-Chairman with Representative Louis Bishop. This meeting is being recorded and we would ask if you would please silence your cell phone. I refer to it as put it on stun, but whatever you need to do with your electronic device, if you would take care of that.

We will have the Secretary call the roll and then because we will have members who have to go in and out because there are other meetings, you always pick the day when session doesn't start till 1 to hold meetings, so some of you have two or three places to be. So I have one announcement. We normally save them for the end. I'm going to do those announcements at the beginning to make sure they get the widest audience.

Let's begin with Secretary, would you please call the roll.

(Roll was taken.)

CHAIRMAN WATSON: Thank you very much. And if I might then just divert a little from our normal order of business. Members, I don't really -- they wrote it down for

1 me, you need to be reminded -- you don't need to be reminded  
2 about what we've done and how hard you've worked on the Child  
3 Protection Bills. We've been working and particularly our  
4 Chairman -- I'm sorry -- Executive Director John Scarpato,  
5 but we've been working with meetings with both the Senate and  
6 with DPW to finalize the package to get the language exactly  
7 so, and of course, you know to decide who gets named first on  
8 a particular bill.

9           So we are going to hold a meeting on the morning, if  
10 you would circle the calendar and your friends who are not  
11 here on the Committee, remind them they really need to be  
12 here. It will be on November -- the morning of November  
13 19th. We will move then, we hope part of the whole package.  
14 This gets it ready for the final vote and then to go to the  
15 Governor for signature. You know, we set the target date  
16 that unlike what's been done before and actually, it was your  
17 work that did it, we would get Child Protection bills done  
18 within the year's time, within the time from January through  
19 December of 2013. We kept on track with that, not without  
20 some prodding that Mr. Scarpato is very good at working with  
21 the Senate, but we have done that. So please mark your  
22 calendar. It will be November the 19th. The time should be,  
23 we think, I believe, it's probably 10 o'clock -- 9, is it?  
24 All right. But would you mark your calendar because that  
25 will be an important voting meeting. And particularly for

1 all you who have worked so hard you ought to be there to cast  
2 your vote. So that will be important.

3 Now, back to today's business, the business at hand.  
4 We're holding a discussion about Representative Youngblood's  
5 HB642, which would give standing for some types of custody to  
6 siblings or the parents of siblings. Now, please note you  
7 have your meeting packets, you got information via email.  
8 Several pieces of testimony are written only. We don't have  
9 someone here to talk about it, but we want you then to  
10 consider all pieces of testimony on Representative  
11 Youngblood's HB642.

12 We particularly want to thank those who were kind  
13 enough not just to prepare testimony, but to come and give it  
14 voice. And we will get to our testifiers in a moment.

15 Representative Bishop, would you like to have some  
16 opening remarks?

17 CHAIRMAN BISHOP: I'd like to remind everyone that  
18 this relationship can be a most supportive factor for  
19 children compared to other relationships that they may have  
20 in their lifetime. It is one of the most highly regarded  
21 relationships in a child's development. Actually, it's next  
22 to a parent/child relationship. It has been said that  
23 siblings' relationships provide a context for social  
24 development. Each sibling teaches to others social skills  
25 through the long-term interaction and from this reaction, the

1 child can develop a foundation of later learning and personal  
2 development.

3 Nothing can equal or replace the emotional and  
4 biological bond that exists with siblings. There are also  
5 memories that are experienced between siblings and ongoing  
6 supportive network between them. Very few states allow  
7 sibling visitation and in some states, siblings must go  
8 through the court system and the decision is left up to the  
9 judge.

10 Today, we have the opportunity to hear the testimony  
11 on just how much the law needs to be changed or if at all in  
12 the State of Pennsylvania. You have that opportunity today  
13 to make some valuable statements, we're going to listen  
14 carefully to the testimony. Thank you.

15 CHAIRMAN WATSON: Thank you. Let us begin and  
16 certainly, we would begin with the Prime Sponsor,  
17 Representative Rosita Youngblood from Philadelphia to talk  
18 about HB642. Representative Youngblood.

19 REPRESENTATIVE YOUNGBLOOD: Good morning, everyone.  
20 Thank you, Chairwoman Watson and Chairwoman Bishop for  
21 hosting today's public hearing on my proposed House Bill 642  
22 that would look to strengthen state laws regarding sibling  
23 visitation rights. And thank you to the members of this  
24 committee who are here after a holiday weekend to hear  
25 testimony from a great panel of testifiers.

1           Madam Chairwoman, I won't take up much of the  
2           Committee's time. I'm as eager as you are to hear from the  
3           professionals that what they have to say on this important  
4           topic. As you now HB642 would provide standing in court to  
5           siblings who wish to petition for partial physical custody or  
6           supervised physical custody better known as visitation of  
7           another sibling.

8           Many studies have shown increased importance of  
9           sibling relationships in development and growth and the bond  
10          that siblings have.

11          My legislation would recognize the importance of  
12          these relationships and simply allow siblings who may be  
13          separated from their brother or sister as a result of  
14          divorce, death of a parent, to have an opportunity to go  
15          before the court and seek visitation rights. Traditional  
16          families are changing and evolving. There are also many  
17          examples of complicated families with many different layers  
18          added to the family dynamic, but the bond among siblings  
19          whether they are half brother or half sisters, stepbrothers  
20          or stepsisters, or adopted brothers or adopted sisters, is  
21          extremely important.

22          Madam Chairwoman, I'd like to thank all the  
23          testifiers who have agreed to be here today to shed some  
24          light on my legislation. I personally want to thank Dr.  
25          Avidan Milevsky. As I began to do research on sibling



1       visitation, I came across some great articles by Dr. Milevsky  
2       regarding the importance of sibling relationships. And when  
3       I found out he was a professor at Kutztown University just a  
4       few miles upstate 81 from Harrisburg, I knew that I had to  
5       reach out to him for his expertise, so I thank you today, Dr.  
6       Milevsky for being here to share your knowledge on the topic.

7               Once again, thank you, Chairwoman Watson, thank you  
8       Chairwoman Bishop and Members of the Committee. I want to  
9       thank you for focusing on this important issue.

10              CHAIRMAN WATSON: Thank you, Representative  
11       Youngblood. You are nothing, if not very formal with each  
12       other. Rosita, thanks a lot.

13              REPRESENTATIVE YOUNGBLOOD: You're welcome.

14              CHAIRMAN WATSON: In any event, but it's a serious  
15       subject. Though, I must say when I was listening to and we  
16       are all talking about something that is important and our  
17       testifiers will, the bond between siblings, brothers and  
18       sisters and so forth, and I know those of you with brothers  
19       and sisters were sitting there thinking, yeah, it's true.  
20       But going back to younger days when you hit your brother or  
21       your sister and all of stuff, but we'll deal with Child  
22       Protection on the 19th, but very seriously what we know is  
23       that that bond that is formed in all that roughhousing and  
24       all that is critically important. And somehow, it has to be  
25       fostered. And how do we do it when we don't have a family

1 all together living in one household and how do we keep that  
2 part of family together.

3 So let us begin. We're going to hear from, as  
4 Representative Youngblood said, a professor from Kutztown  
5 University, Avidan Milevsky. And you have done extensive  
6 research on sibling relationships and we're going to ask you  
7 to take all of that extensive research and condense it into  
8 something that is small in time, but certainly meaningful.  
9 Please begin.

10 DR. MILEVSKY: Thank you. Good morning, Chairwoman  
11 Kathy Watson and other distinguished members of the Children  
12 and Youth Committee. As someone who has researched and  
13 worked with children for many years it is a particular honor  
14 for me to be presenting here today. Allow me to begin by  
15 thanking Representative Youngblood for inviting me to offer  
16 testimony on this important piece of legislation.

17 My name is Dr. Avidan Milevsky, hard to pronounce.  
18 I am an Associate Professor of Developmental Psychology at  
19 Kutztown University of Pennsylvania and a family therapist at  
20 Wellspring Counseling in Towson, Maryland. I have published  
21 extensively on sibling and family issues including my most  
22 recent book by Columbia University Press on sibling  
23 relationships in childhood and adolescence.

24 After being contacted by Representative Youngblood  
25 about offering my assistance with this legislation, I had the

1 opportunity to delve into sibling issues in the law, which is  
2 something I haven't done up to this point. I was  
3 disappointed to learn about the minimal role played by  
4 siblings in family law. It seems as though the majority of  
5 domestic-relations law focuses on the parental and  
6 matrimonial dyads with little attention given to the sibling  
7 bond.

8           Even grandparents have greater leverage in family  
9 law issues than siblings. Now, although grandparents are  
10 beloved and they clearly are important support providers for  
11 children, their role pales in comparison to the role played  
12 by siblings, as we will see. I'm sure comparison to the  
13 grandparents piece will be made several times today, so it's  
14 important to note that the literature is overwhelming about  
15 how much more important the sibling bond is than the  
16 grandparent bond. I've seen that there are a lot of  
17 advocates for grandparents in these buildings, but not much  
18 is being done in terms of advocating for siblings. And I'm  
19 glad Representative Youngblood is advocating for siblings  
20 finally. The limited focus on siblings is particularly  
21 disturbing considering the overwhelming scientific evidence  
22 highlighting the importance of the sibling relationship  
23 throughout life.

24           Let me elaborate: Over fifty years of research on  
25 families has indicated that warm family relations in

1 childhood and adolescence is associated with multiple  
2 positive outcomes including happiness, emotional maturation,  
3 close social connections, and even academic achievement.  
4 These studies have shown effects across gender, ethnicity,  
5 religion, and race.

6         Within this complex web of family dynamics, a  
7 relationship that has been receiving considerable attention  
8 in more recent psychological literature is the sibling bond.  
9 The inimitable and vital role played by siblings throughout  
10 life is becoming more evidence by family researchers and  
11 clinicians. This evolving focus on siblings is being  
12 perpetuated by several factors. First, recent statistics  
13 suggest that close to 90 percent of western individuals have  
14 some type of sibling. Furthermore, and I think more  
15 importantly, is the most long-lasting and enduring  
16 relationship an individual can develop. Considering the  
17 average proximity of age between siblings and the fact that  
18 the relationship between siblings begins early in life, a  
19 sibling bond may exist a lifetime.

20         The sibling bond early in life serves as the  
21 foundation for learning about future relationships with  
22 friends and with significant others. Fostering the sibling  
23 relationship in childhood can create a bond that is  
24 particularly supportive as the siblings develop through their  
25 adolescent and adult years and is a true lifetime gift.

1 Studies have even indicated that successful aging is linked  
2 with a close bond between siblings.

3 Empirical investigations by myself and others have  
4 revealed that children who have a positive relationship with  
5 siblings show greater emotional understanding, greater  
6 cognitive abilities, greater social understanding, greater  
7 moral sensibilities, and even better psychological  
8 adjustment. These positive findings have been replicated in  
9 studies with adolescents and adults. For example, one of the  
10 many children we interviewed in our ongoing studies on  
11 siblings noted, "I love my brother dearly. He is my other  
12 half. He completes me. Without my brother I don't know what  
13 I would do. I love him more than the world. He is like my  
14 right hand and I am his."

15 Beyond the advantages of sibling support in  
16 normative situations, researchers and clinicians are  
17 beginning to appreciate the advantages of sibling warmth for  
18 non-normative family situations and disadvantaged youth as  
19 well.

20 Known in the literature as experiencing ecological  
21 risk, this risk includes a myriad of personal, family,  
22 neighborhood and community risk factors. Studies have  
23 pointed to the multiple negative cognitive, social,  
24 emotional, and psychological outcomes resulting from being  
25 raised in these adverse conditions. However, research on

1 sibling relationships and ecological risk suggests that  
2 positive sibling relationships may buffer against the  
3 negative outcomes found in children experiencing these  
4 elevated levels of risk.

5 For example, in a series of studies known as sibling  
6 compensation research, the topic of my doctoral dissertation,  
7 sibling relationships have been found to compensate for the  
8 absence of parental emotional and psychological support.  
9 When siblings grow up in a family which is not offering them  
10 an ideal parental relationship, children are often forced to  
11 form their own supportive social structure including an  
12 intensification of the sibling bond.

13 Furthermore, studies have shown that for children  
14 under high family stress conditions having a close sibling  
15 bond is associated with less emotional disruptions. More  
16 specifically, and critically relevant to the legislation  
17 being considered here today, several studies have focused on  
18 sibling support as a buffer from the risk associated with  
19 parental marital dissatisfaction and divorce. Children with  
20 a close relationship with siblings have been found to have  
21 lower levels of emotional and behavioral problems during the  
22 divorce process and after. These positive findings of  
23 sibling relationships have been seen in studies even after a  
24 ten-year follow-up. Clinical accounts of the post-divorce  
25 transition have reported on many sibling dyads who felt the

1 need to take care of each other as a response to the familial  
2 turmoil. Similarly, this protective effect of siblings has  
3 been seen in studies that examine joint sibling placement in  
4 foster care.

5 Hence, examining the aggregate of studies on the  
6 buffering effects of sibling support indicates that siblings  
7 may offer protection for children and adolescents  
8 experiencing elevated levels of ecological risk. Siblings  
9 have been shown to serve as a buffer for children and  
10 adolescents experiencing family distress, living in  
11 single-parent homes, and those placed in foster homes. As an  
12 adolescent participant in one of my studies indicated about  
13 her sister "I think the biggest reason why we are so close is  
14 because growing up our family had problems. So we both  
15 realized that we had to be each other's supporters in life.  
16 As of today, my sister is the greatest sister and is also my  
17 best friend, I could not ask more from her."

18 Legislation to allow for siblings to seek partial  
19 custody or visitation when appropriate is a natural extension  
20 of the overwhelming scientific evidence highlighting the  
21 critical and unmatched role played by siblings throughout  
22 life. By definition, this legislation is going to be  
23 impacting children who have experienced some type of family  
24 turmoil. Allowing for the sibling relationship in these  
25 circumstances to offer warmth, support, and comfort is

1 clearly in the best interest of children.

2 The extent of the application of my work on siblings  
3 has been limited to the benefit derived from my publications  
4 and books by clinicians integrating sibling issues in family  
5 therapy and my own clinical work. The potential of applying  
6 my work on siblings to public policy, as this legislation  
7 does, is profoundly gratifying and will enhance the lives of  
8 countless children in meaningful and long-lasting ways. I  
9 commend this committee for considering such important  
10 legislation.

11 Thank you for this opportunity to present here today  
12 and for your continued work and efforts on behalf of the  
13 children of the Commonwealth of Pennsylvania.

14 I will be glad to take your questions.

15 CHAIRMAN WATSON: Questions from members? I'm happy  
16 to go with whoever wants to go first. I'm going to go.

17 Professor, what I wanted to ask, both the quotes  
18 that you do or that you gave in your testimony certainly  
19 shows that bond, but I wonder when children then the optimum  
20 would be that situation children need to be removed  
21 altogether. I know it's difficult to find foster parents who  
22 can take two children or three children, whatever that might  
23 be. Do you find that the bond can be deepened, in other  
24 words, separating children, are we weakening that sibling  
25 bond or do you feel that whatever time they spent together,



1       there is still that need to bring them together.

2               DR. MILEVSKY:   So there is definitely potential once  
3       you split them for the bond to deteriorate and the objective  
4       would be that if there is that close bond and you allow that  
5       to continue with visitation, you're really going to be  
6       providing this lifelong opportunity of support.   Because,  
7       again, studies do show that siblings who are close early in  
8       life, they're going to be continuing that closeness  
9       throughout life and it's going to impact them in profound  
10      ways throughout many transitions in life.

11             CHAIRMAN WATSON:   And what I'm hearing is that from  
12      the point at which the children are taken from their families  
13      today, it would be in the best interest of those siblings,  
14      if, indeed, they could stay together; and if not, then the  
15      discussion should be with Representative Youngblood's bill  
16      that would be while they live in different homes, there is  
17      that opportunity to be brought --

18             DR. MILEVSKY:   Absolutely.   I think what's an  
19      important component to this is that you have to take each  
20      case on an individual basis, which I understand is done  
21      anyway.   If their relationship is a positive and supportive  
22      relationship, then it -- it can continue offering these many  
23      psychological benefits.   If there's negativity in the  
24      relationship, unfortunately often happens while we're dealing  
25      with turmoil in the family, then just forcing the siblings on

1 each other is just going to continue that negativity. So  
2 given that there's a positive relationship between the  
3 siblings, they had that early on, then it can be profoundly  
4 impactful throughout this turmoil.

5 CHAIRMAN WATSON: All right. Thank you.  
6 Representative Miller, do you have questions?

7 REPRESENTATIVE MILLER: Thanks. I -- I guess I'm  
8 not sure if you can help me with this or not. When I was  
9 just reading this, I did not see this applicable in  
10 dependency settings. When I was looking at this, I was  
11 seeing this as more of an adult family, adult custody issues.  
12 My impression has always been that siblings have right to  
13 visitation with dependency matters already. Now, one can  
14 maybe argue whether or not that's enough or not. But when I  
15 was reading this, I was seeing this as more of an issue for  
16 custody disputes that may separate the children that way.

17 Are you seeing this or am I wrong in believing that  
18 this was way more of a family custody issue rather than a  
19 dependency matter?

20 DR. MILEVSKY: I think that kind of question would  
21 be more appropriately answered by those who are more familiar  
22 with the law aspect of it. I'm here for the sibling  
23 relationship part of it only.

24 REPRESENTATIVE MILLER: One other point, I  
25 appreciate the relationship that you described clearly you've

1       come up with a lot of good information that I think all of us  
2       probably agree with. One of the things in your comments that  
3       caught me was that you seem to make reference to when bad  
4       situations are made may come up in the family or were  
5       separate. And I guess what kind of caught me and I imagine  
6       that you read this section that we're -- of the bill. Right?

7               DR. MILEVSKY: Yes. Yes.

8               REPRESENTATIVE MILLER: Yeah. See when you do the  
9       grandparents standing section which you made reference to  
10      people bringing up, grandparents standing of 5325(a) brings  
11      up one, two, three, sort of defining areas to which this  
12      would be applicable in, it kind of sets the framework to when  
13      grandparents actually would have a standing to seek partial  
14      physical custody and supervised physical custody. So for  
15      example, said when a parent/child is deceased, when they've  
16      been separated for more than six months and so forth, going  
17      through limiting the scope of that standing, but, indeed,  
18      from what I can take a look at the sibling -- as written, it  
19      seems to apply open-endedly to say siblings, those types of  
20      requirements would not matter in that siblings can bring  
21      emotion for partial and physical custody basically if I'm  
22      reading it, open-ended so at any time of the day. Is that  
23      how you read it or not?

24              DR. MILEVSKY: No, I think under certain  
25      circumstances sibling visitation should be appropriate. I

1 guess the grandparents have their own piece and they needed  
2 their own caveats and I think siblings are also need. It's  
3 not across the board, obviously, there should be several  
4 elements that are added into the picture that would make this  
5 more advantageous.

6 REPRESENTATIVE MILLER: I appreciate, Doctor, that I  
7 know that you pointed to the attorneys to your right, but I'm  
8 guessing in your reading of the bill, did you see limitations  
9 that would have come up where a sibling would be able to  
10 bring this petition?

11 DR. MILEVSKY: So it's my understanding it's a  
12 living, breathing process of actually making this -- the  
13 terminology that's appropriate once it's actually legislated,  
14 so I think it's extremely important and based on some of the  
15 readings that I've done with some of the upcoming testimony,  
16 it seemed there should be some component that need to be  
17 integrated into the piece to make it a bit more -- to make it  
18 tighter. But if grandparents have it, siblings clearly  
19 should have it because the research is just overwhelming and  
20 in fact, given grandparents, I think it's an important piece  
21 to go in there. The literature is overwhelming about how  
22 much more important siblings are than grandparents. So if  
23 grandparents have this potential without having to jump  
24 through hoops to make them into, I don't know, *en loco*  
25 *parentis* kind of piece, siblings should have that as well

1 because the research is overwhelming about how much more  
2 important siblings are than grandparents are.

3 REPRESENTATIVE MILLER: Thank you.

4 CHAIRMAN WATSON: Representative Maloney.

5 REPRESENTATIVE MALONEY: Thank you, Chair. Just a  
6 quick question, I strongly support the family and the glue  
7 that I think holds us together in, quite frankly, many trials  
8 and tribulations that we may not understand whys, especially  
9 as a young person. I think my question to you is and it  
10 might be for the others also would be that what do we see  
11 with respect to your examples and those that we will hear  
12 when it comes to stepchildren or half brothers and half  
13 sisters?

14 DR. MILEVSKY: So the literature is a bit limited  
15 concerning the lack of the samples out there in terms of  
16 these kind of other dimensions, but what is available out  
17 there is that when we talk about the sibling relationship,  
18 we're not talking about the biological sibling necessarily,  
19 the full biology. The literature is pretty clear that very  
20 similar dynamics exist in half siblings and step siblings  
21 once they're in there together in a family unit, they're  
22 calling themselves siblings, they're having the similar kind  
23 of interactions that full siblings would have. So these  
24 positive outcomes are existent in all these other kinds of  
25 sibling dimensions as well. Absolutely.

1           REPRESENTATIVE MALONEY: Thank you.

2           CHAIRMAN WATSON: Thank you very much. Are there  
3 any other questions? Representative Toohil?

4           REPRESENTATIVE TOOHL: Thank you, Madam Chair. I  
5 think that this -- the intention of this bill is very good  
6 and I am -- I definitely look forward to strengthening the  
7 sibling relationship through law and giving some sort of  
8 rights. And I just hope that, perhaps, when the judge  
9 testifies or when we have other people testify as we can go  
10 over hypotheticals and then real implications that the bill  
11 would have because when Representative Maloney just raised  
12 that where you have these broken families. And today we have  
13 so many broken families and so many integrated families that  
14 we want to be careful. Under which situations are you going  
15 to be able to have a half brother or a half sister than going  
16 after and seeking rights and that at some point you start  
17 violating the rights of another family member in a way that  
18 you're going to be interfering with their family. And I  
19 looked at maybe you could have older siblings that no longer  
20 live in the home, going after some sort of visitation with  
21 their younger sibling, but -- and then I think we have  
22 addressed some of this with foster care when we were looking  
23 for the kinship contacts, so we've started to remedy some of  
24 this because in my personal experience in life, it is always  
25 been with these foster children that were separated that

1 shouldn't have been separated. And that's what I see the  
2 most -- I think we've remedied that to some extent. So I  
3 just wanted to comment on that that both of the  
4 representatives that had spoken on this side of the table, I  
5 thought that they had raised some good concerns.

6 DR. MILEVSKY: If I may respond, and I know it  
7 wasn't really a question, but I think the question is what  
8 should be the default? The default is the sibling  
9 relationship that is extremely important for lifelong  
10 development. Then we have to start dealing with what other  
11 concerns, kinds of cases and then step families and different  
12 kinds of alternative families, we have to start thinking  
13 about that. But the default is that that crucial  
14 relationship and it should be accounted for in the law.

15 CHAIRMAN WATSON: All right. And that is our point  
16 today, I think, with Representative Youngblood, figuring out  
17 if there are some additions we need to make to the bill later  
18 that will account for that, but I think your point is very  
19 well taken and certainly, Professor, I thank you very much  
20 for your testimony.

21 There is always a lawyer in the group as there  
22 should be, so we're going to -- and we had some questions  
23 that probably only a lawyer can ask -- can answer along with  
24 the judge, so we've covered it all today. We're going to  
25 hear testimony from J. Paul Helvy, and Mr. Helvy is a family

1 law attorney, which must make for some really interesting  
2 days for you, sir, with McNees, Wallace & Nurick. So Mr.  
3 Helvy, without further ado, you can straighten us out on all  
4 matters on family law, please.

5 MR. HELVY: I'm not sure I'm able to do that, Madam  
6 Chairman. Just a word or two about myself, I've been  
7 practicing family law for 25 years. I chair the family law  
8 practice group of McNees, Wallace & Nurick. I've been very  
9 active in all aspects of family law and very, very active in  
10 the custody component of family law. I'm currently the chair  
11 elect of the Pennsylvania Bar Association Family Law section  
12 and have done an awful lot of teaching and research on this  
13 topic. And it's something that is very near and dear to me.

14 I am here just sort of on special assignment because  
15 Drew Taylor, who wrote the document and the testimony that  
16 you may have in front of you was unable to make it. But I  
17 echo many of his comments, but I'm going to put a little bit  
18 of my own twist on some of it.

19 CHAIRMAN WATSON: Could you just move your  
20 microphone a little closer, please, sir?

21 MR. HELVY: Yes.

22 CHAIRMAN WATSON: All right. Thank you so much.

23 MR. HELVY: First of all, I don't believe that there  
24 is any debate, any real debate that can be had over the  
25 importance of sibling relationships. I think everybody in



1 this room understands and recognizes the importance of those  
2 relationships and, you know, to me, we don't need to spend a  
3 lot of time on that. It's clear and obvious. What I would  
4 say is that the legislation that we have in front of us is in  
5 my view overbroad. In that, it doesn't have limitations on  
6 exactly when a sibling or that sibling's guardian or parent  
7 can come in and assert standing in a custody matter. And  
8 that is somewhat concerning.

9 The existing statute would allow a, say, for  
10 example, 19-year-old sibling who may have been dissatisfied  
11 with the parenting that they received to come into an intact  
12 family and assert standing to obtain certain custody rights.  
13 And I think you also have to look at just what are those  
14 custody rights that that sibling could assert or again,  
15 sibling's guardian could assert. And those custody rights  
16 are really anything up to 49 percent of the time with the  
17 child, which is pretty substantial. And so I would say that  
18 there are a couple of instances where the legislation as  
19 crafted is overbroad.

20 First of all, it makes no distinction between full  
21 blood siblings as opposed to siblings who are not blood  
22 relations at all. It does not address specifically with  
23 regard to standing whether the siblings had ever lived  
24 together, spent time together, formed this important bond  
25 that's been talked about. And it also doesn't indicate or

1 segregate or differentiate between an intact family on sort  
2 of one end of the spectrum and on a dependency situation on  
3 the other. And all those are concerns that I have with the  
4 statute.

5 One of the things that I've learned in reading an  
6 awful lot of studies and you can -- if you go out there and  
7 you do the research, you could find a study that will support  
8 almost any position that you want to take in custody. It's  
9 critical that dads have time. It's critical that moms have  
10 time. It's critical that grandparents have time. And it's  
11 critical that siblings have time. You can find a study that  
12 will support any position you want to take.

13 The one thing that I think that has kind of risen up  
14 above everything else, which is one of the single biggest  
15 determiners, and I'd be interested in hearing the  
16 professional's view on this, because this is what I believe  
17 and I've read. But one of the single biggest determiners of  
18 how children in a separated family will do is the level of  
19 conflict that they are exposed to. The higher the level of  
20 conflict, the worst the kids will do. The less the level of  
21 conflict, the better they do. And that is one of the things  
22 that I firmly believe, and I think that most family law  
23 practitioners, most judges, I believe would believe. It is  
24 that conflict that can do an incredible amount of damage.

25 My concern is that with the statute or a bill like

1 this, if it were to pass into law, I believe that we in an  
2 effort to do something very good, which is to promote sibling  
3 relationships, we may actually be doing more harm because it  
4 would almost certainly increase the amount of litigation and  
5 I know of no litigation that doesn't increase the amount of  
6 conflict between families. When people are litigating each  
7 other against each other, it is inordinately difficult for  
8 them to co-parent or cooperate with one another. And this  
9 legislation brings that out.

10 And the Judge is going to speak on this and I will  
11 just mention that the notion that the current law gives  
12 minimal or little attention to sibling relationships, I don't  
13 believe is an accurate notion. And the Judge's comments  
14 reflect that. She can go into detail on that and I won't.  
15 But I believe that there are current protections in the law  
16 for sibling relationships.

17 And just -- I guess my final comment on this is that  
18 the current statute makes no reference to the 16 factors that  
19 are set forth in the existing law that courts are to take  
20 into consideration when making any determination regarding  
21 custody. It has a series of 5 factors. And it doesn't  
22 reference the 16 factors that are currently in the law. And  
23 I think that, again, any kind of redraft of this bill should  
24 reference those factors because those are well thought out  
25 and significant factors in any custody determination that is

1       being made. So that is just a summary of the concerns that I  
2       have with the legislation as drafted.

3               CHAIRMAN WATSON: Thank you, Mr. Helvy.  
4       Representative Moul, do you have questions?

5               REPRESENTATIVE MOUL: Thank you, Madam Chair. Thank  
6       you, Paul, was it?

7               MR. HELVY: Yes.

8               REPRESENTATIVE MOUL: Thank you for your insight.  
9       And you mentioned that the legislation is too broad. How  
10      would we narrow the scope given the fact that every case is  
11      different, each and every case a judge is going to have to  
12      look over, or someone is going to have to look at and it's  
13      got different parameters, different home settings, people are  
14      different, you know, aren't these all judgment calls?

15              MR. HELVY: They really are judgment calls. And I  
16      think that while -- I spent a lot of time on the other side  
17      of the table looking at what you folks do and trying to  
18      interpret it and apply it to a given set of facts. I don't  
19      spend a lot of time doing what you folks do, which is draft  
20      these things, which I think is enormously challenging job.

21              A few thoughts would be to reference the fact that  
22      there may be differences between a full blood relationship or  
23      a non-blood relationship or if you don't buy into that  
24      notion, that there could be people that have standing under  
25      the way it's currently -- the statute currently reads, or the

1 bill currently reads that really have never any time together  
2 and don't have that relationship. I think that putting some  
3 type of criteria in the standing component of this that that  
4 relationship actually exists and make that a sort of a  
5 threshold determination that this relationship that we are  
6 seeking to protect actually exists before you allow people to  
7 get into what inevitably turns out to be knocked down,  
8 dragged out litigation because emotions run very high in  
9 these types of cases. So that's one suggestion that I would  
10 make.

11 An another one, a very concrete suggestion is make  
12 reference to the 16 factors that are already in the custody  
13 statute that no determination should be made without  
14 reference to those. So those are just two concrete examples  
15 or suggestions I would give.

16 REPRESENTATIVE MOUL: So that really means that we  
17 can't hardly narrow the scope of the legislation because each  
18 one is different and there are so many different factors that  
19 have to be considered.

20 MR. HELVY: I think it's difficult.

21 REPRESENTATIVE MOUL: What age range in your opinion  
22 and I'm going to ask the Judge the same question later on, if  
23 I can make it that long, do we take these relationships into  
24 account? Obviously, a newborn hasn't developed those bonds  
25 with siblings yet, so at what age do we start and then once

1     you're starting to get up into the teens, at what point do  
2     you say, you know, you grew up with each other, you'll figure  
3     it out? What are the ranges that you're generally seeing?

4             MR. HELVY: Well, just looking at the two ends of  
5     the spectrum, you know, if you have a newborn, although the  
6     newborn may not be able to articulate the nature of that  
7     relationship, I believe that exists. And if you have an  
8     older sibling, that relationship with that newborn is very  
9     important to them, so I don't think I would in any way  
10    minimize the importance of that relationship on at an  
11    early-age basis.

12            By the same token, I think when they get up to be in  
13    their late teens, that relationship exists because by  
14    definition, we're talking about the relationship between two  
15    different people, so you may have somebody that's 17 years  
16    old and have a relationship with a younger sibling that could  
17    be very, very important. So I have -- on an age basis, I  
18    would have trouble even beginning to imagine language that  
19    would address that issue. And I think that it's different --  
20    it's really a case-by-case basis. So I don't know if I would  
21    go at it from an age base, but approach really more of a  
22    relationship base and the time that the siblings have spent  
23    together in the relationship that they have. I think that is  
24    more important than any age.

25            I will say that once kids get to be beyond 15, it's

1 very difficult to tell them what kind of relationship they're  
2 going to have. I mean, just from practical experience. I'm  
3 sure the Judge would say the same thing, so that's certainly  
4 a factor out there, but I don't know how you would legislate  
5 that.

6 REPRESENTATIVE MOUL: I wouldn't either. Thank you.

7 CHAIRMAN WATSON: Thank you. We have two more  
8 folks, but if I might interject because I was going to wait  
9 till the end to ask you the question, but you touched on it.  
10 You're saying then all it would really be based on the  
11 individually family by family on the kind of relationship  
12 that the siblings had, but earlier on in discussing the  
13 testimony, you talked about full blood siblings should have  
14 more, more standing. And I get that...

15 MR. HELVY: If I gave the impression that I was  
16 advocating a particular position then I apologize, because  
17 that was not my intent. It's simply to point out that there  
18 may very well be a difference in the nature of the  
19 relationship based on the exact relationship between the  
20 siblings. And whether it be a blood one or a level of  
21 contact or something like that, I would leave that to learned  
22 individuals to give you guidance on that. As an attorney, I  
23 wouldn't try to delve into that, but I think that that's the  
24 current legislation or proposed legislation doesn't address  
25 that at all. And I think it's something that ought to be

1 considered.

2 CHAIRMAN WATSON: Understand. And I was just trying  
3 to if we then consider it, how in the world would we frame  
4 that as a consideration, what would we use for criteria?  
5 Would we use on the fact that they had some kind of a, as you  
6 use, full blood relationship versus being children who are  
7 adopted in a family? I mean, they may not have a blood  
8 relationship, but they're brother and sister, they're brother  
9 and sister.

10 MR. HELVY: And that may be an instance where  
11 looking, you know, their exact familial relationship, they're  
12 blood relationship is irrelevant. It's just something that I  
13 thought should be considered. And really, I think, my  
14 personal opinion is that the nature and the quality of the  
15 relationship is more than important than they're actual  
16 biological relationship.

17 And it just -- when you're thinking about these  
18 things, I would just point out and this may be obvious, but  
19 we're really looking at two different tests that you have to  
20 put this through. And the first is that initial test of are  
21 we going to give this person standing or not? And I think  
22 that there's got to be more specific criteria that are  
23 applied to that initial test. And then the next test is once  
24 you get beyond that barrier, what are the criteria that are  
25 going to be applied to determining the amount of time that



1 the sibling is going to be given or not given.

2 And I'd like to see the legislation really kind of  
3 carve that out a little more carefully.

4 CHAIRMAN WATSON: All right. Thank you very much.  
5 My question. Mr. Maloney, question?

6 REPRESENTATIVE MALONEY: Thank you again, Madam  
7 Chair. Paul, I appreciate what your conflict is here. I  
8 guess what I keep hearing, which seems to be coming back up  
9 is this balance between a relationship and blood. It seems  
10 to be that's evidently what you're struggling with. And I  
11 guess going back to something that you used as the 16  
12 factors, staying on the subject of this particular conflict,  
13 would you suggest one or more of the 16 factors that would  
14 address this?

15 MR. HELVY: I would suggest all of them. I think  
16 that a thorough review of those factors is really a critical  
17 component to making a determination in a given custody case.  
18 Now, in Case A, it may be that factors 2, 4 and 6 are  
19 completely inapplicable. But in Case B, those are critical  
20 factors. And I think that a lot of time and energy went into  
21 coming up with those 16 factors, which gives you sort of a  
22 universe of things that you can look at and a judge can look  
23 at and should look at in making a determination. In fact,  
24 the last one is sort of a catch-all, any other relevant  
25 factor. But I think that that is -- any statute that talks

1       about custody needs to reference those 16 factors. I think  
2       it would be a mistake to do otherwise, in my opinion.

3               REPRESENTATIVE MALONEY: Okay. I guess what is not  
4       clear to me is that I know legislatively it's very difficult  
5       to help society when we have a total breakdown, which I  
6       really call a meltdown of a family. And as a former school  
7       director, I saw this on many levels. I see it on many levels  
8       on athletes out in the field, how they behave or what affects  
9       them in their life. My father was raised in an orphanage.  
10      Most people do not know that. As a matter of fact, it was in  
11      West Philadelphia. And I think -- I think what would be  
12      important for me is to make sure that we are honest with how  
13      we are dissecting the particular circumstance and that  
14      lawyers and judges are not using some form of one particular  
15      piece of this factor that may impact this child adversely  
16      down the road anyway.

17             That's why I think I have a conflict with this. I  
18      think my conflict is that we know that blood and family is so  
19      important, but we also know that in real life, there's so  
20      many other factors involved with where and who's going to  
21      take care of and how's the safety of this child going to be  
22      and all those different things. I think we all get that. I  
23      just don't want to be playing law games with children's lives  
24      and I think that's why I keep going back to this point of  
25      these 16 factors.

1           MR. HELVY: And really, I -- when I think about  
2 things that you're saying, I actually go even before that to  
3 the standing issue. Because the 16 factors are relevant  
4 after you get over the standing hurdle. So to me, right now,  
5 there's in the existing legislation, there's no distinction  
6 between an intact family and a dependency situation. That  
7 causes me concern with or without regard to whether we think  
8 that blood relationships are important or other types of  
9 relationships are important. It seems that most people would  
10 say -- my analysis is going to be a little different if I'm  
11 dealing with an intact family and I have somebody from the  
12 outside, be it a sibling wanted to come in to address that  
13 intact family and take time away from the way these two  
14 parents are deciding to raise their children, also raises  
15 Constitutional issues.

16           I think most people think of that differently from a  
17 situation where you have a dependency situation where the  
18 kids are going to be placed with third parties anyway. And I  
19 just think some recognition of that is necessary in the  
20 legislation.

21           REPRESENTATIVE MALONEY: Well, I appreciate that.  
22 Thank you, Madam Chair.

23           CHAIRMAN WATSON: Thank you. Representative Miller.

24           REPRESENTATIVE MILLER: Thank you. I want to thank  
25 you for framing something better than I did. And I think

1     you're -- when you're talking about the standing part to  
2     that, I had referenced in my previous comments how the  
3     grandparent standing kind of had some limitations that kind  
4     of set the ball field out of play. And I kind of felt that  
5     the sibling was missing sort of that ballpark when it's  
6     applicable. I actually think that the standing is the most  
7     important part to kind of add to this discussion here, is how  
8     does it -- when does somebody have the right to do it? And to  
9     be honest, I don't find any difference between the blood  
10    distinction to me is not necessary because once you get the  
11    standing part correct, you're gaging the relationship whether  
12    it's half, whole, blood or three quarters. The more impact I  
13    think is, is that person a sibling by the family. And I know  
14    you said intact, but is that child, is that half sibling,  
15    half sibling a sibling and what -- so I think that putting  
16    the ball field in about how somebody gets to play is the  
17    first part that we're missing there.

18           And I know that you referenced some criteria, the 16  
19    -- I think you're saying 16 -- I did kind of see the -- I  
20    thought they kind of addressed a bit of that or at least some  
21    factors in the D Section of the 5328. It seemed to be  
22    referencing at least five factors -- I'm sorry -- yes, yes,  
23    some -- at least some considerations on how to go.

24           My point being is that I always look at number five.  
25    Every time I see a factor, a list of factors, there's always

1 the best interest catch-all that is always there to give, I  
2 think, discretion to the judges and my experience has always  
3 been that you want that family judge to have discretion on  
4 how they evaluate the factors or any consideration they may  
5 come across and I've never known a judge to find something  
6 that would majorly impact the consideration and best  
7 interest, just because it wasn't enumerated, they didn't  
8 consider it. Just to address that point.

9 MR. HELVY: I don't think the problem is with judges  
10 not taking best interest in consideration. The problem is, I  
11 believe, litigants and lawyers not presenting the evidence  
12 that a judge would like to have to make the determination if  
13 they don't have a list like this in front of them. I tried  
14 cases for years against all sorts of folks, some great  
15 lawyers and some not so great.

16 REPRESENTATIVE MILLER: With respect, though,  
17 wouldn't that also -- I mean, have you not had a situation  
18 where a judge has told you, I'd like to know the answer to A,  
19 go find it?

20 MR. HELVY: Judges have said that --

21 REPRESENTATIVE MILLER: Or if I may give you another  
22 one real quick, is it not common practice to have a judge  
23 say, I'd like to see a family evaluation of that  
24 relationship, give me an outside, you know, therapist,  
25 outside physiatrist or psychologist, let me know the strength

1 of the bond that we're talking about so I can properly gage,  
2 is that not something that the judge will commonly ask for?

3 MR. HELVY: Some judges will. Some judges won't.  
4 You will have some judges that will be very activist like  
5 you're speaking about that I think that's very helpful in  
6 these cases. You know, if other judges who see this as just  
7 one more custody case that's clogging up their docket and  
8 they want to get through it as quickly as they possibly can  
9 and the only reason they're handling this custody case is  
10 because they happen to be the junior judge on the bench and  
11 they got assigned custody cases. And I'm not saying that  
12 that's uniformly true, but it exists out there. And having a  
13 list like this is very helpful to everybody involved.

14 REPRESENTATIVE MILLER: All right. You would at  
15 least agree that the best interest catches everything?

16 MR. HELVY: I do, but it doesn't provide much  
17 guidance as to what evidence to present to the court.

18 REPRESENTATIVE MILLER: Let me ask you and I wanted  
19 to emphasize a point that I think that type of evaluation  
20 again that I don't think, in my opinion, I don't think you  
21 need to distinguish between sibling, half siblings, so forth.  
22 I would say to treat them all the same if they have standing  
23 to get in and then let the judge and maybe a third party  
24 evaluator decide if the bond is strong enough to weigh  
25 against the parental interest of how you get from 2 percent

1 or 49 percent of the partial custody issue.

2 Just one other question, now I believe you were  
3 going on a strain of thought that I had brought up, again, I  
4 think you were doing -- maybe you were doing better with  
5 intact family, something that you kept referencing.

6 MR. HELVY: Yes.

7 REPRESENTATIVE MILLER: And I just want to be clear  
8 with it, because I had asked a dependency question going in,  
9 are you reading this as written to be applicable in  
10 dependency matters?

11 MR. HELVY: Yes.

12 REPRESENTATIVE MILLER: You are?

13 MR. HELVY: I am. I believe this is applicable to  
14 all matters, whether they be dependency or otherwise.

15 REPRESENTATIVE MILLER: Can I ask you, Is there  
16 something in here as written now that you see as different  
17 than what with sibling rights are in dependency as they exist  
18 today?

19 MR. HELVY: This legislation would provide far more  
20 expansive rights to siblings than currently exist in the  
21 dependency legislation. Judge Horn addresses this in her  
22 comments and it goes into pretty significant detail. Some of  
23 these questions may be helpful after you hear the Judge's  
24 comments.

25 REPRESENTATIVE MILLER: Besides from making it

1 easier for siblings to get in, the result as far as partial  
2 visitation -- I'm sorry -- unsupervised visitation or  
3 supervised visitation, those are two possibilities that  
4 siblings have now when they're -- when another sibling is  
5 dependent. Right?

6 MR. HELVY: Correct. Except under -- this would  
7 give folks up to 49 percent and I don't believe a current  
8 dependency legislation provides siblings to that level of  
9 contact if they're placed in separate homes. I believe it's  
10 twice per month.

11 REPRESENTATIVE MILLER: I thought -- isn't twice per  
12 month the minimum, not the maximum?

13 MR. HELVY: I believe it is the minimum, yes.

14 REPRESENTATIVE MILLER: So it is possible?

15 MR. HELVY: I guess it is possible, yes.

16 REPRESENTATIVE MILLER: Thank you.

17 CHAIRMAN WATSON: Thank you very much. And  
18 certainly thanks to our testifiers and any questions at all  
19 when we move down and, Your Honor, I thought that you did a  
20 good job herewith two lawyers going back and forth. We will  
21 try to make you feel right at home with your presentation,  
22 you're a great presenter. Here is my gavel, you could have  
23 interrupted me at any time. But we are very honored to have  
24 Judge Carol Van Horn. Judge Van Horn, a member of the Court  
25 of Common Pleas in Franklin and Fulton Counties and



1 specializes in family law and children custody cases and will  
2 be happy, so happy to provide a judicial perspective and that  
3 is something that we need to hear from. We went from a  
4 professor and a lawyer to the Judge to say what they feel the  
5 issues that we need to deal with what's the way best way to  
6 come up with the language that is best for the children.

7 JUDGE VAN HORN: Thank you. Thank you very much for  
8 allowing me the opportunity to be present and express my  
9 viewpoint. I do want to say I've had 16 years of practice as  
10 a family law attorney before completely now 14 years on the  
11 bench where I have done a lot of domestic relations work  
12 covering all types of family issues, not just custody and  
13 family law, but also the juvenile delinquency and dependency  
14 and I think there is a lot of crossover in this pending  
15 legislation between those two very different bodies of law.

16 Let me assure you from the outset, I am not going to  
17 read my testimony and I probably gave you more than you might  
18 have wanted, but I wanted to provide the framework before  
19 offering some suggestions maybe for improvement. And I  
20 wanted to start with that dependency field. The question was  
21 asked: Does this apply to dependency and to family law  
22 cases? I believe as written, it does. The question is,  
23 Should it? And I'm not sure that it should. Dependency law  
24 has really evolved most recently in the last 15, 20 years to  
25 absolutely put a huge emphasis on the value of sibling

1 relationships. And at every phase of dependency proceedings,  
2 the court is required to consider sibling relationships from  
3 the very first time when a child is removed from a home,  
4 consideration must be given at that very first court contact  
5 as to what will the contact be between siblings if they're  
6 not in the same home.

7           There are times in dependency court where for very  
8 good reasons, one sibling needs to be removed but others do  
9 not have to be removed from the home. And I know as the  
10 Judge, I absolutely ensure the contact. The regulations  
11 require the minimum of two visits per month. I can tell you  
12 that's not acceptable by many judges, certainly not by me.  
13 We're looking at very frequent contact particularly with very  
14 young children. The research shows that more frequent may be  
15 lesser duration, but more frequent contact is most important  
16 and that's why we've developed advocacy centers and places  
17 where there can be family-like visitation for children who  
18 are brought into the dependant system.

19           And what we're looking at is three, four, five times  
20 a week to be getting siblings together as we work very  
21 quickly to try to reunify families as much as we can. And  
22 again, sticking with the dependency area of law, at every  
23 review hearing and that occurs officially every three months,  
24 we're looking at what has the sibling contact been, have  
25 there been issues with it, do we need to do more. And I also

1 want to emphasize that now with the new laws and rules in  
2 place that children in dependency cases have guardians ad  
3 litum who are looking out for their best interest and  
4 advocating for the visits for siblings. So it's not that  
5 siblings are being ignored at all. I'd say that's on a very  
6 top factors for consideration in dependency court how are the  
7 siblings doing in this time of turmoil for the family. So I  
8 wanted to emphasize that.

9 And now, turning into the actual custody field. We  
10 have two areas of law where siblings very much are noted in  
11 the current legislation as being a factor for a court  
12 decision. If a parent wishes to relocate from an area,  
13 sibling contact is one of the factors that must be considered  
14 by the court in making a determination as to whether children  
15 should be separated, whether one parent is permitted to move  
16 with one child, whether it be whole blood, half blood,  
17 adopted siblings.

18 And when I make that point that I'm suggesting that  
19 the legislation clarify the definition of sibling, I'm not  
20 arguing that whole blood is more than half blood or adopted.  
21 I'm just saying clarify that. I'm suggesting please clarify  
22 that in the legislation so we don't have cases about that  
23 matter. So in relocation law of custody, sibling contact is  
24 absolutely a very important part. And then when you get into  
25 the current custody legislation, again, one of the 16 factors

1     that Attorney Helvy references is which parent is going to be  
2     encouraging continuing contact among siblings. And I've  
3     given you some case examples that you can see just how the  
4     law has handled that.

5             The case law provides that siblings help provide  
6     continuity and stability to a child's development. And as  
7     the Doctor indicated, that's probably more important when  
8     their children are going through a period of turmoil and the  
9     family is going through turmoil. So the sibling contact in a  
10    custody case is a very important factor for a judge.

11            The 16 factors are not given in any certain order  
12    for priority or importance. They're all of equal weight, but  
13    I can tell you that sibling contact is right up at the top  
14    when a judge is considering how to determine dividing time  
15    among parents.

16            The current law has the policy of keeping siblings  
17    together. And we refer to that as the Family Unity Doctrine  
18    and there must be compelling reasons raised to upset that  
19    family unit doctrine. And that's a very high burden. So I  
20    just wanted to emphasize that the current statutes do very  
21    much look at the importance of siblings.

22            Another point I wanted to make was the existing law  
23    and I went into it about the en loco parentis cases. The  
24    existing law highly values the right of parents to raise  
25    their children. And there's a very high bar for any third

1 party, whether it be an aunt, uncle, grandparent, unrelated  
2 person or sibling to come in and say We want to intrude in  
3 the family and tell a mother and father how to further divide  
4 time of a child, so it's a very high bar that exists. And I  
5 think for good reason. We've got to be careful that we're  
6 balancing the rights of parents here and managing their  
7 families through difficult times when we're thinking of  
8 expanding the concept of standing to others.

9           The Supreme Court of the United States has said that  
10 the due process clause of the 14th Amendment protects the  
11 fundamental rights of parents to make decisions concerning  
12 the care, custody and control of their children. And  
13 likewise, here in Pennsylvania, the Superior Court has stated  
14 that we, Pennsylvania Courts, similarly recognize that the  
15 law protects the natural parents relationship with his or her  
16 child and will not interfere unnecessarily with that  
17 relationship even at the expense of the estrangement to the  
18 extended family.

19           So the importance of parents cannot be  
20 overemphasized in this discussion. Natural parents have a  
21 clear and strong right to raise their children as they see  
22 fit and that's a hard one for a judge, I can tell you. I'm  
23 blessed to have children and many times I sit and think of  
24 the family context as a parent, but we have to remember that  
25 natural parents do have a right to raise their children as

1 they see fit. And we, the State, through the courts, do not  
2 want to intrude on that unnecessarily. Any court  
3 interference with parental custody rights should be and has  
4 been only in rare and exceptional circumstances.

5 So I wanted to give that background now before we  
6 look at the proposed legislation. Again, I have put some  
7 examples into the testimony from case law. But I wanted to  
8 talk about some practical examples next.

9 Mention has already been made of the expansion of  
10 standing to grandparents in certain circumstances and I can  
11 tell you that that has very difficult practical effects on  
12 litigation and on family units that are often in a time of  
13 turmoil when grandparents enter into a relationship. I gave  
14 the example in my testimony where I had grandparents, it was  
15 a grandmother come in asking for custodial rights and the  
16 fight was who was going to get to take that child to Disney  
17 World first, grandmother, who's son was deceased or mother of  
18 the child, who was remarried to someone that paternal  
19 grandmother did not like. Are those matters that we really  
20 want to open the door to subjecting families to litigation  
21 and turmoil?

22 Another example I gave is a situation where a parent  
23 had deceased and the grandparent stepped in and wanted to  
24 have rights. And we gave rights and opportunity, but then  
25 the relationship that began between the grandparent and the

1 child was not a healthy one because it attacked the  
2 relationship between the child and the biological parents.  
3 And we tried to limit, we tried to lecture, we tried to  
4 encourage, we tried to do counseling. And we finally we had  
5 to end that relationship with the grandparents because it was  
6 affecting that parent/child relationship, which, again, I  
7 would argue, should be paramount in these kinds of  
8 situations.

9           So I've been trying to determine why and in what  
10 circumstance these very well intentioned goals of sibling  
11 contacts have risen to this level of proposed relationship  
12 because in dependency court it is there a factor with  
13 representation so that it's not someone that isn't aware of  
14 their rights. In custody court existing, it's there, sibling  
15 relationships are considered.

16           So as it's drafted, the part that concerns me the  
17 most is giving the standing to guardians of minor siblings.  
18 Guardians may be a stepparent. Guardians may be a formal  
19 intimate partner of one of the parents now suing on behalf of  
20 the child, supposedly but is it really on behalf of that baby  
21 against the intact family to get rights to siblings? I'm  
22 trying to determine what scenario would be best served by the  
23 proposal of giving this blanket kind of standing to siblings.

24           As Attorney Helvy said, as drafted, it's very broad  
25 to allow the siblings in the door. And I can tell you with

1 custody court, we try to handle those matters very quickly to  
2 settle down very high emotions in family cases. And now  
3 under existing law, we could have mom and dad, two sets of  
4 grandparents and there are stepgrandparents that get into the  
5 fray as well, and now add to it representation for siblings  
6 that want to get into it and this child only has so much time  
7 to be divided among a whole host of individuals. So I'm  
8 concerned about the automatic expansion of standing without  
9 limitation to situations perhaps where a parent is deceased  
10 or perhaps where the sibling is not a minor but an adult and  
11 for some reason is being denied contact with another sibling.

12 I think it's very important that we look at those  
13 kinds of possible refinement to the pending language of the  
14 legislation so that we don't create unnecessary consequences  
15 and I will absolutely echo what Attorney Helvy said, I have  
16 yet to see a custody case that is not trauma to everybody  
17 involved, particularly the children. We do our best to not  
18 have the children involved, but you can sense the atmosphere  
19 when the court were required to speak with the child if  
20 they're of any age to have a conversation and you can sense  
21 the tension that that child is living. When they're with a  
22 judge for a few moments, just imagine even having to come to  
23 talk to a judge, estranged with other people around. So I'm  
24 concerned that this expansion of standing would also increase  
25 the level of trauma for children by allowing more litigation.



1           And another -- and I'll finish with this, because  
2           I'll then be open to questions. Another thing to consider is  
3           the vast majority of litigants in custody cases are  
4           self-represented. We used to call them pro se, but now the  
5           terms seems to be self-represented litigants, SRL's. We have  
6           individuals trying to navigate the law on their own without  
7           the benefit of legal counsel. So I'm concerned about  
8           self-represented individuals taking this legislation without  
9           having that legal lens understand what is a case that's  
10          appropriate to actually bring into the courtroom, what is a  
11          case that would merit all of the consideration factors. By  
12          giving automatic standing, you're getting them in the door  
13          and the litigation has started that tension has been  
14          increased and we have self-represented people who are not  
15          really considering, do they have a case that would really  
16          merit the trauma that's filing a document of litigation would  
17          absolutely provide.

18          So I applaud the efforts and the attention to  
19          sibling relationships. I just wanted to highlight that I  
20          believe siblings very much are considered both in dependency  
21          and in custody at the existing time, but if you're going to  
22          be doing consideration to moving this legislation forward  
23          then I would consider making it only for adult siblings, not  
24          have guardians have the rights to have automatic standing and  
25          clarify the definition of sibling.

1 I'll be happy to take questions as well.

2 CHAIRMAN WATSON: Judge, thank you very much for  
3 your testimony. And I suspect that at some of this will be  
4 -- we'll have to ponder all this to come up with questions.  
5 We may not have as many right now, but I -- as I looked  
6 through things, I went, I don't know, I have to go back and  
7 look at that to be able to ask an intelligent question, but  
8 luckily we have a few people who do have something.  
9 Representative Maloney, you had a question?

10 REPRESENTATIVE MALONEY: Thank you, Madam Chair.  
11 Actually, I don't have a question. What I'm actually going  
12 to do is make a couple comments and I think I said a few  
13 things that I did before to some of the other questions that  
14 I asked expressing my concern, which I feel, you only  
15 verified, Judge, with respect to the family unit. So I think  
16 my comment basically is, I appreciate your parental piece,  
17 the fact that that's paramount. And I think that going back  
18 to some of the experiences that I have had and have seen,  
19 that's obviously, probably the most important element of this  
20 predicament that we're in where we try to figure out what is  
21 best for the child.

22 So the second part of my comment is that I was  
23 always -- I was just concerned early on with the fact the  
24 sibling -- and you well stated that it should be defined that  
25 the sibling wasn't being considered. So that's my comment

1 and the fact that I really think you did a tremendous job in  
2 outlining really want the mission is. And to me, what I keep  
3 hearing about the mission is the fact that the family unit is  
4 in stress and really what's the best way that we can approach  
5 those children and who would see them and who would be with  
6 them and really who would have the authority over them. So I  
7 appreciate -- I really appreciate that. And that's why I  
8 said I really didn't have a question. I had more of a  
9 comment.

10 But I think that as you did well state that there  
11 are circumstances that come into play here where siblings  
12 should be considered in how we move forward with the  
13 complicated issues that we have. So that's really all I had  
14 to say. Thank you, Madam Chair.

15 CHAIRMAN WATSON: Thank you. Representative Miller,  
16 you had a question.

17 REPRESENTATIVE MILLER: Thank you. Thank you.  
18 Thank you for your testimony, Judge. A couple quick  
19 questions and points.

20 You had in your testimony mentioned delinquency and  
21 we had not discussed that previously. I guess my thought  
22 again, I think I may have been looking at this applicability  
23 in too narrow of a sense, but can you give any thoughts as to  
24 going down this path would be a plus or minus in relation to  
25 dealing with the delinquency questions?

1 JUDGE VAN HORN: Well, delinquency, siblings do not  
2 play as big a role as dependency in juvenile court.  
3 Dependency, I'm sure you're all aware, is when a child is  
4 removed through really virtually no fault of their own unless  
5 there are incorrigible issues.

6 But delinquency issues is when the child commits a  
7 crime. And if a child is in a placement facility because of  
8 delinquency, there are other factors that come into play.  
9 Normally, that child needs some kind of treatment, if they're  
10 in delinquency court. And the facilities that may be  
11 providing that treatment has policies regarding contact with  
12 siblings. When we review those cases, just as we do with  
13 dependency, we do inquire how are siblings kept in touch with  
14 the child who may be in a mental health placement or in a  
15 restricted residential treatment facility. Those  
16 relationships absolutely are valued, but generally the needs  
17 of the child, the delinquent youth at that time, are more  
18 paramount in making sure that that child is safe before we  
19 introduce other siblings.

20 I can give you an example I have, five siblings in a  
21 group that are now both parental rights have been terminated  
22 looking for adoptive home and we have one now. That's the  
23 good news. But one of those youths has severe mental health  
24 issues got into delinquency court and was in a facility about  
25 three hours away and a requirement at any foster placement

1 for the other four was we want to make sure you're going to  
2 take those four children, all under the ages of seven, to go  
3 visit that delinquent youth at least twice a month. And  
4 that's a pretty big ask of a foster parent, but it is viewed  
5 so strongly that the sibling relationships continue even into  
6 delinquency court.

7 REPRESENTATIVE MILLER: In my head, I was thinking  
8 that delinquency matters -- again, I was -- I don't know how  
9 this would apply so much in delinquency matters. If you had  
10 a dual case, you have dependents, a child and a delinquent  
11 child, obviously, I guess that takes it to another level of  
12 questioning. But on delinquency matters where I guess the  
13 only time that I could imagine a scenario where you would not  
14 have a dual case, I guess would be if some child had a  
15 condition or release for a phone matter, now that they needed  
16 a monitoring system when they were released from a facility  
17 and maybe that brought up a question of another person's home  
18 besides the parents, but otherwise, I couldn't see it.

19 So it sounds like, though, if I got it straight that  
20 you also would agree that for whatever reason this is not  
21 something likely to be applicable or that would be  
22 practically -- would be practical to in apply in delinquency  
23 matters?

24 JUDGE VAN HORN: Yes, I do not think this would be  
25 applicable in juvenile court, dependency and delinquency.

1           REPRESENTATIVE MILLER: Okay. So you would also say  
2 for sure that you don't believe this would work or is it  
3 redundant in your mind --

4           JUDGE VAN HORN: Yes. I think that those concerns  
5 are absolutely paramount. And at the top of not only is it  
6 in the regulations and statues, but it is being implemented  
7 across the state now, thanks to a lot of the work out of the  
8 offices of children and families and the courts lead by  
9 Justice Baer. There's a lot of attention paid to sibling  
10 relationships in all of juvenile court.

11           REPRESENTATIVE MILLER: My first question that I  
12 gave to you, the Professor, earlier started off with the idea  
13 of whether or not this was just a family -- adult family  
14 courtroom matter. Okay. So I'm kind of looking back to the  
15 circle of that. I went to your questioning or your analysis  
16 of how would this come about? What scenario would this work  
17 in? And I do agree with Paul that there are some scenarios  
18 perhaps where maybe your experience, Your Honor, in how you  
19 analyze matters is not always what every family judge would  
20 come across and sometimes I'm sure even the best intentions  
21 of courtrooms occasionally things get missed. But I was  
22 thinking that why I think this draft could work in the adult  
23 side is just the ability of -- I think this goes a little bit  
24 to Paul, what Paul's saying is, who actually can come forth  
25 and present their set of facts. Who has a way in that's not

1 through somebody else? And I was thinking along those lines  
2 and I was concerned a little bit with the minor issue, the  
3 guardian issue that you brought up, but would you not -- is  
4 it not possible that or would you give some weight to the  
5 possibility that by giving adult siblings the way in to adult  
6 family court matters that it might allow for a more complete  
7 picture of the family dynamic in regarding the best interest  
8 of the child?

9 JUDGE VAN HORN: I would acknowledge that. And now  
10 the burden as they said is so high for any third party to  
11 come into a custody action. And you have to establish that en  
12 loco parentis relationship saying that I've acted as a  
13 parent. Well, there very well may be that 19, 21, 23 year  
14 old sibling who hasn't acted as a parent, but may be a really  
15 good resource for that child. So I do acknowledge that.

16 REPRESENTATIVE MILLER: So going back, again, I'm  
17 going to use Paul's logic because I think it made more sense,  
18 the standing, the standing question, in relation to siblings  
19 and I know you're right now focusing on adult siblings, if we  
20 were to craft an adult sibling bill that included the  
21 limitations of ways in, do you find that standing component  
22 to be something that it would be important or not so much?

23 JUDGE VAN HORN: Yes. If it's better defined. I  
24 think with limitations instead of just broad. Subsection D  
25 does give five factors to look towards, but it's after

1 they've been let in the door.

2 REPRESENTATIVE MILLER: After, yeah.

3 JUDGE VAN HORN: So I think that determination  
4 should be made --

5 REPRESENTATIVE MILLER: And the last question, and I  
6 apologize, is in relation to the -- I think my colleague and  
7 you have back and forth regarding the definition of sibling,  
8 and obviously, I think I understand the definitions help in  
9 law. My reasoning or my look at this here was it's was one  
10 that to which siblings should be as all encompassing as  
11 possible to reflect the unique dynamics or realities of many  
12 families have are in now, so in relation to defining the  
13 term, I wonder if you would also share the broad sense of  
14 making that such a definition to be applicable to all the  
15 possible sibling relationships that exist or are you  
16 suggesting a more limited approach to that definition?

17 JUDGE VAN HORN: No. Broader, but perhaps include  
18 in the definition section for sibling for these purposes, a  
19 sibling with whom a substantial relationship has already been  
20 established. Put that right in the definition and then it  
21 really doesn't matter if it's whole blood, half blood or  
22 whatever.

23 REPRESENTATIVE MILLER: Thank you.

24 CHAIRMAN WATSON: Thank you very much. Chairman  
25 Bishop?



1                   CHAIRMAN BISHOP: Thank you very much, Madam Chair.  
2       I don't often get the opportunity to talk with one who's a  
3       judge, a parent in children and youth and one who has spent  
4       25 years as a lawyer and one who's, I suppose, I sense a  
5       psychologist who has studied, so when we get the three of you  
6       together, I want to ask one question and it has come up at  
7       least seven times and every time it comes up, I sort of choke  
8       because I've experienced this. So I want to put this  
9       question in, Do you think, Judge, do you think, Lawyer, do  
10      you think, Psychologist, that we have properly identified  
11      children correctly when we identify them as being half blood,  
12      whole blood or adopted? As a twelve member family and the  
13      oldest, I remember saying to my sisters and brothers, we are  
14      not of the the same parent, I wonder half sister, therefore,  
15      ten of you, two of us, you make the decision. And my sisters  
16      and brothers absolutely went beserk because you're not a half  
17      sister, you are our sister. That is our brother. And you  
18      have as much right to have an opinion in this as we do. That  
19      was years ago.

20               Years later, when mom died and their father had died  
21      and my father was not part of the family, we find that they  
22      still have that feeling today. We are sisters and brothers,  
23      so since we're making law and we're lawmakers and we are  
24      involved with it are we doing children justice when we refer  
25      to them early in life as being half blood, as being whole

1 blood, as being foster, as not being like everyone else? And  
2 when I have to deal with issues in my district with children  
3 who are having problems I wonder if some of it is not caused  
4 by the fact that we have misdiagnosed them and made them  
5 different and made them become trouble to society because  
6 they don't belong to anyone. I just wanted to put that out.  
7 I'm dying to get it out, so someone can take it and say,  
8 Look, they're sisters, they're brothers, they're children,  
9 they're adopted and that's where it should stop.

10 JUDGE VAN HORN: Language is powerful, both  
11 positively and negatively so I would just encourage a  
12 definition that is all-encompassing, but it does need to be  
13 defined in terms of all relationships among siblings.

14 MR. HELVY: My reaction to that is that your story  
15 shows that it's the relationship that matters, not  
16 necessarily what the biological relationship is. It's the  
17 emotional relationship and the time that they've spent  
18 together, but I agree with what the Judge said is that when  
19 you have people that are looking at this legislation, they're  
20 going to have to know just what is a sibling. It has to be  
21 defined in some way. I think once you cross that sibling  
22 barrier, you never look again as to exactly what the exact  
23 biological relationship is. Then you turn and you start  
24 looking at what the nature of their actual relationship is.  
25 That would be my take on it.

1 DR. MILEVSKY: I think those labels are more  
2 appropriate for a Harry Potter series not really for reality  
3 as we have it today. Labels are very disruptive very often  
4 from a very young age you label a kid as that self-fulfilling  
5 prophecy so I 100 percent agree with your sentiment.

6 CHAIRMAN WATSON: Yes. Thank you for your comments.  
7 Representative Youngblood?

8 REPRESENTATIVE YOUNGBLOOD: I've sat here today and  
9 I think out of anybody in this room, including the three  
10 panelists, I've been a foster parent, I've been a stepmother,  
11 I've been an adoptive parent and I have biological child,  
12 I've never distinguished on anything as far as my  
13 relationship, I am their mother. They are sister and  
14 brother. My daughter I received when she was four years old  
15 when I had saved the children in ECU in that ravage-torn  
16 country. I brought her into my house. I had to teach her  
17 English. And I told my son, This is your sister. My child  
18 that is 20, I got him when he was two day's old,  
19 crack-addicted baby, never made any difference from my  
20 stepdaughter, never, ever made a difference or a distinction  
21 about children. I am currently raising my grand -- identical  
22 twin grandsons that are 10 month's old.

23 I think part of the problem is the judicial system  
24 does not look in depth when some of the judges are handling  
25 cases or making determination on the welfare of a child and

1     what determines a relationship with a child. I can speak  
2     from experience and sitting here today listening to the  
3     distinction about this child is this and this, I've been to  
4     court many a times for all the children and with an attorney,  
5     never by myself for all the children that I just named. I  
6     have been in family court, know the law inside out. And also  
7     am the author of Kinship Care, which is not being followed to  
8     the letter.

9             CHAIRMAN WATSON: Thank you. Thank you,  
10    Representative Youngblood. Last question, if I might indulge  
11    myself and ask you some questions and it was based I think on  
12    something that Representative Youngblood touched on and that  
13    is, Judge, and certainly to the attorney, when I listen to  
14    you folks, and I understand and we reviewed a lot about the  
15    law, I know how, and I firmly believe how you follow the law  
16    and practice the law.

17            I guess what I don't know and I'm very familiar with  
18    Justice Baer and his work, what I don't know is, Do we have  
19    any ways -- and this could be my ignorance, but do we have  
20    ways of checking that indeed all those throughout the  
21    Commonwealth's judicial system when working in family court  
22    follow the laws that we already have. I think sometimes when  
23    you see here is because people have come to a legislator or a  
24    number of legislators and said, Here's what the experience  
25    was, here's what happened. Now, please understand we all

1 have been around enough time that we know we don't get the  
2 whole story, so you try to do your due diligence to check  
3 that most of what you were told was accurate as best you can,  
4 but I think we've even seen headlines in Pennsylvania where,  
5 indeed, though it was in juvenile court, criminal, but we  
6 haven't had things followed as they were designed to happen  
7 or in the best interest of children.

8 And short of some kind of a special commission that  
9 gets created, do we have a way, and again, Your Honor, of  
10 checking that, indeed, the 16 factors are considered to this?  
11 You heard someone say, one of our members, well, we'd almost  
12 like a list. And I will tell you that even in Child  
13 Protection, we have heard from people I want discretion of  
14 judges, I will always come down personally on that side. But  
15 we have constantly heard, we want some kind of a list, not  
16 limited to, but including, so that perhaps the general  
17 public and everybody gets a sense of, in this case, what was  
18 child abuse, what constitutes child abuse?

19 I'm hearing here they're looking for some kind of --  
20 and I don't think you can because it's case by case, but they  
21 want some kind of a list or basic criteria that must be  
22 followed. And I'm not sure if it's that or it's just that as  
23 you're describing it, and I believe you. It may not be  
24 followed in every court throughout the Commonwealth. And  
25 frankly, if that's the case, I don't know how we legislate

1       that one. But do we have a way of checking? Are we talking  
2       about that?

3               JUDGE VAN HORN: Two things I would say: First, on  
4       Common Pleas level, Appellate Court has the ultimate  
5       authority. There's always the right to appeal to a higher  
6       court. Practically speaking, I know that can't happen in  
7       every case.

8               So the second part is education. And seriously  
9       within the last five years in my professional career I've  
10      seen the most education and focus ever for judges on these  
11      issues and very importantly attention being paid to the  
12      gathering of data so that we have numbers and cannot just  
13      talk about these very important issues anecdotally, but  
14      actually look at numbers to analyze how are we doing. I'm  
15      all for that. How can we do things better? I am aware that  
16      things are not uniform across the state and I don't know how  
17      a legislature can fix that or I don't know how we, as judges,  
18      can fix that. Judges are elected. So that's -- you don't  
19      fire judges. Judges are elected. So the best we can do, I  
20      believe, is educate, pay attention to data and making good  
21      policy decisions for the future.

22              CHAIRMAN WATSON: Thank you. Mr. Helvy, did you  
23      have anything to add?

24              MR. HELVY: Just to say that I have never seen a  
25      judge that didn't do their level best to make a decision

1 regarding the best interest of the children. I mean, there  
2 are judges that have varying levels of sophistication and  
3 endeavoring to make that determination, but I've never seen a  
4 judge that just didn't care. So that -- I feel comfortable  
5 on that and I practice all over the state.

6 I can also tell you that I do believe that giving a  
7 list of criteria that a judge can take into consideration  
8 helps. It helps people coming in, knowing this is what a  
9 judge is going to look at, this is what a judge is going to  
10 pay attention to. I'm not going to have a judge say that the  
11 preference of a child is irrelevant because it's a statutory  
12 factor. And so, I know that when I try a custody case, I'm  
13 going to hit every single one of these points and because of  
14 this statute that currently exists, I know that a judge is  
15 going to consider every one of those points and when they  
16 write an opinion, they are generally going to address every  
17 one of these points. And it brings some level of objectivity  
18 to the process.

19 Judges still have a wide degree of latitude and a  
20 great deal of discretion. And again, the last factor on this  
21 list is any other relevant factors. So no one is tying the  
22 judge's hands and saying you can only look at these things.  
23 I think risks like this are very helpful. And so I think  
24 that's one way to do it and just in terms of how can you tell  
25 if a judge is doing his job, generally they are and, you

1 know, you look at the appeals and the decisions, you know,  
2 some custody cases get overturned. The judge cited a few,  
3 but most of them don't and because the trial judges generally  
4 usually do a good job.

5 CHAIRMAN WATSON: Thank you. And certainly on  
6 behalf of Representative Bishop and myself and our Committee,  
7 we want to thank you for taking the time to come to  
8 Harrisburg, to share your expertise with us. This is, as our  
9 most of our bills, this is a work in progress. We value your  
10 opinion and your insight and we will then go from there.

11 We're very strong, particularly in this Committee,  
12 on getting it right for children, so we really use the  
13 committee process where we will get a bill, then talk about  
14 amendments, this and that. It may not be quite ready for  
15 Primetime yet, but we will, indeed, work on it. And please  
16 know that we will be working on it because you were here and  
17 you testified and gave us your opinion. And that means we  
18 might even call you up at some point and get more free  
19 advice. We'd like to soften that blow before we get there.

20 Again, for the Committee, we know we'll have a  
21 meeting on the 19th for all of you who are able to come in  
22 early or stay and forego other meetings, we thank you. And  
23 for our testifiers, thank you very much. We're adjourned.

24 (Hearing adjourned at 12:10 p.m.)  
25



## CERTIFICATE

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me from the video recording of the foregoing cause and that this is a correct transcript of the same.

---

Denise M. McCartney, Reporter

Notary Public in and for the  
Commonwealth of Pennsylvania

My commission expires  
April 17, 2016.