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Senate Family Law Review Task Force
Public Hearings, August 10-11, 1990

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SENATE FAMILY LAW REVIEW TASK FORCE
Public Hearings
August 10-11, 1990
Anchorage, Alaska

OPENING REMARKS BY SENATOR COGHILL

The Senate Family Law Review Task Force was established at the special session when an inquiry was made as to what had been done with the petitions that the Alaska Family Support Group had submitted to the Senate, which took into account quite a few of the problems that we have in the family court. The purpose of these hearings, and during that time, why the President of the Senate appointed myself, Senator Coghill, as a Task Force of of one to look in and to inquire into the process. And I have accepted that position, and I have two people in our task force that have joined me. One is Senator Fischer and he will be here later. He's in Soldotna and he's on the teleconference in Soldotna. And, Rep. Walt Furnace has also joined the group. And I have asked all or any of the legislators that interested in this particular subject that if they wish to join me that I would be more than happy to have the. What we're about is that we're going to acquire the testimony and facts as to the public's concern with the government's system and the intervention of the family. We know that there is quite a lot of emotion around this issue. We know that there is an awful lot of testimony that folks would like to give. We're going to limit people to ten minutes, both on the

teleconference and here. And, those people that wish to have more time, if they'll just let our staff know. We have two staff people that are following the task force. We have Kathleen Putman who is to my immediate left and she is the Special Assistant for the Task Force group, and then we have Jeanne Alexander, who is my Legislative staff person who is in North Pole, Alaska and she's supposed to be here. She hasn't showed up yet. I don't know, maybe the liquid sunshine has kind of slowed her down on her road trip down here. We're going to take this testimony and we're not going to try and make any conclusions in the next two days. The idea is to give people the opportunity to put their story and their concerns on public record. Something that has not been afforded them in the past. And then we're going to have our staff analyze these particular concerns and we're going to divide them down into two issues: one having to do with the court process and the court system and the court personnel; and the other having to do with the rules and the legislative concerns. And what we'll do is we'll have another hearing in September and we'll have another work session or a hearing in October and we'll try and be able to have some kind of conclusion so that we can go to the legislature with the findings from the task force.

As we started in the task force, why of course we thought that it was rather an issue that had to do with rules and regulations and with the law as to the court. But as we opened up the issue and as Kathleen Putman has taken testimony, written testimony, why we find that the issue is broader and broader and broader and it gets a lot bigger. We also invite anyone to submit written testimony. If you have a case, a written testimony that you wish to submit, why you can submit it here to the Legislative Information office. Kathleen's got a desk in the visiting Senate's office up on the 5th floor and our phone number is 561-2003. And when she is not in the law library or when she is not out taking interviews from clients, she will be in the office. And so with that, why what we'll do is we'll go ahead and open up the hearing and we have teleconference sites at Juneau, Soldotna, Fairbanks, Mat-Su, and then tomorrow we'll have Haines and Sitka both on line. So, without further ado and we'll probably have more information as we go along, we'll go ahead and start our process and the first person that we have to sign up is Tracy Driskill. Would you please come forward. Give your name and then, and I understand that you asked for 15 minutes.

TRACY DRISKILL

Good morning. My name is Tracy Driskill and I'm the Director of Family Affirmative Action, Inc. I'm a custodial parent and the wife of a non-custodial parent with a subsequent child. On the behalf of Family Affirmative Action, non-custodial parents, subsequent families, custodial parents and most of all the children that pay the bigger price than any one of us, I would like to thank Senator Coghill, his staff and those task force members that will be present later for making these public hearings possible. Thank you each and every one of you.

Today and tomorrow you will be hearing many horror stories about continual denial of children, of divorced and dissolutions being denied access to their non-custodial parents. You'll hear about subsequent families living in poverty situations. You'll hear of children's lives being destroyed due to the lack of improper actions taken by the courts and CSED on these issues. You'll hear about non-custodial parents being conditioned to the point of just giving up. Please listen with an open mind and a heart. We all have the ability to solve these problems if we choose to work together, instead of against one another.

In 1984 I appeared in front of Judge Carlson in a custody hearing with my ex-husband. Carl and I had

mutually agreed on a \$500 per month child support amount. In court, Judge Carlson set the amount at \$800 per month over both our objections. I expressed my concern that Carl could not pay that amount. Later Child Support Enforcement Division of Alaska refused to adjust the amount downward per my request. Due to the State's heavy-handed actions, Carl gave up and did not make payments to the agency. After two years Carl directly and voluntarily paid the agreed amount of child support to me instead of CSED because of their unwillingness to be fair with him. I requested that CSED forgive all arrearages and reduce the amount of child support again. I was told that I didn't have that right to forgive arrearages and that I needed a court order for a reduction in court-ordered amount of child support. This was told to me contrary to Alaska State law. I have since found out that I have the sole right to forgive all arrearages and reduce the amount if I so choose. I have done the above. As I stated before, I am a wife to a non-custodial father with a subsequent child. Prior to our marriage, I was well aware of my soon-to-be husband's obligation to pay child support and I commended him for his willingness to be responsible for his daughter. We started our family together. We each knew our limitations financially. I'd like to back up a few years and tell of the frustration my husband had endured when it came to

his right to try to be daddy. Upon Todd's divorce, Judge Carlson stated that Todd and his ex-wife needed to work out a fair visitation schedule. During the three months after the divorce, Todd's ex-wife refused to discuss fair visitation. She refused to discuss the issue of visitation at all. Consequently, Todd's daughter only saw him once during this three month period. Todd returned to court and made a complaint on the denial of visitation. His ex-wife received only a verbal lecture and a \$50 increase in child support. I felt that this was rewarding her for her denying Elena visitation or access to her father. As time went by, Elena was continually denied access to her father. Todd returned to court and appeared in front of a new judge, who issued a court-ordered visitation schedule, gave Todd's ex-wife a verbal lecture, and a \$50 increase in child support for a total of \$400 per month. After two years and 97 days of being denied access with his daughter, again he returned to court. One full year of court appointed custody investigators, psychiatrists, and evaluations at our expense, Todd has day in court. No punitive actions were taken against his wife for denying his daughter visitation. She only received a lecture again. Todd's ex-wife was asking for an increase in child support to comply with Civil Rule 90.3. Todd has paid \$400 per month without ever being late. Todd requested that both his ex-wife's income of

\$36,000 a year and his responsibility to his subsequent family be taken into consideration when it came to the amount awarded in child support. Judge Reese stated that Civil Rule 90.3 has no provisions for subsequent families, nor does it consider the income of the custodial parent. Judge Reese stated that he sympathized with our situation and he felt that Civil Rule 90.3 was not a complete nor fair child support guideline, and that things needed to change when it came to the unfairity of the rule. He went on to say that we needed to watch for the laws to change. Due to the fact that he had seen a lot of subsequent families in our same situation, but as a judge he had no choice other than to set the child support at \$700 per month. The end result in our case is we no longer could afford our house payment. We have lost our home. On page 13 and 14 of Civil Rule 90.3, the commentary portion, there is mention of subsequent children. It states in part that when a hardship is implied upon a subsequent family and award amount can be reduced. However, unless there is a clear and convincing evidence of manifest injustice, almost impossible to prove, the part of the rule cannot be used by the court. I feel that a hardship has been wrongly forced upon our children. We have two weeks left in our home, with where to go at present time. These types of problems are expressed regularly from people in our group. Our

case is not unique. Many members of my group are routinely denied court-ordered access to their children, and have child support amounts set unfairly high without regards to the welfare of their subsequent children. When I got involved in this family movement, I thought my case was the worst. But many hundreds of other people in Alaska communities have appalling cases to reveal much worse than my own. For example, subsequent families getting 55% of their wages garnished out of their paychecks. In an actual study, nearly 50% of subsequent families are found living at or below the federal poverty level. I think government putting families into poverty is disgrace. Alaska should take subsequent families into consideration when setting a garnishment amount. This would stop putting subsequent families into poverty. Alaska should also adopt an income share child support award system that takes subsequent families into consideration. Civil 90.3 needs to be taken out of the courts and put into a legislative process where these problems can properly be addressed in a public forum with input from parents that are affected. Denial of visitation is a growing problem. At present time there is no punitive actions taken against custodial parents for denying a child access to their non-custodial parent. I've spent some time at a local school talking to a principal. He has reported that some 65% of his children are from broken

homes in his school. Children often become very disruptive during and after a divorce, and some remain disruptive. These children that are remaining disruptive are expressing their anger. They're mad. They're using the only defense they know to use. Fathers are rarely called to parent-teacher or parent-principal conferences because of the custodial mother's desire to exclude them from their children's lives. These children have expressed to the principal their need to see Daddy. The principal has seen children often get more disruptive when they are continued the denial of access to their fathers. When the principal spoke to me he used the term "father" and "daddy". He said the reason was because in all the cases he dealt with, there was not one case where a child expressed their need for access to mom. I'm aware that there are many cases in Alaska where mom is the non-custodial parent, and she is being denied access also. I feel that these children's futures are in our hands. Let's do something effective. Let's give them hope. Mr. Chairman and members of the task force, we request that this task force make the denial of court-ordered visitation a criminal offense. We request that false domestic violence charges become a criminal offense. We request that the minimum amount of a child's visitation awarded in a divorce action be no less than 33% of a child's time be spent with their non-custodial parent. We

request that the child visitation mediation project be funded by the 17th Alaska Legislature to continue to serve Alaska children. We request the Family Commission be created and funded by the 17th Alaska Legislature that addressed legitimate needs of families, women, men, and children on an equal basis. We request that the 17th Alaska Legislature adopt Alaska's Child Support Award System in accordance with state's laws and our constitution. Tonight there will be many hundreds of children that go to bed across Alaska wondering if this will be the weekend they will be granted visitation with their non-custodial father or mother. Tonight many hundreds of non-custodial parents will be wondering if this is the weekend that they will be able to have that opportunity to go fishing, camping, etc. with their children. Tonight many hundreds of subsequent families are wondering when their legitimate needs will be recognized. Its up to us. Let's not wait till the next generation is running our government. Let's do something now, thank you.

SENATOR COGHILL:

Thank you very much Tracy. Do you have a written copy of your testimony, if we could have it it would save an awful lot of time in transcribing. Thank you very much. You did a very good job. Our next sign-in is Bill Cotten. Bill is with the Judicial Council now,

right Bill. Come on up. Its a pleasure to have you before the task force.

BILL COTTEN:

Thank you. My name is Bill Cotten. I am the Executive Director of the Alaska Judicial Counsel. The Counsel itself is a 6-person citizen's commission that has three jobs under our constitution: One is to help select judges, one is to conduct studies for the courts and the legislature; and one is to help review the performance of existing judges and make recommendations when those judges are going to be on the ballot for retention elections. In that last regard, reviewing the judges and making recommendations for retention elections, the Counsel this year held public hearings on those judges, including Judge Carlson. We advertised those public hearings. We held them actually in this room with teleconference hook-ups across the state. We had extensive comments. We solicited written comments. We do a whole bunch of things, and I won't go through the long list of those things. The Council has made its recommendations now. As to the retention of judges, the Council did not make recommendations as to a few judges, Judge Carlson, Judge Stemp, and a couple more because those judges have announced their retirement and therefore they won't be on the ballot this fall. I did want to make the distinction

between the judicial council, which I'm a part of, and the Judicial Conduct Commission. The latter organization, the Conduct Commission, is completely separate from us. They have the job of investigating disciplinary charges against the state, but I did want to make that distinction.

I'd like to briefly mention another Judicial Council project, and that is the mediation of child visitation dispute projects. Ms. Driskill just briefly mentioned that project and asked for legislative support next year. I will talk a little bit later about Civil Rule 90.3 and about child support, and I believe that it is very important to the children of this state that we collect an adequate amount of child support. But, I also believe that the financial support is not the only type of support the children deserve, and this project focuses on another aspect - trying to help parents work out visitation disputes about their children. It's something that the judges will tell you, the attorneys will tell you, the people who testify here will tell you that the court system is just not set up to do very well. At best it is a very long process. It is an extremely expensive process, and it is one, even if you reach a result, both parents are liable to be at each other's throats. It's one that I think causes hard feelings. I think there is room for working out a

mediation process that can offer a better approach, and I would ask for the legislature's support. The Legislature has already initially funded that project and we're applying now for a federal grant. Unfortunately, the feds are a little slow in deciding it.

Let me get to the child support rule now. The Supreme Court asked me to come and testify today to provide you with a bit of a background of how Civil Rule 90.3, the guidelines were adopted. That process started in 1984 when the federal government passed a statute that said every state has to have child support guidelines, and it said every governor has to appoint a commission to take a look at the issue. In 1985 Governor Sheffield appointed a commission. That commission had legislators on it, it had executive branch folks on it, it had a couple of judges on it, it had representatives from fathers groups and mothers groups on it. They made a report, made some recommendations. Incidentally those recommendations did later form the basis of Rule 90.3. The actual percentages that are used - 20% for one child, that's where they came from. The method used, the percentage of income method came from that group. After that group made its recommendations, the governor's office asked then Chief Justice Rabinowitz to incorporate those recommendations into a court rule. He appointed a committee to take a look at that, and

the committee actually wrote, drafted the rule that incorporated those recommendations. When those recommendations initially went to the court, as a whole, the Supreme Court as a whole, which has the authority to draw up the rules, the Court's first reaction was to question whether this wasn't something the legislature should be doing, rather than the court system. They asked me to research that issue, and at the same time they sent the proposal to the legislature (it was about January at that time) and encouraged the legislature to take a look at it and act. They also circulated the proposal for comment. Several months later, and this in 1987, the court did adopt Civil Rule 90.3. The reasons that the court adopted it is first that the legislature had not addressed the issue, had decided not to address the issue; second, the alternative was to keep the present system, which was to award child support based on under the statute what is just and equitable. Something that gives trial court judges incredible discretion. The amount of the award depending upon which judge you were before, which town you were in, and you know, frankly perhaps sometimes the mood of the judge. The awards varied greatly. They were all so much below the national average. The other alternative of the court not adopting child support guidelines was that the federal government had a statute that said we're going to take away your AFDC

payments, the payments to single mothers, and also your Child Support Enforcement Agency payments, the CSED has estimate that that amounted to about \$30 million. And finally, my research and certainly this is arguable, but I concluded that the court did have a valid constitutional basis to adopt the rule. I did not conclude, and the court did not conclude, that the legislature should not act. In fact the research and the court's rational has always been that this is a perfectly legitimate area for the legislature to act if it wishes. And the court specifically put after the rule that you folks do not need to pass any change to 90.3 by a 2/3's majority as you would usually do when you're changing a rule. This is a special type of thing. The court is acting on its authority to interpret statutes. I won't go through specifics. I will hand you some written testimony that will explain the legal basis a little bit better, but I don't want to go through that point by point today. In any case, Civil Rule 90.3 was adopted that summer just shortly before the October deadline in the federal law. A year and a half later, Chief Justice Matthews appointed a committee to review 90.3. That committee met probably about ten times over the space of 6 months. Comments were solicited in two stages, from both the public and attorneys. First, right at the start to see what areas we should be looking at, and second, once an initial proposal was

made so we could get comments on that initial proposal. In those meetings of the committee, they were open to members of custodial and non-custodial parent groups and they did sit in. There was a public hearing held in this room again with legislative hook-ups across the state. I believe that was about a year ago. There was substantial public comments. Many changes were made as a result of those comments. The court initially adopted several of those changes. The actual court meeting in which they adopted the changes incidentally was not open to the public. But the process that led to the changes was. The changes were, the biggest change I guess was to adopt a commentary that tried to explain and set out some of the specifics of how to apply the rule. I will point out that as Ms. Driskill says, the rule does allow the reduction if there are children of a second family. If there is a subsequent family, if the obligor has another family and decides to have more children, there are narrow circumstances in which support can be reduced. We are one of actually the few states that allow any circumstances for reduction of support in that area, and there's certainly room to argue that it should be more or less. There's good arguments on both sides. But we are one of the few states that do allow any reduction, because of the children of second families. I'll also point out that our research indicated that even now, after

90.3, the level of child support in Alaska on average is a bit lower than the rest of the country. Before 90.3 was passed we were way below the rest of the country. The rule is based on what we call a percentage of income approach. That's based on economic analysis that show intact families spend a relatively constant percentage of their income on their children. In other words an intact family with one child may spend about 25% of their income on children, and that'll be more or less the same whether its a low income or a high income family. Our rule is based on the assumption that after the divorce each parent should spend about that same percentage of their income on their children. And then again there's room for argument about which way is the better way to do it. And I don't mean to imply that you know the way Rule 90.3 sets things out is the only way to do it. But it is a way that is reasonable and has been considered seriously. What have been the effects of the rule? Well I think the main I've already mentioned that it probably doubled child support, and I will hand you a study done by a legislative analysis that makes that conclusion. But even after the doubling we are still approximately at or slightly below the national average. The other thing its done incidentally has made child support in dissolutions and divorce cases much more even. It used to be that when people went in

without an attorney in the dissolution type cases, the child support was considerably lower than it was when both people had an attorney in the divorce type cases. That difference has been done away with. Now, when the court's following the guidelines, it makes much less of a difference whether you have an attorney or not. And actually if you have an attorney, the child support comes out a little bit lower. It helps I guess to have an attorney to get those exceptions.

In conclusion, I certainly do not believe that the rule is perfect. There's room for discussion, room for quite reasonable discussion on any number of topics. Even if it were a perfect rule, that does not guarantee that it will be applied perfectly in every case, and I'm certainly not arguing that there haven't been injustices and it hasn't been applied wrongly. And the court, frankly, has overturned cases both on the rationale that they didn't award enough support under 90.3, and under the rationale that the judge awarded too much support. That the judge had to go back and use Rule 90.3 because he awarded too much support. Certainly the legislature should consider, and it is completely up to the legislature and the court has not tried to say that the legislature shouldn't take over 90.3, that is something that is up to you folks based on what you hear. I do, however, genuinely believe

that Civil Rule 90.3 is a good rule, that it is one of the best, if not the best set of child support guidelines in the country, and I've been through them all. I think our rule is on the whole more simple, easier to apply than the rules in most states or the statutes in most states. And incidentally, states have both rules and statutes, the federal government allows you to go either way. That's very important when you have the thousands of cases, the thousands of dissolutions, divorces and the modification actions. If you don't have a reasonably simple rule, than the rule isn't real simple, but comparatively it is simple, you just get bogged down. And people are going to have to have attorneys in every case, and you certainly don't want that. Second, I think that the rule has led to fairer amounts of child support, at least in general. We were substantially below the national average.

And finally, I believe that the rule, by giving judges some guidelines, has produced child support awards that are more consistent, are more predictable and hence, more fair across the board. Its simply not fair if one family who happens to live in one location where the judge doesn't think you get much support, gets just a tiny amount of child support, and a family in another location gets a lot of child support because that judge believes that's the way it should be. We need some

sort of standards. And while 90.3 is certainly not perfect, and certainly there's room for discussion, I do honestly believe that the Supreme Court has done an excellent job in making the beginning here. And I thank you for your time.

SENATOR COGHILL:

Thank you Bill. For the record Bill, you'll submit the studies you referred to to the Task Force. Also, I would like to recognize that Rep. Walt Furnace is now with us and thank you Walt for joining the Task Force. We're going to try and maintain as close as we possibly can the ten-minute rule, but if you need more, why we'll certainly accommodate you. Our next signed in witness is Nancy Freymiller, and we have two teleconferences. Nancy come on, welcome to our task force.

NANCY FREYMILLER:

Good Morning. My name is Nancy Sheets Freymiller and I'm the Executive Director of AWAKE here in Anchorage, the Abused Women's Aide in Crisis and I'm here today testifying on behalf of the Alaska Network on Domestic Violence and Sexual Assault. The Network is the non-profit coalition of 23 domestic violence and sexual assault programs throughout the State. And I guess the theme of what we're going to be saying is to exercise

caution as you look at the rules, as you look at the laws, as you look at changing them. From our perspective, we see a lot of people's lives torn apart with pain with the domestic violence aspect of that, and we really hope that you will consider that and look at that. Because as they start new families, they look at blended families, single parent families, we think its important that family law and policy also support these new family structures and be sensitive for the future of these children in their new families. As you may know, Alaska has the second highest rate of single parents in the nation. As you also may know, family violence is a major problem in Alaska. Last year 43% of all the homicides were family violence homicides, as opposed to the national rate of 19%. Sadly, domestic violence is a major issue that should be kept at the forefront of any discussion of family law and policies that affect families. Towards that end, the Network would like to make the following recommendations. And I know this is not an easy issue, I know this is an emotional issue and we just hope that you will be considerate of this point of view.

The children of the State of Alaska are owed approximately \$158,000,000 in child support arrearages. Of those parents obliged to make monthly payments through the Child Support Enforcement Division, less than 43%

make any payment in FY88. That creates a real economic burden for the children in the single parent families especially. The threat of poverty for Alaska's children with single mothers is more than twice of all other children - 42% versus 17%. 90% of the women in our shelter who come from domestic violence situations have no jobs and often no skills to be able to have some economic self-sufficiency. These facts clearly indicate that not enough is being done to enforce the payment of regular child support. The Network believes that these efforts should be increased. Many battered women forego collection of child support because of the fear of their batterer. Its often hard to believe that these situations get as bad as they do, but we do see people stabbed, we see people killed, and there is a legitimate fear here. The Network would like to request a mechanism for the Child Support Enforcement office to hold addresses in confidence if there has been a history of domestic violence in the relationship. The Network believes that the primary guideline for action in reports of child abuse and child sexual assault be that of the best interest of the child. Family separations and reunifications are difficult and sensitive issues with many competing interests. Social workers should be guided by what is in the child's best interest - in their best interest economically, in their best interest for their physical, emotional, and

psychological safety. Better protections need to be provided in dealing with child visitation when there has been domestic violence. Courts need to exercise greater authority in providing safe pick-up and drop-off points, third-party participation, etc. We see the impacts when domestic violence has occurred and in the visitation both the children and the mother are in fear, and the child often times doesn't want to go when there has been a history of child abuse and sexual assault, so we urge you to take those into consideration. As has been stated earlier, Alaska child support awards tend to be lower than the national average, lower than all states other than California and Illinois. Our statistics by a study, our source of the National Center for State Courts shows that a family with two children and a combined income of \$4,400, the national average support award is \$621. The average award in Alaska for the same family is 24% lower at \$469.00. Its tough, its very tough. I recognize that. But, I also recognize the pleas that the family laws and social policy decisions are there also to support these single parent families and all the new-blended families and help provide the best framework possible to assure the children the economic, emotional and psychological security that they deserve. Thank you.

SENATOR COGHILL:

Thank you very much Nancy. Would you give us a copy of your testimony. We can get a copy machine if you have none. Thank you very much. It saves an awful lot of time and effort. We appreciate it. Our next signed in participant is Ken Kirk. Welcome to our Task Force sir.

KEN KIRK:

Mr. Chairman, I'm Kenneth Kirk, _____ in Anchorage. I'm somewhat linked to the Alaska Family Support Group, but I'm not here today speaking on their behalf. I'm strictly giving my own opinions. Mr. Chairman, the task force in the next two days is going to be hearing a lot of horror stories from people who feel they have been badly treated by the system in general. Some of those will be the fault of some particular judge or caseworker or other individual, some will be the fault of perhaps the witness' attorney, and some will be the fault of the witness, him or herself. Others, however, may be the fault of the statutes that we have in place. And what I've proposed here, and these are not specific draft proposals - I'm not an expert at statutory drafting, but these are simply what I think may help in certain particular areas. If I may start with my first suggestion, this is in regard to the domestic violence order system. Mr. Chairman, the first time I actually read the statute that sets up the domestic violence

order system, I was surprised to discover that there were a lot of provisions in there, protective provisions to protect people's rights which are simply not enforced. For instance, if an emergency order is entered against you and you put in a request to dissolve or modify the order, its supposed to be acted on as expeditiously as possible. But in practice, its simply tossed in the hopper and nothing is done on it until the hearing which is as much as 20 days down the road. In the meantime, that individual might be deprived of home, property, access to children or any number of other things. What I've suggested here in my first proposal is that it be statutorily mandated that before entering an emergency domestic violence order, the court make an attempt to contact the respondent and offer that individual, if possible, a chance to come in and tell his or her side of the story so that some of the more horrific situations don't happen. I suspect that in the vast majority of these cases either they won't be able to reach the person or the respondent will not be interested in coming down, or if the respondent does come down they won't be able to provide any evidence that will convince the magistrate or master who's doing it that the emergency order should not issue. But in a few cases, they will. And that will protect people from what may end up being an irreversible harm.

My second proposal, and this has already been discussed somewhat by Mr. Cotten, and I'm sure it will be discussed by others, is that the Alaska Legislature should enact a child support statute. I'll disagree with Mr. Cotten here. I think Civil Rule 90.3 is a blatantly unconstitutional exercise of power by the Alaska Supreme Court. I have never seen anywhere in law school or at any time a situation which pursuant to its interpretive powers and American state court has simply enacted a substance of statute. Its unheard of. Sometimes its thinly veiled as in some things that the U.S. Supreme Court has done, you know, Miranda for instance. Take a problem and lay out this large case with a lot of prophylactic provisions, But I've never seen anything like this anywhere. I'm sure its happened, but its extraordinarily rare. I'm not taking a position right now personally as to which particular approach the legislature should necessarily adopt, but it should adopt some kind of statute. That way the people of Alaska have a say in what happens and any further changes or modifications to the law are subject to the legislative process, not decided by five unelected officials.

My next proposal is in regard to back child support. Some of the worst horror stories I've personally seen have been in regard to people who suddenly find

themselves saddled with a huge back debt. And in some ways this is how the figures that are often quoted by CSED as to the large amounts of back support or the poor payment performances on back support are acquired. For example, I recently had a gentleman in my office - I won't give you his name - but he had an order from about three years ago that he was to pay child support directly to his ex-spouse. She moved out of state and did not give him a forwarding address. She did not want him to have contact with his kids. He made every effort an individual could reasonably expect to make to find out where she was because he wanted to see his kids. He wanted to exercise his visitation rights that were given to him in the court order. After 2.5 years of no success, during which time.....there may be other solutions to this, but I suggested that the court or perhaps the hearing officer, if this is an administrative child support case, before ordering back support for a period for which there was no court order consider certain things. And I've just laid out eight specific things that I would suggest related to things like whether the obligor knew how to get a hold of that person; whether the obligee made reasonable efforts, demands on the obligor; whether visitation was in fact being allowed during the period in question. I congratulate the legislature then in this last year - they passed a bill to the effect that within 30 days, I

think, of knowing that there is an accruing obligation, CSED has the obligation to notify the obligor. However, that only solves a relatively small piece of the problem. There are plenty of these cases where it doesn't actually come to CSED for some time. But at the same time they're going back years to try to get back support. And of course Parkinson's third law I think is expenditures rise to meet income, and if you don't think you have to pay support for a period, you aren't necessarily setting it aside.

The next provision is, well under a particular statute as 47.23.275, CSED is to allow, is to release information as to the general whereabouts of the custodial parent of children if certain requirements are met. Well, first of all there has to be a written request from the obligor, but that's certainly reasonable. But the other requirement is that any back support amounts be paid up. Of course the problem there is that it's the same problem from the last proposal, that sometimes that person doesn't know they're accruing that back debt, and all of a sudden they're hit with it. And at that point they can't find out where their kids are. So they may at the same time be unable to enforce their visitation because they can't, for instance, serve process, but CSED is actively litigating or enforcing child support. I simply suggest to remove the

restrictive language so that regardless of whether there is a back support debt, keeping in mind it may take 6 months or a year to determine whether that back support debt is in fact legitimate, that that restrictive language be taken out so that people can attempt to enforce their visitation rights.

The next proposal is I think more of a cleaning up question, and that's in regard to no-fault divorce. If you look at our statutes, you have to look real hard to realize that this in fact a no-fault divorce state as it currently stands. There's a sub-provision of a statute which says that a divorce may be granted for incompatibility of temperament. Well the practice in the trial courts is simply not to allow any other type of divorce grounds. I think the legislature should make a decision and either eliminate the statutes which give the false impression that we do have a fault based system, or eliminate the provision which the court has fastened on to make this a no-fault state. One or the other. The problem as it stands is that someone looking at the statutes is going to get the terribly wrong idea of what the law in Alaska is.

The next point is legal separation. I really don't know a whole lot about legal separation statutes. I never covered it in law school and I never practiced in

a state in which there was one. I do know however that I occasionally get phone calls asking if I do legal separations, and I have to explain to people that there's no legal separation statute in Alaska, and then they ask, well, you know, we're not ready for divorce yet, but we've got this problem, what do we do? And I have to then get very creative with the statutes there are and use systems such as the domestic violence statutes or the divorce statutes to try to craft some kind of legal separation system. It doesn't work very well. And the legislature I think should take a serious look at whether perhaps a legal separation statute would work better.

At this point I'm getting into the child in need of aid system, which I was somewhat horrified with the first time I came across it. The first problem with it is that the child need of aid cases are delayed, in effect put on ice completely, if there's a criminal investigation ongoing. For example, the parent is accused of sexual abuse of the child. There is a probable cause hearing held and the court finds that there is probable cause that this might have happened, and then everything just stops. Nothing moves toward trial. There are no hearings. There are no changes in interim orders. There's no discovery available while the criminal system does its job. The basic problem here

is that there is no deadline that says that the criminal justice system has to get done within a particular time. It may take 6 months or more for them to decide whether or not they want to prosecute. And only then will the court system move the case forward. What I have suggested here, and some might argue that there should be no delay and I'm not necessarily opposed to that, but I suggest that a three month maximum be placed on holding up the child in need of aid system. And if the criminal system still wants to investigate and consider prosecuting after that time, they can. But in the mean time the child in need of aid system can go forward so that the parent can try to prove his or her innocence in the case.

The next problem is sort of an interesting one. There is a statute, AS 47.10.090, which says that information from a child in need of aid case is highly confidential stuff, not to be given out by the state. Unfortunately, the attorney general's office has interpreted that as meaning that they do not have to respond to ordinary discovery requests from parties in a child in need of aid case. This means that you've got two choices. You either have to do everything by depositions - the statute does say if there's a particular, a specific judge's order, that its okay. So if you do a deposition, you have a subpoena that has a judge's signature

on it somewhere, therefore you could do it. But depositions are much more expensive and because you've got multiple parties in a child in need of aid case, guardian ad litem, social worker, etc., they're much more cumbersome than doing ordinary simple discovery, interrogatories, requests for production and etc. You're only other option is the AG's office will generally be willing to sign a stipulation with you which will be signed by a judge, but its their stipulation and it doesn't necessarily have the things you want. It has limitations on it with which you may or may not agree and that's not a very satisfactory solution to the problem. I simply suggest adding a new section to that statute which simply says that this section of statute should not be construed to relieve the state of obligations to respond to discovery in one of these cases.

We're almost finished here. Again on the CINA cases, the probable cause hearing - the court system has somewhat taken one from column A and one from column B approach. If you have a criminal case, then you have a probable cause hearing at the outset, which you have to have if you're going to anything like having bail or keeping somebody in jail. And any kind of, what amounts to interim relief, you have to have a probable cause hearing. The defendant is not necessarily

allowed to present a case at that point. But on the other hand you have a speedy trial rule - 120 days before you have to, if the defendant wants that, to go to trial. In a civil case, you don't have a probable cause hearing, but before you can do any kind of interim relief of significant length of time, you have to have a hearing at which the party whose possibly going to be deprived has the opportunity to call witnesses, present testimony, and other evidence. You don't have a speedy trial rule in civil cases. For some - somehow the court system has interpreted it both ways in the child in need of aid cases. On the one hand its a probable cause hearing so you don't necessarily have the right to call witnesses and put on evidence. It kinds of depends on the judge - some will let you and some won't. On the other hand, its a civil case so you don't have a speedy trial rule, and in fact, because of this other problem with the criminal investigation holds, it may be a year or two before you can get to a point where you have a chance to argue your case.

My final proposal here is in regard to pro se domestic litigants. I suspect that a very large proportion of the people who are going to tell you horror stories in the next two days will be people who represented themselves in cases. Its very difficult to prevail or

to just to get your basic case across in a domestic case, or any kind of case really, as a pro se litigant. And what I've suggested is some system of arbitrators or special masters to whom these double pro se cases could be referred so that they could have a series of conferences at which they can kind of give the people an idea of what the law they're dealing with is and what they need to do to find the evidence for their case, so that these people don't get totally bashed over. And with that, I'll conclude unless there are any questions.

SENATOR COGHILL:

Thank you very much for your testimony. We're not going to get into the questions, but all of the proposals that are being submitted to the task force, why when we get back into it, don't know whether I mentioned or not, but we plan on having another task force meeting in the middle of September and then another one in the middle of October and another one in the middle of November to try and bring all of these proposals and all of the problems that we have so that when the legislature, the new legislature meets in January and the new administration goes in, why then we will have a package to present to them. With our limited staff and our limited _____ we really appreciate the detail that you went to here and this was a very good proposal.

KEN KIRK:

I'll make myself available if at any time between hearings that you have questions.

SENATOR COGHILL:

Well, I'm sure that we'll be seeing a lot of you and also Bill Cotten and the rest of you in the next six months, and I appreciate that because we're trying to fix it. Now what we have is we're going to take an hour on teleconference and if there's anyone in the teleconference group that needs to, is on a time constraint and we understand that Juneau has asked to be first on, that Ray Hull needs to give his testimony and then, because he has a time constraint. If there is anyone else out there, we have Soldotna, Fairbanks and Juneau on line right now. If you do have a problem, would you tell your moderator. We'd like to keep your testimony to the 15-minute time slot, 10 minutes will run over. We have 1, 2, 3, 4, 5 so far. So, if that would - that would give us about 10 minutes a piece. So with that, Juneau, Kathy come on line and we'll take Ray Hull first.

RAY HULL:

Good morning. My name is Ray Hull and I am a resident of Juneau, Alaska, and a small business owner here in town. I closed my store this morning to be here to

tell you my story. _____ and took our two and half year old daughter with her. One week later I was served with divorce papers with stipulations and threats from my wife as to seeing my child. But when I go to court and I fight for custody of my child, I'm seen as a second-class parent because I'm a man. The court feels its better that the child stay with the mother. This feeling is wrong and the courts need to see that men are just as good in bringing up children as women are. In the divorce I agreed to pay all debts of the family, something that my wife refused to do months before she walked out with our child. The court gives her and I joint custody, but gives her physical custody with the rights of visitation at all reasonable times as long as I give reasonable notice that I want to see my child. For years I have been trying to give her reasonable notice so that I can see my daughter. Because she has concealed the child and to this day is still concealing my daughter, I cannot have my court-ordered visitations with my child. I, over the years, have contacted the DA in the county where the divorce took place and was told that they could do nothing. I contacted the DA in the county where my ex-wife now lives and they tell me I need a lawyer to bring charges for child-concealment. I'm not a rich man that can afford a lawyer's outrageous high fees just to have my rights and the rights of my child that

were given to me by the court in the first place enforced. After the divorce was final in 1981, I moved to Alaska so that I, and was so depressed over the death of my father and most of all the loss of my family due to the divorce, the loss of my child to a woman the court felt was the best thing for the child. I started to drink and withdrew from having any contact with anyone for about a year and a half. If I had someone to talk to at the time of the divorce and right after it, I believe I wouldn't have withdrawn from life and my fellowman. In 1983 I met my wife Kathy, fell in love with her and married her. In 1984 our daughter, Kala was born in Juneau. Since I have been with my present wife I have been in contact with the State of Alaska, the DA in Alaska, the DA's in Lake and Tahema County, California, the Family Support Division of Lake County, California and none were willing to help me in getting my and my daughter's rights to see one another enforced. The Family Support Division wrote me and told me that all they were interested in was collecting the money for child support. I have one question. Why are they called Family Support Division, when all they are is a state-funded collection agency? They do not support the family in any way or form. The attitudes like this I can see why fathers are starting to fight more and more for their rights when it comes to family law. The state spends millions on different women's

groups, but not one thin dime for father support groups, which are needed more and more everyday. Times have changed and its time that the State of Alaska changed with it. For years I have lived with the pain of not knowing where my daughter is. Thanks to the help of a non-state funded or federally funded group of second family fathers and mothers who go by the name of Alaska Dads and Moms, I have finally gotten to my 11-year old daughter, and received a picture of her now, the only picture I ever had of her was when she was 2.5 years old. Even though I get phone calls from my daughter every other Sunday, and I've only gotten two now. I cannot call her because my ex-wife now has the child, concealing her as to her whereabouts. If I seem angry, I am. The tears have long gone. Because of what this woman has done to my daughter and I, and what the State of Alaska and the State of California have let her do. California has laws concerning child concealment. And the State of Alaska does not. Getting them to do something about concealment is another story. Alaska needs to have one group that takes care of family needs of divorced families. When I say family needs I mean fathers, mothers, sons and daughters. Not just the needs of the mothers as it is now. I have case numbers and citations where California law has been enforced when it comes to dealing with child support and non-visitation. I'd like to read

these cases, just the case numbers to you and if need be we can track down the cases. In reference to the marriage of Kelly in 1986, No. 186, California Appeals Court, Third District. Case 613 and 618 and 620, Soberg vs. Winther, 198;5. No. 163 California Appeals Court, Third District, 475, 478, and 480. Also, Washington vs. Leisure, 1987, case no.196, Appeals Court, Third District. 451, 453 and 455 stating that if there's a case of the non-custodial parent being denied visitation and there is arrearages in child support, that the arrears are to be dropped. The women's groups have had things their way for so long. Be it lesbians who hate men to start with working in domestic violence shelters giving legal advice to women who go there. These women need to be screened before they are allowed to talk to straight women who come to the shelter for help. The only help they find is from a woman that hates men. Most men now, once their wife goes into a domestic violence shelter, can only look forward to a divorce. My ex-wife can walk into a family support division and say that I haven't paid her child support for a month and the child support division goes after me and can take most of my paycheck and give it to her, even if I've already paid the child support. But what do they do when I complain about visitations being denied. I'm told to get a lawyer. This is not fair at all. I had a loving relationship

with my 2.5 year old daughter before I was divorced and now I'm trying to re-establish my relationship after 8 long years because the State of California and the State of Alaska have refused to help me in any way or form. My rights and my ex-wife's rights are not the issue here, but the rights of all the children of divorced families. I'd like to thank the Honorable Senator Coghill for having this hearing and giving me the time to speak out about the injustices that have been going on for so long. If you have any questions about my case, I'd be more than happy to answer them.

SEN. COGHILL:

Thank you very much Ray for excellent testimony. If you have a copy of your testimony, would you give it to Kathy there, the moderator at Juneau so that we can then transcribe our proceedings a lot easier. If you haven't, that's fine. Or if you have any other material that you wish to submit to the Task Force, why we'd be more than happy to have it for the record. I don't have any questions at this time. I announced before that we will be having a work session hearing in September and again in October and again in November and again in December to get ready to be able to submit what we feel we have learned from the public testimony to the next legislature and see if we can fix some of these inequities that you talk about. Thank you very

much Ray. And we'll go, as long as we got Juneau on the line Kathy, why we'll take Gregg Parker now if he wishes to give testimony.

GREGG PARKER:

Thank you Senator. My name is Gregg Parker. I'm a father of two and a third child on the way, plus a step-daughter. I'd like to start and tell everybody I'm a child support paying father. Over the last 8½ years I have paid \$46,000 in child support and \$60,000 in legal fees and \$10,000 in psychological counseling for myself to get through this horror story you're about to hear. In June of 1982, I took my two daughters, age 3 and 5, to one of the local doctors where my youngest, Brook, was diagnosed as having a urinary tract infection and pinworms, two common childhood ailments. This diagnosis was backed by lab tests and she was placed on medication. The next day I picked up both my girls at the babysitters and returned home where I immediately changed the pants that my youngest had soiled. Because of the infection she was sore and cried when I washed her off. After cleaning her off I changed her clothes and took both of my daughters to the airport where I gave them to my wife, as she was getting off work and I was catching a plane to Haines for business. Three days later when I returned, I was contacted by the Alaska State Troopers and informed

that I had been accused of sexually abusing my three-year old daughter. While at the airport my daughter had said I hurt down here, pointing to her crotch, which was overheard by a health and social service worker. She filed a complaint. No words can possibly explain the terror, fright and loneliness that an innocent person experiences when accused of sexually abusing his own child. The next six weeks was a nightmare. I waited for the Alaska State Troopers to finish their investigation and the results of voluntary polygraph to return. I was totally dysfunctional. I sat in the house, curtains and shades drawn, lights out, with fear that every car that passed was a State Trooper coming to arrest me for a crime I did not commit. The local AWARE center or the local domestic violence center here obtained restraining orders preventing me from contacting my wife or children in manner or form. During this six week period my wife occasionally contacted me and it became apparent to me that she was being brainwashed. For example, she was continually told that I was guilty because I would not admit my guilt as people seem to know sexual offenders are not willing to admit guilt, therefore I was guilty. After six weeks, my attorney informed me that the State was not going to file charges as there was no evidence of sexual abuse and because I had passed the polygraph examination. Well I was rapidly going over the deep

end mentally and the first place I went was to the local center for men, which was a crisis center, I believe was a crisis center, but discovered only to set up to counsel offenders and not to assist men in other types of crisis. They referred me to Dr. Tony Mander, a Juneau Psychologist unknown to me at the time, a recognized expert in the field of sexual abuse and child psychology. Dr. Mander administered tests such as the Minnesota Multi-phasic personality interview, counseled me and I continued going for stress counseling at the Men's center. At this point a local domestic violence center, AWARE, took it upon themselves to prosecute me in Civil Court, because the state would not. The center's full-time attorney, whom I must add is a lesbian and a person who was sexually abused herself as a child, (this was told to me by my attorney) represented my wife in all proceedings and actions from this point on free of charge. Since the center obtains most of its money from the State of Alaska, it was obvious to me that the state financed my wife's divorce. Six months later the first hearing is held. It lasted four days and during this time these points came out. At no time was my daughter given any kind of mental exam following the accusation. The interview of my daughter was conducted in the presence of a Alaska State Trooper. A Health and Social Service Worker, an AWARE Center Attorney, an AWARE counselor and my wife.

And my wife was told what questions to ask the daughter in her presence. Judge Carpenetti commented that this was an appalling interview. My daughter spent less than one hour with any counselor, and my wife was never talked to, my oldest daughter was never talked to, nor myself. The domestic violence center's expert witness testified under cross-examination that she was never given the results of the polygraph, nor had she talked to anyone other than my wife's attorney. I must add that their expert was also a full-time employee of the AWARE center. Under cross-examination, when asked what she required to prove innocence, she said the results of a polygraph, results of the Minnesota Multi-____ Personality Interview and the opinion of a recognized expert such as, and she named, Dr. Tony Mander. When given the results of all these tests, she concurred with Dr. Mander's opinion that I was innocent and not the type of person to commit this type of crime. The counselor from the men's center also testified as to my innocence. An attorney employed in the same firm as my attorney had lunch with Judge Carpenetti during these hearings and told me the Judge said, "I have an interesting case now, it is in interim custody hearing being tried as a criminal case." I wish to remind you that while my wife was receiving free counsel, I was paying \$150 per hour. At the end of the hearing, Judge Carpenetti said there was no proof of the accusations,

awarded interim to my wife, and joint legal custody to me with reasonable visitation. Five months passed before the final hearing. Emotional stress is still there and has not lessened and I'm unable to keep employment at this time. When the final hearing is held, it is a repeat of the first hearing, it only lasts five days. My wife is still represented for free. I'm paying \$150 per hour. After a 5-day hearing this came out. I was awarded joint legal and physical custody of my daughters. And once again, the judge said there was no evidence to support the accusations. Reasonable visitation did not work after the interim hearing. With reasonable visitation I hardly ever got to see my daughters. My wife was always busy. Dr. Mander testified that studies now have shown that when your children do not see parents frequently, and he said several times each week, that it is harmful to their development as children do not understand the concept of time. One week without seeing a parent is an eternity to a small child. I was given specific days and times in which to see my children and to "guarantee I get to see them". However, that was not all I was.....be their father. I was their father and the only father they will ever have and I should see them frequently and often as possible. Eight years later my ex-wife still only allows the children to come over only on those specific days and times. I was

awarded 50% of the assets and it was testified that \$8,000 could be paid immediately. When the AWARE attorney was asked outside the court when I could expect that \$8,000 payment, I was told that I would not be given one penny until the very last day which the court allowed. One month later the AWARE attorney objected to the word Joint or shared custody, and as a result it cost me another \$1,000 to have the judge choose one word or the other. As of this point, even though the judge has issued the order verbally, it is not written or signed, the stress is still tremendous and I'm unemployed and living in the back of camper on my truck. Six months after the final hearing is over, the judge has finally signed the over, and now one year until I receive the equity of the property begins. Six months later I receive an introductory letter from the Child Support Enforcement Administration. In it it says and I quote, "you are required by law to comply with all provisions of the Alaska law. Alaska law provides that it is the duty of this division to administer and enforce court-ordered child support." Further down it states, "child support is a special debt under Alaska law and must be paid before any other debts, except for basic living expenses." From this point, April of 1984, now two years later, I sometimes find temporary work and still living in my camper and paying child support on time. After several more

months in the same situation however, I find a place to live, but now I can't always afford to make support payments and basic living expenses. Sometimes I can make a payment, sometimes only a part of a payment, and other times a payment plus some arrearages. This continued until 1989 when I finally found good full-time employment. At this time I requested through Senator Duncan's office, a complete audit of my child support obligation so that I could pay off all the arrearages in one lump sum. This money, which I used, was inheritance from my father's recent death. I received an audit and paid off arrearages in one payment and have been current since that day. Now let me add, please, that during these passed years there were many times that my total income was barely \$400 per month, and still CSED would garnish 50% of this for child support, leaving me without basic living expenses. While, at the same time, my ex-wife was taking my children on vacations to Hawaii, Florida, and buying a new house, qualifying for a Farmers Home Administration loans, with house payments of only \$168.00 per month. And there were many years that my daughters did not receive Birthday or Christmas presents from me. There is a clause in the divorce order that calls for a cost of living increase every two years. In 1987 I called the Child Enforcement Administration and inquired specifically about the cost of living increases and why

they had not been done. CSED never raised child support payments and I believed in good faith that I was still paying the correct amount. In April of 1990 my ex-wife called CSED and asked about the cost of living increases. On April 13th I received a letter CSEA stating that I was in arrears due to cost of living increases and that they would not implement wage garnishments if I paid the debt off within 30 days. Within the next two weeks liens were placed on my property and credit reports were filed with the credit agencies destroying my credit, regardless of the fact that I had been given 30 days to pay this off. Upon contact with the CSEA through the Ombudsman's office, Senator Duncan's office and myself, CSEA claims it is not their responsibility but mine. Even when confronted with a line from the introductory letter previously mentioned, "Alaska law provides that it is the duty of this division to administer and enforce." To hire a lawyer to fight this would take more money than they claim I owe. Therefore on August 8 of this month I sent a check to pay in full the so-called arrearages.

I have lots of recommendations. I didn't have time to prepare these. I've only known of this hearing for several days. But I will end this real quickly by trying to state to remember that children need much more than financial support. It is important and maybe

its not the very bottom of the ladder, they need both parents, not just one. I'd like to request that child abuse allegations should not be permitted to be used as issue for child custody matters unless an individual is convicted. I look at that as my constitutional rights as I'm innocent until proven guilty. But that's not the way child abuse allegations are looked at. You're guilty until proved innocent, and still assumed guilty after that I feel. CSEA must learn to treat all people as individuals and not treat each individual as though they are purposely not paying child support. Some people can't pay, due to one reason or the other, such as being unemployed. And CSEA needs to be held accountable for their actions when they are wrong. Please set visitation guidelines, as previously stated, you know reasonable visitation doesn't always work. And please try to get experts such as Dr. Tony Manders to testify on the types of visitation that children need. And I'd like to request that the legislature call for a program audit of the Child Support Enforcement Agency. Thank you.

SENATOR COGHILL:

Thank you very much Gregg for your excellent testimony and Gregg would, we're going to hold the written testimony for the task force for this hearing open one week, a week Monday, so any of the recommendations that

you wish to, our address for the task force is 3111 C Street, Suite 520, Anchorage, Alaska. The zip code is 99503. And we realize that we have to shorten our testimony to no more than 15 minutes and I know that there's an awful lot of information out there, so we're asking our participants that if they wish to submit written testimony so that we can put it in the record, we'll do so and we'll hold that open for a week Monday. Thank you very much for your testimony. We'll then go to Fairbanks and Annie, we have one person to testify, Annie Armstrong.

ANNIE ARMSTRONG:

Task Force, I really appreciate you all doing this because I've been in this since 1987, November. And I'm still going on it because I'm not guilty of child abuse or being crazy. To start out, my ex-husband was a trooper up here if I knew now what I know I would not have it up in Fairbanks because he worked right in the court house and from what all I've gone through, it should not be done up here. Right now it is, my daughter is in a home for abused kids in Texas and I'm paying \$360 a month child support. My ex-husband that's on retirement with \$2,000 a month. And since the day before we headed to court, that's when the psychiatrist and could I use the word, the people's names up here?

(Yes)

Well, _____ Johnson is a custody investigator and she, I had to say yes that I would use Dr. Jane Crouse as a Psychiatrist. Well I went to Jane Crouse because my husband had said I was crazy and we all had to go to psychologist, him and I both. But I both that psychologists were honest, that they, because a doctor is helping a person, I believed that that's what they did. And I just told the truth, that's all I did. Well, the day before court I found the psychologist and _____, the custody investigator had gone against me all the way. I mean they even, the psychologist even gave a reason that I had 8 children and it was not a good reason. They said so I could hang on to my husband. Well, that, and I don't think that - that could even make me cry to even have somebody say that about me. But then I've gotten used to being able to cry. I've got, just like the fellow ahead of me. I've got over the crying. I've gotten to where something has to be done and I will fight all the rest of my life if I have to because I did not abuse my children and I'm not crazy. I'm still working with the Post Office for 17 years now. Before that I worked with the VA hospital for four years, and before I went to nursing school in Texas. And once I went to a psychologist in Texas, when after my daughter got burned, I had a small baby at home, I

was working, I didn't - my husband at the time had \$40 a week job, and then I couldn't get a babysitter, and then at that time they did, we left our kids alone, we had to go to court because we had left 8 kids alone while I was going to school and then I went to a doctor. Instead of doing other things I went to a doctor. But that got me the right for everybody to be saying I'm crazy now. The Psychologist Jane Crouse used everything I did and from now on, ever since then they have been saying I'm this, I'm that, well the one's that saying it, the psychologist, the custody investigator sent my daughter with my ex-husband to Texas. And anyway when she got down there, she did not want to be with the new mother and the new wife that Al has had, so they put her in a home for abused kids, when the psychiatrist finally wound up with complete say so over my visitation and to go back a few moments, this daughter is my granddaughter actually because the daughter, Glenda, my daughter in '79 had been killed by a serial killer that was up here in and so she was six months at the time so my husband and me adopted her then. And then anyway that is how she is my granddaughter and my adopted daughter too. And anyway after she got down there. She did want to go with him because I, he had been living down there when he retired and I was supposed to sell the house and go down there, but while I'm up here and trying to sell

the house, he starts divorce down there and then my lawyer, Ben Callahan, gets the trial put up here. And so then that's why its all happening up here. But I think I'd have been better to go to Texas to do it. Because the person completely in charge of it was the custody investigator Teckla Johnson, and right before the court she turned in this report and so of course I didn't time to get anything ready, deny any charges, so then I let her go down there. But we did, the Judge Savelle said I could have a hearing in July if I wanted it. Well by the time July come around they had put her in this home and then I did go down to Texas to see if she wanted with me, or what she wanted. She was ready to come with me and I had to calm her down. She is 11 now. When they took her away she was 9. And then anyway I could not get her. But then I did find out she wanted with me and I told her I would do everything I could to get her. I mean I, and I knew she really wanted with me so then I had a hard time getting a second opinion from the psychiatrist, had a hold of her, but then I did have it -- only expert witnesses cause the Judge Savelle said I could not rehash anything, yet there was nothing to rehash. Because I was never able to get anybody to testify, nobody. My ex-husband had coaxed one of my daughters, my older daughter that was called and told her that said if I was mean to her then, when she was little, then well he

told her to say that, because I was taking him for everything he had and he got one of them and that is what Teckla Johnson used as being abusive. Then when we did have court that same daughter was up here and she and two other sons was ready to testify that that they weren't abused, where I wasn't, and then they couldn't testify and one of them did and Teckla Johnson said she is making it up, that she is retracting it because she's lying.....end of tape 1.

SENATOR COGHILL:

We'll go until about 1:20 and then we'll take Jean Janson who is signed up for the 1:15 slot and Loretta Rutherford, welcome to our task force and welcome your testimony.

LORETTA RUTHERFORD:

I appreciate your.....the system is set up, accountability is a very important thing and when you focus your accusations that a particular judge or anyone else in the court system, you have to realize that there are other people that are accountable, particularly the administrative portion of the system. There are four levels of state court in Alaska. They are the Supreme Court and the Superior Court which were established under the Alaska Constitution. The Court of Appeals which handles criminal cases only is set up with a

three-judge panel and was established in the state's statute in 1980. Then we have the District Court which was established in the State statute in 1959. The Chief Justice of the Alaska Supreme Court is the administrative head of all the courts. The administrative director is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director supervises the operations of the judicial system. The Alaska Supreme Court is the highest level of state court in Alaska. It has a chief justice and four associate judges. The Alaska Constitution grants the Supreme Court power to establish rules governing the administration of all courts in the state, and rules governing practice and procedure in civil and criminal cases. The Alaska Legislature may change rules governing the practice and procedure by an act expressing an intent to do so that is passed by two-thirds majority of the House of Representatives and the Senate. Alaska's trial courts are the Superior Court and the District Court. Appeals to the Superior court from final judgements of the District Court are a matter of right. The Chief Justice designates a superior court judge from each of Alaska's four judicial districts to serve as presiding judge for that district for a term of one year. The presiding judge, in addition to his regular judicial duties, is responsible for the administration of the trial courts within

that district, including the assignment of cases, the supervision of court personnel, the efficient handling of court business and the appointment of the magistrates. Then there is the Commissioner of Judicial Conduct, which makes rules to provide for the disqualification, suspension, removal from office, retirement and censure of justices and judges. The Commission is independent of the courts. We have the Judicial Council which operates independently of the court system as well. It was created by the State Constitution to perform two primary functions. The first is to solicit, screen and nominate applicants for gubernatorial appointment to vacant judgeship positions, and the second is to conduct studies for the improvement in the administration of justice and make recommendations to the legislature and the Supreme Court. Also, the counsel conducts evaluations of justices and judges for each retention election, and provides information and recommendations to the public and the justices and judges before the retention election. Counsel is chaired by the Chief Justice, with four lawyers and three lay persons. Counsel reports to the legislature and the Supreme court once every two years and is assisted by a full-time Executive Director and support staff. Now what I'd like to say here about our justice system is that our justice system is the most lucrative industry in the state. The police law enforcement

agency is the most lucrative industry within that industry. Child molestation cases are the most lucrative industry within that industry, and the way that works is that you get someone on a child molestation charge, the police officer is put to work. He takes that person to corrections and books him. The Department of Corrections is federally funded. They go by the need, how many people are in their correction system, and then of course the person has to go to trial at that point if he is indicted by the prosecution, and therefore you need prosecuting attorneys, attorneys for the defense, your paralegals, your legal secretaries, your court clerks, all the way down the line. You know, you have a full amount of people in the court rooms then at that time. You have to have your judge and your jurists, and if the person is convicted, then he's found that he has kind of a personal problem, he gets a state evaluation by a psychologist and it has been said that the state psychologist will give a 15-minute evaluation and charge the state for 2-5 hours. It just seems to me that people here in this state are not getting a fair shake by the system itself. And I think that while a judge may be pinpointed and pointed out as causing a problem to the people in the city and around the state, but particularly in the city, there are other people that are accountable too. The people that oversee the

conduct of the judge - I would question that person, because he's responsible for the, you know the conduct that is presented in the court rooms, the ethical conduct. And that's all I have to say at this point.

SENATOR COGHILL:

Thank you very much Loretta for your testimony. It was very helpful and if you have any of it written out, if you'd submit it to the task force staff, we would appreciate that. Let's go back to our sign up sheet. Let's see. Vern Brooks are you here? Good. Would you like to testify sir. Welcome to our task force sir.

VERN BROOKS:

.....must be keeping this a secret. I had to learn of this in the news. Kind of less minute preparations...

SENATOR COGHILL:

Vern, we've submitted three press releases and they just seem to not get put where they're supposed to be put. They're in the Fairbanks paper I know that.

VERN BROOKS:

It wasn't in either of Anchorage papers. Well I have copies here.....

SENATOR COGHILL:

What we'd like to have you do Vern, if you would, is to read that, as long as we have the written testimony, is to kind of give us about a 10-minute overview of it of what your testimony and what your experience with the system is if you can do that without going into the full detail of it, and then because we have a time constraint of about 10 minutes on each testimony. If you could do that.

VERN BROOKS:

Well to summarize in that case, why I've been swindled by the court system and just swindled out of money for divorce for a 40-months marriage and skinned right down to nothing. And I have listed about 32 different items here for Judge Carlson, who was the judge for it. And he just went against all kinds of reasoning and justice and everything else, and just plain swindled in every direction and assisted my ex in every manner possible. You have time I can start reading some of the items. This was a 4-year marriage. It was a pre-plan swindle by my ex and assisted in every way by her attorney, Bill Ford and Judge Carlson. She first hired an attorney, Tim McMillan, and she was caught in so many lies during the first part of the divorce, she discharged him and hired Bill Ford. And I was completely unaware of any hint of problems with the marriage until she stole all my money. She had been after me for a

long time to put her on my accounts, and then she filed divorce. When I had found she had stolen all my money and received the divorce papers and Judge Carlson was listed, I tried to, I had to hire an attorney very fast, so I chose Ben Walters. And I guess we can skip that. When we went to court Judge Carlson richly rewarded her for her pre-planned swindle, her barrage of lies under oath, her witnesses lies, suppressed my testimony, congratulated Ford for doing such a fine job when he lied in court, and concealed falsely manufactured evidence and then Judge Carlson gave her most of my assets, about \$1.5 million, mostly tax free. He disregarded that I had become totally disabled during the marriage and that she had stolen all my money and didn't leave me any for food money nor money for litigation. I could write a book about all these injustices that were done. The following are some of the more blatant injustices meted by Judge Carlson. Found in my wife in contempt for over one year for not producing any discovery, fined her \$150 bucks. Supposedly that money is to go to me, but it never has. It probably cost me nearly a \$1,000 for costs. And then imposed sanctions on her at the beginning of the trial. During the trial Attorney Ford lied to the court that all discovery had been provided and then Carlson allowed her her highest ballpark guess of \$75,000 to \$80,000 as premarital money even in spite of the lack

of discovery proof for over a year, and not one cent spent during the marriage. Conversely, Carlson wouldn't allow a penny of pre-marital money for me or for monies given to me by my parents, even when proved by my CPA. Carlson ignored her and her witnesses' barrage of lies all through her testimony and richly rewarded it. Carlson ignored her proven falsely manufactured evidence of 24 cancelled checks certified by the bank as being true and showed that to me at my deposition. Ford wouldn't provide us copies at the deposition and conveniently misplaced them for trial. And congratulated Ford for doing such a fine job. My attorney said that Ford could be disbarred for that and continuing to represent her. But after trial I filed a complaint to the Bar Association. The Bar stated in writing that hiding false evidence, lying in court and continuing to represent her even after her false testimony is perfectly okay. That gives one a pretty low opinion of the integrity of the Bar and honest lawyers. Carlson allowed her barrage of proven lies under oath and stopped and suppressed my testimony of my side of the story by saying that just answer the questions only. The result was that I didn't get to say much except a yes or no. Carlson kept telling me to keep it short, Carlson is a busy man and didn't want to prolong the trial. _____ said that Carlson didn't believe any of her lies and thus I was

instructed by my attorney and lost everything. Carlson ignored the fact that I became totally disabled during the marriage and didn't have money to eat on nor pursue specialize medical treatment that was only available in New Jersey. Now I have a debilitating problem in my shoulders that is absolutely permanent and might have been lessened if I would have money - mine that she stole - to continue treatment in New Jersey. During trial I had an expert handwriting witness testify that she had forged my name on six different pieces of evidence that caused me financial grief. Carlson promptly examined the evidence, over-ruled the expert witness on one item that wasn't too clear, and ignored the others that were unmistakably clear. At the start of my testimony Carlson entered the court room carrying a large stack, some 6-8 inches high, of files, and worked on them all during my testimony. Most of the files had blue covers, that I learned later were criminal cases. And this was a civil case. This was witnessed by the spectators and my attorney and CPA and my son, as well as the rest of the audience in the court. Carlson had already made up his mind that it was all against me and didn't want to hear the facts. I've also learned or I've always thought there were two sides to the story, but I guess that judges don't have to hear both sides. After my appeal and before going back to Carlson for a re-hearing, John Reese, my appeal

attorney, had Carlson sign an order preventing her from withdrawing any money from her account, so that there would be something to collect on. She withdrew it anyway in spite of a court order, and was penniless. At the subsequent hearing, Carlson didn't even chide her for withdrawing and instead congratulated her on her remarriage, and this is a fact that never appeared in any of the previous hearings and was a complete surprise. Carlson must have had private words with she or her attorney, Ford, behind closed doors at some previous times. And this seems a bit wrong. Carlson ignored my CPA's testimony that I had banked verified premarital money and monies given by my parents to me during the marriage, which is more free money to her. Carlson ignored the fact that I used \$300K of my own money to buy a trailer park during the marriage - more free money to her. Carlson ignored the pre-marital agreement that was overturned at great cost by my appeal, and by then she had liquidated and hidden all the monies so there was nothing to collect on other than a worthless note. Carlson ignored the fact that she used some of the money that she stole from my account to buy a 4-plex that she got to keep. Carlson ignored the fact she used my money she stole to buy a \$10,000 diamond bracelet and she got to keep that. Carlson ignored the fact that she was awarded a \$60K judgment against a man just before the trial, in a

different trial that is, and she used the same exact sad tale of woe against this man that she used for my divorce trial a month later. Carlson ignored my formal appraisal of the trailer park and used one she had and charged me half the cost of her preparation. The final divorce decree stated that I was enjoined from the trailer park that I paid for and agreed that she could partition if it didn't sell, and the partitioning wasn't even mentioned at trial. Ford ignored the fact that she used some \$60K of my money she stole to finance and operate a golden needle upholstery shop, which is more free money to her. Carlson ignored the fact that I was enjoined from the trailer park and was in Michigan attending my brother's funeral and no request had been for titles for four trailers that were located at the park that were ordered sold by the decree. The result was that I couldn't return in time for the trial and was enjoined from even looking at the trailers even if I were here, nor get an appraisal, not with a 24-hour notice and because of the enjoinder. She had her daughter appraise the trailers at 4 to 6 times their value and no mention that they were vacant, had been vandalized, the roof leaks, furniture stolen, plumbing and frozen pipes burst. I was charged \$70K for junk that she was authorized by the court to solely manage and I got stuck with junk. Carlson ignored the fact that she withdrew \$330K from my account when I had

no hint of pending problems and she secreted it and refused to return it in spite of a court order to do so and that remained in effect for over a year, about a year and a half. He ignored the fact that she had started to withdraw some \$5k unbeknownst to me for 9 months prior to that and I didn't know a thing about it. And she started this ever since I first put her on my account the previous fall and I was out of the town much of this time and didn't know about the thefts. Carlson chided me in court for saying that I hadn't enough money to eat on and had to resort to Bean's Cafe when she stole everything and left me with \$30 and no way to pay legal or medical costs nor legal, except a small pension. Carlson ignored the fact that she used \$12K from the controller held account to prepay U.S. taxes. Carlson ignored the fact that she used \$12K from the controller to repaint her 1.5 year 4-plex that she brought with my money. Conversely I was, the apartment manager was allowed \$500 a month per maintenance for my pre-marital 34-unit apartment building. Consequently, it was run down to nothing by the time we got through the court. Carlson ignored the fact that the apartment building was allowed to run down for the lack of repair money and controller and apartment managers were in total control of the building. At trial the building was 70% vacant and very run down for lack of money. Carlson chided me for allowing it to

become vacant and run down. Carlson allowed her \$200,000 tax-free allowance for the building, the equity in the building, in spite of her never living there, it was none of her money, if she ever had any, used for the building, and a maximum of one hour to clean one apartment that she assisted the manager in clean-up. And that, I had owned the building way prior to the marriage. And my CPA testified that the total equity in the building was less than \$200K and that's all tax-free money that she got. And the premarital agreement was ignored by Carlson. Carlson ignored the fact that she worked some during the marriage and kept it all to herself and he would not address it in the settlement. Carlson ignored the fact that all of my wages during the marriage, including my veterans pension, plus the sales proceeds from three of my pre-marital houses in Juneau, plus about \$70K in gifts from my parents were stolen from my account by her before she filed divorce action. Carlson ignored the fact that I owned some stocks before the marriage and she got a court order preventing me from selling them. The result was no money to eat on or pay my high legal costs. Additionally, by the time they released me from the court order preventing the sale, the value of the stocks had dropped to about 25% of the original value. All of this was not addressed at the closing. Carlson ignored the fact that I had owned my home many years

prior to the marriage and stated at closing that he would probably have given it to her too if she had only asked for it. Premarital agreements apparently aren't any good when Carlson is the judge. Carlson ignored the fact that she stole everything of mine at home that had any value: jewelry, silverware, tires, clothing, and these tires showed up later on the Golden Needle Upholstery Shop's automobile that she bought with my money, and the tax records for many years prior to that were mysteriously taken too. Yet none of this was reported by the police to her and I was out at the time for doctor's treatment. No theft of hers occurred at this time however. Carlson wouldn't address it at all. Carlson ignored the fact that she retrieved her belongings after the filing and she had several of her close friends to come to the house to pack her goods. They had the complete run of the house. After they left with her goods, I discovered that some \$11,000 in cash that I had collected in rents and had not been able to deposit yet was stolen. I had no money to pay the mortgage or utilities for the apartments or the trailer park. Carlson ignored the fact that she liked her furniture more than mine and disposed of mine through the merger of the marriage. When she filed for divorce she got her goods back and I was left with nothing for furniture. Just wall to wall carpet. No bed, table, chairs, dishes, silverware, no food in the house. I

had no money to buy any more. The \$30 I had in my pocket when she filed for divorce went for replacing the door locks. Carlson ignored the fact that she had, that I had given her \$500 in cash for her personal check the morning she filed. The check later bounced and resulted in more free money to her and left me with the \$30d previously mentioned. I think that there's an awful injustice that has been done by this court system, and Judge Carlson just doesn't want to listen to reason at all. He favors the woman in every respect and won't listen to reason and goes ahead and _____ criminal cases during all of my testimony. There is no man alive that can concentrate on two items at the same time and do justice to either one, except Judge Carlson and he didn't, he might have attempted, but he didn't do it.

SENATOR COGHILL:

Vern, we sure your testimony and the written testimony is good, and we're going to hold the record open for a week from Monday, so we got a full week. So if you would like to expand on it or you got anything else that you would like to put into the record, we will accept that. And if you'll just get it to Kathleen then we'll make sure it gets in. I sure appreciate you taking the time to come before us. We'll now go to our schedule. We had Vern set for 1:45. We'll go to Jean

Janson, Pete Morgan? Welcome to our task force Pete and we appreciate you taking the time to come and testify.

PETE MORGAN:

Thank you. My name is Pete Morgan. I am a member of the Alaska Family Support Group, and I would like to state first and foremost that I do believe in child support and I do believe that it is government's function to enforce child support laws. The problem that I have is with Rule 90.3 being allowed to administer the child support guidelines. Rule 90.3 calls for the non-custodial parent to pay the custodial parent 20% of his income, which on the surface doesn't sound so bad, but the law doesn't seem to be fine-tuned enough to take into consideration a lot of individual problems. Everybody's case is different. In my case I married a woman in 1980. She already had a 2-year old child. During the first two years of the marriage she ragged at me to, I should adopt her child. And I wasn't opposed to that. In fact I thought it was a good idea. And so about the time the child was 4 years old I adopted her. I distinctly remember the hearing officer at the adoption hearing stating that by doing this that I could become liable for child support and she also told my wife that in the case of a divorce I would have as much right to seek custody as she does.

Well, within a year my wife started talking divorce and was out looking for another man. Within months after that, she moved out of my house and was keeping company with a man that she was attending college with, and she asked me for a divorce, more precisely, she didn't want to get a divorce with a lawyer, but she wanted to get a dissolution. I was opposed to it, but after seeking advice of my pastor at church, he told me that if she wants to get a divorce, she'll get it anyway so I might as well agree. So we did the papers. At the time we got married she did not have any financial assets. I did, but I never put any of my assets in her name, so consequently we had no joint assets, no joint liabilities. We never had a joint checking account. During the marriage I paid the mortgage payments. I paid the utilities. I bought the food and just generally supported the family. When she worked she just kept her money to do with whatever she wanted to, which was fine with me. When we did the dissolution she did not expect to get any of my assets because she said she didn't contribute to any. So we did the dissolution and as soon as it was done, she apparently got talking to some lawyer who I believe took the case on a contingency fee basis and they wanted a huge split of my assets. Well, we've been fighting that for 7 years. Its been to the Supreme Court three times and it still isn't settled. But getting back to the child support

issue, which we haven't settled yet, but they're looking for me to give them \$500 or \$600 a month, which would be about 20% of my income. However, this woman is now earning \$40,000 a year. The man that she ran off with is making over \$40,000 a year. They're close to a \$100,000 a year family, and yet they want to take 20% of my income. Now, it would seem to me that any time there is a divorce shortly after an adoption that it ought to raise a red flag with somebody - that they would look into this. Because the way the laws are set up now, it is quite a profitable and lucrative business for people to marry somebody with assets and then seek a divorce, or to get somebody to adopt all your children just for the sake of gaining that income of child support. They don't allow the child to call me Daddy. I love that kid and I don't mind paying the support for the kid's sake, but they don't allow her to call me Daddy. She does when we're alone. She says, well Daddy when we're alone, we'll trick them, I'll call you Daddy. And I asked the kid, well what is all this about, and she says, well Daddy, they think you're too old to enjoy your money and they're young enough they can enjoy it much better than you do. So it makes me believe that's what they're telling this kid at home. But, getting back to Rule 90.3, they want to compute the child support on 20% of my income from my job. I have a side business which is a rental

apartment rentals, and of course if I have income from that they want their cut out of that too. But in the last five years I've had some horrendous losses. If you know anybody that owns rental properties, you know where I'm coming from. They don't want to count that. The law states that they consider all sources of income, but yet they don't want to consider negative income. Now I realize people could enter into businesses and intentionally lose money to lower their child support, but in my case I was in this business for 15 years so, you know it isn't something that I contrived to reduce my child support. I think the answer to it is, or at least a partial answer to these problems of people trying to make a business out of collecting child support or abusing the system, is that they should consider both parents, the non-custodial and custodial parent's income in the formula. Since these people that took the child away from me are making an awful lot more money than I am, and I don't mind paying, you know I live the kid, but I think their income should be considered too. The argument to that is always well by virtue of having custody of the child they are paying part of their income for that support. But, if they're charging me \$500 and they consider they're paying their fair share, that comes out to a \$1,000 a month and it doesn't cost a \$1,000 a month to raise a 12-year old child unless she's got her own

apartment and eating her meals out all the time. The other problem that I have with Rule 90.3 is I understand that it was made up by the Supreme Court rather than legislature, and I am no authority on constitutionality, but it seems to me that anybody that's got a 5th grade education and took a civics class knows that courts do not legislate law. Legislators are meant to legislate law. And if its an unpopular issue, that's just too bad. We're having laws made by people that we cannot vote for or vote out of office if we don't like their laws. Furthermore, they're in a position to make rulings on the same laws that they made up. So I think we need to get the child support laws back in the legislature where all laws should be made. And my personal experience through our court battles as to the property settlement, I was in the lower court with a master, I don't know if you call that a district court or the master's court. Well the master ruled in my favor that I did not owe her any money. They appealed it to the superior court on the basis that maybe she didn't understand English. Judge Carlson ruled in my favor and stated that anybody that's in their third year of University of Alaska must pretty well understand English. So then they appealed to the Supreme Court and they didn't make a ruling, they referred it back to the first court and we had to go to trial in front of the master again. At this

point she said that she did understand English, but that she had done all the work in my apartments, the maintenance and renting out my apartments and everything. Well I had to bring in the person that really did do that and I won on that level. And then it went back to Judge Carlson and he upheld me. It went to the Supreme Court again and they, part of their ruling was that maybe she did not read the papers that she signed. The actual fact of the case was that she authored the papers that she signed. We filled them out together. But I wrote them and anyway the point is that in all the 7 trials that we went through, she never once contended that she hadn't read the papers, but yet the Supreme Court ruled that maybe she didn't read the papers, therefore they reversed the lower courts and said that I owe her something, they didn't say what. It seems to me that a court which draws conclusions out of thin air and makes rulings on it or makes rulings not knowing all the facts of the case, or perhaps they don't know the difference between right and wrong. I don't know which it is. But they got no business making laws. Anyway, due to my rough times in the rental business I've had to file bankruptcy and these people are now contending that I must owe back child support, even though I've paid what the decree said every month, never been late, and now they want a retroactive increase going way back. They're asking

for \$10-15,000, I don't know what. But I can't pay it, I'm bankrupt. And they're using this to hold up the bankruptcy proceedings and I just really don't know where to go from here. But, uh, all I've got to say further is that there is a solution. Its got to be shared income in the formula for child support and the laws need to be made in the legislature, not by the court. The court has a different function. Thank you for your time.

SEN. COGHILL:

Pete I sure appreciate your testimony and I think that one question, during this time you had visitation rights though, you still....

PETE MORGAN:

Yes, I still exercise the visitation rights, but the court did set out the rules about the visitation that the mother was supposed to deliver the child to my house on a certain day and the reason they didn't want me going over to that house is because I had to bring an action against her because her boyfriend and her were sleeping in the same bed with my daughter and they felt, the court felt that I might have a bad attitude about that. And I did, but they ruled that the child would have to have a separate bed and her own separate bedroom and so they did comply with the court's wishes

on that. And uh, but the fact of the matter is the mother has never brought the child over on the appointed days. It was supposed to be every other Saturday and then I'm supposed to see the child every Wednesday evening. Over six years have gone by and the mother has never brought the child over. I've always had to go pick up the child and take her back. The girl is getting to the age now where she's got a lot of teenage activities and stuff that she'd rather go to than see Daddy. So I, I don't force her to see me on visitation days if she's got some good things planned, cause I know the things she's doing are good things. And I just don't want to interfere with the kid's fun just for the sake of getting back at the mother, you know.

SEN. COGHILL:

Well we certainly appreciate your testimony. And if you have any written testimony that you'd like to submit for our records, please do so and I know that we can't right the wrongs that you've experienced, but we're going to try and prevent those wrongs from happening to the next unsuspecting person that comes along. And that's basically what we're all about.

PETE MORGAN:

I think the system could be fine-tuned a little bit to look into these things when these red flags are waived up.

SEN. COGHILL:

And we certainly agree with you that legislators should make the public policy and not those people that are....We're going to teleconference site, Cordova? Oh, they haven't called in yet, okay. We're not on teleconference yet, we don't go on until 2:00. While we're getting that on, do we have Jean Janson here? Is Jean here? We'll go to the next person on our list then while we're waiting. And the next person is Dr. Grob?.....thank you very much for being patient.

BETTY WELSH:

.....try to update it after that....complaint to president and Charter Medical Board, State of Social Services Medical Board and to social service itself made by John and Betty Welsh 1/18/90. Complaint made about Dr. Burns and treatment to patient and parents through Dr. Burns and Charter North and Social Services. We as concerned parents and concerned public make complaint of immediate attention to be taken. For these reasons we feel Dr. Burns is incapable to give any services through any practice to do with adolescents. December 17th we committed our son, Chris

Welsh, to Charter North in concern for his sexual abuse and control depressant and chemical dependency. Dr. Burns was the doctor on call, met with Chris, agreed that Chris needed to stay at Charter North. December 18th we called Dr. Burns to hear of our son's problems, why, how we could help. Dr. Burns told John, Chris' dad, he was using religion against us. He caught Chris in 15-20 lies. Chris was found to be very manipulative. December 22nd we went to Charter North to see Mark Nels, Family Therapist, in passing saw Dr. Burns. He called us aside in the conference room and explained to us Chris had called an officer in the social service to complain of possible parental abuse to him, also stating he could see Chris was the type of child given 3 weeks 24 hours a day with him it would be hard for anyone to contain themselves. Also reinforced statement religious was not a fact, a tool to use against parents, a very lying and manipulative child. December 26th we met with Mark Nels, 2 hours. Chris, parents, and two brothers, Social Services closed case. Advised continue with Charter North treatment. He reassured us Chris would be their 30 days, family day set for December 12th, therapy on the 11th 2:00 p.m. Fill out question test, turn all of them in and Family night to go to Wednesday nights. December 28th, mother called Dr. Burns' office to hear how child was doing. No answer was received. December 29th, tried calling

again. No call returned. Found doctor out of town for 5 days. December 30th, through Charter North, tried to contact doctor, any doctor that is, mother was very concerned with hearing anything on the child. Chris was now calling mother to get him out of there due to suicide committed by ex-patient. Chris not deserving to be there. December 31st, tried contacting doctor again, no answer. Finally, Dr. Corsell.....leave through the window in pajamas, Theresa hit Chris' primary also on vacation. So had lengthy conversation with Guy in concerned Chris concerned that Dr. Burns to call me urgent. January 2nd, was called of a 24-hour shutdown of unit. Two escaped. Again very upset as to what was going on. Still no call from doctors, what's going on, school's in, my son's not. Doctor found therapist primary all on vacation. Mother extremely concerned, called school, Charter North, lady's name Chen, requested doctor to call mom. Very upset on education, what's going on. Jan told me _____ social services for Charter North, mother did, I did call Nioma, I did talk to her. Again requested Dr. Burns to call me. Calling doctor's office many times. Still nothing. Mother called Joe Smith, Director of the Unit. Explained concerns. All three on vacation at the same time. What was going on with our son. He replied it shouldn't have happened. Chris' cast that he had on his arm at the time that he was placed at

Charter North was supposed to have been checked a few days ago, it still hadn't been checked. It was ripped, torn. Doctor assured mother he would take it up with Dr. Burns, get Chris to the doctor. Finally that afternoon Dr. Burns called me. Conversation was confusion, a vacation, and all that. The concerns of the event that had taken place in the unit while Chris was there, the concerns of the education, length of stay, prediction due to school finals, Chris is an honor roll student, I was concerned of his grades going down, not being in school. He assured me that Chris release to be soon, to be back in school. To come to his office the next day to see Jan, fit in an appointment for out-patienting. A few things had to be done before Chris' release. Mother called school, Charter North, both trying to coordinate school work together to try to get him to return to class since his release to be soon. January 3rd, went to Dr. Burn's office to see Jan to find instead of a conversation on Chris to fill out a new patient form, paid \$200 retainer plus 50% of first visit, plus a \$100 deductible and got very upset, I did. No word on Chris except for he was going to be released soon and now I was asked to be a new patient, pay, and could see him not then but January 10th. Now my son's release was soon. I was to pay a lot of money. Not be a mother, be a new patient, and see the doctor on the 10th. I said no to all of that,

feeling I deserve the time from the doctor as a parent, not a patient, as to what was going on with my son. Went to the family night, during that Dave received a call that I could transfer Chris to the doctor for his cast to be taken off. I was asked by Charter North to do that, to take him to Dr. Lipke. I says sure. I called Joe Smith..went to Joe Smith, he is the director for the adolescents. As to this, on top of the complaint to Dr. Burns, no bedside manner, no consideration for parents, no willingness to let parents be a part of social services case, Chris states Dr. Burns told him his release was to be January 10th, requested Dr. Burns to work with me better or in fact that I would have to make the decision to change doctors, and family therapists a must. We needed family therapy I felt that's why Chris was there, Tuesday, that he was doing better at that point. We hadn't seen one except for two hours. Joe said he would have Dr. Webber call me and ask that I sit in on a staffing meeting. Dr. Webber called stating he could see Chris at 8:am on Saturday morning for one hour. Joe and I talked on the 14th to be Chris' date of release due to his Dad was out of town working on the slope till the 10th. No family counseling as of yet on schedule. 11th and 12th one day to see how Chris did and felt. Late pm mother received call from Dr. Burns to take Chris to his appointment following day that I could not do that,

that I could not even see my son without a third party present, that I was a threat to my son. Staff would be doing it. Mother against request, and I told Dr. Burns that I was capable of taking my son. I called Niomi again, the social services for Charter North and again complained. And was told the next morning that also the family counseling with Dr. Webber had been cancelled and that my son was in state custody now, he was no longer even in my custody. I could not even see my son. I had to be at a hearing with him 24 hours concerning my son. That was on a Friday afternoon, as you well know, attorneys don't work on Saturday mornings. It makes it very difficult to get one. I had appeared in court pretty shaken at that point, that Saturday morning to find that they were charging parental abuse, charges against me because I had indeed slapped my son the night that I had taken him to Charter North. My son is 5'9", 155 lbs. I'm 5'11½" and 140lbs. He came at me. He was extremely upset and I do realize that you probably should not physically touch your children. My son has lived with me all of his life and was not ever abused. I did indeed slap him. I am guilty of slapping my son. Although he was not beaten, taken to a hospital. He was taken to Charter North for us to get help. I still...he's been living with me since July, excuse me, since April. I did manage to get him back, although after his release

at Charter North, I didn't know where he lived for over three weeks. I have a \$30,000 Charter North bill. I have a \$2,000 attorney bill. I have a \$4,000 doctor Burns bill and I had fired him myself January 1st, and he gave my son counseling through the end of January through Social Services and I am being charged for that. They had told me at the time that medicaid would pick it up. At this time Medicaid has denied Chris' services. Judge Wilcock asked me to write a letter as to why I shouldn't pay the \$618 a month child support that they were charging me on top of all this and to have it in in 7 days. That was early April. I did that. I've still not even heard a word whether I pay child support or not. And I don't feel my testimony is adequate for the damages that my family and I have suffered and I have heard a lot of the testimony for a lot of other families and I do have the court tapes where the social workers through ____ accused me of being a cocaine addictive personality without ever even meeting me or interviewing me cold turkey. And that's why I feel my son got taken away. Is there were lies. There were lies in court tape, without any consideration to the parents. We were never even heard at court. It was all one-sided in social services, and they can go in and say any and everything they want to, and you as parents have got no right to even say a word. And basically your attorney doesn't either.

SEN. COGHILL:

Thank you very much Betty for your testimony. If you have written testimony, we would like to have you submit it to the Task Force.

BETTY WELSH:

I have written testimony. I have the court tapes. I also have the grievance panel report where they, Social Services found themselves guilty on all case with my son. I have that in writing for you guys to review. And I'm glad to leave it in your hands. I hope that it can be of some help. And I hope that you can help the public with what's going on with Social Services.

SEN. COGHILL:

Thank you. Walt?

WALT FURNACE:

Betty, if I could just ask one question. It was unclear initially when you started. The original reason your son was taken to Charter North, was it because of substance abuse, was that part of the problem?

BETTY WELSH:

No, my son was sexually abused by his Boy Scout leader

when he was 11. We had had him in, I have these too from the counseling center, I have several reports of psychiatric evaluations. We were working with him in therapy. He has some depression problems. Anger control problems. I had caught him with some cough syrup, was in doubt. At the night that I took him to Charter North he had broke his hand because he had got mad at an Nintendo game. And when I tried to discipline him that that wasn't quite the action you should take, he came at me and I did slap him. Immediately we took him to Charter North and at the end I was the one with the chemical problems according to social services.

WALT FURNACE:

Thank you, it was unclear as to what happened initially.

BETTY NELSON:

No, he's never really been charged with any...I caught him with cough syrup twice. He's an honor roll student, I don't really believe that he is involved with drugs to a point of any real concern. Although when we put him at a \$1,000 a day to Charter North we wanted that investigated to see if that was maybe the reason for some of his actions.

SEN. COGHILL:

Thank you very much. Your testimony will be very helpful to us. I see our 11:30 testimony person is here. Ruth Lister. Ruth, welcome to our task force. Your well aware of what we're trying to accomplish. We're trying to get testimony on the public record as to the whole family law review so that we can go forward into the next legislative session or the next administration. Give your name and...

RUTH LISTER:

My name is Ruth Lister, and I'm Executive Director of the Alaska's Women's Commission, and I'm going to limit my comments here to the areas of child support enforcement and court Rule 90.3. First, with regard to court Rule 90.3, the Women's Commission observed the review process by the court, and like other groups, individuals and agencies commented on the rule and the proposed revisions. All concerns in the hundreds of pages of written testimony were carefully addressed by the review committee in a best interest of the child standard was applied to their considerations. We are in basic support of 90.3 and of a review process that will enable future changes. In the last review of Court rule 90.3, several changes were made to address the concerns of custodial and non-custodial parents. Non-custodial parents can reduce child support payments

up to 50%, instead of 25% when they have a visitation period of over 27 days. Shared custody was defined as the non-custodial parent having the children over 30% of the time instead of 25%, and a multiplier of 1.5 is not applied to the support order to avoid the previous steep drop-off in support levels with shared custody. The court can reduce child support payments for reasonable travel expenses and for hardship created to children of a subsequent family by the payment of child support. Alaska is one of only a few states that allows these exceptions. No children, whether they are in first or subsequent families should be forced to live in poverty, and we support these exceptions. The review committee did not change the percentages used to calculate levels of child support, starting at 20% of net adjusted income for one child. Prior to 90.3, child support levels in Alaska were well below the average for the rest of the nation. Now we are only slightly below the national average. These percentages were based on the costs involved in raising children and the desire of the court to enable children to have a standard of living reasonably similar to what they had when their parents lived together. I would advocate for support to continue to age 19 if the child is still in school, which would be a statute change.

How well has Court Rule 90.3 worked? In a recent study by the Legislative Research Agency, which I see you have at the desk, the effect of 90.3 was to double the average child support order. The study also showed that the per capital income of women, the majority of whom are custodial parents, declined by 35% post-divorce, even with the receipt of child support. And with current levels of arrearages taken into account, their per capital income declined by an average of 44%. Men's income increased post-divorce by an average of 92% with payment of child support, and by 117% including current arrearages. It is significant to point out that non-custodial parents with incomes less than \$20,000 per year were more impacted by Court Rule 90.3 with an increase from an average of 11% of their income to 25% ordered for child support. Middle income obligors showed an increase from 12 to 19% and high income from 6 to 15% of net adjusted income. It is interesting that except for lower income obligors, the percentages are still below the guidelines on average. And it is concern that lower non-custodial parents, particularly in the rural areas, are being disproportionately impacted. With regard to rural communities, I would advocate for more flexibility from CSED, and for forms that are more understandable. Arrearages are being created because people do not understand the process and no one is there for them to talk to. If

they do call in, language or the phone system may be a barrier. Some form of waiver for subsistence lifestyle should be considered. While the issue of cultural adoptions has now been addressed have past arrearages in these cases been waived. The percent of cases in arrears, 67% for non-AFDC cases and 84% for AFDC cases has not changed since the Women's commission study, which was done pre-90.3. What this research is telling us is that child support orders under court rule 90.3 has substantially increased, but the child's standard of living will generally still decline and payment of support continues to be a major problem. We would therefore not advocate for any decrease in child support levels, and would look to better enforcement measures to ensure the continuing economic support for children.

At meetings that were held in Anchorage last fall for AFDC recipients, almost all of these women felt CSED should do more to get support from non-custodial parents, particularly if they are self-employed. And that they should be as strict with the men as AFDC is with the women. They felt CSED should not harass them for non-cooperation when they cannot locate the father. Over half of the participants reported that enforcing child support created problems of hostility, sometimes kidnapping and violence. Since Child Support

Enforcement Services are mandatory for custodial parents on AFDC, this is a significant issue. Safety for women must be considered by enforcement agencies and related programs. Evidence from the records of Child Support Enforcement Division appear to support these assertions. When AFDC recipients leave public assistance, they are automatically sent notices of their option to withdraw from CSED services. Often their ex-partners coerce them to withdraw. The value of CSED as a neutral third party between a custodial parent and an obligor is very important and I would recommend not sending this notice automatically. We do support that post-AFDC arrearages collected by CSED go to the custodial parent. Approximately half of the custodial parents in Alaska do not use the services of CSED to enforce payment of child support. For many this is because they are receiving regular payments. We also can assert that many others fear harassment in the form of threats of loss of their children, expensive litigation, or violence, or simply do not want to rock the boat. In the Women's Commission study, which was not limited to CSED cases, the level of arrearages was similar to the legislative research agency study of CSED cases. In addition, 38% of respondents reported some form of violence during the marriage. Since the implementation of Court Rule 90.3, all custodial parents could request the court or CSED to modify their

orders and possibly receive increased support for their children, yet very few do according to CSED. While some non-custodial parents are themselves impoverished, some are clearly actively avoiding their obligation. Wage withholding has been proven to be the most effective means of enforcing regular payment of support. Perhaps CSED should be involved in all cases. In conclusion, children deserve healthy caring parents and continuous economic support. Agencies and systems must have the ability without undue intrusion into the family, to assure that these needs are met. Thank you.

SEN. COGHILL:

Thank you very much Ruth for your testimony and we'd like to have that which you have written submitted to the Task Force. We will be working with the commission over the next six months to try and put this process together. We now have about 25 minutes and we're going to go to the Walk-ins and we'll take them by their sign-in sheet, first come, first served. And then we'll take a break from 12 to 1 for lunch. At 1:00 we'll come back and we haven't got anyone signed up for 1:00 so we'll continue on our walk-in sheet. The first one that we have and we'd like to keep your testimony to 10 minutes if you would please. Dan Hall? Dan are you still here? The next one we have is Charles

McKee. Give you name and address and give us your testimony please.

CHARLES MCKEE:

My name is Charles McKee. My address is currently 216 E. 53rd, Anchorage, Alaska 99518. Its in care of Adam Fellowship that I've been doing a study at for many years, even pre-dating the organization's legal establishment. I was a student to the man who had the documented educational background to get the non-profit status from the Internal Revenue Service. I'm here today because of my concern about Family Law, about the nation, the state and the community at large. And I want to put into the record that as of April 16, 1990 I filed a letter of intent for public office as a candidate. I wrote on the form under duress. And the reason being is the reason why we're here today, is we don't, as an individual family concern, as an individual we have very little rights left. We're losing them in an expedient form, and I don't if 10 minutes would be adequate to express the deep understanding as to where the problem really is coming from, but I'll try. It...a long history behind it. It goes back to Iran and people scratch their head and don't have to study history to determine this, but it comes from the House of Saad. And many, many, many, years ago. And so we are breaking up to a present day conclusion that its

developed underneath a program called para-psychology. Or, some of the people refer to it as psychic mind manipulation. And how they gain their power base is gaining determination of the individual monetary unit of the country. And we're afflicted with what occurred in London or England back in the early 1600's, when Lloyd's of London through a manipulation of the people for said House of Saad had gained control of this group of people and gained control of the Bank of England. And we're being subjected to that attitude ever since. And I might add that I'm against this Civil Rule 90.3 simply because Congress needs to go back and re-evaluate the law that they passed in 1914, which I guess it is 1914, but anyway the Federal Reserve Act. And that has every bit bearing as to what happened in the Bank of England. Took us away from the gold standard. And you see the gross national product of this country is directly related to the family stability. So the disruption of the family stability has everything to do with our national stability and therefore para-psychology and mind manipulation, which is hard to prove that its being exercised on an individual or family or society, gets ignored. And they just say well you're insane and because you're even discussing this matter in public, and therefore off you go to an insane asylum basically political institution for dissidence that oppose this abusive program. And

this evolved into what they call a Satanic order because of the power structure. I've even been asked to or actually tried to recruit me and go for the power rather than for the grace. I says no, there's much more power in grace than power ever thought of having. And uh, that was by one of the students that was under this man, Michael Francis, who founded this fellowship called Adam. And he now is a manager of a restaurant here in Anchorage. And he has quite a large following and he refers to himself as a warlock. And this is infiltrated into the judicial program and social service programs. I've been made aware of it because of an injury I received while commercial fishing. And I tried to get justice through the judicial program and little did I know that my suit was against the assured, i.e., the insurance company, and therefore the insurance industry, which has made the Alaska Bar Association, National Bar Association for that matter, and Anchorage Bar Association biased because they've invested money through mutual funds that gain them say 20% interest, and so it is a conflict of interest for them to try a case that would do irreparable damage to an investment that they made through mutual funds on a national level. And therefore circumvent and put more problems on the family stability, therefore the gross national product. We're currently faced with a situation in the Middle East that is a direct result of this

inability to maintain family stability. They have us at a great disadvantage and its directly related to the Satanic cult that was perpetrated from the land of Persia, 2000 years ago. I myself have elevated to the highest degree and I was never forced to take any blood oath, and I'm here to clean that up because its very sacred information that's there, but not allowed to disclose it because of the mortgage rates applied to individuals, and families and society.

SEN. COGHILL:

Our ten minutes is up, I'd like to get one more testifier before our noon break. If you have interesting dialogue you've got going here and if you would submit it in writing to the Task Force, we have until Monday next week, I'd appreciate it that, so that we could go on and get one more person to get on the public testimony this morning.

CHARLES MCKEE:

I don't have, what I just got through saying was not in writing form. What I have here is a description as to the abuse of the court system by three separate judges in reference to my personal living conditions and they simply denied my rights as a citizen to have an attorney appointed by the court system because I didn't have monies to pay for it.

SEN. COGHILL:

Well those are the type of things we'd like to get into the testimony and we'd like to get into the record as to why that was denied and why the system didn't work. Why it got short-circuited. And so if you would do that and get it in writing to us so that we could go on to our next person.

CHARLES MCKEE:

Well, the reason why they deny is what they're trying to do is to promote acts of excessive emotional display to embitter oneself into acts of private or public malfeasance so they can institute marshal law and needly strip us of our civil justice system.

SEN. COGHILL:

Thank you very much Charles for your testimony. Mrs. McDonald do you wish to testify today or, your signed up on your sign-up sheet for tomorrow afternoon, or do you want to do it now? Tomorrow. Thank you very much. Is John Graham here? Our next person up then is Loretta Rutherford, how about Vern Brooks, how about Dennis Torrey. We'll hit one sooner or later. I'd like to have you give your name and your testimony sir. Thank you very much for coming to our task force.

DENNIS TORREY:

Thank you Senator. My name is Dennis Torrey. I live at the Cherit River Lodge, Beluga, Alaska, the zip code is 99695. And, I'm getting right down to the point here. I'll make it quick, I think I can make it in about 5 or 6 minutes here. I went through a very very difficult child custody and divorce, and its still not done. In 1984, my ex-wife had left me and two minor children. My daughter is about 3 and my son, Eric, was about 7, which is now 12. And during the first year their mother come back and seen the kids for approximately 5 hours of the year. And in May, 1986 or June '86 we went before Judge Victor Carlson for the divorce and there was 11 days of testimony and divorce trial. And my property was in federal court over at the lodge there so we'd never had a property settlement which is not settled as of today's time. And during the divorce trial there was a child custody investigator by the name of John Haskem that had actually got on the witness stand during the divorce trial. And Judge Victor Carlson put him down something fierce. He had written up a 6-page report on his findings, interviewing the children, and interviewing me during the year, year and a half that I had the children before the divorce. And he recommended to the court in a 6-page report that I would, he was recommending to Judge Victor Carlson that I should have the children because

we went through a drug and alcohol assessment. There was accusations during the divorce, there was both, okay, let's see here. During the divorce basically, everything I brought in like 11 witnesses, one man was an FBI agent, worked for 6 different presidents, a wonderful man. His wife is a, she worked for social departments, she taught out to the college, she works for the State of Alaska, and all the witnesses were very, very reliable people. They had known myself and my ex-wife. During the divorce Victor Carlson turned around and told everyone that they were liars. They was during the 11 days of proceedings. And he also turned around and made statements during the divorce that my ex-wife, because she was not very friendly, that he told the witnesses on the stand as he was talking to him, that they should pay, they should pay my ex-wife money and buy her presents to be friendly with her. And during the divorce or at the end of it, he had turned around and said that he did not believe a word that any of my witnesses had said, or any of my testimony, that I'd basically make a good soap box, movie star or whatever. And after the 5 hours that the ex-wife had seen the children in that year and a half, or whatever, he gave her custody of the children. I appealed to the Supreme Court of Alaska, and at the time he even billed me for approximately \$1200 a month child support, even while I had the children in my

custody for over a year, year and a half. And through the last three years since then, my ex-wife and the children are at Tyonek. And part of the time there was several months that I could not even get over to see them. She would not let me go see them. She would not let me talk to them on the telephone. I went back to court in front of Judge Victor Carlson to get the child support dropped down from \$1200 a month to something reasonable because in the last 5 years my yearly income has never been over \$10,000 a year and at 1,200 a month, that leaves nothing for me. They've got me back-billed my child support for the time that I had the children. I now have the children in custody, but they've got me billed for \$33,000. My ex-wife has had Alaska Legal Services for the last five years, all free attorney fees. I have borrowed over a \$100,000 for legal fees in trying to keep my property and trying to take care of my children right. Back in March of this year, 1990, my children called me while they were in Anchorage with their mom and said they were going to run away from home, and if I didn't fly in and get them, that they'd had enough of living with her. So I flew to town. And my little boy, Eric, who is now 12 as of January, had been dragged down a flight of stairs at the Tyonek house that she was living in, 30 stairs and just about broke his neck and give him a brain concussion. So I took him into Anchorage at the Native

Hospital, had him examined, had him examined by another doctor up at Eagle River, and he said Dad, if we don't do something I'm going to run away and you're never going to see me again. My little daughter had been locked in the bedroom, the bathroom. When I would go get them they'd be black and blue. And so I took them to the social workers in the month of March of 1990 and said would you please talk to my kids. I said I went through a terrible divorce with Victor Carlson. I said I've went back and tried to have change of custody, I filed papers, and then everything goes back, all the court papers, right back in front of Victor Carlson. They talked to the kids and they took them out of the mother's home right away which she has not contacted me or the children. The social workers can't even find her in the past two months. But we've had three different orders from Judge Victor Carlson trying to get back into the case, (In fact today I was supposed to have been in court but my attorney is out of town) so that he could turn around and give the kids back to their mother and take my whole lodge, my property away from me. He's been trying to do this for over two years. And all the papers I've filed and everything else, there is absolutely no justice. I cannot get the man out of my life. If I got in front of any judge, and even the judge would talk to my children, that anybody other than Victor Carlson would have sympathy

and see how happy my kids are in the home and just give me a fair shake. And so this is all I have to say is that I'd like to see justice with somebody else.

SENATOR COGHILL:

Dennis, one question. You said that you went back before Carlson to get your child support, \$1200 a month child support payment, modified even though you had the children in your custody and they were living with you, they were still mandating that you paid that. Did you get that modified or did they up it?

DENNIS TORREY:

Uh, they dropped it down to \$600 a month, which they are still billing me on with the kids. We've had paperwork in court and there's nothing been done of it because Victor Carlson, every time papers are filed for another judge, there's been two different judges assigned to the property case, its being settled in Federal Court, the lodge property, but Victor Carlson somehow gets right back into it and he signs the order to take the case back. And this just happened here twice in the last two months.

SENATOR COGHILL:

The change of venue was denied? By whom?

DENNIS TORREY:

Yes. By one of the Alaska Legal Service lawyers, my ex-wife's lawyer and Judge Victor Carlson. How Judge Victor Carlson is getting the paperwork I do not know.

SENATOR COGHILL:

Your testimony is right at the heart at the things that this task force is trying to get at. Would you have your documentation, would you see Kathleen at the first of the week and when you're back in town the next time.

DENNIS TORREY:

Why certainly. I'll fly in before then. I can get all the transcripts of the whole divorce. Anything that you folks. The file is sealed on the divorce because of incest and drugs and stuff - her attorney had it sealed but I know that we can get into it. I've been into it three or four different times. And I think there was 11-12 tapes during the divorce.

SENATOR COGHILL:

Thank you very much. Walt do you have any questions?

WALT FURNACE:

No, I just want to commend the gentleman for coming

forth with the testimony. I think a, the most piercing statement you made was when you said I cannot get the man out of my life and that appears to be sort of a central theme through many of the persons who have come before us to voice their turns and to relate to the task force and others the problems they have been having.

DENNIS TORREY:

He's affected my children's lives so much that they even know who Victor Carlson is when they see him on TV. And my little 12-year old son said Dad, we've got to get rid of him.

SENATOR COGHILL:

Thank you very much Dennis. We're going to take one more testimony before we break for lunch because we had her called. Loretta Rutherford, you're here, so we'll let....Well we'll come back then at 1:00. And if there's nothing else, what we'll do is recess until 1:00 and from 1:00 to 1:15 we'll try and take three of the walk-in testimonies before we start with Jean Jansen.

DR. GROB:

.....Senator Coghill, Rep. Furnace, members of the task force, and certainly all the public members that have put their time, earnings and efforts to make these hearings possible. At this time I would like to make a statement first of all before any testimony or evidences produced, and make it evidently clear that I am fearful for my life in that my mental, economic and emotional well-being has been attacked by the judicial system and particularly pointed from a specific judicial member. I want to know if you can give me any anonymity, if you can give me any protection from the vindictive and/or harassing and harmful effects that have often come my way because I was willing to testify for the best interest of my children.

SEN. COGHILL:

Under our joint rules, we have the authority for investigation under the Mason's manual and that chapter, Chapter 75 of the Mason's manual does give you that protection and that if you have any reprisals from any part of the system, then you are to report to me and I will report it to the Chief Justice of the Supreme Court formally.

DR. GROB:

Thank you sir. I would at this time ask and recommend

for the total removal of Judge Carlson from the Judicial position that he now retains. I also ask that he be expelled from the Alaska Bar. I have sworn testimony in support of that from the Peace Officers, from different members of the troopers, as well as members that have been harassed by this individual. I find that there are no accountability laws or check or balances in the State of Alaska to hold an errant individual in the judicial system responsible for his actions. It has come to me that through the attorney general's office, through the judicial conduct commission and through other state agencies that a judge is not held legal, criminally or civilly for any acts that he does on the bench. And we have found that many state agencies lack, through the legislative process, any authority to investigate to correct or to amend judicial decisions or abuses by the court system. I would also ask that a civilian commission be established that would review and be able to proceed forward with the legislature on ways to correct the abuses within the family law court system. That this commission not be staffed by attorneys, lawyers, state commission officials, judicial members, the good old boys that usually end up in bed with each other and make a living off everybody else's income. The testimony that I have right now also would ask that Judge Carlson receive no pension, let alone a salary increase

or a bonus, and that he be stripped of his salary or retirement benefits. This person is a known pedophile, having sex with youth. This is not just my opinion cause I did not believe it at first. But having heard sworn testimony in the judicial courts of this superior court in front of judges, under oath of perjury, it came obviously even in front of the attorney general that this judge had had sex with teenagers or youth. I also have affidavits from people that I have personally interviewed that have seen this individual judge at the Clear homosexual gay bars, cross dressing, as a female, but also practicing and asking for not only picking members of society up on the streets and taking them back to his house, but then asking and inquiring if they had little brothers and little boys, rather than these 17-year olds that he had engaged with. I would also ask to a criminal investigation into the Ninilchik cabin. As far as referencing to missing children in the community. These things end up being surrounded by certain individuals and actions of the judicial system, which has been covered up by not only the attorney general, but the prosecuting attorney's office and also judicial conduct commission. There have been numerous files that have been stolen that were intelligent files on these individual justices, and people in authority, that were involved in some of these activities. I would ask that somehow there be a way when this abusive

personality that's on the court bench breaks state and U.S. Constitutional laws that there should be a remedy other than the 2 years and \$20,000 normally taken to have to go through the process of the Appellate courts of this state. I know that this individual has personally broken Supreme Court rules and laws, legislative mandates, administrative laws, civil court and procedure rules, judicial canons, and the constitution, all with no accountability and all without any recourse to him for harm or financial loss. Judges, as I said, are not liable for the actions on the bench whether civil or criminal prosecution can be done. By breaking these laws, regulations, the Attorney General will step in using the State's money to defend the actions of the judge and give 11 affirmative defenses prior to ever having any investigations or hearings set forth. Meanwhile, I as an individual will try to spend, if I can retain control to these resources, my time and money to defend these illegal actions of a judge just to try to get them heard and taken care of. I would like to see that the state, at its expense, open all the Judge Carlson cases for the 15 or 18 years that he's been on the bench, both in the criminal and civil cases that he's handled. I know the court system has put this individual back and forth as a liability trying to find a niche that he could fill, though it was never possible. I would also like to see the state

open up and investigate on its own all of the cases that have been appealed of this ruling of this judge because I believe, if statistics bear truthfully, about 60% of those are overturned and ruled against his decisions by his own fellow peers. However, its at the private persons expense. All these things I am sharing and stating come forth by way of myself being protracted into the courts on a first time basis for divorce and child custody. I do not have anything personally against this individual. I only am here for the sole purpose of the best interest of my children. They have been emotionally and personally victimized by this system. I have done everything personal within my knowledge, intelligence and financial capabilities, which have been stripped by the courts, to try and help my children. I find the state agencies can not help. I find that the system at large is not capable of a direction that would bring a close to the horrors that we see people and individuals going through in this family law system in Alaska. There has to be accountability. And I'm here today to say that now's the time and this is the place that we have accountability and we have judicial decisions that are in favor of children, and that the laws in this state and land are enforced that are utmost so that we as human beings and parents can get on with our lives and have hope for the future. Thank you ladies and gentlemen.

SEN. COGHILL:

Thank you very much Dr. You have written testimony or if you have further testimony and it seems like that you have really delved into this that we would appreciate your submitting to the task force any documents that you have that will make our work easier to be able to rectify some of these problems that you've expressed.

DR. GROB:

I will definitely submit that for myself as well as others. I know I have documentation that this individual justice in retaliation to my investigations and trying to straighten things out has ordered that I'm to pay child support of \$40,000 a month - yes, \$40,000 a month child support on a man that earns \$15,000 a year. He's likewise done illegal search warrants on my house. When the Supreme Court remanded the issue of visitation to him, actually to Judge Reese, because my ex is in continual contempt on the visitation issue. The Supreme Court remanded only authority to the jurisdiction at lower court to hear only on the custody visitation issue. This judge, though he's been, Judge Victor Carlson's been assigned off the case by the presiding judge and is not allowed to hear the case, with his own orders and motions in his own chamber put himself back on two days before the hearing, of which of course it

was ex parte, single sided, nobody showed that the opposing party in which no issue on the visitation or the lack of that ability to see my children was questioned. However, he illegally then assessed a \$17,000 attorney fees against me for the ex, which was not within his jurisdiction due to the fact that the Supreme Court had taken jurisdiction of the case away. So these are the kinds of abuses that I talk to and that I address that go unanswered and unaccounted for. And yes I'd be more than willing to submit all the documentation necessary for your questions and to resolve these issues sir.

SEN. COGHILL:

Thank you. Thank you very much because I would like to have you submit the document where that they ordered the \$40,000 a month child support. I think that that just shows the flagrant abuse of the system that we have where these people have discretionary powers over everybody's life.

DR. GROB:

And then the abuse of, currently, where the state agencies do everything in their power to enforce that, rather than to have it equitably looked at and/or to within their policy, to relieve some of that or to adjust it. I would also ask that if you could possibly

have it put in writing the protection clause that you quoted me at the beginning and have that mailed to me at my address, then I would have that on file such if I need to have a state trooper or some other official protect me, they would have something to look at and something to understand more than my words.

SEN. COGHILL:

I will do that. Now we're going to from now into the teleconference and we're going to Juneau - we're going to the teleconference system and we're going to go to Juneau first for Sandy Armstrong. And Sandy, welcome to our task force hearing and we're pleased to have your testimony.

SANDY ARMSTRONG:

....Senator Coghill to carry forth with this hearing. My name is Sandy Armstrong, a former member of the Non-custodial Parents and Children's Rights Movement in the State of Alaska. I currently serve on the National Conference of Children's Rights, State's Steering Committee, and participate in a monthly 10-state conference call with other state advocates for the rights of children. Also served on the Alaska Family Support Task Force Child Support Sub-Committee, and finally I served two terms (1977 and 1979) in the Oregon House of Representatives and so to testify to

day as a former state legislator also. I am outraged at the devastating human suffering our Alaska Family Law system laid down on the heads of our children of divorce, children of subsequent families, the fathers especially, and upon our grandparents frequently. My second husband, Edward and I have been married nearly five years. In that time we have been denied court ordered visitation with his 16-year old sons, and with his twin 13-year old daughters, with painful, emotional damage to those children, and to our 4-year old daughter Harmony, especially. We have paid over \$24,000 in child support and gone without medical care, dental care, _____ and other necessities to do so. We are still behind. We've had 50% of my husband's unemployment check garnished when that was the only income to our family, leaving our family of four with \$425 a month to live on with a 7-month old baby, and my 17 year old son from my first marriage in our home. My husband has been laid off of job where his employer was served with a wage garnishment order, and has had 55% of his \$725 monthly pay check garnished, leaving us with a little over \$200 to live on the month. He has had double co-monthly child support payments withheld from both wages and his permanent fund in the same month. He has suffered over-collection of current monthly child support by mal-administered wage withholding. He has been charged interest for late child

support payments that were taken timely from his pay check, but now two months later by the employer through Child Support Enforcement, and then been told by Child Support Enforcement, it was his job to make his employer pay garnished child support timely. We have faced eviction for inability to pay rent, denial of employment, destruction of our credit, insulting, arrogant and rude third class citizen treatment by Child Support Enforcement Division, the like of which I did not see throughout my tenure as a State Legislature by and Oregon state agency. In September and October of 1987, my husband and I had had it. We sent letters to the editor of 32 newspapers all over Alaska because we couldn't believe we alone were suffering at the hands of an ugly, Nazi-style government run amuck. We have talked to or heard from over 1,000 families since then. We are not alone. A couple of the worst examples that we have heard of are a Juneau father whose 4 and 9 year old daughters have been sexually abused by their mother's current boyfriend. A firefighter in Fairbanks, burned over 70% of his body, and permanently disabled who's \$600 disability check is being garnished \$200 a month with his own two second family teenage children living in his own, and no legal help for him. I am here today to tell you that the Alaska Family Support Task Force did not finish its work. The Child Support Sub-Committee left major injustices unaddressed

at all and Chairman Rep. Max Gruenberg was unable to pass his own bill on legislative child support guidelines or to aid in the introduction of passage of bills to implement recommendations 35, 36, 40, 43, 44 and 45 that were unanimously approved by the full Family Support Task Force. Six months of a dozen hearings and hundreds of testimony will be utterly wasted unless this Task Force goes back with bills to the 17th Legislature to implement those recommendations. Numbers 35 and 36 pay family arrearages first. You don't hear very often that \$2,000,000 per year is paid in arrearage or back child support payments by obligers in Alaska. And in cases where an arrearage is owed to the state for AFDC furnished to the mom and kids, and arrearages also owed directly to Mom and the kids for support not paid when they left AFDC rolls, this state takes that \$2 million dollars in back child support payments and pays the state coffers first to feed 100 bureaucracy and puts government budget needs ahead of the single parents and their kids who need that child support that is being paid (\$2 million dollars worth). Recommendation 40 would have limited the expansion of wage withholding as a support collection tool in this state. It is a high-police power and should only be used in those cases when obligers show an unwillingness to pay. Throughout the six-month task force last year, CSED director, Linda Langston, maintained that

recommendation 43, that the Family Support Act of 1988 by Congress require CSED to begin providing child support order modification services to men and women alike, obligers and obligees, as of November 1990. But that the Division needed a state law change at AS.47.23.045 to permit it to assist obligors to modify support orders. Senate Bill 373 was introduced at the request of the Governor with this statute change in its last session. CSED Director Langston lobbied behind the scenes against her own bill, and with a phone call to Senator Jan Faiks' office, killed the bill in the closing days of the session. We must stop providing free attorney general services to modify child support orders on behalf of custodial parents and telling obligers to hire an attorney. We must provide the same child support order modification services to men and women alike, to custodial and non-custodial parents alike. Recommendations 44 and 45 deal with child support guidelines. The illegal and unconstitutional adoption of Alaska's substantive child support guideline, in secret, behind closed doors, is a mockery of our Alaska open meetings act and of constitutional separation of powers, which confers lawmaking on our legislative branch of government. House Bill 472 would have legislative enacted our court written guidelines and created a Child Support Commission to conduct a federally mandated review of our guidelines including,

for the first time, non-custodial parents on such a commission. Please go back to the final task force report of December 1989 and see that bills are introduced in 1991 to implement the above recommendations. Following is a quick list of serious injustices not addressed by the Family Support Task Force.

1. There is no legal representation available to poverty child support payers for domestic relations matters in this state. Alaska Legal Services refuses to include child support modifications in its approved caseload claiming shortage of lawyers. A judicial system that provides attorney general legal services and pro bono lawyers to women and custodial parents but not to fathers or non-custodial parents, is an utter failure at justice.

2. There's no state law that limits the correction child support amount CSED can take under wage garnishment. There is a federal law which allows up to 55% of net earnings and CSED issues pre-printed maximum 55% of net income garnishment orders devastating second families' ability to survive. Set a minimum income allowed in a father's check after garnishment, of an amount equal to the state-approved AFDC monthly payment level. If dad has three persons in his house, CSED should not be able to take more from his take home pay

than the amount he would receive if he were bringing home an AFDC check instead. Poverty is poverty. If single parent women cannot live on \$864 a month and the state and government give them that in this state, poverty stricken families should be given that same amount to live on.

3. No one is asking why child support is not paid. Many child support paying parents do not have a high school education or marketable job skills and have extreme difficulty surviving themselves. Target 30% of the new inter-agency jobs program slots to child support paying parents. Michigan has. Take the Alaska Statute Title 14 Student Loan Law off the books that denies student loans to those with child support arrearage. If that person has been duly approved by a state agency as in need of and qualifies for education, give payers job skills and education and watch the child support collection rate go up. Just here in Juneau alone, we have worked with a functionally illiterate father who cannot read or write and another dyslexic father, who for his disability, cannot read what Child Support Enforcement Division sends him, and cannot get more than a minimum wage job.

4. Both domestic violence and child abuse charges are destroying children, careers and lives and they happen

routinely because even an accusation of such a horrible act is weighted by the courts in custody decisions. We need a state law that imposes maximum sentence for perjury, for false domestic violence accusations, and charges criminal child abuse against parents and state officials who put a child through a false child abuse investigation.

5. Domestic Violence shelter workers are routinely soliciting charity organizations for funds for tickets to fly mom and the kids, who have allegedly been domestic violence victims, out of state away from fathers, destroying parent-child relationships, even before final custody decisions are made in a divorce. DV workers should face kidnapping charges for aiding and abetting flight from this state during the pendency of a divorce proceeding. Establish hearings dedicated to the subject of female perpetrated domestic assault and child abuse.

Please allow me to read from expert testimony before Congress from R. L. McNeeley, PhD., professor of Social Welfare, University of Wisconsin. "There are two images of domestic violence. One has been projected by the popular media and by _____ of examined, victims of domestic violence houses and shelters. The image that emerges from this view is that men exclusively, or

nearly exclusively are the perpetrators of physical violence. This image has guided lawmakers and domestic violence change agents and other activists. A conflicting image of the phenomenon emerges from research, but the view of domestic violence that emerges from this research is that violence is a nearly universal phenomenon with both sexes being perpetrators and victims. Most people are surprised to find out that whereas 1.6 million wives are beaten by their husbands each year, devastating violence that we deplore, 2.4 million husbands are beaten annually by their wives. Beaten is meant having been kicked, bitten, hit with the fist or object, actually being beaten up or having been victimized by the threat or actual use of a gun or knife." The testimony goes on. I have research documents backing it up. I will mail the entire testimony to the Task Force. There is one final sentence that I wish to read into the record. "Another finding that tends to surprise people is the fact that battered men often stay in abusive situations because they fear that their absence will result in continued violence being visited upon their children." Domestic violence is a two-way state. Our laws, our shelters have not recognized female perpetrated domestic violence and it is real in Alaska.

7. Denied child access visitation traumatizes children just as if one of their parents had died. Yale child studies that authored, Dr. Kyle Pruitt, talks about the crippling development effects of absent fathers. "We know that boys never finish turning into men when their fathers are not around, and girls don't finish turning into women. The deficit is a really big one." Adopt minimum visitation guidelines that the court must use in all divorce decrees, except where proven child abuse is present. Like Washington and New Jersey recently imposed jail sentences for disobeying visitation orders of the court, because, Mr. Chairman, denied visitation and forced destruction of father-child or mother-child relationships post divorce is in itself psychological child abuse of the cruelest most damaging sort. Fully fund and expand a statewide program the child visitation mediation project begun this year. Where wounds can be healed between divorced parents, children can only benefit.

For three legislative sessions now Mr. Chairman second families and non-custodial parents rights movement has been up against over \$10,000,000 in state and federal funds appropriated to the women's commission, the Child Support Enforcement Division and the Domestic Violence Shelter Program all telling you only one side of the sad post-divorce story. A representative democracy

such as ours depends on advocacy. When government funds only one view in a field of law, lopsided discriminatory laws result. A recent federal pilot study showed that between 37% and 49% of child support paying families live below the federal poverty guideline. Is it they who will fly to Juneau to educate lawmakers? Level the playing field of family law problems. Establish a family commission and equally fund family law advocates. Bring justice to those of us women and our children who have chosen marriage and give us a voice too. Because, right now the women's commission does not represent us at all with their quarter million dollar state budget. Thank you very much Senator Coghill.

SEN. COGHILL:

Thank you very much Sandy for your excellent testimony, and will you mail us in your testimony and any of the backup material. I know that you're a very thorough person and I've worked with you down there in Juneau, and that will make our task force a meaningful task force because you've zeroed in on the bullets in about 5 different positions in your testimony. And we'd certainly like to get that, not only in the record, but if you have any backup material, send it in to us. And do you know the address here?

SANDY ARMSTRONG:

Yes, Senator Coghill, and thank you again. I have thank documentation for everything that I've written down today. You'll get it all.

SEN. COGHILL:

Thank you very much, and I really appreciate you coming forward and testifying before the task force and now we'll go to Wasilla and we have Wasilla on the line, and we have David Zwink.

DAVID ZWINK:

Yes I'm here.

SEN. COGHILL:

Thank you for taking the time sir to give us testimony, would you proceed.

DAVID ZWINK:

Yes, thank you very much. My name is David Zwink and I'm an attorney out in the Palmer/Wasilla area. I am one of the people out here who has one of the largest family law practices. There are roughly half a dozen in the Palmer/Wasilla area who do much domestic law and its probably about two-thirds of my practice. I have a great deal of contact with people all over the board as far as people who have been divorced many years ago

before the 1987 adoption of the 90.3 Child Support rules; people who are just coming into it now, and people who come to me and are asking me just if I can give them some calculations in case the relationships did break off in the way of putting together pre-nuptual agreements with anticipated numbers of children. So I've had quite a smorgasbord of input and I've got a few points that I really think is very important for the legislature to address. One of them deals with 90.3 in its form as opposed to its result. And the problem with its form is, and from talking to people at CSED and Rep. Gruenberg, 90.3 only by inference deals with the custodial parents income in most cases. Now in those cases where visitation is less than 30% of the year. And at 30% of the year comes out to 109½ overnights and that's very difficult for most people to do, so most of the time we're not talking about the shared-custody situation. The inference is a big problem. The attitudes that my clients, who I do think are pretty representative across the board of the public, the attitudes they have is they look at it and say well, my God, they're only taking the visiting parents, the obliger parents' income into consideration and not the custodial parents. Whether the result finally changes as far as the figures - personally I don't think that matters as much as showing directly that both parents income and their financial

responsibilities are expressly being taken into consideration. Now there are a lot of states that do this. Oregon for one, after whom we based a lot of our laws initially when we came into statehood, looks at both parents' income and calculates a total family income and then says, okay, based on total family income this is how much you'd spend on this number of children, then they compare percentages of each person's income and say okay, the custodial parent would be paying this percentage of the child support obligation and non-custodial this percentage, and do subtraction from there. Surprisingly the result that I found is that there are a fair number of states who actually come up with higher child support levels than does Alaska, including some southeastern states where the cost of living is probably somewhat lower. One of the big differences is though is that they very expressly take both persons' income into consideration. I've found that my clients look at this and find this a much fairer method, even when the figures don't vary substantially at all. So I would think that setting it forth in a different fashion than its set forth in 90.3 in some legislation would be extremely important.

'Another 90.3 issue that I come up against is that of subsequent families. Now, subsequent families have not traditionally been taken into consideration in this

state and I understand the reasoning why. A person goes and has more children with the knowledge they already have some previous children. Now that makes sense and I've yet to have a client who doesn't understand that issue. The big problem we hit here though, is I have a number of people who were divorced in the early 80's or mid-80's or even back in the 70's, long before there was the 90.3 standards, and they have sense raised a second family financially basing and very responsibly so, their income and expenses by saying, Okay, I've got this much child support to pay, I pay that, now what can I afford in a house or what can I afford in schooling or medical or clothing or the like for my new family, knowing that they've already got this expense of the previous child support. The big problem comes in then when the previous obligation is varied suddenly and substantially because then the 90.3 gets applied. Certainly a lot of times the paying parent, the obligor has a better income, but I've also dealt with some where the income has stayed pretty much the same. The expenses are different because of the subsequent family, and the expectations of paying a certain amount of child support with maybe some moderate increase are locking a person into what they can do. What we end up having is a very, a very dangerous financial burden on the subsequent family, which even the most responsible people get blind-sided by this. I think we need more

of a break-in period for an increase in child support, perhaps a different way of calculating it taking into consideration all of the obligor's children, not take into the consideration the previous children to come up with the child support and then looking at the subsequent. The whole issue and the whole basis for the court looking at child support is in the interest of children, and I think it has to be in the interest of all the children, not just the children who were from the first family at the expense of the children in the second family. Sure that's in the commentary in 90.3, but I've dealt with this in front of a number of judges and all of them say, yes its in the commentary, we'll give you maybe a four-month break-in period. What's happened though, I've dealt with people who have had to need to change houses because they could not afford what had otherwise been a reasonable house payment on a tight budget, because suddenly their child support has tripled or quadrupled very unexpectedly. So in essence, the legislature needs to look very significantly at the effect of subsequent families, particularly when the initial decree was a pre-90.3, pre 1987 decree.

The last issue I'd like the legislature to very seriously consider is one that is hinted at by the statutes, but is also a very big change from the way that the courts have dealt with the link between visitation

and support. Right now there isn't any. And I think from everybody's standpoint, that is a big problem. I deal with many custodial parents who come into me and say look, I've been broke for years, the non-custodial parent hasn't paid nickel one of child support, and yet the non-custodial parents screams if I'm 15 minutes late with the kids on their alternate weekends. And people go years getting no child support, but having not only to use the visitation but have extra expense of visitation. That I find to be quite a problem, and I think that's one of the reasons that there is such a lot of child support arrearage and I think that's become knowledge now, is because there isn't any hook-up, statutory hook-up between one's responsibilities towards one's children, and one's right to have the children on weekends or summers or other times to be able to play with them. On the other hand I've also dealt with a significant number of people, and its a number that's surprised me, its at least a few dozen who have been very good about making the child support payments, and have had substantial trouble getting visitation. Now of course there is statutory provision for it, there is specific visitation and if denied there is a \$200 penalty on that. That of course means that you have to take the custodial parent into court and go through the expense of doing that, and whether or not you'll collect is another question. Having a

direct tie between paying child support and getting visitation. What I think works on both sides. It would remind both parents that look it, you're still parents, even though you are not spouses anymore, and each person has a right to have a relationship with the children because the bottom line is if a parent is cut out of the relationship, its the children who are forming themselves into adults that are really losing here. So I would ask very seriously that the legislature take a look at making a direct link between the child support and visitation. As I'm sure the committee knows, child support is going to be an automatic deduction from people's paychecks. This leaves one possibility since we're on a percentage basis of rather than saying child support is going to be X-number of dollars per month, if we can set at saying its going to be 20% or 27% or 33%, whatever the calculations come out to of that paycheck, I see no reason why it can't be done on a percentage basis, because when you have a check garnishment and the employer is said you have got to pull 55% of that person's pay out, the employers can figure out 55%. They can just as easily figure out 20% or 27%, and the fluctuations in one's income will be taken care of immediately. CSED gets the labor figures. They know what incomes people have because when I see motions from the attorney general's office that say we want a change in child support, they also give

me what my client has been making for the last 3 or 4 years, so they've got the figures for a check-up. This would be more fair both to the obligor and to the obligee. On months that the obligor has extra overtime, that's more money that's going to go toward child support. On months when its substantially down, the same thing if the family had been intact, there's just less money available. I think it more realistically addresses the money that would normally be available to the family. I thank you for your time in listening to my comments.

SEN. COGHILL:

David, your testimony was excellent and I would appreciate it if you stay in touch with us. We're, as you know, I don't whether you were on the teleconference-this series today and tomorrow is just to get people's positions and their testimony on public record. That those folks there....

DAVID ZWINK:

We've lost you there Anchorage, if you're still around.

SEN. COGHILL:

Can you hear me David? Can you hear me now?

DAVID ZWINK:

Yes, you're there now, thank you.

SEN. COGHILL:

Yeah, if you would David, we'd appreciate it if you would take your testimony in writing and send it to our, to the Legislative Information office here. We have a person who is our special assistant for this task force. The address is 3111 C Street, Suite 520 and the zip code is 99503. And we appreciate your remarks. As you know, we'll be doing follow-up on this in September and October, November, December and getting ready to make recommendations to the legislature. So we'll be in touch with you I'm sure quite often between now and then.

DAVID ZWINK:

Thank you very much for your time. I will send that information in.

SEN. COGHILL:

Now we'll go to Soldotna. And Margaret I understand we have two people to testify.

MARGARET:

I have six people here to testify now.

SEN. COGHILL:

Okay. We'll just start and try to have them do it in less than 10 minutes a piece so that we can keep the thing rolling.

MARGARET:

Okay. We'll do that and first is Kristine Holdridge.

SEN. COGHILL:

Kristine Holdridge.

KRISTINE HOLDRIDGE:

I've just had a few problems. I don't want to go into real depth, it would take more than 10 minutes. The problems that I've encountered, I've not been able to enforce financial and custody agreements, besides actual child support payments. My ex-husband does not pay the bills he agreed to pay from our marriage and he doesn't adhere to the rules he agreed to as part of his visitation. And the only way that I have to enforce those is by going back to court with a lawyer and I don't have the money to go to court and I am real worried about the effects because the rules are not enforced and there's drinking around my children because my husband is an alcoholic, a convicted drug dealer and I know that there is still drug dealing going on but I cannot stop these things unless I get a

lawyer. And the other problems I ran into was Alaska Legal Services. They need to be more open to receiving clients. I was told I was ineligible, not because of my finances, but because they believed I already had a lawyer because the legal work that I did myself when I received my divorce papers, they said I could not have done it without a lawyer. I did all of my own research. I answered my complaint for divorce and filed various motions on my own. And they said that because I could do that, I didn't need their service. And the only other thing that I really.....(tape change)....I think that's really bad for the child as well as the rest of the family. And those were really the only comments that I had.

SEN. COGHILL:

Well Kristine we certainly thank you for your testimony and if you wish to write something out, we're holding the testimony open until a week Monday, and we'd appreciate any remarks that you have and being a grandparent of 19 grandchildren, I know what you're talking about when your saying that grandparents have no rights to visitation. I think that that's criminal in itself. And we'll certainly make sure that that's noted in our final drafts. Now we'll take the next one Margaret.

JERRY CHAPMAN:

Yes sir. My name is Jerry Chapman and I'm testifying today is that our family court and the Department of Youth and Family Services are dysfunctional in the Kenai/Soldotna area. DFYS took our 16-year old daughter from Soldotna High in November 1988 for alleged child abuse. Let me state unequivocally that she was nor has she been an abused child. She was struck once after she physically attacked her father repeatedly. DFYS did not notify us that she was in their custody. Instead, we found out when our 14-year old came home crying they took Bev. The next day my wife signed papers placing her in a temporary foster home so that she would receive counseling and not runaway from home as she had threatened. The placement was voluntary and she was told that she could participate in our daughter's counseling and could regain care of our daughter at any time. That was a lie as DFYS kept her and did not allow my wife to participate in what little counseling that did take place. The same time, Ms. Nancy Miller of DFYS produced a document alleging physical abuse and wild accusations concerning my treatment of the whole family. My wife and the two older daughters, including the daughter that was having the problem, looked at it and said it was a lie and would not sign it. What gives her a right as a state employee and a public servant to produce a document fantasy such as

this. I thought we were supposed to be innocent until proven guilty in this country. Then DYFS filed a petition for a child in need of aid. At that time they had yet to ever state the first word to me, neither telephonically, written or personally. They said we had not been to counseling, which was a direct lie. We had been to counseling. They said that her sisters were not allowed to visit her. That was also a falsehood as my wife took the sisters to visit her. They said she was not allowed to come. She did come home in February 1989. She apologized for causing the problems in the family and she held onto me for over 5 minutes just crying. She held onto her mothers and her sisters. I thought that this was going to end. I really thought things were over. But she got back under DFYS control as they did not know she visited the home. She was told by Ms. Nancy Miller, her caseworker, that she should not even be talking to the family. For these reasons we say that DFYS made no serious attempt at reuniting our family, but instead they did the opposite. They should have never filed a petition for a child in need of aid. On the next motion deals with the guardian ad litem and a letter on 31 July 89 Ms. Karen Hoyt states, "several individuals (actually was 7 agencies and individuals) interviewed concerning Bev's case" (she had interviewed all these people and made all of her statements and decisions to the court, but

you know she never even talked to us parents. And to this day she has never spoke to me in the first, and that time of this letter writing she had never even spoke to her mother. She talked to every....but didn't talk to her parents. If they wanted to get the family together, it seems like they would talk to the parents. She also suggested treatment for all members of the family and she recommended that Bev not be returned home. She recommended that DFYS wanted in other words. And this tells me that she's nothing but a rubber stamp for DFYS and the court system. And as a matter of fact, there were two case plan reviews that are conducted, I believe on a 6-month basis, concerning the juvenile. My Ad litem is supposed to be attending those. She did not attend two of them. At court on 9 August 89, I objected to the state agent saying any number of falsehoods about me, my family, and pointed out that neither DFYS or _____ had even spoken to me, or done a home study, or been in the family home. Indeed, they embarked on a vicious vendetta against me. I truly feel that there is an element of male hatred in their conducting of this case. In all instances it was made out...I was made out to be the cause of all my 16-year old daughter's problem. It is an injustice to me that their chauvinistic attitude has prevailed and that Judge Cranston has believed every word they have said and absolutely brushed aside every argument my

side has presented. I would point out that a home study was done on 18 August 1990, nine months after this all started and as a result of at the DFYS worker had not one negative comment about our home or family. In August 89, in Judge Cranston's court, my wife objected to our family being portrayed by DFYS as dysfunctional. In response, Judge Cranston slapped us down by sending us to alcohols screening at Cook Inlet Counsel on alcohol and drug abuse, at our expense - \$100 total. After screening, Mr. Bill Fins informed me that I was an alcoholic as he blew cigarette smoke in my face. I called him a hypocrite and he wrote a very negative letter on me which contained several out and out lies. This _____ saying the same treatment and the report again contained several alternates. Counsel has since advised us that Judge Cranston had no right to send us to alcohol screening as no charges were filed against us. I'm not a legal person so I can't really comment. Although we paid for the screening, the reports were addressed to DFYS for their approval. It was obvious by the questions asked us that DFYS in _____ at Cook Inlet Counsel had been in collusion in our case. ___ this collusion, I had how an objective evaluation could be accomplished. I further suggest that Secata is a toady for DFYS and that they will dutifully report anything that the Dept. of Youth and Family Services wants to serve their purposes. In

February 1990 I called the Anchorage Ombudsman's office and complained about the handling of this case. Assistant Ombudsman Ruth Camp said my objections certainly needed a visit by a field representative to further examine my evidence against DFYS and this system. Then Assistant Ombudsman, Linda Lord Jenkins spoke to Linda Perry, Liz Allen at the Kenai DFYS office. In a rather snippy letter she reported more DFYS hearsay, innuendo and falsehood and advised me that she was closing the case and to call her if I had any questions. Indeed I did have several times called her, but they were never returned and a field rep never did visit. I hope these comments lead to an investigation of the following agencies and individuals for compliance of the law, both state and federal: 1) The Department of Youth and Family Services, Kenai offices; Social worker Nancy Miller who is now stationed at Anchorage, Liz Allen, Linda Perry and Pat Knoll. Guardian ad litem, Karen Hoyt - she's not doing her job; Cook Inlet Counsel on Alcohol and Drug Abuse; Mr. Bill Fins; their working relationship with DFYS and I think there's some collusion there that's not quite kosher. They're greasing the skids of justice and us families are falling down real fast. I think we should look at Judge Cranston's conduct of court for allowing DFYS to trample on parent constitutional guarantees. And lastly, I think we should look at the

ombudsman at our Anchorage, and if Linda Lord Jenkins will not do her job, let's get someone who will do the job and not cover up for this corrupt _____ system which feeds on families. I really thank you for letting me have my say.

SEN. COGHILL:

Thank you very much Jerry. Your comments were well taken and I would like to have you give us your written statement so that we can follow through on those agencies and names that you have that...what we're going to do is...I apologize to the people in the Mat-Su. I did not have the form in front of me that there were other people that wanted to testify there, so we'll go back now to the Mat-Su and we have Susan Mayer and we'll take her and Dean Warner and then we'll go back to Soldotna. You're the only two stations, teleconference that have asked for testimony today. So we'll go back now to Mat-Su and I apologize Susan for not calling you, but I didn't have your name in front of me.

SUSAN MAYER:

My name is Susan Mayer and I'm from Palmer. I work with Valley Women's Resource Center as a shelter worker and I'm also teaching a course for the University for advocating for women victims. This is my first time to

sit on a legislative teleconference. Its been very informative and I'm a little at a loss what to say. I feel overwhelmed by the many different view points that I've heard and unfortunately don't have many of the statistics in front of me to support what I consider to be another side to some of the things that have been brought up here. I would like to gather together some of those statistics and some information and submit them in a written form to the Task Force if that would be acceptable.

SEN. COGHILL:

That would be more than acceptable. We'd appreciate that because that's our mission in life.

SUSAN MAYER:

Good. Thank you. Because of that I am not going to make much of the actual air time and allow other people to testify so that I can send in some of those things and as I said I do not have the statistics with me. Most of all I would just like to ask that the Task Force in make these decision, my heart goes out to many of the people who have found themselves abused by the system in one way or another. And, I know there are many injustices in our system and in the world. But most of all I would like to see us consider our children's wellbeing first. It is known that a society is

judged by their treatment of their children and I think there are times we need to make that our highest priority.

SEN. COGHILL:

Thank you very much Susan. We'll be looking for it. We've called, I don't know if its the teleconference or not, but we're going to hold the record open until a week Monday to receive testimony we can put in the record then we're going to close the record so that we can start sorting it out and make our priorities for our next hearing, which will be in September.

SUSAN MAYER:

Okay, thank you very much.

SEN COGHILL:

Thank you very much for taking the time. And now we'll go to Dean Warner.

DEAN WARNER:

Can you hear me now?

SEN. COGHILL:

Yes sir.

DEAN WARNER:

My name is Dean Warner. I live out in Wasilla. And I'm speaking not only for myself, but for a group unofficially for a group called Victims of Child Abuse Law. I'd like to read a handout here. First I'll go ahead and outline my own case. My wife and I were divorced, separated and she accused me of having molested my older daughter, who was at the time 4½. Well, that daughter had been molested by a couple of 13 year old boys between the age, when she was between 2½ and 3 years old. But during the time after we separated, before any charges were, or allegations were brought, my wife trained the daughter to think that I had molested her. During the time that the investigations were happening, apparently nobody talked to the teenage boys. The Troopers had no decent records of when we took those to the Troopers and DFYS. Consequently, I haven't seen my daughters for a year and a half. And since I've gotten in touch with some of the other people in similar situations, I understand that's not a real long time. But it is a long time when you're talking about the lives of a 2 year old and 4 year old. Those are very developmental years to not have any contact with their dad. They don't even deliver letters or cards to them. Let me go ahead and read this about VOCAL. Who we are - we are a group of individuals who believe we as families and friends have

been victimized by the child abuse laws. We are not guilty people trying to escape judgment. We are innocent people demanding justice. Our aim and purpose: we wish to see children protected from all forms abuse including that which is being inflicted upon them as a result of so-called child protection agencies. We want to see due process accorded to all. We wish to see preservation of the family unit be made a priority in the handling of suspected child abuse cases. That leads me to another statement I have to make in my case. Because there was no evidence, it did not go through the justice system, it went through the administrative system so there was no burden of proof and expert witnesses, so-called expert witnesses were all that the judge had to go by. And even they had nothing but their opinion. Who we represent: Our present membership includes individuals from all 50 states, as well as Canada and Australia who have experienced this nightmare. Our national organization recognizes over 150 chapters and contact persons. Some of our concerns and problem areas: Present child abuse hysteria. The current child abuse laws are basically good. However, we strongly believe that disregard for the intent behind these laws has put us in our current situation. The present child abuse hysteria has reincarnated the ignorance of the Salem witch hunts. The system emotionally abuses and financially drains the alleged

child abuser during the fight to prove innocence. If you manage to survive within the system of justice presently constituted, the best you can ever expect is a finding of unsubstantiated. You are and always will be a potential child abuser in the eyes of the government. You are not alone. There were over 1,500,000 accusations of child abuse in 1986 alone, and of those, approximately 65% were unfounded. The present laws are vague. In addition to the intent of the child abuse laws being lost, many of these laws are written so vaguely that they are easily misinterpreted or are intentionally used to advance the immature philosophies of those implementing the laws. Due to the sensitive and innovative nature of these laws, individual due process rights are not being accorded the importance they are due. As a result, laws that are set up to protect the individual and the family, are being used to tear families apart and to sever family bonds. Immediate presumption of guilt: after one has been hotlined, regardless of how believable or ludicrous the accusation may seem, there is automatically an immediate presumption of guilt. The only crime more heinous than the intentional abuse of a child is to be unusually accused and branded for life as a child abuser. There is no other crime prosecuted with such malicious disregard for the accused and the alleged victim's constitutional and civil rights. Unethical

investigation techniques: In the interest of convicting an accused child abuser, ethical investigative techniques are set aside. Prosecution...verbal allegation takes a precedence over the gathering of factual information. Child protection workers, investigators, prosecutors, and law enforcement officers have convinced themselves to be judge and jury without a trial. Custodial parents and individuals concerned considered local parents, are often instructed to repeatedly interrogate the alleged victim about the alleged incident. Opinion in lieu of fact: Child protection officials, ...state-hired mental health professionals are presently at liberty to inject both written and oral reports in their personal opinions, professional opinions of an event. These opinions consented and accepted as a basis for fact in legal proceedings. Removal of children from families: The abrupt and often unnecessary removal of children is traumatic. It destroys the child's trust in the parents as protectors and leaves tremendous emotional scars. If a child is truly being abused, the added trauma of being abruptly removed from the home and family can often make matters worse. Effects on families under investigation: The stigma of child abuse allegations create feelings of fear and shame and introduces other negative factors into parenting techniques, leading to problems in exhibiting parental

affection and problems in discipline. The dependency resulting some state intervention. When charges of abuse and neglect are dropped, often the county or state files charges claiming dependency and its dependency that its own intervention created. Possible solutions: 1) Onsite contact with family. The family should be immediately notified of any charge of child abuse. It should be set up for immediate interviewing of all persons involved. No child should be removed before an on-site contact with the family has been made. If a child is doing the reporting, other siblings, if any, should also be questioned, as the reliability of the child making the allegation. 2) Mandatory taping of all investigative interviews. Investigators must be required by law to conduct each investigation based solely on the facts and must be required not to insert their personal opinion of the accused. To do less teams to invite injustice for the accused and contempt for the law. All interviews should be taped to insure an honest report. Reports must not include statements that suggest expertise in the area of psychology or psychiatry since child protection workers do not have degrees in these areas. Tapes must be available to defendant's counsel. 3) Emphasis on removing on accused, instead of alleged victim. It would be less stressful on the child, if the alleged perpetrator were first asked to leave the

home during the investigation. Also a mandatory time schedule for the investigation must be implemented at the outset so as not to abuse the rights of the accused and the alleged victim by needless separation from the family. 4) Placing children. No child should be placed in foster care when the parent or parents can offer an alternative placement. If removal is the only solution, supervised family visitation must be mandatory. Siblings removed from the home must be kept together unless countermanded by the juvenile court with written explanation. A recommendation by the child protective services caseworker for separation of siblings is insufficient cause for separation. Better training for social workers: If social workers are allowed such unlimited and life-altering powers over us, we believe they should be competent and compassionate enough to handle this responsibility. We demand social workers be required by law to be tested at least once a year on the current child abuse laws, including policies and procedures of their agency. Aware of the long-term severe emotional damage inflicted upon innocent children and innocent adults as a result of over-zealous intervention. In cases where a child is not in a life-threatening situation, and where there is no evidence to substantiate the alleged abuse and/or neglect, the worker must by law allow the family the right to remain together. 6) Representation on task

forces: Any task force set up by the state to better the child protection system must include a victim of the system to ensure representation of all viewpoints and to maximize informational input. We must stress that our input is essential and must be heard. 7) Review Board: We believe a review board is imperative for individuals to air their grievances without repercussion. In our system of democracy there are checks and balances which attempt to insure that the inherent power of government does not corrupt their purposes. Child protection units cannot be exempted from these checks and balances. 8) I suggest that the legislature be able to annul administrative regulation.

SENATOR COGHILL:

Well, Dean I can't agree with you more on that last one, but the Supreme Court has kind of boxed us in on that one. And I think that we'll be able to do that. We certainly want to thank you for your well thought out presentation, and Dean if you would please submit that either to the moderator there, or send it to the Legislative Information Office here in Anchorage at Suite 520. Because you've got some good targets in there and we need to look at those. Thank you very much for your well-thought testimony for our task force. And what we're going to do for the people in Soldotna, we're going to continue with the

teleconference for another half hour, and we want to go back now to Margaret in Soldotna. And who is your next witness to testify?

MARGARET:

I have Junetta Call.

SENATOR COGHILL:

Okay. That would be fine.

JUNETTA CALL:

Okay. I am Junetta Call and I am a grandparent with no right concerning my grandchildren. We have been told we have no visiting rights and at first Lila McNutt worked with us and then when Elizabeth Allen took over, she took all of our rights away from us. Our grandson was staying in a foster home and they opened their home up for bed and breakfast. They put the boys in a room over the garage, which had beenby Lila McNutt, those were living in a camper in front of the garage. They were the only, the camper was the only one that had a bathroom in it. This was also okayed by Lila McNutt. I have been to court with my daughter. The public defender does absolutely nothing. He sits there on his you know what and the judge then says what he wants to, cause he has no idea whats going on. Now we can only see our grandson - our grandson's father came

and got him and took him back to Oklahoma. Now we can only see our granddaughter once a month for a 2-hour period under supervised visits with the exception of birthday, Christmas and Easter, which we are allowed to pick her up at a specified place, for a specified time, and its usually a couple of hours or three. Usually Christmas we have her for about 3 hours. Thank you.

SENATOR COGHILL:

Thank you very much Junetta. Is your husband Ed - is that your husband there also.

EDWARD CALL:

Yes. This is Edward Call. I am the grandfather. I just want to reiterate a little bit. As Justin Delong, his father has him in Oklahoma now, had his front teeth knocked out in his foster home by the foster home's boy. To this date the state did nothing about it. I think that they took Ruth out and as far as I'm concerned and other people concerned, they should be responsible for this because he's been damaged for life. There'severy time we tried to do anything or talk with this McNutt at this local office, our hopes would just get smaller and smaller and smaller. I have spoke to our local senator, our local representatives. I've talked to his assistant two or three times, my daughter was with me. And we brought it out

and every time we tried something, the hopes would get smaller and smaller, down to a point we had no rights whatsoever. And like I say, this foster home that the boy was living in, Lila McNutt authorized for them to be just 200 foot from the residence in a garage apartment with no facilities and the wife and Dustin,....when we picked him up. The subject came up and the wife asked him well where do you go to the bathroom. Well, you know a 8-year old boy, well we hang it over the side. ...and the wife said well No. 2, what about that. Oh, they go down to the slide-in camper that's down in front of the garage and run the girls out so they can use it. And that's when I started to complain to the local office. The hoops got smaller and smaller right down to it. She read the riot act to us there and on down the line just like she was reading it out of a book, and we have had no rights whatsoever. Thank you very much.

SEN. COGHILL:

Thank you very much. We'll see that your constitutional rights are restored Ed. And that's what we're all about. We recognize that we have two in Fairbanks to testify. We're going to stay with Soldotna. We've got two more, John Bowen and Willie Mae Bowen, and we'll take them one...John first and then we'll head up to

Fairbanks. Welcome to our program and our Task Force John.

JOHN BOWEN:

Thank you very much. Yes, my name is John Bowen and I'm with the Alaska Family Support Group. I believe that Civil Rule 90.3 should be abolished and in the event that it cannot be abolished, I believe it should be amended to include the total income from all sources of the custodial parents house and the effects that the child support has on the non-custodial parent's household. We have currently have a situation where the custodial parents receives as much as a third of the non-custodial parent without any regard to non-custodial parent's obligation or lifestyles. Consequently they are a secondary household financially burdened doing without, while custodial parents are reaping a substantial financial gain. I believes this also entices the custodial parent to _____ in the non-custodial parent and the grandparents that may be involved. It is my understanding that 13 states have adopted the total household income concept to relieve this problem. Let us not forget that money is a very powerful influence and it has corrupted many, including the most elites. I don't believe child support should be used for profit or punishment by one parent over the other. It should be used to support the children and

each parent has a shared and equal responsibility in child support. My ex-wife has lived with her boyfriend since 1983. They have a six-year old child. Before we were divorced, they had moved in together. Together they make about \$30,000 a year more than I do, but I must pay \$828 per month child support. I had full custody of the children for 6 years and received no child support until Civil Rule 90.3 came into effect, which was also the same time that I got her paid off on her property settlement. She had no contact with the children until Civil Rule 90.3 came into effect. Talked my daughter into moving in with them and three weeks later I received papers for child support. My son refused to move in with them and at this time still does. He told me that he had overheard them discussing the issue of child support and enticing my daughter Erica to move in with them. I also disagree with garnishment of wages for child support unless a person is in arrears. I am not a bad credit risk just because me and my wife are divorced. I also have a letter here from Senator Paul Fischer. It says, "Dear Mr. Bowen. Thank you for contacting my office regarding Civil Rule 90.3 as it is related to child support. You mentioned where child support was based upon the income of the non-custodial parent. You also mentioned that in many cases one parent makes more than the other for support of the child often more than the other parent. _____

contributes this situation unfairly. Given the recent Superior Court decision in New York state, the definitions of a family may be in question, and the traditional method for computing child support may be impacted by this. Clearly, when somebody receives child support payment and has live-in partner for an extended period of time, that other person is likely to be contributing to the income of the household. Whole household income should be considered in any child support arrangement. Thank you John for contacting my office regarding this issue. Fairness and quality I feel that we must maintain in our government body. People such as yourself _____ that able to serve the people in this nation. Sen. Paul Fischer"

I'd also like to state the statement that I believe that the state recognizes that the fact that with the additional people or the more people that living under one roof and one household, the operational cost per person of that household is reduced proportionately, but since Civil Rule 90.3 wants 20% for the first child, 7% for the additional, and 3% for any additional children for that, indicates that the state already recognizes the fact that to maintain a household, the more people that are in it, the more there is of shared responsibility of that. My ex-wife has moved in with her boyfriend. She does not pay rent. She does not

pay any kind of insurance toward the house or any kind of utility bill. Thank you sir for listening to me.

SEN. COGHILL:

Thank you very much John. That was excellent testimony. And if you have any of it written why we'd certainly appreciate it if you would send it, or give it to the moderator there, to Margaret. Willie Mae Bowen.

WILLIE MAE BOWEN:

Thank you. I'm Willie Mae Bowen with the Alaska Family Support Group. Grandparent and I back up John's support. I believe that Civil 90.3 should be abolished. In the event that Civil 90.3 cannot be abolished, I believe it should be amended to include the total income from all sources. This , including the income from the spouse and from the live-in partner of the custodial parent's household, and the effect the child support order will have on the non-custodial parent's household. My point is a) money is a very powerful influence. b) I don't believe child support should be used for profit or punishment. c) It should be used to support the child and each parent should share and share alike in equal responsibility in child support. As I said, I'm the grandparent. I took the children in the spring of 1984 after we went through five housekeepers. Erica was at that time 9 years old,

in the third grade at Steers Elementary School. Mrs. Borg was her teacher. Craig was 11, a sixth grader with Mr. DeVito at the Kenai Elementary. There never was any support from the mother, Rockland Bowen, and no visible contact. She bought clothes for their birthday and for Christmas. As soon as school was out in June of 1988, there was lots of phone calls made to Erica. From her mom, from her grandmother, and from her aunt and from her cousin. I believe this interest from the mother was due to the Civil Rule 90.3 becoming into effect. Thank you.

SEN. COGHILL:

Thank you very much for your testimony and if you would give whatever written testimony or documentation our record will be open for one full week, a week from Monday and then we'll have to start correlating and combining so that we will be able for our September hearing. We're certainly appreciative of your testimony and your support.

SENATOR PAUL FISCHER:

Senator Coghill? (Yes) This is Senator Fischer down here in Soldotna.

SEN. COGHILL:

Well hello there Senator.

SENATOR PAUL FISCHER:

I've been here this morning. I didn't get a chance to cut in once you started talking didn't give me any room and therefore I got cut off.

SEN. COGHILL:

Well you know me.

SENATOR PAUL FISCHER:

Senator I do want to say one thing. I really want to thank you for having these hearings because at least from down in this area, I think the people are satisfied to at least see some start being made to correct some of these abuses that are out there. And I do have one special request, hope you can honor it. There's a Larry Poage here and then he has to go somewhere else. If you could just take his testimony, I'd sure appreciate it.

SEN. COGHILL:

Okay, we'll do that and we'll stay on line with Soldotna. And Paul are you going to come up here tomorrow?

SENATOR PAUL FISCHER:

I'm going to try. I'll give you a call after the teleconference today.

SEN. COGHILL:

Alright good. Okay, let's have that one more then we have two waiting for us in Fairbanks and one more waiting for us in Mat-Su. So have your other person come on line. Give us name and address and cut the testimony as short as possible.

LARRY POAGE:

My name is Larry Poage. Post Office Box 2138, Soldotna, Alaska. I'll make it real short. I had a son taken into custody of the Department of Youth and Family Services. They used part of the state law, a child refusing available care. The kid ran away from home, ran to them on the advice of other kids, and the state took that kid into their custody without any face to fact contact with myself the father, or mother. Kept the kid in their care for 3½ months. It took a lot of legal hassle, a lot of cost on our part to fight this. I'd like something done in the area of making the state support family units, not try to tear them apart. This has caused irreversible harm as far as not keeping the family together. I don't think the state ought to be able to take a kid out of the home unless there is some sort of proven action of abuse or neglect or sexual abuse or something along that line. Not just because the kid wants to leave. I'll cut it off there. Thank you.

SEN. COGHILL:

Well we certainly appreciate it and we don't mean to be cutting you off on it. If you have some extra thought on it, if you want to give us some written testimony on it, we'd certainly appreciate it that because we've been hearing stories all day that the state is like the fire department that has gasoline in its tank instead of water. And when it responds to a call it inflames the situation rather than rectifies the situation. So we're trying to get to that and we appreciate your comments Larry. And now let's go to Fairbanks. And Annie, do we have Mary Matthews with us.

MARY MATTHEWS:

This is Mary Matthews. Can you hear me?

SEN. COGHILL:

Yes we can hear you loud and clear. Thank you very much for testifying before our task force.

MARY MATTHEWS:

I'm the Executive Director of Women in Crisis Counseling and Assistance, which is a shelter for battered women in Fairbanks. And, I'm in disagreement with some of the testimony I've heard. I'm especially concerned about some of the comments made, I believe out of Juneau, about what happens in shelters with victims of

domestic violence and some of the statistics given about physical abuse. I myself read pretty carefully and thoroughly the literature which comes in the national journals and my information that I have based on national studies is that while there may be some reciprocalness in terms of emotional abuse, when it comes to physical abuse, 95% of the victims in physical abuse cases are women. And, but frequently when women are physical abusive towards men, its in the interest of self-defense. I think those studies recorded out of Juneau need to be looked at pretty carefully. I, our shelter sees approximately 700 women a year, either for shelter or counseling or for support groups, about 300 children and about 250 men in our batterers program. And I want to make some comments just based on what I see as being general. I don't have any specific anecdotal stories to tell you about particular women's cases, but I do want to tell you generally what I see happening to a lot of the women who come to our shelter. Usually when women come, they come because they need a safe place to stay. They leave their family home. Often attire, sometimes they arrive in their bathrobes. They don't have their purse or keys with them. Often they are not the income earner at the home. The accounts are not in their name, they're in his name. And this is the situation for a lot of the women we see. Some of these women of course return to

the relationship and sometimes they decide they will get a divorce. And essentially the same scenario exists for a lot of these women. And I think you probably, I hope you've seen the very reliable research that's been done on what happens to women in men's economic status after divorce. This is I believe Alaska-based research and it shows clearly, and its consistent with national research too, shows clearly that after a divorce women's income goes down and men's income goes up. I think when it comes to child support, what we see is many of the women are not getting the support that they need. Again, I think that you can just look at straight statistics without listening to the emotionally impacted stories, which is that most men do not pay child support, and that the higher the income level of the father, the less likely he is to pay support. The women that we're seeing are often low income women. They're often raising several young children. They're often living in sub-standard housing....end of tape 3.

MARY MATTHEWS: (Continued)

...just to maintain. And when you have that kind of struggle going on, its really not possible to become a political activist. And so these women aren't out testifying at these meetings. And I think that its too bad. And I hope that your committee will do some active soliciting of these stories to provide some balance to the stories that you're hearing today. I know personally one case of, one case here in Fairbanks where a woman has four young children. She's been divorced for three years. She has not received a cent of child support. Its over \$50,000 in arrearage. There seems to be not much that can be done about it. There's quite a few manipulations and shenanigans going on by the Dad to avoid the payments. She has a daily struggle to put shoes on her kids feet and to put food on the table. And I have heard her tell about that struggle. Its very real. And if she didn't have to put so much of her energy into that struggle, she could be here today to giving testimony. I guess I'd just like to say in closing that I would hope that you would actively solicit testimony from the Alaska Council on Domestic Violence Assault and from the Alaska Network on Domestic Violence and Sexual Assault and from _____ and from these women so you get as much testimony as possible and you can really make informed decisions about this support law. Thank you very much.

SEN. COGHILL:

Thank you very much Mary for your testimony. Yes we are. We will be doing that. We do agree with you that there are an awful lot of people out there that are not getting child support and of course that is one of our goals is to enforce the fact that equitable child support will be forthcoming and we'll see how that's all put together. We would like to have you solicit to those people that you of course are in contact with to please have these people either come forward with their written testimony. We're going to hold the testimony open until a week Monday, and then of course we're going to have subsequent hearings. And we get down to those targets, we hope to be able to have one in Fairbanks where we can get in contact with your people. And I know you're with the program very well and very supportive of it. So thank you very much Mary. And now we'll take Clyde Phipps.

CLYDE PHIPPS:

Can you hear me? (Yes sir, we can hear you.) Okay. I'm Clyde Phipps and I'm speaking about the third time. I'm connected with the, looking for the name, Alaska Family Support Group and Dads and Moms both and I appreciate what the lady just had to say cause we're not, I'm not particularly interested in eliminating child support and I am very much in appreciation of the

fact that there are many cases where the people have not paid. Senator Coghill, I'm glad that your into this. I don't whether you remember me not but I did signs for you a couple of years ago. And I have had to come out of retirement. I'm 68 years old. I have a 11 year old son and I've had to, just last night, a meeting with a gentlemen, Mr. Strupe from the Wasilla area Family Support Group, but I was amazed to find out how the Child Support Enforcement Agency gets an equal amount of money from the federal government to collect and that's the only purpose I found that out a long time ago when I talked to my caseworker. I think her name is Pat Crenshaw. It gives them a lot of stimulus to collect and there's no adjustment procedure. That's what I was told. Then I hear rumors about cases where the people have gone back to court and I was advised by one party here in Fairbanks to be ready to spend \$4-5,000. Well I'm already well below the low income level. I get the longevity payment which is \$250.00 and I get a \$252 from the VA, as I'm considered a handicapped veteran, just for the reason I'm 65. I was sent there by Social Security supplemental, and they in turn cut me off. I went back to work and I made \$35 a week playing music 3 hours a day on a Friday and the company I worked for charged me for 12 different people on their income, so my rent automatically went up. The VA office came back and said I owed them a rebate of

\$400 and some dollars, which I appealed. And the hot water I got into in this paper chase was that I was cut down and I didn't have any recourse but go back to work. And I'm glad I did cause I am totally convinced that its going to take a long time with all the effort we can put into to it for the legislature to get this thing ironed out. Its very complex. My own case is just a little drop in the bucket compared to what I've been hearing today. And if we can get the children to be protected. I've had to pay the \$250 a month, which I didn't even go to court to try and get it changed during the divorce. I had a lawyer and we just signed the papers and she immediately kept my son from me for 5 months. Well then all of a sudden she got married and had problems with alcohol in the home and husband had to spend 30 days in _____ and then lately he got a DWI and she hasn't been able to keep my son at all for the last 2.5 years. I'm still paying the \$250. Its automatically, after I paid \$1400 and got it up to date with my onetime payment social security. They garnished my social security and that payment goes directly to her and I'm supposed to make up the difference which comes to about \$67 a month. Recently when I realized that I'd been keeping him full time for two years and paying for all his clothes and I just yesterday told her that she's going to have to watch him for at least another month or two because I need some time

to adjust my income to be able to keep this thing current. They'll take my dividend checks again this year, or at least most of it. She takes his dividend checks and she's habitual into bingo and never really comes....there are check charges for one month that are astronomical by her words and I know where she plays bingo. And I'm not against her playing bingo, its just she doesn't have time to look out for my son when she does that. And he calls and he doesn't want to be there. He's nearly the age where he can talk to the judge himself. I have to go on poetic justice cause I can't get it through the court system. I cannot afford a lawyer. I've had somebody volunteer to type a motion for me and try it. The amounts that I've paid so far has added to probably about - 3-4 years at \$250 month, I've got it written down somewhere -I lost track of my continuity here. But it adds up to a lot and yet she's still borrowing money from me on the side. I can't get credit for it. Occasionally I get some of it back. But its gotten to the point -what I'm leading to here, with all of this frustration, the trauma is passed on to my son. And he's developing a hate for women and its getting to where he wants to take a hammer and break toys. He wants to be destructive. And I've to get her to admit to some therapy or group therapy or whatever. And she says I don't want any help. I'm not an addicted gambler. My husband is going to have to

pay for lawyers to get himself out of this mess. And its a good thing I moved close to the school because I can see that he gets there and look out for him. Its a one-sided situation. I have no recourse. And I'm just lucky that I have a trade that I can go back out on the street and start working. I'm not making much money, but at least I made enough to where I'm beginning to pay my back rent and get caught up. I thank you for your time and I hope that this thing will work out in the next session so that we can get some action.

SEN. COGHILL:

Thank you very much Clyde for that excellent testimony and yes, we, that's what we're trying to do is to get this all on public record so that we have a comparison of stories. And you testimony was well taken. I'm going to now go to Mat-Su and we have a Kevin Delaney that wishes to testify. And then we're going to have to go back to live audience here in Anchorage because we're backing them up in order to accommodate. And tomorrow we'll have teleconference at 10-11 and in the afternoon if it is so desired. So would you now, Kevin, come forward and give your testimony.

KEVIN DELANEY:

Good afternoon Senator Coghill. My name is Kevin

Delaney and I'm a non-custodial father of an 11-year old. I've been divorced for 7 years. I now have a new family with 2 daughters, ages 4 and 2. I've always paid my child support. I've always paid a fair amount. Three years ago I underwent the modification in my child support to become consistent with 90.3. I was upset at that time that my support changed without a significant change in circumstances either on my part or my ex-wife's part. Of course no consideration was made of the income or assets of my ex-wife. No consideration was made of the fact that I paid a significant amount of child support and was not in arrears. So I looked into it. And I found out from the Child Enforcement Division about 90.3. I went to the court system and talked to him and found out why they would act on the behalf of my ex-wife - the state calls it on behalf of my child, but nonetheless its at no expense to the party that's opposing me. And I went to the court and talked to the justices there, right up to the court rules attorney and of the supreme court. They all referred me to the Child Support Review Committee that was undergoing a review of 90.3 at that time. So, because I believe that you don't have a right to gripe unless you take the time to learn and to participate, I went to the meetings. And you know what I saw at that first meeting? I saw all the same faces that I'd seen at Child Support Enforcement Division, at the courts,

and at the Department of Law. What I saw was the worse case of bureaucratic inbreeding that I've ever seen in my life. How in the world could a review committee made up of the very people that implement the law expect to get a fresh opinion of the law. I asked why isn't there a non-custodial parent on the review committee, and they told me that Chief Justice Matthews didn't appoint one. So I wrote a letter to Chief Justice Matthews and asked why a non-custodial parent was not on the committee. In fact, I said that I would study the information and I would be more than happy to volunteer to be on the committee. I was told no, that that wouldn't be necessary that had all the information that they needed. In spite of this, I attended most of the meetings and testified when allowed. Ask am I satisfied with the present system? The answer the no. There's no such thing as a perfect law, but if the government is going to tell me that my second family doesn't play any part in the calculation of my child support, regardless of my ex-wife's assets and her income, that the state's going to say that they can't deal with the issue of visitation regardless whether I'm up to date on my child support and a very good father. If the state's going to tell me that I can have my daughter through visitation, but if I have her more than 30 days that I still pay 100% of my child support to my ex-wife, getting no credit for periods of

extended visitation, then I want to be able to vote for the people who say it. I want 90.3 to be adopted as a state law so that I can continue to work within the system as a responsible non-custodial parent who wants to see his children, who wants to them to be fairly taken care of and wants to be fairly treated himself. I want the state to adopt 90.3 as a state law, not to come out of some finarcky judicial committee that's untouchable to the public. And I'd like you people to take that up in the next session, and I thank you very much for taking the time to listen to me. That's it.

SENATOR COGHILL:

Kevin, are you done?

KEVIN DELANEY:

Yes sir, Thank you very much.

SENATOR COGHILL:

Thank you very much for testimony, and would you mail in, if you've got written testimony or back up to it. Would you mail it in to the task force, we'd like to have it. Because I think that you've hit on two or three of the points that we have. Now what we're going to do is we're going to close off the active teleconference. You can still listen and we're going to go back to our people that we have here in

Anchorage. And the first one is David Gurican. David? And then we'll take Bill Flemming right after you get done, David. David, welcome to our task force. We appreciate you taking the time to come and testify.

DAVID GURICAN:

A little history. My name is David Gurican, you said that. I live in Girdwood. I've been involved with this court's process to have a relationship with my son going on 4½ years. I've been through pretty much all of the steps that you go through. And since April I've _____ and the courts. A little history on my relationship with my son's mother. In January of '83 he was born and in February of 85 I moved out. In August of 86 we went to court. In court she said he wasn't mine and three months later she said she made a mistake. In August she rejected my child support that I had been paying for a year and a half and went on welfare. Two years later I got a bill from welfare or from CSED for \$16,000. And that got settled and one process through that was they told me that yes, its the wrong amount and yes we expect you to pay it. That's settled now. The courts process is _____. What they do is they put you through a custody investigator's office which is tied to the court system. The judges kind of oversee that. In the custody investigator's office you fill out a questionnaire that you give to

the friends and relatives which is a pretty lengthy questionnaire. And the custody investigator reads these and talks to individuals. Comes up with a recommendation to the court, and the courts 90% of the time follow those recommendations. The problem with that, and I talked to Artis Crys about this and told her that there is room for change in her system. Cause the custody investigator listens to individuals of each party and close, all it is their friends, and people do have a tendency to lie. You do have a chance to argue against the custody investigator's recommendations, but 90% they go with, the courts go with their recommendations. We did finally get an order that I acquired some normal visitations. My cost of that was about \$15,000. Now you have a court order that you developed and it took a couple of years to develop it and the violation of a court order is basically rampant. There's nothing that controls the violations or punishes for violations unless its an excessive amount, and therefore the children suffer because its an excessive amount. And to give you an example. In Christmas of 89 my guardian ad litem had been involved since August of 89 and I told her that I would like to take this issue before the court because Ms. Smith, my son's mother, said that she was not going to obey the order and not produce my son for my Christmas visitation. She knew that I had a family reunion in California and

she knew exactly what was going to occur. The GAI told me that no, we won't take it in front of the court, it sounds like you want the judge to say that she's a bad girl. What my attorney did for me was he got me an order to enforce order. That cost \$800. An order to enforce order. And that didn't make a lot of sense to me and I had a hard time understanding that. What occurred, and this really is disgusting, a writ of assistance was signed by Judge Carlson and I took it to the Palmer Police Department and we proceeded to look for my son so I could maintain my visitations for Christmas. Two nights had passed and I spent each night looking with the State Troopers. We visited one house and _____ called Judge Carlson at home on midnight Christmas Eve and asked if he could search a home that I thought my son was in. He said, Carlson said you could search any home that you believed the child's in. _____ I had a lot of power there. I mean I didn't abuse it. I didn't search unnecessarily, but we did search her boyfriend's home and he wasn't there. Um, the third day the Troopers said that you need a bench warrant for her arrest. I informed my attorney and he said well we have to notify her first before we do that. I notified the GAI and she contacted the Mat-Valley and her friends and family and informed her that there was going to be some form of warrant. She did bring Stephan to the police station. The trooper

went out and administered the writ of assistance and he almost arrested my son's mother in front of him. Stephan almost witnessed his mother being witnessed. I think what that inflicted on him was uncalled for. It could have been solved with the guardian ad litem presenting the fact that the order was going to be violated and presenting it to the court. Now I want to talk about the guardian ad litem program administered by the Office of Public Advocacies. In September of 89 due to the fact that my son's mother (and I have this habit of referring to her as that) continuously went before the court and made allegations. Judge Carlson said a GAL was necessary, extremely necessary in this case because of continuous allegations. Opa~~n~~ was appointed because neither parent could afford an attorney for my son. What I learned about the Office of Public Advocacy's and the guardian ad litem program is that Deputy Public Advocate Jay McCarthy hires special contract non-attorney and attorney individuals to perform the duties of guardian ad litem. This case didn't involve abuse of any form as far as the necessity for one, but its just the mere fact that Ms. Smith could continuously create allegations. Judge Carlson, upon him ordering the GAL, said when the GAL is ready for recommendations to the court, they are to give notice for a hearing. I found a statute, an Alaska Statute that states that upon an appointment of a GAL

they'll limit their duration and give them specifics that they're to do that pertain to the case. Judith M. Rich, doing business as Guardian Ad Litem Services, Inc., was put as my guardian ad litem. I learned that I was her first contract case. She had been a private ___ case on a volunteer basis. I learned that she had limited training and limited supervision. I informed Ms. Rich that my son's mother had committed welfare fraud, and she said yeah, who turned her in. I told her that my son was not in a child restraint seat for over a year. She said I should have bought her one. I told that I did that there were no seatbelts in the car. And she said that's not an issue. I called Jay McCarthy. I asked for her removal. He said they lacked the funding. Now Mr. McCarthy, if he's listening, has told me since that he did not say that. I did go to the Ombudsman's office right away and its on the record there the history of what I'm saying. What I had was an non-attorney performing duties of an attorney. And I found I statute that says that's not occur. Limited training, I would say lack of experience in certain areas, and I was told by Brant McGee and Jay McCarthy to talk to your attorney. Have her removed. I wished that they removed her. They put her there. They rendered a contract with her. The state's paying her. They should take the responsibility and remove her and especially if there's a possibility of conflict

of interest. Her husband Vincent Vitale is the Chairman of the Judicial Conduct Committee from what I understand. That could possibly be a conflict. And my current girlfriend at the time was teaching Vince Vitale's son and she had priorly taught Judith Rich's son. I thought there was a possibility of conflict there. Mr. McCarthy disagreed. 11 months passed. Several hours of me trying to protect my rights and my son's rights. What occurred in February of 90 was a report to the court. The report to the court defaminated my character and accused me of false doings and did not cite facts, but in fact covered up my son's mother's acts and created scenarios that didn't exist about me. She had the power and the ability to go into files, in CSED files, and remove certain things from the file and paint a half a picture. I talked to several attorneys. Consulted with attorneys. I was told that I would need \$20-30,000 for a psychologist to get involved to disprove her report. I was told that I have some serious problems. And its believe the courts believe the guardian ad litem. A guardian ad litem is a person that the court leans on. They need that input to render a decision concerning visitations or custody. So I prepared to argue Ms. Rich's report. What I had to do was subpoena to appear two troopers and a police officer, a principal and a teacher, a counselor and numerous friends - approximately 20 people. On July

24th of 90 it came out in court that Ms. Smith was, had been in Vince Vitale's office about 12 years ago and therefore I considered warranted a removal of Ms. Rich in my case. They removed Ms. Rich and her report in July 24th. The Deputy Public Advocate recommended to the court that a GAL be appointed and his duration be 5 weeks, a month and a half. And I talked to Jay about that and said well I said I just had a GAL involved for 11 months and now I have one for a month and a half. How can the job be done, or are we duplicating the process or was Ms. Rich time unwarranted or why. He said they lacked the funding. They can't afford it and they don't have the personnel. Now I guess I kind of get off that a little bit and come to something that I've concluded. When two people disagree and they hire attorneys and they go to court and they want a decision for custody for visitations, they have to argue. And its been called, you go into court and throw mud or you fight. And whoever throws the best the mud wins, basically. And what I've learned is that perjury carries no weight in the family law system, in the family court system. Its expected and its condoned in my opinion. I met with my new GAL yesterday and my son's mother was there and he was chastising me for arguing and told me that this argument needs to stop and that he would go to the extreme of putting my son in a foster home to see that he's protected from this

argument. The very argument that was created when I first went to court and the system expects you to argue, I think that the less the courts have, the less power that they have in rendering decisions on families, the better off families are. It doesn't work, especially when they condone perjury. I think that's enough.

SEN. COGHILL:

Thank you very much Dave for your testimony. And if you have written testimony we would like to have you submit it to the office. We will hold the record open for one week Monday, Monday for a whole week. So if you wish to add anything more to your testimony or to submit written testimony, please submit it to Kathleen Putman here and we are in the visiting senate's office, Suite 502. Thank you very much. And now we'll go to Bill Fleming. And we really appreciate your patience for allowing us to be able to extend the teleconference on. In fact we still have people that want to testify in teleconference. But thank you very much for taking the time to come down and share your thoughts with this task force.

BILL FLEMMING:

Its okay I've enjoyed hearing the others also. I want

to tell a little bit about my experiences. I have twin daughters, age 7. Their mother and I had a dissolution in 1987. I've got the paperwork here with me. The judge was Peter Michalsky. Joanne and I were able to agree before hand on what we thought would be a fair equitable arrangement. Our plan was that each of us would have the girls half the time, 50%, and that we would try to share the expenses of raising our daughters 50-50 right down the line. At the time we made this agreement, it seemed like the only fair thing. I mean really think about it. What could be more fair, right. So, now its three years later and three years down the line I can't even begin to say how beautifully this arrangement is working. Its working three ways: its working for the girls and for both of their parents, for their mother and for myself. My daughters are thriving. The school teachers have praised their work constantly. They're good learners. They are socially well adapted in the classroom. They are emotionally mature. They physically excel and in every way they are just a constant delight to be with. They turn cartwheels, they climb they run, they are all over the place. And example of what they can do is that Sunday we went on a 25-mile bike ride and they, which they enjoyed very much and I think was quite a feat for a 7-year old. And also the arrangement seems to be working for their mother, who of course I can't speak

for, but she benefits because I have them half the time so if she wants to go out she doesn't have to find a babysitter, and if there's some emergency like sickness, then I'm there to help. If there's some unexpected expense, then she knows that I'll pay for half of it. Also because the girls are happy and emotionally stable because they have access to both their parents, then for this reason she's able to enjoy their company, you know, they're just fun to be with. So she benefits at least in those ways. And then finally myself for me I benefit too. Now I've seen it both ways. I've been divorced twice. The first time I was divorced, everything that was valuable to me was stripped away, you know, my family, my sense of parenthood. I was ordered to pay child support through the Child Support Enforcement Agency, which my first wife had not even requested. This was in '77 but I agreed to pay a minimal amount. And at that time I didn't even think about having joint custody, or I thought about it, but it wasn't a very common thing at all. Went through a process of being treated like a criminal, you know with the threatening letters, even though I really wasn't in arrears, but every month there was as threatening note which accompanied the receipt for the thing and I was told that I would have to report in person to pay in cash and so on and so forth, which I totally ignored. And I spent many months of tears and

depression and anger in 1977. And so I know sort of what I'm talking about. I can see the comparison of the two methods. The two arrangements. Today I'm too busy for anger and depression cause I've got my daughters. I'm an equal parent. I'm a responsible parent and therefore my self-confidence and self-esteem are high. I'm not receiving any threatening or belittling letters from any state agency. And I have a job, and that job is to guard the children from danger, to bring provisions, to maintain shelter, provide leadership and love for them. Now I enjoy the company of my daughters. The house of full of fun and frolic, and rather than being a dead atmosphere its alive and happy. Also I'm financially comfortable, not wealthy, but I get by fine. And one of the reasons is that I don't have to pay out huge sums of money for child support. Sure it costs money to raise kids. But I can guarantee you without a shadow of a doubt that it does not cost 28% of my income. I can tell you that for a fact. And it never will. And who ever thought up that figure should have another think. You'll never figure out the cost of what it is because we're a unit. We live together and everybody contributes. The cost is not important. Its because all of us are giving and receiving together. Who knows. I'll never know what it costs, I don't even care. And finally an advantage to me is that I half of the time to myself. I have my freedom when I

need to. I can go out, I can go sailing, have dates, all kind of adventures. And I can do this without guilt. I know that the girls are in safe hands and that I've earned some personal time. I've done my job. Its my time to have off. So in conclusion, my belief is is that the public would be greatly served if our system encouraged this kind of a mutual sharing. And I don't think it takes a genius to see that if you treat a parent, parents equally and with respect and honor their parenthood, that everybody is going to benefit. If you single out a person as a villain, treat him like a criminal, strip him of his sense of parenthood, garnish his wages and so forth, then you're punishing everybody. You're punishing society as a whole in the long run. Everybody loses big with that plan. The choice to me is as plain and night and day that joint custody and shared custody should be the rule and not the exception. Now the only remaining thing is the implementation of this, and I know that is not commonly accepted as the way that it should be done. People say it won't work because, you know, that ex's don't get along together. And you're probably thinking that this is just one rare case where it does work. But I don't think that's true at all. I think that if it were made to be the rule and not the exception, that the implementation could fall into place through education and indoctrination so that it could work. Just think about

it. You have to deal with all kind of people that you'd rather really not, you know. You got the IRS, you deal with them right? And you can deal with your ex-spouse in a business like way. It can be done. And the only remaining thing is that the courts need to start encouraging this rather than discouraging it. I know they discourage it and I don't know why. As you deal with your ex-spouse, any kind of past personal intimacies become less and less important because you become inured to the new situation and you deal on a business like way. And that's all I have

SEN. COGHILL:

Thank you. I think that you've added an awful lot Bill to the hearing because mutual trust is one of the things that we have to look for and that bring the children into the center place and make them the concern. I really appreciate your comments and if you have any written testimony and written facts of it, why our record is open for a week. Now we'll go to Dennis Lazarus. Dennis, welcome to our task force and we appreciate you taking the time to testify.

DENNIS LAZARUS:

Thank you Senator. I am an attorney. I'm not here for any specific client or any specific group. But since my, I've been a member of the bar association for over

25 years, I have observed certain things that concerns me about the system of, that is in place with domestic relations in our state. Mr. Flemming's testimony I think was very relevant and I think has a lot of validity to it. I think that as a parent, a parent should have certain responsibilities and certain rights, whether or not there is a divorce or not. Or whether or not the parties are even married. I think that the legislature should attempt to remove the advocacy from domestic relation proceeding as pertaining to custody. I think that they could establish parents' rights, children's rights, and parents' obligations through statutes which would basically remove the advocacy proceedings in custody cases. Matter of fact, I would be in favor of doing away with the term custody and placing it in the terms of parental rights and parental responsibilities. I think that every parent is responsible and should be made accountable for the care and nourishment of their children, whether or not they be married or divorced. But in such a case, I think that it would be in the best interest of the children if they are placed in a situation where they still receive the benefits from both parents. And that in order to receive this the timeframe that the children must be with the individual parents, if practical, should be 50% of the time. A parent should not be able to waive their

responsibilities toward their children in saying that the other spouse should have the care, custody and control of that child, and you take care of the discipline, the problems of that child, and allow me to have the child on the weekends and have fun. The parent should have to face up to these responsibilities. There are certain circumstances in which actions or lack of actions should not be tolerated and certain exceptions could be placed into the statutes where these could be handled under an advocacy type of proceeding. What has happened basically in the provisions for the division of property has been that you start with the premise that each party is entitled to 50% of the marital assets. If this is inherently unfair, then non-marital assets can be.....If there is something extraordinary, then that can be dealt with. But you start with the premise that each party is entitled to their children 50% of the time. I do not think that as far as support is concerned, there are instances where one party earns more money than the other. And to just say that support for the children is a 50-50 proposition. I don't think that is quite correct. But there can be some adjustments for that, but the income of both parties should be taken into consideration, and basically from all sources. I think that under our present system of determining custody, that it is unfair. You have a situation in which a

mother is not awarded custody of the child, there is a stigma on that mother that she has done something wrong, is not a fit person to have the custody of her child or children. That is wrong. The fact that a father may not be able to get custody of the child when he has done everything to be a good father, a good parent and wishes to continue in that role and by the court decision is not allowed to do that because sole custody is awarded to his spouse. And this is why I have brought up the responsibility theory and the basically the bill of rights of each parent and the rights of the children. Thank you.

SEN. COGHILL:

Thank you very much Dennis. I think that you've hit on a very strong nerve there and I would appreciate it if you have any written testimony to go ahead and to help us out because we've got a big job ahead of us in order to try and do some of these things. Appreciate it. We now have Sam and Kathy Haywood.

SAM HAYWOOD:

First I want to thank you for your time Senator. My wife and I both have brief statements and want to briefly tell our story of a custody matter that we're involved in here. I'll just read from a letter that I wrote. From my perception of the events of 1990 set in

motion by Sandy Martin, I can give you a formula for injustice. 1) Make false statements about child abuse and domestic violence. 2) Hire an attorney who will embellish the truth and then call exaggerated and contrived statements truth and fact. 3) Hire a psychologist who will make the determination that these children have suffered a trauma, not when or how, and then testify by telephone. And this is what Sandy Martin did. She continues to try to manipulate the children and the facts, and somehow she seems to have got help from my attorney. He has limited experience and as the case progressed his tongue became lame, his thought process became uninvolved, and his use of paperwork to help our case became non-existent. Our children were not allowed to speak to us, nor we to them for three weeks because of a trumped up restraining order. Our attorney assured us of a fair hearing would be held June 27, 1990. On June 27, 1990, Master Brown of Family Court, with both attorneys present, with both parents, with both step-parents, and with the children in the court house made these statements. Master Brown asked if the attorneys tried to work this thing out and when the answer was no, he said then as you can see I have a full courtroom and do not have time to hear your case. I was aghast. We had suffered for three weeks and he didn't have time. Our custody investigator argued the case before Master Brown and on

her recommendation Master Brown returned the children to the Haywoods. Our attorney assured us that further false statements would carry no weight with the court. But one week later, Judge Reese signed an emergency order to remove the children from our home again on the basis of false statements. On July 13, 1990, a two-hour evidenciary hearing was held. Our attorney acted like a mannequin. Their attorney used one hour and 40 minutes to present her case and used testimony by doctors on the telephone who said um, and uh at least 100 times. Judge Reese made these statements when asked to place the children with a third party.

- 1) A child cannot be influenced by massive quantities of chocolate cake and ice cream.
- 2) No child has ever been brainwashed by a parent involved in a custody battle.
- 3) Since I'm sure this case will be back before the courts later, I'm going to leave the children with the Martins.

Judge Reese or Master Brown are not looking for the truth. They're not involved or concerned with what is fair to the Haywoods and Martins and they are not concerned with what is best for Anne and Josh. Master Brown acted arrogant and condescending. Judge Reese acted as though time was unavailable to dig for the truth, and since the time was used up, he would make a decision based on statements made by just one point of view and was very strict in stating that time was up and no more statements or evidence

could be presented. He seemed to have very little knowledge about some things. 1) Nutrition and body size of children. 2) Education and abilities of boys and girls. 3) Children's desires and habits. 4) Appearances and actions of children who have been abused and traumatized. 5) Dishonest statements by step-parents. I will say that DFYS and the Custody Investigator have acted reasonable and fair at all times. And I will say that Master Brown and Judge Reese acted like kings who were untouchable, whose decisions cannot and should not be questioned, and like punching out at 5:00 with a clear desk was the evidence of a job well done. Their lack of concern for families and their emotional wellbeing was appalling. Their lack of concern for the truth was nauseating. And the families and the children in Alaska deserve better people to be involved in family law.

SEN. COGHILL:

Thank you very much Sam. Sure appreciate your remarks and we certainly will be in touch with you further. And Kathy...

KATHY HAYWOOD:

I believe justice is not being served in the Family Court System because of either confusion, possibly from too large a caseload, and poorly informed judges,

magistrates and masters. My case involved charges of domestic violence, but Master Brown was able to see clearly with the help of Custody Investigator Ardith Cry, who said in reality was a custody dispute and dismissed the charges and referred to it the custody investigator to deal with. However, Master Brown's initial response was callous and uncaring saying that since the attorneys had not spoken to one another he would not even listen to the case until they had tried to settle it. Since domestic violence charges are brought by the state against an individual based on accusations from another party, I was not aware that a settlement could be made out of court. I also get from my reading of the domestic violence laws that I had the right to a trial by jury, which was never afforded me. A week later the same accusations were presented to Judge Reese who had my children removed from my home again. The accusations were also made to the police the Division of Family and Youth Services the first time, and both the police and the Division of Family and Youth Services dismissed the charges after doing a thorough investigation. In spite of this, when brought before Judge Reese, he ordered that my children be left in the care of a step-mother and father after only allowing my lawyer 20 minutes out of two hours in which to present testimony in my defense. He had the testimony of Jasen Allen from DFYS who said that they

investigated and found no cause to remove the children. Artis Cry did not get to testify because Judge Reese said there was no more time. He claims to be concerned about my children, yet he doesn't care to hear all the evidence. He also seemed to woefully ignorant of what is normal childhood behavior in situations of split families and how children quite often will use the court system to manipulate the adults in their lives. I am only parent and my actions only affect my immediate family, yet I have read numerous books and articles on childhood behavior and how to educate and discipline them. I know which methods are controversial and which are widely accepted and what the evidence is in support of each. However, Judge Reese does not seem to have any idea of what is normal childhood development, physically, emotionally, or educationally. And yet the decisions he comes to affect a broad spectrum of society at its very core, the family. He also apparently needs to read up on the laws a little better since the charges against were on grounds of domestic violence, which in his preliminary injunction he neither dismissed nor addressed. My children were left in the care of their father, because Judge Reese felt by the evidence presented against me that their educational, emotional, and physical needs were not being met adequately. None of these issues has anything to do with the domestic violence charges. Although they

are issues of concern, Jasen Allen and Artis Cry felt that the children's interests would best be served if they returned to my care and were monitored for a time. If Judge Reese is not going to heed the advice of these professionals, why does the state employ them? To sum up, Master Brown, Artis Cry, and Jason Allen all felt my children should be returned to my care. Judge Reese, after listening to a disproportionate weight of evidence against and not allowing my lawyer to complete my defense, made a completely contrary ruling that didn't even address the charges presented to him. I don't feel I got justice from him, not when everybody else that had been involved in the case had made a ruling completely different to his and he wouldn't even allow my attorney to finish my defense. He looked at the clock and said there is no more time and we had other witnesses we were prepared to call, and we weren't allowed to. Some of the other issues I've heard brought forward, you know talking about parents getting along and sharing everything jointly. That's fine if both parents are equally qualified, but what is one parent is a substance abuser or has other mental problems and stuff. My ex-husband has a history of both. And what if one party chooses to use the children as a weapon against the other to hurt them, which is something he has done and threatened to do. He's threatened to take them out of state. He's threatened

to leave the country with them. Not because I'm a poor parent, but just because he wanted to hurt me. So, its fine if you know the parents have decided to split because of differences, but I left my husband because there were mental problems and there were drug and alcohol problems that I no longer wanted to have a part in my life. And I don't want my children to have that in their lives either. These considerations have to be taken into account too. But I don't feel I received justice in the Court system from Judge Reese.

SEN. COGHILL:

Thank you very much for your testimony. If you could write out your testimony and submit it to us, or we can take it off the record. If you have some written testimony, because this is a clear cut case for us to follow through with the judicial conduct counsel as to Judge Reese's actions, because you are assured fair and speedy judicial system, and we would like to follow through. Just, if you'll just give us your testimony, because we're going to have another hearing in September and another one in October and we're going to follow this thing through and see if we can make some dents in this system that really seems to be off track. Thank you very much. We're now...is Mr. Albert here? Mr. Arnesen? Thank you very much for coming before us. I hope you're not going to read all of that.

JIM ARNESEN:

No, I have a short cover page. My name is Jim Arnesen and I'm here to speak about Mr. Carlson and recommendations to change the court system and some allegations I have about Mr. Carlson's handling of family court matters and a big pile of paperwork as just some supporting documentation. Probably start with a brief history. I was involved with a second marriage to a Janet Kowalsky. In the summer of 88 she was requesting a divorce. We had discussions about what to do with the children. I mentioned I wanted joint custody and she wanted sole custody. During the summer of 1988 she went to work as an aide for Senator Rick Ueling and once again she mentioned that she wanted sole custody and was going to move for Juneau for the legislative session. The reasons for taking on such a job requiring travel and separation of the children from their father was only that it was a good career move and good for her future. She never once indicated that it was in the children's best interest, which it was not. On November 3, 1988 I filed for divorce and sued for joint custody. She replied almost three weeks later with three expedited motions ex parte to have me removed from the family home, alleging all sorts of terrible actions and behavior on my part. This was signed by Mr. Carlson. I did not have a chance to address any of these allegations in court. They were unfounded. My

rights were duly violated by this action. There was no substantiation at all for any of these accusations. It was not financially favorable or advisable that challenged Judge Carlson's order at that time. To challenge him only makes him that much more madder and he will rule even more harshly. So I decided to wait it out a little bit. My wife then followed - I'll back up. We got a hold of child custody investigator and she managed to get over 20 affidavits in my support and only 2 in support of my wife. In the courtroom the custody investigator Artis Cry refused to testify as to the content of all of those affidavits in my favor. A child psychologist which I hired, Mr. Al Collins was called to the stand by my attorney and verbally attacked by Mr. Carlson. This was totally uncalled for and not in conformity with courtroom manners. He promptly disregarded any and all information Dr. Collins had to offer. The ensuing court appearances yielded similar results. Any witness I called or any information I submitted was not looked at or listened to. Any words or statements substantiated or not from my wife's side was taken as a word of God. All rulings were against me 100%. In the final days before trial, I managed to get a pre-trial settlement conference with Judge Fabe regarding the custody portion of our separation. I was granted favorable visitation rights, more than could be expected in front of Carlson, so I

accepted a compromise. A few days later at the final trial, Judge Carlson changed Judge Fabe's order regarding visitation and custody to reflect many less days than I was given by Judge Fabe. Then in a most insane and illegal manner he stated that I would pay full child support regardless of how much time I spent with the children, in direct conflict with Rule 90.3. Once again, my witnesses were hazed and verbally attacked by Carlson and their testimony totally ignored. I was verbally treated as saying myself. Nothing I produced was going to get anywhere with Carlson. Carlson is not a judge and this was not court. Once again, the result was a ruling 100% against me with me being assessed everything he could including attorney's fees of my opponent. It was clear to me that I was being treated improperly and what is supposed to be a court and by what is supposed to be a judge. To appeal the entire case was cost prohibitive. However, the portion of the ruling dealing with attorney's fees clearly was an appealable point making financial sense. Carlson clearly violated his duties as a judge when making that ruling. He had full knowledge that his past rulings of the same character were promptly overturned and reversed by the state Supreme Court, yet he ruled once again in error and knowing it. My experience in his court was devastating and upon discussions with my counsel I decided that gaining protection Carlson's

violence was top priority. I filed for protection in the federal courts under Chapter U.S. bankruptcy codes. This put an automatic stay on any further affect that Judge Carlson's rulings may have had on me. I started preparations to appeal to e State Supreme Court. This was about September 7 of 1989. Meanwhile, in total disregard of the automatic stay from the federal courts, Linda Cerro, attorney for my ex-wife, walked through the order walked through the order dealing with Carlson's rulings. Carlson signed the order in defiance of federal law and full disrespect of the laws of our country. This is considered a contempt action, yet little is ever done about it to attorneys or judges. My bankruptcy case is continuing at this time and my Supreme appeal is also continuing. I hope to regain the justice I was denied in Carlson's court. I feel my case is an example once again of the extreme injustice and judicial violence executed by Carlson. The real losers from this illegal and unwarranted action are the children. Of course I also lose a great deal. The children suffer the most from restricted time with their rightful and loving, caring father. The children are old enough to understand this and are extremely upset about it. The children desire to live with me and visit their mother upon occasion only. I would like to take this matter up again before the courts, however my custody order states that Carlson, if

available, will be the judge. There isn't snowball's chance in hell that any thing just and fair can come of his decisions. Therefore, it is imperative that Carlson be removed from the bench in a permanent manner. Resignation will not do it. Please look into this matter and all of those you hear today. We are not crybaby losers, we are victims of renegade judge gone mad. Some of the recommendations I have are as follows. Some marriages do fall apart and divorce is the ensuing result. In many cases there are children of the union. In the past and continuing even now the family unit is forced apart by the court system resulting in broken families. Where two parties cannot live together in a marriage and choose to separate, two distinct family units are created. The family does not break up, it continues. The court system and other agencies involved need to be concerned with keeping the family units strong and alive, rather than break apart and destroy the non-custodial parent to punishing legal maneuvers. Joint custody is mandated and state law is the preferred option and a separation. But the judicial system has rarely obeyed the state law requiring an equitable and fair method of continuing the family units. Joint custody is the only method available today to affect a favorable result for the children of divorce who have strangely been left out of the considerations. With arguments affording to safeguard the

children, they have inadvertently removed from the children their rights to both parents' nurturing care and role modeling. Arguments against joint custody have centered around "it doesn't work." This is a totally misleading premise and most of all a poor excuse. Where are the children's rights considered. When one questions school teachers, daycare centers and other child related groups, one finds out that many children are suffering from lack of ability to see the other parent. These professionals all agree that joint custody is the preferred option. The fact is that children of a sole custody situation suffer most from separation. Sole custody does not work well at all. The same professionals all agree and studies show that children in a joint custody situation tend to be better adjusted and happier than in sole custody arrangements. Children need full representation in the court system to prevent abuses that have occurred. The impact of separation is most critical upon the children. The preferred method of handling these divorce cases is mandatory mediation. At the present, this is not available if one party chooses not to mediate. Mandatory mediation should include full representation for the children so their rights to both parents are protected. This would eliminate tremendous amounts of legal expenses in the advisory process that parents expend to promote their personal opinions. If the

present system of the family court system is not altered, then the participants need to be protected by a jury. At the present and in the past, so-called judges have routinely abused rights of all involved, ignored state laws, and made discretionary judgements not benefiting the family units. Judges should only, should strictly only be involved in family matters and not sitting on or deciding other cases. The present situation comingles cases with criminal and other civil cases, resulting in criminal like judgements against one party. A divorce is not a criminal case. The words of child support need to be modified. The present rule 90.3 does not address an equitable method of determining the obligations of the parents. The income shares method would be more equitable and fair. The present rule is discriminatory and ignores the custodial parent's income or financial wellbeing. Judge Victor Carlson should be barred from ever again serving as a judge in any case, especially cases. His past, inappropriate, and illegal abuses of judicial discretion show his complete and total unfitness for the job. His biases are many. His lack of judgement atrociously unfair, and the unending parade of appeals his decisions have produced show an incompetent man on the verge of insanity. His lack of following the very state laws he has sworn to uphold and base his decisions on are shown to be criminally negligent. His

retirement will not prevent him from coming back to the courtroom to reek more havoc and cost innocent victims their rights afforded under our laws. I would like to see a complete investigation into his cases, and the cases reviewed at state expense to undo much of the criminal acts he has perpetrated. I would support the impeachment of this man from the judicial system. I believe Judge Carlson holds a record for generating appeals to the Supreme Courts, and I also he believes he also holds the record for being overturned and reversed. This is his greatest ability, albeit a poor one, for a person who is sworn to uphold the law and rule in a fair manner. There is a tremendous amount of disorder within the court system. Carlson's review judge, Brian Shortell, can't seem to control this maniac gone bananas and neither can the court administrator, Mr. Snowden. Something needs to be done quickly and decisively to end this carnage of justice. In my court case, some of the very first documents presented to the courts, my ex-wife Janet Kowalsky made mention that she worked for Mr. Uehling. I'm a little bit suspicious about this due to the complete refusal of Mr. Carlson to consider any and all of my testimony, witnesses, evidence or other submissions in my case. It is indeed strange that anything and everything Ms. Kowalsky said or submitted, whether backed by documentation or not, was accepted as the word of God, and all

other information was dismissed. And I filed some memoranda in support of that statement. Some of the allegations....

SENATOR COGHILL:

I don't know what is going on here, but you're fading in and out all the time. Go ahead though. Speak right into it, maybe if you got to chew on the mike a little bit.

JIM ARNESEN:

Some of my allegations regarding Judge Carlson in my case: 1) The expedited motions filed by my ex-wife were signed by Judge Carlson ex parte pretty much meaning without due process. I had no way to fight any of these charges. Granting of these expedited motions where personal safety is concerned if proved to the satisfaction of the judge. This was not the case. Carlson has a habit of signing any and all such motions and perhaps my ex-wife who worked for Rick Uehling might have been a difference in this case, I'm not sure. 2) The refusal of Artis Cry to testify as to the contents of the many affidavits received in favor of me. She instead accused me of somehow influencing all these people to speak in my favor. Ms. Kowalsky, my wife, could only muster 2 or 3 affidavits in her favor. Artis Cry is a child custody investigator for the court

system. 3) Disrespect of Mr. Carlson of my witnesses on the stand, a verbal hazing, critical of professional observations to Mr. Al Collins, a psychologist, who is the recipient of this forbidden behavior from Carlson, he did not allow Mr. Collins to testify in full. Mr. Carlson violated Judicial Canon No. 3, sub sections 3 and 4 in this particular case. On Exhibit 4, page 64 of the trial transcript, shows a sentence there where Mr. Carlson does not understand the matter so he's going to make a ruling anyway and he proceeded to do just that. He makes rulings whether he understands something or not. 5) He changed Judge Fabe's custody order to reflect less time with the children than her order provided. 6) Being ordered by Carlson to pay full child support in total disregard to Rule 90.3 - when one has visitation exceeding 25% of the time, child support is supposed to be calculated at a lesser amount as per Rule 90.3. This was not done. Carlson's division of my pension was in blatant violation of state and federal laws regarding such matters. What happened was basically he gave my ex-wife more than double what was in there. Its pretty hard to imagine, but the paperworks in the pile. Allegation 8) He spoke to me in court and I would consider it libel. It was completely out of order and uncalled for, with no evidence for the remark he made. It was totally false and damaging to my credibility, and the way he said it,

it constituted a guilty verdict without due process, and furthermore, it nothing to do with the court case. It had to do with child support that I pay to a former wife, my first wife, and that's a case in which I pay more than triple the amount of court-ordered child support Judge Carlson ridiculed me about it and then said that he doubts that I even pay it. Anyway, its there in pages of the trial transcript and everything, you can see it. He was once again in violation of Judicial Canon No. 3, Sub section 3 and 4. Exhibit 8, accusatory remarks once again without cause. This would probably fall under the Judicial Canon also. I have a number of exhibits and I believe the last two thick packets probably tell more about the case than anything. Those are my bankruptcy case at the present moment and the Supreme Court Appeal.

SEN. COGHILL:

Thank you Jim. We're going to process our first two days of hearings and then we'll be calling you back. We're going to try and get down to the root of it, and I hope that we'll be able to - we might not be able to rectify yours, but we'll see if we can keep it from happening to somebody else. We're going to take about a two minute break to switch microphones here because we've got some kind of a problem. So we'll just stand at -- and then John you're next up.

JOHN GRAMES:

....and in Judge Carlson's case, I believe that Judge Carlson is sick. He's a sick man. And to give him that much power to abuse and that much discretion and he breaks every rule, rules that established himself, and no one can do anything about it. To get my case out of the way, two years ago I was taken to court for property separation and my ex-wife got 100% and I got zero. And I watched it happen and I tried to, I knew a little bit about Judge Carlson, and I've known for years and years and I taught my kids that there is no such thing as justice and lawyers are liars. And I was about to find out how true that was by experience. And some, you know, its hard unless you have experience just being devastated and you know taken apart and just wasted by somebody, its a very traumatic and its very emotional. And at the very same time my, the person I was living with was in her 9th month of pregnancy and she was in court and Judge Carlson could see what was happening there. So they took all my money and property. I was born and raised in Anchorage, Alaska, and my first years, the Greeks were the ethnic group that built the Alaska Railroad and I was up near Nenana on the railroad. My people you now, came here in 1915, one of the first people in Anchorage, and the it was, this is my hometown. I left in around 77, 1977, 1976 to finish raising my family in a place that didn't have

so much greed and corruption and money grubbing, and I could see the pipeline coming, and I wanted a milder climate and my ex-wife was Canadian so I moved my family to British Columbia and she wanted to go there as well. So, it was I, believe it or not, it was more difficult to lose my freedom than it was to lose all my money and property. On top of that, every single day I have to pay \$83 in spousal support just because Judge Carlson said so and he signed a decree by a law firm that is very powerful by the name of Kay, Coffey, Saville. Dan Coffey is the king maker, he makes judges in this administration and in other administrations. And probably if McAlpine is governor he'll make judges in that administration. And Carlson knows this. Carlson also knows that there is not a dime of money for a men's support group, whether its municipal, state or federal. So once I saw that they could get away with it, it was unbelievable to me. And also in this decree I have to give my ex-wife one-third of anything my parents give or gift me or will me. And its without precedence but now its two years later and Warren Matthews irrationally denied my appeal at public expense, as Carlson did as well, and I mean it just doesn't make sense. If I don't have any money and I am broke, I have to make more than \$83 every day. I have a little kid that was here this morning. I can't afford day care, his mother works. And at the time

that he was born, a month after this decree came down, which has the full weight of the law, and spousal support is like child support, his name is Likos Demetrois Elgasovo. I didn't even dare give him my last name because Carlson ruined my name. And that law firm, and ruined my reputation. And that's the first thing, if I ever get out of this, that's the first thing I'm going to do is give my son, who I love very much, like most fathers that I run into here, I would like to give him my name. My credit is ruined and I was a very free-wheeling person, I was living in Europe. I was trying to import a natural gas dual fuel system automobile that would have been very timely to the oil market. I was living in Europe and in Anchorage, Alaska. I stayed with my family as long as they could till they were raised, but Judge Carlson and the judiciary just ruled my life. I mean there's nothing I can do. So that's why I told Judge Carlson - now Judge Carlson is an interesting person. He does one thing that I recommend of most judges to do and that's - Mr. Hinchey - you know I had a lot to do with bringing these hearings here and if you need to give something to Mr. Coghill here and draw his attention away from what I'm doing, you know I concede to you.

SEN. COGHILL:

John, thank you very much for your testimony he wasn't

drawing my attention away from you. I appreciate your testimony. And if you have any testimony you wish to put in writing, please submit it to us. We'll go to Jack Ryfgul. Jack welcome to our table and welcome to our hearing and we would like to hold it to 10 minutes if you can do it. We have somebody who is going - Jim Colver has asked to testify at 5:00, so that's fine, you've got 12 minutes.

JACK RYFGUL:

12 minutes? From '75 till now....

SEN. COGHILL:

Well, we've published it. We're trying to do things in 10 minutes, Jack but we can.....

JACK RYFGUL:

....in the Supreme Court of Appeals, I try to talk to the Supreme Court.

SEN. COGHILL:

Okay, we'll take your testimony up till 5:00 and then if you need to testify more, sir, why we'll give you time more tomorrow.

JACK RYFGUL:

My name Jack Ryfgul. I no read nor write English. I brought here to Anchorage, Alaska between the lawyer and the judge, not all the judgements, I give you here name of that name. In the statement, in the human rights in Geneva, in _____ in Juneau in 1983 and in 1980 and this government in 83 and 86, _____ in a _____ before Jack Daily, woman she and _____ make me crazy, to sign, and I no sign divorce. Two letters telling me you no sign. If I sign _____ behind me.in 87 or 88,in Washington DC and in 86 I have a letter from Sen. Murkowski he can't find lawyer for me. HeI asked himhe said no comment.....she said Jack Ryfgul, I said yes, she said Sen. Frank Murkowski would like speaking with you. Now with Sen. Murkowski speaking. I said you Sen. Frank Murkowski? He said yes. Thank you sir. What have you had your family, I need find lawyer help me. He said go to.....I go to Ms. _____ at 4:00. She said I can't find lawyer. Tomorrow I go to him....end of tape 4...

JACK RYFGUL: (Continued)

....I know number of what his name, he from North Lebanon....after he informed to baptize her in national in Sacramento, he informed to lawyer to here. After he said to come back to Alaska. I said what I come back to Alaska, this in 86. In 85 I stay in Washington, DC 85 days. Missafter I give book to read it. She sent it to Sen. Murkowski. Him go to....Mr. Morman....he...I informed to him I said you read the book...he said yes. I said give Sen. Murkowski. Two times. After two week again, I sent telegram to Sen. Murkowski. After Sen. Murkowski was there.....come in here andsat down and.....Sen. Stevens in 79, 80.....before 79.....telegram tono help, any justice in Anchorage, Alaska. In November.....ombudsman, she go to....in November....she speak in half hour....she speak....about my daughter...try to kidnap my daughter from here. He no believe.....he like Hitler....and 14 in December.....with me in Court....in December, my lawyer.....no like my appeal to supreme court.....

(FROM TRANSCRIPTIONIST - This cannot be transcribed to make any sense as I do not understand this man's accent or what he is saying.)

SEN. COGHILL:

Jack, Jack, what we'd like, sir, sir, what we would like to have you do, we will put in the record. And what I would like to have you do is to make an appointment Monday with staff and lets go over your file and get it into the record. Monday, upstairs. We'll, you go in and talk to Kathleen and we appreciate your testimony. Jim, welcome to our hearing. We've got, we're getting a lot on the record.

JIM COLVER:

Jim Colver, I'm representing Alaska Dad's and Mom's, I'm the legislative liaison. I just want to just briefly touch on a few issues that are some of our priorities that we'd like to address in the legislature. A carryover from last session - Child access guidelines. Statutes that would establish basic minimum child visitation to threshold if you will, that would ensure the child's basic right to their biological parents to be preserved after divorce. Where we'd direct the court to give them a minimum amounts of time that could be awarded in a divorce case. And that would just be a basic minimum. We haven't come up exactly with the periods of time. That's something that's going to be going on in the bill drafting process prior to the legislature. But, another area of interest for us is dealing with false domestic violence

allegations. In Alaska there is a large problem with false domestic violence allegations, often associated with a divorce, and often a pre-emptive divorce strike. A state trooper estimated that 80% of these complaints are frivolous. Alaska Dads and Moms is very concerned about the process used to evaluate the alleged domestic violence allegations and we'd like to see some penalties in statute for falsifying domestic violence allegations. Whereas criminal penalties - we have no problem with prosecuting real domestic violence, but it seems to be cropping up. We hear a lot from our members and people that have problems that call us and ask for advice. There's clearly no ground for these claims being made and the court must act to protect a person that's been victimized. And so we have a lot of cases that shouldn't be in court on domestic violence and I think that we made some statutes that addressed this problem by penalizing people that are making false allegations that are proven, then we would have a lot less problem with this domestic violence being used as preemptive divorce strike.

SEN. COGHILL:

Put the burden of proof, in other words, on the put the burden of proof of allegations on the person who's the plaintiff.

JIM COLVER:

Make some penalties for false allegations. Troopers are tired are having to deal with people's little tits for tats, whereas there really isn't any domestic violence. Another area of problems is not from thethe quality of statutes that call for a preference in awarding joint custody to parties in a divorce case for child custody. In 1982, when the legislature adopted the joint custody statutes, the legislative intent was that joint custody would be the preferred method of child custody, and we don't see that in the courts today. You would see an attorney involved a custody situation will tell you that the judges almost always award sole custody to one parent or the other. And I think that clearly flies in the face of what the legislature intended in the statutes direct. There's been some recent cases on that. Bell v. Bell was a joint custody case, and the court had awarded sole custody to the mother and the father had plead for joint custody, but was denied it. But that was overturned in Supreme Court in the end of June. One shouldn't have to go to Supreme Court to get joint custody. I think that we need to look at enforcing the laws in the courts. One way to send a message to the courts would be to adopt a statute that would call for rebuttal on the presumption of joint custody. Whereas joint custody would be the custody arrangement, would

be the custody arrangement, unless there was some compelling reason not to be. They'd have to prove to the court that somehow that they did not, should not fall within the rebuttal of presumption of joint custody. It would just be like a given that there would be joint custody. And that way the children would be assured a continuing relationship with both of their parents. We'd have an even playing field, if you will. So often we find today that its a winner take all situation, whereas one party will win custody and the other party will have visitation rights and child support payment obligations. Often times it escalates into a major, as you well know, a stressful time for the whole family. We don't think that that should be the process. We don't think that the children should have to go to one parent or the other. We want to see that the children are taken care of afterwards and that they have an equal right to both of their parents. And we feel that through mediating divorces, and there was a bill in the Senate last year that would have been a pilot project for mediating, actually divorces and property settlements etc., that bill did not pass.

SEN. COGHILL:

What was the number of that, Jim? Remember? I can look it up.

JIM COLVER:

Its got the same number as the mediation bill that did pass. The child visitation mediation. Use that bill number, cause we changed the title. The title was changed in the House Judiciary Committee. SB.... The court system and the bar association, the Bar Association came up with a recommendation, they had a special committee that recommended the courts look at mediating divorces, instead of litigating them. The litigation is costly. Clients were satisfied. It creates the stress and trauma on the family that it trying to reorganize. And the court system and the Bar was behind this mediation effort. So we look to try and push that again next session. As well we are in favor of fair and equitable child support payment system, one that would consider the income of both parents. Encourage visitation by giving a complete credit for time spent with the support paying parent. Currently, for every, you only get a 50% credit. If you had your child all summer long, you would still be paying half your child support. We don't feel that's exactly fair when you have to take, when you're ..for their daily needs. It should be a little more towards a 100%. 50% is too low. That our child support payment system should be adopted by the legislature. The current one we have, as you well know, was adopted by the court and the court has signed off on a legislative solution to

this issue so that the controversy and ease in the legislature and not in the court. Additionally, in dealing with child support problems, we need someone that's independent, arbitrator of complaints. Often times people have problems and they try to get through the maze of the Child Enforcement Division, through their computer phone answering system, and its very difficult to even get to talk to a person. We feel like an ombudsman type of position is needed to, where some people can go when they're having wage garnishment problems, whatever it may be. So they can get some questions answered and get a little help. Currently, we, if people call us, contact us, we ask them to contact a legislature because we want to increase the awareness of these problems to the individual legislatures. We don't have the time, and certainly we've done hundreds of cases over the last few years for people that have been, maybe they work for a cannery that make's \$5-\$7 an hour and they owe a child support obligation from way back, and they have a new family. While the current practice of the enforcement division, is once they locate an obligor who owes a child support debt, they will garnish 55% of their wages. And what does is often sends these people into a tailspin. They can't meet their current obligations, take care of the children that are living in the home and a cap on wage garnishment or, we need some kind of policy or

regulation, that automatically we don't go up to 55% garnishment. That's not working. It takes a lot of work to get that garnishment lowered. I'd like you to look at _____ as well. This is kind of regarding the area, the issue of visitation and the child access time. A recent study by a book, Second Chances, written by Judith _____ in 1989. She emphasized the role that a father plays in a child's life and she writes, "amazing as it may seem, developmental psychology has only recently become aware of the vital role that fathers play in the lives of their children. For many years child psychology was pre-occupied with the mother/child relationship as if fathers were secondary features. Our research is part of a growing, busy body of knowledge that puts this lopsided of child development back in perspective. Fathers are viewed as critical influence on their sons and daughters throughout childhood and adolescence, helping to shape their characters, values, relationships with other people and career choices." Basically, we just feel like the children of Alaska aren't getting a fair shake. They have a right to their parents, their biological parents. I think we need to start addressing some of the research in this area and working towards crafting a minimum access guideline and toughening up our joint custody statute. One part of a visitation could provide that - since we have so many seasonal workers

(construction, fishing, etc.) in Alaska that the children are often in daycare and if the non-custodial parent who is paying support, let's say laid off for the season, we'd like to see them have the opportunity to spend quality time with that child. If the child's in a daycare, it would be to the child's benefit if the child could be spending time with the parent instead of being in a daycare. If you don't have spelled access visitation rights to that child when he's in the daycare, the child has to stay in the daycare. Its not an option for the non-custodial parent to visit that child. So this is one way that we can help the child by increasing that access. So as a part of the access guideline I'd like to see that visitation rights while a child is in daycare as a part of that visitation guideline. Basically that's all I have right now. I just wanted to touch on a few areas.

JIM COGHILL:

Jim we're really getting some good testimony and I think that a lot of the testimony that we've received today is going to be very helpful in putting some programs together, and we certainly are going to be working with your organization and with you folks as we get prepared for the next administration, next legislature and all of the rest of it, and we realize we've got a big job ahead of us. In fact, its a lot bigger

than what I envisioned it to be when we started out. But I sure appreciate all the spectre of things as we go down. And that's what we need. We know that the system's got some kinks in it and we know that we've got some things that are broke, but we need to address them on a positive basis. And I really appreciate your comments. We're going to have hearings in September and October and November and December. We're going to try to get as much as we possibly can on this thing done. We've got about four more people that we need to get on the record if we're going to close it at six. And if anybody doesn't get there, we'll put them first thing in the morning. So thank you very much Jim. Now we have Christine Ashley. Thank you for being patient.

CHRISTINE ASHLEY:

I'm Christine Ashley and I'm here on behalf of my brother Raymond Seibert. He's given me a written statement since he was unable to be here today, so I want to read that and then if I have time.....This isHe says Judge Victor Carlson first showed up for my trial thinking it was a motion. Mr. Carlson said, I felt when I read the report that it was motion to terminate visitation. Whatever Judge Carlson read, it was obviously incorrect and did not reflect the purpose for which we were there. It was apparent that Judge Carlson made his decision in the case at the beginning

of the trial. I was the first witness called to the stand, and within 5 minutes, Judge Carlson yelled at me, insulted and humiliated me, accused me of not answering the questions, and walked out. I am submitting the transcript of the proceedings that will show that this was not the case. When Judge Carlson returned I was asked the same question again, and attempted to clarify my answer. Again, Judge Carlson attacked me, but in a more ruthless manner. The one thing that does not become apparent in these transcripts is the tone of his voice or the yelling, which only serve to intimidate and humiliate. Because of this reason, I am submitting the court tapes to allow audio verification of Judge Victor Carlson's act of intimidation. Next, Judge Carlson attacked my attorney. The judge asked him a question, and when he attempted to answer, Judge Carlson accused him of arguing and then asked him the same question again. It was obvious that he was not looking for an answer, but again just looking to intimidate and humiliate. At this point, Judge Carlson decided to take over the direct examination and did. The judge rudely yelled every question - questions which had very little to do with pertinent facts of the case. During the judge's self-appointed cross-examination, he continually badgered me for exact dates and addresses of residences I had lived at over a 3-year period. This performance

by Judge Carlson continued throughout the trial, and was directed only to my side. He acted similarly to several of my witnesses and attacked me again at the end when I was recalled to the stand. This time, however, Judge Carlson surpassed himself by criticizing and ridiculing my achievements in education. I'm not sure why Judge Carlson chose to try and destroy me and the relationship between my daughter and I. His decision makes it now impossible for me to see my daughter. His decision rendered me third-party visitation for two hours per week. A third party that must be agreed upon by the court and the plaintiff. It is important to note that none of my relatives are acceptable as a third-party custodial to the Plaintiff. It is obvious that as long as the Plaintiff has anything to say about the third party arrangement it will not happen. I'm submitting a document that shows a plaintiff turning a third party arrangement submitted on my behalf. I stated before, this arrangement by Judge Victor Carlson makes it impossible for me to see my daughter. An arrangement which I firmly believe was intentionally one of his ways in destroying families. I have not seen my daughter for over three months and as long as I have to contend with Judge Carlson, I don't know if I ever will. My attorney Dennis R. Lazarus, told me after coming out of this trial and hearing, the decision by Judge Carlson, that he would

never publicly support this judge again. That for whatever reason this judge decided to destroy me and that this decision was not justice. After Judge Carlson rendered his decision I attempted to call my daughter and let her know that her father had not abandoned her. The Plaintiff filed a motion with Judge Carlson to hold me in contempt of court for calling Jessica. Judge Carlson didn't hold me in contempt, but did allow their motion that does not allow me to call my daughter. At this point I have absolutely no contact with my 4-year old daughter with whom I've had a very good relationship with up to the time I'd last seen her. Judge Carlson also ordered me to get a psychological evaluation for any modification of visitation. This psychologist had to be cleared with the court as well as the Plaintiff. I have resentfully submitted to this and a happy to report a normal bill of health. All of the above conditions of Judge Carlson's decision, have cost me a great deal of money and time. I believe that as one of Judge Carlson's ploys is to devastate people who he believes don't have the money to fight him. Don't ask how much these transcripts cost. The third condition was that I was not to take my daughter to any counseling of any kind. This was the only safeguard I had concerning the inappropriateness with Jessica, her mother and her boyfriend. I'm submitting both counseling reports to

substantiate my concern. The custody investigator testified that Jessica could certainly see a therapist or have someone monitoring the situation, but Judge Carlson chose to sever this safeguard. Also, when DFYS, Susan Eakins, testified, my attorney Dennis R. Lazarus asked the court that she provide these notes and records that she was testifying to. We had asked Susan Eakins for her report after her first investigation of this situation. She refused to release it. Judge Carlson stated in regard to this situation, "I would think that if somebody wants a witness to bring something with them, they'd either call or ask to see if they are going to do it voluntarily or they subpoena them." A subpoena _____. I would think that a judge would expect these professionals to bring their notes and records to verify the accuracy of their testimony and especially if they are requested. As Judge Carlson remarked to Susan Eakin's question regarding disclosure of confidential files, "you're allowed to disclose everything, because both Mr. & Mrs. Seibert are parties in this case and Mr. Siebert has put it in issue." Judge Carlson allowed Susan Eakins of DFYS to testify from her recollection. This was a period of about 4 months that Susan Eakins was involved. Mrs. Eakins was allowed by Judge Victor Carlson to state answers such as, "I believe I did not", more than once "I don't remember" "I believe it was" and "I would have to go

back and look at my log". This is the same judge that earlier on this day told me, "we may have to take a recess. I don't spend any time listening to people who can't remember. We'll be in recess subject to call." And, "I expect answers to questions asked of witnesses. I will not tolerate non-answer. If there are not going to be answers, witnesses must get off the stand." I think this is commonly known as a double standard. This type of answering was also done by the custody investigator, Katherine Yotis and tolerated by Judge Victor Carlson. Judge Victor Carlson came into the courtroom admittedly confused and unprepared for this trial. It became immediately apparent that Judge Victor Carlson was aggravated. I believe his courtroom demeanor reflects his decision but does not justify it. Judge Victor Carlson is obviously a power-monger with no conscious or guilt as to the destruction he does to families. He is a mockery to the family court system and it is a mockery to this state to have allowed this judge to have remained on the bench for almost 20 years. I hate to think how much damage Judge Victor Carlson has left in his wake. Judge Victor Carlson should be impeached. Regarding DFYS, a state agency - next I would like to address the appalling investigation done by Ms. Susan Eakins of the DFYS. I am currently involved with the Ombudsman's office the attorney general's office regarding Ms. Eakins

testimony in court. I have requested from DFYS information regarding the investigation by Ms. Susan Eakin. This would only be a portion of the information that was requested in court, but not allowed from Judge Victor Carlson. The biggest problem I've had with Ms. Eakins is her honesty. She has lied from the very beginning. Mrs. Eakins told me in one portion of a phone conversation after her first interview with Jessica and her mother, that she had confirmed the sleeping arrangements between Jessica, her mother and her mother's boyfriend. When I asked her about the bathing arrangement involving the same people, she told me that she would not discuss it with me. That as far as she is concerned the case was closed. She ended by telling me that she had spoken with the custody investigator, but gave no explanation as to what about or what it meant. In addition, Mrs. Eakins has invented a fictitious conversation with Tina Ashley and then lied to the court by testifying to the content of that conversation. In court, Mrs. Eakins stated that none of the allegations were affirmed by Jessica, not even Jessica sleeping with mom. Its strange how the custody investigator Kathleen Yotis got the impression, "that Jessica sleeps with her mother, but I didn't get the impression that the boyfriend was sleeping in the home regularly." This impression was formed after talking with Mrs. Eakins of DFYS and Casey Rhoades of the APD.

Also Casey Rhoades testified in court that she confirmed the sleeping arrangements. I intend to prove that Mrs. Eakins 1) did not state the truth accurately, 2) show that Mrs. Eakins biased others involved in this case, "where did you get the information from, that it may be a custody ploy?" and she answered, "I believe in my discussions with Mrs. Eakins at first in my discussion with Mrs. Eakins." 3) That Mrs. Eakins never interviewed me. 4) That her view of my actions being a custody ploy were based on insufficient information. 5) That Mrs. Eakins did not chose to inform me of her findings or that she had closed the case. 6) That Mrs. Eakins did not isolate Jessica from the Plaintiff who had been telling the child not to tell her father. 7) That Mrs. Eakins called to inform the Plaintiff twice about confidential information. 8) That Mrs. Eakins showed the Plaintiff confidential information. 9) That Mrs. Eakins didn't interview people that had pertinent information to the situation. 10) That Mrs. Eakins lied in regard to the facts of this case. I requested information from DFYS over 1½ months ago, but have not yet received the information requested. Because of this I am not able to be as specific as to all the discrepancies as they _____. I request that I be allowed to submit more evidence within the next 30 days.

Regarding APD, the investigator from the Anchorage Police Department, Casey Rhodes, has also testified contrary to what she told counselor George Mumford, Christine Ashley and myself regarding the bathing arrangement with the plaintiff, the plaintiff's boyfriend and Jessica, my daughter. Mrs. Rhodes also was allowed by Judge Victor Carlson to testify with no documentation of her case file, but only by recollection. Similarly, I would request that I be allowed to submit more evidence within the next 30 days. And finally, regarding the custody investigator. I believe that Kathleen Yotis of the Custody Investigator's office wrote slanted reports. Ms. Yotis emphasized the Plaintiff's concerns and de-emphasized my concern. Mrs. Yotis went as far as to not mention pertinent information from Marie McQueen's report of Parent's United in her custody report. She did not attach Marie McQueen's report or George Mumford's report to her report, as she had attached all other reports that had been submitted. She was not sure about much of what we had talked about in our interview. Did not state my concerns in her report and omitted details of a letter submitted, as well as conversation regarding allegations of calling my daughter inappropriately. The type of answering that custody investigator Kathleen Yotis did do was obscured with statements like, "I believe that may have been mentioned there," or "we really

didn't get into any details, I think." And, "I don't know," throughout her cross-examination testimony. Again this was tolerated by Judge Victor Carlson, the same judge who earlier that day made it very clear to me that he did not listen to unsure witnesses. Once again, he quotes, "we may have to take a recess. I don't spend any time listening to people who can't remember. We'll be in recess subject to call." And, "I expect answers to questions asked of witnesses. I will not tolerate non-answer. If they are not going to be answers, witnesses must get off the witness stand." And then he puts in parenthesis, he was yelling these. And you'd have to listen to the tapes. Again allowing this double standard to exist. Once again, I would request that I be allowed to submit more evidence within the next 30 days. Thank you. Respectfully, Raymond Siebert.

SEN. COGHILL:

Christine, we want to keep the record open for one week. We're going to have another set of hearings on the personnel, which seems that is where your effort has gone to on the part of Ray. And we will be having hearings in the middle of September, and we're going to try and segregate after these two days and we get all of the testimony from these first days into this process. And we'll divide them out between September,

October and November, but we plan on having, I'd like to have you return. And if you - we're going to run out of time today because I have a 7:00 appointment that I'd like to maintain in the Valley, and that's why we close off at six. But if you want to track us tomorrow, if you'd like to make some comments tomorrow.

CHRISTINE ASHLEY:

Well that's fine. My comments were only actually in support of this same thing, the appalling mockery of justice that was witnessed in that courtroom and that was acted out by Judge Carlson, and basically the same thing that Ray has said here.

SEN. COGHILL:

Well we appreciate and if you have written testimony and documentation, if you'd give it to Kathleen, we'd sure appreciate it. Michelle Jansen. Thank you for being patient.

MICHELLE JANSEN:

Thank you.we're talking about everything. An attorney doesn't just pay you for his time. He charges you \$20 for phone call. He charges you postage. He charges you 25¢ a photocopy. That's a lot of money that's going out to these non-custodial parents that we're having to pay for. Because why, because these

groups out here that our tax money goes to can't help us out. My other beef that I have today is concerning the Women's Commission. And I do hope that the people sitting behind me, I hope that someone out there is from the Women's Commission, because have I got something to tell you. I decided that I would be a little callous and go out and see what I could find out about the Women's Commission. So I showed up one day and talked to a little nice lady and told her I wanted to find out about child custody and child support and how the system worked. Can you believe they gave me everything I wanted to know. They gave me a woman's legal handbook. They gave me a woman's yellow pages of all things. They had four lateral file drawers full of information about women and about women and children and women and divorce and women in jobs and women in health. Everything to do with the woman. My concern is this, men have no place to go. They don't have any place to go. And a lot of times men don't know where to turn to. They have no where to turn to. I couldn't believe the things that I found. And if you would like, I will submit you the documents that I picked up from them. Our tax dollars are going out to pay for the Women's Commission, they're out there interviewing welfare recipients and asking what they want for welfare reform. The Women's Legal Rights Handbook basically tells me how to get on welfare. You know

what that tells me. It tells me I should quit my job, I should divorce my husband, I should continue to sleep with my husband, let him stay in the household, but we'll just be friends, and I'll have his children and we'll let society pay for it. Its pretty sad isn't it. I'm telling you, more and more people, the folks behind me are getting fed up. And there are people that are going to start putting their automobiles into somebody else's name, cause you can't have a car over \$3,000 in your name if you're on welfare. So they're going to put their cars in somebody else's name. They're going to put their credit cards, they're going to pay them all off and get loans in somebody else's name and they're going to go on welfare. And we're going to just let society to go ahead and pay for everybody. That's the status that we're in. And it wouldn't be hard to do. You go to the Women's Commission, you pick up the handbook. You read it. You figure out how it works pretty well, you really do. Women on welfare, they just found out if they've got a kid reaching that age where they got to go school, they better either have another kid or do something, cause if they don't, they're going to have to get off welfare. They're going to have to go out and get a job. That's sad. I also heard something that's coming up, and I don't know if this is true, it may just rumor, but I heard that the welfare system is going to put welfare recipients

through college, pay for three years. I don't know about the folks behind me, but I paid \$10,000 to go through school and welfare is going to pay for me to keep on going. Doesn't sound like a bad deal. I just want to close up and say again, that our family is a minority. I know its late. I know you've been here a long time. We appreciate you being here. But I want you to know the family's the minority. Everyone of us know somebody that is an ex that is a step, or that is somehow not blood-related. We all know somebody. It may not be us directly, but we all know somebody who's in this situation. And every situation is different. Not all of them are the same. The thing I want you to remember and what I've said, isn't all the baloney, I could sit up here and throw you beef all day, but I want you to know that the family is the minority.

SENATOR COGHILL:

Thank you very much Michelle and we'll certainly be in touch with you because I think that you hit the chord. We're going to take one more testimony tonight and then we're going to start at 9:00 tomorrow and if anybody has been waiting, why we'll get you on first go. So Betty Bosch. Thank you very much for being patient.

GYPSY BETTY BOSCH:

Thank you very much for being here. I brought a lot of

things, but I'm just going to make it very brief. My case involved so many things that I would like to have you all just have access to my court files to riddle through it. In part, it all started with a divorce back in the early 70's, when I got my first divorce I came into contact with Judge Carlson, Buckalew and all of these judges. As a result, I lost my home in downtown Anchorage and had at one point was arrested by the police for trying to get custody of my son while he was placed.....in spite the fact I had \$100,000 in _____. So I managed to survive that while my children were young, but then I remarried. In the process I had built a business, I had become a lobbyist and I was also an artist. I was teaching art in the schools and 7 of my books have been published. When I found that my last marriage was not going to work, I again was pulled into the courts and this time because my husband that I had married had demanded that I mind him like a nice girl or I could not have access to any of our money or our home. I told him at that point that I would not be pushed out of my teaching, that I wanted to go ahead and work my jobs, but that if he didn't like he could leave. As a result he called the police on me. I was tear-gassed out of my home, 7 canisters of tear gas. I was hauled off handcuffed. Put in API, admitted to intolerable questions and interrogation. Told by the divorce court that I had no

choice but to leave my home, to give up my money, to give up my businesses, and to give up my Alaska fire bells, which I had a charity organization going, and that I could not appeal this. That they would give my husband in home in south Anchorage. They would give me my clothes and my art supplies. They'd give him our money. They'd give me all the bills, my mother had died, it would be my responsibility to pay her funeral. It would be my responsibility to pay my medical bills. It would be my responsibility to pay my own court costs, and they would give me my federal protected copyrights on my art. Now the State of Alaska took it upon themselves in a divorce decree to award me my copyrights and the earnings from all my work, and then when I went to collect them, the state court said my copyrights don't count. That they're no good, that they're a federal matter. And yet I had children and grandchildren. I'm facing eviction. I've had double heart catherization and I am living on Social Security disability as a result of this. I still have not been given my copyrights. Instead, after the state court awarding them, they were up in a court. A judge, Rene Gonzalez, ruled that I don't have any rights to them. I've been charged by the courts several thousands of dollars in court costs and attorney fees for trying to fight for my divorce settlement, my copyright earnings. I took the proof of this to a man called Lloyd Barber,

he was my personal friend and business associate. I was his aid when he ran for the Senate as well. He took on the job of helping me try to sort it out and we got my case into the Supreme Court. At that point, Mr. Barber stopped working on my case. My former attorney, Bob Breeze had already stopped working on my case and had made a summary judgment on the very thing that the state court had awarded. Now I still stand to this day with federal copyrights. My work was top selling work in the nation for 4½ years. I have the only copyright on it and the courts here agreed when my, when they could give my husband a nice fancy home that we had worked for and my businesses and everything, they agreed that he take that and I take the copyright. Now I feel my day in court has been violated. As a result my children were caught up in this. When I fought it, an Officer Bradley Anderson at Palmer, Alaska arrested my son, held him 5½ hours, after he had taped 5½ hours of my son denying that he had done anything wrong, Trooper Brad Anderson, retaped these tapes and spliced them and created evidence to bring before a grand jury and set my son up on a false sex charge. I was told that I had been too politically and civically involved in the community and the state, and that I was not a worthy person, but I couldn't even have custody of my son. And again I was told to stop fighting, call what's mine and my family's. As a result I lost my job

because I didn't stop fighting, about that time Tony Knowles rezoned in the municipality where we could have condominiums. Well my mom had to move from where she was 17 years, I'm going through a divorce; the courts have my money tied up; and Olympia Brewing Company has all my earnings, and my own attorney, Bob Breeze and my partner Lloyd Barber are working against me. Bob Breeze joins Mr. Boyko's office. I go to Mr. Boyko's office and I say Mr. Boyko my mama lived in a trailer and died with no heat, no water, no electric because I couldn't get the money to take care of her while she was crippled despite the fact I had federal papers saying I'm a millionaire. I have earned millions and I have federal protection. The state courts are sitting on my papers. Now once again, despite the fact we went into court and proved in Judge Beverly Cutler's court that Brad Anderson had set my son up, my son is once again in the courts on a false charge of abuse, being a threat to his girlfriend whom he didn't touch, once again tied up in these same courts that we've never been able to get out of. Now I feel that there is a criminal racketeering charge and a conspiracy going on. When I took this to Mr. Boyko, when I took this to Anthony Hilner, and when I took this to the attorneys and the attorney general, and the police and everybody, they said we have no authority, its a federal case. But they sure had the authority when they could give my

going to be married. Then he found out that she already had a child. She was already married. She had given her child away. Not that he's prejudiced to anything, but if he had been told in the beginning, everything would have been okay. When we found out what had happened, she had been married to a white boy, but he had a black child. Her husband had separated from her and she had given her child to her mother. Now how we got caught up in it, is without knowing any of these facts, through deceit, my son was led to believe that he would have a family, a wife and a baby. Now he's got a baby on the way and she's saying that he's being mean to her because he's trying to figure out what kind of arrangements they're going to make for these children. He still wanted to marry her. The courts have decided he can't go near her. They've called him a threat to society. And he's asking that anybody be able to help him. Now where I come in on it. I'm grandma. I don't want to get caught up in this stuff, I just want to see my grandkids. You know. I'm being victimized by the courts and I appreciate you guys for being here.

SEN. COGHILL:

Betty, we appreciate your testimony and we would like to get some of your documents. Very interesting.