

Alaska Legislature.  
Senate Family Law Review Task  
Force public hearings.

Vol. 2, 8-11-91



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BETTY BOSCH:

I'll bring them to you. I don't want to mire you down with them today. I have other cases too. Like I worked on the Hatcher Pass case where the state was taking the gold mines. As a result of that one little girl's mother committed suicide when the state took these mines. We also have a man in jail who has three children. Rather than let me take custody of them till he can get out, they sent the children all over the state. And so we'd appreciate any help we could get. And I'll bring everything to your office. Where?

SEN. COGHILL:

Upstairs. The suite is 520. Okay. What we're going to do is we're going to recess until 9:00 tomorrow morning. Appreciate all of you folks attending. Come tomorrow. We'll have a full day and if you need to submit any written testimony, why, please do so. Until then, why we're in recess.

Second Day of Hearings:

SEN. COGHILL:

We'll go ahead and call the Public Task Force hearing to order. The Senate Family Law Review Task Force was established by the legislature in the special session and we're here to acquire testimony and to gather facts



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as to the public's concern with the governmental system of intervention into the family. We have Kathleen Putman to my immediate left, who is my special assistant for this task force. And we have Judy Alexander over here at the recorder who is my legislative staff person at the North Pole office. And we're talking testimony. Yesterday we had 44 people appear before the task force and today we'll have testimony up and through 4:00 this afternoon at which time, or 3:00 this afternoon, we'll try and get all of our testimony. If you have other facts that you wish to submit, or written testimony, we're going to hold the public docket open on this particular session on our fact finding mission until August 20th, which is a week Monday. So if you know of anybody that wishes to submit additional testimony or additional facts, why they can send it to 3111 C Street, Suite 520, Anchorage, Alaska 99503, attention to the Family Law Review Task Force, Kathleen Putman, Special Assistant. That way we'll be able to receive it. If you have any questions, our telephone number for this task force where Kathleen will be is 561-2003. So, with that we also will tell you that this is a first in a series of hearings on this task force. This task force is to just gather public concern. To get it on to the public record. On September 21 and 22, we will also be having a follow-up task force, and we plan at that time,

getting into the personnel of the court and the Department of Health and Social Services, Family Youth section, as to their handling of cases. October on the 19th and 20th, we'll be having a follow-up hearings to start working on legislative review and rule review. And then November 16th and the 17th, we'll also try again to start winding up our task force program by getting proper legislation and proper requests in change in rules and change in regulations in order to try and start to turn the whole process around. And with that we'll go to our testimony here in Anchorage. At 10-11 we will be taking testimony from teleconferences. We have Anchorage, or Fairbanks on line. We have Juneau on line. We hope to have Sitka and Haines, Mat-Su and Soldotna on line and they'll all be signing in as we go. But we'll do from now until 10:00 we'll get as much as we can. We'd like to have you hold you comments to 10 minutes if possible. We will go over a little bit if you need to. But in order to get everybody on public record, why ten minutes, you can only then get 6 people into an hour, and that's not very much time to get as many people as need to be heard. So with that we'll go and we'll take our first scheduled person and that's Greg Bell. Greg - come forward and just state your name and then give us your testimony.

GREG BELL:

My name is Greg Bell, and I'll be brief.....(tape cannot be heard).....litigation and all the turmoil that went with it. And when I got done I was very upset because all my rights had been taken away as a parent. I could see Scott only at particular times. The Daycare, he was supposed to go to the daycare and not be with me from 9:00 in the morning till 4:00 at night. And I was to see Scott on the weekends and one day a week. I appealed the case and it was very, very expensive doing it, and the court overturned those decisions. They said, no, we see joint custody should have been, that's what the legislature intends, and that's what we're going to overturn that particular portion of it. We're going to remand back to Carlson some of these other things that he's done in your case because they weren't right and we're going to give him particular guidelines to follow. It was very expensive. And now I've been given the right to go and do it all over again. That's \$50,000 a piece so far is too much money to have the right to go do it all over again, and we supposedly had our day in court once. I, and especially said, hey both you folks are fine, good citizens, good parents, there's nothing in either one of your's background that says you shouldn't have equal access to Scott. And my concern is other people going through this same process, that don't have the families

they can borrow the money from just to have their day in court. Its not right. And I feel that we need to, when we go in the first time, the decision should be done right and we shouldn't have to go through the appeal process and have something so blatantly overturned. And I understand my case is typical throughout this court system. A lot of people never get that chance. And what's the real sad thing here is that the kids don't get equal access to both parents. Sometimes they don't get access but to only parent, and the other one just kind of throws his arms up and will just walk away from the situation completely cause they don't have any more money and they just flat don't have anymore energy to put into the thing, so they don't get to see their children as often as they should. So I'd really like to see this hearing come up with a process that will give equal rights to the children and help both parents see their children and make this process as easy as it can. Because its a hard time for both people and its just not right to expose people to this expensive process. That's all I have to say.

SEN. COGHILL:

Is it my understanding that Carlson ordered Scott to the daycare rather than allowing you to have custody during the day.

GREG BELL:

That's correct. I was to drop him off at 9:00 in the morning, no later than and pick him up no earlier than 4:00. Even though my work is seasonal and in the winter time I have quite a bit of time off, I still didn't have the right to go pick up my little boy from the daycare center to be with me.

SEN. COGHILL:

And Carlson did that?

GREG BELL:

That was Judge Victor Carlson.

SEN. COGHILL:

Okay, Thank you Greg. If you need to submit any documents or one of the things that we ask along with the people that testify, if you have any documents that you would feel would make our job easier, why just submit them. We can make copies of them so that we can make a file. Because we're going to get to the bottom of this. We might be able to help you, but we're going to make sure that it doesn't happen to the next guy.

GREG BELL:

Well, I'm at the choice right now, do I want to go do

the whole process all over again, and I'm still paying for the last process and so its kind of tough...

SEN. COGHILL:

So, we'll help you. Martha, welcome to our task force and we're happy that you took the time to come and testify to us. And if you wish, state your name for the tape and tell us your...

MARTHA MCGREGOR:

My name is Martha McGregor and I'm here to give my experiences with the Child Support Enforcement Agency. The Child Support Enforcement Agency collected \$2,000 in child support from me last year. They did this by garnishing it from my paycheck and by taking it from my permanent fund. I believe that the agency adheres to the letter without really having any regard for the intent of the law. The child support law I believe would be to help the children of a family who has split up. My children live with me now. They've always lived with me. Their father is not a very regular worker. I've worked for the State of Alaska for approximately 8 years at different agencies. Right now I happen to work for the Division of Family and Youth Services and in the youth probation office. The court ordered a judgment that the father of my two youngest children pay me \$600 a month child support. I've

collected \$100 from him since that\_\_\_\_\_ about two years ago. In 1984, he falsely applied for welfare and he was granted welfare for 8 months and five years later in 1989, Child Support contacted me and since it was within a month of him being told to pay me child support, I thought this had something to do with my receiving child support, but instead they told me that I owed them \$5,000.

SEN. COGHILL:

You did?

MARTHA MCGREGOR:

This is because the law says that when a person applies for welfare and other parent is working, the working parent has to pay not to the parent that's supporting the children, but to the State of Alaska, child support for supporting your children. I was working at that time for the Division of Fish & Game. I wasn't trying to hide the fact that I worked anywhere, but in the State of Alaska I had my children with me and yet I wasn't contacted then at all. Five years later they contacted me and they made adjustments. I went into their office several times, and they said since you actually had another son, who we know did not live with the father, we'll lower the payment that we want from you to \$2,000. Well, there was not much arguing

with them. They sent a registered letter to an old address. When I did not respond to the letter that I did not know about, they garnished my dividend check. And I thought, well, that made me sit up and take notice. And about two weeks after that, my next pay check was garnished. Now I bring home about \$1,200 a month and they take \$444 for five months, four months, sorry. They took the dividend check and then 4 payments from me. Since they can't take any partial payments, the check at the end, I had paid them more than \$2,000 and they gave me back a little of the last garnishment. This happened in October, November, December and January and in February it was finally all over with. We had a really bleak Christmas and Thanksgiving. My children, its a little hard to answer their questions of why don't they get money from Dad. Why can't we have Dad's permanent fund check. All I can say is that its really hard to fight anything as large the State of Alaska, especially if you're a State of Alaska employee. They said, since I kept saying that, well it was welfare fraud on his part, why did I have to pay it anyway. They sent me to the welfare fraud division. I did talk with one of their investigators for three hours one day. He called me about a week later and said, well it appears that fraud was committed but the statute of limitations on that has run out. So, my supervisor says, that sorry we can't prosecute

because we know we wouldn't win on the statute of limitations being such that it is. I went back to Child Support and they said, we're sorry, we don't give refunds, ever. Maybe a mistake has been made, but the statute of limitations on child support never runs out, so you do still owe us that money and you cannot have it back. Well, I can understand the law. I can see why it fell between the cracks. But it still seems a real miscarriage of justice because it was really difficult to raise three children for around six months on \$800 a month. It was really difficult. And that's my story.

SEN. COGHILL:

Well thank you very much Martha. And this is a real...I didn't realize this was taking place. I think that what I would like to do is I'd like to ask you to get with Kathleen so that we could get two or three of the documents that you have. And I think that this is a classic case for the ombudsman and I think what we need to do is that we need to get some kind of a retribution. This is crazy. This is the most bizarre thing I've ever heard. Okay, we'll go now to, can we go now to Maggie Snow. Maggie.

MAGGIE SNOW:

My name is Maggie Snow and I'm the health line

coordinator for the Anchorage Youth for Christ organization. The health line is a telephone ministry primarily for youth, but the volunteers will talk to people of any age. The people who call have the privilege of remaining anonymous. This gives them the freedom to talk about suicidal feelings, drug and alcohol problems, family, friends, pregnancy, sex, school, runaways, physical, emotional, loneliness, and spiritual needs. For the time constraint, the following is a small example of the problems we are noticing in the conversation that the volunteers have had from children who are under the custody of an abusive parent or from the non-custodial parent. 1) A father wanted to know the rights of his 13-year old daughter to find a way that she could live with him, instead of with the mother who has many boyfriends and a drug problem. 2) A 15-year old daughter wanted to stay in Alaska with her mother for one more month because she had obtained her first job and was earning money for school clothes, which she knows she would not get if she went back to her father at that time. When she does go home, she will again be the maid and cook in a 3-story house for her dad, his live-in girlfriend and that girlfriend's three daughters. 3) A 12-year old girl could not visit father because he had moved out of state and the mother would not let her leave the state. 4) A 15-year old boy staying with his mother who is sexually abusing him

and when his dad was in the state the mother scheduled events on the day that the dad was supposed to have him. I talked to that kid for two hours and he was so scared. He would not go to state agencies because of what other kids had gone through with those agencies. Any way the following effects on the child or the family were noted during these conversations. The child is lying for the abusive parent. The child is learning the same behaviors as the custodial parent. The sense of belonging is lost when children are denied access to their natural parent or relate poorly to live-in significant other or step parent. The children blame themselves for the divorce and are feeling that they are being used to punish the absent parent. The non-custodial parent sees no logic in paying child support when they cannot visit with the child in person or over the phone. It is like making house payments for the rest of your life on a house that's been repossessed. Unless a parent and a child communicate, the more apart they grow. Resentment grows in the child towards this parent. When the child wants to be with his friends instead of with the parent, then he is no longer home. He will naturally not want to visit with a stranger. Suicidal feelings, anorexia, substance abuse, runaway plans are discussed in one-half hour to two hour phone conversations with the youth who are reaching out in desperation to get out of the

mental torment of being between the parents. The absent parent is torn not knowing the full effect of divorce and/or how the child copes with everyday life. And they are denied, input raising a child. And the battle is carried on by the parents regarding visitation. It reinforces the battle in the child's emotions, resulting in confusion and raising the questions, "Am I really loved by these parents, or are they just using me?" Realizing that this is an ongoing conflict due to the human factors, the following recommendations may start the solution process. 1) The custodial parent should be required to have a phone so that the absent parent may call the child and the child may call the absent parent collect. 2) The custodial parent should not be able to refuse to let the child fly to another state, as long as the absent parent has provided a safe flight schedule or companion. 3) Once visits are arranged by both parents, they should not be altered to where the child is made to choose to whom he will be with, resulting in torn emotions of obligations to both parents. 4) The expense of collecting child support monies may be lightened if visitation rights are enforced enabling the paying parent the ability to be part of the child's life. If the custodial parent makes a choice to move out of state, they should be required to pay half of the airfare on court appointed visitations to the

non-custodial parent. And teenage children should be allowed a private conference with the judge regarding visitation custodial rights so the child can air his feelings openly without pressure from his parents' presence. Youth for Christ is concerned about the children. The cycle of abuse needs to be broken. Definite enforceable laws regarding visitation and custodial rights need to be made with every state agency cooperating to enforce the intent of those laws. Respectfully submitted.

SEN. COGHILL:

I certainly appreciate, Maggie, your testimony because you kind of get right to the point. And that's some of the things that we need in this task force is to get to be able to communicate with those people that are close to the broken families and the children that in stress and in need, and you know its such a big issue, you don't know just exactly where to go because the more you go down the road, the wider the road gets. And I like the idea that when you say that we shouldn't leave the emotional turmoil in the child's court, in the child's presence to choose. It should be 50-50 if there's no criminal abuse or criminal problems with either parent, why then it would seem to me that that's part of the family court process, to keep the family together.

MAGGIE SNOW:

I did omit one example and it was a one boy, a older teenager, he was calling for young girl who had been physically abused by her dad. She went to DYFS. They made her go before her dad in the living room and explain what she had told them. And naturally she didn't do it and after the DYFS person left the father beat her up. She ran away from home and she's now in the streets.

SEN. COGHILL:

See, that's the problem. There's no compassionate. There's no....

MAGGIE SNOW:

The letter of the law is enforced and it should be the intent of the law.

SEN. COGHILL:

Thank you very much, and like I say...next we have Bill Huhn. Welcome to our task force Bill. We appreciate you taking the time to come and talk to us and we welcome written testimony too if you have documents or written testimony that you'd like to submit, we're staying, our public docket is open until Monday the 20th. So, if you think of anything else, we'd

appreciate. So with that, welcome again and start your testimony.

BILL HUHN:

Okay, I just want to bring this committee's attention to a couple cases. 1) No. 3AN85-10-8843. Its a multi-jurisdictional case from the State of New York...end of tape 5...they were ordered to give visitation rights in New York for 2 months out of the year. Six months after they brought the children to this state, they petitioned the local court under Carlson for a change in visitation orders. I'm just a layman, not trained in law. But from my understanding, there must described in the complaint a change in circumstance. There was none in the complaint, but was accepted by Carlson. The mother residing in New York filed a letter with the heading of the court on the top, it was accepted, non-conforming and treated as an answer. Although since there were no issues described in the complaint, there were no issues described in the answer. What she was requesting was appointment of counsel, which this state doesn't allow in civil cases. She was not served in this matter. Visitation was changed from the New York order to only supervised visitation in Alaska. Her being\_\_\_the mother, being an indigent living in New York, didn't have the capacity for visitation in this state. The ones who received

legal custody were financially independent. They paid for the whole court proceeding in New York. They even stipulated that they would pay for all appeals and any contingent applications afterward. Although they denied it when they appeared in Alaska. In the order given by the New York Court and all affidavits in the proceedings, there was never a complaint against the mother that she was abusive or harmful to the children in any way. Although every other party in the matter were found harmful. This is another one of those complex and extending cases so I don't want to take up all of your time going into this one matter.

There is also in connection with this a complaint for divorce filed here in Alaska, which was granted, or so it appears. That's case no. 3AN82-9554. There is one complaint and three amended complaints. Service was never met, again. Carlson accepted service when it was made at the New York Correctional Facility in Orange County. Although I have not been able to find why that was accepted. Property was dispensed from that divorce, again denied to the mother of the children. I can document this case, although it looks like all the others. There are a lot of coincidences. The attorney for the people locally are Wayne Anthony Ross in the \_\_\_\_\_ I worked in association with Lloyd Barber at legal search. I'm aware of probably quite a few of the

cases that have come before this body. There seem to be some similarities, particularly with pro se litigants, indigent people. They're not able to get proper representations. And even when they do, they are bound by that representation no matter what conclusion it might come to. How this body might find a redress for the problems described - I don't think it can because its particular to the civil system we use. If I may extend some of what I am trying to learn in the research that I do on my own, common law system promotes the family. The civil system protects the rights of the individuals. Those two principles are in contention with each other. Our people do not understand our laws. They do understand common law principle since that lies in the hearts of the people. They want to bring those principles into our civil system, which again are contradictory to each other. And that can't be accomplished as long as pro se litigants, because of their indigence, they are not going to have the ability to state their own cause to such a degree that the civil system is going to give them any redress. If this committee wants a write-up on this particular case, I'll make it available, but I need to know in what form and how extensive you want me to write it.

SEN. COGHILL:

I think Bill that what you ought to do is call Kathleen

Putman, my special assistant for this. I would like to have you write it up. I don't know how much free time you have, but what I'd like to have you do is just kind of summarize the case and indicate maybe margin or by conclusion in each write-up, a couple paragraphs in conclusion as what you feel is wrong. I think that you've probably hit on one of the chords there, that when you have the common law principle you try to get it into the court system, you do have some problems with the two systems colliding. But what I'd like to do, is we have until a week Monday, we'll keep the task force open until that time, and then we have to close to start sorting them out and putting them into process. But Kathleen's office is up on the 5th floor of this building, suite 520. You can call her at 561-2003. We sure appreciate your testimony and that's what we're trying to do. We don't think that we're in a position where we can get into rectifying what has happened in the past, but as legislators we try to seek out what is wrong with our political system and our court system and how we can change it to make it easier for people to live with. That's basically what we're up to. Thank you very much. Let's take Don Kessler. Don, welcome to our task force. We appreciate you coming out on a foggy now, going to be a beautiful Saturday morning, instead of being out on the golf

field, why here you are testifying. You know what we're all about. Welcome to our task force. Give your name.

DONALD KESSLER:

Thank you Sen. Coghill. My name is Don Kessler. I am a resident of Anchorage and Alaska. A general contractor, and I like so many other people that have testified before this committee have got some real major gripes and problems with family court. And as it seems, most of them have been turned up to be problems with Judge Victor Carlson. Mine is no different. I will attempt to lay out some of the facts of my case, which were brought up in court and I will lay out strictly documented facts. To begin with, I was divorced approximately 8 years ago. There were two kids. One was mine and she had one by a previous marriage. She's been married four times. I'm presently remarried, have a young son that's 2 years, 4 months, and I've got one more child on the way, she may be in the hospital as I speak. But my case how has been going on for at least 6 years, and this initially just started as problems with visitation. Visitation was just an absolute nightmare. On many occasions I was completely denied visitation with no excuse. And many other times she would make plans for the kids to go fishing, birthday parties, have friends sleep over. She's cancelled plane tickets for the kids to come

visit me. On many occasions with it was my time to have the kid, she's just confused the kids by telling them I had no time for him and turn around and tell me that they already had plans. And that went on and on and on and I could carry this on forever. But I'll keep it as brief as possible. So there was numerous court dates and at one court date, Judge Michalsky gave me two months summer visitation. At the time, they were living in Washington. They had moved to Washington and were living in a tent, and a bus, and a campground. At that time, it took three different plane tickets down to Washington and involvement with at least three different lawyers to convince her to allow me to have visitation. And I finally did get visitation. On the next summer she planned a trip to Disneyland with the kids, which is all fine and dandy, but it was planned during the period that was supposed to be my visitation. Well now there's a problem with jurisdiction. Who has jurisdiction in this case. The kids are in Washington. The order was from Alaska. She ignored it and ended up going on to vacation and during my final hearing with Judge Carlson, she admitted on the stand, she just said she didn't think the order was fair so she ignored it. Okay, the next summer that I finally got the boy, and I might say that in this time period, I'd only seen the boy about 28 days in a 2-year period. The next summer when I did

finally get him, she sent him to me with a case of head lice that was gross. And the fact he had head lice was not my major problem - kids get it. In Washington its a problem. My problem with it was, she said he knew he had them, but she was to tired to go to the store to get the shampoo. Alright, so that summer we took the boy to the dentist, finding out that he never been to a dentist. We got \$800 worth of dental work done. The dentist wrote a letter saying it was obvious that there was major neglect and if it was left to continue, there could be possible gum disease. Like I said, all of this is documented and was brought out in court before Victor Carlson. I also presented a letter from a psychologist, Dr. James Parsons, stating that the boy was obviously in the top 1 percentile in his age group intellectually and it was not being showed in his academic grades, and he had a very high stress level, and this was due probably from the fact that he'd been moved 8 times in no less than 2 years. Moving anywhere from tents to whatever, buses. And at any given time during the last 9 years, there's always been at least one if not three single males living in the household with these people - my ex-wife and her new husband. During the trial also, a woman who used to be good friends with my ex-wife and her daughter got up and testified to having seen my wife, ex-wife's new husband physically drag the 13-year old girl out the door of

the trailer - let me explain that this man is at least 6'3", 245 lbs. and physically fit. He drug her out the door of this trailer, out behind the trailer, punched her in the face with his fist several times, knocked her to the ground. When she was laying in the fetal position he began kicking her and then left her bloody. Now on the stand, he admitted to that and admitted that that wasn't the first time. We presented dirty drug urinalysis tests on my ex-wife and her husband. My wife and myself also submitted tests that came out negative. There was evidence and witnesses supplied stating that the kids were brought to bars and road-houses and kept after closing time on many occasions. There was evidence and witnesses stating that alcohol and drugs were abused in confined areas with the kids ingesting this second smoke and I don't know what other drugs were involved. I have no proof of them. A guardian ad litem was also appointed at a previous hearing in order to represent my son and make recommendations and investigate the case and come up with some determination as to what was best for him. An unbiased party taking no sides except for the boy. At the trial, the guardian ad litem stood up and said that there should definitely be a change of custody in my favor. This pile is maybe one-third of the documentation that is involved. Everybody involved with lawyers knows that this is representative of dollars and I know

there is at least \$85,000 involved in this case. Now, with just the facts I've given you on the case that like I say have been documented and were brought out in court before Victor Carlson, and his order here, he gives my ex-wife sole custody, denies me custody, but on weekends. Has cut my summer visitation to five weeks. Gave her lawyers fees and it goes on and on. And he says there is no justification. There is no change of circumstances which would result in requiring a change of custody. I myself find it pretty appalling. At this point, the case is being taken before the Supreme Court and I, we'll see what happens. At this point, I've lost all faith. Hopefully a panel of judges will look at this a little more unbiased. And obviously from my own point of view, Victor Carlson has no place in the judicial system. How he has slipped through it this long, I don't know. That's all I have.

SEN. COGHILL:

Well thank you very much Don. And as long as its before the Supreme Court, we'd like to have you stay in touch with us. We can't, of course, get involved if there's something in litigation, the legislative process, like you heard me say before. We don't know what exactly to what extent we can rectify wrongs that have already been done, but we're in the legislative process to try to rectify this so that it doesn't

happen in the future, not only with indiscretions of personnel in the administrative side of government, as well as in the court side of government as to the compassion towards the family and keeping the family together. But we would like to have you stay in touch with us. We would like to have you keep in touch with Kathleen here and let us know how that case comes about because we have some timely reports that are being done by the Ombudsman by the end of this month. I don't know when the Supreme Court will be hearing yours, but we'd like to stay on top of it because you're right in the middle of the core area here.

DONALD KESSLER:

Right. Thank you very much for hearing me.

WALT FURNACE:

One question Mr. Kessler. You had indicated I believe that you have been going through this for about 8 years. I assume you've had the same judge during this period of time. Have you asked for a change of judge and what was the results of that?

DONALD KESSLER:

As a matter of fact we had. Mr. Carlson would not turn loose of the case. \_\_\_\_\_ Halston was involved in it at

one point and he went to Superior Court and it went to Victor Carlson and he has retained that adamantly.

SEN. COGHILL:

Thank you, thank you very much, very helpful. We're going to go now to a teleconference. We have Becky Chapek from Cordova who's on the line. She tried to get her testimony in yesterday, so Becky would you go ahead and state your name and give us your testimony. We appreciate you taking the time to do this.

BECKY CHAPEK:

Yes. My name is Becky Chapek and I'm calling from Cordova. Can you hear me? (Yes we can hear you) Okay. Good. First of all I'd like to thank you Sen. Coghill for having these hearings. Its nice to be able to voice my concerns and really see the efforts of Kathleen and \_\_\_\_\_. I'd like to thank them for helping too. I'm married to a man with a 9½ year old daughter from a previous marriage, who's been paying support over the last 8 years, which now totals an estimate of \$50,000. Our current monthly obligation is based on 5 months of oil spill employment and total \$741 a month. Its hard to make that payment based on his current income, which is less than half of what he was earning last year. My husband works for others. He's a laborer and we're lucky to live in Alaska where

he has an opportunity to be paid good wages for his work. Most of the time his employment is for the summer only and unfortunately this coincides with his current visitation allowance. So after a 12-15 hours of work each day, there's little time and energy left for his daughter. It would be better if he could access her during the winter when he is on unemployment and not working. At the time of his divorce my husband was strongly discouraged of seeking custody, because Alaska's court system in 1981 was very conservative. The lawyer felt that there was even a possibility he could fare worse than what could be worked out between him and his ex-wife as to what alternate \_\_\_ visitation meant. After three years of visitation based on what was convenient for his ex-wife, my husband went back to court, settling for any sort of guaranteed visitation that he could. Rarely is a biological parent unfit to care for and nurture their own child. Joint custody is the fairest and most equitable way to raise a child after divorce. My husband is a good father to both my step daughters and our daughter. Is unfair to deny him custody in a joint sense. I think that the court's current system leaves children of divorce feeling abandonment by the non-custodial parent and family. Nothing is further from the truth. Every time my step daughter Kirsten leaves I feel as though she is being wrenched from us and our lives. I fear for her. Her

mother is heading into her fourth marriage and I wonder how such a \_\_\_\_\_ mother can truly nurture her own children. Beyond Joint Custody, I have some complaints about child support - they are merely a strong-arm collection agency. There is no accountability for funds distributed by them to the mother. Once a babysitter handed us Kirsten in November wrapped in a blanket because she didn't have any winter boots. Beyond that there's no tracking of the child. Kirsten was actually moved out of the state during her mother's third marriage. After a pretty frantic ten days, we got a call from North Carolina and were informed that that was where she now lived. Shouldn't someone be counting children and not just money? The current system makes it virtually impossible to know what's happening to a child should one be the non-custodial parent. My husband's ex-wife holds a job with the State of Alaska. She filled out an affidavit stating that her cost of raising Kirsten was \$750.00 a month. I think that more than \$10 of that money should be her obligation. While she is allowed to reopen at no cost to herself a file and seek more support. Her reason for doing that this time, and I'm quoting, "Was that we want to make sure that we're getting as much money as we can." That attitude is prevalent yet there seems to be a low direct benefit to the child. The best we can hope for is to deal with the system that believes

recorded messages are the best way to handle non-custodial parents and their problems. I would like to see 10% of child support go into trust accounts for a child's further education. I would like to see some equitability in the assessment of child support obligation based on both biological parents' income. I believe that there should be credit given for subsequent children in a marriage, which I have a daughter and she is not considered at all. But what I really think is that there is a big bandaid being placed on a problem, which is the court system's further damage to the children who have survived divorce only to be denied both parents and the support that they can give. And that's what I have to say.

SEN. COGHILL:

Thank you Becky. This is one of the problems and I don't know whether you had the privilege of listening in yesterday - one of the problems that we have is that the custodial parent seems to have the right to go to legal services and open up the case at any time, and to harass the non-custodial parent for child support under duress and with the fact that their being strapped because of the subsequent family. And we're looking at that whole issue and your testimony is very timely and I would certainly encourage that if you have any documentation or you have anything else that you would

like to submit to us that if you'll submit it to the task force, its the Senate Family Law Review Task Force, 3111 C Street, Suite 520, Anchorage, Alaska 99503. We'd like to stay in contact with you. Because by October we should have something pretty well in draft form for you to take a look at and we would like to stay in contact with you.

BECKY CHAPEK:

Thank you very much. I agree it does place a burden, I mean \_\_\_\_ that we can live with \$500 seems to be a number that I can budget, but I, this \$750 I do worry about. That, and I hope it doesn't come down to the garnish of wages or something worse like that, so.

SEN. COGHILL:

Well we certainly hope not either because we, we understand that that's part of the big problem. We're going to take a good hard look at that 20%, 7%, 3%, 3% rule that they have in 90.3

BECKY CHAPEK:

Okay, well thank you very, very much.

SEN. COGHILL:

Thank you very much for your testimony and what we'll

do now is that we'll go to the teleconference and our first teleconference - we'll take two from Juneau to start with - they're all 2pm - okay, well we'll go to Soldotna then. And we'll start out with Linda Gibson. Linda, welcome to our task force and we'd to hear what you have to say.

LINDA GIBSON:

Thank you senator. My name Linda Gibson. I am the Kenai Peninsula coordinator for Alaska Family Support Group. My mailing address is PO Box \_\_\_28, Soldotna, AK 99669. In September of 1987 my husband oldest son asked him if he could move from Anchorage to Soldotna with us. My husband told him that he was welcome here and he would discuss the situation with his mother. My husband's ex-wife was totally against the move. In November of 1987, we received a Child Support Enforcement informing us that his ex-wife had an increase in child support. At this point we retained an attorney to get custody of his oldest son as he wanted to live with us. This was a lengthy and costly ordeal. We got a hearing date in April of 1988 and we hired a custody investigator who was approved by the Alaska Court System. In the meantime we were denied any visitation with the children by the mother. But through the court we asked for and received visitation for Easter of 1988. At this point my husband's ex-wife was refusing

to sign for anything through the mail so we brought a half a dozen roses with some balloons and stuffed a court order in it and she received them at her door. However, instead of sending the children down on Easter, she went to the Anchorage court on the following Monday and swore that my husband was beating her and she feared for her life. This resulted in a restraining order being issued on my husband which the state troopers in Soldotna tried to serve on me since my husband was on the Slope. What amazed me was that the judge that heard her case in Anchorage didn't bother to ask her if there was any kind of court order pending or a hearing scheduled that would prejudice her sworn testimony. After a hearing in April which dealt with visitation only, because as the Master's report states, "the mother's failure to encourage visitation prevented the completion of the custody investigation." At a second hearing in August of 88, my husband was given joint custody of his oldest son. However, joint custody of the youngest son was denied. The master's report stated, (and this is a quote) "Given the depth of the pre-existing animosity between the parents, to award joint custody of both boys may lead to additional unnecessary conflict between the parents." We feel that courts should encourage families to work things out, but that's not what they did in our case. His ex-wife has taken this to mean my husband has no right

to be involved in his son's life. In August of 1988 when the oldest boy came to live with us, the court set a specific schedule for visitation. In the next 11 months, his ex-wife was in contempt six times. Our attorney told us we could file contempt charges, but since his ex-wife was on AFDC, they would not fine her and they certainly would not put her in jail, so there really wasn't anything to be gained. In other words, we had no options through the court to get help with visitation rights. We spent one and half years and \$12,000 to get justice through the courts. We were not happy about the master's report, but at least we had more visitation than we had before. Then in March of 1989, we received a letter from Child Support Enforcement. The letter stated we were in arrears of child support. They were informing us that our income and property were subject to execution in the total amount of the past due debt. We had 30 days to prove that we did not owe the debt. I had already driven to Anchorage and given the copy of the master's report and explained the situation to Child Enforcement and everything was fine. I wrote a letter and sent more copies explaining the same thing. I also told them not to go through our attorney, as we had thought everything was resolved and had paid her in full. Then on April 28, 1989, our attorney received a letter from the Assistant Attorney General. He wanted us to agree to

something other than what the master's report had said. On May 5, 1989 I sent a letter to the Assistant Attorney General telling him that we had been paying in good faith and abiding by the master's report, and we would continue to do so. On May 26, 1989 the attorney general's office submitted a motion for release from judgement through the court stating they held all rights to child support and the master's report of August 28, 1988 was void, as the ex-wife was receiving AFDC. Again we were forced to pay the attorney to handle this problem. On June 6, 1989 the attorney general withdrew the motion. Our attorney had the same information I had sent the attorney general, but my letter was ignored by their office. As a matter of fact, I received the information on the AFDC payments that the wife received from Child Support Enforcement. In the meantime, they garnished my husband's dividend check, which they had to refund to us in the month. My husband's oldest son is 18 and moved out on his own. The youngest is 14 and we have not been able to see him or talk to him in over year. We never get an answer to our letters, so we don't even know if he gets him. We've given up. All the court orders in the world aren't going to make her allow us visitation. According to civil rule 90.3, my husband's case can be reviewed again next year. Since there has been changes in our circumstances, we will possibly be paying a

\$1,000 a month for one child we are allowed no contact with. I certainly hope by that time the Task Force will have some solution for our problem, because as it stands now, the courts will not help. And I have one more comment to make. Things weren't real peaches and cream when my husband's oldest son was down here, and the summer before he turned 18 when my husband would take off, be on the Slope for a week. My stepson would take off and I wouldn't be able to find him. At one point through his friends, my son's friends I had found out where he was staying and I went to the Soldotna Police Dept. and see if they could help me get him home. The Soldotna policeman told me was that the only way they could help was that if I report him as a runaway and the policeman said, Ma'am, you don't want to do that because once you get Social Services involved in your case, you'll never get rid of them. And I think that's a pretty poor commentary on our system where the police tell you not to get involved with an agency that was set up to help you because they're nothing but trouble. Thank you.

SEN. COGHILL:

Thank you very much Linda, yes, we've heard that story time and time again in the last day and a half on the social service, that once they get into the system, you can never get them out. We would like to have, if you

have any of that in written testimony, if you would give it to Janey there at the LIO so that we can go ahead and have it sent up to the task force, it would help us a great deal. And thank you very much for your testimony. We'll now go to the Mat-su and we have Judy Bryan.

JUDY BRYAN:

Senator Coghill, my name is Judy Bryan and I appreciate this opportunity to express my views about the problems our family law system has created for my boyfriend and I and some possible solutions. The stress caused by the bias against men in divorce cases has affected all of us, him, his child and myself. The courts awarded custody of his child to his ex-wife without regard to the needs or feelings of his child or him. The state will represent his ex-wife free of charge to increase his child support payments, while he must hire an attorney or represent himself if a reduction is needed due to loss of income. If his ex-wife denies him his court-ordered visitation, he must hire an attorney to get the order enforced. Yet, if he were to fail to return his child to his ex-wife, he then would be criminally prosecuted by the state for violation of a court order. I also find it outrageous that support payments are based only on the non-custodial parent's income and that the custodial parent's financial status

and assets are not even considered once the court orders are established. I have suggestions by which you could possibly revise this state's child support system. 1) Joint custody should be awarded in divorce cases unless both parents agree otherwise, or unless there has been a conviction for domestic violence. 2) Child support increases or decreases should be represented equally by the state, regardless of custodial status. 3) Court-ordered visitation should be as vigorously enforced by the state, as is child support collection. Denial of court-ordered visitation should be criminal offense and grounds for change of custody. 4) Support payments need to be based on the income and assets of both parents. Subsequent families with children also need to be considered when support orders are established. Thank you once again Sen. Coghill for providing me with this opportunity to put forth my views.

SEN. COGHILL:

Thank you very much Judy for excellent testimony. It was short and sweet and I realize that there are a lot of problems and you did hit the chord, we really need to have the whole broken family program take consideration of the children, take consideration of the support payments by both parents.. Both parents have the responsibility and I think that you hit the chord.

What we need to do is we need to have you, if you have any other information or any testimony, we're going to keep the docket open until through Monday August 20th, and so if you have anything, just mail it in. We sure appreciate you taking the time on a Saturday morning to do this for us. Now we do we have any other teleconference. No. Have any more? Fairbanks have anybody?

DAVE MAHAFFEY:

Yes. Senator Coghill this is Fairbanks. Can you hear us okay? (Yes, we can). My name is Dave Mahaffey and I'm the Fairbanks coordinator for the Alaska Family Support group. Thank you Senator Coghill for holding these hearings and let me friends around the state in other cities know that we are indeed lucky to have Sen. Coghill listening to us today. I have nothing but the highest praise and admiration for Sen. Coghill. He's proven himself to his constituents in the North Pole area to be a senator who is deeply concerned about the family law issues, and has in the past always been available to help us in dealing with various state agencies. He and the staff are aware of the tactics used by the Child Support Enforcement Division and are always ready to listen to our problem areas and assist us when they can. Thank you Sen. Coghill and your staff for the help that you have given me in the past

and for being hear to listen to us today. As you already know, I have had problems with the court system, the Division of Public Assistance, the Division of Family and Youth Services, and the Child Support Enforcement Division in particular. Due to the time constraints of this hearing, I can't discuss with you all these problem areas. An area which is of great concern to me is the protection and welfare of children during and after custody disputes. As you know, Senator Coghill, my children were abducted from Alaska in 1988 by their mother and taken to another country. I expended over \$30,000 to obtain the legal return of my kids. I was assisted by your office, by Sen. Stevens office and the State Department in Washington, D.C. Money was only a small part of the ordeal that I went through. I can't adequately describe to you the mental pain and grief I experienced when I was separated from my children. I did not know where they were or if I would ever see them again. The mother was actively assisted in the abduction by an organization in Fairbanks known as Women in Crisis, also known as WICA. This is not an idle statement made by me. Its based on sworn depositions that I conducted with the president of WICA, a WICA employee, and an attorney representing the mother. In these depositions they admitted that they assisted the mother in leaving the State of Alaska in violation of a court order issued by

the fourth judicial court in Fairbanks, which specifically stated that the children are not to be removed from the state. They also admitted that WICA drove the mother and the children to the airport, gave her financial assistance to carry out the abduction of the children. I have a lawsuit against WICA in progress for their interference with my custodial rights and for their willful violation of the court order. I have also requested that Fairbanks District Attorney to file criminal charges against WICA. These charges are currently pending. My concerns are that this state funded private organization is still receiving state dollars after their admitted participation in the abduction of my children. In fact, their state funding increased in 1989 and 1990. I have heard various estimates on the amounts of state dollars that they receive and it varies from \$1 million to \$5 million per years. WICA is affiliated with similar organizations throughout our state. They go by different names in each community. For example, in Anchorage they are known as Abused Women's Aid in Crisis, Victims for Justice and Starr, and in Juneau as AWARE. On July 2, 1990, I attended the Grant reviews held by the Alaska Council on Domestic Violence and Sexual Assault in Anchorage. I had hoped that the state review board would take public testimony before awarding state dollars to these groups. This was not the case. Each

organization presented their case for more state money and the Grant review board placed their stamp of approval after each presentation. No public testimony was allowed. My concerns to you should be obvious. There is no system on checks and balances on these groups when they are wholly funded by state moneys. I fear that they are getting a clear signal from the state that they are free to violate Alaska court orders and take actions that are detrimental to our children and still be able to receive an increase every year in free state funding. Since these groups are private, they are not subject to investigation through the Ombudsman's office. The only recourse available to a private citizen is through a law suit in the court systems. I ask you Senator Coghill to institute a system whereby complaints against these organizations can be heard. Clearly any funding review board hearings should be open to testimony from the public at that hearing. Continued state funding to organizations such as this, after it has been proven that state orders have been violated and actions have been taken that are detrimental to our children, can only be viewed as criminal neglect on the part of our state. Thanks again Senator Coghill for your help in listening to us today.

SEN. COGHILL:

Dave, we need to get hooked up with you, because the Ombudsman can investigate a private non-profit if they are receiving public funds for public purposes. And we feel, if you feel that we need to do that, you can drop by the office. Jeanne is down here with me today, but she'll be back in the office Monday or Tuesday and we need to start that going....the process of the Support Division and all of the other divisions as to their relationship with the family court. So it might fit right in Dave and I sure appreciate your testimony and we will get your file updated and down here with our special assistant, who is Kathleen Putman. And although we've got one-month funding, I'm hoping that we'll be able to continue and get the funding even if we have to go to the public and get some funds. Thank you very much Dave. Very good testimony. Do we have anybody else in Fairbanks?

DAVE MAHAFFEY:

There is no one here at Fairbanks at the present time. But there may be some more people coming in later.

SEN. COGHILL:

Okay. We'll just leave the mike open, it'll be there.

We will go to - is there any of the teleconference sites? Does Juneau, Deb do you have anybody there? I see you have somebody signed up for this afternoon?

DEB:

We have observers at this time, but our testimony will be coming at 2 pm this afternoon Senator.

SEN. COGHILL:

Thank you very much. Mary, in Mat-Su, you got anybody else?

MARY:

No, thank you Senator, we don't.

SEN. COGHILL:

Alright then. Soldotna, you don't have anyone else? (No, thank you.) Okay. Well what we'll do now is that we'll, if there's no other person on the teleconference that wishes to make a comment, we're going to now take Mr. Steve Strube who relinquished his spot this morning so that George Bell who had a time constraint could get a chance to testify and leave. So Steve, could we have you come up and give your name and welcome to our task force. You're an old hand here. We appreciate your concern of this whole subject and actually being the

driver of the mule that actually got this whole task force going, and we appreciate that.

STEVE STRUBE:

Thank you Mr. Chairman and members of the Task Force. I'm Steve Strube, President of the Alaska Family Support Group, and I'm here because Alaska's family law system is a disgrace, causing harm to thousands of families, children, mothers and fathers. We commend you for giving us this forum to voice our legitimate to our elected representatives. For the record, some of the participants in these hearings are not members of the Alaska Family Support Group, and their testimony may not express the views of the group. Complaints against Judge Carlson are clearly among the most frequent serious complaints from the membership. Documents have been submitted to your staff that show Judge Carlson violates statutes, due process of law, judicial cannons and rules of court. The evidence supports our request for an investigation for impeachment in accordance with Section 12, Article IV of our Constitution for malfeasance and misfeasance in office. How could this judge operate in our courts for so many years without protection from the system. The commission on judicial conduct, not to be confused with the judicial counsel, is empowered by our constitution to protect us from judicial terrorism by investigating

complaints against judges. But the Commission appears to be part of the problem. The Commission consists of 9 members, 7 of whom are attorneys. It is lawyers' self-regulation that created and perpetuates this crisis in the court house. As long as judges without integrity rule the judiciary, policed by other judges and by attorneys who fear the judiciary, there can be no justice in Alaska. Most information regarding complaints is unavailable to the public and is kept protected from exposure. And the Commission's activities are touched with conflict of interest. The Chairman is a practicing attorney who tries cases before Judge Carlson and other judges who may have complaints pending before the Commission. How can the public have confidence in our system of justice when the complaint system is a failure and the process is kept shrouded in secrecy. We, the people, must have the power to regulate the judiciary in an independent agency, accountable to the public and staffed by non-lawyers. We request that Judge Carlson's victims be given the opportunity for <sup>NOVO</sup> ~~denable~~ review of their cases. Where unlike appeals, the entire case is reviewed.

In 1987, our Supreme Court adopted child support guidelines known as Civil Rule 90.3 without approval from our legislature, clearly violating our

constitution. Law making is the function of the legislature in a democracy. The guidelines when used on sole custody cases where support payments are based solely upon the wages of the non-custodial parent, irrespective of the custodial parent's assets and income are in violation of at least four Alaska statutes: 25.24.160; 25.24.230; 47.23.060; and 47.23.170 in which the legislature states clearly its intent that both parents have the duty to support their children. The guidelines were adopted by a closed process with little public visibility and with no public input, not even meeting the minimal demands of due process. Child support guidelines impact thousands of our citizens. They should not be written in shadows and promulgated in the dark of night. Child support orders that are unfair lead to civil disobedience and increase the bitterness associated with divorce. The guidelines were revised in 1989 by a court-appointed committee comprised of judges, lawyers, and bureaucrats. Mr. Chairman, there weren't any elected officials or non-custodial representatives on that committee. Chief Justice Matthews should be ashamed of himself for setting up that committee that clearly showed malice against non-custodial parents, second families and subsequent children. We strongly recommend legislation to create a child support review commission composed of elected and appointed officials, parents, a

representative of the judiciary and people with expertise in family law, economics, family issues, that would make our child support guidelines subject to amendment only by our legislature. Guidelines should be adopted by the legislature that comply with Alaska law, require the evaluation of incomes and assets of both parents, and take the needs of subsequent families into consideration. We support the income shares approach as long as it written and enforced to benefit the children of divorce, without bias against subsequent children, custodial or non-custodial parents. Mr. Chairman, judicial violence is not limited to the judicial branch. The attorney general and individuals within CSED participate also. The Jeff Kowalsky is a glaring example. Jeff was divorced in 1985; did not get custody of the children; and gave his equity in the family home in lieu of child support for a 5-year period. Jeff complied with a court order until CSED, through the AG's office and Judge Carlson, changed the court order for the purpose of assigning a \$17,000 debt to Jeff that accrued without Jeff's knowledge from his ex-wife's and children receipt of welfare benefits. Jeff was in compliance with his original court order, was contributing financially to his children. He felt he should not be liable for his ex-wife's welfare benefits because she had refused offers of employment on at least two occasions. And he could not afford

\$800 a month. Judge Carlson changed Jeff's court order in violation of due process of law and Alaska Statute 47.23.120. Three state agencies colluded to violate Jeff's due process rights, Mr. Chairman, by not allowing Jeff to present his case before the court; violated a statute adopted by our legislature to prevent extortion of money from citizens by heavy-handed bureaucrats in the collection of AFDC; and violated Jeff's due process rights by assigning a debt to him that accrued without his knowledge. In March 1990, Jeff was ordered to pay \$846 per month on a total debt of \$25,881. I attended his informal hearing at CSED and taped the meeting. The hearing officer was not concerned that Jeff's constitutional rights were being violated or that Judge Carlson illegally changed his court order, or that the amount charged to Jeff included the welfare paid to his ex-wife, which is government sanctioned alimony. The officer's sole concern was to get Jeff to sign for the debt. Why won't CSED admit they made a major mistake, go back to court through the AG's office, and restore Jeff's court order to its original requirements; remove the wage garnishments off Jeff's employer and let Jeff make his child support payments as agreed in 1985 between him, his wife, and Superior Court Judge Michalsky. As it stands, Jeff is being refused a formal hearing; and his arrearages are amounting daily with interest. In addition, Jeff has

been told by his CSED caseworker that because he will not assume the debt, he is also required to pay an additional \$350 a month on his original court order that was superceded by Judge Carlson's illegal court order. Jeff's case is not unique. It is quite common. And we believe he's being financially destroyed because he is a member of the Alaska Family Support group and because he has dared to question the system. At no time has Jeff refused to pay child support. He simply will not yield to extortion. The policies of CSED to collect AFDC payments from non-custodial parents with no regard for due process of law and in violation of statutes, and with no regard to effects on second families and children is a disgrace to the State of Alaska. Mr. Chairman, there are other serious problems in this state's Child Support Enforcement Division, one of which is the agencies failure to collect nearly \$160 million in child support arrearages. The agency has tremendous caseload, nearly 28,000 cases with a very small staff. Perhaps the legislature should consider a budget increase. Another problem is the denial of fundamental constitutional rights to equal protection of the law to non-custodial parents. The Family Support Act of 1988 requires the states to accept request for modifications of court orders from custodial and non-custodial parents on an equal basis effective November 1, 1990. Because denial of equal

protection is contrary to our constitution, because that denial is causing harm to Alaskan families and because implementation is not prohibited by state statutes, we request that this task force look into initiation of child support order modifications on an equal basis immediately. Another problem is the garnishment of wages by the state to the point of putting non-custodial parents and their children into poverty when wage garnishment rates are set. The federal government allows the garnishment of up to 65% of wages directly from employers. While we strongly support the policy of wage garnishment in extreme cases of non-support, we believe it is poor public policy for the state to garnish wages at the rate that puts households in poverty. There are states that prohibit their agencies from garnishing wages below federal poverty levels, and we urge this task force to work with us on legislation that will prevent CSED from putting more families into poverty by heavy-handed collection methods.

Another problem is the computerized telephone system at CSED called KIDS. Employers, not wanting to hire people who are being garnished or who are making support payments, are using the system to screen applicants from jobs. They simply dial the applicants social security number into the system and get

information regarding the amount owed, the amount in arrears, the case number and the date the last payment was received. I requested that CSED modify the system so that personal information regarding cases would only be accessible by entering case numbers instead of social security numbers. The reason given for not improving the system is that number letter sequences, such as case numbers, are not acceptable to the computer system. Computer experts tell me otherwise. We consider the concept of the KIDS system be a positive step toward providing a flow of information to parents, however, we believe that the system is operating in a manner that is detrimental to the ability of non-custodial parents to obtain jobs and to stay above the poverty level and to support their children. We have members who will volunteer to adjust the KIDS system at no cost to the state and we request this task force work with us and the Department of Revenue on this issue. In view of the fact that immediate wage withholding begins November 1, 1990 on all new child support orders, and on some existing orders, employers are quickly realizing that the government is transferring the responsibility of child support collection from government to private industry with no compensation to employers. As them employers become aware of the ramifications of immediate wage withholding, the KIDS system will increasingly become one of their

management tools to weed out non-custodial parents from the work force.

In conclusion, Mr. Chairman, thank you for your work on these family law issues. We also thank Senator Faiks for working with us during the interim on child visitation guidelines. It is self-evident that every child has the right to access both parents after divorce and that access should be set at no less than 33%. We also believe that denial of court ordered visitation should be a criminal offense as it is in Michigan, where its a felony. We also thank Rep. Larson and Barnes for offering to work with us during the interim on family commissioned legislation. Thank you.

SEN. COGHILL:

Thank you very much Steve for an excellent presentation, and if you'd make sure that we have a copy and we'll be in close contact with you during the process of our task force. We have one person on line in Fairbanks, but I did tell Mr. John Grames that we would take him right after Mr. Strube's -- you want us to take the teleconference? So we'll go ahead then on teleconference and we'll go to Fairbanks. And welcome to our task force Mr. Donn Hopkins. Donn, we are happy that you can take time out on Saturday morning to come down and give us your thoughts and your testimony on

the important subject of the family law review task force. You may proceed.

DONN HOPKINS:

Thank you Mr. Chairman. I'm sorry that I got a misunderstanding of what the hearing was about. I've been told that it was about the Judicial system in general in the State of Alaska, and I don't have anything specific to offer on family law.

SEN. COGHILL:

Well, the family law Donn goes to the court system, goes to the family court, goes to the 90.3, the rulemaking power of the Supreme Court, so if you'd like to take 10 minutes, give us your thoughts and give us your testimony because I think it will all get in and be germane.

DONN HOPKINS:

Okay. I have two general comments to make and they're not new - well one of them is new. My experience as a citizen trying to represent myself in legal proceedings is that the system is so complicated that its almost impossible to achieve justice. This would be the vast majority of people in the United States. I don't think this is a problem peculiar to Alaska. And some overhaul of the whole judicial system - make is simple

enough so an average person can get justice. Because most people really cannot afford to go into battle hiring lawyers to do battle for them. I don't know whether your committee can do anything about that or not. The other problem I have is with the courts themselves. I haven't had any problem with courts in Alaska, but I have had experience with courts in Arizona, in which all three levels of the court violated their own rules and state law, as well as the constitution. And there's no recourse. There's no way really to review court decisions to see whether or not the courts are following the law. If you try to take the matter to the U.S. Supreme Court, they take maybe one out of 400 at best. So, there is no recourse once you get to the State Supreme Court. I feel that there needs to be some kind of regular citizen review of court decisions, where a person who's dissatisfied with a court decision can bring their dissatisfaction to a lay committee with no lawyers on it and explain this problem to them, and have the committee review the proceedings of the court and the law that was being utilized in the court, and if this committee finds that they feel that the courts didn't obey their own rules and regulations, that they can refer the matter for further court action, or if they find that the law itself is faulty, they can refer the matter to the legislature. Right now there really is no review of

courts. There needs to be. And that's really what I wanted to talk about.

SEN. COGHILL:

Well thank you very much Donn. I think that we have in our whole constitutional framework, we have a pretty good system. I think we have a review system and I think that with the Judicial Counsel and then with the Judicial Conduct Commission, that we have avenues to get to it. If they're not working, why then that's what the legislature is all about, and that's what these hearings are all about. If there's something broke out there, then its our constitutional responsibility to try and fix it. And that's what we're trying to do in reaching what these people that have had problems with the family law, with the family court, with the family law system, that we're able to reach and give these people a public forum in order to publicly put their problems before our legislative task force. And that's what we're trying to accomplish tonight.

DONN HOPKINS:

Well, I'm very happy that I know about that Senator. And I certainly applaud what you're doing. I guess if I was talking about was more of a general problem that the average citizen has in pursuing a civic piece of

litigation and trying his rights under the law. And I'd be happy to participate in any kind of a hearing on that particular subject that your organization might care to hold.

SEN. COGHILL:

Yeah, well thank you. We're planning on doing, Donn, September and again in October on September 21st and 22nd, why we'll have a follow-up hearing and that hearing will have to do with the personnel both in the health and social services area as well as in the court area. And in October on the 19th and the 20th, why we'll be holding hearings on the regulations and the law changes that are necessary from what were gathered from this public hearing. This hearing yesterday and today are to kind of set the tone and get on the public record the concerns of the citizens who have never had a chance to do that. Then in November on the 16th and the 17th, we hope to be able to start finalizing some sort of process to submit to the next administration, the new administration and to the legislature. Thank you very much Donn, and if you have anything that you would like to submit, we're going to hold the record open for one week, Monday, the 20th of August, and if you wish to submit something you could submit it in writing to the Senate Family Law Review Task Force at 3111 C Street, Suite 520, Anchorage, Alaska 99503. And

with that we'll go to our next testifier and that is John Grames. John we apologize for not getting through your testimony yesterday and we certainly want you to conclude your testimony.

JOHN GRAMES:

Yes, well thanks for allowing me this extra time to make a summation because yesterday I had to leave at 5:00 and I just, my friend and former mayor Ken Henchy, who's life has been ruined by Judge Carlson and the court system is.....(John has his small boy with him.) I can't afford \$3.00 an hour for a babysitter.....make a...to represent us. They're always pleading poverty. Yeah, I've been indigent for two years and what it is I want to bring out here is - oh by the way, indigent is a euphemism that's legalese for being broke. And is that our original petition that, where Steve Strube and I and the rest of us that were mostly victims of Judge Carlson and the family court system. We collected a 1,000 signatures, and presented it to the Senate to begin the investigation for impeachment of Judge Carlson. Now that was very well thought out and preconceived and we consider this, these hearings a part of that process, and we want to thank you very much that all of us have a deep appreciation for what you've done, and for Tim Kelly to just drop his responsibilities as president of the Senate and give this to

the Ombudsman, who cannot investigate Judge Carlson, and he chose not have these hearings. Now the Ombudsman - I bring up two things about the Ombudsman. The Ombudsman only has 275 signatures out of the 1,000 that was given to them by Tim Kelly. And I wish you would look into that. I've asked Tim Kelly's office about it and the other thing about the Ombudsman is that four of us or five of us have gone to the Ombudsman because they can investigate the court administration, which is you know, like a government agency. And although they can't, even a judges' secretaries have judicial immunity according to them. Any way the head of the Ombudsman's office in Anchorage is a woman named Rosa Gardner. She's in the Bar Association. And the Ombudsman assigned a friend of mine, Kevin Herron, who is a very fine man, to do the investigation. He's new to the Ombudsman's office and he's new to the court system. I would appreciate your committee to look into that original ombudsman's report about our complaints about the court system and about the personnel. Because they are accusing us of being thieves and intimidating them and threatening them, and all kinds of accusations and allegations. And I have been to the court administration. I tried to talk to Jan Stranberg back there. I've been Hal Zal. I've been to Carol Frost and to the Czar of the court system, Art Snowden. They just, they just will not answer any of our

questions. They're only answerable to the judiciary. And they know that the ombudsman's office is covering for them. So, in light of what the Ombudsman is going to have, is going to investigate state agencies, but what happens to our complaints about Judge Carlson. Well, who's going to investigate the Ombudsman. And its just too difficult to investigate yourself or clean your own house, or in this case clean the court house. So I wanted, maybe possibly the legislature which is the most democratic form of government could possibly you know help us in that area.

The other thing that I wanted to bring our here is problems with the police department. It is very serious. My own personal problems with the police department, and I'll begin with the ad that was put in the paper Thursday before the hearings, said its Alliance for Children's Rights announces a boycott of the Senate Family Law Task Force public hearings and for the following reason. This task force was not sanctioned by the legislature. The purpose of this hearing is biased against a child's right to support. There is a strong likelihood that witnesses will be intimidated and harassed by over-zealous anti-child support groups. I guess that means us. Okay. Well, you chose to have a armed policeman hear because you needed that much force in order to keep us under

control. And you know so that we will predictably come and just sit here and make be civil, so the implication is that we're only civil and considerate people and mind our manners because of the police force and I resent that. Because I have been to all the hearings, and the police have been called before at the Civil Rule 90.3 hearings where Victor Carlson has always been on that committee, and they were more than one policeman there, and they chose not to, every single public recommendation was denied by the Civil Rule 90.3 Committee, which made the rules of court, which became law. And this is the law that we live under that we have to abide by. And its very intimidating always to having to face these policeman. And in the Ombudsman's report I bring out the fact that all the policeman were shadowing me and tailing me in the court system. Every where I went. And Judge Carlson told me and has told other people, and has Jack Coghill - has had Jack Rhfgul, excuse me, has had him arrested. And other people have been arrested and he told me that my case could easily become criminal. So, we're under the threat of going to jail. And when people, when we were picketing the court house, we all expected to be arrested. I mean it would not be surprising that we would be arrested. And there was a man named Tony Cassetti who went to federal court because Judge Carlson violated his civil rights. Judge Matthews,

former law partner, Chief Justice Matthews, former law partner. Doug Daily represented Judge Carlson in federal court. Tony Cassetti, like many of us, have all his money and property taken away from him. He was broke. He could not pursue that case. Tony Cassetti is in jail, a political prisoner. Now, I don't know what you can do about accusations of intimidation and harassment, but you can read them for yourself in the Ombudsman report, and I think what they're doing is because like I told you the other day, the lawyers and judges have concentrated so much power in there that they want to keep citizens in line and they want to keep them down so that we can't make a move, and its very effective. Cause every time we turn around, I mean Kathleen Putman told me she had heard that there were women intimidated by and harassed at these hearings. I never saw that. And you know, we're not, if anybody would do such a thing, I'm sure that these people that I associate with would stand up and tell that person stop that right now, immediately. We don't need police force. You know, we don't what these people, these police are going to do.

Okay, there's one more thing about the police department. The APD. Now, I don't have time, which I will explain to you at another time, the connection between Rick Uehling and Janet Kowalsky his aid, who's Jim

Arnesson's ex-wife, and that Dana Fabe, Vincent Vitelli, who's chair of the conduct commission, and that lawyer from John Reese's office when he was in private practice. They have a order regarding child custody and child support, and it says, any and all future matters concerning custody and visitation shall be heard before the Honorable Victor Carlson if available, whether or not Judge Carlson is currently sitting, is retired, is acting pro-tem, or is available in any other capacity. Okay, now Rick Ueling's roommate and campaign manager and chief of staff that Janet Kowalsky replaced, called the APD on me and gave me a police record who I found out a year later on it through Truth and Information that I was harassing him. And I called up his office because they didn't have any fathers and I, we were trying to get a public member on the task force. The family support task force child custody. Now who they put on there is Ruth Williard, who is Judge Carlson's secretary, as a public member. Linda Strobe, who worked for a state agency, and Judith Rich, who is Mrs. Vincent Vitelli, works out of his office with a company called Guardian ad Litem, Inc. And when David Garrigan was testifying yesterday, he explained his, what it was like to be confronted by Judith Rich. Okay. Now this was about a week after we picketed the judicial conference, which was opulent judicial conference. Then the meetings came, the child

support meetings came, and they were right here. And Steve Strube tried to ask the government representatives for the Family Support Act of 1988, he tried to ask them a question. Max Gruenberg cut him off. I wanted to bring out to Max Gruenberg who, you know, that was our one chance and we didn't have a chance to be on this sub-committee because they hand-picked the sub-committee without public notice. And it was, we didn't have a chance to get on there. Subsequently, Steve Strube did get on the sub-committee but he never had a chance to ask those federal people ever talk to them again. Anyway, Max Gruenberg called the state cops on me. Called the state troopers. Now Max Gruenberg is gets \$500 from the peace officers association. Judith Rich worked on his campaign in kind and gave him money in his campaign. Now I tried to ask Max Gruenberg and he just, he cut me right off. And I was entitled to 5 minutes of testimony. He just cut me right off. Okay, so what am I going to do. I'm going to risk being thrown in jail when I got a little kid. No way. And I waited for the Ethics Committee, to put some teeth in the Ethics Committee of the legislature, but that never happened. I know its an effort in futility, but I might bring that case to the Ethics Committee.

There is one more thing, alright. If you would indulge me because this is a very important issue. This is a letter, August 3, 1990 from the mayor's office, Chris Cazinski, who's a fine young man, his dad was the managing editor of the Times and I've known him since he was a little kid. "Per your inquiry regarding why the Anchorage Police Department came to your house, John Dunham, Assistant Ombudsman, determined it was a case of mistaken identity. The Anchorage Police Department has apologized for their error and is sorry this has caused you much grief. I have checked with the Ombudsman's office and am satisfied with their response that the Police Dept.'s action was a case of mistaken identity." They came during our darkest hour when Carlson had just wasted us. And he was about, just a few weeks old, and asked for me by name and knew the name of his mother which is Laura Elgasovo. And the policeman's name, which I found out on my own, was Sgt. Berg. The same Sgt. Berg who is in front of a federal court for beating somebody up. Okay. Sgt. Berg and Capt. Novacky invited Carlson out to the APD Academy two times, the only judge out there.

SEN. COGHILL:

John, we appreciate your testimony. If you.,....

JOHN GRAMES:

Okay. There's one more thing. How does Victor Carlson sit on the APD union case. Lawyers, law enforcement, authorities keep Carlson in that position and he knows it and that's why he devastates all these people with impunity.

SEN. COGHILL:

Thank you John for your testimony. If you have any testimony you wish to submit, we'd appreciate it if you would put it in writing and submit it to us and taking the time to be before our task force. We have two or three we've got scheduled and we have Susan and Allen Hurst. Are you folks here? You want one at a time or both together, or however? We certainly appreciate you taking the time on a Saturday morning to come and talk to us.

SUSAN HURST:

Thank you very much for your time and allowing me to speak. I want to state briefly that I feel that the Alaska Child Support Agency has not come through for me or my children. In October, 1988, I found out that I could receive help through the Child Support Agency here in Alaska in getting my ex-husband to help in the financial responsibility of our two sons. My youngest son, now 14, has been with my present husband and I for

8 years. The oldest who is 16, has been with me for the past 3½ years. Their father has paid nothing at all during that time in respect to their support. We were told by Debra Taylor at the agency, that being my ex-husband was military, it should be fairly easy. The only drawback was that at first it was not court ordered. In the beginning my first husband had custody, and after his remarriage, him and his wife couldn't take my sons talking about me and crying for me. And he called me up to say that his son was disruptive his family, how soon could I get him. We made arrangements and I went to get him, and six months later he said I could have total custody of him if I would not ask for child support, otherwise my son would have to go back and live with him. Naturally I wanted my son. Years later, because he couldn't control my oldest son, it was said it was either me or he would put my son in an institution. I wanted my son back and it had been many, many years since I had seen him since my ex-husband refused to have any contact between my son and me being that we lived in Alaska and it was too far, even though my other son went to go visit him. Anyway, I don't have written custody of my son, but because my ex-husband willingly, and I have the letters to prove it, sent him here and its been over four years, my son is protected under the Alaska laws. My present husband was also in the Air Force, but because

Of an injury he got from loading bombs, he was given a temporary medical retirement. We knew it would be rough, I mean who wants to hire an ex-bomb loader, so that's when we tried extra hard to get some child support. They said they would help. Now what they have done is sent out letters to Florida stating our side and they wait 90 days to see if they get a response...end of tape 6...Most teenagers want. So what does the real father do? He receives a Master Sergeant's pay and lives on the base and he gets child support for his own step-daughter. The Child Support Agency says they are really sorry, but there isn't anything they can do. So who's helping the kids? Is it their father? No. The Child Support Agency? No. What are the laws? And so much for children's rights. And something needs to be done and some changes need to be made. Children deserve more and its not their fault. That's about it. And thank you for allowing me to say that brief little bit.

SEN. COGHILL:

We certainly appreciate you're coming back and testifying. And if you do have any documents or information that you'd like to submit to the Task Force, we'd appreciate cause we're going to try and get some hard card, and then we're going to get into the process of evaluating exactly the very thing that you're talking

about in our October process. But, the idea of this is just to put everybody on the record and find out what we have to do. Thank you. We have another lady here, Mable Ramsey that just, she came all the way in from Big Lake. We'd like to have her give her testimony. She wanted to be on record so that she could get back. Thank you very much for coming this far and participating in our program.

MABEL RAMSEY:

Actually I'm taking time off from my vacation. Do I speak into this? (Just speak). Great. I'm Mabel Ramsey and I really thank you for hearing me this morning. What, primarily what I'd like to talk about is the visitation problems that I've had. My husband has had custody of our children for approximately three years. I'd really like to touch into how he got custody. He used falsified evidence. As an Anchorage police officer, he was able to use his position to use accusations against me without evidence whatsoever. And after a year and a half of a court battle, I did not have the funds to continue fighting for my children. There were three investigations done. Two by the Anchorage Police Dept. My main concern is that if investigations be done, and definitely I support that investigations done into family matters when there's child assault abuse indicated - definitely. But when

it involves people like my ex-husband who used their money and their influence to have investigations started instead of the proper channels, then its terribly unfair, especially when you're single and you don't have the funds to fight those types of things in court. I let the children go because I couldn't fight any longer. After a year and a half battle I'd spent over \$10,000. And when my husband - one of the reasons that custody was granted to him was he promised to allow, to stay in Anchorage because he had a permanent job with the Anchorage Police Dept. And, since he's left the department and moved to California. While he was living here I was denied custody of my children for 6 months. He moved, he changed his phone number. And although I was able to visit them in the schools, because I was a parent volunteer, I wasn't able to home visits with them for 6 months. And according to state law you have to pay \$200 for each denied visitation. Not having funds to go to court and fight for my rights, I lost my visitation and I lost the right to collect funds for that. I also pay my child support timely. Now, shouldn't, if we pay our child support, shouldn't we have visitation? I mean shouldn't we have visitation. It should, Visitation should be fought for as strongly as child support. Because if you look at the issue, these are my children. They're half me and when I can't talk to them or be with them on a free

basis - I mean people in my family - they're family have died. And because their father is so non-supportive of me as a parent or a mother, they are not allowed to grieve the loss of their family members that they have become close to. They are not allowed to have their feelings. I'm one of the grassroot founders of an organization called Children Are People. And I've served and trained leaders for them. And one of our main slogans is let our children have their feelings. And my children are in California and they can't have their feelings for their lost relatives. They can't have their feelings for their mother. They are not allowed to call their mother. And they are denied visitation with me. You know, its a very sad thing. Another thing is child support. Yes, I'd rather pay my child support, you know, if that's the right I have to care for my children. You know, but yet when I pay child support there should be a limit, because it puts me below the poverty level to pay my child support. So, not at this time, fortunately not at this time, I mean we can make ends meet. But there was a time when I was first divorced that I made \$550 a month and that's hardly anything to survive on, but yet to pay my child support, it put me so below the poverty level that it was hard to survive. It was very hard to survive. And I know that with more and more women losing custody of their children, or giving custody of

their children to be fair and equitable, and you know in the bringing up of our children, and we pay child support. Our system 90.3 is not fair to them. And that's primarily what I have to say. Thank you very much.

SEN. COGHILL:

Thank you very much Mabel. You've come right, hit right to the heart of a lot of what we've been hearing for the last day and half and that's actually what the Task Force is all about. And if you have any other thoughts, why we're going to hold the public hearing docket open until Monday, the 20th of August. So if you do have some other thoughts or you have some documentation or something you think might help this task force be able to get to the root of our broken system, why we'd appreciate it. Thank you very much. We now, we're right on schedule. And we have the honor of having the snow tiger with us, Edgar Paul Boyko. Edgar, welcome to our task force and we appreciate you taking the time to help us in delineating the problems of this system.

EDGAR PAUL BOYKO:

Thank you Senator Coghill, and Rep. Walt Furnace. I've heard you very graciously thank people who came here to testify. I want to thank you for taking time out of

your campaigns, your busy schedule to address a problem which is of incredible importance. The way we, in this state, deal with problems of family law, divorce, custody of children, child support, parental rights, children's rights. Now I have been involved practicing law in this state for 38 years, and for many years I was very actively involved in family law practice. I quit that about 10 or 12 years ago primarily for two reasons. I found that it was too tough on my heart muscle. There is just too much misery and too much injustice and too much failure of the system day in and day out and I couldn't handle it. And I was particularly unwilling for the last 8 or so years to appear in any kind of a case before Judge Carlson. And I have disqualified him under the pre-emptory challenge and challenge for cause for many years. And since he was for many years more or less the family court, that was another reason why I chose not to go in there. Somebody said that Judge Carlson was the tip of the iceberg. I saw that reported. And that's true as far as family court is concerned. And the family court, again, is the tip of the iceberg as far as our judicial system is concerned. I was very active Mr. Chairman in the statehood movement, as you will recall, and we started into statehood with high spirits and great hopes. You were one of our constitutional founders. We have had a pretty good constitution, although we

could do better. We should change it now in the light of what we've learned. No fault of those who voted originally. They were idealistic. We started our court system with high hopes and ideals and did pretty well. We hoped to avoid most of the mistakes and injustices and faults that had grown up in other more populace, more set in their way states. We succeeded to a degree, but we are falling into the same patterns of neglect, of mistakes, of error in our ways, and what you are doing here gives me some hope that we may still have a chance to recoup that. I think the people tend to look for a root cause in everything. You know what causes the parade of misery that you have already heard in a day and a half, and if you had a week, you could probably fill every day with people who come out of the family court system, or the judicial system, the administration of justice, the administration of criminal justice, with horror stories on how they have been wronged. And not all of them will be meritorious. But many of them are. I've always said, you know, with reference to the death penalty, if we kill one person in the death penalty that's innocent, it invalidates the whole system. And I feel if we wrong one person in family court, it challenges the whole system. And if you're looking for a root cause, and I have look for it for the 40 some years that I have practiced law and dedicated myself to these kinds of causes, the root

cause is the abuse of power. Actually, the root cause is power to begin with, and nothing is more profound than that axiom by Lord Acton, that power tends to corrupt, and absolute power corrupts absolutely. And the way it corrupts is because people really that are given power very often, if not always, tend to abuse it. And we have given too much power to various functionaries of our government, particularly the judiciary, but also other parts of the government. We have given too much power to our government. We have given too much power to the judges. We have diluted accountability, by having only one statewide, two statewide officials elected and everybody else appointed. These people are not accountable and when you have a governor like we have right now who's down in Santa Barbara thinking of what he's going to do next year, you don't even have that. Plus we have a Lt. Governor who's running for election. So who's minding the store. And when that happens, and its inevitable in our political system that it will happen, what you need to fall back on is checks and balances. And that was the genius of the American Constitution. And it is not fully realized in our state constitution and its certainly not realized in our legislative scheme and our judicial scheme and that's what I'm here to talk about.

Now, I could give you chapter and verse of the family court, of the track record of Judge Carlson, of the many horror stories that I'm personally familiar, but I can't do all that in 15 minutes and come up hopefully with some helpful suggestions, and I think that's one thing that you may be looking for as well. So I decided to use my scant 15 minutes to do two things. One, to talk a little bit about the history of the family court, which will explain why it is what it is and hasn't become what it should be; and secondly, to make some specific recommendations to you, which I hope you will consider and, if you find them meritorious, pass them on to the legislature for either legislative enactment, or possible consideration of constitutional amendment.

First, let me talk quickly about my knowledge of the history of the family court, and it may not be accurate in every last detail. I'm an old man and I'm derelous, and I, like all old men, I tend to remember things wrong, but bear with me. As I recall it, the family court came into being kind of by accident - happy accident if you wish, because it was a good idea. Sort of like this task force came into being by a happy accident, as the chairman knows. Sometimes you know, we folks tend to blame God for all our mistakes and troubles, that we make ourselves. But I also think

that sometimes he does interfere by little bits of events that you might call providence that give us a chance to pull ourselves up by our bootstraps. And I think the way this task force was created is one of those. The way the family court was originally created was one of those. We didn't have a family court set up. It was not in the legislative scheme. It wasn't created administratively to begin with. But during the time that Gov. Hickel was governor and I was Attorney General, Judge Harold Butcher was appointed to the Superior Court bench. Hal Butcher had been a long-time attorney and was found highly respected. A very fine gentleman. But the then sitting Chief Justice, Chief Justice Buel Nesbin, a reformed alcoholic with a dictatorial complex, hated him because Butcher and others, myself included, had been very active in trying to curb his excessive power and to some extent had succeeded. That's, the details of that are irrelevant and I won't take my time. But when Butcher's name went up, the chief justice, who sits on the judicial council as the official chairman, which I think is a bad thing and should be changed, pulled all kinds of strings to defeat his appointment. When he was unable to do so, he finally, and was finally had to accept him as a superior court judge, he decided to create a little corner where he could isolate him and he assigned him administratively to the family court.

Something Hal Butcher had experience in, but wasn't really his specialty. And one of my recommendations is going to be that we create family law specialties and other specialties in the legal profession in this state. Hal Butcher decided to make lemonade out of that lemon, because that's the kind of person he was. And he took, with his own money, he traveled all over the country and studied specialized family courts and their set up. And he came back, and with a will set about creating a good family court, and basically the concept of Harold Butcher's family court was precisely what the name implies, to protect the family. To avoid splitting up families; to avoid setting husband against wife, father against mother, parents against children. And so he had a three-tiered set up. The first line of defense where people who were trained counselors and conciliators who would try to get the feuding parties, particularly when there were children, get them together and reconcile and mediate. When that failed, then there was a process of marriage counseling. Only after that was this matter submitted to the judicial conflict process, and here again there were masters who would hear at the preliminary stages, and finally the judge would make the ultimate decisions. This was a court that was oriented to mediation, conciliation, counseling and divorce, custody battles, etc. as a last resort. Judge Butcher was not popular with the powers

that be in the court system, and over the years many, many times he was rebuked and rejected, his ideas rejected by the Supreme Court, by the administration, but he worked on and succeeded quite well, given the limitations that were placed upon him. When he reached the mandatory retirement age, the court system went about immediately to dismantle the family court he had created. All of a sudden, the counselors, maybe gradually, the counselors were turned into custody investigators, the system became much more adversarial. And of course there was no family court judge, and none was again ever created officially. For a while family cases were divided amongst various judges and some were good and some were bad; some understood it and some didn't and it was a hodgepodge. And then into that vacuum moved Victor Carlson. Now Victor Carlson, in my opinion, and this is not fact this is purely opinion based upon my judgment of many, many years observation in this state and other states. Victor Carlson, by judicial temperament, by lifestyle, was totally unsuited to be the family court judge, and he made an absolute botch of it. But I think he moved into it because he liked that unbridled power. Most people don't understand that family court judges have more power than any other judge. Because unlike other courts, there is no jury. There is no checks and balances. The family court judge is an equity judge, and he has

absolute power to not only decide questions of law, but questions of fact. And when he makes a factual decision, no matter how arbitrary it is, no matter how unjust it is, on appeal it will not be touched unless it is clearly and obviously erroneously. Moreover, appeals from the family court judges decisions go to the State Supreme Court. They are costly, they are cumbersome. They take forever and that is a relief that is not very effective. Even though Judge Carlson is probably one of the most often reversed judges. I would suggest that in 99 of a 100 cases where he reeked clear injustice upon people, there was no redress, and there couldn't be because they didn't have the money, they didn't have the staying power and they didn't have the resources. Maybe they didn't have the qualified attorneys to do that. I believe that Judge Carlson did what he did and I don't have the time to give you horrors. One of my law partners has a particularly horrendous case which sounds like a horror movie, which he will submit to you in writing, a custody case in which Judge Carlson connived with an abusive father to snatch custody from the mother by doing it late in the evening on a Friday in the judge's chambers and the guy had a lear jet standing by. When the child was brought into chambers on a ruse, the child started screaming and defacating and acting in shock and he was snatched up to a lear jet, Judge Carlson would not stay

his order for three minutes, and they tried to get a Supreme Court Judge to sign a stay order. He did, but by that time the abusive father and the child had left the state. That's just one of the many horrors I know about. Not to even mention about all the things that came to light about Judge Carlson during the Feichtinger trial. And he can tell as long as he wants to that his recent decision not seek retention had nothing to do with the revelations of the Feichtinger trial. That's errant nonsense. I know that Judge Carlson wanted to come back, and he still wants to come back, and he will come back as the senior judge, so-called, with full retirement benefits unless something is done about it. But I don't have the time to go into all of this. Ever want more about that, maybe you need to hold a special inquiry into Judge Carlson and what should be done to keep him from ever sitting as a family court judge again. And he's not a bad judge in some other cases. He's a smart lawyer. He has flashes of brilliance. He has made some very good decisions, but he should have been kept out of the family court. Instead he was put in there and protected and kept there. He was protected not only in his judicial miscarriages, but he was protected in his lifestyle and in his activities by a combination of the court system, the Anchorage Police Department, which covered up an investigation that was started by

accident, just as this inquiry was started by accident. And I'm glad that Frank Feichtinger is here because he has the chapter and verse on that. He knows all about it. And hopefully he will tell you or you can ask him about it. I will also answer questions after my time is up, but I don't want to use up all my time going into the horrible details, because it would take a full day.

I have done two things to shorten my presentation. I have brought you my biographical sketch here so that you may have in the record and I don't have to give you a litany of my alleged accomplishments. And secondly, I have prepared a page of short abbreviated recommendations to you for legislative action, because that's the only way you can really reach a valid conclusion to what you're doing here. Its wonderful that all these people who are hurting, all these people who have been abused, have a chance to tell their story to sympathetic ears. And I salute you for your patience and for your compassion. But if nothing happens, and these people have testified before various bodies, the commission on judicial conduct, the judicial counsel, the courts, and I think many of them feel that it hasn't done them any good, and a lot of them probably didn't show up here for that reason because they didn't think this was going to do them any good. And the only

way this is going to do them any good, if it leads to meaningful legislative proposals which will reform the system.

I will take just a minute to read my proposed remedies to what I perceive to be a very, very faulty, very defective system. And then if you wish to artificially extend my time by asking me questions about that, I'll be happy to answer them. But I'm not going to try to discuss every one of them because that would take another hour. Here are my recommendations to the task force as far legislative proposals are concerned:

With respect to the family court, I would propose that the legislature define its jurisdiction. Right now its just an administrative step-child of the court system created, as I said, by accident. That it should require minimum qualifications of judges. We're very lucky. Right now we have a judge assigned to the family court, Judge John Reese, who is a family law specialist and who enjoys a very excellent reputation as a lawyer, and you're very lucky. But he could be administratively assigned to handle criminal cases or condemnation cases tomorrow, the likes of Victor Carlson, or Victor Carlson himself could come back to the family court. So we should require minimum qualifications of expertise of the judges, the masters and

counselors. The legislative scheme should provide for a policy which emphasizes reconciliation, mediation, and joint custody and so on.

Secondly, and this is very controversial and the court system is going to scream like a gun-shot elk about that, but I think its very, very important. I think we should have jury trials in contested child custody cases. The idea that a judge like Carlson can sit there and like some evil god can split children in half or give them to an abusive parent or an unfit parent on his whim, and particularly because he enjoys seeing people scream and suffer and breakdown, is absolutely horrendous. It demeans the system. I would much rather deal with the common sense of the first 12 people off the street than one judge, who is a sociopath. I think there should be created and funded a family law division in the Public Defender's office. Right now people with family problems fall right in between the cracks. Its a very expensive process. Most lawyers don't take these contested cases without substantial retainers that most of the people cannot afford. The legal aid service doesn't like them. They like these sexy cases where they can make big political waves. And unless people are totally destitute or very rich, they cannot really afford to litigate in the family court and the people in the legal services

really don't have the expertise. The public defender sometimes gets into it, but they're criminal law experts. There should be family law experts in that office and they should be made available to people who cannot afford high-priced private lawyers. And I'm not knocking my colleagues. We have to be high priced in this field because it takes such an extraordinary amount of time and effort and you have to keep your doors open.

I think a lot of the functions that are now performed by the Division of Family and Youth Services should be taken away from them. They are overloaded. They are basically unqualified. They tend to be dictatorial being, again once again, unaccountable appointed bureaucrats and it should be given to the family court and to the family section of the public defenders office. I think we should give appellate jurisdiction in family cases through the Alaska Court of Appeals. At this time, it only has criminal jurisdiction, and the Supreme Court has resisted giving it anything else. But the Supreme Court is not a good place to which to take your average family appeal. It takes too long, its too expensive and they're too much interested in other things. They should still have supervisory jurisdiction just like they have in criminal cases and they should have a right to decide important issues of

law in family law cases. But your day-to-day family cases, particularly appeals from the actions of judges, which do not raise great legal issues, but which have really hurt and injured people should be adjudicated speedily and less expensively and I think our court of appeals is a good forum for that, but it will probably need to be expanded in that case to five judges, and that's not a bad idea either.

Now on the general matter of judicial selection, retention and powers, and like I said the family court is only the tip of the iceberg. The judicial system has flaws which are particularly obvious in the family court because of the enormous powers that the family court judge has and because of the absent of juries and so forth. I would suggest that we appoint judges under our present system, but that there be established minimum standards - raise minimum standards - we have minimum standards right now, but they're ridiculous. Raise minimum standards and that - and this is radical I suppose, but it seems to make a lot of sense to me - I think we should require legislative confirmation of judicial appointments. My God, the legislature has to confirm some commissioner who is going to be in there maybe for two or three years and who'll have to do with roads and such, but judges who are going to be in there practically for life and who can determine life and

death matters, just slide right through. The Governor picks them and there they are. And three years later you can say, well is he going to stay in or is he going to stay out. That's all there is to it. I think that's absolutely irresponsible.

I think we should abolish the Judicial Council. Judge Butcher, who used to be a member of that council before he became a judge, said it was an abomination and I agree with him. It is dominated by the Chief Justice and by the three lawyer members, and it doesn't really perform any useful functions. I think it should be replaced with a national advisory board with persons who are legal scholars, judges, lay persons of high standings. I think this could be a pioneer step for the State of Alaska, which would be emulated by many, many other states, and I'm sure that many, many fine people - law school professors, experts in the field of ethics, experts in the field of human relations, would be honored to serve on such a commission. And it wouldn't be a very hard job to do because it only - these nominations come up only every so often and it would be removed from the local politics entirely. You know former Chief Justice Rabinowitz used to be very proud of how we in Alaska had removed judicial appointments from politics because we no longer elect them like they do in Chicago, and yes, that's a step in

the right direction. But all we have done is we have substituted for the politics of the ballot box in the street to politics of the Bar Association and the politics of the governor's office. People are nominated in a popularity poll by the Bar Association and large firms and the attorney general's office and the district attorney's office cast block votes. Is that not political? Come on. And I think that the selection process that I suggested would be far superior.

I think we should revamp the judicial conduct commission. More lay persons and no judges. I mean this is, you know its a little bit like police review, you know, you have a police review board consisting of the Chief of Police, the Deputy Chief of Police and two captains. How much of a review are you going to get? I think we must circumscribe and limit the power and discretion of the Executive Director of the Judicial Council who has become kind of a political meddler. I'm talking about Ms. Marla Gruenstein, who came out of nowhere and at one time held both the jobs as director of the judicial council and the judicial conduct commission, which I think is clear conflict under the law. But she is now the Director of the judicial council. She's been one of the people who's been sitting on the complaints about Judge Carlson. And incidentally, Mr. William Cotten who testified here yesterday, as director of the

judicial council when Judge Carlson's name was still on the retention list, and people testified and there was some publicity about it, came out and made a public statement that these were disgruntled litigants and that there was all kinds of good stuff about Judge Carlson. Now, that's fine, it may very well be true. But he was the Executive Director of the Judicial Council that is entrusted with the selection of judges and he should not have taken sides one way or the other. That was entirely improper. And Marla Gruenstein has done a number of improper things, including an ambush of Justice Moore timed very carefully to coincide with the presence of a federal selection group when he was a candidate for federal judicial appointment that shot him down on some trivial thing. And yes, there was time for that and yes that was made public, but when its comes to a Carlson, then it takes 2½ years and oh shush, its confidential. She also attacked former Justice Robert Irwin when Justice Irwin gathered together a group to support financially the defense of Officer Feichtinger in whose cause of innocence he believed. And she had the temerity to write to the Bar Association and levy a complaint because she said we're not sure that we have jurisdiction over a former justice of the Supreme Court, but we think its improper for him to do this. Now here again, of course, she was protecting Carlson and his friends

and the kind of clique that Feichtinger was investigating. And I think that should be looked into in any event, whether she stays or goes, and I hope she goes. Her job should be very carefully circumscribed. The policy of that commission should not be made by a director or bureaucrat.

Another recommendation is that we strengthen the pre-emptory challenge of judges. I'm the father, one of the fathers of that legislation. In fact, talk about serendipity, Mr. Chairman, I got to be attorney general because I came out of the trees in great anger when Gov. Egan vetoed the bill to provide for a pre-emptory challenge of judges on the California model, which I had helped draft, and I campaigned first for Wendal Kay in the primary and then for Wally Hickel in the general and that was one of the big reasons. And Wally Hickel agreed he would sign that bill if it was passed again, and it was and he did, and we have it on the books. But the court system has never liked it and they have tried in many ways to circumvent it. One of them is for instance, to challenge a judge. Okay, you have one shot. So now that judge who you think to be partial or unqualified is gone. And you get another judge, and he's okay. I mean he may not be the greatest, but you can live it with it. So now somewhere in the bushes there is another orangutan you would have

challenged had you been assigned to him in the first place, right. So you're fat and happy and your case is in the hands of a reasonably competent judge. Comes the administration of the court system and assigns it to the orangutan, right. Well now you don't have another shot. It seems to me when that happens, when its administratively reassigned, you should get another shot.

You should also strengthen the challenge for cause. Right now if you say Judge so and so is prejudice because and have some valid reasons - because he's dating my ex-wife for instance - who decides? Judge so and so. And if he says no I'm not prejudiced, then that's it except you can appeal. Not what happens when you appeal? The next higher level judge appoints one this fellows colleagues who sits in the same bench with him, and says you review it. Now how many times is Judge A going to say well Judge B said he wasn't disqualified, but I think he is. You think that's going to happen very often? Now come on. That's naive belief in the kind of super integrity that most people don't have. Its happened once or twice. One of the judges that did that a while ago has just been forced out by the judicial council, they didn't like him.

I would recommend that we replace our retention of judges method, with the method used in California. California appoints judges with the way we do. But when the judge's term is up and he comes up for election, a qualified person may file against him and raise a campaign issue of what this judge has done or hasn't done that the voters should know. Now, all we have on the ballot is "should Judge X be retained - yes or no." And most people don't know the foggiest thing about Judge X. I had people, I take people into court all the time and every once in a while we run into a judge who is a true horror and they say, why did he get there? And I say, well did you vote in the last election? Yes. Did you vote for the retention of judges? I guess so. Well, then you helped put him there. People don't know. Judge Carlson once ran for retention and there was a slight effort that died of warning to oppose him and he barely made it. If somebody qualified would have run against him and pointed to his records and collected these complaints and collected these data that came up in the Feichtinger trial, do you think he would have been retained? No. So I think we should do that.

I also think we should limit the terms of office of judges. As a matter of fact, I think we should limit the terms of judges of everybody, but that's not before

us. I think judges shouldn't be in there longer than 10-12 years, because they get too jaded, too cynical, too case hardened. They ought to either move upstairs or get out or make an honest living.

One general recommendation: take a hard look at all the confidentiality and secrecy requirements that are popping up like mushrooms all over our government system. We have too darned much secrecy and confidentiality. I understand right now that the Ombudsman is trying to find out what Marla Gruenstein on the Commission on Judicial Conduct has been doing or not doing, and they're going to say "its confidential." And the same with the DFYS and with a whole bunch of other agencies and the Bar Association, if you will, and I think all that should be ripped off. The public has a right to know what people in power are doing. The same with police records. The Daily News had to file a Freedom of Information of Action to find out that Jack Chapman was a liar which I have been screaming from the rooftops for the last two years.

Finally, as far as the legal profession is concerned, I'm just going to have two quick recommendations. That doesn't mean its everything I would like to see, but just so nobody can say well he didn't touch himself. I would like to provide in this state, as we do in

California and other places, for specialization and certification. I don't think any lawyer fresh off the law school should go and handle a custody or a criminal case. We should require minimum standards of competence in matters of family and criminal law and possibly other specialties such as workers comp, medical, legal cases and tax. And we should require, and the Bar Association is considering this right now, we should require a rational system of continuing legal education so that old fogeys like me don't go into court and rely on what they knew in 1945.

Mr. Chairman I apologize if I have run over my time. I would like to hand to the task force, if I might, copies of my recommendations and of my biography so that you know who I am. And I am prepared to answer questions if you have any.

SEN. COGHILL:

We don't. Thank you very much Mr. Boyko. We don't have any questions at this time. We would like to have you submit your written testimony and your recommendations and they're very helpful and very meaningful to the task that we have. As you well know the public is not aware of what we're concerned with and what we're about in these hearings. But they certainly do if they get into a family problem. And once that system gets,

they get involved in the system, it invades their whole family and their whole life. And that's what we're trying to take that sting out and trying to bring this thing back around where it belongs. And we will be having hearings Mr. Boyko in September on the Carlson action, and on the actions of other people within the state government as to the family and family court and then we go on in October to try to put what we think is necessary to rectify some of the regulations and some of the laws. And I hope, and I think that you have a very good suggestion in your litany here of getting us down to the point where we create the family court system by statute and get the open public, and get it into open debate, and to go forward, because the children are the ones who are really hurting.

EDGAR PAUL BOYKO:

Mr. Chairman, would I be out of order if I asked just a very quick question?

SEN. COGHILL:

Yes, just go right ahead.

EDGAR PAUL BOYKO:

I don't know if you've covered this in your hearings, but I became aware of the paid advertisement in the newspapers by somebody called the Alliance for

Children's Rights, and I was rather upset about it. Particularly that they stated that this task force was not sanctioned by the legislature, which I believed to be a total falsehood. And I hope that if that hasn't been addressed, if you'll put on the record that this task force indeed has every right to be here and should not be maligned like that by irresponsible people.

SEN. COGHILL:

Well you can see by our attendance and we had 44 people testify yesterday, that these people are totally ill informed. Every accusation that they made were false. We are on record. We are in the journals as being duly constituted. And we're going forward with our system. Thank you very much for your testimony and we'll go ahead and be working with you. We're going to go ahead and take our next witness which is Frank Feichtinger, and Frank we certainly welcome you and we're just going to continue right on as long as it takes - 20-30 minutes for you to give this task force and put on public record your concerns and your experience. We really appreciate you coming and doing this for us.

FRANK FEICHTINGER:

I'd like to thank you Sen. Coghill and Ms. Putman. Its my pleasure to be here. I feel very good about the opportunity to bring before you some of my concerns

about what has been occurring Judge Carlson and the Alaska Court System. I'm sure you're well aware of the case that I was involved in as a Defendant. I won't bore you with the details of that, I don't think its important at this point. I think what is very important is that for many years in my opinion, there has been a problem with a particular judge, a very serious problem, possibly even a criminal problem...with no necessary remedial action taken. It would take me many hours to sit here and explain to you step by step all the information that has come my way over the past 10 years concerning Judge Carlson and some of this activities within the court system and without the court system and in association with other people. I can't do that for you right now because the time is limited. What I can do is tell you that as a young policeman in this state, more than 12 years ago, I began to hear information about allegations of criminal activity involving Judge Carlson and young males in our community and in our state. Some of this activity came from - some of this information came from very reliable sources, other times the information came from people whom you would term less than reliable. At a point in my investigative career, I began to bring the information that I was receiving to my superiors. I was eventually authorized to conduct a secret, undercover investigation concerning Judge Carlson. This, in

itself, is a significant fact. At that point where this authorization was given, information had come from a great many sources, some of whom were attorneys, some of whom were prominent people in this community, some of whom were stable citizens, and others of whom were street people that Judge Carlson was involved sexually with under-age males, and that there were other prominent persons in the community that were involved with him in this activity. Some of my direct dealings in cases in which Judge Carlson was a presiding judge would indicate to me that there were problems in the way he was treating both family cases and in some cases criminal cases, based on whatever his bias may be. It was because of this that I requested the authority and the support to conduct an undercover operation. The reason why it had to be an undercover operation was simply that Judge Carlson's information system within the court system precluded doing a normal kind of investigation because he would simply be privy to all information that was coming forth. And by that time, it was quite apparent that Judge Carlson was a very powerful man. I can provide for you, now or at a future time, a synopsis of all these different little pieces of information that came forth as a result of the many different people who provided information. I think what is significant though, is that every effort that we made or that I made to direct an investigation

into these activities, when it became known to certain people, it was thwarted. There were a number of occasions when I went to two different district attorneys and explained to them everything I knew concerning what were irregularities in some of these decisions, allegations of criminal activity and allegations of very poor judgment at the minimum in handling child cases. Both of these district attorneys ignored these recommendations and in fact, in one case, apparently brought that information back to Judge Carlson. Additionally, when another policeman, who had nothing to do with any of these investigations, found out through an arrest that he made about allegations concerning Judge Carlson being involved in child pornographic activities with young males, this information was brought to the attention of the court administrator, Art Snowden, it was forwarded to the police department and the first thing that I was told was to stop any investigation that might be going on concerning these activities, because we were not going to go on that kind of information when it involved Judge Carlson. Of course, we would if it were someone else, but not with him. And this pattern has continued right up to the present. When I was arrested, within two days Judge Carlson called my attorney, who at that time was not known, Mr. Norsworthy, and made some statements that he wished he could help and that he wished there

was something he could do. I think this is very indicative of the kind of surreptitious type things that are going on behind the scenes. This is an abnormal practice. Its not something a judge is supposed to do, particularly when there is pending criminal issue that could very well be assigned to him. As time went on in the criminal trial, more information began to come to light concerning some of the activities Judge Carlson had been involved in. We found out that he had a relatively close association with certain members of the District Attorney's office and was conducting ex parte conversations with them over information that perhaps should not have been discussed in that way. We also found out that at a certain point, the Anchorage Police Department, just about a year ago received a complaint through an informant that Judge Carlson was sexually involved with a 16-year old male who was then a ward of the court and under his direct jurisdiction. There was some evidence from the informant that brought this to the Anchorage Police Department that in fact the boy was 15 at the time. I think it is important to bear in mind here that this is exactly the same time when the case involving the Anchorage School District, Gordon Satch Carlson was also coming to light. In this case, which we only found out about 2½ months later through criminal discovery, the Anchorage Police Department neglected to

followup many leads that were provided by the informant and then eventually the alleged victim who did in fact confirm most of the information the informant had provided. They did not follow-up to see if he was, what the relationship between Judge Carlson and this boy was through the legal system. They did not follow-up leads of other boys that may have been with Judge Carlson, nor did they follow-up on information that Judge Carlson was a part of a club of people who were involved in this kind of sexual activity. All this information was provided in their report, but it was never followed-up. Then they closed the case without doing any interviews of Judge Carlson, of court administrators, or pursuing any of these leads. Now bear in mind we've got a Superior Court Judge, the family court judge who has jurisdictional authority over a boy on probation through that same family court that is involved with him sexually. This to me sounds like a lot closer to care and custody as it was defined at the time, than is the situation with Gordon Satch Carlson. And yet simultaneously these two cases are going on. One of them is closed without any follow-up and the police chief and others made statements to the effect of well, we determined this was not a custody situation. How did they determine it in the other case, which has come so much forward before our community and before you. In short, with the time very

limited, I would encourage to explore with me and with other people who's names I or Mr. Boyko will gladly provide to you this long history of information concerning illegal or at least unethical activities occurring on the part of this very powerful judge and no investigation being done, even when its brought to the attention of like the District Attorney's office, the chief of police and so forth. And in a nutshell that's what I need to tell you. I could go on with fact after fact after fact, and information after information but we'd be here all day.

SEN. COGHILL:

Frank, I want to thank you for coming before the committee and getting on the public record those things that we are need to get on the public record, because we do plan on not dropping this. We plan on going forward to some conclusion as to this gentleman and as to other people within the system. And what we would like to do is to have you contact my executive assistant, special assistant on this, Kathleen Putman and we need to get it in the record. I have part of your file, that we've looked at and some of the paper clippings, but we will certainly carry this forward and we're not going to let this thing die.

WALT FURNACE:

I just wanted to thank Frank for the testimony and you know this is very very shocking. The whole atmosphere, the whole statement and all and its just inconceivable that this in day and time we can have certain activities just happen without anyone taking any real look at it. I take, with your testimony, with the recommendations that have been provided by Attorney Boyko, through this next legislative session, we will certainly have our hands full in dealing with this and in trying to come with some good legislation in order to fix it.

FRANK FEICHTINGER:

Rep. Furnace, I thank you for those comments. And I'd also like to, in line with that, one of the more recent things that have occurred in this that I think is kind of indicative of how the whole system if you will is treating Judge Carlson and the problems surrounding him. During my criminal trial, the informant that went to the Anchorage Police Dept. concerning this 16-year old probationer boy and so forth did testify. And as part of his testimony in an out of the jury's presence, he was questioned by Mr. Boyko as to when he received this information concerning Judge Carlson and who he passed it on to. The boy, or the young man made emphatic statements that he had received this information in a certain period in August of last year. That

he had reported it immediately to an investigator in the Anchorage Police Department and had subsequently had several conversations with an Assistant District Attorney, Mr. Ken Roosa. Mr. Roosa at that point stood up and before the court made the statement that "I have not heard this information till last night." "I have never heard about this until the night before this day in court." Now the young man on the witness stand confronted him on the witness stand and said, "that is not true, I have talked to you at least 3 or 4 times about this." Mr. Roosa again denied that he had heard about it before hand. And its this kind of thing that we see over and over and over again with Victor Carlson and some of his activities. Why are we protecting this man? I don't understand why we want to shut down any time that there is a question as to what is going on. And I think what we have seen is that many people who have been a part of his situation, for one reason or another, whether they appeared before him in court or whether they had some social connections with him, which I understand are quite extensive, we see a whole lot of things occurring within the court system that either favorably goes towards these people where it shouldn't or on the other hand goes against them where it shouldn't. And I think what you've got is a real can of worms that goes back about 20 years. And I can tell you personally that if you anything less than the

governor of this state, and you try to make some inquiry into this, you will be subjected to an awful lot of things that perhaps you would rather not be subjected to, I'm very subtle.

SEN. COGHILL:

I thank you Frank for your testimony and for those words of wisdom and warning and I know that people that are in public positions that have taken an oath to do the things that are right constitutionally for this state have got to take that risks from time to time and I know there's a personal risk in it, but somebody has to step forward, somebody has to challenge the system, somebody has to try to put it back onto the constitutional track that it was meant to be on because we have a problem. The general public out there doesn't realize how big this problem is until they get into a problem with their family. And once they get into that problem with their family, their whole life changes. Their whole freedom structure changes and the whole thing just comes apart on them. And what we need to do is to change that and that's what we're all about.

FRANK FEICHTINGER:

Well it would be a monumental task to go back 10 years or 5 years and review what has occurred in the Family Court and review it for correctness and good decisions.

I believe that needs to be done and I can tell you one specific example where Judge Carlson signed orders granting adoption of two young boys to an unrelated man, ordering another state to change their birth certificates, ordering another state to reflect this man as their natural father - and we're talking inter-racial situation here - and later this same man was convicted of abusing those boys and others. And my question is, how does this happen? How does it happen that you can take two kids from a family somewhere else, sign adoption orders without doing any kind of background search, and order another state to change birth certificates, and we're doing this for the sake of a child molester. That's just one example. And when this came to light, it was brought to the attention of the Anchorage District Attorney's office, and their answer to it was, no, we don't want to look into that, and no we don't want to search for other similar situations that may have occurred. And I know this is repetitive, I know its somewhat boring, but I want to say that I highly respect what you're doing. I feel some concern for your own personal welfare, but I believe that this is the first time in the 10 or 12 years that I've had anything to do with this that I've seen anybody willing to stand up and say well let's look at it and not be afraid of where the ramifications are going to come from. Thank you.

SEN. COGHILL:

Thank you very much Frank. We're going to take a break now until 1:00 and at 1:00 we'll come back and we have people that have signed up. And if you have a time constraint, we have one that wishes to testify at 1:00 and if you need to be put on that list, why get ahold of Kathleen Putman and she'll get you on there. Thank you very much. We're at recess until 1:00.

.....Recess.....

...the family of law task force and our testimony we have Jack Anderson who asked to be on at 1:00 and then right after Jack Anderson we will take ...Jack, the Montgomerys, yeah....welcome to our task force Jack and we're basically taking testimony these two days to assimilate facts and testimony as to the public's concern with children and the government system and the process not only with the court, but also with social services, the whole process. And then we're going to have subsequent hearings in September, October, November to get ready for the new administration, for the new legislative process to see if we can't solve, resolve some of the issues that concern the public, as well as the people that are charged with the system. Welcome to our task force.

JACK ANDERSON:

Thank you Senator. I had no intention nor any desire to be involved in this, but there was a call at home and a Mr. Boyko asked me to drive me out here and then I saw the sensitivity of the subject that you are dealing with and I thought that I would like to add to the testimony that you've had here from Mr. Boyko as well as with Frank Feichtinger. The other side of what they're talking about in a sense that I am a member of the Board of Directors at Humana Hospital. The, one of the major line items in our hospital budget is this crisis center for child abuse. Now I don't know about Providence, but I would encourage you to ask someone to represent their side of it. But I think probably last year, if my memory serves me right, and I could stand corrected, we had 53,000 cases. Most of that child abuse is what we call a line item budget expense, because it comes from people that cannot afford to pay standard hospital costs and that also, a overrun on Medicare is likewise. So its not a loss item. We don't consider it to be a loss item with the hospital management people. But the other factor is, as directors, we are asked to examine and review. I scrubbed up and went to surgery and I have been in most of the areas of the hospital, but I am not able to cope with the crisis center for child abuse. A good share, or a majority, and I don't have the exact caseload. But a

majority of that comes from decisions of the quality of people such as Victor Carlson, who does not judge on the merits of the case, as you had a young mother in here this morning from Big Lake, his judgment as near as I am able to determine is based on whether he likes the mother or the father, or whether one of them may unintentionally cross him before the court. So that gets to the integrity of the court system, which has become very very questionable. And each judge is not guilty. But the system, the integrity of the system has dropped to a point where I think there needs to be legislative concern because the public no longer - I shouldn't say it that way - the public has little faith in the integrity of the system. And when you see a whitewash of Gressit, and a blackwash of a Feichtinger, you begin to realize that the integrity of the individuals in the system, Senator, is, how can I best protect my buddy, and how can I best protect the guy that wears the same uniform, and how can I best protect the guy that meets me in the coffee room, and the public be damned. And I commend to you the integrity of you personally. I've known you ever since both of us were little boys relatively. Having been with Humana in 1943, and I commend the integrity of you Sen. Coghill for undertaking to examine, which I think is probably one of the most sensitive, if not the most sensitive problems that we have Alaska system of government,

wherein we are throwing our children to the wolves. We don't have, we at the hospital cannot call the public health offices or any Alaska State official and get any help. Either they're not available, they're on vacation, or they only work 8-5, or they're overloaded. There is no help to the hospital system in this town from the State of Alaska. They get themselves a couple of cases so they can have the blood of success dripping on their resumes, but they are not available to serve the public. And with that I respectfully say thank you very much for the opportunity to share this information with you and I'll back it up with factual background if so requested.

SEN. COGHILL:

Thank you very much Mr. Anderson for testifying before the task force. We're going to hold our public record open until Monday, the 20th, which is a week Monday. So if you have any documents or anything that you would like to submit, you could submit them either by mailing to us at Suite 520, and this address here is 3111 C Street. My special assistant, Kathleen Putman will be getting it and we'll be put that into our categories for the subsequent hearings that we're going to have. Thank you very much. Really appreciate it. We have the Montgomerys here that came yesterday and so graciously said that they'd come back today because we ran

out of time yesterday. Sorry for the inconvenience and thank you very much for taking the time on Saturday to come and testify for us. If you'd just give your name and tell us your story.

ANGELA MONTGOMERY:

My name is Angela Montgomery from down in Fort Greely, which is 5 miles from Delta Junction. On the 25th of June my little girl fell at the daycare and she fell and hurt her private areas. I took her to the dispensary on post. The two doctors there looked at her at the dispensary, were military doctors. They looked at her and they said it looked like she had been penetrated and her hymen was broken. It has been torn apart to the extent cause there was still blood on the area where she had fell and it was just a recent accident. After that the doctors informed us that she needed to go by ambulance, and we was thinking that it was a dire emergency for her to go by ambulance. We never did get the chance to get into the ambulance. Instead we were told to go down and see Myron Hoser, which is a military social worker on post. When arrived in the office, Myron Hoser introduced us to Kim Bruce, a DFYS worker, social worker. She then told me that she needed to take Jessica to Bassett, which is an army hospital in Wainwright to see a specialist there and that we could not take her, that she had to take to

Bassett, and for us to follow her there. We followed her to Fairbanks. Enroute to Fairbanks, she stopped and said she needed to gas up at Tesoro, so we followed her to the gas station. She said that she wanted to get Jessica some ice cream, so I in turn says no problem for Jessica to have some ice cream. We followed her to the CID office in Wainwright. We were greeted there by Investigator Simpson. Me and my husband are both military. Investigator Simpson interviewed both of us and told us that he was told that Jessica was escorted by ambulance, which she wasn't, and that also there was going to be, she had a civilian appointment, civilian doctor appointment on Wednesday, which would be the 27th. And to his understanding, in cases like that, that the state had already taken custody of my little girl. After we all left from the Investigator office we went to Bassett. And Ms. Bruce informed that she did have custody of my little girl. We went to Bassett and saw a pediatrician by the name of Lt. Col. Roe and she examined Jessica and she said that it didn't appear that her hymen was torn and that the injury that she had was similar of falls of a little girls doing splits. Its a common injury. She had seen it before. Also a Dr. Silkie looked at her, which is also a military doctor. She's an OBGYN doctor, she examined my daughter like you would do a pap smear with the \_\_\_\_\_, she also said

the same thing that her hymen had not been torn and that the accident that is something that is common that she had seen, and there wasn't any evidence of sexual abuse. Now my little girl is 5 years old. She told these two doctors, including the two doctors at Ft. Greeley that she had fell off the slide and hurt her vagina area, okay. While she was being examined, Investigator Simpson was in there. He wasn't there to watch the examination, but he was in the room present. Kim Bruce was also present in that room at the time, okay. After examination, Lt. Col. Roe and Dr. Silkie said that there wasn't any reason why Jessica couldn't be returned home because they didn't see any evidence of sexual abuse. And the investigator that was there has stated that as far as my husband being a suspect, there wasn't any reason for that because there wasn't any physical evidence, any evidence whatsoever. At this time, this was about 10:30 at night and we're still up at Bassett at Wainwright. Mr. Bruce then attempted to give Jessica a Dr. Pepper and I told her that she hasn't eaten since 11:00 a.m. that day at the day care and that she needed to eat. She told me she was going to go downstairs and get her a candy bar and I told them no, she needed to eat. Ms. Bruce insisted that she take Jessica back to Ft. Greeley so they could go look at the area where she fell at. At this time it was about quarter to 11 at night. My husband gave me

\$4.00 to give to Jessica so Ms. Bruce can take her to McDonalds in North Pole so she could get something to eat for them to eat. We followed Ms. Bruce back to Ft. Greely. When I went into the gate, around about 2:00 a.m. in the morning, Ms. Bruce was flying past us doing a high rate of speed. The gate guard at the gate told us that we needed to go to the MP station. When we arrived at the MP station we was told then that the state had taken custody of my child and it was an emergency custody. For the simple fact that my child enroute from Fairbanks disclosed information that her Daddy supposedly had put his weenie in her vagina and this was the reason that Ms. Bruce felt that there was an indication and taking custody over her. For a period of 7 days I didn't know where she was at or the condition she was in. When I did see her she informed me that she was allowed to swim in a pond, she don't know how to swim. She was also dirty, and she was filthy when I saw her and she acted like most the time that she was hypo on speed or something cause she wasn't herself. She wouldn't sit still, like somebody act when they have been on caffeine a lot and they can't get it and they have withdrawals and they have the shakes and they just can't sit still. This was the way my little girl was acting. And to this day they have custody over her still. I have attended nine counselings with the counselor on post. Mr. Allen,

which is the caseworker at Ft. Greeley informed me that all I needed to take was two or three counselings and my little girl would be re-introduced into the home. This has never transpired. Right now I \_\_\_ depart of Alaska because of my military job enroute to Maryland for another job there and I'm due to leave here on the 16th of next week. I asked Mr. Allen is it possible for my little girl to travel with me so I can enroll in the school, she starts school in September. And right now he's telling me that it'll be about two months before she joins me in Maryland for interstate contact. And his reasoning for keeping her here is the fact that on the 24th July she saw Marty Kraner, a psychiatrist. The psychiatrist told Mr. Allen that my little girl said that her heart was breaking and she wanted to return home. Mrs. Kraner said in all her experience a 5-year old would never have said nothing like that and that was their reason for keeping her. So right now this is the way it stands and I filed complaints on \_\_\_ and I have contacted Senator Coghill's office in reference to this. Now as far as my husband is concerned. I do not feel that he has done anything to my little girl, because he had there would have been evidence. And if he had something, they should prosecute him, if not, leave us alone. That is my concerns. And to this day I don't know where my little girl is at or her condition. Thank you sir for your time.

SEN. COGHILL:

Thank you Angela. We're going, because of the time constraints on this, why we'll get right into the middle of your case, and I know that my staff has been working on this. They've talked to me about this and I appreciate you bringing this before the task force. Its just one of the problems that we have where that they can take children, put them into custody outside of the home, without any due course or justice, and keep them where that you don't know where they're at. I think its unconscionable what's happening here. Alvin, if you wish to testify too sir.

ALVIN MONTGOMERY:

My name is Sgt. 1st Class Montgomery and I'm in the U.S. Army stationed at Ft. Greely, Alaska. I have 15 years of honorable service in the military. I am a step-father in this case sir. And by me being a step-father, we have just recently got married. We haven't even been married one year yet. By me being a step father in this case here, the state has told me, the social worker that's told me that I have no legal right for anything. I don't have no legal right, no say in anything. My wife covered some of the things that is happening. But the thing is this here, is that the state, when the social workers, when they had - when Ms. Kim Bruce, when she had our child, we could

not find out where she was at. We went to our post commander and asked our post commander, could he find out where she was at, don't have to tell us, just inform the military police or the military criminal investigator so they can start investigating this case. Ms. Kim Bruce refused to let our post commander or to tell the military criminal investigators where the child was at. At least that's what we were told. Okay. Our post commander - this happens a great deal in Delta Junction when social workers coming on post and confiscating kids. Now, I'm not saying that child abuse do not occur and I'm not downing the social workers for fighting child abuse. But what I'm saying is here in particular, they hampered the investigations of the military police officers who are investigating me for a possible criminal action. They kept the child, they didn't let any of the people, like we requested that the child be tested to see if the child had any drugs. Or at least to let the child to talk someone on the military counsel. And social worker just flat out said, they don't have to. The military said that the state social workers, when the state come in, even though this was on federal property, us in the military, we in the military have no right. We have no power to have an MP or a \_\_\_\_\_ police officer. They are present during the questioning of the child, they have no right if the state want to put the child in a foster

home. They don't have to tell the military and we had no way of knowing the medical, the physical or if the child was sick or anything or any problems with the child. After we went to court, the judge awarded the state custody of our child, and he suggested that we go to counseling. Ever since I have been to counseling, the only thing that I have been getting from them is you did it, admit to it, that is the only way you're going to get your child back. That's the only way that you can get your child. That you did it, admit to it. I said I am not going to admit to anything that I didn't do. And that's probably why this thing has continued to go on and on and on. Doing counseling that I am going through I am constantly getting told that I did it and admit to it and they're constantly telling my wife that he did it and she's not supporting the child because she don't believe what the state is saying. Okay. We asked - they made a video of our child. We asked to get this video before we went to court and wanted to point out some things that was possibly wrong and get some of the evidence that they had against us so that we could give it to our attorney, cause we gave them everything we had. We made every speech, we gave them all the medical reports they asked for, when they asked for it. We gave it to them right away. But we didn't get - they withheld every shred of evidence that anything they had from us until

after the judge made his decision. When we were in court, when we were in court, I was charged with told to be having sexual intercourse with my daughter. After they found out that the child, in fact had never had sexual intercourse, they changed it 5 minutes after the court started and said sexual contact. And all of a sudden I was supposed had sex with this 5 times and then once again they come back and said I had sex with her twice, all of sudden it changed to the fact that now I didn't have sex with her at all, I just put my organ on her leg and bumped and down. And every time we try to get anything from these people, they are simply not in the office, or they say they don't have to tell us anything or do anything. My wife covered pretty much everything. That's basically all I have to say, other than since the state social workers, they don't have enough to prosecute me, this is what the army is saying, and I cannot prove my innocence. The Army is going to tittle me, which is going to end my military career. I have scotch free record. This is going to end my military career. I will not get promoted and they're doing cuts in the military right now. But that's not what I'm looking for. I'm looking at the emotional abuse that they're doing to the child. They're telling the child things like your mother do not want you no more. You're grandmother do not want you no more. This is what the child is telling the

mother. I can see the child. I was supposed to be to see the child through a supervised visit and I went through all their visiting, and I'm tired of them telling me you did it, admit to it and that's the only way you're going to see your child. And then if I don't say anything to them, I am not cooperating with them.

SEN. COGHILL:

Could you Alvin give us the name of the person that said you must admit to the deed and then you will get the child back? Do you know who that social worker is?

ALVIN MONTGOMERY:

That is Mr. Allen, Mr. Robert Allen, he's a Delta Junction social worker.

SEN. COGHILL:

Thank you.

ALVIN MONTGOMERY:

Also, sir, we were trying to see if the military could handle this cause the military has their own social workers on post. We have our own social workers, own police force and everything, and we was wondering how a state worker can come on and just confiscate a child

off post and the alleged crime they're saying happened on post?

SEN. COGHILL:

That's one of the things that we're trying to get at and the thing is that we have to get this system changed that, that there has to be some responsibility on the part of the person in the social service system who makes the allegation that they have to be able to prove it rather than you being charged and then you have to prove yourself innocent because that's what we fought the Civil War on, all about, was to get away from the English law that you were guilty until you proved yourself innocent. And we're going to see why that system has crept into the social service system of our state. And I don't know whether we can act fast enough to be able to give you relief in your problem but this is one of the reasons why this task force was formed because of that very thing that you're talking about. And we'll give you every bit of help that we possibly can to get this thing speedily taken care of.

ALVIN MONTGOMERY:

Thank you sir. That's all I can ask for.

SEN. COGHILL:

Thank you very much Alvin for your testimony. We

really appreciate it, its helped an awful lot. Shall we now go to our next person to testify and its. Mr. Schuitt - have we got a new sign up sheet? Mr. Schuitt thank you very much for following our testimony and following our task force and you know what our task force is all about and we appreciate you taking the time to come and testify.

BILL SCHUITT:

Thank you Senator and your committee for allowing me to have the opportunity to testify. I'd like to make some comments then might repeat some of my problems with in general. Obviously, first we look to the U.S. Constitution for protection. There's none in the State of Alaska. And....the Child Support Enforcement Division, we would not need.....their general investigative procedure manual caption - waiver of constitutional rights, which states the privilege of self-incrimination must be specified specifically claimed or it will be considered to have waiver and if you do not claim your rights under this article the child support agency will say you have no more rights. Administrative law does not override the Constitution of the United States and that's what we're dealing with here in 90.3 and other administrative problems. ....Alaska Statute 09.55.220 states the ..... is to distribute responsibility for child support between

parents. Everyone must be held accountable, not just the obligator but the obligee also and there is no accountability to the obligee. They can do whatever they want whether man or woman and 90% of the obligators are men. Now if I can just give you just a brief rundown. This past two years I've these problems with Judge Carlson. In 1981 I was in a major divorce problem. Also I've been divorced since '82. I filed with a judicial complaint to the bar regarding my attorney. I will not name the attorney because it'll come before the bar. I'm sure there won't be much done but its there. I have a copy for your benefit. I am supplying you with this affidavit on that capacity that on the 29th day of September 1987 I retained a law firm of Vandeburg and Russell. This case was a matter of child support modification, Case No. 3AN 81-05477. I paid the retainer that was required. The attorney in question was my attorney of record and all information required, prepared necessary motions and filed same with the courts on the 20th day of October 1987. As to the defendant, she's got new names since then. She was represented by counsel, which is the Dept. of Law. ....attorney, Mr. Scott,.....filed a motion to modify child support to include a statement of opposition filed with the courts on the 5th day of November 1987, even though being represented by counsel the defendant was allowed to make these motions pro per. I, the

plaintiff, was not served or informed of the above motions. However my attorney was served and the counsel for record, at my old address, or to have checked. This is very serious criminal slanders. And the.....allegations were erroneous.....me the plaintiff in a very adverse position with the court and has affected the final judgment of the court. The attorney's failure to respond to .....is reasonably expected to do so.....constitutes neglect. And one attorney failed to object to statements made by the Defendant dated 5 November 87, pursuant to Alaska statute.....with the attorney, my attorney obviously.....December 87, was my date with the court system and my attorney could not locate the records or in what stage of the process my case was at. The attorney indicated she would attempt to locate the records. Again I related to her about the delays and ....were very costly to me at \$1,000 a month. ...end of Tape 7....He issued a judgment on the motion of plaintiff for child support modification pursuant to rule 90.3 without opposition of my counsel on the 31 December 1987. The judge erred in his judgment in that he failed to rule on a motion of Plaintiff which is myself, requesting a award of judgement in the \_\_\_\_\_ action and that the Honorable Judge Michalsky addressed only civil rule 90.3 \_\_\_\_\_ and the honorable judge failed to address or evaluate the \_\_\_\_\_ regarding the

paragraphs 90.3.3, 1a, 2d under civil rules. On the 5th of January 88 I went to the court records to obtain a copy of the modification of child support granting a decrease. Immediately I engaged my attorney's office and gave it to her, I also carried a copy of the \_\_\_\_\_ to the child support division. I was informed by the agent that they would have to go to the courts and confirm the order. In the meantime my child support was still going on at a \$1000 a month and that I was \_\_\_\_\_ because all the \_\_\_\_\_ where the arrears come in. Now in 1989, the last hearings \_\_\_\_\_ conduct with judges. I filed without testifying and also filed a statement from the judicial counsel regarding accusations I made against Judge Victor Carlson. I made a big mistake when I did that. And I gave the judicial statement from \_\_\_\_\_ when we first \_\_\_\_\_ regarding my case and Bill Cotten, which is executive director and he's \_\_\_\_\_ with Carlson. I have a copy of that for you. The case number is AGJZ \_\_\_\_\_ no. 88-033. The letter is from Frank Waylen. He was the Commissioner of Judicial Courts but he had to resign. Nobody paid him any attention. He couldn't get anything done. That's when Marla Gruenstein came into the picture. I approached her about my case. She told me it was classified and if she had anything, she wouldn't tell me anyway. I'm never heard anything more about it. However, I'll give you a copy of the \_\_\_\_\_ and my request at this time of

my motion pursuant to Rule 42. Alaska rule \_\_\_\_\_, that Judge Carlson be removed from my case and another judge appointed and that the allegations of misconduct against Victor Carlson should be \_\_\_\_\_. That motion went be before Judge Matthews and Judge Matthews assigned it to Judge Ripley. Judge Ripley had a hearing and \_\_\_\_\_put him in the record. Judge Ripley indicated to me there was nothing he could do unless Judge Carlson decided he'd step down himself. Judge Carlson indicated he's not presently going on \_\_\_\_\_and at that time denied my rights of formal visitation as outlined in my divorce decree. Again I filed a motion under Article 3 Miscellaneous Provision, 2d 25.24.300 action of failure of rights to visitation. Judge Carlson denied all of it. Then he decided he would modify my visitation, not only my visitation but he would take away my rights at joint custody, he would also increase my child support again. At that time I flat give up. I will chronologically list all of these cause I know you're busy. I would like to get him before the courts. I have one other matter regarding the child abuse section here in this city. I am \_\_\_\_\_ be open by adoption. I have \_\_\_\_\_ of my own in 1977 and my recent adoption with my ex-wife for three daughters and one with my son and in 88 and 89 my children were physically abused. I intended to go to the child abuse division. A fellow by the name of Andy

Lynn and they \_\_\_\_\_ notarized document signed by my 17-year old daughter of major abuse. He ignored it completely. I was informed that I no longer lived in the household and it was none of my business what goes on over there in that house. I'd do anything to get an investigation \_\_\_\_\_ visitation and child support and to get my daughters. However, \_\_\_\_\_ same time, this was in September of 89. The youngest daughter was getting, just got another abortion. All of this was documented and I was trying to get it before the courts. The youngest daughter had an abortion, another daughter was pregnant having a baby; the older daughter moved out a year before. Yet, Judge Carlson has ruled that the mother is the mother of these children and that's the way its going to be and has taken all of my rights. Now my decree in 1981 has outlined all of my rights and nothing shall be changed unless it goes in the arbitration committee. That's the AAA. I was in no \_\_\_\_\_ State of Alaska. He changed everything at will and I resent that. I should have joint custody and control of my children. I can't even go to school and see them. And I think that's all I have to say. My battery is running down and you can't understand me anyway.

SEN. COGHILL:

Well I could understand everything that you said and I

appreciate your taking the effort to come before the task force, and yes we would like to have the documentation and yes we would like to have you get in touch with Kathleen Putman and to be able to put the rest of your testimony into the case. We're going to hold the documents open for a week, Monday, so if you have anything further, that gives you plenty of time to gather some things together.

BILL SCHUITT:

I would like to make one more comment about \_\_\_\_ I had from the court system after I testified on the judicial commission. On the 2 of February 1990 I received a summary judgement from the State of Alaska, Attorney General, Joseph B. Cooper and a finding they were going to take my only, my \$1,000 a month retirement fund that I have coming from my company and they were going to apply it to the arrears and \_\_\_\_\_ and the 1995, and they gave me a report that it would be and they \_\_\_\_ up to \$60,000 and now they are taking over half of my social security for child support and I didn't have no problem with it until I received this. And I filed an \_\_\_\_\_ and one more thing. I \_\_\_\_\_ couldn't do what I did. I filed a motion for an order of a jury trial, Civil Rule 38.a,b,c. I went pro tem, submit the motion that civil procedures at \_\_\_\_ 16 of Article 1 of the Constitution of the United States for \_\_\_\_\_ to be

retained in qualified domestic relations. \_\_\_\_\_ Child Enforcement Division dated 7 February 1990, all issues addressed and specified in that. I outlined the \_\_\_\_\_ provisions that govern the \$3,000 arrears I had when I had cancer and all the medical problems I have, which I am no longer in the work force. And yet I \_\_\_\_\_ but on 3/6/90 I received the notice of withdrawal of motion from the Attorney General's office with no comment. And now CSED has withdraws its motion for qualified domestic relations, order was filed 7/90. And when you draw social security and you got a small pension from early retirement due to illness, and they've taken half of my social security. I've given all my children medical support, financial support, and they got everything they need and will have till their 19 years old coming from social security and my company, and the child support agency will come at me every 2 or 3 months and I'm tired of it. And they'll come back again within 2 months. Thank you sir.

SEN. COGHILL:

Thank you very much for your testimony. I really appreciate that. Now what have we got going on here. Okay, we'll go to the teleconference system and Irmgard Hardie, who is on the phone, and she's calling from Iowa. And please keep your comments to 10 minutes if you possibly can. We're backing way up and we've got

about 6 people on teleconference and yet we've got about 8 people here that still want to testify. Welcome to our task force Irmgard. Do you understand what our mission is and please go ahead and give us your testimony. 10 minutes please.

IRMGARD HARDIE:

I'm Irmgard Hardie. I'm the Defendant of the case, an old case 71.441. Hardie v . Hardie. It was filed in the Supreme Court, 7345. Can you hear me? (Yes) The file, Supreme Court File, you have an affidavit from me say that July 31, 1990, I'm testifying on the sworn statement \_\_\_\_\_. This concerns an ex-army colonel who was \_\_\_\_\_ in 68. He brought me to Alaska from Texas for the purpose to establish residency for the purpose of divorce upon his retirement. I was defrauded because I was unaware of 25.24.100 which gives honorary citizenship to many people .....divorced. Alaska is known for this statute. Several women are totally unaware of this statute when they go to Alaska. At any given time in their lifetime they can run back into the \_\_\_\_ personnel and get a divorce because because the \_\_\_\_\_ after one year gives them residency for civil procedure. I am going into the horror that I've been through with these judges. The first judge was an indicted felon, Justice Edward \_\_\_\_\_. He first entered a judgement and decree giving me \$650 a

month alimony on February 12, 72, and \$100 month child support. This was an abuse of discretion. I was \_\_\_\_\_ under duress that if I don't sign this agreement drawn up by Mrs. Shively your attorney general \_\_\_\_\_ that nothing from Judge Hip. I didn't know there was \_\_\_\_\_ and I refer you to the \_\_\_\_\_ case which establishes that the six elements of the law in Alaska 368, \_\_\_ pg. 546, 1961. Under these circumstances one can get alimony award and what I'd, I got \$650 a month. Yet the doctor subsequently refused to pay. Shortly after divorce, Judge \_\_\_\_\_ modified the judgement and leaves me this \$242.50 with my child. I lost a home in Florida that was \$300,000 today. The doctor had his law firm \_\_\_\_\_ and they have harassed me for 14 years. \_\_\_\_\_ he paid them \$50,000 fee to let me live in poverty. On the second agreement drawn up after this \$242.50. I suffered so much. They had the police break in my home and kidnap my child out of my home in Florida. I had to spend \$1500 to get my kid back. These were the \_\_\_\_\_ of Mr. Cowper. He's supposed to be so humanitarian but well he is not. The second agreement was a gag order that I could not talk or write about this case, leaving the \$650 a month and \$100 child support. Dr. Hardie had over \$130,000 in the \_\_\_\_\_ clinic as \_\_\_\_\_ and later as Alyeska Pipeline Company medical director., He again didn't pay after the second agreement. It went on and on. I had

\_\_\_\_\_, he didn't do his job. He's a judge today. He sold me out. Then I had Mike Sepowitch. He didn't do very much. I had a Florida attorney who brought me under the Alaska---- and sold me out. I had a whole army of attorneys. Well in any case, there was a modification hearing. I flew with my child to Fairbanks after about a year and a half and \$242.50. The social workers got involved. There was a second kidnap out of the Travelers Inn in Fairbanks. They came to my hotel and said you can't take care of the child. I said well I have \$100 a month, how do you want me to take care of this child? I lost my home already. I was just up against the wall. Mr. Matthew called me and said give up your child. Well they came to the hotel and lied to me and said I should place the child temporary in a foster home. This is what they do. I refer you to the case \_\_\_\_\_ I lost. The child wound up in a foster home. A modification was heard before Judge Buckalew who was the third judge on the case. Before that on November 2, it \_\_\_\_\_ of 1973. The state of Alaska took custody without my knowledge of my son Bruce, 9 years old at that time. This out of \_\_\_\_\_ without a court hearing. This is such an outrage. The child finally wound up in the custody of my ex-husband, who didn't want the custody. Its probably the only case where custody is forced upon a father who didn't want custody, who had married in

the meantime a 20-year old. This \_\_\_\_\_. Do you hear me? (Yes) This is case is so complicated and outrageous, what happened. I had to flee to \_\_\_\_\_. Modified again with enforced visitation. A fourth judge was on the case, Judge Ripley. He enforced the 6-week visitation at a cost of \$15,000 to me out my \_\_\_ family's money, to retrieve my child who has been criminally abused in the custody of his father by the \_\_\_\_\_. He kicked him around and pushed him around. Judge Ripley did not want to hear the hearing on March 31 1976, how the child was abused by the custodial father. He didn't want to hear it. I took the child to Austria. The child refused to return because he was in a boarding school in Tucson where the woman \_\_\_ went to jail. Well, the jail did not want to return and \_\_\_ 76. Judge Ripley denied me custody although I was the prevailing and \_\_\_\_\_ visitation. He put me under contempt of court without a show cause hearing, without attorney representing me. This is so illegal well. Well he reduced alimony. They took the child as a pawn, so they leave the doctor to pay support, if I don't send the child after 6 weeks, no more alimony. This all happened without court hearing - denial of due process of law. He ordered the child returned on 7/4/77, Judge Ripley. Though the father threatened me that if I send the boy back I would get no support, well he didn't pay support anyway. This went on and on

and I appealed it to the Alaska Supreme Court, these three orders in 1974. I had Alaska attorney, - they permitted me to \_\_\_\_\_ they used the child as a pawn to relieve this doctor of support. That is so illegal, it couldn't be more illegal. The Alaska Supreme Court Case \_\_\_77345. Let the case rot away for one year before dismissing.

SEN. COGHILL:

Well, thank you very much for your telephone call and your testimony. We have a large file on this and what we needed to get from you was to get you on public record. We acknowledge that we have the large file and that file that I have as well as Rep. Furnace, will be submitted to the record so that its in the file. And then what we'll do is we will notify you when we're going to have our next series of hearings on this, because we're going to run out of time and we've got a teleconference from 2-3, but I also have one, two, three, four, five, six, seven, eight, nine, ten, eleven people here that want to testify. And if we give them each 10 minutes, why we're going to be here till 4 and I'm going to try and extend this thing. We're going to try and get the teleconference network to find out how many people are there. We have in Juneau 4 people that are signed up to testify at 2:00, which is what we'll do now and then we'll go to Soldotna and we'll take the

people in Soldotna, and the other teleconferences that are on line, if you have nobody, would you please notify our teleconference person here as to whether you have somebody to testify so that we can then get into the people that are here in Anchorage that wish to testify, because we'd like to give everybody a chance, even if we have to reduce it down to being strict on 10 minutes. Thank you very much for your call-in and we'll be in touch with you. Alright now we'll go by teleconference to Juneau and Deb, are you on line. (Yes). Deb this is Senator Coghill, would you go ahead with your, you have 4 people to testify there, why just go ahead and we'll try to keep them as close to 10 minutes as possible so that we can (or less) so that we can get everybody on record this afternoon.

DEB:

Okay, Mr. Chairman, we have one person present at this time to testify with the rest I anticipate to arrive shortly. So I'll let you know as they come and proceed with our first witness' testimony if that's agreeable.

SEN. COGHILL:

That is fine. Welcome to our task force, we certainly appreciate you taking time out of your busy Saturday afternoon schedule. Please give us your testimony.

ROBERT ARMSTRONG:

Hello. My name is Robert R. Armstrong. I'm a founding member of the non-custodial parents and children's rights movement in the State of Alaska. In my many contacts with other non-custodial parents, step parents, grandparents and other interested persons, many injustices and patterns of social ignorances and total disregard for other human beings have emerged. They are too many to be discussed today. So I will touch on only a few. First is Civil Rule 90.3. In October of 1985 the report of the Child Support Enforcement Commission to Gov. Sheffield recommended a child support guideline that "administrative and judicial standards for establishing support levels be standardized within Alaska statutes." That was recommendation #9. The administration did not introduce legislation, nor has it ever introduced legislation to implement this recommendation. Instead, on March 4, 1986, the Commissioner of Revenue wrote to the court system asking that the court adopt a guideline through the court. The Chief Justice then appointed a 3-member committee to implement the commissions report. Civil 90.3 does not depend upon individual circumstances, in that a numeric formula is used to determine of economic child support to be paid. This structure of economic child support guideline impairs a judge's ability to understand when deviations from the guideline are

appropriate and reduces the judge to little more than a black-robed clerk who adds up the columns, but has no idea or understanding of the significance. The economic child support guidelines are deficient in that the predictability has been carried beyond reasonable bounds and has worked to deprive litigants of their fundamental right to judicial decisions that are based on facts and circumstances. Civil Rule 90.3 and the amendments to it are clearly substantive law in nature, placing the contents of Civil Rule 90.3 in the realm of public business and social policy, which the court has no constitutional authority to act upon. Only the legislature has this power. A research project for one of my law classes, as I am now being retrained as a para-legal by vocational rehabilitation. Civil Rule 90.3 also violates the open meetings act. The open meetings act does not expressly govern the court system, except so by negative implication, AS 44.62.310 b(1) and (2). Open meetings act does not apply to judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicary proceeding. And it also applies to juries. The open meetings act addresses this judicial or quasi-judicial bodies making decisions in adjudicary proceedings. Rule making authority under Article IV, Section 15 is not an adjudicary function, and therefore is subject to the open meetings act, especially if the court is

writing substantive law. The Child Support Guidelines have a substantive impact on all people, and therefore Civil Rule 90.3 is subject to the open meetings act of Alaska. Through our many contacts with national organizations, we understand that Alaska is only one of two states remaining that have child support guidelines written by the courts without any authority from the state legislature. The Alaska legislature needs to investigate the child support guidelines and act accordingly. The guideline discriminates against the poor, discourages access and visitation by denying 100% visitation credits. It ignores the constitutional equal protection for all children by the failure to provide for subsequent children, and it also violates the federal child support guideline laws and regulations by making it impossible or nearly impossible to get an exception or a variation from the guideline. For the record, in response to Mr. Cotten's testimony, 15 states have addressed the issue of subsequent children. I am forwarding to this task force a memo from Mr. Cotten to the Child Support Guidelines Committee dated April 5, 1989 which deals with subsequent children. I am the father of twin daughters who are 13 years old. Since my marriage in 1985, Amber and Alicia have been with us for summer visits in 1986, 87, 88, 89 and for Christmas visits in 87 and 89 per the divorce decree, in fact a modification to the divorce decree.

Sandy, my wife and I are dedicated to our marriage of building a new blended family which is the coming of age in America. This blended family of her boys, the twins, and our daughter Harmony. Amber and Alicia actually held in the Harmony in the hospital when she was 18 hours old and the three girls have been very close since. Harmony blesses the twins in her night prayers saying God bless sissies, Amber and Alicia, coming in summer. But not this summer, Senator Coghill. On May 14, 1990, I called the girls mother to make travel plans as required by the court order for our 8-week court order visitation. And the mother said that she would not allow it because I am behind in child support due to being a vocational rehabilitation student retraining at the University of Alaska. I do not know too many students who are rich. My daughters, all three of them, suffered through one month and a four-day long contempt of court proceeding that I brought against my former spouse for violation of a visitation order of the court. The court treated my petition with unconcern by rescheduling a hearing on July 3 at the request of the non-custodial parent. When my visitation was to commence on June 13, 1990. I am hear to tell you that the contempt of court remedy for the denied visitation doesn't work. Unfortunately, this damages children due to long delays and destroys the non-custodial family's belief in justice and in the

court system. Our 4-year old daughter Harmony spent her late spring and early summer in depression. We were at a beach one Sunday and she suddenly burst out and came up running to me and asked where are my sissies, its summer now. My ex-wife and one daughter actually lied to the court...the full 8 weeks. But after contacting one of the girls, she couldn't wait to come and she was also suffering from depression. She finally told her mother she was getting on an airplane. We sent her ticket and she came. Mr. Chairman, Alicia told my wife Sandy and I, "Child Support called mom and nagged her into saying no visit. They won't leave her alone." A state government agency, Child Support Enforcement Division, committed criminal and psychological child abuse against my children by directly insisting my ex-wife deny me summer visitation. I intend to pursue and prove this matter with relentless vengeance. Also I would like to recommend to this task force to include the following books that have valuable information in them as part of any recommendations that may come from this task force. The first book is Second Chances, by Judith F. Wallerstein. The second book is Mom's House, Dad's House, by \_\_\_\_\_ Richie. And the third book is called Intervention for Children of Divorce by William F. Hodges. I hope that this task force will recommend that the definition of child support will include religion, education, medical,

cultural enrichment, life skills, recreation, wills, insurance, holidays, child care, communications, time spent with each parent, transportation, geography, custody, contributions and agreements, both short term and long term. One of the ideas that I am and always will be sponsoring is a bill of rights for children. I have contacted several legislators concerning this and hope to have legislation introduced this next session that will establish a bill of rights for the children of Alaska. We have all listened to one side of the story, degrading fatherhood, and that reduces fathers and some mothers to little more than a number in a prison camp. We as a society must be reflective of everyone in a given social structure. When the tyranny and totalitarianism takes over our society it affects injustice, rebellion results. Don't get me wrong, I encourage obligors to work within the system, even though that I may not agree with all of it and they may not agree with all of it. I am acting only as a resource for the people of this state who have been only held to one side. I thank you for your time.

SEN. COGHILL:

Thank you very much Robert. I hope that you have some of that testimony written down because you were throwing at me pretty hard there. We can get it off of the tape, but if you have any papers that you would like to

submit I would encourage you to do so and make our job a lot easier because we're on limited resources, but we are also going to try and get this, get all of our testimony by a week Monday. So we're going to hold the record open until a week Monday, so if you or any of your associates down there have any information that you would like to submit for the record, why we'd be pleased to have it and I certainly thank you for a very thorough presentation because you hit right at the core of what this task force is trying to do. We're trying to rectify some of these things that are out of sync within our society. And do we have any of the other people in Juneau, Deb?

DEB:

Yes, Mr. Chairman. We have two more people to testify here at this time.

SEN. COGHILL:

Okay, let's go ahead and take the two that are there and then we'll switch over to Soldotna and then we'll go to the Mat-su and then we'll come back to you if you have the other people there.

DENISE LEOPOLD:

Mr. Chairman, my name is Denise Leopold. I am 39

years old and I am the mother of three children. I was involved in a troubled marriage for about 13 years before all of our efforts to try to strengthen and salvage that relationship ended in a mutual decision to divorce. We both decided at that time to remain strong in joint parenting efforts, to believe that we could accomplish this, we filed a simple dissolution of marriage and had a lawyer that Tim had had previous dealings with, put into words that the court could understand in regard to what we wanted with our divorce. We tried to end our marriage with some dignity, where so many others really had failed. I came from a very solid family background and can't express the embarrassment and humiliation that I felt when sitting down with a stranger who said that he really wasn't representing either of us, but he would put our words in her language to the court to dissolve our marriage. And it failed. The fact that he wasn't representing either of us, but it wasn't clear about anything else. I had an idealistic and unrealistic idea that I had dissolved the marriage and ensured my relationship with my children. This man that we sat down with should of \_\_\_ me with the reality that we had this \_\_\_ called divorce and that there were several things that I didn't understand if we went about pursuing our divorce in this manner. \_\_\_ from the consequences of the document that we created. The fact that the assets

weren't divided fairly or that joint custody didn't mean anything like what it sounded or that reasonable visitation had no guidelines and describe what's reasonable. I thought I could still be involved with my children's lives whether they slept in my house or not. However, there's a nightmare involved with being a non-custodial parent. There is an attitude and label for people who are non-custodial parents. Not just from my ex-husband, but from the system as well. After a few months of divorce I found that Tim and I truly had irreconcilable differences. We had cultivated a totally adversarial relationship that was not going to be resolved. I realized that I needed counsel desperately and I found no advocacy and a price tag of approximately \$15,000 just to clarify and enforce what we had already stated in our decree. I was even told that they no longer did divorces in the manner that mine was done because of the inherent problems that it caused. This is all well and good for others, but it seems to be an admission to me that a mistake was made and that there was no offer from the legal community to offer recourse other than going back to a costly court bout and no advocacy. The courts seem like their stymied without having some guidelines for the other side to make this fair. There's no state funds for assistance. There are no advocate groups. I found the one and only group of people that were willing to help

me, and that's Alaska Dads and Moms. One obstacle after another in trying to even out the prejudice and the unbalanced system towards the non-custodial parent. Mind you, I'm a mother that's a non-custodial parent. In the meantime I work two and three jobs trying to reconstruct my life and resolve this situation. I've persisted with phone calls, letters and visits whenever I could manage to be allowed to be with my children. I have constantly and systematically be alienated and excluded by their father who thinks he can do it all himself. I never dreamed that putting an end to an unhappy relationship could mean that I would have to give up my children and I refuse to believe this is true. Now, I have a daughter who's 15 years of age, who's got big girl ideas, and yet in her father's household, she's never been required to discipline herself, or that there's going to be consequences for her actions. When she was little I could spank her, and draw her attention to the responsibilities of growing up. At her age I can't spank her, life is going to spank her and that's going to be a lot more intense as everyone who with me knows is an adult, because when life spans you, it spans you hard. And I can't even get close enough to her to tell this, to try to save her from reaping what she's sowing. It tears me apart to know that she's going to fall hard and that I'm standing here almost helpless to try to

intervene. It got to a point where things disintegrated so that he decided that he'd call in child support enforcement division because he didn't want to deal with me anymore as far as our finances were concerned, because I do pay child support and my child support is current. After some confusion, I thought this was going to be a great idea, finally an unbiased institution was going to come forward and mediate this, because they have generous guidelines to be able to do so. I found that there's an attitude that the non-custodial parent is like a monster. And this doesn't only come from child support enforcement, it comes from a group that says they represent me and I'm talking about the women's organization...to these people and finally after we got things straightened out and they realized that I was current with my payments and so forth, I thought this was going to relieve me of having to deal with an adversarial relationship on that basis. I also realized that I was going to have change my career. I spent 20 years in the nursing profession. I was respected by my peers and by my clients, but after two consecutive times where three years had gone by without wage adjustment, not even a cost of living adjustment, I went to my boss that I worked for for 12 years and asked this man for a wage increase, for a lot of reasons, and many of them which he knew were personal. He told me I was at the top of my career ladder at

\$11.77 an hour and that no more raises would be forthcoming. I pursued other avenues and other areas of nursing and came up dry. I went to the Pioneer's Home, who is crying for people and wasn't even granted an interview and my application stands on record. I went to the state institution, Lemon Creek, to apply for a position that was open there, and came in second which I feel is pretty darn good and speaks highly of my credentials, however I needed to pursue a career that I could money to provide for these children and to go to the lawyers that was supposed to help me straighten this mess out. In the meantime, he was systematically and alienating me and excluding me from these children, which is really evident by their attitudes toward me. I decided I would change my career and I have successfully pursued the area of recreation and tourism. In the meantime my ex-husband felt that there might be more monies available and whatever his other reasons were, which he did not show any justification for desiring an increase in his child support payment. Child Support Enforcement Division was requested to evaluate my financial status and to use their guidelines to assess me properly and fairly. It turns out that unfortunately after, I was in a profession for 20 years, and the new profession that I have chosen is not going start me out what it took me 20 years to accrue in advancements. But I do at least have an opportunity

for advancements financially. In the meantime Child Support Enforcement Division according to their 90.3 guideline has a formula for calculating what it is that I owe for child support, which is my primary obligation. Any consideration, any other financial matters that exist including the fact that I absorbed several thousand dollars of my ex-husband's indebtedness due to his poor financial, and now I am also being assessed for wages that I could have made had I still been working as a nurse because ....and therefore they are not going to apply the 90.3 guideline to what I am making now, along with paying off my ex-husband's indebtedness. They are going to assess me for what I could have made had I still been working as a nurse.

SEN. COGHILL:

Doesn't make sense, doesn't make sense.

DENISE LEOPOLD:

This decision that came through the lower trial court to the superior court and mind you I have no resources or advocacy to do this, but I intend to do it on my own with a pro se motion because something has got to change and someone has got to look at this fairly and I thank you for your time because this is the first time that I know of that people are taking the time to take consideration for these things that are almost

unbearable, when its my children's relationship that's at stake here, and I cannot.....

SEN. COGHILL:

Denise, we certainly appreciate your taking the time and I know this has been a lot of emotional stress on you. We've heard some like horror stories and we understand. That's why our task force is doing the process that we're doing. And we appreciate your time and your input and we're going to hold the public record open until a week Monday, so if you have any written testimony or any documents that you can copy and send to us, you can send them by pouch through the legislative information office in Juneau. And we really appreciate this and I know that's its been stressful to you, but thank you very much for testifying.

DENISE LEOPOLD:

One more thing. I also want to make a special notation and thank Sen. Jan Faiks, who also heard testimony from me earlier this year in regard to visitation, minimum visitation guidelines and in regard to the divorce mediation. And I appreciate people who will take the time to listen and see that this is an important thing that needs their attention. Thank you.

SEN. COGHILL:

Thank you very much Denise and we'll see if we can't right some of these wrongs for you in the process. We're going to have hearings in September and October, and we're going to stay on top of this because we might not be able to rectify all your hurts, but we hope that the next person that comes along won't have to experience the same things that you experienced. Thank you again. Debbie, do we have anybody else in Juneau, otherwise we'll go to Soldotna.

DEB:

Mr. Chairman, we have two more people in Juneau to testify and that will be all that have signed up at this time after they're done.

SEN. COGHILL:

Okay, let's go ahead and take them and would you tell them to hold, to at least at 10 minutes, less than 10 minutes if you possibly can, we're definitely getting into the danger part of running out of time to get everybody on testimony. So, yes we'll take them and take as long as takes to get the story over, but hope that you can use a little shorthand.

DAVE PARISH:

Hello Sen. Coghill and friends of the family who are

gathered here today.

SEN. COGHILL:

What's your name?

DAVE PARISH:

My name is David Parish. I live here in Juneau. I am a custodial parent of four precious children. Their ages are 10, 9, 7 and 5. And I come before you today asking that a family commission or a men's commission be established. I have a clear recognition of the deep-seeded<sup>at</sup> injustices innate in the child support and welfare systems and other state programs. There's an unspoken co-dependent message in the system. The system aids in destroying families to increase the need for their services. The AWARE shelter is a prime example of an essential program to aid battered, abused women and children in crisis, but along with the need for them, there is a real mixed message that I get and that on television there is a 10 point list of needs of women that you know someone has dreamed up and it would be wonderful if every family system could be as functional that women could have a sense of freedom and security and all the money that they need and all the freedom and all those things were family oriented. But there's seeds of discontent that are planted in the hearts of so many women that are filled with really

selfish expectations that aren't family oriented. They are also thrown in with the positive things. And I would hope that a family commission could look into what, you know that the government is supporting. I just have a brief chronology of my experience over the last three years, the deterioration of my marriage and my experiences with child support and I'd like to share that with you right now. I've been battered by my ex-wife who's a rageaholic and I feel I've been gang-raped by every state agency I've dealt with for the past three years. Until I met Bob and Sandy Armstrong of Dad's, my hope for survival and continuity for me and my children seemed impossible. I've been shunned and disregarded and resented by the Alaska state troopers, the AWARE shelter, the Division of Family and Youth Services, the Child Support Enforcement Division and my female liberated lawyer, The Dept. of Community Regional Affairs, State Daycare assistance program, and the Alaska Housing Corporation, and the Division of Assistance. A brief chronology of the interactions and results is appropriate. My ex-wife of 8 years and 4 children decided she was bored with me, especially since I took a 25% reduction in take-home earnings from my employer, Alaska Electric & Power, and the May, 1987 negotiations passage. Due to the possibility of reductions in force for my fellow workers, I opted for the wage cut rather than strike. This made

the \$500 child care expense too high for my wages to cover while my then wife explored her potential in school. Having received much tutoring from the lesbian advocates at AWARE, she recognized that being married, my wages had to be considered when applying for daycare assistance. So she asked for a separation and a formal year of patience from the B'hai national assembly. I agreed to move out of the house that I built and paid \$2,400 a month in expenses and give her \$800 more for groceries. And I lived on \$300 a month for over a year here in Juneau, sleeping in my pickup truck, Bill Cordeson's \_\_\_\_\_ cabin, a shed on my mom's property, and B'Hai Center and Ron \_\_\_\_\_ cabin. Just three months into the formal separation, I attempted to reconcile with Deb, my ex-wife. I moved back into the family home for 1½ weeks. She decided that my presence was more than she could endure and went to the AWARE shelter for 12 days, from February 5, 1988 to February 17, 1988. During this time I called the shelter and asked that my ex-wife Deb keep in contact with the children since I had full custody of them. On Valentine's Day I took her a 21lb box of chocolates, asking her to call home. All four of the children were now in subsidized daycare and latchkey. At 9 am on February 17, 1988 I was working below a second story eve removing meters. I fell backwards from ladder and landed on my butt giving a 37% compression factor of my first

lumbar vertebrae. At the same moment, my ex-wife was having Judge Jenke sign a temporary restraining order evicting me from my home. By noon I was heavily sedated and received two state troopers in my hospital room who presented me with a 9-page eviction notice that the AWARE shelter people helped her to fill out. Needless to say I was shocked at the lies and horrified at the demands. My ex-wife then brought everything that I owned, clothes, books, tools, etc. and set them in 30 gal garbage sacks at the base of my hospital bed. I was on my back and unable to move without great pain for over a month. I felt the troopers went beyond reasonably discretion delivering the temporary restraining order when my system was swollen with \_\_\_ gas and my back was in major spasm. Judge Jenke then modified the temporary restraining order twice, seizing assets, and then limiting my visitation with the kids. My then female counselor advised that I not contest anything. I realize now that I hesitated beyond reason in filing for the divorce and asking that my ex-wife carry some portion of our financial and emotional load. My next bitter experience was with Dixie Hood, master and social work who was a City and Borough employee at that time who encouraged my ex-wife to get out of the family stew pot. She knew of Deb's rage and abuse of my 9-year old daughter and was contacted several times after work hours by Deb who

experienced great remorse from the use of excessive force in dealing with my 9-year old. Dixie degraded the role of motherhood, herself a divorcee after one child, and was in my opinion bereft of human compassion. Its the lack of consistent non-sexual morality in state government that is really glaring to me. An ex-employee of the Health and Social Services, Darville Silder once told me, we do for the poor until their done for. I'm afraid the same is true for women. And that that public assistance turns a blind eye to the exploitation of its services by women, which in my case encouraged further abuse and degradation of my family. John Taber, of public assistance said, "the purpose of welfare is to get women out of intolerable situations." I agree that this is a noble generality. How far should it go to perpetuate its own bureaucracy when the intolerable situation my ex-wife was living with was the fact that she lives in a female body and has god-given responsibilities to her family and her children. I feel a sense of righteous indignation when I consider the fact that my ex-wife sees my children one night per week and again battered and bruised my 9-year old Saturday March 31, 1990 and is allowed by court order to continue seeing them. If I had a history of rage, violence and abuse, my visitation would be eliminated, supervised, or even more limited. Instead, she lives in a 4-bedroom subsidizes apartment

at Green Park, which she uses as a motel, sees the children when it suits her schedule and makes one night a week hell for me and my 9-year old. I don't have the money at \$110 per hour to contact the Division of Family and Youth Services every time my daughter was assaulted and pursue modifications with my lawyer and the court orders. I'd like someone in state government who'd be willing to be the children's and my advocate for all the hours it takes to let the right hand know what the left is doing. The Alaska Housing Finance Corporation denied my request for a re-finance of my house in 1988 because my broken back, 2½ months out of work, and a divorce were not adequate hardships, in spite of the fact that I had full custody of my children. My ex-wife received child support within one week after she applied in August 1988. It took me three \_\_\_\_\_ and the assistances of Dads to get the court ordered divorce decree recognized and enforced. My ex-wife has chosen to go to college and was ordered to pay me only \$10 per child or \$40 per month for child support. If I were the non-custodial parent I would not be able to return to college. That would be called voluntary under-employment. And she traveled last year to Portland with her boyfriend before the divorce and flew the day after my youngest daughter broke her nose and was unwilling to help me with any of the expenses even though at that point and time she was not paying

me any child support at all. She's been able to travel to Boston and she traveled extensively in California and Washington and Oregon for three weeks this spring and I feel what I feel a justifiable anger at the state's inability to look into her finances or their unwillingness to say well you can't take the wages that you earn and give to them somebody else and its not okay. But because, I don't know, they just have a hard time dealing with people who are dishonest. I'm a male and I love my children and am paid well. I'm forced to hammer on doors and beg people to look at the facts of my situation. I cashed out the last three years of my vacation to feed my kids. I've been met with unkindness, disbelief and rage by a variety of state agencies and employees and I'm tired of it. My ex-wife is proof that not all babymakers are mothers. So please help bring some balance into state government. The state governmental system that I perceive as cruel, prejudice and anti-men. And please see that a family commission is established cause I really feel the need for help. And at times, Bob and Sandy are up to their elbows in crocodiles and don't really have time to help me do things like in enforcing...all my wife needs to do is say no and I have to take her back to court. And for me to do anything pro se takes a lot of time and I don't have time or the energy to compel her to do anything. I'm met with an agenda everytime I see her

and I can't deal with her anymore, but my children's best interest need to be served and I need somehow to survive a traumatic adjustment....the state government could be in helping to bring some balance into the way child support deals with people. I've hesitate to request any more ....ex-wife through child support enforcement, because I don't want her to commit suicide or doing anything that's going to be detrimental to my children, yet I'm starting to realize that that is no longer my responsibility and in looking.....and the people in the legislature during this last year to look at these, what I feel like are really glaring issues that need to be rectified so there can be at least some degree of harmony and justice in the way that the laws are being administered. Thank you.

SEN. COGHILL:

Thank you very much Dave. We really appreciate you taking the time to visit with the task force and to give your testimony and if you have any written testimony, please feel free to either mail it in or to live it with the LIO, and if there's an indication that they won't pouch it, well I'll see that they do pouch it. And your family commission suggestion has been aired by many concerned citizens here in the last two days and we'll certainly follow through on that. And we're getting short on time, so Juneau, Deb, we'll take your

other person to testify and let's try to keep it down as close as we can, cause we're getting more people on teleconference from 2-3 and we still have 11 people here and I'm going to extend until we get to see them but I have to leave here by 3:45. So Deb.

DEB:

Okay our next witness' testimony will be approximately 5 minutes and he will begin now.

JOSE RODRIGUEZ:

Okay, my name is Jose Rodriguez. I'm the father of three children. I'm was Mr. Mom provided for these children for 12 years. I received no child support from my ex-wife. I never took any welfare of any kind. In August 1988, my ex-wife started to going for drug and alcohol treatment, cleaned up her life and I let the kids go live with her even though the court had given me legal custody of the kids. My kids come over every weekend and often during the week whenever they want. I buy them clothes too when I have a job. In April of 1989 I got a letter from Child Support ENforcement saying that I owe them \$10,000 welfare for my kids and adult part of the welfare grant from August 88 to April 89. Can you imagine such a shock. Since I received that \$10,000 bill in April of 89 I have been in one long bureaucratic nightmare of hearings and

appeal. The caseworker denied me a poverty ruling I was entitled to. I appealed it and won. My caseworker said next time I was voluntarily under employment and I asked my hearing officer about what my \_\_\_\_\_ shoulder. So I appeal again. I am temporarily on-call worker for the federal government. I told the child support that my boss wrote them two letters, and in two other phone calls, told them that I was on call, not missing work. They wouldn't listen and ordered me to pay \$590 a month child support based on imaginary full-time income. Finally I appealed again and asked my boss to take time off work to come to my hearing and testify for me. I finally won again. It is fair to say I would have lost this fight a long time ago without the help of Alaska Moms and Dads. Why does a woman's commission get money to help mothers, but Alaska Dads and Moms doesn't get state money to help fathers. Its discrimination. And I go there now for help with my case when the Child Support decides to make my life hell again. When is the State of Alaska going to start caring about fathers who love their children. Also, you need to know that I believe that state government is deliberately harassing those of us who has spoken out. Thank you.

SEN. COGHILL:

Thank you very much, Jose. That was very good and if

you have written testimony we would certainly like to have you submit it, and if you have any other information that you'd like to pass on to us so that we can use it in our deliberations, why you just have them pouch it up or mail it to the Senate Family Law Review Task Force in Anchorage. The address is 3111 C Street, Suite 520, Anchorage, AK 99503. The Legislative Information Office there can get you in touch with our special assistant and that's Kathleen Putman and that's 561-2003. Thank you very much, Jose. We'll now then go to Soldotna and we have Kim Soriano. Kim, would you please, and if you could hold it down to as close as you can, but yet tell your story, we'd appreciate it.

KIM SORIANO:

Thank you. I'm present here to testify on behalf of my husband Glen Soriano. Its very hard for me not to get emotional but I'll try to keep this as short as possible. My husband is known to Child Support Enforcement Division as Case 38B-8706247. A father with no rights, none. Let me begin by saying that I was a single mother for 7½ years. I never collected welfare. I never collected child support and I never had any help from my ex-husband. I believe that the Child Support Enforcement Division was formed to help custodial parents with the burden of taking care of their children, the financial burden. But somewhere along the

line this agency has become of vehicle of destruction and financial ruin for the non-custodial parent. My husband was married for two weeks to his ex-wife. Their marriage ended when Barbara left him, my husband, for another man. Several months after the divorce took place, my husband reunited with his ex-wife and they conceived a beautiful boy by the name of Jordan. Jordan is a wonderful child and we have him with us this summer, which has been a long road for us getting him here. Child Support Enforcement Division has told us that there is nothing that they can do for us anymore. Barbara has to redetermine the amount of money owed to her. My husband has paid all of his debt supposedly to the state for the times that she collected welfare, and they are charging my husband \$665 a month child support, plus \$199.00 a month on his arrearages, which is \$24,000. When I married my husband two years ago, I found out that I had married a large problem and I'm not one to take things laying down. I immediately started working with Child Enforcement Division to see what I could to help rectify the situation. They told me that they had never received any correspondence from my husband at all, that he had never used any of his appeals or his rights to appeals; he had never answered any of their summons. I immediately started to work trying to find out exactly what was going on. I went to the court systems

in Anchorage and received copies, certified copies of all of the divorce papers and all of the papers that Child Support Enforcement Division had on hand. In 1985, Barbara Soriano went to CSED and requested a motion for support. What CSED did not take into consideration was that in 1979 my husband was involved in a terrible motorcycle accident. He sustained brain stem injuries, broken mandible. Dr. Dempsey's report have been forwarded to CSED now, but at the time, CSED did not take any of that into consideration. I believe that they didn't look at anything. They just thought he was a man trying to run away from his obligation and they came down with an administrative order against him for \$665 a month in child support for one child. My husband suffers to this day with hypertension, third nerve palsey and profound double vision with various other medical disabilities stemming from this motorcycle accident. He is able to work part time and for the last two years since we've been married, he has been making regular payments to the CSED. They are taking his internal revenue tax return, they are taking his Permanent Fund Dividend check. Something that I almost forgot to mention, when the first motion for support went before a judge in the Anchorage court system, the motion for support was denied by the judge due to the fact there was no child born of the marriage between Glen and Barbara Soriano. Jordon was conceived after

the divorce. CSED sent my husband an affidavit of paternity. He signed it. They also sent him a financial statement. I have copies of this. He filled it out and he sent it to him. They say that they never received anything like this. In October of 1985 a second order of support was denied by a judge due to the fact that custody was never awarded to either my husband or Barbara when the divorce was made. What I want to know is how a state agency can go, can take away the rights of fathers and basically tell them that because they are a man that they have no rights. The mother is always believed. My husband was told by a woman who works for CSED, she says, "honey," she says, "you're a man, you have nothing going for you." "You'll never win." I believe that the legislature needs to change the way things are now. I have tried to fight this out with an attorney through CSED. We are still in the appeal stages. I wasn't really prepared for this today. I had just heard about this teleconference two days ago and I was very relieved that someone is finally taking note of what's going on here. I won't take up any more of your time. I will submit my written testimony, thank you.

SEN. COGHILL:

We certainly appreciate your comments Kim, and we're

sorry that our press releases were ignored by the...we've made three press releases as much as a much ago to notify the public of these hearings, but we have no control over those things, and so we just keep plugging along and we're glad that you were able to testify and we're going to keep our public comments for a week Monday, so if you know of anybody else that would like to submit written testimony to us, or if you have anything else that you would like to say to us in written testimony, we'd welcome it, because what you're saying is exactly what this task force is all about. We're going to get to the bottom of it. We're going to try and rectify those wrongs and to keep it from happening again. Thank you very much for your time. Alright, is there anybody else at Soldotna. (No, that's all, thank you.) Alright, thank you very much for taking your Saturday, and you can stay on line. We're going to now go to Mat-Su and we've got three that need to testify there and would you try to have them keep it as close as possible to their testimony so that we can get everybody on public record. (Yes, thank you we have three at this time). Go ahead, Bill Nelson first.

BILL NELSON:

Yeah, how do you make this work? (Just talk into it).

There's not a sign Senator, I mean Gov. Coghill,  
There's not a sign, I don't know what to do with it.

SEN. COGHILL:

Just talk into it like as if you're talking at me.  
Think that the top of that mike is my bald head.

BILL NELSON:

Okay, can you hear me now. (Yes sir, loud and clear)  
Well, I've known you Senator Coghill for 34 years and  
I've never, never been disappointed with your honor and  
integrity and its a blessing that you've managed to get  
involved here and we certainly thank you and we thank  
Steve Strube. And meanwhile, if you become Governor  
and Strube becomes Lt. Governor, I'd like to be the  
attorney General I think I can do it to. As everybody  
knows, if you're aware of a crime and ignore it then  
you become as guilty as the party that committed the  
first crime, is this not true, Gov. Coghill? (That's  
right.) Meanwhile, everybody knows my opinion. Not  
all lawyers are bad, but lawyers do give cancerous  
cells equal rights to healthy cells, and what's healthy  
in America's body, now in cause and effect, the cancer,  
the satanic elements have total control. And all this  
has done to feed the parsitical \_\_\_\_, the self-serving  
are these honorable lawyers. And I am correct ain't I

that you can't be a judge, unless you're a lawyer first, is this true Gov. Coghill?

SEN. COGHILL:

Yes, go right ahead, Bill.

BILL NELSON:

Do lawyers more or less control the legislature also?

SEN. COGHILL:

Well, there's quite a few of them in there but we try to keep them at a minimum.

BILL NELSON:

Yeah, but don't they have the laws so ambiguous, so screwed up that there's nothing you can do about it. Cause when you run into a screwy law, the same lawyers are judges and they say, nope, we keep playing that type of game.

SEN. COGHILL:

Yeah, well there's us lay people that try to make a bucket without holes in it and they like sieves.

BILL NELSON:

Okay, and is it true that in most cases the quorum of the executive is controlled by these honorable lawyers?

SEN. COGHILL:

Well, that seems to be the case but we're going to try and change that.

BILL NELSON:

And is not true that most high posts in Alaska are controlled by lawyers or by people who are super sympathetic, it makes no difference if they have demented ways or not, to these layers?

SEN. COGHILL:

Seems to be the case, Bill.

BILL NELSON:

And we agree that most high posts in America are controlled by a non-responsible interest?

SEN. COGHILL:

Well that seems to be, you know, and there's where part of the integrity comes in.

BILL NELSON:

Okay, we're getting closer now to my favorite topic about black robes. You know, a lot of people wonder what my standing is. I think black skin is beautiful but I sure have no respect for black robes. But when I was younger I really thought black skin was beautiful.

Now our laws state that you can bump any judge assigned to you, is this not correct, Coghill?

SEN. COGHILL:

Yes, go ahead.

BILL NELSON:

You can bump any judge once he's assigned to you. What if that judge is trying to get to you and what, and he gets the presiding the judge to assign himself to you as a motions only judge?

SEN. COGHILL:

Well, that's part of our system problem and that's what Edgar Paul Boyko hit on today that we need to have a system where that the defendant can have pre-emptive.

BILL NELSON:

Yeah, but hear me out. I have a lot of respect for Boyko, we talk to each other a lot. But Boyko, Boyko has his self-serving interests too and that makes him awfully biased and prejudiced in his thoughts and he's a very intelligent man. But when you give a cancerous cell equal rights to a healthy cell in a healthy body in cause and effect you've made the cancer cell the master. And unfortunately I don't hear nothing make or saying anything about the cure of such cancerous

elements. I just heard pie in the sky dreams and Boyko is a very intelligent man. What I'm trying to say is that we'll never win in the lawyer-controlled world of non-responsibility, Coghill, cause they believe in non-responsibility. It makes their pasture green. They work on paranoia. They work on doubt, worry and fear. And until we pick, who's the only profession in America Gov. Coghill to perfect the high art of lying and defeating. Name one profession outside of lawyers. (Continue Bill). I put you on the spot sir, but this is why Boyko refuses to debate me, and God bless him, even though he is going to burn. You know God has a different, you know until we pick the sort of God - love, trust and faith, and cause that's the only way we're going to get responsibility back in our government, and that's how our forefathers put it there. You know all you have to do dilute - did you ever mix black paint in the white paint. You don't end up with a marble paint, you end up with a depending on how much black you mix with that white paint, but you know you don't have white no more, and you can no longer call it a white paint job. But in America when we object to stuff like this all we end up with is a whitewash, a cover up. Now let me get on to my gripe. As you well know I'm that nice guy that circles the courthouse with great big, I got about 18 rigs now and trailers that all are donated through my love and appreciation of

these honorable lawyers. And it all started basically about 18 years ago when I rejected Mr. Carlson. You remember Coghill, I did business with you 34 years ago at Nenana, and you are a very, I've never heard one bad word about you in my entire life and I didn't say that with \_\_\_\_\_ either. Anyway, Carlson, Carlson, I insulted him. I made him take his hands off of my arm. That's no insult to me or anybody else. I just after he was hanging on my arm for a half a hour, I told him take your hands off of me sir, I have other things to worry about. I don't like a man pawing on me. I'll be damned if it wasn't a year later that man would not allow me to bump him on a major lawsuit that came upon my family was forced upon my family by honorable lawyers. Is it legal for an attorney to represent you and the other side at the same time. (No). It certainly was in my case and it was a \$6,000,000 parcel of land. And can I ask you for your autograph, put a bill of sale to \$6,000,000 worth of property on it, and if you don't honor that I can then threaten to kill your wife and kids and then make attempts to do so. (Go ahead Bill). Victor Carlson said that is totally legal and its all in courthouse records. FBI, everybody says you're right Bill, yes sir. How can such filth, such tyranny be allowed? Now you understand Coghill a little better why the cops allow me on the streets. Cause I'm not exaggerating. Its by far greater than

what the signs are. What are we going to do with this here filth. I don't think sir, and you're a miracle man, I don't think there's nothing you can do about it. I think as citizens we need to arrest these judges and lawyers that are the bad ones and remove them society forever.

SEN. COGHILL:

Well, I think that we're going to have to try and that's what we're going to do in September, but we need help from people like you Bill, where we can document it, because this is the first time that we've had a public forum where we've allowed people to go on the public record as to those problems and that's what we're all about here.

BILL NELSON:

You sound more like Steve Strube everyday.

SEN. COGHILL

Well, he's a pretty good mentor.

BILL NELSON:

Well, listen, I've had like right now, last week I had a friend of mine, Ozzie Purcell declare bankruptcy. He's actually all about - \_\_\_\_\_ that's another honorable attorney threatening to kill his wife and

kids and it was documented 3 or 4 times in the court trial. What do you do when judges whitewash these lawyers and don't let the jury decide it and the case is based on that. I lost \$25,000 over this bankruptcy now because I co-signed a note for Ozzie Purcell, to get justice for him, they're threatening to kill his wife and kids. This is totally documented. His attorney was Neil Kinnelly. Neil Kinnelly is one of my attorneys too. What do you do when this happens?

SEN. COGHILL:

I don't know. I'm sure I don't know Bill. What we can do, but we have two system that we can this into but that's why we're trying to get it on record.

BILL NELSON:

You know most of my people are people that have had it with the system. They say we must bear arms, we must arrest them. Our biggest problem right now, I no longer want to kill these people. They don't suffer enough. I think just arrest them and quarantine them for the rest of their lives is the only solution. What do you think?

SEN. COGHILL:

Well, I think that we've got to try the system and that is what these hearings are all about Bill.

BILL NELSON:

Yeah, but every day we leave these filthy maggots in control, they're creating a 100-200 more victims. And \_\_\_\_\_ for them future victims. We know how filthy they are now.

SEN. COGHILL:

Okay, Bill would you give us your conclusion and what your recommendations are at this point to this task force and you know, you can submit, I want you to submit your paperwork to us so that we can have that documented, but would you kindly give us a wrap-up and a conclusion of what you think we should be doing.

BILL NELSON;

Well, Mr. Coghill, as you may not be aware, but about 2 months ago after 18 years of circling courthouses, going to every attorney in Alaska, none of them will ever sue another lawyer - you know its against their ethics to sue another lawyer - after circling the streets for 3-4 years telling the world about Victor the Dictor - impeach Carlson, he's a \_\_\_\_\_ A-bomb. You've seen some of the signs. Two months ago they assigned Victor Carlson to all of my cases. Can you image that. Yes they replaced all of the other judges, and they put Carlson in charge of all the cases I have pending. I think that they, we are now down to the

point where I think that castration is the first move. I will get - I give him two full briefs - he should become a lawyer.

SEN. COGHILL:

Thank you very much Bill. Could you wind it up so that we can go on the next one. We're...

BILL NELSON:

.....to you Coghill, and God Bless you. You may be our last shot at getting a non-violent solution. Meanwhile we do have a 500 man grand jury that's convening and they're deciding right now if they're going to give us the right to citizen's arrest some of these judges and take them off our streets. Thank you Mr. Coghill and God bless all of you.

SEN. COGHILL;

Thank you very much Bill. We really appreciate your time in testifying before this task force. And we'll go to Charlotte to Al Saulsbury and then to Leonard Moffitt at your station and then we have to go to Fairbanks for one more and we're already 5 minutes out of our teleconference, but we'll continue. I have to leave at 3:45 but Rep. Walt Furnace is going to keep the hearings going until we have everybody that's

signed in here has had a chance to put their story on testimony. So, Al welcome to our task force.

AL SAULSBURY:

Uh, the history of my dealings with Child Support. My original divorce...and pay child support in the amount of \$525 per month for the family residence in lieu of child support. This was agreed to by my ex-wife and myself and the master of the court here in Palmer. My ex-wife went on welfare and signed over all her rights to the State of Alaska. The State of Alaska then went to court and had our dissolutionment modified, I was required to pay child support directly to the the State of Alaska. December 13, 1987 and January of 1988 I recall dealing with Child Support Agency in Anchorage, Pat Crenshaw, who is a POI and June Brown who is the head of Team 4. In 1989 I had garnishment of my Alaska Permanent Dividend in the amount of \$873.16. This amount was refunded to me because of errors in accounting by CSED. In order to get any relief from Child Support Enforcement, as early as September, 1988.....end of tape 8....

AL. SAULSBURY, Continued

...forced to go to the bank, my bank, and to pay for photo copies of each carbon check of payments I have made. They should have had copies on record at Child Enforcement of these payments. This has been a financial and time-consuming inconvenience and burden to me. The point is that everytime I have said anything to Child Support Enforcement, it has in fact been true. June Brown has had to backup to refunds of monies garnished and apologized verbally for inconveniencing me. After I first contacted my local representatives and my state senator, Child Support Enforcement was more hospitable for about 9-10 months. Then June Brown reverted to her old adversarial attitude. I had to contact my local representatives again about one year from my original contact due to this undignified and personally insulting approach to this difficult and often painful situation. The attitude again changed to one of being more friendly towards me. I acknowledge that many absent parents do not respond to their financial obligations to their children. However, to judge everyone as lying, irresponsible and out to get away without acting as a loving and responsible parent is degrading and wrong. I find the role again adversarial. I contacted June Brown at the end of May or the first part of June of this year. We had a personal meeting and I requested a voluntary

withholding of my paycheck in the amount of \$175 a week be sent from my employer to CEA along with a separate cover letter stating that I had requested this order in order to catch up arrears of my child support. That it had accrued during a period of unemployment. We agreed that the amount would drop to approximately \$135 a week when the arrears were caught up. I did this to stay current and that no further arrears would occur. While I was there June entered into her computer the order to withhold these amounts and drop in the amount when the payment was current. She also agreed to write a cover letter stating that this was a voluntary action on my part. A standard form letter was issued on June 22nd this year to my employer. No cover letter was sent. Approximately two weeks later I contacted June Brown requesting that the letter stating that my withholdings was being taken out of my check at my request be sent to my employer and the local Credit Bureau. June Brown said that she would send one to my employer. However, she stated that she could not or would not issue one to the Credit Bureau, but that I could have a copy of this letter for my personal records. I did not receive this letter and have not to this day. Yet about a week to 10 days after requesting my employer receive a copy of the cover letter, I was assured it would be sent. I attempted to contact June Brown on 8/6/90 and left a message for a return call concerning the arrears and

the cover letter. As of today, I have not heard from June Brown or Child Support Enforcement. In June of 1990 both Shawn and Paul, my two sons, lived at my house for the entire month. While they were often in their mother's home, they ate, slept, watched TV, changed clothes, etc. in my home. When I reported this fact to Child Support Enforcement, my ex-wife simply stated that this was not so and that I was instructed that I was required to have two or more personal letters written, individuals that knew my children, that they were in fact in my home. As Shawn is 16 years of age and able to stay where he wishes to live, all that was needed was his statement as to where he spent the month of June. However, Paul being only age 10, would need the statement of friends of the family .....

WALT FURNACE:

Excuse me, Al, I'm sorry, if we could ask you to give us a rap, unfortunately we're past the allotted time on the teleconference and there are a couple of other persons, we'd like to get in, so if you would, we would certainly appreciate it if you would give us a rap at this time.

AL SAULSBURY:

Okay. In conclusion then, all I'd like to say is that

I may have fallen short in the intent of the current laws regarding child support from time to time due to periods of unemployment, but I've been morally correct in supporting my children in other areas. This has not been taken into any consideration by Child Support Enforcement and I do believe that the laws as they stand on the books today do need a vigorous and complete overall, thank you.

WALT FURNACE:

Thank you Al, again. Your testimony is somewhat very supportive of what we've heard so far and we really appreciate that. If you have written testimony, we'd certainly appreciate if you'd give that to the moderator at the site there and have them submit it in for the official record. We will take Leonard Moffit next and ask if you could please wrap your testimony up in about 5 minutes so that we may be able to conclude and get everyone on the teleconference. We apologize for the shortness of time, but unfortunately because of the real great demand, we have simply run out of time. So Leonard we would be pleased to hear your testimony at this time.

LEONARD MOFFIT:

Thank you Senator and Gov. Coghill, Steve Strube and

many others helping with this hearing. I'm Leonard Moffit of Palmer, Alaska. Turning family problems over to a commercial judiciary is apparently unworkable. Our overall problems are because we turn our problems over to this commercial branch of government, accountable to no one else except themselves. Election of non-attorney judges would be a big help in getting a reduction of the judicial commercialism. And thank you very much. I'd like to present some written testimony later.

SEN. COGHILL:

Leonard, this Sen. Coghill. We'd very much appreciate that. We're going to hold the record open for a week Monday and our address here is 3111 C Street, Suite 520, and its the Senate Family Law Review Task Force. And the zip code here is 99503. And thank you very much, we really appreciate your remarks. Alright, now we're going to leave Mat-Su and we're going to go to Fairbanks. And we have Wolfgang Falke and Wolfgang would you please keep it as close as you can to time constraint. I know that you're like I am, we get long winded, but we know we want you to get your message out.

WOLFGANG FALKE:

Well, thank you Sen. Coghill. You remember probably

many days or many hours at the Constitutional convention. And there was quite a bit of discussion - I wasn't here around that time - but I read through the minutes of the Constitutional convention and there, its quite interesting about the arguments that all the judges should be elected or appointed in this state. And I think as we have experienced over the last 25 years or more, that didn't quite work, and I think what you could do and ask the legislature to alleviate the problem is put a question on the ballot to have the judges elected. It comes \_\_\_\_\_ we need a constitutional amendment for that and in order to do that we need the legislature to put that question on the ballot and I think that would help quite a bit to take care of the problems we have experienced with this what we are hearing today, which I think is not even the tip of the iceberg. I'm involved in pro se litigation for more than 10 years. I used to have lawyers, \_\_\_\_\_ got stuck with them. The problem with a lawyer is that they are number one, as far as I can see, not even licensed. They claim they are licensed but I've never seen a lawyer with a license. And they're like doctor has or what any other businessman has to have in his office, there is no state license for those attorneys. Its just basically an association, a shop, or union or whatever you call it, and they are running the whole show against the people. These lawyers should be

licensed, and the Bar Association should be busted up because there is simply no competition. In all those years I said what, you know, I see the Legislature and Governor and Lt. Governor all the way down to the city and \_\_\_\_\_, all my cases are basically in to, \_\_\_\_\_ regarding public interest cases and legislation. Each time you try to do that as an individual, not being a member of the bar, you will get cut off in one form or another, time wise or other ways, technically not to get to the Supreme Court. I won one case in the Supreme Court, and I think that its kind of a mark because they are \_\_\_\_\_ out like these other lawyers, or they are just telling the judges, well a pro se litigant never should get to the Supreme Court. The problem is that these people are charging a lot of money and many of the people who try to say, well I'll take this custody case in my own hands and I'll try my pro se because I've lost my money so far on the lawyers and I got a little wise, they have very little chance of even getting an ear for it. We have to go back to the principles of our constitution, I mean the U.S. Constitution, and cut down on the interlocking between the executive and legislature and the administrative branch. We have to get the judges elected. We should get the attorney general elected. We should make sure that no member, and all those lawyers who claim they are members of the bar, all their officers of court,

and if you have an officer of the court who is presently a governor, well that just doesn't fit. Its against the constitution because under the separate of power it is just not allowed. It is unconstitutional, it is unlawful. I ask you to seriously consider, and one thing, you as legislators cannot come up and make some administrative decisions. It would be just as wrong in doing so. And what I've heard today is that many people probably try you to correct some of the misdoings of the administrative branch, which you cannot do. The only thing you are supposed to do and can do legally is to make the laws. And let the administrative branch take care of the administration of it and the judicial branch to take care of the interpretation of the law or the dispute. As far as the power of the people is concerned, 1) the judges should be elected; 2) you should have a jury trial. Many of those cases today which are explained by so many people and so much dramatic misfortune that was caused by that. If you had a jury of 12 instead of a single so-called judge to make the decision, I think the outcome would have been many times different and probably to the better of the situation than what we have today. We should go back and let the jury take the responsibility, not only as judging the law but all those facts as it was originally intended. And the only thing you could do and you should do is make a law

and again try to get the judges elected in the form of a constitutional amendment, which the legislature could put on the ballot. Thank you.

SEN. COGHILL:

Thank you very much Wolfgang. We really appreciate your comments and that's as we go down the line, we'll keep you informed as to when we'll have our next hearing because we're planning on having a hearing each month in order to be able to get to all of the stuff. And we're, we'll if you have anything that you wish to put on the record, why we're going to keep the record open for one week, and if you've got some written testimony please get it to us. And with that, Tom, I guess we're done with teleconferences, and we're going to go now back to the 12 or 15 people that we have here. Rep. Furnace has indicated that he will stay on here until 5:00 to give everybody a chance to be able to put their testimony or their concerns on record. If we're going to take first people first. If you have already testified, we'll put you at the bottom of the list, and if we have time we'll get to them. And so the next person that we have on our list is James Babb Jr. Is he here yet? Okay. Don Molder. Don, welcome to our task force. I've seen you here for the two days and you're patiently listening to our testimony and we appreciate you time you have taken, and what I'm going

to do is I'm going to turn the hearings now over to Rep. Furnace to continue. Thank you very much Don.

DON MOLDER:

We appreciate your taking time off the campaign trail to conduct these hearings. I believe it will be in the record that the state really does need...I have a view concerns that I probably would have liked to have flashed out, but I was afraid I wasn't going to be able to get in, given the shaky, I don't know if its still shaky yet or not, the financial situation of this task force. But I do plan to submit written testimony during the time that you have allowed for written testimony to be submitted. So what I'm going to do is give you a very brief summary given the time constraints. I didn't know it was so bad or deep seeded. I was moved to tears after what I've heard during the course of the time I've sat here and its been almost two days. I wasn't planning on testifying as I've mentioned, but my past involved divorce. I grew up a child with parents who never had a happy marriage during my growing up years in a midwestern state. My parents were separated in 1967 when I was in my last year in high school. They were divorced three years later. The details are really unimportant as to the circumstances, but I want to point that you don't understand real niceties as a kid when a court order

says your Dad can't drive up to your home, but you have to wait at the street corner for him to pick you up to go out to dinner with him. That's happened many times. God help me if I have been an \_\_\_\_\_ of anyone in family court or any of these state agencies that have been mentioned here because my family would have been ripped apart and it never would have come together right again. I suggest that the whole 20-year boil that is on this court system and in this State of Alaska be lanced. I mean to go to the bottom and scoop it out and get rid of it. Prosecute those who are criminally responsible. And reconstitute the whole thing again with compassion mind for all those who are involved in any kind of dispute that involves domestic relations, because the kids are the ones that are going to get hurt the most. I grew up a latchkey kid, a child of separation and a child of divorce before those terms ever came into social science politics. I am a child of divorce, as I have said. It was a hard road to make it through any divorce as a victim. The family court system and the state and private agencies in Alaska must be reformed and reconstituted before kids and their parents can expect a fair chance, a running start up here, and Sen. Coghill, Rep. Furnace, I am deeply, emotionally involved in this thing. I didn't know it was so bad. It has brought up emotions in me that, you know, as a victim I cannot really begin to really

really bring out. But I thank you for your time, and I certainly hope that Sen. Kelly, the president of this Senate up here will get it into his head that there is a movement up here that wants to have this thing cleaned up and cleaned out right. And I strongly advocate for that. And I thank you again for your time.

REP. FURNACE:

Thank you Don. We appreciate your comments today. Needless to say the record of these hearings will be made available to all legislators and hopefully they will take the time to read through those, understand the pain and suffering that people are going through, and use their wisdom to do something about it. We appreciate your comments today. Thank you very much. Is Carolyn Peterson here? (submitted in written testimony). Larry Brown?

LARRY BROWN:

My name is Larry Brown. I represent a lot of people. We started a group called We the People approximately 2½ years ago. I and another person, private investigator Lee Henry. When we started it, I was working for Parents United. We worked with sexually abused children and their families, as well as Lee was investigating certain deaths and things that were happening in

the court systems. When we started We the People we couldn't believe how big it actually was. We started talking with people in Kenai/Soldotna area, as I was talking with mothers who said that prosecutors and the Division of Family Youth Social Workers were stating that if they testified on behalf of their husband that they would have their children taken away and their parental rights terminated. I started listening to these people and I thought, now wait a minute, this cannot happen. I won't bring up the 200 cases that I've got at home of people who have been abused by our system. I want to bring up one that affects my own family. My son was illegally strip-searched at McLaughlin Youth Center for a fix-it ticket for a broken headlight. This happened approximately a year ago. And under the search and seizure laws - I'm not sure whether you're aware or of of the 4th, 5th, and 14th amendment rights to the Constitution of the United States, but for a minor violation, it is illegal to strip search or body carry search a minor. In McLaughlin Youth Center, they strip search every youth that comes in there. And under their authority, the authority that they gave me, and I'll read for you - I also gave the lady a copy of all this - Under 7AAC 520, Search Upon Admission - Institutional staff members may search each juvenile for contraband immediately upon his entrance to the institution. The authority is AS

47.10.150 or 250. My son was driving his sister's vehicle home from work. My daughter had an accident with her vehicle and had put the headlight out. The state police gave him a fix-it ticket. I told my daughter that it was because it was her vehicle that she should take care of this. She called the police department. The police department said, well, you don't have to do nothing about it, but if you get another summons, you'll have to go into court. I asked her if she had taken care of it - she said yes. Approximately 3 months later, a friend of my son's called and said there was four young boys out in the yard and they were going to whip the daylights out of him or worse. My son called the state police and asked them to come and resolve the problem. While the state police officer was there he run a check on all the boys. He found out that my son had an outstanding warrant for his arrest for this fix-it ticket. He immediately handcuffed my son, took him home to my wife - I was in Delta Junction at the time working and so the state police office told my wife that all he had to do was pay a \$30 bond and he could be immediately released and that if she wanted to follow him down there, that she could pick him up. He took my son to McLaughlin Youth Center. My wife and my daughter followed him down. When they got there, my son had a pair tennis shoes or slip-on shoes, tank top and a pair

of shorts on. The state police officer explained to McLaughlin Youth Center counselor, a fat man with glasses, that all they had to pay was this \$30 bond and he could be released. The state police officer signed custody over to the counselor and left. Then the counselor took it upon himself, under this authority, to take my son in the back of a, what was explained to me and also by the youth counselor by his letter, was taken in a hallway and strip searched. My son refused at first. He did go down to his shorts, his underwear. The man told him he had to take his underwear off too. He refused. The man said that he had to, so he did. There was other people walking in the hallway and seeing my son stripped. When he told me about this when I got home, I didn't have time to take care of it at that time, but it brought up other items in the past that brought back memories to my son that had happened to him before. Its been very bad on my son, but its also opened the line of communication. But under the 4th, 5th, and 14th amendment to the U.S. Constitution it is illegal search. I asked Myra Monson, George Bullhite, Art Brower at McLaughlin Youth Center and if they would immediately stop this illegal strip searching. Myra Monson said that its all how you read the law, how you read it. There is only one way to read the U.S. Constitution - it is illegal strip search. Under the strip search procedures, and I've got the

search and seizure law reports at the law library, a federal district judge held that such a policy of routine strip and body cavity searches of county \_\_\_ jail detainees shocked the court. The judge also held the practice unconstitutional. The court in Seymour held that the strip search of an individual arrested for a misdemeanor offense who has the funds to immediately post bond is not reasonable and violates the Illinois Constitution. And I can go down through, and I give you a copy of this, showing you how illegal this is. I don't care what the state puts out as a law, it cannot go against the U.S. Constitution. I asked Myra Monson to immediately stop the strip searches, because she's the head of Division of Family and Youth Services and McLaughlin, falls under that. I also have two affidavits from two boys who were sexually abused by Frank Feichtinger at McLaughlin Youth Center when he was a counselor there. I also asked Edgar Paul Boyko why these two boys were not allowed to testify against him at a court of law. He said they were not credible witnesses. I don't know how he makes that decision. I thought that the law courts made that decision. I also have in here, and you'll see it, a female counselor charged with sexual abuse of a boy, 15. A female counselor employed by a state facility for teenage inmates in Nome was arrested and charged when she, and also there's other incidents that I have and I have

showed to Jan Faiks, to Myra Monson and others, whereas other counselors have been charged with sexually abusing or abusing young people at these facilities, and nothing is being done. All I asked Jan Faiks, as well as Myra Monson, as well as ACLU Jimmy Bollenbach, and others to do is to stop doing illegal strip search. It can only be done by a court order signed by a judge. But this is just one case. I have 200 cases of people who've been abused by our system. I also sent each and everyone of you senators and representatives a newspaper from We the People stating all the illegal things that's happened in this state, and I never received a phone call or a letter or nothing from any one of the legislators. I happened to mention when Mr. Coghill went by me that you're blowing smoke up our behinds. If this is true, you're not going to be relected. Because I've asked everyone, the 1500 people that We the People incorporated to not vote another incumbent in. We want new blood in there so that we can change this system and get rid of the people who are violating people's rights. Thank you.

SEN. FURNACE:

Thank you Mr. Brown. We would appreciate it if you would like to submit the information that you do have.

LARRY BROWN:

I already gave it to the lady back there and she was to give it to you.

SEN. FURNACE:

Thank you. Thank you for your testimony. We'll go now to Jim Travis.

JIM TRAVIS:

Thank you for the opportunity to speak. My name is Jim Travis and I'm a member of the Alaska Family Support Group. I'd like to relate my testimony today against the actions of Judge Victor Carlson. I was the plaintiff in a divorce litigation and became a victim in his courtroom. I am a law-abiding citizen. I have never broken the law. It was my first time in the courtroom - 3 days worth - and I hope it will be my last in that capacity. I found Carlson to be 1) unfair; 2) punitive, and then I'll go into some more specifics here, 3) He imposed a penalty based on the future passage of the 90.3 amendment revision that was not existing at the time when he signed the papers. The effective date of that revision was January 15, 1990 and Judge Carlson made the payments retroactive to July 1988 based on the new formula. As I figured it out it resulted in 37% more child support because Judge Carlson did not require a financial affidavit from the, my ex-spouse.

4) This one was really difficulty for me to make sense of. He completely reversed an unbiased court appointed professional testimony by the guardian ad litem who was representing the best interest of the children and spoke to the state statutes on what was in their best interest. This was Erica Cracker, she recommended that I be awarded full custody of my three children. Judge Carlson completely reversed this without any explanation on his part. 5) There were off the wall remarks made towards me. I really didn't have an opportunity to respond to them cause they were at the end of his concluding remarks at the end of three days. One of them he was my seriousness in court. Apparently he thought that I should have been more jovial or whatever. Maybe he didn't like my suit that I was wearing or something. I don't know. The second was and third off the wall things were about he noticed that I was still wearing a wedding ring, he said something about, I understand a man being cuckold. Any way, I'll read you a little bit. This is a direct quote of his concluding remarks which you can find. The case number was 3PA.88-838 in June of 1989 was the last of three court days. This is a quote. "I understand when a man is cuckold how he feels." (And then he would clear his throat in between.) "That doesn't give him the right to take it out on his kids. I also understand that the plaintiff was told that his marriage was over some time

before the new man entered the picture. I'm not sure Mr. Travis still understands his marriage is over because it appears that he is still wearing his wedding ring." Okay. I'll go on. 6) I feel that he violated the law that does allow dollar for dollar credit for pre-marital assets. I have been in Alaska for over 15 years and as a result of this trial I'm still trying to pick up the pieces financially. I had a cabin in Fairbanks that I had put directly, that money into the marriage into the property and the house, and he awarded her that. I had a teacher's retirement, which I spent and that was awarded. All in all I felt like I had close to \$50,000 of premarital assets. Now I have nothing of that. It definitely was not divided equally or even given any credit whatsoever for it. I'll go on to the next point. 7) There was a completely disproportionate time in the court room on my behalf. My attorney had one hour at the end of the third day to cross-examine the defendant. And without Carlson putting a stop to this. The Defendant's attorney repeated and monopolized the proceedings and like I said, I didn't feel like out of three days of court time that I got the time to present my case even out of all that time. 8) There was repeated denial for expedited hearings, even after being assaulted by the other man at my house, my own house, when I tried to pick up the children. I asked the court for expedited

hearings and was denied the hearings. I went to every fullest extent of the law with the court system and the troopers and what I got was three trial dates spread out over - the first one was in April and the last one was in the middle of June. I think that if these days had been successive that there would be some continuity to the case and the children wouldn't have to suffer in the meantime. Here are my recommendations. The main I am testifying today is not so much to alleviate what's happened to me. The Judicial Counsel apparently, or from what I've talked to them, is that whatever information I submit will not affect my case. But I have testified in order to help others. My recommendations are: 1) increase the involvement of the state legislature in the child award and support process in order to insure public input into decisions that affect them. There's thousands of people in the state being affected by these decisions that the court decides behind closed doors. 2) Require financial statements and continuing financial support from both parents in raising their children, not to just pull at the absent parent. Although I am an absent parent who fits that category, I'm definitely not absent from my kids. I continue to take full opportunity I can to be with them, spend time with them, and all of that. So I think its a real misnomer to call the non-custodial parent the absent parent. 3) Require an efficient schedule and time

table to deal with cases, not drawn hearing dates that span months and years while the children suffer. There is hope if the legislature will make the commitment for our kids and for family values. Thank you.

REP. FURNACE:

Thank you very much. If you have information you'd like to submit, the records will be held open for one week. We'd be very please to have it. We will take the next three people in order: Dan Gifford, Erica Mahaney, and Lloyd Barber. I think they may be outside, so if you want to get their attention. You will for the record state your name and...

DAN GIFFORD:

My name is Dan Gifford. I live in Wasilla. I'm the father of two and luckily I am happily married and don't have to submit myself to the terror of the state system as far as child support. I am basically here to corroborate Jim's divorce and custody case. Jim Travis, the previous testifier. I've known Jim Travis for almost 16 years. Jim worked first with my mother and I met him through that. They both taught music together for approximately four years in Fairbanks, at which time I got to know him quite well. I had known Jim since he before he met his ex-wife, so I know everything before, during and after and we've been good

friends during this entire period. I was in Jim and Penny's wedding and knew Jim closely during this period. I have kept in contact with Jim and Penny during the duration of their marriage. I have followed closely all aspects of their divorce and custody hearings, although I did not attend the trial. Time was not on my side on that one. I tried very hard to maintain objectivity. I was getting it mostly from Jim, of course, being I knew him the longest and I was one of his closest friends when this started, this whole thing started. I tried very hard to maintain objectivity and would always play the devil's advocate position, sometimes to the irritation of Jim. I did this because of the tendency to take the side of the person who is telling his side of the story. I spoke on two occasions with Penny and requested her to tell her side. We talked for approximately 1½ hours. At one time and about 3 months later, approximately an hour on the phone at that time. I did speak to her attorney at one point when he called me and he wanted me to testify against Jim at that time, which I refused. My wife and I at that time, at the beginning of the marriage breakup, gave Jim what emotional and physical support we knew how to give. We were some of his closest friends during this period I believe. Therefore I know a lot about his case and have tried to stay objective. I think I have been successful at

staying objective. The conditions of the Travis marriage failure was 1) Jim was informed by Penny, "I don't want to be married to you anymore." That's a direct quote from Jim and what she told him. Incidentally, this was told to him on his birthday. Very interesting I think. Penny's boyfriend moved into the house a few months later - into the home that Jim helped build and slept with Penny. Jim tried to stay in his home under these terrible conditions, but he finally moved out as it was untenable. Divorce was decided by Jim sometime prior to this time that he moved out. I knew Jim's marriage was in trouble even before he told me. This is how well I know him. He called me up one time I believe it was early June, end of May, I'm going to say 88, I think that's when it all started, and he wanted to spend some time with me. When he came over I knew he was going to tell me his marriage was in trouble. I was skeptical of his marriage all along, but I don't want to get into all the personality problems and everything else, but I knew he was in trouble, so I really know Jim. And here is what I know of Jim Travis - he is a moral, upright and honest man. He is very religious - he's a Greek Orthodox church member and his brother is a high priest in Florida in the same church. He is, or was a great elementary music teacher, and he has letters from many grateful students and parents attesting to this. He is

a fine man and I wish my mother was here who worked with him for four years, and she would tell you much the same thing that I am telling you. She is, if you are interested, in Newport, WA and if called I'm sure she would give her opinion. Jim is a fine, concerned, dedicated father. We do not agree on all our methods of child rearing, but Jim is kind, patient, attentive and fair as a father of three lovely children. Okay. He also is known as an outstanding parent by friends and neighbors in the Talkeetna area where he was living. When Judge Carlson's decision was handed down, I frankly was shocked and appalled. Jim, at the time, was going for total custody, partially because he felt his kids would be living in well or in sin or immorally because of his religious beliefs. Jim wound up with every other weekend and six weeks in the summer, but he did not initiate the parting of this marriage, and I've already told you some of the conditions that he went through before he decided this was untenable as far as marriage. By the way he is cleared totally with his church and can remarry under the auspices of this Greek Orthodox faith. Another shocking thing was Judge Carlson.....totally amazing considering Jim's devotion to his kids. Yes, this was a dysfunctional time for him where he felt he could not discipline his kids. But place yourself in his position as a father who doesn't live with his kids, who gets very limited time.

If he tries to discipline them, he's going to be the bad guy in the kids' eyes. If he doesn't discipline, he's the bad guy in the people like my eyes who believe in parental control of their kids. Therefore, Judge Carlson comes up with this and if he's dealing with these kinds of cases on a regular basis, he should be in my opinion, aware of the psychological stress on all family members during this period, and I think he was absolutely and totally out of line in telling Jim to go to a parenting class. Every other weekends and six weeks in the summer is a joke in my opinion. It should have been equal custody at minimum, and he should have had total custody from what I know. I know Penny well. I think she's one very mixed up lady who has got hooked up with the wrong bunch of people and I guess I'm going to expose my political persuasion - I believe the feminists got a hold of her, and anyway. Get back to my notes to here. I also know of several other cases which are even more disturbing than Jim's cases, and of course we've heard many cases today along those lines. I have chosen not to testify on these because I was not as close to these cases and would not be as reliable of a source. I can corroborate many of the facts as to his equity and sweat equity in the property he worked on. He worked extremely hard on the property up in Talkeetna and it was their dream to, mainly Penny's dream may I add, to create a farm situation up there.

And Jim worked virtually night and day on this and he did probably the majority of the work, he put a majority of the equity from his cabin. I know this from things he had told me throughout the time. So I can corroborate many of the facts, not all of the facts. I don't look at his paperwork or anything like that. But as a long-time friend I know that these things are true. I hope that Judge Victor Carlson can answer to someone for the outrageous arbitrary and unfair decisions that affect many families in this state. I am appalled at the stories I have heard today. And hope and pray the state agencies can be reformed and that the anti-family attitudes of these agencies can be corrected. Thank you very much.

REP. FURNACE:

Thank you Dan for your testimony. We appreciate it. And if you do have, it looks like you have a fairly good copy, if you would like to submit that to the record, we'd appreciate it. The next is Erica Mahaney - is she still here? Okay, Lloyd Barber. I'm checking the record here to see if there any persons who have not been heard. We'll take this gentleman next. Is there anyone here who has not been heard at this time? In the last two days? We will get an update on the sign-in roster and we'll get everybody on. And for those persons that have already testified once at least

during this two-day cycle, we want to get the new people first and then we'll take you. I apologize for the inconvenience. Let's try to get the new testimony first and then we'll re-cycle again. The first lady, if you'd like to come on and just give your name, we'll take it for the record here. Give your name please and spell the last name.

ELIZABETH WORKMAN:

Its Elizabeth Workman, just the way it sounds - work man.

REP. FURNACE:

Why don't go ahead. Ms. Workman if you will go ahead. We apologize for the delay.

ELIZABETH WORKMAN:

My name is Elizabeth Workman. My husband's name is Vern Workman, my son is Eric Workman. Our son is our 6th child. We have been married 21 years. We also have two grandchildren. On October 2, 1989, our son was taken from our home forcedly by two armed officers and a caseworker. At the end of September he had done something bad enough that he got a whipping. It was a one-time incident. Our son, we have never been charged. We have no criminal record. In fact I haven't got a ticket to my name and we have never been

in prison or in jail for any reason in our 21-year marriage. Any way our youngest son was forcedly removed from our home. We were charged with child abuse. The next six months though our son was abused. He was deprived of food by the first foster home. He was also filthy when we visited him. Upon complaining about this, the foster mother and caseworker said we sent him no clothes, which was not true. So they ran out and spent \$200 on him on clothing. In the meantime the caseworker was hiding his clothes at her office that we had provided, plus they had deprived our son of other personal items, plus they had deprived our son of his little teddy bear that he'd had since he was five years old. The first foster home kicked him out because we were complaining of his care. She frightened him by telling him the night before that he was not worthy of staying in her home, he was no good and because he was a trouble maker he would have to go elsewhere. Where? She would not tell him. All night long our son cried. The next day the caseworker picked him up. She did not feed him. She deprived him of food for the next 24 hours. During that 24 hours he was forced to see a psychologist. The psychologist, of course, the evaluation from him was not very good because our son was upset and hungry. Our son was hungry, by the time, by late that evening, by the time we got to him he was so hungry he began to cry. She

again started to harass him in front of us. Then she took him to another room. Then she chewed us out and informed my husband and I that we were both mommying him and that we were not cooperating. Upon trying to get the shelter to get food to him so that he would calm down, he then told her he wanted to go home. Also during the 24-hour period of starvation, she bullied him, calling him continually names. She told him that she was his mother and his protector. He told her she was not, but that only his parents could be this. She threatened that he would go to McLaughlin if he did not cooperate. Something I'd like to add is at the time he was in the shelter, which was about three weeks, one thing that the shelter women noticed about Erin was when children are taken away from their parents, when the parents leave the kids calm down and say I'm so glad I'm here. I'm so glad that I can stay inside this shelter and not go home with Mommy and Daddy. Our son never said this. In fact at all times, our son continually cried, he wanted to go home. So in other words, the shelter was not his protector, he wanted to come home. He wasn't afraid of us. Our son was also put in a shelter where the boys were 16-18 years old. He was 13 at this time. Their idea of recreation in this shelter was boxing and wrestling. They provided him with boxing gloves. It was done in the basement. Erin did not want to participate, but because he was bullied

by the other children, by the other boys and supervisor, he participated and there was constantly problems with him getting hurt. Also, he was being driven around in a van in the dead of winter, this was by this time November, in the dead winter, they had broken windows in the van. And you can't heat an entire van with broken windows. Later the bigger boys were sent and placed elsewhere after we had complained and Erin's age group was added. There was a fight because of total frustration on his part, an ambulance was called because there was an attendant hurt. Our son got so frustrated begging and pleading to go home that night, they would not let him go so he told them he didn't care and he walked out of the shelter. He then was gone for two days. In the meantime we were voluntarily attending two parent classes, but this was not good enough for the caseworker who said we had to go on to counseling and more parenting classes, which we attended in January or February which had nothing to do with teenagers. They were all on children between from infancy to six years old. We had to continue these classes before we could go to court and get our son back. Our son was finally removed from the shelter and put in a foster home. Thank God there is people like the Middletons. They checked us out. They listened to our story. They then decided that the foster - that our son was taken away and being held against his will

and that the case worker had not done a thorough research or had investigated the situation. They started letting our son come home, even though it was against the protest of the caseworker. By the time our son was starting to come home, and we were only supposed to see him one hour a week, we seeing him several days a week. In December I couldn't handle things very good, I was falling apart, so I requested that I could take a leave. So I left the state to see some friends and family - I hadn't left the state for 5 years. She used this, when I returned, the caseworker used this against us that I was, that I had left, I had skipped town. I can't remember the exact words and failed to be a parent while he was coming back and forth to home and getting reacquainted with the family and so on and so forth. In the meantime, by this time the fight to keep our son somewhat innocent had failed. He knew the ropes now. Meaning, he learned how to smoke, how to shoplift, how to skip school, how to use the city transit to skip school, and how to go out. We have no control over our son. He comes and goes as he pleases and knowing we can't do anything about it. He's also very disrespectful to authority, including police officers. He won't come forward today, because the caseworker twice threatened that if he ever reported anything or if we ever filed anything against her, she would come and get him again. On April 2 the charges

were dismissed and we were billed \$2,000. By the way we hired a lawyer and we paid him \$575 and he laughed at us and said parents and children in the State of Alaska have no rights. In conclusion I feel that my son was emotionally and physically abused. My husband and I feel that we were raped by this state. We will never turn in anybody if we suspect child abuse because we would never want them to go through what we have been through. Also the entire time this caseworker had our child, she constantly psychoanalyzed him and I constantly reminded her she had no medical degrees for this and wondered why, if she had the right to. Flo Jetton Hawk.

REP. FURNACE:

Could you give us the spelling of that for the record?

ELIZABETH WORKMAN:

Its J-e-t-t-o-n H-a-w-k.

REP. FURNACE:

And also for the record, the age of your son.

ELIZABETH WORKMAN:

He's 13, he was 13, he's 14 now. The guardian ad litem, by the way, almost during this time, he wanted to send the boy home. And it was so frustrating

because he would talk to us, give us every indication the boy was going to be sent home, and then he would go off into another room with her, come back and say, no, I'm sorry the boy will not be sent home. So there is a constant ping-pong game going on between him and her. And also our religious beliefs were constantly deprived - Erin was deprived of our religious beliefs and practices that he was raised from infancy in our religion and he was deprived of this. He was also put in a foster home where there was as great deal of smoking. He has been raised from infancy with no smoking. And both foster parents smoked, as well as they allowed the children to smoke if they so chose. And the, I'm sorry. I guess I said her name wrong. Florence Hawk Jetton, its just the other way around. In conclusion. We have our son home and we're thankful we have him home. We don't want any more problems with the state, and I'm scared to be here today, but if it will help somebody else, I wanted to talk up.

REP. FURNACE:

Thank you Ms. Workman. If you do have difficulty as the results of testifying today, please let us know that information. I believe we have a Mr. Mobley, he has not been heard to my knowledge. For the record sir, if you will give your name and spell your name for the record.

MARK MOBLEY:

My name is Mark Mobley. M-o-b-l-e-y. I live in Wasilla. I feel that I've been abused by the Department of Family & Youth Services in that I don't believe that they really do have an honest concern about the parents at all. Recently I had asked to see my, be with my son. I have a supervised visitation with him. I was charged with molesting my son in May. Charges were dismissed approximately two weeks later, and the DFYS picked up after the criminal charges were dismissed, feeling that they did not believe the District Attorney's decision. Going back to the supervised visitation. I asked that I be allowed to have a personal friend observe the visitation between myself and my son, and the social worker that was handling the case. The reason being was for my own protection so that my son could meet this friend of mine. My son is 4 years old. The main reason is there have been allegations of my reactions during our supervised visitation. I was then told by the people in the DFYS, Andrew Lynn and a Nancy Mattson, that this was not possible, that visits were designed only the parents. I think that this is not fair for the parent or the child, as I've been told on numerous occasions that they, that the DFYS did not have the time to go on a walk, or go to the park or just sit outside during a visitation. I think that this real important during

visits with my son. I had to stay in an 8x10 room through the entire artificial visit with my son. I'm only allowed to see him one hour a day, two days out of the week, which I'm happy to be able to see him that much. I was under the impression that the DFYS was there to help the children, the parents and the family. I think that by going for walks, and to the park, is surely a better way to help the child and/or parent during this visitation. You know, help them see a realistic life, to see the interaction between the child and the parent. Something that's a little more realistic. Also I believe that the DFYS has done a poor job in the supervision of my family. They have had six different social workers supervising my visitation with my son during the last month and a half. I'm very concerned with this type of supervision is how will they be able to make a clear, concise decision showing the continuity needed for such an important decision on whether or not I will ever to be able to regain complete visits with my son.

REP. FURNACE:

Could I just ask you a question at this point? Was it the courts or the states that limited your visitation?

MARK MOBLEY:

The state. The Department of Youth....I've worked in

the government system. I work out on Elmendorf. I've been out there for almost 7 years now. And I know the people are, I feel that the people at DFYS are more concerned about keeping their budget growing than really helping the family. DFYS is not any different than any government system, in that the more work, children and families, the more money they are budgeted. If they release the child and family from their system then they are losing that budgeted money needed to make their budget balance. So my feelings are that they have tendencies to look at the family more as a paycheck then really trying to help them. I know that the world has over reacted to a lot of things in child abuse. I believe that that is a major concern in that rather possibly taking a chance on something that they do not know, that they could stop the problem, that they would immediately and not consider the reaction or the result to the people involved. I, myself, am guilty of this a year ago - of this overreaction syndrome. In that I thought that someone was abusing or not caring for my child or someone else's, that they should be prosecuted to the fullest extent of the law and that they should not be considered, their rights should not be considered if they had done such a heinous crime. But if you listened to what I just said, that if I thought, this is the key word involved here. We the people can not ruin a person's life just

because we thought he did something wrong. I've gone to jail because I was honest to the state, telling them about my wife and myself and the problems that had been occurring during our divorce. Yet I endured this problem to be cleared of all criminal charges. And then 2 days I'm put back on trial again because a social worker did not believe the District Attorney's decision. Now I'm incurring financial, emotional, psychological abuse from these people, saying that they are only trying to help the family. I've lived here in Alaska my entire life. I have always dreamed of having a family, hoping to be able to take my son fishing or camping, be able to teach him some of the finer things that this great state has to offer, just as my father had done. Yet, now I am experiencing bankruptcy, social abuse, and the inability to be able to see my son. And I feel that this is very wrong. I think this is basically a double jeopardy. I don't believe that this is the idea that our lawmakers believes right. And I would surely think that somebody needs to look into the actions of the DFYS in Anchorage, and anyone else that may have incurred such actions or reactions to the Alaskan family. It comes down to the fact that I've not been allowed to see my son more than two hours a week, and I have submitted to every test, everything that the DFYS has asked for, without question. I feel in doing this DFYS needs to make every effort to allow

more visitation and a more realistic atmosphere which will benefit my son and the ultimate result of bringing the family back together. I do appreciate all your patience in listening. Thank you very much.

REP. FURNACE:

Thank you Mr. Mobley. We certainly appreciate you taking time to testify before the committee today. If you do have a written testimony, if you'd like to submit that for the record, we'd be pleased to take it.

MARK MOBLEY:

I would like to write it down and I've got some things that I'd like to send to you folks on this.

REP. FURNACE

We will keep the record open for a week and feel free to contact the staff here at any point. Thank you. Is there anyone here who has not testified before who wishes to testify? The gentleman in the back? Are you on the sign up sheet sir? Your name. I'm sorry Jim, we do have you. If you will continue. We appreciate you giving your testimony at this time.

JIM CARTER:

Okay. Thank you. I want to thank you first of all for

allowing me to speak. This is the first time I've even had an opportunity to speak in front of state agency government, especially without having to pay for it. I realize a divorce is started a lot prior to the actual court hearing. My divorce started at least a couple years before our hearing when my ex-wife abandoned myself, along with the two children. When the lady did come back to the state, she almost immediately filed for divorce. Upon the lies and innuendos, and accusations, she did convince Judge Carlson that she should have custody of the children and she should also have custody of the house. Several months later, several thousand dollars later, she was given physical custody with the understanding it would be a joint legal custody. Well, it didn't take but a couple few visits and she decided to change that. She started off by denying me visitation to the oldest child. At this point I want to make a clarification that the oldest child is neither biologically or legally mine, but for all intents and purposes he was a mere baby when I picked him up and the divorce started when he was 7 years old. I argued in the courts with Judge Carlson and he overturned it, and totally denied me any visitation, which is one of the few times I did get upset with his decisions, and thanks to a reputable attorney we did go up to the high court and over ruled that. And I for all intents and purposes, I think the proper

terminology is local parentus. They did decide for all intents and purposes I was the father and the boy and he I was his father. A lot of good all that money and time did. Judge Carlson to this day has not allowed me to see the son. He even refuses your own Supreme Court. If a judge refuses his own, and I have to realize I am somewhat ignorant of the situation, but if he refuses his higher court, I have fought this for 11 years and am still trying to figure out how we can get him to obey anybody. He surely doesn't respect anything. During the time of waiting for the Supreme Court, my ex-wife decided to slowly start removing my real child, the second child, from the visitation, so she systematically started doing that. And time and time again when you go back to the courts, Judge Carlson finally got to the point where he made it quite clear that I was becoming a nuisance to him, that stories and my attitudes were frivolous. At that time I started to honest to God feel that Judge Carlson does have a personal interest in this case. I don't know where his personal involvement might have come from. I do know that at the time we started going through the divorce, I was part of a group called Equal Rights for Fathers of Alaska. Evidently, you're shaking your head, so you've obviously heard of them - Rudy Johnston, \_\_\_\_\_. Maybe that's where it comes from. I do honest to God feel that he does have a

personal relationship in this cause it seems like any time any of my attorneys or anybody else who wants read the court case, they don't go to the court records house, upon until the last, let's say the last 3-4 months, they have to go personally to Judge Carlson's chambers where he keeps the record. I'd like to also point out the time when he adjudicated the house to my ex-wife that I had proven without a shadow of a doubt that the house was not a joint ownership. It was a situation where I personally had purchased the house way prior to the marriage, and again, the judge just gave it away. About this time I am approximately \$40,000 in debt and a loss of \$30,000 house. This is one of the few times that I did not try to over rule the judge, because at this time I was losing it. I mean everything I tried to do was, it was coming to point where it doesn't do any good. With a stroke of a pen, a judge - and several times he's done this, can be over ruled, but he also knows that when he makes a decision, whether its improper, incorrect, or whatever if he thinks its right, he knows if the person wants to argue that, that individual has to spend money to go to the Supreme Court. Several times Judge Carlson has done this and he's very successful in draining my financial resources. I do sometimes question, as I'm now working with the Child Support Agency to get caught up on my back child support, it would be interesting to

know how far my \$40-50,000 and the monies that have gone into court, would make up for approximately \$20,000 child support. They drain you and then they keep you down financially, to the point where you can't even keep your child support agency current. Yet at the same time and to this day, I still cannot legally see my children. At the same time during this 10-11 year phase, I've had several of friends suggest that if I want to be of any value and worth to myself, the best thing I could do is just forget the whole situation and literally disappear. I'll bring up this situation of men disappearing in a couple minutes here. I'm about halfway through. But I did make one mistake in my life, in this whole case, is I did take my child out of state. For 2½ years we lived very happy and very comfortable. Later on I was arrested and I was incarcerated on first degree custodial interference. I get a tickle out of one part of this case. Here we have one side of the court system fighting Judge Carlson because he did not want to be released from having the right to make the decision on sentencing me to jail. Finally he was removed from that. Another judge, Judge Johnstone took on the felony case. In exchange Judge Carlson decided that well I'm in contempt of court now and he sentences me an additional six months in the penitentiary or whatever you want to call it, corrections. Later on he was overturned on that too. The

guy has a fantastic record of being overturned. I understand he's got the best record in the Supreme Court but yet nobody does anything about it. He keeps getting away. I have two children. My parents have two children, but they don't have any grandchildren. My two children don't have any brothers, sisters, aunts and uncles. They have nobody to go to. When your judges make a decision on a custody battle, they give, the arrangements that they call a custodial parent. No where in there does it say sole custody parent. No where in the world do they have the right to eliminate that, half of that child's family, but this is what they are doing. They definitely did it in my case. As I said before, I have yet to see my child, David, and I do believe he's mine - the Supreme Court recognized that. I haven't seen him since 1979. I haven't seen my daughter since 1985. Naturally the courts are now saying that because I took her and broke the law and violated the law that that's part of my punishment. Carlson couldn't come up with a reason prior to that though. He just did it. Without dwelling too much more on the jail time, I would like to bring out some interesting points about my jail. While I was in jail, and don't forget that Judge Carlson had six months added time on that. Judge Carlson and my ex-wife had two hearings, which I did not know about. I was never informed, nor was any attorney, nor was the public

defender, nor was the Corrections. Now I do have tapes of that and I will admit that Judge Carlson asked the opposing attorney where I'm at, where is my representation, and they said well, we can't find him. Its interesting to note that the opposing attorney is my ex-wife's husband and they were asking for several thousand dollars back child support and also a couple million dollars damage, which of course was judicated. Isn't that nice. Another time Judge Carlson swings by it. Of course during the time I'm in jail, public defenders will not represent somebody on a civil case, which naturally a lawsuit is. Neither will your public advocacy groups or any other groups. So as you know, we have time problems. After a certain time, if you don't ask for an appeal or another decision, then you just lose by default. Well, I wouldn't mind that so much - but it would have been nice to know about it in the first place.

REP. FURNACE:

Just a quick question Mr. Carter. I assume you were incarcerated in Alaska?

JIM CARTER:

Yes sir I was here in Alaska.

REP. FURNACE:

Which facility?

JIM CARTER:

Okay, first it was Cook Inlet and then I was moved over to Goose Bay.

REP. FURNACE:

So you were in the local vicinity the whole time?

JIM CARTER:

Oh, Judge Carlson knew where I was at, he sent me there. And that's the point I'm trying to bring out. That he did question it and then when they turn around and says where is he at - Judge Carlson went ahead and allowed the hearing to go on without any contact to me whatsoever and I do have tapes of that. Another thing I'd like to point out and I won't get on the jail sentence anymore. A rare situation happened at the jailhouse and we had a power surge or something, I don't know what it was. The main computer went down. The Corrections officer there evidently didn't know that much about computers. I do have some background in that. I don't think what I did was fantastic, but I got it back on line for them. Now corrections officers cannot show any special favoritism, but they did want to do something for me and they took me aside and asked

me, what can we do for you. Well I says I tell you what. I want a list of all the people in jail in your jail. I don't want their names, I don't know what they're charged against. I don't know want to know what their sentence is, but I would like to know one question that I know - don't forget I went through this system - the question that the corrections people ask, do you come from a broken home and are you a divorced person. They asked it. The information was there. I got it. Over 98% of the people in that jail came from broken homes, if they weren't old enough to get married or married before, or they themselves came from divorced families. It gave me a little thing I could see the \_\_\_ and I started working on it. I was not an alcoholic and never have been an alcoholic. I do admit that I do drink. I've never touched any drugs, at least not other than medical prescriptions. But I went to all these meetings. The alcohol meetings, the drug meetings, the abuse meetings and all this other stuff. Using the alcoholic department meeting as an example, the gentleman kept going on and trying to talk to me and find out what their problems were and how to solve them. Finally I got disgusted with him and I asked him if I could ask the group one question: And that question was to the men in the meeting, what caused what? Did the divorce cause the alcoholism or did the alcoholism cause divorce? Well two of the men, the people

that went through the divorce, that their divorces and the strain of psychological problems stemming from that divorce did help them go to alcoholism. To the young men that had never been married, but they were results of the marriage, the children of the marriage, everyone admitted that it hurt them so deep that they reached for the alcohol. That's their only problems, but that was the main reason for them getting into alcohol. To expand on to the correction system has a vast amount of knowledge, so does the police department, so does the youth authorities, so does the child support agency. There is facts and figures out there that will prove that the divorce is the second most devastating thing an individual can endure next to death. And yet we've got all these people still going back to especially one man in this city and that's Judge Carlson. He keeps grinding out torture and pain and hurt and he's totally unaccountable. He's mocking you senators, he's laughing at you people. You can't touch him. In the meantime, and I won't get into any more of my problems because I have worse from the ladies here. They are suffering just as bad as the men. The second wives are suffering. The grandmothers are suffering. I was surprised not to see too many grandfolks here and hear from them. But the one thing that this meeting does surprise on and I think you should think about it, we're adults talking about our kids. Where are the

kids? Why aren't they hear? Who's stopping them from getting here? We have runaways. We have throwaways. We have the Covenant House. We have a source of access to thousands of children, if nothing else in the Child Support Agency, but yet there's no children here. If you think we're hurting, if you think I'm lonely for my children, what about the kids on the street? We are less than a fourth of the people talking to you that have problems, but kids have no place to go. I'd like to bring up a couple points cause I know we're running under a time schedule here. One of the things that I feel that this system seriously has to look at is the advocacy program, attorneys fighting attorneys, supposedly fighting for the best interests of the children. We have to replace this, or at least experiment with replacing with it. I feel a mandatory arbitration and mediation should at somewhere be tried. I realize that a lot of the attorneys will not like this because their expenses will go down. I also feel that the elimination of the legal battle will reduce a lot of the possibilities and hostilities which the court industry, not the system, but the industry is thriving on. To supplement the mediation of arbitration, I'd like to suggest that all divorces and all custody battles be resolved by a trial by jury. That will eliminate people like Judge Carlson. I've had a great counselor and he has given me some more information. How about a

3-judge trial. That would maybe eliminate people like Judge Carlson. Something has to be done. And getting back to the trial by jury. I've read the constitution. I have done a little study. I admit that I'm not totally expert on it. But there is nothing in the Constitution of the United States that contradicts having a trial by jury in a civil court. Its not there. As a matter of fact it complements it and the Supreme Court of the United States has agreed to that several times. It does complement it. Another thing I'd like to suggest is that we have appointed attorney for indigents. As you know, we just went through a major depression - and I mean it was a depression, not a recession. We had a lot of people losing their jobs. There were divorces going on. A lot of people lost, both men and women, lost because they didn't have a dollar to get on a bus to go down to your system to hire an attorney to do it. Now if there's a crime being committed, and we automatically appoint an attorney for an individual. But there's crimes out there like drunk driving that, yes they're very serious, but nothing compared to losing your children for 10 years, having an ache in your gut of missing those kids and loneliness for 10 years. There's no way you're going to compare that compared to a crime. Why can't individuals get appointed when they need it. Is the system so worried about the money that they're

going to forfeit true justice? Or are they just going to have it one-sided like Carlson likes it. Another suggestion I'd like to make is that when an individual has to appeal to the Supreme Court, especially on a very, very, very incorrect decision by a judge, and these Supreme Court justices - they're paid by the taxpayers, they're civil servants - they're clerks like everybody else is - why in the world does an individual have to turn around and hire - I can understand hiring an attorney, but why the court costs. The judges are already in place being supported by the tax systems, so are their clerks and their whole entire staff. Why does an American citizen, an Alaskan citizen have to not only pay his taxes, but then he has to pay the pauper when he gets to the gate. And then if he has the opportunity of having his decision overridden, where is the compensation for this. Now sir, if for any reason you and I decided, I decided to sue you in court and the court decided that my lawsuit was frivolous, I would have to pay my lawyer fees and I would have to compensate you for my erroneous decision. How come the judges, especially guys like Carlson, get away with every trick in the book. There's no reason. They're draining it. I've spent at least your paycheck this year in Supreme Court decisions throughout this court case. This is money, by the way, that should have gone to the Child Support Agency that they're

after me for back child support. Previously I mentioned, and like I say, I'm almost through here. Previously I mentioned that a lot of men are disappearing in this country. For the common person walking on the street, I don't think they really accept this, but we're talking over 10,000 men a year....end of tape 9....I know a lot of the ladies have been through this same problem, so please understand that that's, I'm not just saying the men are the only ones getting screwed by the courts. That's one of the things I will say that Judge Carlson is famous for - he don't give a damn who you are, what sex, what color, what race, nothing. He'll take you on and if he don't like you, you're numbers had it. You've had it. I have some very, very close friends of all races. I have close friends of all religions. I have male and female. And you know who gets the hurt the most? The people that aren't here at this meeting that cannot talk. The kids. Where are the kids. Where do they go to. If the men, I do belong to the Alaska Family Support Group...

REP. FURNACE:

Mr. Carter, if I could. I appreciate what you're saying. Since we are, we have to be out of here by 5:00, could I ask you to rap, there are three other gentlemen here.

Alaska, these are public records. But yet an individual citizen of this country cannot go down there and get access to those public records. I get the records. Let's get the kids talking.

REP. FURNACE:

We'll certainly share this information in terms of seeing if we can identify the kids and get them more involved. I'll share that with Sen. Coghill at the next hearing. He's the chairman of the task force. We certainly appreciate the recommendation. Now, one last time, is there anyone here now who has not testified before. With that in mind, we do have three gentlemen. Let's go to the top of the list, Mr. Jack Ryfgul. Sir, again, since this your second time, we would ask that you speak to us for about 5 minutes.

JACK RYFGUL:

I'm \_\_\_ minutes here. I'm in 23 years in Alaska.

REP. FURNACE:

But since this is your second time, since we've....

JACK RYFGUL:

I need somebody to read it to me in English. And of course to type this, I go to court, I go to everybody in \_\_\_\_\_. My name is Jack Ryfgul...

REP. FURNACE:

Well if you have a written statement, sir.

JACK RYFGUL:

I need somebody to read it to me English. I no read English. The time in the Supreme Court plea.

REP. FURNACE:

Oh, I see, we....

JACK RYFGUL:

I go to the Supreme Court. I stay 85 days in Washington, D.C. and no find lawyer in all United States who sue a judge in state of Alaska. I need somebody to read it to me in English.

REP. FURNACE:

Since we have no one at this point and can read it into the record. We will be very pleased to take it and submit it.

JACK RYFGUL:

She studied one hour, I read it from the Lebanon to now, I'm \_\_\_\_ year on. I need somebody read to me English to you. Book here. Because the judge in 77 on 10th of July, he said that Rfygul say about the Lebonan and this paper here say I need \_\_\_\_\_.

REP. FURNACE:

I tell you what let's do sir. Since we are not prepared to deal with your testimony at this time. Let me go with this next gentleman, and what we'll do is make special effort at the next hearing to have a person here on your behalf that will read information into the record.

JACK RYFGUL:

I mean I sent to George Bush, the President of the United States, 123 pages. And 1 December 89, you understand? His state department I sent and \_\_\_\_\_ I sent \_\_\_\_\_ government. Everything he said there \_\_\_\_\_ he no like have me. \_\_\_\_\_ Brad McKee and to \_\_\_\_\_ and said everyone \_\_\_\_\_ now for the right to judge John Reese to no take my case, but come back to \_\_\_\_\_. \_\_\_\_\_ Carlson, I tell him Hitler here. Here read it to me this one.

\_\_\_\_: Okay, we don't have time to....

JACK RYFGUL:

Just read, and read it here, sit down. Read it.

Kathleen:

Jack Ryfgul versus Wayne A. Ross, Victor D. Carlson, Edger J. Reeser, Douglas Bailey, Richard Collins, William D. Ford, James J. Singleton, Robert D. Friends, Mark Rowland, Ed Rice, Ralph Moody, Edmund Burke and May Ryfgul, Defendants.

REP. FURNACE:

Thank you. We appreciate it that sir. Okay, Mr. McKee you're next. And again I apologize for the shortness, but if you have written testimony that you would like to submit into us since you did have an opportunity to appear before the task force, we'd certainly appreciate.

CHARLES MCKEE:

No, I don't have written testimony, but as of last night because of my testimony and my ongoing investigation I went to file charges of murder and attempted murder because of my previous experiences, I actually had to hide last night to avoid being eliminated. Therefore I am here today to be able to talk on the subject. I was actually allowed to die, I was dead for three hours because of the injury I sustained while commercial fishing in Kodiak. This is all documented records in federal court. And some of that I filed which is in the 9th Circuit court of appeals now, I do not have an attorney. And the attorney I had I had to

REP. FURNACE:

Mr. McKee, I don't mean to be rude to you sir, but if you could just rap for us. We have one more gentleman we want to get in. We certainly appreciate what you're telling us and its very valuable. I ask you if you would rap for us. Thank you.

CHARLES MCKEE:

Alright, so, what I'm trying to tell you is there's nothing more and nothing less than a racketeering program going on and the reason why they want to just disenfranchise the family unit and so they can recruit male and female prostitution in this state. And that's what's been going on. And they don't actually sell drugs. They provide the drugs and maintain the control along with the phs---para-psychology mind manipulation program through the satanic cults that are exist in Anchorage, as well as the state, as well as the nation. And I've investigated that as well. And I might add that newspaper article in yesterday where education is the top concern of the state, and has been for years, well that's why I was injured. That's why I was working on a boat, commercial fishing, to gain the money to help in a private manner to assist in the funding for education. And that was documented along with my case.

REP. FURNACE:

Again. We appreciate your comments today. We'd like to go to this next gentleman and give everybody a chance to be heard for a second time. Thank you for taking the time. Thank you. Mr. Feichtinger? Oh, its extended. Well for the record, let me just thank all those persons - I believe there was 44 yesterday, and I'm not sure how many we had today, but its (Kathleen is counting them up) its been quite an experience. The kinds of things we've heard today have been officially put on the record, and you can rest assured over the next several months we will take and summarize this information. Hopefully be able to put many of the suggestions into legislation. And hopefully, you'll be able to see some change in the system. At least, hopefully, you'll feel that you've been heard. You've been a matter of record, and to Sen. Coghill and myself and others who have been helping in working with this process and opportunity to put your case in public records in a non-hostile environment. I believe that's very, very important. So, with that we will call the hearing to a close today. Let's see we've had a total of 80 persons in two days. That's a remarkable record. With that we'll call the task force hearing to a close. Thank you.