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MEETING

of

COMMISSION TO STUDY THE LAW OF DIVORCE

LOCATION: Freeholders' Meeting Room
Ocean County
Administration Building
Toms River, New Jersey

DATE: July 28, 1994
7:00 p.m.

MEMBERS OF COMMISSION PRESENT:

Assemblyman Walter J. Kavanaugh, Chairman
Nancy Benz
Carol Bishop
Jeffrey S. Blitz, Esq.
Robert Broderick
Sara Flohr
Frank A. Louis, Esq.
Douglas K. Schoenberg, Esq.
Irene Von Seydewitz

ALSO PRESENT:

Patricia K. Nagle
Office of Legislative Services
Aide, Commission to Study the
Law of Divorce

New Jersey State Library

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MEETING NOTICE

TO: Members of the Commission to Study the Law of Divorce

FROM: Assemblyman Walter J. Kavanaugh

DATE: JULY 13, 1994

SUBJECT: MEETING DATE

A meeting of the Commission to Study the Law of Divorce will be held on Thursday, July 28, 1994, at 7:00 P.M. in Room 119, the Freeholders' Meeting Room, in the Ocean County Administration Building located at 101 Hooper Avenue, Toms River, New Jersey.

The chairman wishes to note that persons permitted to testify will be subject to time limitations for their oral presentation depending on the number of persons in attendance who wish to speak. Testimony will conclude promptly at 9:45 p.m.

The public may address comments and questions to Patricia K. Nagle, Committee Aide and persons wishing to testify should contact Elaine Fennelli, secretary, at (609) 292-5526. Those persons presenting written testimony should provide 15 copies to the committee on the day of the hearing.

TABLE OF CONTENTS

	Page
Hyman Fleishman Private Citizen	2
Stewart Way Divorced Parent	5
Andrew J. Kozak Divorced Parent	10
John P. Talerico Private Citizen	13
Martin Rodetsky Private Citizen	16
Abdulazi Faruq Private Citizen	20
Eileen D. Barker Divorced Parent	22
Thomas Wisniewski Divorced Parent	25
Meheryar N. Rivetna Divorced Parent	29
Lourdes M. Kontos Divorced Parent	31
Norma F. Rosenbloom, Esq. Private Citizen	33
Susan L. Goldring, Esq. Private Citizen	37
Alice Tulanowski Private Citizen	41
Robert W. Braid Private Citizen	43
Gloria Archambault Divorced Parent	47

TABLE OF CONTENTS (continued)

	Page
Wayne J. King Divorced Parent	51
Joseph Shiant Divorced Parent	53
Fred Burg Private Citizen	54
Irwin R. Eisenstein Divorced Parent	54
Linda McKeon AWARE	58
Carl Stelzen Private Citizen	58
Barbara Brandow President AWARE	61
Michael V. Mayo Chief Executive Officer Fathers United for Equal Rights and Women's Coalition	61
Robert C. Olsen Divorced Parent	65
Eugene Gullish Private Citizen	67
Bob Dass Divorced Parent	71
Daniel Hudson Member Fathers United for Equal Rights and Women's Coalition	73

TABLE OF CONTENTS (continued)

APPENDIX:

	Page
Testimony plus attachments submitted by Andrew J. Kozak	1x
Statement submitted by Martin Rodetsky	57x
Statement plus attachments submitted by Eileen D. Barker	59x
Testimony plus attachments submitted by Thomas Wisniewski	73x
Testimony plus attachments submitted by Meheryar N. Rivetna	84x
Statement plus attachments submitted by Lourdes M. Kontos	95x
Testimony submitted by Susan L. Goldring, Esq.	117x
Testimony submitted by Robert W. Braid	121x
Letter plus attachment addressed to Members of the Commission submitted by Gloria L. Archambault	123x
Letter addressed to Honorable Alvin Weiss submitted by Irwin R. Eisenstein	132x
Letter plus attachment addressed to Honorable Assemblyman Walter J. Kavanaugh and members of the Commission submitted by Bob Dass	135x

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ASSEMBLYMAN WALTER J. KAVANAUGH (Chairman): Good evening, ladies and gentlemen. My name is Assemblyman Walt Kavanaugh. The Commission to Study the Law of Divorce, having met all the requirements of the Open Public Meetings Act for July 28, 1994 here in Ocean County, the one question I will ask of the members of the Commission-- There is a videotape. I would just like to make you aware, if there is any member of the Commission who would object to the tape, say now, or hold your peace. (no response) All right. Thank you.

I would like to ask the Aide to the Commission here to call the roll. Pat?

MS. NAGLE (Commision Aide): Nancy Benz?

MS. BENZ: Here.

MS. NAGLE: Jeffrey Blitz?

MR. BLITZ: Here.

MS. NAGLE: Sara Flohr?

MS. FLOHR: Here.

MS. NAGLE: Frank Louis?

MR. LOUIS: Here.

MS. NAGLE: Assemblyman Kavanaugh?

ASSEMBLYMAN KAVANAUGH: Here.

MS. NAGLE: Douglas Schoenberg?

MR. SCHOENBERG: Here.

MS. NAGLE: Robert Broderick?

MR. BRODERICK: Here.

MS. NAGLE: Irene Von Seydewitz?

MS. VON SEYDEWITZ: Here.

MS. NAGLE: Carol Bishop?

MS. BISHOP: Here.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

We have a number of people on our list who have asked to testify this evening, and also people who were not on the list who have asked to testify this evening. So at this time, I would like to start the meeting.

You will have to excuse me. I have told the other members that I have had gum surgery, so I will be-- For those of you who love the periodontist--

I would like to call at this time, Hyman Fleishman. Hyman has been in communication with the Commission; he has been in communication with my office numerous times. He is here this evening, a former resident of New Jersey who lives in North Carolina. He has come to the meeting this evening from North Carolina.

There are some ground rules I would like to establish. There are two-- I am looking here on our list. We have a gentleman or a lady from the Boston area?

MS. NAGLE: I don't believe that person has checked in yet.

ASSEMBLYMAN KAVANAUGH: All right. If it is in keeping with the fairness we have here in New Jersey, we are trying to restrict testimony to five minutes, because of the deadline we have. But with Hyman-- I would like to take a vote here. Would you mind, as good New Jerseyans, since he came from North Carolina, if he goes for 10 minutes? There will only be two people who will go for 10 minutes. They will be Hyman and the person from Boston. Is that okay with the rest of the group? (affirmative responses from Commission members) Thank you.

H Y M A N F L E I S H M A N: I will try to limit it, sir, to my own five or six minutes.

ASSEMBLYMAN KAVANAUGH: All right. It is good to see you in person.

MR. FLEISHMAN: Yes, sir, likewise.

Thank you very much for allowing me to speak to you today, distinguished members of the Commission.

I thought it most appropriate for me to address what I feel is a very pressing issue at this time in our domestic Family Court system.

Without a doubt, the most important issue that arises in any domestic case is the issue of custody of the minor children. What occurs within these domestic courts has a direct bearing on the molding of these children, and has a great deal of influence on not only how they perceive our court system, but how they perceive life in general. It is, therefore, extremely important that these courts seek new and more meaningful ways of determining what is in the best interest of the minor children.

One means which courts have readily utilized has been that of psychological reports and psychological evaluations of both minor children and their parents. When an unbiased psychologist trained in assisting in resolving problems arising from marital discord is able to meet on a regular basis with the parties and the minor children, they bring new and insightful information to the court to assist the court in making the overall determination of placement of the minor children. However, when this resource is abused by the courts or by the parties, it can have a very damaging effect on the parties and the minor children. This can especially happen with parents who reside in different states.

I am well aware of some of the problems this abuse may cause, as my wife has been embroiled in a domestic dispute here in New Jersey for several years. Originally, the trial court ordered that a psychologist be appointed to evaluate my wife, her ex-husband, and the minor children for the purpose of determining what placement would be in the best interest of the minor children. At the time the order was initiated, my wife was attempting to establish visitation privileges with her children. Immediately upon communication with the psychologist, my wife developed a strong dislike for the psychologist, and requested the court that she be allowed to choose a different psychologist, one for which she would pay.

The trial judge has repeatedly denied her request to substitute psychologists or to allow her to obtain a

psychologist of her own. He insists on having her meet with this particular psychologist, although my wife and she cannot communicate. In addition, my wife and I presently reside in North Carolina, and it is certainly not feasible for my wife to attempt to obtain continued conferences and evaluations with a psychologist who resides in New Jersey.

On our own, we obtained the services of a duly licensed psychologist with approximately the same qualifications as the New Jersey psychologist. After extended sessions, the psychologist prepared a detailed report for the court in New Jersey, but the report was dismissed without even a review. The judge simply indicated that he wanted only the court-ordered psychologist to speak with my wife. Now, that does not seem to be so much of a problem, except that my wife has been, and continues to be, unable to exercise any visitation because of this judge's ruling.

I believe there should be certain guidelines established for obtaining the services of court-ordered psychologists. I believe these guidelines should be somewhat as follows:

A) That in the event the trial judge or the parties believe that evaluations of the parties and the minor children are necessary, that they be conducted;

B) That each court in each state establish lists of appropriate psychologists trained in these matters; that the court should ask the parties and their counsel to review their list and select a counsel; that in the event that the parties cannot agree, the parties should select three names out of which the court would choose one; that the parties should initially establish contact with the counselor and attend a minimum number of sessions.

C) That in the event that either of the parties are unable to establish a sufficient relationship so as to continue counseling as deemed necessary by the court, that the party may

request to substitute the counselor, utilizing a counselor from that list at that party's separate expense.

D) That in the event the parties reside in different states, or subsequently begin to reside in different states, the court would allow the party who does not reside in the home state to choose a counselor from the court-approved list of counselors in that state, and continue counseling in that state. Once the evaluations and/or counseling have been completed, the report would be submitted to the home state, and that the counselor approved by the court in the home state would supervise the situation, but would not interfere with the counseling or the reports from the out-of-state counselor.

Counseling and/or evaluations should be established by the courts in order to assist in the placement of children, not to harass parties or simply as a means to an end, i.e., to justify a placement which a trial court judge has already determined to make. If guidelines are established by courts from state to state, then these judges may communicate with each other, and the parties can receive similar evaluations from state to state which would be accepted by the court and would assist the court in its placement of the minor children.

I hope I have given you some information or insight to my position in what I feel to be a potentially glaring problem in the Domestic or Family Courts.

Thank you very much.

ASSEMBLYMAN KAVANAUGH: Thank you very much, Hyman. Could we have a copy of your testimony? Would that be available to give to Ms. Nagle?

MR. FLEISHMAN: Yes, sir.

ASSEMBLYMAN KAVANAUGH: I appreciate it very much.

We will move next to Stewart Way. Stewart, we ask that you try to stay within a five-minute frame, please.

S T E W A R T W A Y: Okay, I will do that.

My name is Stewart Way. I am a member of Fathers United for Equal Rights and Women's Coalition. I am here speaking for myself, and not on their behalf. What I have to say is not necessarily their point of view.

I would like to thank you all for accepting me here and taking this testimony. I was there in March, but it was too late, and I am glad to have the opportunity to do this now.

My comments regarding creating a body of law to control how the divorce process happens in New Jersey consists of several topics. I think the first and most important topic to cover is: The process needs to be deattornefied. You know, attorneys have been granted a franchise to oversee the destruction of families in this State. It is counterproductive. Very often, courts and administrators refer to the best interests of the children. I think the best interests of the children are ensuring the economic survivability of their parents, not relocating all those former marital assets into the escrow accounts of the attorneys, and subsequently for the benefit of the attorneys' children, instead of the litigants' children.

In a criminal case, an attorney probably has the same interests as the defendant. In a civil case, where it is being handled on a contingency basis, counsel undoubtedly has the same interests as the litigant. But in Family Court, that is just not the case. The attorney is in business to make money. How he is going to make money is by raping and pillaging the marital assets of his clients. It is counterproductive.

I think people who are going to entertain a divorce should first be compelled to attend a competence program; some sort of education session where they become familiar with the terms and the mechanics of the process, and are made literate enough to be able to handle their own affairs as much as possible. They should be compelled to pursue all levels of mediation, rather than litigation, to try to effect a solution

that both parties are happy with, being that they should only end up in a courtroom as the last recourse, if it is impossible to resolve the issues any other way.

Further, ESP panels: These are currently run by attorneys who want to be judges. This doesn't make sense. ESP panels should be conducted by volunteers who are divorced, who have been through this and have some competence, and theoretically have gone through the competence training program. It is more likely to produce a fair result and actually accomplish something. Most ESP panels are a complete waste of time. Nobody is interested in settling anything.

When there are children involved in a divorce, I think there should be a presumption of joint physical and residential custody in all cases. In any case where a judge finds for custody other than an equal division of parenting time and an equitable division of liability for children's expenses, that must be based on a finding of fact. You have to prove that a parent is incompetent and dangerous to their child before you separate them from them. It is just not fair to the child or the parent. I think you would end up with a lot happier people and more productive family relationships that way.

Child support: People often talk about child support. What they mean is financial child support. Child support is more than just the money necessary to raise a child. Child support is also emotional, intellectual, and behavioral. Parents have a responsibility to society to raise normally functioning -- well, "normally functioning" children. Normally it takes two parents to do this reasonably well anyway. That process should not be broken down merely because the two parents don't live together anymore. The children need the full support of both parents, not just the money of one and the attention of the other. They need both from both parents.

Furthermore, the financial support for raising children should be limited to exactly that. How much money is

actually expended directly on the children? What gets awarded as child support, by and large now, is not very thinly disguised spousal support. Amounts that get awarded with respect to the housing or food for children that do not take into account the housing or food expenses of the other parent are ludicrous. That shouldn't even be a part of the calculation. The only amounts of moneys that should be offset are moneys that are spent absolutely and directly on the children -- clothes, books, parties, vacations, to the extent that it is the children's portion of the vacation expense, the expense of moving the children back and forth -- cash flows that you can directly tie to the children which are in no way subsidizing either parent.

I think both parents should submit their expenses periodically, and then settle based on a ratio, that ratio being described by their relative differences in income. This would eliminate any question in anyone's mind as to what the money is being used for. You are reimbursing proven expenses based on ability to pay. No one has any right to complain.

Further, parents also have a right to be free of their children at some point. In a nondivorced family, parents can, without qualms, cut their children loose at the age of 18 and feel like they owe them nothing. Not many of them do, but they have that right. Divorced parents do not have this right. We have created a superset of citizens in this country; that is, the children of divorced parents. This is unfair, and denies many people the equal protection under the law guaranteed by the 4th Amendment. We need to reduce children of divorced parents back to the class of everyone else, and take them out of the superset they are now in. Parents should not find that they can be compelled to pay for children's higher education or support them in any way once they have reached their majority. It is just not fair to all the children in families that are not divorced.

When a marriage goes bad-- Yes?

ASSEMBLYMAN KAVANAUGH: Stewart, one minute.

MR. WAY: One minute? Okay.

When a marriage goes bad, very often it is because of the actions of one of the parties in the marriage. There should be some culpability for people who act in a way that is destructive or negative to the marriage. I would think the place to assess that would be at any property distribution. If you are the one who caused the marriage to go bad, you should expect to get a poorer split on the equity. It is only fair.

Domestic violence reform: We have seen a lot of this recently. There is more domestic violence reform that needs to be done; that is, people who are falsely accused of acts of domestic violence should be able to raise their own domestic violence case, because I believe that a false allegation of domestic violence is an act of domestic violence. One party is horribly and irreparably damaged based on a mere allegation taken on an ex parte basis, and has no chance for recourse. This is ludicrous. I would think that when someone is found to have raised a false allegation, that they should immediately be forced to suffer whatever penalties the victim did. This might preclude people from using this as a tool of harassment administrated by the system, which is a clear and obvious abuse and should not be allowed.

I guess that's it for my remarks for now. I tried to keep it under five minutes. Are there any questions? (no response)

ASSEMBLYMAN KAVANAUGH: Thank you very much, Stewart.

MR. WAY: Thank you very much.

ASSEMBLYMAN KAVANAUGH: Pat, do you have my gong with you? (laughter)

MS. NAGLE: Sure.

ASSEMBLYMAN KAVANAUGH: What we are going to do, in fairness to all, is to start the clock, and when you hear the gong you all start cheering for us.

All right. Andrew Kozak, Rowen College of New Jersey. We won't start to click until you are up at the mike. Are you ready? (brief discussion off mike about copies of written testimony)

Stewart, do you have a copy of your testimony?

MR. WAY: (speaking from audience) Actually, I only have reference notes that I was working from.

ASSEMBLYMAN KAVANAUGH: Okay. If you would care to submit -- and this for the rest of the people who will be giving testimony -- anything for the record, please direct it to Ms. Nagle, and we will be happy to append it to the transcript.

Come on, Andy. I am going to start that clicking pretty soon. Okay, you're on. Do you want to just sit up front so we can hear you very clearly? (affirmative response)

A N D R E W J. K O Z A K: Thank you.

My name is Andrew Kozak. I have been employed for the last seven years as the Director of Purchasing at Rowan College. I teach adjunct for Rutgers University School of Government Services. I also teach adjunct at several colleges and universities.

I do not have any complaints about your law. There is absolutely nothing wrong with the law. There is nothing wrong with the rules of the court; nothing wrong with the ethics of the attorneys, as written.

What I have given you-- The first page tells what this is all about -- the Family Court. What you have there is a mortgage that an attorney forced my wife to sign prior to a divorce trial. The mortgage is based upon a matrimonial fee agreement dated October 11, 1992 for a $10,000 loan at 18 percent. In December, when we started the MESP, none of this was listed as a debt on any of the case information statements. The appraisal on the house was done in January. There was no mention of any of this.

On February 23, 1993, the attorney listed on 13re -- Edward Epstein -- filed a mortgage against a marital home that was still in both of our names for 18 percent, to increase as his fees increased. So what he basically got, with a house with over $100,000 of equity-- He got a MAC card into the equity of the house at 18 percent; never disclosed during the trial, never brought up.

The findings of the court were issued in August. I did not get custody of my children, even though I had two other experts testify on my behalf. The custody evaluator, Dr. Ronald Gruen, from Cherry Hill, asked me to switch lawyers to Diane Cohen, the President of the Camden County Bar Association, or to Mr. Principata. When I would not do that, he asked me for $2000 in cash. I would not do that, and I ended up having a mixed personality disorder in the evaluation.

At the conclusion, when the judge did his written findings, both of my lawyers did an excellent job. I have no complaints about my lawyers. I had honest, ethical lawyers who took the high road on this. After the divorce findings were issued, an instant motion was filed by the opposition to keep me a party to the house so that the house could be refinanced to have his mortgage paid. That was the first time we discovered the mortgage. The judge issued the original judgment without his mortgage being included in the divorce judgment.

To make a long story short, when my lawyer found out that her lawyer had a mortage on the house for 18 percent, he dropped out of the case. I told him that, based upon the rules of professional conduct for attorneys, they are not allowed to secure a lien for their fees unless it is granted by law. He dropped out of the case. I filed my own appeal in the Appellate Division on January 5 of this year.

In December, I filed an extensive complaint with Patrick Monohan of the Advisory Committee on Judiciary

Conduct. Myself and several other people met with members of the Attorney General's Office -- Gerald Sims. You will have the letter in there. We outlined the conspiracy in the County of Camden involving judges, custody evaluators, a real estate firm that gets a lot of the listings to sell houses, which are sold through equitable distribution.

On February 28 of this year, I was arrested at my place of employment at the College, put into the Camden County Correctional Facility on $25,000 bail. Every time I met a condition of bail, the bail was changed. On February 7, I was committed to the Vroom Building for the Criminally Insane for a 30-day involuntary commitment. On February 8, I was forced to appear before Judge Robert Page, presiding Judge of Family Court of Camden County, handcuffed and shackled. The day before I was committed to the Vroom Building to find out if I could work with counsel on my representation.

On Friday, I was forced to appeal before Judge Robert Page, presiding Judge in Camden County, shackled and handcuffed. I did not have any papers with me. He said, "Well, you filed your appeal in the Appellate Court. You should have been prepared. You could have had things delivered to you at the jail." I had my clock cleaned in front of Judge Page, and three hours later I was sent to the Vroom Building for the Criminally Insane for a 30-day involuntary commitment. I was ordered out of the Vroom Building on Tuesday by Appellate Court Judge King in Westmont, that the lower court Judge Steinberg had no statutory authority to do this to me, that my bail conditions were changed four times.

ASSEMBLYMAN KAVANAUGH: Andrew, I think as far as the testimony you're making, it is certainly of interest to the Commission. If you can forward anything additional to us in written testimony--

MR. KOZAK: Your system doesn't work. The checks and balances--

ASSEMBLYMAN KAVANAUGH: Reading briefly here, and not being an attorney, I really don't understand some of the issues that are within your testimony. I don't know how that could happen. I talked to my learned partner here, a member of the Commission, and--

MR. KOZAK: What you will find in there is a Victim Impact Statement. Criminal complaints were filed against the attorney, verified. A hearing was held. Two days before I got the Victim Impact Statement to fill out, the charges were administratively dismissed by Prosecutor Borden -- fraud, false swearing, perjury, all related to this mortgage. Everything was administratively dismissed.

ASSEMBLYMAN KAVANAUGH: Thank you. Your comments and your testimony certainly will be put forward.

John Talerico.

J O H N P. T A L E R I C O: Good evening. My name is John Talerico. I would like to speak on divorce reform for the children's sake.

You have been given the challenge to attempt to reform the laws which have governed the lives of many who have suffered the destructive consequences of divorce. The needs of our children caught in the middle of parental dysfunction must take priority. Enter reform of such laws so as to prevent, or at least minimize, the irreversible emotional damage to their lives. The uncontrolled increase in the divorce rate in the United States has seriously undermined the foundation of the family unit, and has consequently damaged the fabric of our society.

We must address the hostility between parents involved in marital disputes, and we can minimize it by replacing the adversarial approach with family counseling, conciliation, and mediation as a precondition to an interspousal agreement. Family values have lost their meaning. Dysfunction and selfishness have prevailed. Responsibilities have been

abrogated, and divorce has become the path of least resistance. We have failed our children, their future, and generations to come.

Parents have an inalienable right and a moral obligation to imbue their children with love, discipline, and respect. Children need to be loved and guided by both parents, one no less than the other, so that their spiritual, physical, and emotional developmental needs can be fulfilled. It is their right to expect it. How can we, as parents, as extended family members, as legislators, and even as society itself, accept the loss of family suffered by our children, and the denial of their rights to know, to learn from, and to grow up with the emotional support of both parents?

I am not familiar with the laws of divorce, but I do know they govern what goes into an interspousal agreement, and the violations that inevitably follow. The agreement is meant to be broken. We all know that. It makes a mockery out of family. It does not necessarily state the intent of the parties, nor does it protect the rights of the children to two parents, when the physical and emotional separation of family occurs. The written agreement is a contract between two parties, and by its very nature fiscal support can be quantified. But emotional support, on the other hand, is intangible. It does not reflect the real intent of either party, nor does it consider any preexisting alienation of the children from one or the other parent.

I propose that the laws of divorce provide for the diffusion of anger, hostility, and animosity that may have led to the decision to separate, before allowing the process of divorce to proceed. The laws of divorce can be modified to make mandatory a number of sessions of family counseling and conciliation, followed by a number of sessions of mediation. These sessions could prepare the parties to respect each other's rights as human beings and as parents. More often than

not, mental health professionals find that children have been conditioned to favor one parent or the other. Parental alienation and family dysfunction have been brought to the attention of society in recent years. The American Bar Association has published some of these findings, and in its publication, "The Family Advocate," it discusses the developmental needs of children for both the male and the female parents, and their needs into and beyond adulthood. The loss of one parent and his or her dysfunctional characteristics has an irreversible effect on the lives of adult children and future generations.

I further suggest that the laws of divorce require that there be minimum standards of educational experience for psychiatrists, psychologists, sociologists, and for others who profess to be mental health professionals or mediators. All too often, unqualified professionals have had a negative impact on the lives of separating parents and their children. Well-meaning attorneys and Family Court judges must not be allowed to assume the role of mental health professionals. The laws of separation do not provide for children after divorce. Terms such as "primary custodian parent," noncustodian parent," and "Joint and equal custody," have no meaning to reality, and serve only as a mechanism to proportion parental responsibilities on paper, while abrogating the rights of one or the other parent to love and care for his or her children.

In practice, it actually encourages one parent to control and dominate the lives of their children, while the other parent is reduced to the degrading role of a visitor. It also ensures the destruction of family values, and feeds on the dysfunction that led to the divorce action in the first place. The more appropriate term is "coparenting," with clearly defined rules and equal parental responsibility. It allows for family values to nourish through the spiritual, physical, and emotional influence of both parents.

Some states have made progress in divorce reform. Commissions such as yours have had a major role. Under Rule S73A of the Maryland rules governing divorce, for example, court-ordered mediation is provided, but limited to the issues of custody and visitation. New Jersey has an opportunity to go far beyond such limited progress, and to lead the nation in reform. Counseling, mediation, and the concept of coparenting as a precondition to divorce can become a challenge to the original motive for seeking the divorce in the first place.

In conclusion, I ask the Commission to Study the Law of Divorce to focus on divorce reform that will protect the rights of children from the dysfunctional and selfish interests of separating parents. Let us not encourage the devaluation of family. Let us not deny our children the two parents they were born with. Let us not deny them getting to know, to love, to learn from, and to grow up with the emotional support of both parents. Let us not deny ourselves as parents our constitutional rights to love and care for our children. Let us, instead, devote our efforts to build, not to destroy, that foundation we call "family," for the future of our society is built upon the family values we give our children.

Thank you for listening.

ASSEMBLYMAN KAVANAUGH: Thank you very much, John.

Next I will call Martin Rodetsky. Is Martin in the room? (affirmative response) You have five minutes. Are you the father of the video here tonight, Marty?

M A R T I N R O D E T S K Y: No, that is one of the other people in my group.

ASSEMBLYMAN KAVANAUGH: Okay. Good evening. Nice to see you.

MR. RODETSKY: It is always nice to see you.

I just wanted to say that, as usual, I want to thank all the members of the panel for listening. I want to thank

you for your consideration in trying to determine the future of Family Court.

To begin, I am going to rehash a tiny bit of old news, not for the purpose of bringing up dead rubbish, but for the purpose of--

ASSEMBLYMAN KAVANAUGH: As long as it doesn't exceed five minutes, Marty.

MR. RODETSKY: --proving a point.

ASSEMBLYMAN KAVANAUGH: Knowing you, Marty, it is probably an Irish lullaby. (associate of witness sets up audiotape machine) Bring that to the mike.

MR. RODETSKY: The plug won't go. There is no outlet. (problem being solved, they commence with audiotape at this point)

Ladies and gentlemen of the panel, it took me two years to get this tape. I tried to bring it to the Congress; I tried to bring it to the Senate; I tried to bring it to the Assembly; I tried to bring it to Florio, and I tried to bring it to Christie Whitman. Nobody wanted to listen to it. It was old news.

This is not old news, because every judge in Family Court today does exactly the same thing. (referring here to contents of audiotape; vocal part of which was indiscernible to transcriber) This is not going to stop until all of you get together and see that we have TV cameras in every courtroom in this State.

Let's make sure that we understand each other. First, this is but a few-second example of more than 30 tapes I have recently received from the Morris County court system. What is shocking is not that the tape does not match the transcript-- The transcript does not match the tape. There are things in the transcript that were never on the tape. While one is acceptable as a mistake by some clerk, I remind you that no clerk can hallucinate from what is physically on the tape.

What must be understood is that it took more than two years to acquire this material. When I attempted to bring this evidence to Senator Dorsey, he lost his job. Why, then, do I bring up this material now? Judge Friedman, in Essex County Family Court, established that litigants cannot be stopped from bringing their own recorders into court. He also established that the burden of proof is on the accuser, and the level of proof is clear and convincing evidence. Judge D'Italia, Assignment Judge in Hudson County, established that I may not be prevented from serving papers to establish legal process, the very act that I was put into jail for.

As a result of these experiences and others, there is now a petition being circulated to have video cameras in every court. In that way, we will finally be able to force a judge to rule honestly, or at least prove that a judge must be removed from the bench now, before that judge hurts anyone else.

We now come to two more problems with the court. First, the whole question of judicial immunity. Like Judge Wachtler from New York, reflecting back to the good old days of Judge Seaman, reminding this Commission about the Senate shuffle performed to save Martin Herman's job. All the way to Imbriani in Somerset County, the judicial cabal has protected its own, and the hell with the litigants and their children.

Myra Terry has attacked Bruce Eden as hiding his gender bias behind the children. I must agree with Myra Terry, not for her unfounded attack, but she at least honestly, openly admits she is a biased, prejudiced witch, whose only goal is to subordinate her personal aggrandizement on the bodies of the men and women unlucky enough to oppose her.

Of course, no mention of Myra Terry would be complete without talking about Irene Von Seydewitz. The question comes up as to the relationship between the two of them. I am going to remind Irene that she still has not opened her books on the

IOLTA Grants and the money that she was paid for her supposed charitable agreements.

ASSEMBLYMAN KAVANAUGH: Martin, I would like to remind you, as I have told you before, do not castigate members of the Commission when you are testifying before the Commission.

MR. RODETSKY: I'm sorry.

One of the most startling discoveries we have made is that the courts are not run by the judges or by the people. The courts are run by the bailiffs and clerks. What gives them the power, the right, or the chutzpah to do that? If the clerks and the bailiffs run the court, why do we still need to pay even more money to judges reduced to little more than figureheads?

We now come to the final question before the planning commission: How do you have any possible hearing or trial without the rules of evidence? I could go on with this for as long as you want. The issue is: I have one copy of this here. A lot of this material I just received. The issue is: Everything is before this panel. I demand that we go back and get the tapes from Martin Herman for Judge Ross in Somerset County, for several judges in Hudson, Essex, Morris, Bergen, and Camden Counties.

Who else here has had bad judges?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Sussex.

MR. RODETSKY: My problem with all of this is that every one of you here knows this is going on. My problem is not men biased; it is not gender biased. It has specifically to do with the fact that you guys are now on the record. It is up to you to stop this. If you do not stop it, you are liable for it.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much, Martin, for your testimony.

Next we will have Abdulazi Faruq.

A B D U L A Z I F A R U Q: Good evening. My name is Abdulazi Faruq, and I greet you all.

As it stands now, divorce is more attractive than marriage. I don't want to stand here and reiterate all the nightmares that everyone here has to tell, because I myself have a triple nightmare. The worst thing that you can be in front of a court in America is a black. The second worst thing you can be is a man. The third worst thing you can be is a Muslim. I stand before you right here all three in one: a black man who is a Muslim who has seven children, four of whom bring me here tonight.

I stood in front of judges and said, "I am a black man who is going to take care of my family." But these judges tell me, "Oh, no." They don't come right out and say it, but they say, "If we don't victimize your children, how is my wife, how are my in-laws, how is my nephew, how is my niece going to have a job?" They have the jails filled up with black boys here in New Jersey. They know what the situation is. It is because they say they have no father figure. I stand here and say, "I am responsible for my children. Please, no interference." But I get nothing. All I get is slapped in the face constantly and constantly.

Instead of always coming up with problems, I would like to offer some solutions. The dear prophet Muhammad, who lived 1400 years ago in Arabia -- and I use that 1400 years to make sure you know who I am talking about -- left a message for all of mankind for the rest of time. His message was not new, but a culmination for all the other prophets who came before him, the major ones: Abraham with the scrolls, Moses with the Torah, David with the psalms, Jesus with the gospel, culminating with Muhammad. He gave mankind duties and responsibilities; that is, the man is responsible for his family. He provides according to his means. That means: the shelter, the food, which includes meat sometimes, and clothes

of the season, with at least one change. Anything that the woman contributes is a blessing.

To each and every Muslim, his life, his honor, and his property are sacred. Another Muslim is not allowed to harm or take as much as a stick from another Muslim. If it comes to a divorce, the prophet has even given us the laws of divorce. Only the man can pronounce a divorce, because, rationally speaking, the man is more rational. Then they must stay together for three monthly courses. The woman menstruates three times to prove that she has no babies in her, but they must stay together. This period is for reconciliation, for if they return back to sexual conduct, the divorce is called off. After this process goes on two times, say it happens early in '92, if it happens again in '93, then the third time the divorce is final.

In the case of a divorce, the children belong to the father, but Allah, God who is merciful, most merciful as he was to Moses when they put the baby in the basket-- He sent the baby right back to the mother to nurse it. But the children stay with the mother until they reach the age of seven or eight. Some juries say seven; some juries say eight. Then, they revert to the father. However, if the mother remarries, they automatically go back to the father, no matter if they are six months old. This keeps everybody squeaky clean. There is no adoption in Islam. It is forbidden. There is no assigning parentage to a child who is yours, who is not yours, or vice versa.

These might be the reasons why divorce in Muslim countries, as well as crime, is low, when it is not working here in America.

ASSEMBLYMAN KAVANAUGH: Thank you very much. Also, if you have anything to add to your testimony, please forward it to Ms. Nagle, and we will be happy to review it. As you know,

everything is being taped this evening, and it will be a part of the public record.

Eileen Barker.

E I L E E N D. B A R K E R: Hi. I am the ex-wife of a prominent attorney at Horn Kaplan Goldberg in Atlantic City. From the time of my separation, 10 years ago, my constitutional rights have been violated. In an eight-year custody battle that began on a blizzardy day, Judge Previti, a former partner at Horn Kaplan, held an ex parte hearing without allowing me any notice, and changed the custody of my nine-year-old son based only upon my ex-husband's statement that he felt there was a confrontation between me and Adam. The confrontation was that I tried to kiss Adam before he said good-bye to me.

I was informed that Adam was interviewed. However, there was no recording of such an occurrence. On that wintry day when all the roads and schools were closed, I was called by the law clerk and the hearing was held over the telephone. Without any documentation from doctors, DYFS, or witnesses, or any history of abuse, Judge Previti changed custody of Adam, and refused my request for visitation. Since my ex-husband did not want custody of my five year old, Jonathan, I was allowed to keep him.

This was the beginning of a parent's worst nightmare. When I finally saw my sweet, adorable, and loving Adam three weeks later at the office of my ex-husband's therapist, who, against my strongest protests to the court, was court appointed, my nine year old repeatedly said, "I hate you, Mom, I hate you."

Following my four visits to therapy, the court granted my ex-husband's motion to stop visitation, again without any evidence. For two years, even though I spent thousands of dollars in legal fees and mental health expert fees, I had no visitation at all. Adam was not just cut off from me, but from his dearly loved family and grandparents.

In the summer of 1989, Judge Previti refused to allow my mother to testify and denied my motion. Walking out of the courthouse, my mom stated that this was breaking her heart, and she started to have palpitations. Two weeks later, my mom, 63 years old, who was never sick, died of a heart attack. It is for my mom and all the other grandparents who are emotionally losing their children that I think I am giving this testimony here today. I add that Judge Previti was nice enough to allow my children to come to the funeral.

I am reviewing this part of my life to bring to your attention the disastrous effects of incompetent, biased judges in destroying families, and the pain that struck so deeply in my family that it killed my mom.

In 1991, I lost custody of my younger child, in a trial this time. Dr. Richard Gardner was my expert, but the judge dismissed his entire evaluation, only because-- I chose him because he is an expert on parental alienation syndrome. I attached to my papers the article from <u>The Press</u> of Atlantic City where I appealed his decision and I won almost a year ago. By the time the Appellate Court decision was made, I did a pro se against my husband and his attorney. By the time the decision was made, my younger son, Jonathan, had turned against me, and so far has refused to sleep at my home, since the summertime.

Over the last few years, my ex-husband has continued to violate the visitation orders. Even though the Family judges agree with my interpretation of the orders, my ex-husband has never been arrested or punished for being in contempt of court on the 2C:13-4.

After years of unbearable pain experienced by our family, there has been a recent breakthrough. Three weeks ago, my son, Adam, now almost 17, offered me a deal I could not refuse. As long as I promise to keep his name out of court, where he says he hates the judges and the horrible lawyers, and

not request the moron therapists for counseling, he would be free to discuss his life with me. When I agreed, he asked me for the key to my home. For the next four days, he brought over his close friends who I had never been allowed to meet before.

Adam told me about his life during the last seven years, and discussed his values and future. Adam has also begun to quickly rebond with my entire family. A few days ago, Adam asked to move into my house. He moved in, but my ex-husband took him away the next day. Still, I do have high hopes that things will change.

Recently, I ran into Judge Previti at Jonathan's school. After he did not recognize me, I told him my name. For a moment, he spoke like an old friend. "How are you, and how are your children?" he inquired with a big smile on his face, while his wife and his family stood around. "Terrible," I answered, and he walked away babbling.

I have a few suggestions from my experiences over the last few years. Children of divorce must be shared. When a parent makes false allegations of abuse, there should be severe consequences, and it should be handled in criminal court. I say this especially to Mr. Blitz. I have made numerous complaints, and I was told that if I kept a record that something would happen. As of the last time I made a complaint, no one did anything. It was still dismissed.

Police and judges should be educated and encouraged to implement this 2C:13, and there should be defined sanctions against those who are guilty. Why not, three strikes and you're out? Three strikes and you lose custody immediately. Although many judges have made the threat, in eight years of talking to many people, I have never seen anyone lose custody for that reason.

I think there should be an automatic change of venue for people who are employed as lawyers, policemen, or judicial employees in that county.

Finally, when the income of either the noncustodial or custodial parent is adequate, I think both parents should be made responsible to save for college.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much. If you will make that testimony available here-- For anyone else who is here prior to testifying, if you have written testimony, please bring it up. Then we will have it here and it can be made part of the record.

Thomas Wisniewski.

T H O M A S W I S N I E W S K I: I am here to testify on the lack of rights that a second family has in the Family Court system.

My testimony will cover the problems with the existing child support guidelines, what fathers of second families are being told in the courts, how the current system is not in the best interest of children, how second children and second wives have become innocent victims, and then I will conclude with a proposed solution.

I am using the term "second wives" because more than 95 percent of the time custody is given to the wife of the first family -- or the first marriage, excuse me. Now, for child support: There are no provisions in the current child support guidelines to consider second families -- at all, zero, none. Children and wives of second families do not have any rights.

I looked long and hard to find a situation where a father was given custody, and what I found was totally unbelievable. It is very common that when a father receives custody, he not only does not receive any child support, he has to pay alimony. This type of situation is biased against fathers.

Having a child in a second family is a significant change of circumstances that should be handled very similarly

to significant changes of circumstances that were spelled out in the Leppis court. Child support should be allocated equally to each child, regardless of their order of birth or which marriage they are from. Current child support guidelines were set up based on an incorrect study by Lenore Weitzman done in 1976, which concluded that women had a significant decline in their standard of living after divorce, while men had a significant incline. This was proven wrong recently in a study by Pollock and Stroup, which found that divorced men are not only able to provide a higher level of child support-- Wait a minute, excuse me.

This was proven wrong by a study by Pollock and Stroup, which found that divorced men are not able to provide as high a level of child support as is generally assumed by the Family Courts or the general public. I ask you, please, to look more closely at the economic effects of divorce before setting any new guidelines. For your convenience, I have included a news release of the Pollock and Stroup study, which I think you will find very interesting.

Now, what fathers are being told in the court system-- When a father with subsequent children comes to the court system to plead for some relief from his high child support, he is told, "If you can't afford the first child, you should never have had a second child." It is told very similarly to the way it was done on the tape a few minutes ago right over here.

Well, the last time I looked -- and there is a flag in the corner -- this was a free country. The government has no right, or no authority, to dictate how many children a parent can have, or how much a parent must spend on one of his children, or some of his children, and not be allowed to have sufficient means to do the same for all of his children. No children by virtue of their order of birth have any more rights

than subsequent siblings. They are all even. That is not in the best interest of children.

Earlier this week while I was getting ready for work, my 18-month-old son was watching an episode of "Barney," where the children were being taught to share equally with their family and friends. This is what the children are being taught these days -- very good stuff. I could not help but wonder: How does a father with second family children explain to them that they can't get the same types of things as the older siblings get? Now, to make it perfectly clear, I am not talking about big-kid stuff like CD players or anything like that. It appears that the Family Court system does not have any intention of maintaining a family environment, because the current system is pushing siblings in different directions. Well, I happen to agree with Barney. Children should be taught to share equally.

Also, children of first marriages are being taught that if daddy says, "No, you can't have it," mommy can run to Family Court, and guess what Family Court says? Well, I guess we don't have to guess. They say, "Yes."

How are we training these children? What are these children going to do when they grow up, and what court are they going to go to, to get what they want?

Now, I have included a couple of charts in here on finances, on how innocent victims-- The second family has become innocent victims. This is a very simple scenario. I don't have a lot of time to go over it, but what I will do is-- (bell rings indicating end of allotted five minutes) I only have a very short time. I will say that if the second family happens to be the custodial family-- Excuse me, I got thrown off by the bell here.

First of all, in a custodial family situation, let's assume $30,000 of disposable income. You can share it equally among the children and the husband and the wife. If the second

family has a second child-- I mean, if the custodial family has a second child, you can also share the funds equally, say, $7500 each. Now, if a noncustodial parent has a second family, again, it starts out about equal. Each one gets about $10,000. Now, let's take great interest in what happens when the noncustodial parent has a second family.

If you look at Exhibit 4, you will see that each participant in that family gets an equal share except for the first child, who still gets the same amount. Now, that is very unfair for the rest of the family. Why should one child get more than the others. They are all even.

Now, the proposed solutions I mentioned before are: fair child support guidelines, and enforce them. Child support should be evenly distributed to each child, regardless of their birth position. Give fathers the same rights they would have if they were in an intact family. Do not order them to pay for extras that a father in an intact family has a right to refuse, and I am talking about college and summer programs.

And number four, allow fathers to have a say on how the child support funds are spent. Fathers should be allowed to offset child support payment for some things, like food stamps, groceries, and clothing for their children.

Now, let me conclude: I have testified on how the Family Court does not consider second families with support guidelines. The child support guidelines do not consider second families. What fathers are being told in court is how the system is not in the best interests of the children; how second families are victims, and I have offered you some solutions. Not it is up to you. Implement changes in the family law that will give rights to second families.

Are there any questions?

MR. LOUIS: Yes, just briefly. Do you have a copy of the study? Can you get a copy?

MR. WISNIEWSKI: I just got the facts the other day.

MR. LOUIS: If you get a copy, will you send it to us?

MR. WISNIEWSKI: I most certainly will.

ASSEMBLYMAN KAVANAUGH: Please send it to--

MR. WISNIEWSKI: I am in the process of getting it right now. I have mailed in for it, but I just found out about it the other day. If you look at the news release, I think you will find some very pertinent stuff in there.

ASSEMBLYMAN KAVANAUGH: Thank you, Tom.

MR. WISNIEWSKI: Okay. You're welcome.

ASSEMBLYMAN KAVANAUGH: Thank you very much for coming.

Next we will have Meheryar Rivetna. Would you please pronounce that?

M E H E R Y A R N. R I V E T N A: Meheryar Rivatna.

ASSEMBLYMAN KAVANAUGH: Okay. Thank you very much.

MR. RIVETNA: I want to thank you for inviting me today to talk to you about the divorce laws. I am going to talk about the unjust child support guidelines of the State of New Jersey.

I have been ordered to pay 44 percent of my net income in child support. I am paying about $1200 a month in child support. My ex-wife makes a comparable salary, which means that her contribution is $1200, too. It does not cost $2400 in this day and age to raise two children. I am finding it very hard to make a living, to lead a decent life.

Judge Katharine DuPuis, of Somerset County, who was sitting in for Judge Ross, advised my attorney that if I did not comply, she would make my life miserable. A judge is supposed to render justice, not threaten and coerce people. I have my own suggestion, but it is relatively ignored.

I love my children dearly. I am willing to take care of my children myself without any monetary support from my ex-wife. Why am I being denied that privilege? I do not want a penny from her, but I am not given that privilege.

My son wants to come and stay with me. He is seven years old. Why does he have to go to court and prove that daddy is a better person than mommy is? I don't understand that at all. Who is the judge to deny my child the right to his parent? I believe I am a citizen of the United States, not of Soviet Russia or Nazi Germany.

UNIDENTIFIED SPEAKER FROM AUDIENCE: They have more rights there.

MR. RIVETNA: I'm sorry; I am very upset.

Recently, I asked my former wife how much she was paying in day-care expenses. Her response was, "I don't know." Yes, I can go to court. What will happen? The judge will dismiss the motion, make me pay my wife's attorney's fees, and my attorney would charge me $1000. All this mental aggravation and frustration for a few hundred dollars a month less, and I am entitled to the privilege according to the judgment of divorce. The judges are very, very biased in this State.

I have so much to say that I don't even know where to begin. I'm sorry, I am very upset. I am really--

ASSEMBLYMAN KAVANAUGH: Feel very free, because the testimony you can submit to us. If there are any further conversations, you can--

MR. RIVETNA: I have given copies to you. I'm sorry, I am just very upset.

ASSEMBLYMAN KAVANAUGH: No, it is something that is very traumatic for people to come here. We have come to understand that over the months we have been having these meetings.

MR. RIVETNA: She gets the divorce, and I pay the price for it. The reason she wanted the divorce was because she wanted her freedom and space. That is not a reason to get a divorce. I think the only solution to this problem is to have very tough divorce laws. Divorce is very easy to obtain in this country. It is unbelievable.

ASSEMBLYMAN KAVANAUGH: All right. Thank you very much for coming. If there is anything else you would like to add to your testimony--

MR. RIVETNA: It is in the written report.

ASSEMBLYMAN KAVANAUGH: Okay. Also, any members of the Commission you care to contact, please feel free to.

MR. RIVETNA: Thank you.

ASSEMBLYMAN KAVANAUGH: Lourdes Kontos.

L O U R D E S M. K O N T O S: Most of you have seen me before, but this time I am testifying on my own personal case, so please bear with me here.

Yesterday was my youngest son's 12th birthday, and it was the 4th birthday I have missed. I have three boys. The two older ones -- Brian and Eric -- are 15 and 14, and I have missed their last three birthdays. I have not spent Christmas of '91, '92, or '93 with them, and I have not spent Mother's Day with them for three years.

In was in June of 1991 that I said good-bye to my sons Eric and Michael, who were going with their father on a one-month visitation. At that same time, Judge Schaeffer began a post-custody litigation for a reversal of custody. Unfortunately, my sons did think they would come back. I was not aware that it was a five-minute period of time, so I had excerpts of my children's conversations that I had with them, where my children believed that they were coming back. But they were tricked, like I was.

They never were going to come back. My attorney knew it, and I kind of knew it in my brain, but I did not want to believe it.

On July 23, before the testimony was submitted by the reports of the guardian ad litem or the mental health experts, my ex-husband took my oldest son, who was still with me, to court, because he had called his two brothers, Eric and Michael, without permission.

The guardian ad litem, at that point, with Brian in court, chastised him in front of Judge Schaeffer, in front of everybody, and told Brian to go home and take a good, hard look at himself in the mirror, because the only one to blame for Eric and Michael not returning, was him.

That night, my son wanted to kill himself, because he felt that everybody would be happier, and that Eric and Michael were going to hate him. That was July 23.

On August 30, without the trial terminating, Schaeffer did order a temporary transfer of custody, and Brian had to join Eric and Michael in Massachusetts.

The trial was not over until June 1992, 12 months after Eric and Michael left, and I had no contact with them. In the interim, I did have some telephone conversations, until the father decided that it was not good, because the brain-washsing and programming was not going to take effect.

September 28, 1991, just a month after Brian joined Eric and Michael, my attorney, Greg Farmer, asked Judge Schaeffer to interview the three boys in camera, and he did. My attorney was there, the guardian ad litem, and the adversary. We were not allowed to be there. All three boys complained about the living situation in Massachusetts. They complained that they were not being allowed to call; that they were being asked to do the chores before calling their mother; or that things were being planned. That was the only contact I had with my children -- telephone calls.

Well, the tape of the in camera interview has been sealed by Judge Schaeffer. My attorney requested the tape, only because a month later, after the phone calls were still not happening, Schaeffer told my attorney, "Your recollection is different than mine." Greg requested the tape, but it had been sealed. For three years, I have been trying to get that tape, and I can't get it. I can't even get a transcript, never

mind the tape. By the time any court mandates that he produce that tape, it will have disappeared.

On July 1, 1992, Schaeffer entered the most unconstitutional order that I have ever seen in my involvement with the New Jersey Council for Children's Rights. He actually did not allow me to travel, to migrate to the State of Massachusetts -- my constitutional right to migrate and relocate. He also forbids me to contact the children in any way, shape, or form, to contact the school, the church, or any of their doctors, all because I was held in contempt of the June 9, 1992 order for supposedly violating it on June 6. But he held me in contempt on July 10, for something that could not happen. An order that was filed on June 9, I could not have been in contempt of.

The story -- there is no way I can condense it into five minutes, but right now it has been three years -- over three years since I have seen my sons. I just spent one day, June 21, in the County Jail in Hudson for false domestic charges brought on by my ex-husband. I just got the discovery on Monday, and I found out that they were false, and the jury will find me non guilty. But I still spent 24 hours there. I am the one who has to prove that I was innocent. He got an ex parte order, and he got a warrant, and because he is from Massachusetts, he got me arrested here, and they tried to extradite me -- our taxpayers' money here in New Jersey for prosecuting the Secaucus Police Department, and all of the other costs.

But the most important thing is, the damage that has been done with me not seeing my children cannot be made up.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

Norma Rosenbloom.

N O R M A F. R O S E N B L O O M, ESQ.: Ladies and gentlemen, thank you for the opportunity to speak to you this evening.

My name is Norma Rosenbloom. I have been a practicing matrimonial lawyer in Monmouth County for 15 years. I am a member of the Family Law Section of the American Bar Association and the Monmouth Bar Association. I am a Fellow of the American Academy of Matrimonial Lawyers, and I serve on the Special Concerns of Children Committee, which is a national committee of the Academy charged with drafting guidelines on the representation of children in divorce cases. I have also been the Chairperson of the Monmouth Early Settlement Panel Program, and serve on the Supreme Court Matrimonial Early Settlement Panel Working Group. I am speaking, however, as an individual attorney.

To best understand the frustration which family law lawyers share with their clients and these litigants, I believe it is important to understand the conditions under which the Family Court operates. The Family Court is the busiest and the most difficult of all the courts in our system. In civil and criminal cases, ultimate decisions are made by juries. In Family Court, the decision is made by the judge, and that decision has an enormous impact on the lives of the husbands, wives, and children whose cases come into the system. Yet routinely, it is brand-new judges who are assigned to the Family Court.

They come with the best of intentions, but are soon overwhelmed. They have received no special training in an area of the law where judges and lawyers must understand, at the least, not only divorce law, but bankruptcy law, pension law, tax law, and family dynamics.

Monmouth County is not atypical of the vicinages in this State. In the 1994 court calendar year, which runs from July 1, 1993 to June 30, 1994, 2007 new divorce cases were filed. In addition. 2605 post-judgment motions were filed. Add to this 219 pending cases anywhere from one year to three years old, for a total of 4831 active cases. In this same

year, there were 3765 domestic violence cases and 11,238 nondissolution pro se cases involving child support, paternity, and custody and visitation issues, all of which came across the judges' desks. In short, for the 1994 court year, there were 19,834 active cases in the system, exclusive of adoption cases and termination of parental rights. We have, in Monmouth County, five judges to handle these nearly 20,000 cases.

Based on a 40-hour week, and taking into consideration the days courts are closed and vacation time, a judge spends 1704 hours in court over the year. Exclusive of the nondissolution cases, the five judges in Monmouth County heard 8596 cases. In round numbers, each judge had 1700 hours to hear 1700 cases. This hour per case has to include general administrative work, processing of the 11,000 nondissolution cases -- which are handled by court staff, but which should be reviewed by judges -- motions filed and argued, and trial time.

This is the context in which a new judge comes onto the bench, essentially to learn as he or she goes along. After a year or so, the judge becomes experienced and learns how to allocate his or her time more efficiently, to cut through the emotions to the basic issues, and to move cases more expeditiously. However, we have a rotation system which requires judges to change courts every two years, so that as soon as a judge becomes skilled, he or she is rotated out and we start all over again.

The end result is that the lack of time causes inevitable delay and mechanistic applications instead of thoughtful consideration. For example, child support guidelines are applied whether they are applicable to the case or not, resulting in anomalies such as a person with a net income of $550 per week, unable to meet a monthly budget, being ordered to pay $45 per week -- which is not much -- to the custodial parent, who has a net income of $4000 per week, and who clearly has no need for the money.

I have offered these numbers to you in an effort to dramatize the desperate need for more and better trained judges. While the assignment of a judge to a particular court is a function of the court system, the funding for the court system is now a State function. Within the constraints of the separation of powers, the Legislature needs to find ways to increase the number of judges, to fund more training for judges and for qualified professionals on staff, so that we can increase the quality of care a judge gives each case and also improve the mediation program for custody and visitation issues, which has been found to be productive and which the Family Bar supports.

Further, the Legislature has to be aware that it can be harmful and counterproductive to mandate programs which increase the court load without providing additional adequate funding for the new programs. For example, an examination of the figures I have recited shows that 44 percent of the active cases were domestic violence cases. The newly amended Domestic Violence statute has extended coverage to include dating, thus adding another source from which to draw cases. Consent Orders are prohibited, despite the opinion of the Family Law Section and the Women's Rights Section of the New Jersey State Bar that they would be useful and effective under carefully prescribed conditions.

ASSEMBLYMAN KAVANAUGH: Norma, don't turn another page.

MS. ROSENBLOOM: The last page only says, "Thank you."

ASSEMBLYMAN KAVANAUGH: Okay, all right. Do you have a copy of your statement to present to us?

MS. ROSENBLOOM: Yes, I do. I have nothing but a concluding sentence--

ASSEMBLYMAN KAVANAUGH: All right, fine.

MS. ROSENBLOOM: --which simply says: The intentions are good, but the impact on the court system is devastating. The only way to relieve the court problems -- the frustrations

of both lawyers and litigants, the burnout of overworked judges, and most importantly, the only way to protect the children caught in a divorce situation -- is for you to do whatever is necessary to provide the funds for more judges, more training, and more professional staff. We must be able to get and to keep experienced, skilled judges who can do the job we expect and the children deserve.

Thank you for your consideration.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Please don't give us any more judges. (comments from other members of audience)

ASSEMBLYMAN KAVANAUGH: Let's show a little order here, please. Thank you.

Susan Goldring.

S U S A N L. G O L D R I N G, ESQ.: Good evening, and thank you.

I am also an attorney, clearly unwelcomed in this group. I will not go through my credentials, which you have.

ASSEMBLYMAN KAVANAUGH: The Deputy Chairman is also an attorney. I am licensed--

MS. GOLDRING: I don't mean the Commission. I mean the audience behind me.

ASSEMBLYMAN KAVANAUGH: No, but I would like it to be known, I am licensed also in the State of New Jersey, but I am licensed as a master plumber. (laughter) I'm sorry, go ahead, Susan.

MS. GOLDRING: I would just indicate that I have been in practice for almost 20 years, and a substantial portion of my practice is in the matrimonial field.

Ms. Rosenbloom and I conferred with regard to our remarks so that we would not be overlapping each other, so I would simply like to reiterate that anything you do really needs to carry a financial impact statement, because to pass

legislation which is not funded is not going to help any of us, where funding is required.

What I do want to discuss are the issues of alimony, enforcement of orders, custody and visitation mediation, and QDROs.

With regard to alimony, many people seem to feel that alimony is "pin" money, that the spouse being supported really doesn't need it, and can do without. You have all heard and read, I am sure, of the feminization of poverty; the fact that after divorce, most men thrive financially, while most women decline. Even when there is an alimony award, it is very often difficult or impossible to collect.

I would like to give you a brief example that comes from one of the cases with which I am familiar, where after a 31-year marriage, a woman who had severe medical problems and could only earn about $5500 a year, was getting about $900 a month in alimony, and suddenly found herself in the situation where her ex-husband took a voluntary retirement in which he was going to receive $700 a month in pension. He and his then wife moved to Florida. He entered into a Consent Order, by then being substantially in arrears -- and you have the figures in front of you -- saying he would pay up the arrears, and that he would assign $600 of his $700 pension to his ex-wife for alimony.

As soon as that order was entered, he filed for bankruptcy to wipe out the arrears. This woman tried to get help in New Jersey through the Probation Department. She could not afford an attorney. They told her that they couldn't do anything since he was out-of-state, and she would have to obtain Florida counsel, which she clearly could not afford.

There are many, many supported spouses in this situation, primarily women. Their specific stories may differ, but the net effect is the same. They need this money to survive, and they are not able to get it.

I would urge you to propose legislation which brings into line the same methods for collection of alimony which are available for child support; mainly, mandatory wage executions, the ability to do a tax intercept on tax refunds -- now granted, we are a State, so it could only be on State tax income refunds -- other kinds of intercepts, and also, to vest alimony payments. What that means is that unless somebody comes in for an Order for Modification, those payments that have not been paid cannot be retroactively modified. A judge cannot say to some woman who has managed to scrape by, "Well, gee, you have done it for all of these years. You clearly did not need the money, so we will wipe out the arrears."

That happens all the time today. You can go into any court on a motion day and hear that happen again and again and again. It is just not fair. These women are desperate for this money.

Enforcement is a problem in all orders. I would like to deal with it specifically. I have touched on the alimony issue, and child support I am sure you are familiar with, but with regard to visitation and custody. Now, we have heard a lot this evening about custody and visitation and mandating equal custody share, custody equal time, all of that sort of thing.

I submit to you that that, as a mandate -- as a legislative mandate -- does not work, and cannot work. The individual situations of any given family are such that a rigid plan of custody or visitation doesn't fit everybody, the same way that the same clothes or the same shoes won't fit everybody. What does fit everybody is that, regardless of what the arrangement is, it has to be enforced. It has to be enforced both against a parent who is interfering with visitation, and it has to be enforced against a parent who is not exercising that visitation. That, I suggest to you, you do

not hear enough about, but as practitioners, we probably hear more of than we do the problems of enforcing visitation.

I have two cases right now pending before the court: One in which a father who is supposed to take the children for the two months during the summer didn't show up, didn't call, didn't do anything. This mother, who works full-time, is suddenly left, on a last-minute basis, trying to provide child care for these two children, and come up with the money to pay for it.

Regularly, we have situations where the visiting parent says, "I will be there at 5:00." The kids are all ready. He or she does not show up -- and there are shes who do this as well as men -- the kids are in tears, "Where's daddy?" and the parent who had other plans suddenly is running to take care of these kids.

I think we have means of enforcement. I think they need to be emphasized and given as alternatives in legislation, so that a judge will impose sanctions. They can be sanctions such as comp time. For the parent who misses visitation, you automatically get makeup. Judge Arnone, in our county, used to incarcerate a parent who was interfering with visitation during the hours of visitation, so the kids had to be with the other parent. There are alternatives.

The other side of that is for the nonvisiting parent -- that there also have to be sanctions; that if the parent does not show up when he or she is supposed to, maybe there should be a financial burden added to child support, maybe there will have to be incarceration. But I think there does need to be enforcement. One of the best things that can come out of this Commission is strong enforcement.

If I may -- I know I have gone over my time -- I would like to briefly touch on two things.

ASSEMBLYMAN KAVANAUGH: You're going to say you are on your last paragraph and you just want to say, "Thank you." Is that correct?

No, in deference to the others, truly, if you can send a line to us, because, truly, we have a number of people yet. You are going to get to go home, and there are going to be people here from long distances who are still going to have to--

I appreciate it, but-- If you want to say, Thank you"--

MS. GOLDRING: You have my written testimony. I will say thank you. I do want to say that we support custody and visitation mediation. We think that really improves the entire process.

ASSEMBLYMAN KAVANAUGH: You can contact Ms. Nagle, and she will tell you the Custody and Visitation Subcommittee members. Then you can contact them directly.

MS. GOLDRING: Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you.

Alice Tulanowski. Good evening.

A L I C E T U L A N O W S K I: Good evening, Assemblyman. I was supposed to testify in Trenton on the 31st, but we had a last minute court date that we didn't know about. I did bring my testimony down. I am not sure whether the Commission got it or not, but I can provide it.

I just want to add something. I looked at the testimony for the 31st. Our son was charged with sexually abusing his daughter in our presence at the end of 1992. DYFS decided that the accusations were not founded. A doctor confirmed that the baby had not been abused. The Hunterdon County Prosecutor said it was unsubstantiated. But a judge in another county has decided to continue investigating these accusations.

In my 3/31/94 testimony, I said it cost $10,500 to fight these false accusations. It is now July, and that cost is $40,500. Okay? We still have not been cleared in that court. We have asked for trial. We have asked for a jury. We

said, "Charge us with something, or leave us alone," and it still has not happened.

There is no divorce. The judge, a couple of weeks ago, admitted that this is the oldest case in the county now. We do not see our granddaughter. Our son doesn't see her, and he pays more than he should in child support.

The judge refuses to recognize that DYFS and the Prosecutor have closed the case. Now what we have is a child who is calling grandma and daddy bad -- accusations against me, which were never made previously. Our granddaughter allegedly has post traumatic stress disorder. I am a psychiatric clinical nurse specialist. I work with Vietnam veterans, and I know about this.

In 19 months since that accusation, this little girl who crawled up and put her head on grandpa's shoulder and let him read stories to her-- The last time we saw her, last year, was punching him. She has a blank stare on her face. She is totally-- She has no affect anymore. She is becoming, from what I have seen-- We have not seen her lately. She has nightmares. She is deteriorated, all because of false accusations which have never been-- We have never been able to be heard. The only person the judge is listening to is her mother.

She has a flat affect. She hits her father, and she is alienated from this family. I don't know if we can ever get that back. I really don't. If this Commission isn't going to do anything else, I would like you to consider the damage that happens to noncustodial people, or to people who are falsely accused and are never given a trial, and never given the right to due process.

Please put a frame, or a limitation on the amount of time a judge can carry on a case, because it has destroyed everybody. But most of all, it has destroyed my granddaughter. The total cost to date is $66,500. There is no

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divorce; there is no custody; there is no visitation. It is abominable. So whatever this Commission can do to change those conditions-- Please, the same judge -- his name has come up twice tonight. If you have problem judges, I think you need to investigate it, and answer the letters that we write to Wilentz, to Kavanaugh, to Christie Whitman, to everybody, to try to get it recognized that somebody is not listening.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

The Chairman of the Subcommittee has a question.

MR. BRODERICK: Can you tell me what is the contested issue in the divorce? Why is it taking so long? What is being contested?

MS. TULANOWSKI: You would like to know? I would like to know that.

MR. BRODERICK: What county is it?

MS. TULANOWSKI: Somerset.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Who is the judge?

MS. TULANOWSKI: His name has been mentioned twice.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

Bob Braid.

R O B E R T W. B R A I D: My name is Bob Braid. I am President of the New Jersey Council for Children's Rights Political Action Committee. I am not appearing on their behalf; I am appearing as an individual citizen.

You have heard all kinds of war stories and horror stories here tonight, and this is probably representative of what you have been hearing at the rest of the meetings you have been attending.

I don't want to take up a lot of your time. I am going to focus on a very narrow aspect of this whole thing. The narrow aspect is: When does this whole insanity stop? I would like to begin with a little riddle: When is a child not

a child? Or another way of rephrasing that question is: What is the difference between majority, adult, and emancipation?

You may be inclined to suggest, as some people do, that you reach the age of majority at 18; that you are emancipated at that particular point in time. A New Jersey statute, back on January 1, 1973, declared that this Act intends to: "Extend to persons 18 years of age and older the basic civil and contractual rights and obligations heretofore applicable to persons 21 years of age and older, including the right to contract, sue and be sued and defend in civil actions, apply for and be appointed to public employment, apply for and be granted a license or authority to engage in a business or profession subject to State regulation--" That means that a person 18 years old, if they had the necessary qualifications, could be a doctor, could be a lawyer. They could "serve on juries, marry, adopt children, attend and participate in horse race meetings and parimutuel betting." They could "act as an incorporator, registered agent, or director of a corporation, and consent to medical and surgical treatment, execute a will, and inherit, purchase, mortgage, or otherwise encumber and convey real and personal property."

Obviously, anybody who can do all of those things is a fairly mature person, and we consider them to be adults. But the New Jersey court, in a landmark case -- Newburgh v. Arrigo -- said-- The Newburgh court said that there is no fixed age for emancipation -- not 18, not 21, not 25, or even 30. This insanity can go on forever in New Jersey.

According to the New Jersey Supreme Court, it is the court's prerogative, not the Legislature's to determine when a child is no longer a child.

In an intact family, emancipation is a sort of de facto event, and the courts are not involved. However, when the parents are divorced, litigating the difference between adult, majority, and emancipation -- as you have heard, these

numbers can get frightful -- can be an enormously draining financial thing, just to solve a simple problem that average people-- If you talk to people on the street, it is no big problem. But when you get it into court, it turns into being an incredible nightmare trying to solve something that seems as simple as: "When are children emancipated, and when are they on their own?"

Obviously, this is not in the best interests of the children. You are siphoning off funds that could be made available for their well-being, and it is going into financing the legal profession.

The Legislature has allowed the courts to usurp its authority, and now it is time for the Legislature to reaffirm its responsibility to determine when a child is no longer a child.

At the present time, it is the policy in New Jersey courts to require a noncustodial parent to pay, not only for the post-secondary education of adult children, but also support to the custodial parent. Since college expenses include room, board, and personal expenses, the noncustodial parents, in many cases, are forced to pay twice for the same expenses.

Let me give you one simple example to dramatize this type of thing: Two children, both in college. One 23, in the fifth year of college; another 19, a freshman in college. In addition to paying the college expenses, the judge also determined it was necessary to pay support to the custodial parent. The amount of the support was determined to be $11,000 a year. If both parents were making about the same amount of money, one can assume that the custodial parent should have been making a similar contribution, which would have been $11,000 a year. Therefore, one comes to the conclusion that the judge determined that it could cost $22,000 a year to

support two children who weren't even at home. They were not even in the physical custody of the parent.

When the judge was asked how he arrived at that figure, he said, "By the facts before the court." That was the explanation of why it would cost $22,000 a year to support the two kids. This did not include things like medical expenses; it did not include the cost of college -- the college expenses.

The "New Jersey Family Lawyer," in the April issue of 1994 -- I don't know how many of you had an opportunity to see that -- published a survey of how each state in the union handled the issue. Very quickly: New Jersey and Wyoming were the only two states that had no fixed age of emancipation. Twenty-eight states emancipated children when they were 18, or when they completed high school. Three emancipated children at 21, and one at 23. The data suggested that New Jersey may be the only State to require noncustodial parents to pay support and college expenses concurrently.

The Florida Supreme Court, in the Grapin v. Grapin case, seemed to capture the attitude of the majority of states when it said: "While most parents are willing to assist their adult children in obtaining a higher education, that is increasingly necessary in today's fast-changing world, any duty to do so is a moral, rather than a legal one. Parents who remain married while their children attend college may continue supporting their children even beyond the age of 21, but such support may be conditional or withdrawn at any time, and no one may bring an action to enforce continued payments. It would be fundamentally unfair for courts to enforce these moral obligations of support only against divorced parents, while other parents may do as they choose."

We have a constitutional issue involved in this, also. I think, rather than give the courts more money -- if you want to make a significant contribution to humanity -- get

this process out of the courts entirely. The courts have proven to be incapable. (applause)

ASSEMBLYMAN KAVANAUGH: Thank you very much. Thank you, Bob.

Next we will have Gloria Archambault. I don't know how we missed you, Gloria. You have been sitting there all the time.

G L O R I A A R C H A M B A U L T: Well, not since the very beginning. I came a little bit later today.

ASSEMBLYMAN KAVANAUGH: Okay. Well, now we are really going to go to the gong show. When you hear the bell -- because we are getting behind, and I know we have to be out in an hour-- When we hit the gong, it is going to be "thank you," and you're off.

You're on, Gloria.

MS. ARCHAMBAULT: Dear members of the Commission: My husband Alan and I were married on May 3, 1980. On June 7, 1981, we had a son. On October 15 the following year, we had a daughter. In 1981, he adopted my child from a previous marriage.

On October 9, 1991, he deserted us. A support order was signed on October 17, 1991 in Mount Holly. He moved to Lancaster, Pennsylvania in November 1991, and on January 6, 1992, quit his $50,000-a-year job in Pennsauken, New Jersey so as not to have to pay child support.

On January 30, 1992, his motion to reduce the child support payment amount was granted by Judge Schlosser, who also ordered Alan to return to work before the expiration of medical benefits. He did not. He never paid support, or notified the courts of employer or multiple address changes.

On February 23, 1993, we were divorced in the Burlington County Court. Alan only responded to papers in the very beginning of the proceedings, and was in default at the divorce hearing, but showed up attempting to stop or delay the

divorce. Judge Sweeney granted the divorce -- a copy is attached to this -- on the grounds of adultry, desertion, and extreme cruelty. Please read it.

A judgment in excess of $11,000 for child support arrearages was ordered as part of that divorce, as well as having provisions for medical and dental expense reimbursement. The present support order remained untouched, which included his being ordered to cover the children with health insurance. It also encompassed equitable distribution, with my getting the house and contents, and half his pension when he reaches pensionable age. It divided the bills, with Alan receiving $14,000 of the credit card debt, and myself receiving $9000 of the debt, along with the two existing mortgages. A judgment against Alan was also entered for the attorney's fee, in the form of additional support for me.

Despite this ruling by Judge Sweeney, because Alan Archambault has refused to pay his portion of the bills that he received as Judge Sweeney's equitable distribution order, the creditors have been able to obtain summary judgment against me for one of those debts at this present time.

CoreStates Bank obtained a summary judgment against me last summer from Judge Eluteri in Civil Court. CoreStates then made a motion to attach my wages for my ex-husband's debt. I appealed Judge Eluteri's decision, giving CoreStates this summary judgment, which temporarily stayed the motion for wage garnishment.

When I handed Judge Eluteri his copy of my motion to appeal, he openly stated to me that despite the fact that none of his decisions had ever been overturned, if there ever was one that deserved to be overturned, it was this one. He could have refused the summary judgment, but did not. Thus, Judge Sweeney's order of equitable distribution fell by the wayside. Something needs to be done so that a divorce judge's decisions will stand, regardless of another judge's decisions or

opinions. Both of the judges in this case sat at the same level, just that one was in Family Court, the other in Civil Court.

This month, in Trenton, I lost my appeal, despite some very good materials for reversal. CoreStates is again seeking to attach my wages. This isn't in my written statement, but this despite the fact that my ex-husband has presently skipped two states and is in excess of $30,000 in arrears. The rest of Alan's portion of the creditors will follow suit when they learn of the loss of my appeal. Both Judge Eluteri's decision and the appeal document state that I am entitled to indemnification from Alan Archambault after I satisfy the debt, but they know that I will never collect any portion of it, since I have been unable to even collect child support from this man for the last three years. This should never have been allowed to happen. In this case, big business won over the little guy, that being me.

I have willingly taken on the responsibility of remaining with, and raising my children as best I can, with no support from the children's father, and virtually no help from the court system to obtain that support. I have worked as many as 80 hours a week, despite being a cardiac patient. I was laid off from one job in September of last year, and found another. I work all the overtime I can, receive no public assistance, no food stamps, no aid at all. Alan Archambault continues to skip from state to state to avoid his responsibilities.

I'm sorry I'm out of time. May I go on?

ASSEMBLYMAN KAVANAUGH: Yes, but just one minute, please.

MS. ARCHAMBAULT: Alan did his worst while he lived here to abuse us in every way possible -- emotionally, physically, and financially. The end result of the divorce

which gave us relief from that particular situation was to allow the present legal system to pick up abusing us where he left off.

To satisfy the creditors, the house is up for sale. Because of the equity, bankruptcy is out of the question. This house was purchased from funds borrowed from savings accounts that my mother had set up for her grandchildren, that she permitted Alan and I to use temporarily. Many major repairs done prior to 1990 were paid for from her estate money which was willed to me when she died. I will net almost nothing from the sale of my house after the creditors are satisfied, and will not even be able to replace the children's college savings funds my mom set up. The children and I will be homeless when it is sold as a direct result of meaningless divorce laws, pieces of paper that are subject to change at others' whims and big business' desires.

If divorce laws prevented creditors from obtaining such judgments from the exempted party, creditors would be slower to allow such exorbitant credit usage in the first place, and perhaps, in being thus forced to seek out the proper party for payment, might actually do some good by helping to track the absent parent so that child support could be obtained in a more timely fashion.

CoreStates Bank has attorneys in many states -- as do other creditors -- and other resources by which to find the parent. They chose not to because they knew of the weaknesses in the law. They knew they would win and I would lose.

Thousands of families become homeless each year because of this situation. Women are lulled into the hope that if they get an order like mine, that one county judge will uphold another county judge's decision. That is not the case.

My children, aged 11 and 13, realize that the laws are supporting their father's cruelty and neglect, and are further punishing them for his wrongs. It is almost impossible to

teach them any differently right now, because they are not learning the fairness of the courts through example, or that right is rewarded and wrong punished. In their eyes, the reverse is becoming truer and truer each day. They are fully aware of why we are losing our home.

The children of today are tomorrow's adults. I am desperately struggling to teach them to accept responsibility by my example, but I feel like I am teaching them to expect and accept abuse. Is it a wonder that so many deadbeat dads exist, when they know that no present laws prevent them from doing as they please? What will today's children become after having their lives devastated repeatedly before, during, and for years after divorce?

I really hope to make some difference. If you want to contact me, please do.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much for coming.

Wayne King.

W A Y N E J. K I N G: How are you doing? Good evening. This is my first time here.

ASSEMBLYMAN KAVANAUGH: Please speak into the mike for the recording.

MR. KING: My name is Wayne King. I am from Brick Town, New Jersey. I am the custodial parent of a son. I just cannot believe personally how the laws can protect the woman. The woman has nine-tenths of the law under her belt. From what I see, I am being discriminated against, and I am handicapped being a man, and a father.

My son has been child abused by his mother. I am doing everything in my power to hold onto my son and try to support my son. I am on a fixed income. It seems that the Jersey laws can protect my son's mother. She has been ducking us for child support for over three and a half years. I just can't see how I can make ends meet.

I am paying a double mortgage, you know, like everyone else has, or home improvements, or whatever -- their own bills. I have no medical insurance; neither does my son.

The only thing I plead for is, if they could only see, you know, what a true father really is. I am not biased. I mean, there is good and bad in all marriages. It takes two to tango. But I am the one who really cares about the child. I have several histories between Brick Town, Toms River, Ocean County here, with the Sheriff's Department. I have been in jail; I have been in and out of all of them. I just feel it is a mockery. Yet, she can do the crime. She can perjure herself. She can duck support; she can lie, cheat, steal. They never come after her. One word from her, and right away I have the police coming to my house, pulling me and dragging me out of my house with my son. They threaten me that they are going to hand my son over to her -- even though I have sole custody -- and lock me up in jail.

I have pleaded to all kinds of people, friends, and whatever. I plead my case. I have been in front of almost every judge over here in Ocean County. I have been highly embarrassed, that is the way I feel. I feel as though my son is a victim, I am a victim. You know, maybe somebody will take heart and listen to what is going on with the facts.

I have videotapes, I have pictures. I have gone way beyond the line to prove what is going on here. Apparently, it is not recognized. I wish that somebody would just take time out, take a look at it, and see what is going on. Get down to reality. There are three sides to every story -- my side, her side, and reality. I brought out reality with pictures. I have documentation from the police department. I mean, you name it. I have been all over.

I also have two court-appointed psychologists. Apparently, they are leaning toward my side, which is the truth. She has been using and manipulating the law.

The only thing I can ask, you know, if it is possible-- I did not expect to speak today; I really didn't. I was a little overwhelmed when I heard my name. I am very unprepared. This is my first time here. I am only speaking from being a victim, and my son has been a victim. We just want to get on with our own lives.

ASSEMBLYMAN KAVANAUGH: Thank you very much, Wayne. Thank you for being here.

Joe-- Is it Shiant?

J O S E P H S H I A N T: Shiant.

ASSEMBLYMAN KAVANAUGH: Who is speaking, you or the young man?

MR. SHIANT: Thank you for granting me a quick minute here. I brought with me tonight a visual aid. This is a new family. Life is very hard because of what happened with the old family. All I want is for you to look at what-- How do I tell this person-- How do I make ends meet?

Beyond that, I love my daughter from my first marriage. It seems like the wife has all the power. There is nothing I can do. I am in bankruptcy. I cannot afford a lawyer.

Really, what I am asking is-- There should be forms available, like, "This is a cookie-cutter divorce." You should fill out forms and just-- Things should be easy to do.

That is all I wanted to say. It is just, here is something that-- You've got it.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you, Joe. What is the baby's name?

MR. SHIANT: Michael.

ASSEMBLYMAN KAVANAUGH: Michael? Michael, give me five, will you?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He doesn't have it, Assemblyman. His sister has it. (laughter)

ASSEMBLYMAN KAVANAUGH: I'll tell you, there are all these comedians here.

Next, Fred Burg. Is Fred Burg here? (affirmative response from audience)

F R E D B U R G: (speaking from audience) I just signed in. I didn't realize I was going to be called to speak, so I don't really have anything to say.

ASSEMBLYMAN KAVANAUGH: All right. Thank you, Fred. My wife will appreciate that.

Irwin Eisenstern?

I R W I N R. E I S E N S T E I N: That's Eisenstein.

ASSEMBLYMAN KAVANAUGH: Eisenstein? You write like a doctor.

MR. EISENSTEIN: I know, it's terrible.

ASSEMBLYMAN KAVANAUGH: Okay. Irwin R.

MR. EISENSTEIN: Fine. I am from Brooklyn, and I am here--

ASSEMBLYMAN KAVANAUGH: You have to use the microphone.

MR. EISENSTEIN: Oh, I have to? Okay.

I am here from Brooklyn, because that is where I live now. I used to live in South Orange. I would like to do two things: I would like to thank you, and I would like to say that the problems in Family Court are horrendous. Judges are not accountable; lawyers are not accountable.

I would like to read some of the statements I have written recently. Again, realize I have written a writ to the U.S. Supreme Court, although certiorari has been denied.

First, the Court denies the application for rental for Mr. Epsworth in the amount sought. The Court has previously ruled on this application. My ex-wife has been living with someone since 1991. I still have to pay part of the house costs, although he was named in the allegation. The Court has made it clear that under New Jersey law, Joshua is not emancipated, although he may reach majority and still be a

full-time student at New York University as an undergraduate student. Graduation from the institution after four years of schooling, unless application is made for any other purpose, will define Joshua's emancipation upon his graduation.

The assessment imposed by the Township of South Orange for sidewalk repairs will be allocated equally between the parties. Said assessment will be paid, etc., etc. I am still paying for the house, basically, that I no longer live in; that my wife lives in with the party whom I allege, at that point, was in an adulterous relationship.

I have sued Judge Zampino, and Ms. Karen Haber, the attorney on the other side. I am suing Karen Haber again. Judge Zampino was listed as one of the six best Family Court judges in Jersey. Somehow I disagree.

At the time my trial was on, I was on depressants. After the trial, I tried to commit suicide in 1991. I have not been able to have access to the children for any length of time since then. What was a relationship has deteriorated in many ways.

Again, I have helped other people, pro se litigants, file actions -- both men and women. New York, by the way, has a Family Court Act that allows for children of second marriages. No judge in New York enforces it, however.

I would like to read two things and submit them both to the Commission.

First, administrative functions: This was when Judge Humphreys was just appointed to the Appellate Court. I am unclear about the duties of the Administrative Judge, since the rules of Court needing interpretation of State statute must emanate from some higher authority. I would like to know where that authority lies. Any administrative function of the courts, I thought was determined by the Administrative Judge of the Court. I believe this is your job. Obviously, he didn't.

Rather than read this, I feel I will submit it, as it will save time. It relates to the access to Fifth Amendment rights of individuals which do apply in civil cases, as well as criminal cases.

I was questioned by Judge Zampino, and called "obsessive/compulsive" based on a report from a Court-appointed therapist who saw me for two hours. I submitted statements from the therapist I had been seeing for about a year and a half. Those were not considered.

Next, this letter is addressed to Honorable Alvin Weiss. By the way, I will, if you want, submit the brief to the U.S. Supreme Court. I think both parents, mothers and fathers, are getting screwed in the Family Court system. The only people who seem to do well are the judges and lawyers. Lawyers obviously know where the money is; effectively, they use it.

Again, I think this is part of the issue. Let me just read this. It is not conclusive. It does not cover everything. However, I am trying to sort of switch off into many different areas.

"Dear Judge Weiss: Congratulations on your appointment to the position of Assignment Judge in Essex County.

"I have included a copy of a letter that was sent to Judge Humpreys dated June 15, 1994" This, by the way, has not yet been sent.

"One of the issues that you can expect me to raise in one manner or another while you are the Assignment Judge, will be the issue of judicial accountability. Recently, the New Jersey Supreme Court modified the rules of the attorney ethics panels. Perhaps the same type of open hearings should be available when litigants file complaints against judges."

Again, many of the issues-- I have written also to the Essex County Judicial Committee, and I have included copies of the replies to Christine Whitman. Basically, the reason is

that they say you cannot sue judges. There are no laws. Federal laws allow you to sue judges for administrative issues, and for several other issues. They have been sued. I have sued a judge. That is under the 1984 Civil Rights violations -- sorry, 42 Section, 1983 -- and also Title 764.

"My case started in 1989. After a decision by Judge Zampino in 1991, I attempted suicide." Recently, by the way, he was appealed and overturned in another case where someone was also taking antidepressants, and effectively was hospitalized afterwards. Recently, Judge Zampino was overturned in the Appellate Court in another case where the person was hospitalized after his decision. "I have been denied reasonable access to my children since that time, and my children have been alienated.

"In Court, Judge Zampino has acted improperly. He has protected an attorney by his orders. When judges allow attorneys to act improperly, then the public in general questions the actions of all judges," and the barring of the law.

"In his most recent order, dated July 22, Judge Zampino stated that law in New Jersey does not emancipate children if they are full-time students. He did not cite any case law or the criteria that he was using for his decision." I, also, by the way, cited Newburgh v. Arriogo.

"The law in New Jersey that is used in determining this issue is case law. The criteria used for majority is stated in statute, but the issue of emancipation has been determined by case law. When case law is used, it puts an unjust and illegal burden on noncustodial parents. Case law defines the many criteria that can be used in determining emancipation. Judge Zampino stated none of these reasons. One of the criteria used in determining emancipation are the funds available to the citizen who has reached majority. Joshua, my son, because his mother is a professor at NYU, goes to college

for free." She got involved with a graduate student, and that is who she married. "He has custodial funds, I believe, in excess of $90,000--"

ASSEMBLYMAN KAVANAUGH: Could you please cut it off?

MR. EISENSTEIN: Okay, fine.

Those funds were not taken into account by the Court.

I will just submit the letter.

ASSEMBLYMAN KAVANAUGH: Terrific. Over here.

MR. EISENSTEIN: If you want any other information--

ASSEMBLYMAN KAVANAUGH: Thank you very much, and thank you for coming from Brooklyn. A tree grew in Brooklyn. They used to have a ball club there.

Next will be Linda McKeon. Linda, welcome.

L I N D A M c K E O N: I will not be speaking this evening. I am asking that I be rescheduled to appear another time, due to being informed by a Commission person that I am limited to five minutes, when my express position will require at least 20 minutes. It is my understanding that other speakers before this Commission have been allotted 20 minutes or more, and I am requesting the same courtesy.

Also, at this time, I would like to voice my objection upon discovering that there are people scheduled here this evening who have already been heard, whereby they are using the time necessary for those of us who have never spoken before this Commission.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you, Linda.

Next will be Carl Stelzen.

C A R L S T E L Z E N: On January 23, 1993, I was charged with domestic violence. There should be a jury trial option. We have it in Small Claims Court. Why can't it also be included in the Family Courts? I would much rather take my chances with a jury, than with a biased judge.

Risk assessments should be done in one week in DV cases. My case probation officer only met with me for two one-hour sessions, and with my wife for two one-hour sessions. There were no allegations of child abuse being made at that time, but it took four months for him to submit his report.

I think the courts should then hold emergent hearings to grant visitation, in the absence of child abuse, to preserve the parent/child relationship. In my case, they recommended that I have no contact with my child. It took another eight months to get supervised visitation. This was in spite of an excellent review by my court-appointed therapist.

It took another four months to get an independent custody evaluation. My wife is using the 18-month separation to brainwash my daughter. Now the court is of the opinion that I have no relationship worth saving. They have terminated my parental rights without holding a custody hearing, or without waiting for the outcome of the independent custody evaluation, which was already in progress.

A relationship is like an organism. It needs oxygen constantly from the time it is a single cell until it is a fully developed being. If you cut off the oxygen for a few minutes, the being dies. It doesn't do any good if you realize your mistake later and turn the oxygen back on. So, too, when the courts sever a relationship with a child by depriving the child of the love of the noncustodial parent for 18 months. Far more, they, too, kill the relationship. Admitting that the court made a mistake and reversing that order on appeal may not restore the relationship.

I submit to you that far too many children's lives are being broken up this way, under the guise of preserving the best interest of the child.

I feel it serves the best interest of the child to presume that the child/parent relationship is in the best interest of the child. The courts operate on the principle

that if you are a man in DV cases, you are presumed to be a risk until proven innocent; this, despite government information which has just been released showing figures that women are more likely to kill their children than men. I have that article here with me. I feel there should be no court intervention unless there is a conviction for some criminal act of child abuse.

The Kelly Michaels case just sets certain guidelines for interviewing children in sex abuse cases. Those same standards ought to apply to Family Court in DV cases. Some of the standards set were: Children should only be interviewed once. It should be done immediately after the allegations are made. There should be a child psychologist present, and it should be done in camera. This would help to keep down the false accusations which spring up 18 months later, usually when a custody battle heats up.

I also think there needs to be some type of judicial review. Some judges flagrantly disregard proof, and issue orders in opposition to all common sense. Some might call it biased. Judges should not be allowed to render you penniless. In some cases, deadbeat dads are created by the courts which set alimony and support levels so high that they exceed 100 percent of your gross income. In my case, I am faced with a choice. Do I go to county prison for nonsupport, or Federal prison for tax evasion? Even though I have supplied tax returns, canceled checks, case information statements, and I have tried to get my alimony reduced, my requests have been denied. I am left with a negative income. This is intolerable. If it weren't for my mother, who is supporting me, I would be homeless.

Thank you.

MR. LOUIS: Excuse me. May I just ask what county that was?

MR. STELZEN: Warren County.

ASSEMBLYMAN KAVANAUGH: Thank you, Carl.

Barbara Brandow.

B A R B A R A B R A N D O W: Good evening. Thank you for allowing me to come here tonight.

I would just like to ask one question of the people behind me: How many mothers with custody are here tonight? (no response) That is my request.

I am from AWARE. I am the current President of AWARE, and I have received many, many phone calls to our office. We request that another open agenda be scheduled so that people who do want to testify, can testify. As you can see, the majority are not here tonight.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you, Barbara.

Just as a point of clarification, the meetings have been advertised. We are having two more. We are having one in North Jersey in Wayne in September, and we are going to have another one in early November in Trenton. The dates have been made available.

MS. BRANDOW: Will they be in the evening or during the day?

ASSEMBLYMAN KAVANAUGH: We have had two evening meetings. We will have another evening meeting in Wayne, and we will have an afternoon meeting in Trenton.

MS. BRANDOW: Okay, thank you very much.

ASSEMBLYMAN KAVANAUGH: Thank you.

Michael Mayo.

M I C H A E L V. M A Y O: My name is Michael Mayo. First of all, Assemblyman Kavanaugh, I want to thank you for your diligence in trying to get this type of program through. I was with you in 1985 when you were trying to get AJR-5 through, and I really appreciate the fact that now you finally have AJR-26.

I come to you not to talk about problems as we all know them. I come to you as the Chief Executive Officer of

Fathers United for Equal Rights and Women's Coalition. We are here to try to give you some solutions, if we can. The idea is to look at our child support laws, so that we can redo our child support laws to have them pertain to what is going on today.

Child support laws were set up in 1976. We took the statistics based on 1980 where, you know, everybody was making money at that particular time. The economy has changed totally. Therefore, the child support laws definitely have to be looked at, to be adjusted and modified to today's standards.

Just looking at the Pascal (phonetic spelling) case recently, the perceived normal and recognized visitations, or parenting time schedule normally consists of once a week -- for a child to see the parent once a week. That is what the child support guidelines were set up as. Therefore, the noncustodial parent now also serves and has the responsibility of taking care of that child and making sure that a home is provided for that child -- a bedroom, expenses as far as food, shelter, clothing, and everything else -- as does the custodial parent. Again, the guidelines need to be adjusted in that respect.

We also ask you to look at the domestic violence laws to, you know, in your case, Assemblyman, suggest legislation, to look at and address the -- I guess what we would call the flagrant abuses of the domestic violence laws, where anyone can just make an accusation of domestic violence and there will be nothing more said about it. The complaintant will be-- Their complaint will be acted upon and, regardless of whether that individual is guilty or innocent, they are presumed guilty under the law.

The way I understand the law in the United States of America, we are innocent until proven guilty. But in a domestic violence situation you are guilty until proven innocent. I believe the domestic violence laws have been abused; abused to the point where one of the things I would

like to see, and recommend that the Assembly put into effect, is that with domestic violence, if anyone takes or knowingly files a false allegation or is found to have filed a false allegation of domestic violence, that that individual shall be prosecuted to the fullest extent of the law.

Our Constitution provides for equal protection under the law, and our domestic violence laws, at this particular time, do not afford equal protection under the law.

We also want to see the terminology of "parenting time" -- something that Ms. Bonnie Parker from the Ocean County Probation Department has spoken about before -- be enacted. We are constantly talked about as visitors. We are not visitors. We are parents; we are fathers to our children, we are mothers to our children. We are parents to our children, and we would like that to be called "parenting time."

It denotes a different-- There is a kind of different connotation to the word; a different connotation to exactly what is going on. Once we insist on calling each other "visitor," then the custodial parent does have the upper hand in that particular area, and says, "Hey, listen, he just comes to see you." No "That is your father," or, "That is your mother." That is what has to be done by our judicial system today. That identification has to go through, has to continue, so that although there is a divorce situation-- Needless to say, the parents cannot live together -- and that is understood and accepted -- but the children are still part of that family. They still have the same mother and the same father, regardless of whether they are living together or not. I think that is very important. I think it would change the mind-set on what is going on today.

I think we should also look at and address the area of child support as we do compliance with child support orders, and also include the parenting time schedules -- 2C:13-4(a). It is a very good law when it is used. Our prosecutors, right

now, say it is a law that they can use at their discretion. It simply states that anyone who takes or entices a child who does not have the legality to do so, shall be held accountable to the law. Anyone who will not present the child for the parenting time as per the schedule shall be prosecuted under that law.

I personally feel it was a mistake taking it away from the Municipal Court system. By putting it into the Superior Court system now, we are backlogged with case after case after case. I personally feel that the prosecutor should really look at that law and work on that particular law, so that we can have some justification. Again, I guess that law, in particular, does really come out to equal protection under the law.

ASSEMBLYMAN KAVANAUGH: Thank you, Michael.

Commissioner Louis has one point.

MR. LOUIS: Pascal is a recent decision, and everyone is digesting it. The question I have is: Does your organization have a position as to what constitutes a traditional custody arrangement? If you do not, could you get back to us and tell us what you think it is?

MR. MAYO: It is clearly defined as part of the-- From what I understand from the Pascal agreement, the Superior Court said that in 1976, when the child support orders were set up, the traditional parenting agreement was seeing the child once a week.

MR. LOUIS: Forget what Pascal says. I want to know what you guys say.

ASSEMBLYMAN KAVANAUGH: What does Fathers United say?

MR. LOUIS: Do you have a definition? What does Fathers United say a traditional custody arrangement is for purposes of the child support guidelines, because the guidelines don't-- I would like to know your position.

MR. MAYO: Okay, we will create a position paper for you and send it to you, yes.

ASSEMBLYMAN KAVANAUGH: Commissioner Louis would like to have that.

Thank you very much. Please send that to Pat Nagle.

Robert Olsen.

R O B E R T C. O L S E N: My name is Robert Olsen. I am licensed in the State of New Jersey, too. I am the one who is part of the team, if you ever come into my hospital in cardiac arrest. I am part of the team that saves your life. Yet, I am not allowed to see my son.

I have been in litigation now for three years and ten months. My ex-wife stopped visitation immediately, as soon as I left the household. I am the one who filed for divorce. She immediately filed a domestic violence charge against me, even though I went into the first judge and said, "Judge, there is no school yard there." The domestic violence charge was that I was skulking in the school yard waiting to kidnap my son.

I went into the first judge and said, "Judge, there is no school yard there." He didn't want to hear it. I went through the whole thing. I am still going for a plenary hearing. Now I get a second judge. "Judge, there is no school yard there." He didn't want to hear it. The third judge, when I told him-- Guess what? He went to St. Ann's. There is no school yard there.

Three years and ten months later, my son has been taught to hate me. What happened to the first two judges? Where were their heads? Why didn't they investigate it? All they had to do was pick up a phone. They wouldn't let me prove anything. She hired a hit-man psychologist, who I finally, eventually proved worked with her, was her partner in crime, worked in the same school system. He made all bad reports, and he never even met me. Nothing was heard; nothing was said; nothing was done.

I have gone through one, two, three, four psychological reports, all by court-appointed psychologists and psychiatrists -- four of them. Now they are waiting for a fifth. All four of them said that there is absolutely no reason in the world why I can't see my son. I am still not seeing my son.

Like a few people here suggested, please, whatever you do, don't hire on any more judges, because if you do we are going to have to hire more lawyers, and the State of New Jersey cannot afford any more. The people of New Jersey cannot support any more lawyers. If you want to do something to stop the garbage that is going on--

I paid over $20,000 of my own money to fight this in the beginning. Now, I am fighting on my own, because I am broke. My ex-wife had to go for over $100,000 -- had to -- $120,000. Some lawyer has a real fat pocket. My kid doesn't, though. I don't. My ex-wife is going to run out of money. I don't want to see her spend that money on lawyers. I want to see her spend that money on my son's college education. But the system is totally destroying the relationship.

In your jails, 70 percent of the people incarcerated grew up in a fatherless home. What does that tell you? They need fathers. The women didn't go out there and make the babies all by themselves. I'm sure they had help somewhere. If we are able to support our children -- and I have been paying child support all the way through-- Even though I have only seen my son for 40 hours out of three years and ten months, I have been paying child support. They brought me into court on numerous occasions. I am $2000 behind; I am $3000 behind. Every time they do the audit, I am $35 overpaid, yet nothing is done to that lady for dragging me into court and making those false accusations. They are trying to pick my pocket. That's fraud, or at the very least contempt of court.

Domestic violence laws should not be stopped, because they do protect some women and some children who really need them. But if they keep abusing-- If the other women keep abusing them as they are, then the laws are going to be taken off the books, and the women and children who really need them are not going to have them. So the ones who are lying have to be taken to task for it, and you will stop a lot of this.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you, Bob.

Eugene Gullish.

E U G E N E G U L L I S H: How are you doing?

On August 11 of last year, I had a dynamite marriage. We put $6000 towards our mortgage principal. On August 30, I was down to $130 a week. We only had $20,000 left in the bank. My wife told me that she had spoken to my in-laws, who are very wealthy, who have a nine-bedroom, five-bathroom home, and they came to the conclusion, "Get rid of him. He's a loser. He is going nowhere right now."

I said, "Honey, I love you. I love my kids. You can't get rid of me." She said, "The children no longer need you. You are a bad role model." I said, "Hey, I love you, I love the kids. You're not getting rid of me."

She said, "My parents already spoke to Judge So-and-So from Ocean County, who has been a personal friend of theirs for 30 years. There are ways of making you leave your house." I said, "Come on, that's on television. That doesn't happen in real life. You can't throw me out, Honey." She said, "Yes, we can. It's dirty. It can happen." I said, "No, I don't believe it."

Well, I went over to my friend's house. A man comes up dressed like this. (demonstrates) "How are you doing? Are you Eugene Gullish? I have a domestic violence restraining order. You have sexually assaulted your wife. The plaintiff, Ms. Gullish, fears for her life and the lives of the

children." I said, "Come on, give me a break. I have never cheated on my wife. I have never hit my wife. What are you talking about?"

Then it came into my head, "Oh, parents, a 30-year friendship with a judge. Hey, we know how it all works." Okay, so we get to court. Here we go.

Her lawyer says-- You know, you get the tape, you listen to it, and you write it down. Her lawyer says, "During the last couple of years, the defendant has exhibited behavior -- inappropriate behavior toward the children, which at times is bizarre and could be considered violent abuse." The Judge says, "What is it?" Her attorney says, "An example, Your Honor. The child would leave a leggo on the ground. Mr. Gullish would pick it up and break the leggo into sharp pieces and stick it in the child's arm. We want our anger control management. We are concerned. What if he were left alone with the children for periods of time?"

Come on, give me a break. I love my kids. Why would I want to do something that bizarre? But you have to sit back and bite the bullet, because if you get up and say, "You are a stinking liar," it's, "Anger control management -- put him in jail." So you have to bite your tongue like this with your lawyer, and hope he is your best friend, even though he isn't. He likes the money. You know, two lawyers get together and they say, "If they have this kind of money left in the savings account, we are going to do well for ourselves." (applause)

So finally you go to what is called "supervised visitation." Thank God for supervised visitation. There is a person in there with a pad and pencil taking notes. Realizing what is going on, I got these notes. This is all called documented evidence. Of course, finally, you have to remember, the only time I see my kids is under supervised visitation. I said to my son-- Of course, these are the notes. I did not write these; the lady at the supervised visitation wrote them

down. "Mr. G. questioned Jimmy about an incident that his mother reported to the judge involving dad poking Jimmy with a broken Leggo and hurting Jimmy. Jimmy denied that this happened."

I said, "Okay, good, we have some proof here." Okay. Where is the good part? I have a beauty, a couple of beauties. I hope I don't run out of time here.

"Jimmy tells daddy, 'You can't visit us at home, because you are going to take us to Florida. You are going to steal us. You are going to take us away from mommy forever.'" This is what the lady at supervised visitation writes down. "Jimmy also tells dad, 'You hate us. You tried to kill the baby in mommy's stomach.'" A great way to poison a kid's mind, right?

I'll tell you what kind of phenomenal visitation I have with my kids finally. They don't like me anymore. Okay, check this out. "Jimmy states that because of dad, mom is under a lot of pressure, and that is why she hits Jimmy." Hey, it's perfectly all right. She is the mommy, I am the daddy.

Finally, after going to the court psychologist, he comes to the conclusion. He says, "He is not a bad guy. He really loves his kids." Finally, you get to see your kids. Of course, after mailing all of this to the judge and, you know, going through this whole rigamarole and saying, "Excuse me, Your Honor, I have the documented evidence right here, and I would like to say that happened." He says, "Listen, listen, listen, you will see your kids. All right?" etc., etc., and they get you out the door.

Now, finally, the kids' minds are so poisoned. My kid doesn't even want to be with me. When he does come out the front door to be with me -- he is 10, my daughter is 3-- She says, "Daddy, daddy, remember, you can't steal us away today. We'll go with you. Make sure you take us to Florida." Oh, a great way to start off the day with your kids, right? My son

says, "Daddy, I don't even like you." I said, "Come on, Jim, buddy, come on, get in the car. We're going out to Burger King to get a hamburger." "No," and he runs out of the car. I said, "What is going on here?"

A cousin from New York came down, who has kept her husband from his children for a zillion years. The kids haven't even seen the daddy. These kids are, like, 21 years old, and they have not seen their daddy since they were 5 years old. This is my wife's best friend, right? Oh, yes, we know where my wife is getting all of her information on how to win this battle, right?

So finally I said, "Excuse me, Anna. Why is Jimmy running away from me?" She said, "Well, Jimmy has been acting up, and your wife explained to Jimmy, 'When daddy comes today, you are going to have to live with daddy forever in his little house, how that he is poor.'" Of course, the kid is petrified. Why would he want to be with daddy?

All I have to say is that there is a God up there. Let me tell you all something, as you all sit before me. Imagine that as you go to sleep tonight and you close your eyes, your wife realizes that she does not love you anymore, because you got a cut in your paycheck. Okay? Imagine that she knows the only way to get you out of the house is by a false domestic violence restraining order. Imagine that you sit there and you cry. Mike Tyson cried because Robin Givens dumped him. It doesn't matter who you are. Tom Selleck could get dumped; anybody can get dumped. You can be ugly, you can be good-looking. But imagine that your spouse throws you out and you have to watch your kids go through all this torture.

All I am asking you people to do, is to do the right thing in God's eyes, not the judge's eyes. Fight for us out here. (applause)

Thank you very much.

ASSEMBLYMAN KAVANAUGH: Thank you, Eugene.

Bob Dass. Do you have additional written testimony?

B O B D A S S: Yes, Assemblyman.

ASSEMBLYMAN KAVANAUGH: All right, come forward. Bob testified before in Trenton.

MR. DASS: I don't think I will be taking all the five minutes here. I just have a passage to share with the members of the Commission. It is taken out of a new book that was published recently by Mary Previte. She is the Superintendent of the Camden County Youth Detention Center. She is well-recognized in the country as a very good program coordinator for juvenile corrections. I am not here to sell her book. I just want to share a passage out of this book. All of the members have copies in front of you. There is a box designated that I would like to read to you:

"Teachers' groups said 100,000 children carry guns to school every day. Children carry guns not only to commit crimes, but to settle conflicts that once ended with fistfights.

"What happened to teaching right and wrong? Thou shalt and thou shalt not? And when did we substitute the banner, it is forbidden to forbid? If a father chose to leave his family, if a teenager in the slums chose to express herself by having a baby, it was neither good nor bad. It was just another option. Just another choice.

"No law would cure the ultimate reason behind so many young murders -- the tragic lack of stable, two-parent families, and close communities that teach the value of all human life."

Now, here is the paragraph that I want to bring to everybody's attention on how critical the father's presence in a child's life is: "Absence of men in America's family life has become the trend that hit America harder than any other. Boys without fathers -- the number one predictor of juvenile crime. Seventy percent of youngsters serving time in long-term

correctional facilities grew up without a father. Girls without a father -- they were more than twice as likely to have children as teenagers and before they were married. Child abuse and domestic violence always showed up more frequently in homes where the man in the house was not the married husband and father."

Here is another paragraph that is very enlightening: "Fatherlessness fueled the nation's most pressing social problems: crime, teenage pregnancy, and domestic violence.

"Fathers are irreplaceable." That is what this article says. "Fathers are irreplaceable." This lady is an authority on children. Believe me, she has handled hundreds and thousands of children in her 30 years of juvenile detention facilities.

"Fathers are irreplaceable -- shaping the character, giving kids skills. It was an undisputed fact from pediatricians to social scientists. Children who grow up with their fathers do far better -- emotionally, educationally, physically -- than children who do not. An intact family is the best crime prevention program we know."

That is all I have to say about the passage from this book. I have the book here if you want to verify the language to make sure I said a true copy and did not add or subtract anything.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

MR. DASS: If I might take one more minute of my time, please.

ASSEMBLYMAN KAVANAUGH: Sure.

MR. DASS: The article puts an emphasis on the importance of, you know, fathers' involvement and the noncustodial parents' involvement in their children's lives. It highlights the impact of fatherlessness on children. Based on the many case studies that Ms. Previte has presented in the

book, she says that fatherlessness is the number one cause of the nation's social problems, as I mentioned.

It is obvious that a father's involvement, besides the mother's, is crucial in a child's life. Unfortunately, the present system makes it very difficult, if not impossible, for many fathers to be actively involved in their children's lives.

For example, in my case, I have been paying child support from day one. I have not missed one payment. However, I have been trying to get visitation with my son, who is 12 years old now, for the last 10 years. I have been to the New Jersey court so many times requesting that, but every time I get the same answer: "The child is in a different state, in Florida, and we have no jurisdiction. You have to go there." If I can't afford it, if I can't fight the legal battles down there, it is my tough luck. They will not help me here to get visitation. Even though the custodial parent is able to get support sent down to Florida, I can't get visitation here in New Jersey. That is the irony of the system.

Thank you.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

I am just going to call some other names we have on the various lists: Andrew Putnam -- if anyone is here, just let me know -- Marla Steiner, Mark Chernak, Rich Zawisha, Gladys Cordero, Jackie Martinez, Frank Davidson, Steve Zlotnick, Dr. Howard Floch, Cindy Israel, Donald MacMaster, Myra Terry, Bob Vinik. Is there anyone else we have missed?

Yes, sir?

D A N I E L H U D S O N: Daniel Hudson.

ASSEMBLYMAN KAVANAUGH: We do not have your name, Daniel, but you will be the final individual, if you would like to come forward.

MR. HUDSON: My name is Daniel Hudson. I am a member of Fathers United for Equal Rights and Women's Coalition. I am here on behalf of my son.

The last time I appeared before you, I spoke at length about the abuses of 2C:13-4(a). However, tonight I have two simple solutions to two problems:

The first one is the collection and the payment of child support. It seems that each person in this room probably has a different day of the week to pay their support. Their own probation officers cannot help them out with any of this information, though. It seems to be tied to whatever day you happen to appear in court. That is the day you pay. Now, if the next time you appear in court it happens to be a different day of the week, your charge day changes. When your charge day changes, it creates a gap. However, it seems not to benefit the child. The gap is a nonpayment. However, your Probation Department worker will tell you that you owe that money, and will gladly put you in arrearages when you have proof -- as this other individual has testified -- that there are no such arrearages.

I recommend that there be a uniform charge day for child support collection and payment, be it a Friday, a Monday, or whatever. It would remove a lot of the mystery of why things are done.

As far as terminology in the parenting plans, I see no reason why two parents have to be set up to be plaintiffs and defendants, when a mere petitioner or respondent would do. These are words that are in our legal culture in other places. I see no reason why they cannot be included in our division of a family. We are a part of the Family Court, which is the Chancery Division, which happens to be, basically, the king's court for dividing property. A child cannot be divided. We are always his parents. There is no criminal act in getting married, nor in producing a child. However, there seems to be an adversarial situation set up where one, if not both of the parents are treated as criminals by the system. That is not

fair to anyone, the litigants or the people who have to administer the so-called justice.

I promised to be brief. Thank you very much.

ASSEMBLYMAN KAVANAUGH: Thank you very much.

I would just like to give you a little information. As I mentioned earlier, there will be a meeting on Tuesday, September 13, in Wayne, New Jersey; Wednesday, November 2, in Trenton. The Wayne meeting will be in the evening; the Trenton meeting will be in the afternoon. You can contact the Office of Legislative Services in Trenton. Pat Nagle can give you the number. It is (609) 292-5526, but you can get it from Pat Nagle.

Also, during the process, there will be Subcommittee meetings. The Jurisdiction, Courses of Action is chaired by Frank Louis. The Subcommittee on Financial Aspects of Divorce is chaired by Sara Flohr. The Subcommittee on Custody and Visitation is chaired by Rob Broderick. These Subcommittees have been meeting, so it has been a very active Commission.

We are pleased that a number of you have come forward with your suggestions. They are being recorded. They will be read over by the Commission members.

I want to particularly thank the members of the Commission for the dedication they have shown. We still have approximately a year to go. We hope that within a few months we will start to prepare legislation and have drafts of that.

I also want to thank the OLS staff for their assistance in recording the meeting this evening. To the Ocean County Sheriff's Department, thank you for being here, and to the Ocean County Board of Freeholders, thank you for allowing us to use your facility.

At this time, we will stand adjourned.

(MEETING CONCLUDED)

APPENDIX

To: Members of the Commission
To Study The Law Of Divorce

Date: July 28, 1994

Testimony of: Andrew J. Kozak
151 Harding Avenue
Bellmawr, N.J. 08031
609-256-4130(W)
609-931-7696(H)

Attached documents:

1. Attorney Epstein 18% mortgage on the marital home during divorce trial.
2. Victim impact statement of Andrew Kozak.
3. Complaint to Advisory Committee on Judicial Conduct.
4. Letter to Assignment Judge Rossetti
Liquidation of IRA & Deferred Compensation funds ($40,000) (06-14-94).
5. Letter to Assignment Judge Rossetti (04-18-94).
6. Letter to Assignment Judge Rossetti (05-04-94).
7. Letter to Camden County Prosecutor (05-24-94).
8. Letter to Camden County Prosecutor (05-31-94).
9. Letter to Attorney General Office (12-16-93).
10. Letter to Attorney General Office (12-28-93).
11. Article on Domestic Violence.
12. Attorney Epstein Affidavit of Service my 8 - 10 year old daughter at his home on my court order visitation time and awarded fees.
13. Courier Post Letter To Editors.
14. Political Solicitation by Law firm of Wilentz.
15. Work Computer Affidavits

204 - NOTE MORTGAGE
Ind. or Corp. - Plain Language

IIB 3944-0390 ADGRV T-1

Copyright© 1982 by ALL-STATE LEGAL SUPPLY CO.
One Commerce Drive, Cranford, N.J. 07016

MORTGAGE

Prepared by: (Print name below signature)
Edward P. Epstein
EDWARD P. EPSTEIN, ESQUIRE

This Mortgage is made on February 23, 1993

BETWEEN the Borrower(s)

DIANA L. KOZAK

whose address is 680 Upton Way, Somerdale, New Jersey 08083 referred to as "I",

AND the Lender

EDWARD P. EPSTEIN

whose address is 1125 Atlantic Avenue, Suite 543, Atlantic City, New Jersey 08401 referred to as the "Lender".

If more than one Borrower signs this Mortgage, the word "I" shall mean each Borrower named above. The word "Lender" means the original Lender and anyone else who takes this Mortgage by transfer.

Mortgage Note. In return for a loan that I received, I promise to pay $10,000.00 plus *additional sums (to grow) due (called "principal"), plus interest in accordance with the terms of a Mortgage Note dated October 22, 1992 (referred to as the "Note"). The Note provides for monthly payments of $ upon bill receipt and a yearly interest rate of 18 %. All sums owed under the Note are due on the date upon demand. All terms of the Note are made part of this Mortgage.

*The word "Note" herein refers to a matrimonial fee agreement between Lender and I.

Property Mortgaged. The property mortgaged to the Lender (called the "Property") is located in the TOWNSHIP of GLOUCESTER County of CAMDEN and State of New Jersey. The Property includes: (a) the land; (b) all buildings that are now, or will be, located on the land; (c) all fixtures that are now, or will be, attached to the land or building(s) (for example, furnaces, bathroom fixtures and kitchen cabinets); (d) all condemnation awards and insurance proceeds relating to the land and building(s), and (e) all other rights that I have, or will have, as owner of the Property. The legal description of the property is.

ALL THAT CERTAIN lot, tract or parcel of land and premises being situate in the Township of Gloucester, County of Camden and State of New Jersey, more particularly bounded and described as follows:

BEGINNING at a point in the curved Southeasterly line Upton Way distant 374.52 feet Westwardly of the Westerly end of curved intersection of the Southerly line Upton Way with the Westerly line Roberts Drive, said point being in the division line between Lots 10 and 11 Block 100-AV; thence (1) Southwestwardly along said line Upton Way curving to the left on a radius of 283.94 feet an arc distance of 32.72 feet to point of reverse curve; thence (2) still along said line of Upton Way curving to the right on a radius of 100 feet an arc distance of 35.19 feet to division line between Lots 11 and 12 Block 100-AV; thence (3) South 29 degrees 03 minutes 35 seconds East 125 feet to point; thence (4) Northeastwardly curving to the left on a radius of 225 feet an arc distance of 79.17 feet to point of reverse curve; thence (5) Continuing in same direction curving to the right on a radius of 158.94 feet an arc distance of 18.32 feet to division line between Lots 10 and 11 Block 100-AV; thence (6) North 42 degrees 37 minutes 00 seconds West along said division line 125 feet to Southeasterly line Upton Way and Place of Beginning.

BEING the same lands and premises also known as Block 8905, Lot 11 on the Tax

2X

Map of the Township of Gloucester, County of Camden and State of New Jersey.

Also known as 680 Upton Way, Somerdale, New Jersey.

BEING the same lands and premises, title to which became vested in Diana L. Kozak and Andrew J. Kozak by Deed recorded in the Office of a Camden County Register of Deeds, Deed Book page 3517, page 339 et seq.

Rights Given to Lender. I mortgage the Property to the Lender. This means that I give the Lender those rights stated in this Mortgage and also those rights the law gives to lenders who hold mortgages on real property. When I pay all amounts due to the Lender under the Note and this Mortgage, the Lender's rights under this Mortgage will end. The Lender will then cancel this Mortgage at my expense.

Promises. I make the following promises to the Lender:

1. Note and Mortgage. I will comply with all of the terms of the Note and this Mortgage.

2. Payments. I will make all payments required by the Note and this Mortgage.

3. Ownership. I warrant title to the premises (N.J.S.A. 46:9-2). This means I own the Property and will defend my ownership against all claims.

4. Liens and Taxes. I will pay all liens, taxes, assessments and other government charges made against the Property when due. I will not claim any deduction from the taxable value of the Property because of this Mortgage. I will not claim any credit against the principal and interest payable under the Note and this Mortgage for any taxes paid on the Property.

3X

5. Insurance. I must maintain extended coverage insurance on the Property. The Lender may also require that I maintain flood insurance or other types of insurance. The insurance companies, policies, amounts and types of coverage must be acceptable to the Lender. I will notify the Lender in the event of any substantial loss or damage. The Lender may then settle the claim on my behalf if I fail to do so. All payments from the insurance company must be payable to the Lender under a "standard mortgage clause" in the insurance policy. The Lender may use any proceeds to repair and restore the Property or to reduce the amount due under the Note and this Mortgage. This will not delay the due date for any payment under the Note and this Mortgage.

6. Repairs. I will keep the Property in good repair, neither damaging nor abandoning it. I will allow the Lender to inspect the Property upon reasonable notice to me.

7. Statement of Amount Due. Upon request of the Lender, I will certify to the Lender in writing: (a) the amount due on the Note and this Mortgage, and (b) whether or not I have any defense to my obligations under the Note and this Mortgage.

8. Rent. I will not accept rent from any tenant for more than one month in advance.

9. Lawful Use. I will use the Property in compliance with all laws, ordinances and other requirements of any governmental authority.

Eminent Domain. All or part of the Property may be taken by a government entity for public use. If this occurs, I agree that any compensation be given to the Lender. The Lender may use this to repair and restore the Property or to reduce the amount owed on the Note and this Mortgage. This will not delay the due date for any further payment under the Note and this Mortgage. Any remaining balance will be paid to me.

Tax and Insurance Escrow. If the Lender requests, I will make regular monthly payments to the Lender of: (a) 1/12 of the yearly real estate taxes and assessments on the Property; and (b) 1/12 of the yearly cost of insurance on the Property. These payments will be held by the Lender without interest to pay the taxes, assessments and insurance premiums as they become due.

Payments Made for Borrower(s). If I do not make all of the repairs or payments as agreed in this Mortgage, the Lender may do so for me. The cost of these repairs and payments will be added to the principal, will bear interest at the same rate provided in the Note and will be repaid to the Lender upon demand.

Default. The Lender may declare that I am in default on the Note and this Mortgage if:

(a) I fail to make any payment required by the Note and this Mortgage within 30 days after its due date;
(b) I fail to keep any other promise I make in this Mortgage;
(c) the ownership of the Property is changed for any reason;
(d) the holder of any lien on the Property starts foreclosure proceedings; or
(e) bankruptcy, insolvency or receivership proceedings are started by or against any of the Borrowers.

Payments Due Upon Default. If the Lender declares that I am in default, I must immediately pay the full amount of all unpaid principal, interest, other amounts due on the Note and this Mortgage and the Lender's costs of collection and reasonable attorney fees.

Lender's Rights Upon Default. If the Lender declares that the Note and this Mortgage are in default, the Lender will have all rights given by law or set forth in this Mortgage. This includes the right to do any one or more of the following:

(a) take possession of and manage the Property, including the collection of rents and profits;
(b) have a court appoint a receiver to accept rent for the Property (I consent to this);
(c) start a court action, known as foreclosure, which will result in a sale of the Property to reduce my obligations under the Note and this Mortgage; and
(d) sue me for any money that I owe the Lender.

Notices. All notices must be in writing and personally delivered or sent by certified mail, return receipt requested, to the addresses given in this Mortgage. Address changes may be made upon notice to the other party.

No Waiver by Lender. Lender may exercise any right under this Mortgage or under any law, even if Lender has delayed in exercising that right or has agreed in an earlier instance not to exercise that right. Lender does not waive its right to declare that I am in default by making payments or incurring expenses on my behalf.

Each Person Liable. This Mortgage is legally binding upon each Borrower and all who succeed to their responsibilities (such as heirs and executors). The Lender may enforce any of the provisions of the Note and this Mortgage against any one or more of the Borrowers who sign this Mortgage.

No Oral Changes. This Mortgage can only be changed by an agreement in writing signed by both the Borrower(s) and the Lender.

Copy Received. I ACKNOWLEDGE RECEIPT OF A TRUE COPY OF THIS MORTGAGE WITHOUT CHARGE.

Signatures. I agree to the terms of this Mortgage. If the Borrower is a corporation, its proper corporate officers sign and its corporate seal is affixed.

Witness Duly Attested by

Diana L. Kozar (Seal)
DIANA L. KOZAR

(Seal)

4X

HB3944-0393

STATE OF NEW JERSEY, COUNTY OF CAMDEN SS.:
I CERTIFY that on February 23, 1993

DIANA L. KOZAK personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):
(a) is named in and personally signed this document; and
(b) signed, sealed and delivered this document as his or her act and deed.

X _____
(Print name and title of attesting witness)

STATE OF NEW JERSEY, COUNTY OF SS.:
I CERTIFY that on , 19

personally came before me, and this person acknowledged under oath, to my satisfaction, that:
(a) this person is the secretary of the corporation named in this document;
(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the President of the corporation;
(c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
(d) this person knows the proper seal of the corporation which was affixed to this document; and
(e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on , 19

_____

_____
(Print name of attesting witness below signature)

NOTE MORTGAGE

Dated: , 1993

DIANA L. KOZAK
Borrower(s).

TO

EDWARD P. EPSTEIN
Lender(s).

RECORD and RETURN TO:

EDWARD P. EPSTEIN
ATTORNEY AT LAW
SUITE 543
1125 ATLANTIC AVENUE
ATLANTIC CITY, N.J. 08401

To the County Recording Officer of County:

This Mortgage is fully paid. I authorize you to cancel it of record.

Dated , 19

_____ (Seal)
Lender

I certify that the signature of the Lender is genuine

_____

RECORDED-CAMDEN COUNTY
93 MAR -3 AM 10: 19
RECEIVED

61855

5K

EDWARD F. BORDEN, JR.
Prosecutor

Camden County
OFFICE OF THE PROSECUTOR
Parkade Building · 518 Market Street
Camden, New Jersey 08102
(609) 757-8400

May 23, 1994

Andrew Kozak

151 Harding Ave,

Bellmawr, New Jersey 08031

Re: State of New Jersey vs. Diana Kozak
Edward P. Epstein
Patricia Cuda

Pros. File # 94002787

Dear Andrew :

Our office has been made aware of the fact that you are the victim of a crime. As the coordinator of the Camden County Prosecutor's Office of Victim/Witness Advocacy, I am available to assist you should you have any problems or questions related to your case. In addition, our office can provide you with information about the criminal justice system, crime prevention, or available services to meet any needs that may have resulted from the crime. Enclosed you will find our Handbook for Victims and Witnesses, which I hope you will find useful.

Also enclosed is a blank victim impact statement. This statement should explain to the court the physical, emotional, and financial impact the crime has had on you. Please do not list any details of the crime on this form. This form should be returned to this office within 10 days of receipt of this letter.

Your case has been assigned to Investigator Ngo. It is extremely important that you keep this office advised of any change of address or phone number. Your assistance and cooperation are essential to the successful prosecution of this case.

For further information, please do not hesitate to contact me at (609) 757-8431.

Very truly yours,

Linda Burkett

Linda Burkett
Coordinator, Office of Victim/
Witness Advocacy

LB:dt
enc.

6X

DWARD F. BORDEN, JR.
rosecutor

Camden County

OFFICE OF THE PROSECUTOR
Parkade Building · 518 Market Street
Camden, New Jersey 08102
(609) 757-8400

State of New Jersey vs. Diana Kozak
Edward P. Epstein
Patricia Guida

Prosecutor's File No. 94002787

As a crime victim in the state of New Jersey, you have the right to submit a written statement to the county prosecutor's office as to your personal losses and the impact this crime has had upon you. Please type or print, and return it within ten days to:

Office of Victim Witness Advocacy
518 Market Street, 4th floor
Camden, New Jersey 08102

See attached

Signature

Date

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK 609-863-7325
HOME 609-931-7976

Ms. Linda Burkett
Coordinator, Office of Victim/Witness Advocacy
Office of the Prosecutor
25 North Fifth Street
Camden, New Jersey 08102

May 26, 1994

Dear Ms. Burkett:

I have no faith in the Judicial system, the corrupt judges or the Prosecutor's Office. Several years ago I worked with Mr. Mulbriar and Mr. Asbell regarding over billing of county: laundry contracts, bid rigging of snow plowing and other frauds upon the taxpayers of Camden County. As you can see from the attached letter to Mr. Joseph Audino, when a fraud was committed upon me and my daughters by Judge Vogelson, Mr. Edward Epstein, Dr. Ronald Gruen, Diana Kozak and her live in lover sister, Patricia Guida, the prosecutor's office ignored the crimes of Judge Vogelson and the others. Accordingly, my relationship with my daughters has been destroyed because the protection of two lawyers, Epstein and Allan Vogelson, is more important than my three daughters.

Prior to entering Family Court I coached my daughters in softball/soccer for over ten years. For four summers my daughters and I went to Virginia for four day weekends at our family trailer while my now ex-wife stayed in New Jersey to enjoy her incestuous relationship with her sister. During the summer of 1991, Erikka, my oldest daughter, worked as the "salad bar girl" at the Pony Pines Restaurant in Chincoteague, Virginia. Jillian and Andia were enrolled in a Junior Park Ranger Program with the National Park Service and all three of my daughters attended soccer camp every summer at my place of employment, Rowan College. Erikka, my oldest daughter was such an outstanding soccer player, she was recruited by Paul VI High School and started every game her freshman year.

After my initiation into Family Court and Corrupt Judges and Lawyers my daughters lives have completely changed and I am no longer a part of their lives.

Erikka did so poorly her freshman year, she no longer plays soccer and had several trips to the police station while living with her mother and bull dike aunt Pat. When Erikka came to live with me and I was taking her to counseling during the summer of 1992, Judge Segal ordered that I couldn't take her to counseling. After July 18, 1991 (my first time in Family Court) my daughters

were not permitted to go to our trailer in Virginia and Erikka quit her job there. On August 2, 1991, all three of my daughters got to go to the office of Martin Margolit, my ex-wife's second lawyer.

Mr. Martin Margolit drove my daughters to court on two occasions after he had advised them what to say to get me out of the martial home on lies and manipulation of facts. On September 23, 1991, I packed all of my camping gear to go on a camping trip with my middle daughter Andia. I dropped Andia off at her school and was to meet her at the camp ground in the afternoon. I have not been in my home since.

Since that day I have accumulate over $70,000 in debt and have had over 100 court order visitations not take place. My home was mortgaged to Mr. Epstein at 18% interest with a constantly increasing principle based upon his legal fees. My daughters even got to go to Mr. Epstein's home three times during my court ordered visitation and Mr. Epstein even comes to the marital home to do pretrial preparation with my daughters. Not to mention that he slept in the marital home on several occasions.

Family Court has allowed Mr. Epstein to collect legal fees for having my daughters in his home during my visitation times and even helped Mr. Epstein commit numerous frauds upon the court and suffer no sanctions.

Judge Vogelson awarded my ex-wife my work computer that had college owned software, modem and confidential files loaded on it. This was all paid with college funds. Judge Vogelson awarded it to my ex-wife in equitable distribution. Mr. Epstein was awarded legal fees for having my daughters in his home on my court ordered visitation time.

I have not seen my daughters for Christmas for three years, have not had them for Fathers Day for three years, they were not permitted to visit me when I was hospitalized for a major depression. I have not seen any of my daughters report cards for almost 16 months. My daughters now often call me "asshole", jerk off, cheap bastard and a laundry list of adjectives that were not even part of their vocabulary when we living together and going camping, crabbing, clamming, boating, and beaching in Virginia. They never talked to me like that during the ten years I coached them in sports.

I cannot begin to tell you the pain, emotional distress, and financial loss I have suffered. Maybe your office can come up with a list of sufferings my daughters have experienced so that Judges Segal, Vogelson and Page could help Mr. Epstein get his legal fees paid with his illegal 18% mortgage on the marital home that Judge Vogelson and Judge Page would not include in the Dual Judgement for Divorce.

Ms. Burkett, Family Court and its players are corrupt and the goal is to convert marital assets into legal fees and kickback

money for the judges who let children's relationships with their non custodial parent (95% fathers) because slim bag and unethical lawyers are allowed to operate with the Family Court Judges permission. be destroyed

What kind of a world do we live in that uses the emotions of my daughters to enrich the bank account of a slim bag lawyer like Epstein? Maybe some day your daughter or son could spend the night at Epstein's or give Epstein an 18% mortgage to destroy a father's relationship with his daughters.

I need no help understanding the Judicial system. The Judicial System needs a massive infusion of ethics, honesty and sober and drug free judges. Family Court exists to enrich unethical and dishonest lawyers and custody evaluators. Dr. Ronald Galinsky recently closed his practice when it was discovered he was having sex with court appointed clients. Dr. Ronald Gruen asked me for $2000 in cash for a favorable custody evaluation.

You tell me how I have suffered.

Respectfully,

Andrew J. Kozak

proud father of: Erikka, Andia, and Jillian

cc: Mr. Edward Borden
Mr. Chvan Ngo
Assignment Judge Rossetti
Mr. Robert Agre

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK 609-863-7325
HOME 609-931-7976

JUNE 16, 1994

ADMINISTRATIVE OFFICE OF THE COURTS
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
RICHARD HUGHES JUSTICE COMPLEX
TRENTON, NEW JERSEY 08625

DEAR MR. PATRICK MONOHAN:

Enclosed is the most recent order signed by Judge Robert Page on June 9, 1994. As you can see, my pension and deferred compensation plan will be liquidated to pay off a $6400 judgement to attorney Howard Goldberg and to pay off a personal loan of about $13,000 that are liens against the marital home for the purpose of getting my ex-wife's attorney's fees paid.

As per the documents I previously sent to your attention, Edward Epstein's mortgage at 18% was not disclosed to the court prior to the findings issued by Judge Vogelson in August 1993. After the findings were issued, Epstein filed a motion for reconsideration prior to the final judgement either being submitted or signed. In Epstein's moving papers he disclosed mortgage for the first time, but without a copy of the mortgage document attached.

Once the Dual Judgement for Divorce was signed by Vogelson (without the Epstein Mortgage included), the dual judgement for divorce made no mention whatsoever that the loan and judgement I had would be ordered to be paid off. **After the Epstein mortgage was disclosed,** Judge Vogelson quit claimed the deed to the marital home to my ex-wife and changed the dual judgement for divorce to now require that I remove my loan and judgement prior to July 1, 1994.

The sole purpose of Vogelson's (and Judge Page's action) was to have Epstein's fee's paid through the refinancing of the home through a creative and slimy equitable distribution. Vogelson and now Page, made it impossible for me financially to pay off the loan and judgment because Vogelson awarded an unequal equitable distribution based on gender discrimination, fraud and criminal conspiracy to hid the Epstein mortgage from the Dual Judgement of Divorce that lists my child support obligations and alimony. The divorce judgement was clearly designed and drafted to assist Epstein in getting his legal fees paid at 18% on a mortgage that he hid from the appraisal and from the court. What a scam.

If I had bee awarded custody, my ex-wife would not have been able to pay chil: support and the Epstein mortgage at 18%. If I have been awarded custody, I would not have known about the Epstein 18% mortgage unless I attempted to refinance or get a loan against the home.

This scam has another variation. In four cases that I am aware of, and through consent judgements, the male receives sole title to the home in exchange for other financial considerations to the female (pension funds, cash, reduced child support, etc.). Each party is then responsible for their own legal bills. With this scam, the female mortgaged some of her interests in the marital home to her attorney before the consent agreement was entered. The male and the court knew nothing about the attorney's mortgage on the marital home. A year or two latter, the male goes to refinance or sell the home and his ex-wife's mortgage to her attorney is discovered. Its too late to appeal. The prosecutor's office won't get involved because they protect all lawyers.

I thought I was discriminated because I was a man. My divorce judgement and custody was clearly and unequivocally designed to get Epstein's mortgage paid with 18% interest. As a result of the court action, I now lose $38,000 in pension funds and will have about $20,000 of new debt created to the IRS.

Corrupt Family Court Judges treat corrupt and unethical lawyers very well. Your office won't do anything to Vogelson or Page because they are lawyers and judges. Family Court is not about families or children. It's about money for slim bag lawyers.

Vogelson lied in his findings as to what is on the transcripts of his meeting with my daughters, gave Epstein his envelopes to mail documents, gave Gruen a copy of his divorce findings, and in general misstated the truth throughout his findings. Judge Page made a motion package of mine disappear after it was filed, interfered with me ordering transcripts and erased 5-10 minutes of the official recording of court room proceedings. Epstein had my kids in his house on my visitation times and has slept at the marital home. What a profession.

Please advise if you would like to meet to discuss these issues. If you read my Appellate Brief, you will know why Judges Vogelson, Segal, and Steinberg put me in jail and sent me the Vroom Building when I had papers due in the Appellate Division, in the middle of my 30 day involuntary commitment. Page is now exercising the last measure of "financial canning" possible.

This is corruption and judicial misconduct at its finest.

Respectfully,

Andrew J. Kozak
proud father of Erikka, Andia and Jillian

cc: Chief Justice Welentz
Office of Attorney Ethics
Mr. James Ciania, Office Of the Attorney General
Prosecutor Edward Borden
Investigor Ngo
John Tamm, FBI
Judge Rossetti

Lou LaSalva
225-7465

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
HOME 609-931-7976

JUL 25 6 32 AM '94

JULY 22, 1994

Honorable Judge Rossetti
Assignment Judge of Superior Court
Camden County Hall of Justice
101 S. Fifth Street
Camden, New Jersey 08103-4001

RE: KOZAK V. KOZAK
DOCKET NO.: FM-04-0549-92
Alleged Motion Hearing Before
Judge Page on July 15, 1994

Dear Judge Rossetti:

I hereby request a plenary hearing on the events and circumstances surrounding the alleged motion hearing argued before Judge Page on July 15, 1994. The attached form of orders and certification for Epstein's fees were mailed to Ms. Barbara LaMarra of F.A.C.E. How did Mr. Epstein know to mail any documents to Ms. LaMarra? Exhibit (1).

The attached letter from Andrew J. Kozak was faxed to Judge Page at 609-365-8256 at approximately 3:00 Central Time from Wisconsin on July 14, 1994. Please note that Ms. LaMarra's name was spelled with one "r" as on Mr. Epstein's letter and envelope. Exhibit 2. Judge Page knew the plaintiff was in Wisconsin and advised Mr. Epstein of same.

1. I object to the from of orders and the motion hearing being held when the court, Mr. Epstein and the prosecutor's office were all advised that I was out of state on a long planned trip to the midwest.

2. Mr. Jeffery Golden was observing Judge Page on July 15, 1994 and his certification is attached as exhibit 3. Mr. Golden certifies that Mr. Epstein entered the court room about 9:50. Mr. Golden also certifies that at about 10:45am Mr. Epstein approached the bench for an ex parte conversation with Judge Page for approximately 4-5 minutes and then left the courtroom at about 10:49. Mr. Epstein in his certifications for fees states that he waited approximately 3 hours before arguing his motion and then returned to his Atlantic City office and spent another 1.5 hours

14X

preparing his form of orders and certification for fees. If Mr. Epstein entered the court room at 9:50 and waited three hours he would have had to present his oral argument at about 1:00pm or later if the court broke for lunch. Mr. Epstein and Mr. Golden have certified two different versions of what happened in Judge Page's court room on July 15, 1994.

Accordingly, Plaintiff requests that the taped proceedings of Mr. Epstein's oral argument be played in the open courtroom at a plenary hearing and all tape recordings of July 15,1994 be available at the plenary hearing in the event Judge Robert Page altered another tape of official proceedings in his court room.

Plaintiff requests to question Mr. Epstein under oath as to his role in the filing of motions papers and the contents of his ex parte conversation with Judge Page at 10:45 am on July 15, 1994.

3. Relief that Mr. Epstein did not request in his filed moving papers are now found in his form of orders. This could only have taken place if requested by oral argument and granted by Judge Page on the record, not by ex parte conversations.

4. Plaintiff requests that Ms. LuAnne Bright be compelled to attend the plenary hearing and questioned under oath regarding her Affidavit and her knowledge regarding the filing of motion papers for a July 15, 1994 hearing.

5. Plaintiff requests that Mr. Jeffrey Golden be compelled to attend the plenary hearing and question under oath regarding his certification. Mr. Golden will appear voluntarily.

6. The form of order has a tax withholding that conflicts with the plaintiff's tax bracket, thus forcing the plaintiff to incur further tax liability to the IRS.

7. The form of order submitted by Epstein conflicts with Judge Vogelson's percentage for Paul VI tution share assigned to the plaintiff. The Dual Judgement for divorce makes no mention that the plaintiff is responsible for tutoring expenses or uniforms. Plaintiff could have tutored Erikka or made arrangements at Rowan College for free tutoring. Defendant did not present canceled checks for the tutoring as well as never providing proof that she paid Dr. Gruen. The court should take judicial notice that the plaintiff paid over $6400 for Erikka's Paul VI tuition without an order of the court and when the defendant was in possession of over $25,000 in various accounts. The plaintiff received no credit whatsoever by Judge Vogelson for any monies spent for tuition, uniforms, books, or for the 10 weeks Erikka lived with the plaintiff during the summer of 1992. Mr. Epstein even submitted a motion in July of 1992 to take Erikka out of Paul VI and have his client receive alimony with the tuition monies. This is another example of gender bias towards the plaintiff and the corrupt Judges enriching the slimbag lawyer Epstein.

The Court (Judges Segal, Page and Vogelson) have colluded with Mr. Epstein time and time again. Mr. Epstein has now had three hearings (one with Segal and two with Page) when he knew the plaintiff was unavailable to represent himself pro se. The judicial misconduct of Judges Vogelson and Page has been designed to get Epstein's fees and 18% mortgage paid through the refinancing of the marital home. The court has no concern for the financial welfare of the minor daughters, the defendant or the plaintiff. The judges only concern has been to get Epstein's fees paid with 18% interest.

Plaintiff is coping the Camden County Prosecutor's Office, the Office of the Attorney General, the Office of Attorney Ethics and the Advisory Committee on Judicial Conduct regarding these actions. Plaintiff is also requesting that Judge Rossetti notify and request that a representative of the Camden County Prosecutor's Office be in attendance at the plenary hearing to witness Epstein and LuAnne Bright commit further perjuries upon the court.

I certify that the contained herein are true and am aware that if they are found to be willfully false, I am subject to punishment of the court.

Respectfully,

Andrew J. Kozak

proud father of Erikka, Andia and JIllian

cc: Mr. Robert Agre, Attorney
Mr. Edward Epstein
Judge Robert Page
Camden County Prosecutor's Office
Office of the Attorney General
Office on Attorney Ethics
Advisory Committee on Judicial Conduct

B. Jamaqui

EDWARD P. EPSTEIN
ATTORNEY AT LAW
(609) 344-3155

1125 ATLANTIC AVENUE
SUITE 543
ATLANTIC CITY, NEW JERSEY 08401

CHERRY HILL OFFICE
1435 BRACE ROAD
CHERRY HILL, NEW JERSEY 08034
(609) 795-8435

REPLY TO ATLANTIC CITY

July 18, 1994

Honorable Robert Page
Judge of Superior Court
Superior Court of New Jersey
Camden County Hall of Justice
101 S. Fifth Street
Camden, New Jersey 08103-4001

Re: Kozak vs. Kozak
Docket No.: FM-04-0549-92

Dear Judge Page:

Enclosed find original and two (2) copies of Order appointing me Attorney in Fact along with an original and two (2) copies of Order relating to the decision on the July 15th, 1994 motions and an original of my Supplemental Certification of Fees and Costs. A copy of this letter with enclosure goes to Mr. Kozak per the five day rule this date.

My simple request is that you see to the timely execution and filing of the enclosed and return to me filed copies of each, marked true/certified copies by the Court, by way of the envelope provided for your convenience.

A copy of this letter with enclosures has been directed to Mr. Kozak at his Harding Avenue, Bellmawr, New Jersey address per your prior Court Order and as directed at the close of argument on the motion. Thank you. Your prompt, immediate and timely attention to the enclosed shall be much appreciated.

Respectfully yours,

Edward P. Epstein

EPE/lwb
encls.

cc: Andrew Kozak w/encls.
Diana Kozak w/encls.
bcc: ~~P.A.~~C.E.
c/o Ms. Barbara La Mara
220 Harding Avenue
Westmont, New Jersey 08108

Ex 1

17X

EDWARD P. EPSTEIN
Attorney at Law
1125 Atlantic Avenue
Suite 543
Atlantic City, New Jersey 08401
(609) 344-3155
Attorney for Defendant

ANDREW KOZAK, Plaintiff	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION/FAMILY PART CAMDEN COUNTY
vs.	DOCKET NO.: FM-04-0549-92
DIANA KOZAK, Defendant	CIVIL ACTION **ORDER APPOINTING ATTORNEY IN FACT**

THIS MATTER having come before the Court on July 15th, 1994, **Judge Robert Page, presiding**, Edward P. Epstein, Esquire, appearing on behalf of Defendant, Plaintiff having failed to appear or file opposition, for the reasons set forth on the record and other good cause being shown;

NOW, THEREFORE, IT IS on this _____ day of **JULY, 1994, ORDERED AND ADJUDGED THAT** EDWARD P. EPSTEIN, an attorney with law offices at 1125 Atlantic Avenue, Suite 543, Atlantic City, New Jersey be and is hereby appointed Attorney In Fact to sign and/or execute, on behalf of Andrew J. Kozak, Kozak social security number 158-38-0775, any and all writings, forms and to do any and all other acts and deeds necessary so as to liquidate Andrew J. Kozak's interests in and to Andrew J. Kozak's account with The Copeland Companies and his IRA account with Merrill Lynch, so as to cause the Administrators of same to, at the direction of Attorney Epstein,

Ex 1

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promptly and immediately liquidate said accounts and deliver the proceeds/funds, after deducting/withholding a 10% premature liquidation penalty, if and when appropriate, and 20% for Federal Tax Withholdings, the balance to be promptly remitted to Attorney Epstein per his direction, and

IT IS FURTHER ORDERED AND ADJUDGED that Attorney Epstein be and is hereby empowered to endorse the proceeds/liquidation checks in the name of Plaintiff, Kozak, Mr. Epstein's responsibilities related thereto being defined in an Order separate and distinct from this Order, and

IT IS FURTHER ORDERED AND ADJUDGED that the Administrators of said plans shall comply with and respond to the direction of Attorney Epstein related to said accounts in the same fashion as if same directed by Andrew J. Kozak.

HONORABLE ROBERT PAGE, J.S.C.

New Jersey State Library

Ex. 1

19x

EDWARD P. EPSTEIN
Attorney at Law
1125 Atlantic Avenue
Suite 543
Atlantic City, New Jersey 08401
(609) 344-3155
Attorney for Defendant

ANDREW KOZAK,	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION/FAMILY PART
Plaintiff	:	CAMDEN COUNTY
	:	
vs.	:	DOCKET NO.: FM-04-0549-92
	:	
DIANA KOZAK,	:	CIVIL ACTION
	:	
Defendant	:	**ORDER FOR ENFORCEMENT OF LITIGANT'S RIGHTS, RELATED TO THE COPELAND ACCOUNT AND MERRILL LYNCH IRA ACCOUNT, RELATED TO THE DAUGHTERS OF THE PARTIES AND POPE PAUL VI, FOR REIMBURSEMENT OF THE TUTORING EXPENSE AS TO ERIKKA, ENTERING JUDGMENT FOR COSTS AND ATTORNEY'S FEES IN FAVOR OF THE DEFENDANT AGAINST THE PLAINTIFF, ALLOWING ATTORNEY EPSTEIN TO ACT AS ATTORNEY IN FACT FOR PLAINTIFF AND OTHER MISCELLANEOUS RELIEF**

THIS MATTER having come before the Court on the motion of Edward P. Epstein, Esquire, attorney for Defendant before the **HONORABLE ROBERT PAGE, presiding,** on July 15th, 1994, Edward P. Epstein, Esquire, appearing, the Plaintiff not appearing, the Court having considered the papers filed, the Court having further considered the argument of counsel, for the reasons set forth on the record and other good cause being shown;

NOW, THEREFORE, IT IS on this ____ day **JULY, 1994, ORDERED** and **ADJUDGED as FOLLOWS:**

1. Attorney Epstein, as attorney in fact for Andrew Kozak

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Ex. 1

shall liquidate the Copeland Account and Merrill Lynch Accounts of Plaintiff, said account Administrators to retain 10% as a premature liquidation penalty and 20% of the respective accounts for Federal Tax Withholding, the balance to be remitted by the respective fund Administrators to Attorney Epstein for uses and purposes to be otherwise set forth in this Order, and

2. By separate Order, Attorney Epstein shall be appointed Attorney in Fact to act for Andrew Kozak related to the liquidation of the Merrill Lynch and Copeland Accounts of Plaintiff, Attorney Epstein as Attorney in Fact for Mr. Kozak to then act and perform that which shall otherwise be set forth in this Order and/or the Order appointing Attorney Epstein as Attorney in Fact for Plaintiff, and

3. Attorney Epstein be and is hereby specifically empowered and granted authority to act as Attorney in Fact for Mr. Kozak so as to see to the liquidation of Plaintiff's Merrill Lynch and Copeland Accounts, Attorney Epstein to then deposit the proceeds thereof into a trust account separate and distinct from the general attorney trust account of Attorney Epstein. Attorney Epstein be and is hereby specifically empowered to and he shall see to satisfaction of the Goldberg judgment that is a lien on the former marital home of the parties situate at 680 Upton Way, Somerdale, New Jersey and shall further see to satisfaction and discharge of the third mortgage placed upon said lands and premises by Plaintiff. Attorney Epstein shall further see to prompt and full

Ex. 1

21X

satisfaction of the $1,200.00 counsel fee granted in favor of Diana Kozak and against the Plaintiff by this Court's June 8th, 1994 Court Order, paragraph 4 thereof. Upon satisfaction and full payment of said $1,200.00 Attorney Epstein shall promptly communicate with the Probation Department to adjust the wage execution upon the wages and salary of Andrew Kozak accordingly. Further, the Court be and hereby enters a judgment in favor of the Defendant and against the Plaintiff in the sum of $_____ for attorney's fees and costs arising from the July 15th, 1994 motions, labeling said motions in their entirety as a motion for enforcement of litigant's rights. Further, from said proceeds, Attorney Epstein shall see to payment of all interest, costs, fees and mortgage satisfaction reasonable cost necessary to see to the discharge and satisfaction of the third mortgage and the Goldberg judgment. Further, the proceeds from liquidation of said accounts shall be used by Attorney Epstein to fund Pope Paul VI academic year 1994-95 costs and expenses of Erikka, daughter of the parties, but only to the extent of Plaintiff's 79% responsibility for same as set forth in prior Orders of this Court. After payment of those things set forth above the balance shall remain in the trust account that Attorney Epstein is to set up subject to further Order of the Court, relating to the disposition of same the Court specifically making no decision or determination related to utility of the then remaining balance, and

4. Attorney Epstein shall be responsible to account to the

Ex. 1

224

Court and to Mr. Kozak related to the liquidation of the Merrill Lynch and Copeland Accounts and their expenditure in conformity with the terms of this Order, in writing, and

5. The Defendant's withdrawal of $350.00 from the account of Erikka, daughter of the parties, and in control of Defendant be and is hereby specifically approved in conformity with prior Court Order, so as to reimburse Defendant for Erikka's Pope Paul VI tutoring expense immediately, and

6. Without limitation, the Court specifically finds that due process requirements have been satisfied as to Mr. Kozak related to notice and opportunity to be heard as to the July 15th, 1994 motion proceedings. Further, the Court specifically finds that all of the relief granted by this Order and the Order appointing Attorney Epstein as Attorney in Fact for Plaintiff are in enforcement of litigant's rights and accordingly within the jurisdiction and authority of this Court.

HONORABLE ROBERT PAGE, J.S.C.

Ex. 1

23X

EDWARD P. EPSTEIN
Attorney at Law
1125 Atlantic Avenue
Suite 543
Atlantic City, New Jersey 08401
(609) 344-3155
Attorney for Defendant

ANDREW KOZAK, Plaintiff	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION/FAMILY PART CAMDEN COUNTY
vs.	DOCKET NO.: FM-04-0549-92
DIANA KOZAK, Defendant	CIVIL ACTION **SUPPLEMENTAL CERTIFICATION OF FEES AND SERVICES AS TO JULY 15th, 1994 MOTION OF DIANA KOZAK**

EDWARD P. EPSTEIN, of full age, hereby certifies as follows:

1. I am attorney for Diana Kozak and have personal knowledge of the facts herein contained.

2. The Court is respectfully referred to paragraphs 10 and 11 of my Certification dated June 30th, 1994 previously filed in support of the July 15th, 1994 motions, same being incorporated herein as if set forth in full.

3. Subsequent to the June 30th, 1994 Certification I expended 1.0 hours on July 8th, 1994 reviewing and dictating miscellaneous responses to the July 8th Andrew Kozak package. On July 12th I further spent .5 hours in the dictation and preparation and transmittal of the LuAnne Bright Affidavit dated July 12th, 1994. On July 14th, 1994 I spent .5 hours in preparation for handling the July 15th motion and on July 15th, 1994 spent 3.0 hours in Court

Ex 1

waiting for and then arguing the July 15th, 1994 motion. Thereafter on July 15th, 1994 I returned to my office and spent an additional 1.5 hours in the preparation and dictation of this Certification of Fees and Services, two (2) Orders arising from the July 15th, 1994 proceedings and the transmittal of same. Same give rise to 6.5 hours that need be added to the 2.5 hours in the prior Certification totaling 9.0 hours. At $125.00 an hour that totals $1,125.00. It is requested that there be added to the fees and costs request the $25.00 referred to in the prior Certification plus $9.00 for the July 8th, 1994 UPS Overnight package to Mr. Kozak and an additional $5.00 for postage and copying that which was prepared et cetera subsequent to the June 30th, 1994 filings. Same gives rise to a total fees and costs request of $1,169.00.

4. I certify that the statements herein contained are true and understand that if same are willfully false, I am subject to punishment for contempt of Court.

5. The earlier Certification of mine, dated June 30th, 1994 supplies the Court with the other Court Rule requirements related to my years of expertise, my hourly rate et cetera.

Dated: July 18th, 1994

By: Edward P. Epstein

EDWARD P. EPSTEIN, ESQUIRE
Attorney for Diana Kozak

Ex. 1

257

EDWARD P. EPSTEIN
ATTORNEY AT LAW
1125 ATLANTIC AVE
SUITE 543
ATLANTIC CITY, NJ 08401



F.A.C.E.
c/o Ms. Barbara La Mara
220 Harding Avenue
Westmont, New Jersey 08108

Ex 1

HYATT
HOTELS & RESORTS

7-14-94

Judge Rossetti - Fax 609-365-8256
Andrew Kozak - Phone - 414-276-1234
(leave message) Ext. 1507

Please advise Judge Page that I am
Wisconsin and will be here for 7-14
ys. I know Page will sign anything that
tien puts in front of him. On January 8,
93, Epstein pulled the same scam with
gal when I was out of town and got
restraining order for the weekend and he
ined Jillian's birthday party.

Any order that Page may have signed
will sign during July, Please have
forwarded to

F.A.C.E.
c/o Ms Barbara LaMara
220 Harding Ave.
Westmont, N.J. 08108.

Please forward this fax to Judge Page,
will return by August and will Appeal
ything Page signs.

Andrew J. Kozak
Proud father of Erikka, Andia & Jillian

Exhibit 2

ANDREW KOZAK	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION, FAMILY PART
Plaintiff	:	CAMDEN COUNTY
	:	
	:	DOCKET NO. FM-04-0549-92
VS.	:	
	:	Civil Action
DIANA KOZAK	:	
	:	CERTIFICATION OF JEFFREY GOLDEN
Defendant	:	

I, Jeffrey Golden, hereby certify as follows:

1. I was in Judge Page's court room on Friday, July 15, 1994. I was observing the proceedings, as is my right as a citizen to do. I was already in the court room when court convened at about 9:40 AM.

2. When Judge Page called the motion list, he noted that the Kozak matter was scheduled for 9:45 AM.

3. Edward P. Epstein, Diana Kozak's attorney, arrived at about 9:50 AM, after the motion list was called. He was wearing the type of special shoe on his foot that one wears when one has a foot injury.

4. Several other matters were heard, and then at about 10:45 AM, between other cases being heard, Mr. Epstein asked to approach the bench. During this lull in court proceedings people

Ex. 3

sitting around me were talking. Judge Page and Mr. Epstein spoke to each other too quietly for me to hear what was being said, but based upon his gestures and expressions on his face, it appeared that Judge Page was giving Mr. Epstein detailed directions as to what to do or what papers to prepare.

5. Mr. Epstein then returned to his seat, picked up his papers, and at 10:49 AM left the courtroom. I left about five minutes later.

6. I am personally acquainted with Andrew Kozak. Mr. Kozak was not present in the court room at any time while I was there. In fact, Mr. Kozak had told me about a week earlier that he was going to be out of town that day, and he had notified the court that he would be on vacation in the western United States 'consulting with Indian shamans and trying to get his personal life back in order.' There was no one in the court room representing Mr. Kozak.

I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Jeffrey Golden

Dated: July 19, 1994

Ex 3

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK (609) 863-7325
HOME (609) 931-7976

April 18, 1994

HONORABLE RUDOLPH ROSSETTI, A.J.S.C.
Assignment Judge
Camden County Hall Of Justice
101 South Fifth Street
Camden, New Jersey 08103-4001

KOZAK V. KOZAK
FM-05459-92

Dear Judge Rossetti:

I am in receipt today of your correspondence to Judge Page of the two motions I filed with the motions clerk and your chambers on April 15, 1994. I have no faith or confidence that I can receive fair and impartial treatment with any Judge in the Camden County Family Court except for Judge Snyder or Judge Nardi. I have filed complaints with the Administrative Office of the Courts and with the Advisory Committee on Judicial Conduct against Judges, Segal, Vogelson and Page for their Judicial Misconduct, gender bias, and criminal conspiracy to deprive me of equal protection under the law. The Family Court of Camden County (Judges Green, Segal, Vogelson and Page) have discriminated against me over and over and have violated my civil and constitutional rights continuously. The courts have allowed Mr. Epstein and his client violate orders of the court, commit false swearing, commit mortgage fraud, falsify documents submitted to the court with the Judge's knowledge and approval, and have allowed the defendant, her live in lover sister, and Mr. Epstein to commit criminal violations of the Interference with Visitation 81 times since I was removed from the marital while the defendant was under court order to receive psychiatric evaluation and treatment.

The count has allowed the defendant to liquidate over $16,000 of my daughters trust fund monies and has allowed Mr. Epstein to secure a "MAC Card into the equity of the marital home" with his 18% mortgage on the marital home that Judge Vogelson would not include in the Divorce Judgement. My motion papers clearly list countless violations of court orders, violations of the Rules of the Court and criminal and Judicial Misconduct actions on the part of Judges Vogelson and Page.

Sending me into Family Court is analogous to sending a black man into a southern court during the height of the Civil Rights movement. What happened at Judges Segal and Herman reappointment hearings was the beginning of a "new civil rights movement". Judges can no longer view fathers as a "penis and a paycheck". Individual and Civil Rights in

Family Court are purchased with the family assets that the corrupted lawyers obtain with the help of corrupted Judges and custody evaluators.

I have had nothing to hide during this litigation. My children have been taken to lawyers homes and offices and Mr. Epstein has slept at the martial home. My eldest daughter was smacked around by both my ex-wife and her sister and Dr. Gruen gave them credit for being honest. I have not hit anyone or abused anyone and have been sent to jail and the Vroom Building while the Family Court Judges look the other way while my children have been emotionally abused and physically assaulted by the defendant, her sister and Epstein. I have attached four checks made out to Dr. Ronald Gruen. Only one was endorsed by Dr. Ron. There are three different signatures. Can you guess what lawyer or Judge endorsed two of these checks?

Accordingly I request that my criminal complaints listed in my moving papers be heard by you. If my motion papers are scheduled in front of a Family Court Judge, Mr. Epstein will be awarded fees for more falsified certifications and violations of rules of the court. Family Court Judges Segal, Vogelson, Rand and Page are part of a civil right conspiracy to deprive non-custodial parents their right to a relationship with their children because it benefits the corrupt custody evaluators and lawyers who "sell their souls" to greed and the stealing of marital assets. It's a well orchestrated criminal conspiracy run by Judges Segal with Page looking the other way.

Respectfully,

Andrew J. Kozak
Proud father of Erikka, Andia and Jillian

cc: Judge Robert Page
Judge Snyder
Judge Nardi
Senator William Gormley, Senate Judiciary Committee
Mr. James Cianci, Office of the Attorney General
Administrative Office of the Courts
Mr. Robert Agre

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK 863-7325
HOME 931-7976

MAY 4, 1994

KOZAK VS. KOZAK

DOCKET NO: FM-05459-92

HONORABLE RUDOLPH ROSSETTI, A.J.S.C.
ASSIGNMENT JUDGE
CAMDEN COUNTY HALL OF JUSTICE
101 SOUTH FIFTH STREET
CAMDEN, NEW JERSEY 08103-4001

DEAR JUDGE ROSSETTI:

Enclosed are the transcripts that I received in the mail on Monday, May 2, 1994 of the hearing before Judge Robert Page on February 4, 1994. It was no coincidence that I did not receive these transcripts until after my motion hearings in front of Judge Page on Friday, April 29, 1994. As indicated by Carolyn Clark, these transcripts were ordered March 16, 1994. However, Judge Page had my check sent back with a note that I had to submit a money order even though I had obtained over $1200 worth of transcripts from Carolyn Clark with personal checks during the last 18 months. **Judge Page is a criminal and has committed Judicial Misconduct to coverup criminal acts on the part of Mr. Epstein and the defendant.**

The recording of the February 4, 1994 hearing that I had in front of Judge Page has been altered by Judge Page.

I was brought into Judge Page's courtroom shackled and handcuffed and escorted by two Corrections Officers from the Camden County Correctional Facility. Upon entering Judge Page's courtroom, Judge Page asked me if I was represented by counsel. I told Judge Page that I had posted the $25,000 bail on Wednesday and that Judge Eynon had ordered on Wednesday that I receive an evaluation at the Steinger Center within 24 hours. My friends had called the Steinger Center and the Jail and no one knew anything about such an order. I also asked Judge Page to cancel or reschedule the proceedings and appearance in front of him because I had none of the documents I had prepared to prove that Mr. Epstein and his client had committed false swearing and fraud upon the court and that the income tax return had already been filed as per Judge Vogelson's Order because Epstein failed to give an accounting of the defendant's mental and medical health treatment cost for 1992.

32X

Mr. Epstein objected to any rescheduling of the hearing and stated that I had threatened him (Mr. Epstein) and Epstein stated on the record that he was in fear for his life in the courtroom with me. Judge Page stated that he was not going to reschedule my appearance and that it was not his fault that I had a "new address."

I asked for pen and paper to take notes at the proceedings. One of the court attendants gave me a pen and paper. I said thank you. I had not shaven, had shampoo or had deodorant in seven days and was denied medical treatment at the jail for my blood disorder.

Judge Page then advised the corrections officer to take off the handcuffs so I count write "but to leave the shackles on Mr. Kozak". This is were the transcripts begin. Then Judge Page asked a Corrections Officer to stand between myself and Mr. Epstein.

FOUR HOURS AFTER MY APPEARANCE IN FRONT OF JUDGE PAGE, MY BAIL WAS REVOKED AND I WAS SENT TO A 30 DAY INVOLUNTARY COMMITMENT TO THE TRENTON FORENSIC HOSPITAL, FORMERLY THE ROOM BUILDING FOR THE CRIMINALLY INSANE. MY INCARCERATION AND COMMITMENT TO THE TRENTON FACILITY WAS A CAREFULLY ORCHESTRATED CONSPIRACY BETWEEN JUDGES VOGELSON, SEGAL, STERNBERG AND JUDGE PAGE. I WILL NOT BE INTIMIDATED BY THE CRIMINALS IN BLACK ROBES WHO VIOLATE CONSTITUTIONAL AND CIVIL RIGHTS OF FATHERS AND NON CUSTODIAL PARENTS SO THEIR LAWYER FRIENDS CAN GET RICH AND GIVE THEM KICKBACKS AND BRIBES.

At no time in the almost three years of my involvement in Family Court have I ever received equal and fair treatment. I would like nothing better than to have Epstein in a cell for him having my children sleep at his home and him sleeping in the marital home. Assaulting Mr. Epstein or Ron Gruen, the con man. will not help me get my daughters back and will not cause justice to take place legally.

As previously communicated to yourself, Judge Page tore apart my motions papers and advised Mr. Epstein that no motion papers were filed for a hearing on March 25, 1994. Judge Page then conducted a hearing on March 31, 1994 with Mr. Epstein present, on moving papers that he told Epstein and myself through Drew (his law clerK) didn't exist.

Accordingly, I request that my motions scheduled for May 20, 1994 be heard by yourself. I am filing an extensive followup complaint to the Advisory Committee on Judicial Conduct and the Office of the Attorney General regarding Judge Robert Page's action's.

In Family Court , one judge covers up the misconduct of the other Judges. I am not aware of misconduct on the part of Judge Nardi or Judge Synder. I am aware and have observed misconduct on the part of Judges Segal, Vogelson, Rand, Rosensweig, and Page.

I would also like to point out to you and those copied, that during both of my appearance before Judge Page his eyes were in a state of fixed dilation. Eye balls that do no dilate to variations of light intensity, is usually a sign of prescription pill abuse in the anti-anxiety and bi-polar family of medications. Judge Vogelson had the same dilated eyes during my trial and fell asleep several times during the trial.

Thank you for your attention in this matter. I would request that all future proceedings regarding this case be heard by you or transferred to Ocean County. I have intentions to file in Federal Court, suit against the Judges, Gruen and Epstein under the RICO statue, for acting a conspiracy to deprive me of equal under the law, and that Judge Segal, Vogelson and Page are protecting and maintaining a criminal enterprise for the awarding of child custody and converting marital assets into legal fees.

Respectfully,

Andrew J. Kozak

proud father of: Erikka, Andia and Jillian

cc: Chief Justice Welentz
Administrative Office of the Courts
Office of the Attorney General
Senator Gormley, Senate Judiciary Committee
Mr. Robert Agre

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK 609-863-7325
HOME 609-931-7976

MAY 25, 1994

Investigator Chvan Ngo
Camden County Prosecutor
25 North Fifth Street
Camden, New Jersey 08102

Attention Mr. Ngo:

I received your letter today requesting that I forward all letters and documents to your attention. Accordingly, I am enclosing documents regarding the conspiracy between Mr. Edward Epstein, Dr. Ronald Gruen and the defendant to rig the custody evaluation and numerous acts of perjury committed by Diana Kozak, Ronald Gruen and false swearing and perjury committed by Diana Kozak and Edward Epstein.

On Friday May 20 and Monday 23, 1994, I attempted to file the enclosed criminal charges through the Camden City Police Department and was told to take them to Family Court. Family Court is corrupt and is part of the conspiracy to keep Epstein's mortgage off of the Divorce Judgement and then allow him to have his mortgage paid off through he refinancing of the marital home. This scam could only have been carried out with the help of Dr. Ronald Gruen and Judge Vogelson.

Criminal Charges that Camden City Would Not Let Me File:

1. Ronald Gruen, on April 15, 1993 and on May 10, 1993 testified under oath two completely different versions regarding his alleged conversations with Lynn Adams. **Perjury**

   On April 15, 1993 Ronald Gruen testified it would be okay for the marital home to be sold, thus benefitting the Epstein hidden mortgage at 18%. **Conspiracy**

2. Ronald Gruen, on April 15, committed perjury as to the content and amount of times he spoke with Patricia-Sasso Crandle a witness for Mr. Kozak at trial. Ronald Gruen also knew by his testimony, that Ms. Sasso had testified. Who told him? Epstein.
   (enclosed is affidavit from Ms Sasso who read the Gruen transcripts)

3. Diana Kozak committed perjury on October 10, 1991 during a DV hearing if front of Judge Segal by testifying that I drop her from a car insurance policy. Enclosed is a letter from Liberty Mutual that states she has been covered by the same policy since 1969 without any lapse of coverage. I was convicted of harassment for canceling her car insurance when it wasn't true.

4. Edward Epstein committed **False Swearing, Perjury, and Fraud upon the Court** by submitting a Written Summation on June 4, 1993 that did not disclose his 18% mortgage on the marital home.

5. Edward Epstein and Diana Kozak submitted to the court on December 1, 1992 an MESP memo that contained a list of missing items. On June 4, 1993 Epstein and Diana Kozak submitted another list of items as missing, deleting items for previous document and adding missing items to the new list, there by, committing false swearing upon the court to obtain funds from myself through fraud and false swearing.

5. Edward Epstein on or about December 1, 1992 submitted an MESP MEMO to the court which did not list his $10,000 loan at 18% to his client, Ms. Diana Kozak. Accordingly, the CIS statement of Epstein's client was a fraud upon the court as was the MESP memo.

6. Edward Epstein and his client falsified the following documents to the court: MESP Memo, two case information statements, closing written summation, and the Appraisal done on the marital that does not list the Epstein 18% mortgage. Epstein conspired to hid his mortgage from the court because he knew that Judge Vogelson was going to quit claim the deed to the marital home to his client so that Epstein could get his legal fees paid **(with 18% interest) with the refinancing of the marital home.)**

Dr. Ronald Gruen and Judge Vogelson were active participants in the conspiracy and scam to get at the equity in the marital home. Judge Vogelson did not include the Epstein mortgage in the Dual Judgement for Divorce because it would then become impossible for Epstein to get his legal fees paid through the refinancing of the marital home. This scam has been pulled off many times with Dr. Ronald Gruen, other lawyers and a few other judges. Judge Robert Page is now part of the conspiracy to commit fraud and coverup the criminal actions of Epstein, Gruen and the Defendant (Diana Kozak)

Enclosed are the documents you need to prosecute: Edward Epstein, Diana Kozak, Dr. Ronald Gruen, Judge Allan Vogelson and Judge Robert Page.

Welcome to the world of corruption, greed and Judicial

Misconduct and Judicial Criminal actions.

You now have all of documents you need. Should you wish to sit down and discuss any of the enclosed or need additional information or documents, please advise.

Respectfully,

Andrew J. Kozak

proud father of: Erikka, Andia and Jillian

cc: Mr. Edward Borden
Assignment Judge Rossetti
Mr. Robert Agre
Ms. Maureen Graham
Chief Justice Welentz
Administrative Office of the Courts

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
609-863-7325
609-931-7976

MAY 31, 1994

FILE NO. 94002787

INVESTIGATOR CHVAN NGO
CAMDEN COUNTY PROSECUTOR
25 NORTH FIFTH STREET
CAMDEN, NEW JERSEY 08102

ATTENTION MR. NGO:

Please be advised that this morning I received a call from Merrill Lynch that my IRA accounts have been frozen as of Thursday, May 26, 1994 to pay for Mr. Epstein's legal fees and to pay off the liens on the marital home that Epstein has a mortgage on at 18% interest. My Deferred Compensation Plan will be frozen also by order of Judge Page. The whole game in my litigation was to get at the equity in the marital home and to get at my pension plans so that Epstein, Gruen and the Judges could share in the windfall of cash. It happens over and over again in Family Court. Eighty per cent of the cash I have in these accounts are from Capital gains and dividends and smart money management. Now Epstein gets the cash and I will pay for the tax on capital gains, early withdraw penalty and the tax due on the original contributions into my IRA's and Deferred Compensation Plan. My daughters were the sole beneficiaries of these funds. See how Family Court Judges take care of corrupt lawyers at the expense on your children. Do you really think that Judges are concerned about lawyers or children?

Attached are the transcripts of the testimony of Lynn Adams and Patricia Sasso-Crandlall from my divorce trial (FM-04-005459-92). Please note the directness of the testimony of these two female therapists who knew myself and my daughters and Lynn Adams knowing my exwife. You will also note that Lynn Adams had no conversations with Dr. Ronald as he testified to on April 15, 1993. You will also note that Ms. Sasso-Crandall testimony is the opposite of what Dr. Gruen testified as his conversation with Ms. Sasso.

I have the transcripts of what my daughters said to Judge Vogelson in his chambers. Some of what Vogelson wrote in his findings as statements my daughters made to him, do not exist in the transcripts. Judge Vogelson falsified a document of the court so as to protect the Epstein mortgage, not my daughters.

I fully expect to be incarcerated within the next few days. I will begin a hunger strike as an act of non violent civil disobedience once I am incarcerated. I have no intention to comply with Judge Page's orders that are clearly designed to protect the Epstein mortgage and Gruen perjury at the expense on my daughter's emotional, medical dental and financial future. The courts only worry about getting corrupt lawyers paid.

If the prosecutor's office precedes with prosecution, I would like to request that a father with daughters prosecute Epstein and Gruen and that a female prosecutor prosecute Ms. Kozak and Patricia Guida. The New Jersey Attorney General's Office should be involved to prosecute Judges Vogelson and Page for official misconduct, altering an official document of the court, obstruction of justice and conspiracy to commit fraud upon myself and daughters.

Thank you for your attention in this matter.

Respectfully,

Andrew J. Kozak

Proud father of: Erikka, Andia and JIllian

cc: Mr. Edward Borden
Assignment Judge Rossetti
Mr. Robert Agre
Ms. Maureen Graham
Chief Justice Welentz
Administrative Office of the Courts

151 Harding Ave.
Bellmawr, New Jersey 08031
December 16, 1993

Mr. Gerald Sims, Jr.
Deputy Attorney General
Division of Criminal Justice
Richard Hughes Justice Complex
CN-85
Trenton, New Jersey 08625

Dear Mr. Sims:

I would like to thank you for your attention in this matter and the corruption in Camden and Gloucester County Family Court.

Please take note of the following:

1. Violations of the Sherman Anti-Trust Laws (restraints of trade) is also taking place. By appointing Dr. Ronald Gruenin a majority of the Custody Cases in Camden/Gloucester Counties, the price of the evaluations are kept artificially high by restraint of trade. There are over 25 evaluators on the panel to do custody evaluations, (some as low as $60 per hour), yet Dr. Ronald Gruen gets the majority of the evaluation appointments at $150 per hour. WHY? Judge Martin Herman and Judge Vincent Segal use Gruen almost exclusivley. Why?

2. Both Federal and State Income tax evasion is taking place under the present system. With the court not issuing a 1099 for tax purposes, it is impossible to know how much Dr. Ronald Gruen gets in Court referral each year. Over the last ten years he has collected at least $5-7 million dollars based upon his testimony on April 15, 1993.

3. Judge Vincent Segal and his wife have three vehicles valued at at least $225,000 in their garage and driveway. Something doesn't add up.

4. Judge Allan Vogelson did not put Epstein's mortgage in the Divorce Judgement because it makes it possible for Epstein to take his mortgage off of the marital home, do another appraisal, have the house refinanced "legally" and then get paid at the settlement table when the refinancing take place. The Judge has to be involved in this scam for it to take place. The 18% mortgage cannot be in the Divorce Judgement because it has a constantly increasing principle and an interest rate 300% what is available from commercial lenders. Who gets the interest payments and what are they? My ex-wife worked in the mortgage business for 20 years. How did Epstein pressure her to sign this mortgage? Promise of custody and Dr. Gruen's testimony? Promise of high child support and alimony? Judge Allan Vogelson is part of the scam just like Judges Segal and Martin Herman.

5. Judge Allan Vogelson refused my motion on December 3, 1993 to have my ex-wife account for all her mental health and medical health expenditures for 1992 to file the joint income tax return mentioned in the Divorce Judgement. Why? Ms. Kozak never signed a release off information for Dr. Gruen and has hid her mental health and medical health costs during the whole litigation. She has been tested for HIV, Sexually Transmitted Diseases, and numerous medical tests and surgery during 1992 in addition to 13 different mental health providers. Why is Judge Allan Vogelson hiding all of this?

6. Epstein cannot continue to represent my ex-wife because of his conflict of interest with a financial interest in the outcome of the litigation. This is a violation of the Rules of Professional Conduct and attorney ethics.

I have attached a listing of cases that are related to my Civil Rights being violated and that Judges Segal and Vogelson have clearly and in a conspiracy, violated my constitutional rights over and over again. I would welcome the involvement of the United States Justice Department's involvement into the corruption in Camden and Gloucester Family Court.

Please help my children and other children and parents who have been victimized by this corruption.

Sincerely,

Andrew J. Kozak

father of: Erikka, Andia and Jillian

enc:

151 Harding Avenue
Bellmawr, N.J. 08031
December 28, 1993

Mr. Gerald Sims, Jr.
Deputy Attorney General
Division of Criminal Justice
Office of The Attorney General
Richard Hughes Justice Complex
CN-85
Trenton, New Jersey 08625

Dear Mr. Sims:

As a follow up to our phone conversation today I contacted Mr. and Mrs. LaMarra, Mr. Robert Greer and Mr. Jeff Golden regarding your decision not to pursue the corruption in Camden and Gloucester County Family Courts. From your comments at our meeting on December 14, 1993 with the LaMarra's and myself, we felt you had more than ample evidence and documents to prove that major political/judicial corruption was taking place in the Family Court System in Camden/Gloucester Counties and that a clear pattern of conspiracy between several judges, three custody evaluators, several lawyers and a state senator was taking place to get at the equity in marital homes.

To carry out this corruption, a wide variety of criminal actions were provided to you with evidence. These crimes included: perjury, criminal conspiracy, mail fraud, income tax evasion, mortgage fraud, violation of the Sherman Anti-Trust Laws regarding restraint of trade and price fixing of custody evaluations, false swearing, and violations of the criminal state regarding Interference With Custody. We gave you the names of nine (9) individuals who lost homes because of the scam. We gave you the name of a judge who had a real estate firm who got listings of homes to be sold through the scam. We gave you a case where a person got a divorce after he fired his lawyer and eventually lost his home. We gave you numerous connections between lawyers, custody evaluators and certain judges that could be documented from court records, custody evaluator records, from transcripts of numerous Family Court proceedings and from the Register of Deeds. We also detailed numerous court cases that exhibits clear and convincing evidence of Civil Rights Violations against mothers, fathers and children in Camden and Gloucester County.

It was obvious from my conversation with you today that you were either directed to leave the Democratic corruption of Camden and Gloucester County be or you had to protect someone else's career or career ambitions at all costs. You are now part of a criminal and civil rights violations cover up of the corruption and crimes in Camden and Gloucester County.

Please pack and seal all of the documents, audio tapes and video tapes I provided to you in a box. Address it to me from you, notify me and I will make arrangements to have it picked up.

Respectfully,

Andrew J. Kozak

cc: Senate President DiFranceso
Senator William Gromley
Senator John Mattessuen
IRS Criminal Investigations

Continuing.....

07/26/92	Client pickup response Certification of Defendant re: Motions and Cross-motions at Attorney Epstein's home at 5:00 p.m.	.1
07/27/92	Review Pope Paul VI mailing received 7/26/92 and letter to Attorney Waller cc: client	.3
07/30/92	Review Answers to Interrogatories of plaintiff, Andrew Kozak	1.0
07/30/92	Letter to Attorney Waller re: Answers to Interrogatories, Production	.4
07/30/92	Dictate Subpoenas to Howard Savings, First Fidelity, Merrill Lynch and Delaware Fund	1.5
07/30/92	Dictate letter to client	.3
07/31/92	Travel	.5
07/31/92	Court Motions 10:00 a.m.-12:25pm	2.4
07/31/92	Telephone call to client	.2
07/31/92	Telephone call to Attorney Waller	.2
07/31/92	Dictate Order and transmittal	.8
07/31/92	Dictate letter to Attorney Waller re: 7/29/92 client letter & 7/31/92 telephone call	.3
07/31/92	Dictate letter to client	.3
08/04/92	Meet with girls (Andia and Jillian) re: 7/25/92 Attorney Epstein's house	.3
08/05/92	Dictate letter to Attorney Waller re: subpoenas and money due client 8/3 or 8/4/92	.2

KSK

Continuing.....

08/18/92	Dictate letter re: Erikka conference and telephone call to Attorney Waller re: same	.3
08/20/92	Dictate Order to Attorney Waller and re: his 8/17/92 letter etc.	.4
08/20/92	Dictate letter to client	.3
08/23/92	Telephone call from client	.2
08/24/92	Dictate letter to Glassboro State College re: Wage Execution - Andrew Kozak	.3
08/22/92 - 08/24/92	Telephone calls with client re: Visitation from home of Edward P. Epstein	.4
09/01/92	Review 8/25/92 Gruen letter and 8/11/92 Bank letters	.1
09/01/92	Dictation of the following: .	
	1) Letter to Bank re: subpoena	.3
	2) Letter to Merrill Lynch re: Subpoena	.3
	3) Letters to client	.5
	4) Letters to Attorney Waller	.5
	5) Letter to Attorney Goldberg	.3
	6) Letter to Lamon	.2
09/01/92	Dictation Fax to Attorney Waller re: Paragraph 17 8/19/92 Order Complaince after client's telephone call	.4
09/02/92	Court conference - Travel	.5
09/02/92	Court conference attend 8:30 a.m. til 9:15 a.m.	.7
09/02/92	Review Gruen report	.3
09/02/92	Dictate letter to Gruen	.3

22

46X

ANDREW J. KOZAK
151 HARDING AVENUE
BELLMAWR, NEW JERSEY 08031
WORK 609-256-4130
HOME 609-931-7976

JULY 25, 1994

Administrative Office of the Courts
Advisory Committee on Judicial Conduct
Richard Hughes Justice Complex
Trenton, New Jersey 08625

Dear Mr. Mononhan:

The attached political solicitation was sent to Rowan College and addressed to me as Director of Purchasing. This solicitation was not sent to my home, but rather to me as an employee of the College. I consider this to be a threat and inappropriate behavior of a law firm.

Also attached is a cover letter from the Law Firm of Wilentz, Goldman and Spitzer and copied to me as Director of Purchasing. The furniture company the Wilentz firm is representing is presently under investigation by the Criminal Investigations of the New Jersey Attorney General's Office. Another furniture firm, Design Interior Group of Pleasantville, New Jersey has an Appeal in the Appellate Division and the Wilentz law firm is opposing counsel representing Hodkinson Associates.

I have my own appeal in the Appellate Division and ongoing litigation in the corrupt Family Court System of Camden County.

I have concerns that the solicitation from the Wilentz firm and my refusal to contribute, may be related to my treatment in the courts. I do not know if Chief Justice Wilentz is related to the Wilentz law firm that Warren Wilentz is affiliated.

I perceive this as political pressure in the work place and definitely appears that the Law Firm of Wilentz, Goldman and Spitzer obtained my name from there representation of Hodkinson Associates. I would bet a dime to a dollar Mr. Hodkinson contributed to Senator Lautenberg and will receive favorable treatment in the courts if there is a connection between Chief Justice Wilentz and the Wilentz law firm. Hodkinson was already treated favorably by Judge DeSimone of Gloucester County.

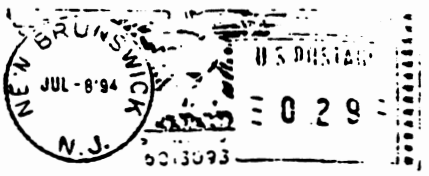
Please investigate this matter and assure me that Chief Justice Wilentz will not use his position to interfere or impact my appeal or use pressure on any Appellate Judge. Judges Gaugkin, Cohen and Wallace were previously hearing matters related to my appeal and I was doing excellent. Now Judges Baime and Muir are

involved and I have been denied all relief requested from the Appellate Court on July 14, 1994. Is this connected to my failure to contribute to a Democrat candidate. Please advise.

Respectfully,

Andrew J. Kozak

cc: Office on Attorney Ethics
Assemblyman Garabed Haytaian
Senate President DiFrancesco
Chairman, Senate Judiciary Committee
William Gormely
Office of the Attorney General
file



Mr. Andrew Kozak
Purchasing Director
Glassboro State College
Glassboro, NJ 08028-1799

The Lautenberg Committee
One Gateway Center, 17th Floor
Newark, NJ 07102

50X

HOST COMMITTEE

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Honorable James E. McGreevey

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Honorable Robert Smith

Norman Tanzman

Roy Tanzman

Warren Wilentz

(Committee in formation)

Mike Baker, Morris Brown,
Honorable James E. McGreevey, Norman Tanzman,
Warren Wilentz and the Host Committee

cordially invite you to join them
for a cocktail reception
in honor of

U.S. SENATOR FRANK R. LAUTENBERG'S
1994 Re-Election Campaign

Monday, July 25, 1994
5:30 – 7:30 p.m.

Wilentz, Spitzer & Goldman
90 Woodbridge Center Drive
Woodbridge, New Jersey

Suggested Contribution:
$500
Minimum Contribution:
$150

R.S.V.P. Card Enclosed
or call Mike Baker at
(908) 545-4717

R.S.V.P.

Yes, I will attend and contribute to Frank's re-election. Enclosed is my check for $_____.

I am unable to attend, but I want to help Frank and will contribute $_____.

Federal Law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of $200 in a calendar year.

Name _____

Address _____

City _____ State _____ Zip _____

Home Phone _____ Office Phone _____

Occupation _____ Name of Business/Employer _____

Business Address _____

PLEASE MAKE CHECKS PAYABLE TO THE LAUTENBERG COMMITTEE.
Corporate checks are not permitted.

Contributions are not deductible for Federal income tax purposes.
Paid for and authorized by the Lautenberg Committee.

7/25

The Lautenberg Committee
One Gateway Center
Suite 1701
Newark, NJ 07102

52 X

WILENTZ
GOLDMAN
& SPITZER
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095-0958
(908) 636-8000
Fax (908) 855-6117

Meridian Center I
Two Industrial Way West
Eatontown, NJ 07724-2265
(908) 493-1000
Fax (908) 493-8387

Wall Street Plaza
88 Pine Street
New York, NY 10005-1801
(212) 267-3091
Fax (212) 267-3828

Please reply to
Woodbridge
(908) 855-6167

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JOHN J. SVOLELLA

△ Certified Civil Trial Attorney
□ Certified Criminal Trial Attorney
1 Also admitted in NY
2 Also admitted in PA
3 Also admitted in CT
4 Also admitted in DC
5 Also admitted in MA
6 Also admitted in MD
7 Also admitted in IL
8 Only admitted in NY
9 Also admitted in GA
10 Also admitted in VI

March 1, 1994

VIA TELECOPIER AND CERTIFIED
MAIL, RETURN RECEIPT REQUESTED

Patrice M. Connell, Deputy Attorney General
New Jersey Department of Law & Public Safety
Division of Law
Richard J. Hughes Justice Complex
CN-112
Trenton, New Jersey 08625-0112

Re: Rowan College of New Jersey
Furniture for New Library
Contract No. 94-41

Dear Ms. Connell:

This firm represents Hodkinson Associates, Inc. ("Hodkinson"). We understand that you represent Rowan College of New Jersey which publicly advertised the above contract for bids in accordance with the State College Contracts Law, N.J.S.A. 18:64-52 et seq.

Rowan College originally advertised for bids for Contract No. 94-41 to be opened on October 25, 1993. The College subsequently twice extended the bid opening date and ultimately received and opened bids on December 22, 1993.

New Jersey State Library

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ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

94-41 and the nature of that action. Please be advised that Hodkinson intends to take all legal action necessary to protect its rights and interests in the event Rowan College acts in any manner other than to award Contract No. 94-41 to Hodkinson or to readvertise for bids for Contract No. 94-41.

We have taken the liberty of providing copies of this letter directly to the president and the purchasing director of Rowan College.

The undersigned is available to discuss this matter further.

Very truly yours,

FRANCIS X. GOURNICK, JR.

FXJ/sl

cc: Herman James, President (via telecopier and regular mail)
Andrew Kozak, Purchasing Director (via telecopier and regular mail)
Ms. Bridget Smith
Mr. Howard Javorsky

54X

GLASSBORO STATE COLLEGE
Academic Computing Glassboro, New Jersey 08028 (609)863-6515

10/17/91

To whom it may concern:

This is to certify that Andrew Kozak purchased on October 19, 1989 the following IBM computer equipment through the Academic Computing Center at Glassboro State College:

(1) Model 55SX - 031 PS/2 Microcomputer with
(1) 8513 VGA Monitor and
(1) Mouse

This computer was sold under an IBM Educational program providing 40% off of list price to qualifying members of the college community. The purpose of this program is to facilitate employee access to computers at home and to provide them with the ability to tie into the campus computer network.

In the case of Mr. Kozak, his computer permits him to respond to requests and problems involving his position as Director of the Purchasing Department and allows him to communicate via Electronic Mail with all of the employees and staff at the College.

Finally, the software loaded onto this computer (WordPerfect 5.1, Lotus 2.2, DBASE 3.1, and DOS 3.3) is licensed to Glassboro State College and remains the property of the College.

Jack R. Cimprich

Jack Cimprich
Director of Academic Computing

New Jersey is An Equal Opportunity Employer

55X

GLASSBORO STATE COLLEGE
Management Information Systems Glassboro, New Jersey 08028-1746 (609) 863-5239

MEMORANDUM

TO: Honorable Judge Segal

FROM: James A. Henderson, Jr.
Assistant Vice President / Management Information Systems

DATE: October 21, 1991

SUBJECT: IBM Personal Computer Sales / Maintenance Program for Students, Faculty, and Staff

Mr. Andrew Kozak purchased an IBM Personal Computer system through the program provided at Glassboro State College and administered by the Academic Computing Center. The purpose of the program from IBM's standpoint is to make computers available to students and college employees at competitive prices and, thereby, to increase their customer base.

The college supports the program for three primary reasons:

1) It provides a mechanism for employees to secure their own computing equipment at discounted rates.

2) It facilitates employee access to computing equipment, and - as in Mr. Kozak's case - provides a means for working at home when necessary at night or on weekends on college business. (Employees can use a modem and dial in to the campus computer network.)

3) It allows those who secure equipment under the program and use it at their residence to receive maintenance coverage under the college's blanket maintenance contract with IBM.

The latter factor, alone, makes the program very attractive to the college community as it can save the computer owner hundreds of dollars in any year.

New Jersey Is An Equal Opportunity Employer

MARTIN ROBETS

Ladies and Gentlemen of the Panel:

I want to thank you for the opportunity to again address this august panel; to determine the future of Divorce Court. To begin, I am going to rehash a tiny bit of OLD NEWS - NOT for the purposes of bringing up dead rubbish; but for the purposes of proving a point.

PLAY THE TAPE

Let us make sure we understand one another. First, this is but a few-second example of MORE THAN 30 tapes that I have recently received from the Morris County Court System. What is shocking is that the TAPE does not match the TRANSCRIPT; and NEITHER match completely what my witnesses and I observed in that Court. While you might expect (but should not tolerate) something being on the tape that is not on the transcript, how do you explain the OTHER situation - where there are things on the transcript that are NOT on the tape?

What must be understood is that it took more than two years to acquire this material. When I attempted to bring this evidence to Senator Dorsey, to the NJ Senate; EVEN TO THE NEWSPAPERS; I was told that it was OLD NEWS.

Why, then, do I want to bring this material up now? Judge Friedman, in Essex County Family Court, established that litigants cannot be stopped from bringing their own recorders into court. He also established that the Burden of Proof is on the Accuser; and the level of proof is CLEAR and CONVINCING.

Judge D'Italia, Assignment Judge in Hudson County, established that I may NOT be prevented from serving papers to establish process - THE VERY ACT THAT I WAS [WRONGLY] ACCUSED OF COMMITTING.

As a result of these experiences and others, there is now a petition being circulated to have video cameras in EVERY court. In that way, we will finally be able to FORCE a judge to rule honestly - or at least prove that the judge must be removed from the bench - NOW - before the judge hurts anybody else.

We now come to two more problems with the Courts. First, the whole question of Judicial Immunity. Like Judge Wachtler from New York, reflecting back to the good old days of Judge Seamen, reminding THIS commission about the Senate shuffle performed to save Martin Herman's job; ALL THE WAY TO IMBRIANI FROM SOMERSET; the judicial CABAL has protected its own - AND TO HELL with the litigants - and their children.

Myra Terry has attacked Bruce Eden as hiding his Gender Bias behind the children. I must agree with Myra Terry - not for her unfounded attack, but who openly admits that she is a biased, prejudiced witch whose only goal is to subordinate her personal aggrandizement on the bodies of the Men - AND WOMEN - unlucky enough to oppose her.

Of course, no mention of Myra Terry would be complete without talking about Irene Von Seydowitz. We have had repeated promises from Irene that she would open her books as it relates to IOLTA. And, let us not forget the personal monies that she has been paid for her 'charitable' works. It goes without saying that we MEN have not been paid a penny for our works in the areas of Legal Reform and Family Rights (Men, Women AND children).

One of the most startling discoveries we have made is that the courts are NOT run by the judges or by the people. The courts are run by the bailiffs and clerks. What gives them the power, the right or the CHUTZPAH to do that? If the clerks and bailiffs run the court, why do we still need to pay even more money to judges reduced to little more than figureheads?

We now come to the final quesion before the planning commission - HOW DO YOU HAVE ANY POSSIBLE HEARING OR TRIAL without the standard rules of evidence? I totally understand how you can avoid giving someone in family court rights equal to the accused murderer, rapist, thief or drug dealer. What I don't understand is how you can lawfully convene a court in violation of those limitations imposed by Constitution.

Recently, my group has had the good fortune to assist noncustodial parents who were separated from their children. Just to keep it honest, there were two men and two women who were separated from their children - without Due Process, without the opportunity to face their accuser; without those rights which are considered unalienable. One of those men has had unsupervised visitation re-established; and he is heading towards a reversal of custody. Another had NO contact with his son for more than three years, and is now on several supervised visitations each week. TWO WOMEN have had their support obligations TERMINATED, when they had their parental rights terminated, in violation of Constitution and Law.

My group is completely opposed to this entire episode. First, these mothers should not have been separated from their children; any more than fathers should be separated from their kids. Second, however, men who don't pay child support go to jail. These women are in NO DANGER of being incarcerated. For the record,NO INCARCERATION FOR DEBT is lawful.

What is important to see here is NOT the successes, but the pattern of abuse that had to be corrected. What gives anybody - a judge, clerk or bailiff; the ability to separate a child from his parents? How can anyone be tried by shortcut; in violation of rights secured by the Constitution and Laws of the United States, which parallel the same rights secured by the Constitution and Laws of New Jersey?

You on the panel, as well as judges and other court officers that I have been in contact with over the past year; have failed to answer the questions posed in this communique. You will no longer be permitted to avoid these questions of RIGHT and LAW. You on this panel, as well as the Court Heirarchy; are in the very act of assuming responsibility for the criminal acts of felons in black robes. The choice is yours. Stand on the right, and get rid of the garbage; or abrogate your responsibility and become part of that garbage.

Thank you for your time.

Atlantic County

Eileen Barker
101 North Newark Avenue
Ventnor, N.J.08406

I am the ex-wife a of a prominent attorney at Horn, Kaplan From the time of my separation , ten years ago, my constitutional rights have been violated.

In an eight year custooy battle that began on a blizzardry day, when Judge Previti, a former partner with Horn, and Kaplan held an ex-parte hearing, without allowing me any Notice, and changed custody of my nine year old son Adam based only upon my ex-nusband's statemnt that he felt that there was a "physical confrontation" between me and Adam. (I tried to kiss Adam before he ran out into his father's car!) I was informed that Adam was interviewed; however, there was no recording of such an occurrence. On that wintry day when all the roads and schools were closed, I was called by the law clerk and the hearing was held over the telephone. Without any documentation from doctors, D.Y.F.F.U.S., witnesses, or a history of abuse, Judge Previti changed custody of Adam, and refused my request for vistation. Since my ex-husband did not want Custody of five year old Jonathan, I was allowed to keep him.

This was the beginning of a mother's --a parents' worst nightmere. When I finally saw my sweet, adorable, and loving Adam three weeks later at the office of my ex-husband's therapist, who against my strongest protests had been Court-appointed, my nine year old repeatedly stated, "I hate you, Mom".

Following four visits the Court granted my ex-husbands' motion to stop visitation, again without any evidence. For two years, eventhough I spent thousands of dollars in legal and mental health expert fees, I had no visitation at all.

Adam was not just cut off from me but also his dearly loved grandparents who adored the first-born grandchild. When my wonderful Mother came to Court to gain access to Adam in the Summer of 1989, Judge Previti refused to allow her to testify, and denied my motion for visitation. Walking out of the Courthouse my Mom stated that he is breaking her heart; my healthy 63 year old mother complained of palpitations for the first time. Two weeks later she passed away. It is for my Mom and for all the other grandparents that emotionally loose their grandchildren that I dedicate my testimony for today. I add that Judge Previti did grant my motion ordering the father to permit my children to go to their Grandmother's funeral.

I am reviewing this part of my life to bring to Your attention the disasterous effects of incompetent, biased, Judges in destroying families and the pain that strunk so deep in my family that it killed my Mom.

In 1991 I lost custody of my younger son in a trial. I attach the newspaper article which appeared on the front page of The Press of Atlantic City, because I won appeal. By the time the Appellate Court decision was made my younger son Jonathan had turned against me; he has refused to sleep over my home since I moved back to Ventnor last summer.

60X

Over the last few years my ex-husband has continued to

violate the visitation orders. Eventhouggh the family Judge has agreed with my interpretation of the Orders, My ex has never been arrested or punished for being in Contempt of Court under 2:C- .

After years of unbearable emotional pain experienced by me my family and my children there has been a recent breakthrough. Three weeks ago Adam, now almost seventeen, offered me a deal I could not refuse. As long as I promised keep his name out of the Court, and not request the moron therapists for counseling, he would be free to discuss his life with me. WHen I agreed he asked me for the key to my home. For the next four days he brought over his close friends who I was never allowed to meet before. Adam told me all about his life for the past seven years, and has discussed his values and his future. Adam has began also to quickly re-bond with my sister and brother, his only aunt and uncle.

A few days ago Adam moved in to live with me. His father picked him up the next day. I am still optimistic that Adam even tried.

Recently I ran into Judge Previti at Jonathan's school. After he did not recognize me I told him my name. For a moment he spoke like an old friend. "How are you and how are your children??", he inquired with a big smile on his face while his wife and family stood around him. "Terrible". I answered, and he walked away babbling.

I cannot accept that my family's suffering has been in vain. I have dedicated many days speaking with so many other citizen's who have been deprived of their family. I have the following suggestions;

1)Children of divorced parents MUST be shared. When a parent make false allegations of abuse, there must be sever consequences, and it must be handled in Criminal Court.

2)Police and Judges must be educated and encourage to implement 2C; and their must be defined sanctions against thouse who are guilty. Why not "Three strikes and your're out" the custody IS CHANGED to the cooperative parent. Although many Judges have made the threat, in 8 years I have not heard of one custody change for that reason.

3) Judges must be publicly reviewed every three years; the public must also be informed of this review process on the day of their first motion.

4) In the review process Court files must be open to the consumer examiners, possibly keeping the name of the litigants confidential.

5) Mental health evaluator must be better trained and given work based on their success of creating peace between the parties and not simply evaluating. (In the final analysis ,all treaing therapists are evaluators when they make their recommendations to the Court)

62X

6) Family Judges should have much less discretion, and be accountable in upholding statutory and case laws.

7) Paralegals and non-profit organization volunteers should be allowed to participate in the litigation without being accused of illegally practicing law.

8) Complaints against family lawyer should be public information.

9) In high school children should be educated about the family Court process and the Appellate Court process to eliminate the total dependance on lawyers.

10) There should be an automatic change of venue for spouses of lawyer, policemenn and judicial employees.

11) Child support should be determined by the income of the custodial, as well as the non-custodial parent.

12) Courts must recognize that Non custodial parents have expenses during visitation for transportation, activities, food, clothing, etc., in making child support orders.

13)When the income of either the non custodial or custodial parent is adequate, both parents are responsible, according to a proposed income scale, to put aside college savings.

EILEEN D. BARKER

101 N. Newark Avenue
Ventnor, New Jersey 08406
(609) 822-5514

OBJECTIVE Administrator

EDUCATION

GEORGE WASHINGTON UNIVERSITY GRADUATE SCHOOL OF BUSINESS AND GOVERNMENT ADMINISTRATION
Washington, DC
M.A. in Government in Planning

NEW YORK UNIVERSITY, New York, NY
B.A. in Political Science (Honors)

PROFESSIONAL EXPERIENCE

THE GALAXY TOWERS CONDOMINIUM ASSOCIATION
Guttenberg, NJ, a community of 1,000 housing units building.

Chairperson of Parents Committee - 20 active members (1989-1992)
Responsible for the development, planning, coordination and implementation of programs and activities for the families in the Galaxy.

- Headed the planning, solicited support, and budgeted for such capital improvements as a basketball court, a playground, an indoor and an outdoor in-ground children's pool.
- Administered the purchasing of equipment for a playroom, game room and playground ($4,000 budget).
- Hired, financed and supervised the teaching staff for the after school and summer classes in tennis, art, music and dance, and swimming.
- Published a monthly newsletter on the committee's classes, special holiday programs and fund-raisers.

Member of the Executive Board (1989-1992)

- As a team member, evaluated and approved the $8 Million dollar budget; oversaw the structure, the grounds and security staff of the complex, which includes a state-of-the-art health spa, a mall with three restaurants, professional offices, four retail stores and a triplex cinema.
- Participated in the voter registration drive and organized political support on the local, state and federal levels on issues of tax increases, environmental safety and public school renovations and personnel.
- Promoted, participated and sponsored community holiday festivities and conducted a forum for local and Congressional elections.
- Gave oral and written reports on the Parents' Committee for the mutual support and approval of the Executive Board and Board of Directors, in adherence to the overall objectives and goals and the bylaws of The Galaxy.

65X

ECONOMIC PLANNER FOR ROWAN MUNICIPAL AND COUNTY PLANNING, Salisbury, North Carolina (1976-77)

- Prepared and made recommendations on the County annual and five-year budgets.
- Evaluated requests for variances and made recommendations to the Zoning Board.

ECONOMIC DEVELOPMENT PLANNER FOR THE ECONOMIC DEVELOPMENT OFFICE, City of Winston-Salem, NC (1975-76)

- Set up the office to develop programs to preserve the old industries and attract new industries to the area.
- Organized with other cities to implement regional growth plan.

PLANNER FOR THE CITY PLANNING DEPARTMENT, City of Winston-Salem, NC (1973-75)

- Obtained federal grant to start the Economic Development Office (still exists)
- Formulated the Environmental Review Process to meet federal guidelines under the $6 Million Community Development Program grant.
- Established the Historical Registrar for Black History.
- Surveyed and compiled statistics on housing for the federal grant.

SPECIAL INTERESTS

COUNCIL FOR CHILDREN'S RIGHTS
Atlantic County, NJ - a Division of NJ Council for Children's Rights
Founder and Chairperson - a divorce reform, nonprofit organization which promotes a child's right to two parents and settlement through mediation.

- Networking with members throughout New Jersey and the United States for information on mental health evaluators, mediation programs and lawyers who promote our goal.
- Promoting legislation on joint custody.
- Promoting mediation and informing the membership of Constitutional rights through hotline services and monthly meetings.

PRO SE LITIGANT - in the Lower and Appellate Courts.
FOREST HILLS CHAMBER OF COMMERCE - liaison between government agencies and businesses.

REFERENCES Available upon request.

Checking on Attachment Barker.

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-4417-90T3

A. MICHAEL BARKER,

Plaintiff-Respondent,

v.

EILEEN D. BARKER,

Defendant-Appellant.

FILING DATE
APPELLATE DIVISION

SEP 3 1993

Clerk

Argued June 14, 1993 - Decided SEP 3 - 1993

Before Judges Long and D'Annunzio.

On appeal from Superior Court, Chancery Division, Family Part, Atlantic County.

Eileen Barker argued the cause pro se.

Eileen M. Lindinger argued the cause for respondent (Horn, Goldberg, Gorny, Daniels, Paarz, Plackter & Weiss, attorneys; Kathleen V. Kohr, of counsel and on the brief).

PER CURIAM

In this post-judgment matrimonial action, defendant, Eileen Barker, challenges a determination of the trial judge which altered the custody status in this case from joint to sole custody, granting sole custody of the two minor children to their father, plaintiff, A. Michael Barker.[1] She also challenges the visitation schedule the judge imposed.

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[1]The trial judge also transferred physical custody of Jonathan from defendant to plaintiff. This order is not challenged on appeal.

67X

At the time of the divorce in 1988, by consent, Mrs. Barker received custody of then six-year-old, Jonathan and then ten-year-old, Adam. However, also by consent, Adam remained with Mr. Barker, with whom he had lived since 1987. Jonathan was to visit his father and brother three weekends per month. The overall custodial status was agreed on as joint custody. Constant friction between the parties followed the divorce. Much litigation ensued over how the custodial arrangement was going; over visitation, and over allegations by each parent that the other was attempting to undermine his or her relationship with the children. In August, 1990, Mrs. Barker moved for a court ordered visitation schedule with Adam, who was refusing to see her, and for a reduction in her former husband's visitation with Jonathan from three weekends per month to alternating weekends. Mr. Barker filed a cross-motion seeking denial of court ordered visitation between Mrs. Barker and Adam; a transfer of custody of Jonathan, and a judicial interview of Jonathan.

After five days of hearing, including lengthy and comprehensive expert reports and interviews with the children, on March 21, 1991, the trial judge concluded in an oral opinion that "leaving Jonathan with [Mrs. Barker] runs the substantial risk of psychological damage and harm to him. Even in the absence of such harm, it appears clear to me that Jonathan would be better served by living with his brother and father in Linwood." He also determined that Mrs. Barker was guilty of attempting to alienate the children from Mr. Barker and that the change in

physical custody "is dictated by the children's best interests." He set up a visitation schedule allowing Mrs. Barker every other weekend with Jonathan, along with shared holidays, school vacations and four weeks summer vacation.

The issue of joint versus sole legal custody was not addressed in this proceeding and was not referred to in the trial judge's oral decision. The order entered, based upon the oral decision, stated:

> IT IS ON THIS 28th DAY OF MARCH, 1991, ORDERED that the present custodial arrangement of the minor child, Jonathan, shall be changed and custody shall be vested in Plaintiff, A. Michael Barker effective March 24, 1991, and the physical custody of Jonathan shall be transferred to Plaintiff, A. Michael Barker, effective March 30, 1991, at 3:00 P.M. ...

In June 1991, Mrs. Barker moved before the trial judge to correct the March 28 order to reflect that the term "present custodial arrangement" was joint and that that status was intended to be continued.

The trial judge's response was partial:

> the term "joint custodial arrangement" is subsumed in the term "custodial arrangement" and no clarification is necessary.

Subsequently, the judge's law clerk wrote to the parties in response to an inquiry from Mr. Barker's lawyer:

> Judge Seltzer has asked me to respond to Mr. Rosen's telephone inquiry regarding the custodial arrangement between A. Michael Barker and Eileen Barker. The order of March 28, 1991 clearly vests sole custody in Michael Barker. Ms. Barker's motion, returnable June 7, 1991 requested a change in the language "present custodial arrangement"

> included in line 22 of that order to the term present "joint custodial arrangement." Judge Seltzer's memorandum of June 14, 1991 declined to make that change because the term "present custodial arrangement" includes the term "present joint custodial arrangement." That memorandum was never intended to suggest that the word "custody" in line 23 of the order should be changed. Sole custody was awarded to Mr. Barker.[2]

Both parties agree that the effect of the judge's orders and the clerk's correspondence is that Mr. Barker was granted sole legal custody of the children.

We begin our analysis with the observation that over two years have passed since the orders in question were entered and that it would be useless to evaluate them substantively on the record before the trial judge which, by now, is stale. However, it is clear that the judge's sua sponte change of custody from joint to sole was procedurally improper because it was never an issue in the case and because Mrs. Barker was therefore denied the opportunity to present evidence on the issue. See R. Wilson Plumbing & Heating, Inc. v. Wademan, 246 N.J. Super. 615, 618-19 (App. Div. 1991); Essex County Adjuster v. Brookes, 198 N.J. Super. 109, 114 (App. Div. 1984).

Mr. Barker argues that the record supports the judge's conclusion but this begs the question because the record was not

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[2]It goes without saying that the trial judge had no business allowing his clerk to write a clarification on his behalf. If he wished to make a record of his reasons, he should have done so by a recorded proceeding or by a letter opinion of his own. See Hungerford v. Greate Bay Casino Corp., 213 N.J. Super. 398, 402 (App. Div. 1986). (No authorization exists in our court rules for the performance of any judicial function by a law clerk.)

formulated (at least from Mrs. Barker's perspective) with the issue in mind. We thus reverse and remand the question of joint versus sole legal custody (i.e. shared decision making) to the trial judge for consideration. In evaluating the issue, he may direct the parties to participate in such proceedings, plenary or otherwise, as he deems appropriate. He should consider what has transpired over the past two years (including Mrs. Barker's imminent move to Margate which is near the children's residence with their father) as bearing on the question we have remanded to him, and should approach the issue from the perspective of why joint custody (which was the agreed upon status quo at the time of the motion) should not be continued. In other words, Mrs. Barker does not have the burden of establishing why custody should be returned to joint status.

Whatever the outcome, the trial judge should make clear to Mr. Barker that he is obliged to share information with Mrs. Barker about the children's health, education, school and extra-curricular activities, including the names of the children's physicians, dentists, orthodontists, teachers and tutors, to name a few. This obligation has absolutely nothing to do with the custodial arrangement. It is Mrs. Barker's right as a parent to be given this basic information about her children. Even if Mr. Barker ultimately receives sole legal custody, his duty to advise the children's mother about the matters to which we have adverted is constant and absolute.

We will not address the visitation schedule except to note

that it was imposed at a time when Mr. and Mrs. Barker lived a great distance from each other. She has represented to us that she is about to move to a house a short distance from her former husband's residence. In determining the visitation schedule, the trial judge opined:

> Clearly, the best thing for Jonathan would be to have both parents living next door to each other and talking. That's not the case. He's going to suffer with respect to some visitation schedule, and this is the least dislocation I could arrive at. This schedule is as simple as I could conceive since past history convinces me that anything more complex is unworkable by reason of the parties' inability to communicate and the distances involved. Clearly, however, these parties are able to reach their own accommodation, either through counsel or directly. In the absence -- and such accommodation would obviously be preferable to having me dictate visitation. But in the absence of such accommodation reduced to writing, this schedule will control.

If Mr. and Mrs. Barker cannot modify the visitation schedule by consent, during the remand on joint legal custody, the trial judge should reconsider the schedule in light of the parties' experience during the past two years of visitation and Mrs. Barker's new proximity to the children.

Reversed and remanded.

I hereby certify that the foregoing is a true copy of the original on file in my office.

Clerk

72X

Testimony of
Thomas Wisniewski
528 Stratford Road
Union, New Jersey 07083
July 28, 1994

Introduction

I am here to testify on the lack of rights that a second family has in the Family Court System. My testimony will cover the existing child support guidelines, what Fathers of second families are being told in court, how the current system is not in the best interest of children, how second children and second wives are innocent victims then I will conclude with a proposed solution. I am using the term second wives because more than 95% of the time custody is given to the wife of the first marriage.

Child Support Guidelines

There are no provisions in the current child support guidelines to consider second families. Children and wives of second families do not have any rights. I looked long and hard to situations where a father was given custody and what I found was unbelievable. It is very common that when a father gets custody, he not only does not receive child support but he has to pay alimony to his first wife. This never happens when its the woman who gets custody. This type of situation is bias against fathers. Having a child in a second family is a significant change of circumstances that should be handled very similar to the significant changes of circumstances that were spelled out in the Leppis court. Child support should be allocated equally to each child regardless of their order of birth or which marriage they are from.

Current child support guidelines were set up based upon an incorrect study (By Lenore Weitzman of Harvard) in 1976 that concluded that women had a significant decline in their standard of living after divorce, while men had a significant incline. This was proven wrong during a study by Pollock and Stroup which found that divorced men are not able to provide as high a level of child support as is generally assumed by the courts and the general public. I ask you to please look more closely at the economic effects of divorce before setting new guidelines (see Exhibit 6).

Testimony of
Thomas Wisniewski
528 Stratford Road
Union, New Jersey 07083
July 28, 1994

What Fathers are being told in court

When a father with subsequent children comes to court to plea for some relief from his support obligation, he is told that if he can't afford to support his first children, he should have never had more. Well the last time I looked, this is a free country that we live in. No governing body should have the authority to dictate how many children a parent can have or how much a parent must spend on one child and not leave them with sufficient means to do the same for all of their children. No children by virtue of their order of birth should have any more rights than subsequent siblings.

Not the best interest of children

Early this week while I was getting ready for work, my 18 month old son was watching an episode of Barney where the children were being taught to share equally with their family and friends. I could not help but wonder, how does a father with second family children explain to them that they can't get the same types of things that the older ones can get. And let me make this perfectly clear, I am not talking about more mature things like CD players either. It appears that the Family court System does not have any intentions of maintaining a family environment. Because the current system is pushing siblings in different directions. I happen to agree with Barney, children should be taught to share equally.

Children of first marriages are taught that if daddy says no, mommy can run to the Family Court and the Family Court will say yes (see exhibit 5 attached). How are we training these children? What are these children going to do when they grow up? What court are they going to run to in order to get what they want?

Testimony of
Thomas Wisniewski
528 Stratford Road
Union, New Jersey 07083
July 28, 1994

The Innocent Victims

Please see chart1 on exhibit 1, chart2 on exhibit 2, chart3 on exhibit 3 and chart4 on exhibit 4. I would like to illustrate how disposable income is allocated within custodial and noncustodial families both with and without subsequent children. I think that based upon this simple scenario you will begin to see how children and wives of second families are truly innocent victims.

Solutions

1. Fair child support guidelines that are enforced.
2. Child support should be evenly distributed to every child regardless of birth position.
3. Give fathers the same rights that they have in an intact family. Do not order them to pay for extras that a father in an intact family has a right to refuse (i.e. summer programs and college educations).
4. Allow fathers to have a say where child support funds are spent. Fathers should be allowed to offset child support payments for thing like; food stamps for groceries and clothing for their children.

Conclusion

I have testified how the Family Court does not consider second families, that support guidelines do not consider second families, what fathers are being told in court, how the system is not in the best interest of children, how second families are victims and I have offered you a solution. Now it is up to you, implement changes to the family law that gives rights to second families.

751

Custodial Parents
Second Family

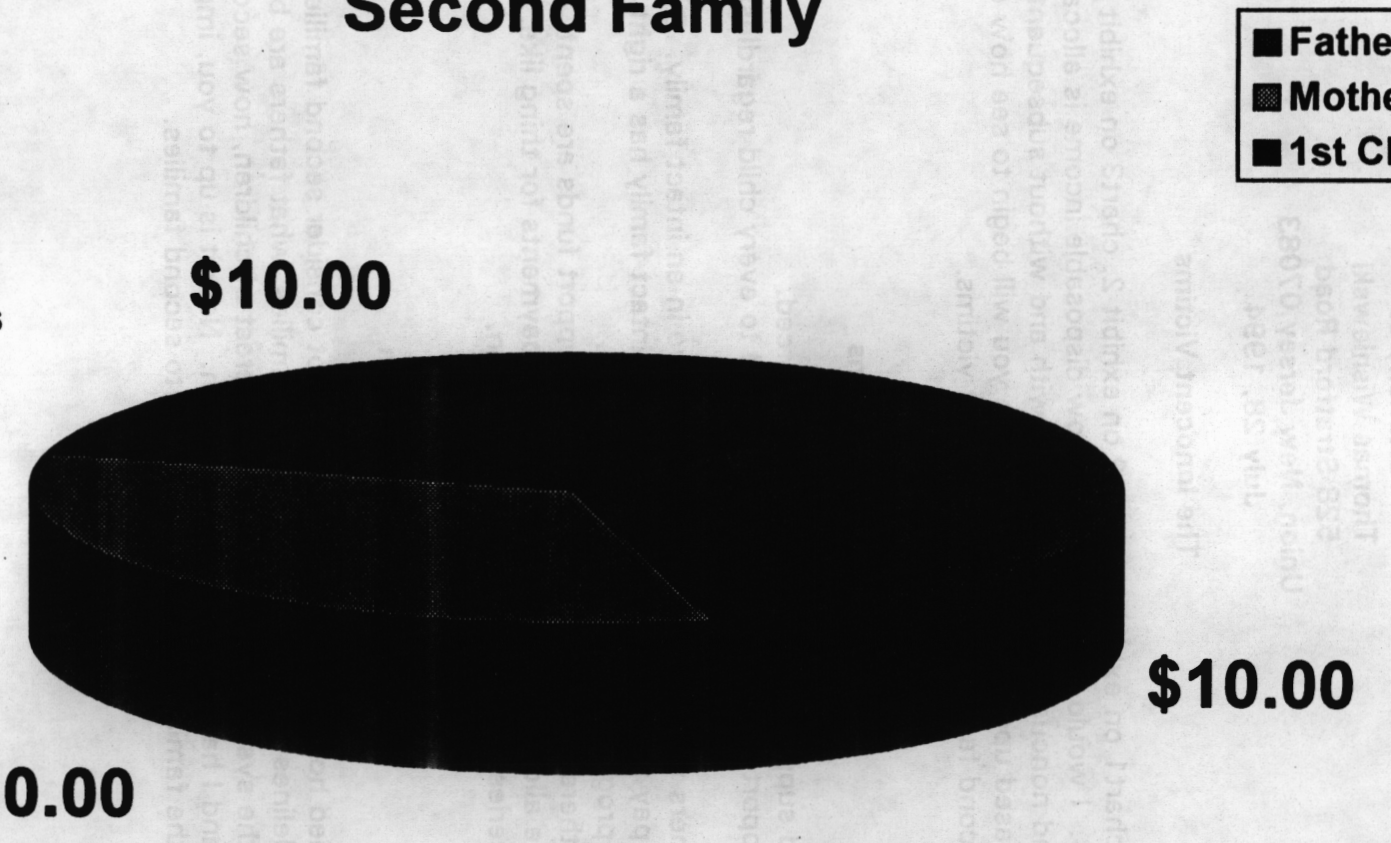

Exhibit 1

Custodial Parents Second Family With Second Child

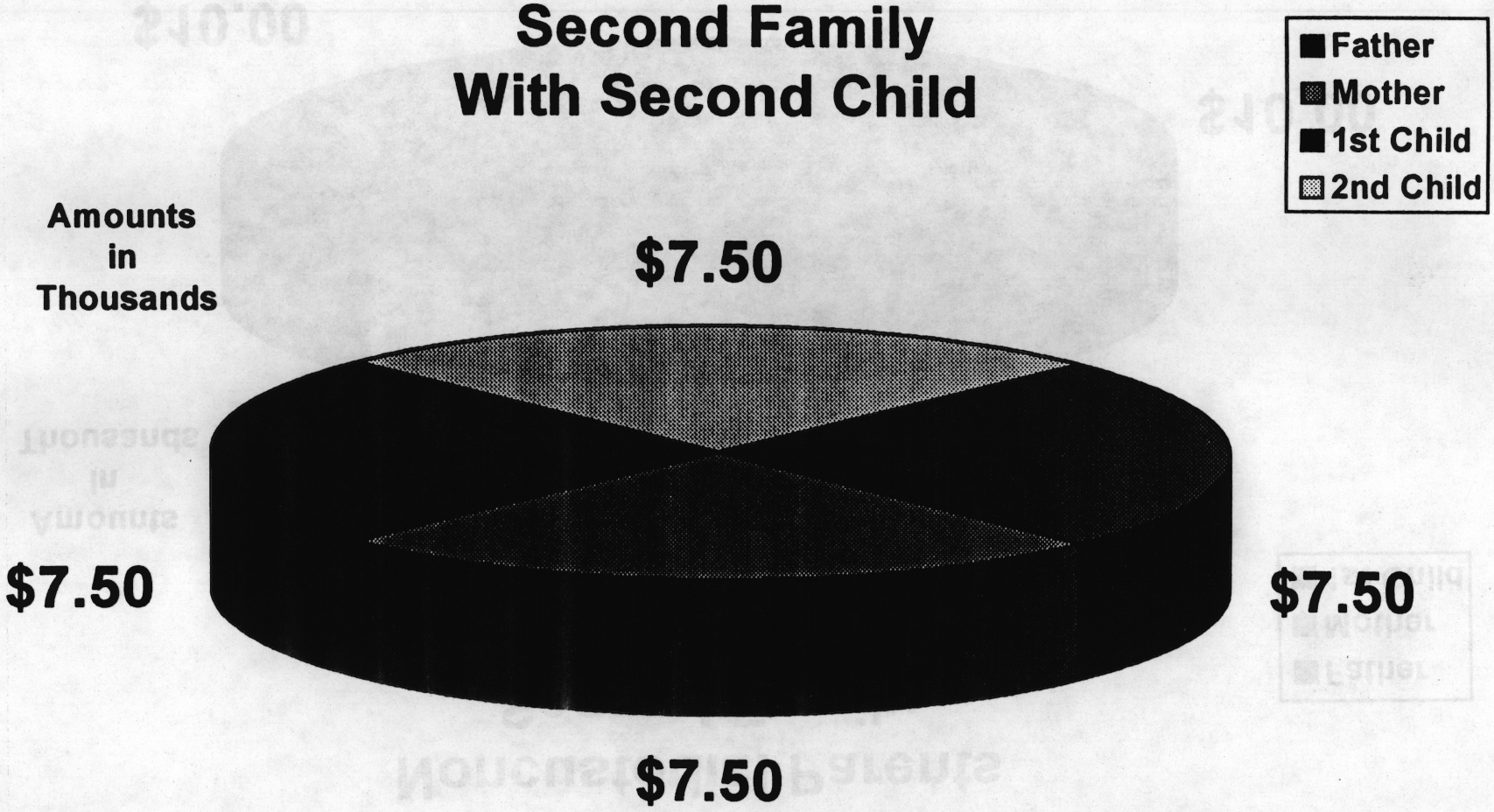

EXHIBIT 2

Noncustodial Parents
Second Family

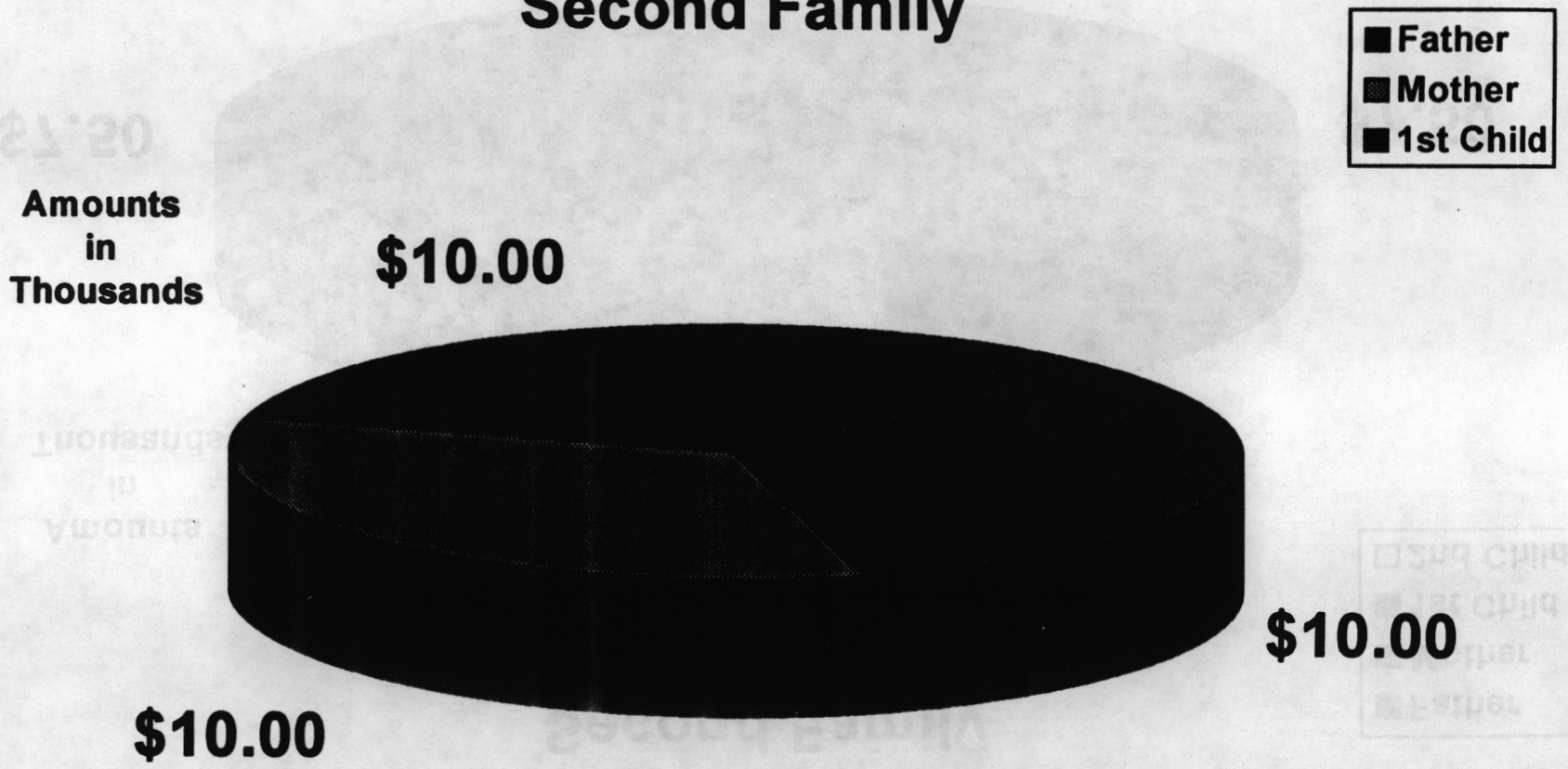

Exhibit 3

Noncustodial Parents
Second Family
With Second Child

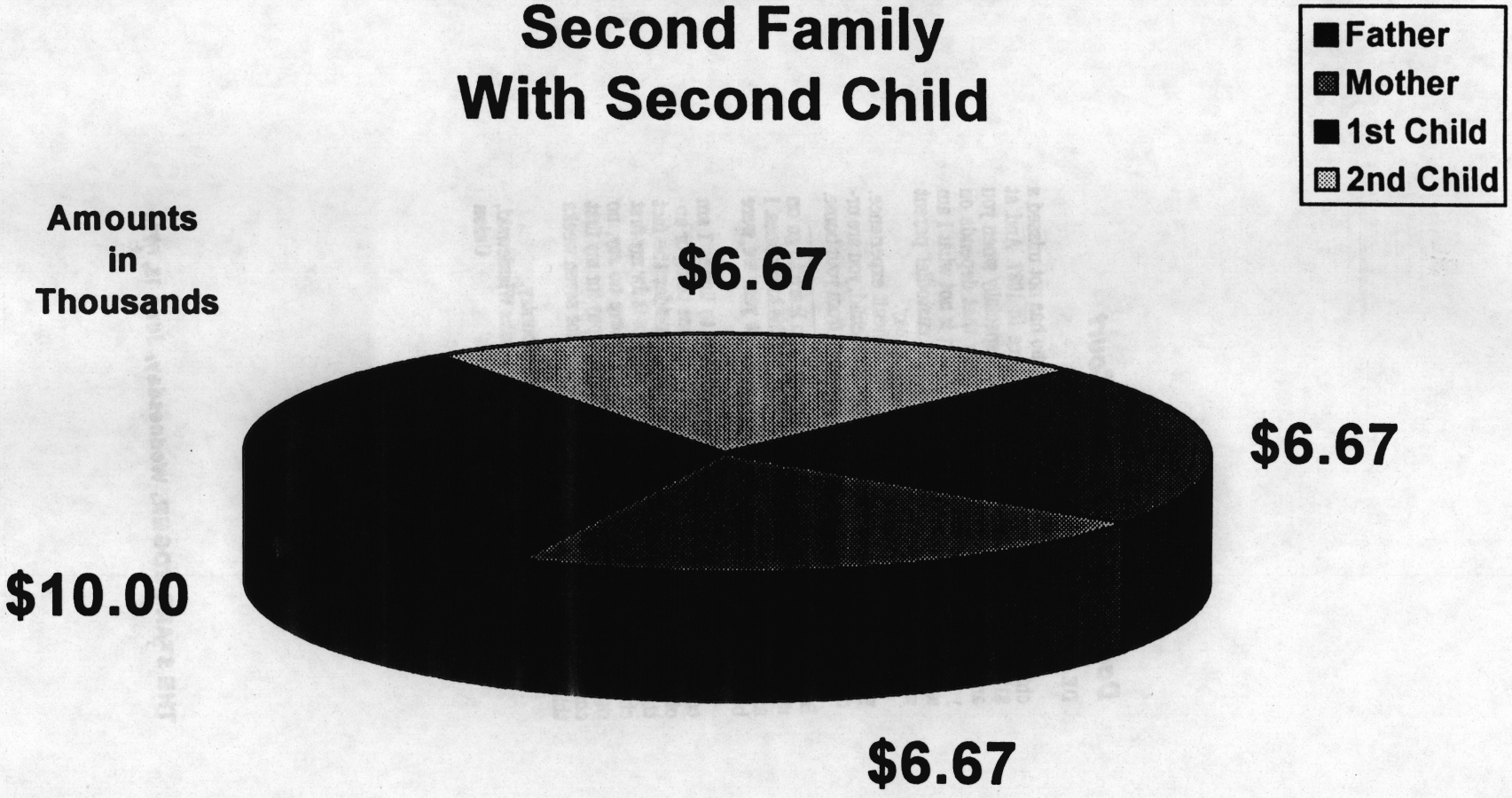

Exhibit 4

THE COLLEGE OF
WOOSTER

NEWS RELEASE

Contact: Wesley P. Tree
(216) 263-2145

Wooster researchers debunk popular ideas about the economics of divorce

WOOSTER, Ohio — A study by two professors at The College of Wooster has concluded that both men and women are likely to suffer a decline in their economic circumstances in the aftermath of a divorce, contradicting previous reports that held that divorced men often enjoy an improved economic condition.

In an article, "Economic Consequences of Marital Dissolution," in a forthcoming issue of *The Journal of Divorce and Remarriage*, Gene E. Pollock, a professor of economics, and Atlee L. Stroup, an emeritus professor of sociology and education, report that while divorced women are more economically vulnerable than divorced men, their recent research indicates that divorced men's economic circumstances are, in general, slightly below their peers who are married.

The two professors further contend that this, in turn, may mean that many divorced men are not able to provide as high a level of child support as is generally assumed by the courts and the general public.

The work of Pollock and Stroup contradicts a previous study on this subject which claimed that during the first year after divorce, divorced men experience a 42 percent rise in their standard of living while divorced women (and their children) experience a 73 percent decline.

According to Pollock and Stroup, this study, which is quoted widely in textbooks and by the media, is flawed because its sample was too small and too localized. It was conducted by Lenore Weitzman in the Los Angeles and San Francisco areas of California.

Pollock and Stroup, meantime, based their work on data from the General Social Surveys compiled by researchers at the University of Chicago in order to have a sample which is representative of the nation at large. Their data indicate that the loss of income figure for women of divorce is closer to 30 percent and

(more)

SIX

Exhibit C (1.12)

first add — economics of divorce

that men experience about a seven to 10 percent drop in average income rather than the 42 percent increase reported in the Weitzman study.

Stroup thinks the latter finding may be the most important outcome of this new research since it calls into question the popular characterization of "deadbeat" dads who are able but unwilling to pay child support.

"The modern media approach of generalizations without detailed breakdown may be socializing a consumer public to this mode of discourse," he said.

"If people are misled by incorrect analysis, they may come up with the wrong public social policy," adds Pollock.

"It's being assumed in Washington that there is a lot of money in the pockets of these divorced men that could be tapped to support the children of divorce," said Stroup. "Both of the Clintons have taken a position that something has to be done about the issue of deadbeat fathers. It's more complex than previous studies have led us to believe."

On the policy level, Pollock and Stroup say that financial undergirding of children after a divorce is very much at issue. Since the mid-70s, several states have adopted their own versions of the Uniform Reciprocal Enforcement of Support Act and have set up their own systems to require those divorced parents (primarily fathers) to follow local court orders of child support for which they are responsible. These efforts are only partially successful.

In their article, Pollock and Stroup indicate that in a number of states, including Ohio, efforts are being made to establish paternity and implied economic responsibility outside of marriage and to enforce child support more strictly. This movement is backed by an uneasy alliance between some liberals and conservatives. There is a general assumption that most absent fathers could provide significant amounts of child support. Their research suggests that such an assumption is an oversimplification since divorced men are not able to pay as much as Weitzman's earlier study would indicate.

"We must not just look for simplistic solutions," said Stroup. "No-fault divorce is partially responsible for the current dilemma. The old alimony arrangements are gone. While there is little doubt that women and children have gotten caught by the change, men are not as financially well-off after divorce either. When you come right down to it, Gene and I think a new approach to family law, which takes into account the economic undergirding problems, should be taken by public policy-makers."

(more)

second add — economics of divorce

Pollock cautions, "Before designing a brand new or changed social policy, one must have and understand the facts. Things will get worse if the data are incorrect or aren't interpreted correctly. Based on our findings in this study, we suggest policy-makers exercise caution and not simply react to the public pressure being brought as a result of popular media generalizations."

(end)

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Exhibit 6 (3 of 3)

TO: Members of the Commission to Study the Law of Divorce

FROM: Meheryar N. Rivetna
4004 Crawford Court
Bridgewater, NJ 08807

DATE: JULY 28, 1994

SUBJECT: Testimony on inequities in divorce laws

Honorable Ladies and Gentlemen:

I want to take this opportunity to present my views, and those of my friends, on the inequities in our states' divorce laws and in particular the unjust child-support guidelines set by the state of New Jersey.

My wife of eleven years sought divorce from me a little over a year ago. I have two children aged 10 and 7 from the marriage.

I want to bring to your attention that I have been ordered to pay 44% of my ***net*** income in child support. At the time of my divorce, my monthly gross income was $4,616. My net income was $2,887. Based on this income, my child-support payment was determined to be $1,268. My ex-wife's income is 48% of our total income which means that her contribution to child-support is close to $1,200. It does not cost $2,400 a month to raise two children. When the children visit me on weekends, I have an additional cost of entertaining them, not to mention the cost of transportation. So, in essence my support payments approximate 50% of my take home pay. If that's not bad enough, 75% of our marital financial assets was awarded to my wife. My wife decided what household goods I was going to get which was a couch, a chair, a TV set, mattress and box spring, a computer, my camera and some books. This after 11 years of marriage. I was not allowed to pick the items I wanted. I was not allowed to get items I had bought before my marriage, before I even I met my wife! Judge Katharine DuPuis of Somerset county, who was sitting in for Judge T. Graham Ross, advised my attorney that my life would be made difficult if I did not comply. To the best of my knowledge, a judge is supposed to render justice and not threaten and coerce those who stand before them seeking justice. Judges Ross and Dupuis are typical of New Jersey's family court judges who deny men their rights.

How can one be expected to meet mortgage payments, food expenses, utilities, property taxes, clothing, car insurance and maintenance on approximately $1500 a month? I would like to see the legislators and judges live on that amount before they expect others to do so. I work hard for a living; I am entitled to reap some benefits from my labors. For most men in this situation, their income cannot support the level of fixed expenses they have to meet. The only place they can cut corners is food. It is a shame that the wealthiest nation on earth should deny some of its citizens the right to their basic necessities. Because of my high child support obligations I cannot qualify for loans for cars or my residence. I cannot afford to go to school to further my education. I cannot pursue a career change. In short, I am being punished because my ex-wife chose to be irresponsible to her marriage. She gets a divorce, and the benefits thereof, because she wants her "space" and "freedom", and I pay a price for it. But then this is America. Who said the victim had any rights? Only the perpetrator has all the rights and priviliges. **I did not end the marriage; why am I being punished?** Why do the courts ask us to make financial disclosures and then totally ignore the expenditures in the case information statements? Is that more for the financial benefit of the attorneys who prey on a divorcing couples' misery?

I am not suggesting that the children's welfare be ignored. I love my children dearly and want the very best for them in life. I am willing to take custody of my children without any monetary

support from my former wife. Why am I being denied that option? Why must I incur enormous legal expenses in custody battles and subject my children to the mental anguish of appearing in court and lose anyway? Where does it say that women make better parents than men? Are you aware that women who are alcoholics, adulteresses, negligent, emotionally unbalanced get custody of the children? The judges ignore these facts. Does that serve the best interest of the children? My son wants to come and live with me. Why is my child denied that privilege? Who is the judge to determine what's good for my child? Who is the judge to deny me the right to my private property? I believe I am living in the United States of America and not Nazi Germany!

The state of New Jersey, with its unjust child-support guidelines, has created "dead-beat fathers". The state forces men to renege on their responsibilities. It is every Americans' birthright and moral responsibility to fight unjust laws. Any law that degrades human dignity is unjust. No man or woman should be expected to submit to a law which is out of harmony with moral law. Abrogation of one's dignity and the right to an honorable life breeds defiance. Abraham Lincoln reminded us that nothing should ever be implied as law which has unjust and absurd consequences.

It appears that family court judges in New Jersey delight in making life unpleasnt for divorced men with children. There appear to be no laws in a family court. The laws, if any, are vulgarly skewed in the favor of women. I am repeatedly reminded by attorneys that the outcome in a family court is very uncertain and based on the whim of the judge. When I enter a courtroom, I am seeking justice and not buying a lottery ticket. A judge's job is to be fair in interpreting laws and not legislate them. The judges totally disregard the plight of men. While I am ordered to meet my obligations, my ex-wife, with the judges' blessings, flagrantly disregards any agreements she's entered into with me. Recently, I asked my former wife how much was she paying for the childrens' daycare. Her response was, "I don't know". Yes, I can go to court. But my experience, and those of other men, with the Somerset county judges prevents me from doing so. The judge will dismiss my motion, probably force me to pay her attorney's fees and my attorney will charge me close to a thousand dollars. All this mental aggravation and financial burden because I want to lower my child-support payments by about a hundred dollars a month which, incidentally, I am entitled to according to the judgement of divorce. I have joint legal custody, but I have no say in their upbringing. Joint legal custody is a farce.

The court, by imposing financial hardship on me, is by no means looking out for the "best interest of the children". I make a decent salary yet I don't have a decent bed, cooking utensils or furniture. When my children come to visit me they sleep on the floor. I can't afford heat in the winter, so they have to bundle up to stay warm while my ex-wife takes trips to Florida and California. My children run around with holes in their clothes and shoes while their mother has a new dress every time I see her and that is not an exaggeration. My children inform me about the new furniture, cordless phones, computer games, and a variety of other needless items purchased almost every month by their mother. And I have to save money for three years to buy two lamps!! I am not trying to give you a sad story; I am giving you facts. I am not asking for sympathy, I am asking for justice.

What about my civil rights? As a nation we make a hue and cry about human rights violations in other countries, yet deny our own citizens their constitutional right to life, liberty and the pursuit of happiness. We challenge and question the atrocities dictatorial governments commit against their people; we look the other way when our judges commit atrocities against our own people. Who challenges and questions the New Jersey family court judges? They are no better than the Sadam Husseins of this world. Let us make sure that our house is rock solid before we hurl stones at others.

The state incarcerates men when they are unable to meet the ***unreasonable*** support payments imposed on them. Perhaps the state does not realize that the punishment to the offenders is short term. The ones the state is *really* punishing are the very children it purports to protect. What child would respect a social system that sends its parent to prison because the parent stood up for himself and defied an unjust law? What child would respect its' mother who sends his or her father to prison because an unreasonable expectation was not met? Does any judge or

legislator realize the immense psychological damage done to the child when the child discovers that his or her father is in prison? How is a child to handle emotionally the taunts and ostracism it suffers at school because his or her father is a jailbird? Is this what we civilized people call "in the best interest of the children"? Ladies and gentlemen, you are punishing the child more than you are punishing the parent. The damage to the parent is for a few weeks, at best; to the child the damage is for life.

I urge all lawmakers to stop pandering to organizations such as NOW for political gain. These organizations pit one gender against another, polarizing the nation. Let me remind you that a house divided against itself cannot stand.

What I have described above is not an isolated incident. It is widespread over New Jersey. Before you start rounding up "dead beat dads", ensure that your laws do not violate their integrity and their fundamental right to a decent life. Please take a few minutes to peruse the attached articles and letters.

The present divorce laws provide an incentive for most men and women to void their marriages for frivolous reasons. Some women don't want the men in their lives, but they want their money. This testimony is not intended to undermine the difficulties that women face when unscrupulous men desert their wives and children. Such men should be seriously dealt with.

The only solution that I can see to this burgeoning social problem is to have very strict divorce laws. Eliminate "no-fault" divorce. Divorces should be granted only for adultery, physical abuse, psychosis, financial irresponsibility, alcohol and drug abuse. Each divorce case should be evaluated on its own merit. Impose severe penalties on men and women who desert their spouses and children because there is "someone else". If a man deserts his wife, he should be required to pay child support and alimony for life; even if the woman remarries. On the other hand if the woman leaves her husband for another man, she should not be given custody of the children nor is she entitled to any monetary support from her ex-husband. She should forfeit a substantial portion of her marital assets and if she is a woman with a career she should be required to pay alimony and child-support. Substance abusers should be given a chance to rehabilitate. Failure to do so is grounds for divorce with penalties similar to those outlined above. There is no excuse for physical abuse. Nail the guilty party! Marriage is a contract and a failure to honor a contract is punishable by law. Failure to honor the commitment to spouse and children should be penalized. Let people be responsible for their actions. Our present laws punish the responsible and reward the irresponsible.

If we have to have divorces for frivolous reasons, then determine if either party wants custody of the children without monetary support from the other. That should be the first option. If the man is unwilling to care for the children then he should be required to pay a modest amount in child-support. The amount should not be determined on his earnings or earning capacity. It should be based on the cost to provide food, clothing, and entertainment for the child. The mother pays for the shelter and utilities.

To say that the support guidelines are designed to enable the child to enjoy the same standard of living as before the divorce is ignorant. If my family was intact and I lost my job, would the state come to my aid with unemployment checks equal to my wages because I have children and their standard of living should not change? Children are the real victims in a divorce and if the New Jersey legislators are truly concerned about the children then toughen divorce laws as I have proposed. There is ample evidence to show that children from divorced homes have developmental problems. Help the children by making it hard on their parents to obtain a divorce.

I am willing to devote my time and energy with any government agency to help resolve the divorce dilemma.

Respectfully submitted,

Meherjan N. Rivetta

86x

Yesterday, July 27th, my youngest son, Michael, turned twelve. I have missed his last four birthdays. Eric is fourteen and I've missed his last three birthdays. Brian is now fifteen and I've missed his last three birthdays too. My three sons have missed my last three birthdays. We have not been together to celebrate Christmas in 1991, 1992 and 1993. The last three Mother's Days, I have spent alone. I could not hear my sons say, "Happy Mother's Day, Mom, I Love You." All these special days have past by without hugs, kisses, a card or even a phone call. My sons father and step-mother, with the help of the New Jersey Family Court System have managed to destroy the mother-child relationship that I once had with my three sosn.

In June of 1991, I kissed Eric and Michael good-bye. They were to spend a month's vacation with their father. Though the post custody litigation had just begun in June (and no reports had yet been submitted), on July 23, 1991, Schaeffer did not allow Eric and Michael to return home. And on August, before the trial had finished, Brian had to join his brothers in Massachusetts.

My sons were tricked and manipulated from day one. In this tape you can hear my son, Michael in August of 1991 truly believing that he'd be coming home and I'd have to shop for him for he had grown a lot. PLAY TAPE

I was very much concerned about Michael's state of mind. I knew how much he wanted to return to North Bergen and celebrate his 9th birthday. Here my son, Eric, tells me how Michael is really sad and how he wears a mask during the day. But at night he cries himself to sleep as Eric conforts him by saying, "Don't worry Michael, we'll

go home, don't worry". Eric is being told by his father to hang up. PLAY TAPE

Brian on July 23, 1991 was taken to court by his father and chastised by Charles DeFuccio his GAL and by Schaeffer. DeFuccio scolded Brian for having called his brothers without permission. He then told Brian that as a result of his behavior, he would ask Schaeffer to not allow Eric and Michael to return home and added that Brian should go home and take a good look in the mirror because he was to blame for all of this. That night Brian told me that everyone would be better off if he was dead. I reassured Brian that he was loved by many a people and that he was not to blame for any of this madness.

A month later, Brian had his first conversation with his father since the incident at court. Please listen to the anger in Brian as he tells his father that nobody cares or understand how he feels. And that why did people get upset when all he wanted to do is talk to his brothers because he loves them. PLAY TAPE

But Brian knew that nobody cared. Schaeffer did not grant me any visitation when he ordered the temporary transfer of custody. 2/20/9 The only communication that was to take place were three phone calls a week to be iniated by my sons. My sons were sad and their father interefered with the phone calls. My attorney requested an in camera interview with my three sons which took place in September 28, 1991. All boys told Schaeffer that they wre unhappy and wanted to return home. And that they were not being allowed to telephone me. Schaeffer has sealed the tape of this interview and argues that my sons were indeed happy and didn't want to see me or talk to me.

On June 8, 1992 the therapist of my children in Massachusetts, writes Schaeffer a letter stateing, "All three of the Kontos children feel that their mother is 'sick' and in need of professional help".

96x

But I now want you to hear a conversation I had with my son Eric, in December of 1991 where Eric says that his father and Alice (the step-mother) tell him and his brothers that I am sick and need help.

On June 9, 1992, Schaeffer entered an order granting the father sole custody and not allowing me any visitation without the approval of the children's therapists. No time limit was set as to how long the therpaists needed to evaluate my three sons.

On June 10, 1992, I was held in contempt of the June 9th order for violating it on June 6, 1992 - an impossible situation. But as result of this, Schaeffer entered an UNCONSTITUTIONAL ORDER dated July 1, 1992 which prevented me from travelling or relocating to Massachusetts and forbidding me from contacting the children or their school, doctors and church.

There is so much more that I could add to this testimony. But it is hard to condense three years of a living hell into a few minutes. The result is that my three sons are now afraid of me. They have been brainwashed and programmed. And now I face five years in jail for false domestic violence charges.

Dr. Farber writes in his report, "Lourdes Kontos and her three sons, Brian, Eric and Michael have been victimized and grievously harmed by interventions made by a number of mental health experts and sanctioned by the New Jersey Familiy Court. In other words, it is clear that not only did the New Jersey Family Court and the mental health agencies that provided assisment and therapy to the Kontos boys fail to make efforts to aid Ms. Kontos in preservingher constitutional right to have a relationship with her sons as required by law, but they vigorously and successfully acted to destroy this relationship. Do they care about the broken lives their decisions leave in their trail?

This is a tragedy, and a crime for which the responsible parties will ultimately be held morally, if not legally accountable.

This is not just another new story. I bleed when am cut and I cry when I'm hurt. I am just a mother who wants to see her three sons and nobody wants to help me.

LOURDES M. KONTOS
7 FAirview Avenue
Secaucus, NJ 07094
(201) 330 - 7732

I am the mother of Brian, Eric and Michael Kontos. Three years ago, I was stripped of my parental rights by Judge Schaeffer of Hudson County. I now face five years in jail for alledgly violating a restraining order. I must now condence three years of a living hell into a ten minute testimony. I have attached a report from Dr. Seth Farber dated March 8, 1994 which best details my case.

In May 1990, as a result of the recommendations of the court appointed psychiatrist and Guardian at Litem, Schaeffer had no choice but to award me joint legal and physical custody of my three sons, with my home being their primary residence. However in June of 1991, when my ex-husband filed for sole custody of the boys, Schaeffer would not rely on the original court appointed experts to investigate as to whether a reversal of custody was warranted. Instead, Schaeffer appointed a new Guardian at Litem, Charles DeFuccio, who then picked his own mental health experts.

By August of 1991, Schaeffer ordered a temporary transfer of custody to the father who was residing in Massachusetts. I was not granted any visitation rights. The only communication that was to take place was three phone calls a week to be initiated by my sons. But even that was more than their father wanted . And he saw to it that my sons did not call.

My attorney filed an Order to Show Cause in September of 1991 which resulted in Schaeffer interviewing my sons in camera on September 29th. All of my sons clearly stated that they were unhappy in Massachusetts, that they wanted to return home and that their father was preventing them from calling their mother. But their cries fell on deaf ears. Shcaeffer has sealed the tape of the interview and has argued with my attorney in court that the children's desire was to remain in Massachusetts and not telephone me.

On June 10, 1992, I was held in contempt of court for violating the June 9, 1992 order on June 6, 1992. Not only could I not violate an order that had not been entered, but the allegations were in fact false. My attorney presented to the court a brief on June 18, 1994 where he challenges Schaeffer's jurisdiction and the unconstitutional order preventing me from contacting the school and entering the towns of Tewksbury and Andover, Massachusetts. But

Schaeffer not only entered the attahced order of July 1, 1992 where it states that I can not have any contact with my children, travel to Massachusetts or contact the children's school, doctors or church, Schaeffer also would not transfer jurisdiction to Massachusetts.

In January 1993, I was again taken to court for contempt. This time I could not afford an attorney and had to represent myself. I filed a Federal Removal which prevented Schaeffer from hearing my case unless the Federal District Court remanded the case to Schaeffer. In the attached transcript of January 26, 1993, Schaeffer is now willing to transfer the case to Massachusetts rather than have the Federal courts look into my case. He also advises my adversary, Ms. November, as to what steps to take to prevent the Federal Courts from taking jursidiction of my case.

Although Schaeffer did give up jurisdiction in February 1993 and my case is now in Massachusetts where my children reside, the damage has been done by Judge Schaeffer and Charles DeFuccio and the experts he picked. The system has failed me and my three sons. The June 1992 transfer of custody order allowed for no visitation unless recommended by the children's therapists. There was no time limit set. Schaeffer allowed the father and stepmother to manipulate the children through the therapists they hired.

I have attached a letter from the children's therapists dated June 8, 1992, where he states, "All three of the Kontos children feel that their mother is 'sick' and in need of professional help". But I now want you to hear a part of a conversation I had with my son, Eric in December of 1991 where Eric says that his father and Alice tell him and his brothers that I am sick and need help.

Three boys who had a close loving relationship with me at one time, now are afraid of me. Their father and step-mother tell them that I am trying to kidnap and kill them. Three boys who in January of 1992 send me the attached Birthday card, now want no part of me. Can anyone make up the years that Brian, Eric, Michael and I lost as a family? Will the system take responsibility for my children's actions resulting from the deprivation of a mother's love?

But the nightmare is not over. The July 1, 1992 UNCONSTITUTIONAL ORDER is stil haunting me. Schaeffer laid the foundation. Schaeffer allowed the father and step-mother of my three sons to brainwash and program my children. He allowed them to turn my sons against me. Shcaeffer also damaged my reputation.

All that my ex-husband and his wife had to do was make an allegation of abuse supported by the no contact restraining order of July st and the Massachusetts courts without ever having a hearing have issued two warrants. Two warrants that had me arrested on June 21st and thrown in the Hudson County jail as a fugitive. I served time in a jail as a common criminal until a $10,000 bail was posted.

I had two weeks to decide whether I would fight extradition or surrender myself in Massachusetts. It is beyond me how we can waste tax payers money on trying to extradite a mother without a previous record based only on false domestic violence charges. How much did it cost for:

-the Secaucus Police to arrest and book me
-the Hudson County jail to feed me, shelter me, transport me etc...
-the prosecutor's time in and out of court
-the Judges who heard my case on three separate days
-the probation officer who I signed in with every morning

and for all all the hidden costs. I don't have the figures. But I would imagine that it's in the thousands.

Now on August 8th, I began my trial by jury in Massachusetts. I feel confident that the jury will find me not guilty. But the damage has been done again.

Dr. Farber writes, "Lourdes Kontos and her three son, Brian, Eric and Michael have been victimized and grievously harmed by interventions made by a number of mental health experts and sanctioned by the New Jersey Family Court. In other words, it is clear that not only did the New Jersey Family Court and the mental health agencies that provided assesment and therapy to the Kontos

boys, fail to make efforts to aid Ms. Kontos in preserving her constitutional right to have a relationship with her sons as required by law, but they vigorously and successfully acted to destroy this relationship. Do they care about the broken lives their decisions leave in their trail? This is a tragedy, and a crime for which the responsible parties will ultimately be held morally, if not legally, accountable.

LOURDES M. KONTOS
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SETH FARBER, Ph.D.
172 West 79th Street, #2E
New York, NY 10024
(212) 799-9026

March 8, 1994

Dr. Seth Farber, being duly sworn, deposes and states this affidavit is written in support of the annexed pleadings and request for trial of Lourdes Kontos.

I am a psychologist, a writer and an editor of *The Journal of Mind and Behavior.* I am the Co-Director with Dr. Monty Weinstein of the Family Therapy Institute of New York City, the author of *Madness, Heresy and the Rumor of Angels* (Open Court, 1993), and a public speaker who has appeared on numerous shows including William F. Buckley's "Firing Line" and Oprah Winfrey.

Lourdes Kontos and her three sons, Brian, Eric and Michael have been victimized and grievously harmed by interventions made by a number of mental health experts and sanctioned by the New Jersey Family Court. As a result of these interventions, Ms. Kontos has not seen her boys in almost three years and they have developed a fear and aversion to her. Furthermore, the negative effect of these interventions have been so extreme that the Kontos boys have been in therapy continuously since August 1991 when they last saw their mother.

In other words, it is clear that not only did the New Jersey Family Court and the mental health agencies that provided assessment and therapy to the Kontos boys, fail to make efforts to aid Ms. Kontos in preserving her constitutional right to have a relationship with her sons as required by law, but they vigorously and successfully acted to destroy this relationship.

In order to justify reversing the decision to award Ms. Kontos custody and placing their boys with their father, in spite of the repeated statements they made during the years 1988 to 1991 that they preferred to live with their mother, three professionals filed reports in summer of 1991 depicting Ms. Kontos in extremely pejorative and potentially libelous terms.

Thus, after reading the report written by Charles DeFuccio who was appointed Guardian Ad Litem to the Kontos boys in June 1991, the report filed by psychiatrist Dr. Morton Fridman and the report filed by psychologist Dr. Girard Costa, one is left with the impression that Ms. Kontos is a egocentric and undisciplined person, vindictive, mean-spirited, impulsive and potentially dangerous to herself and others, oblivious to her children's well being and intent on using them as pawns to satisfy her own pathological emotional needs. In these reports,

103X

Ms. Kontos is demonized and so lacking in any redeeming virtues that one is reminded of the poor defenseless women in another era who were brought before religious and legal authorities, denounced as witches—allies of the devil—and condemned to die. Like the witches in another era, Ms. Kontos was also condemned (in this case, to lose her relationship with her children), without any concrete evidence of wrongdoing and, in fact, considerable evidence that she was a devoted and highly competent mother.

I am not surprised by the fact that under the guise of providing a psychological assessment of Lourdes Kontos the three experts produced documents vilifying her. In my book and writings since my first article appeared in 1987, I have attempted to show how the philosophical assumptions embraced by the overwhelming majority of psychiatrists and psychologists leads them systematically to underestimate the competence and strength of character of their clients and to misinterpret manifestations of emotional distress as symptoms of character disorders, rather than as responses to stressful conditions in the environment. I must admit, however, that I am surprised and appalled by the willingness of Costa, Fridman and DeFuccio to completely disregard information that does not cohere with their theories—and by Judge Steven Schaeffer's failure to consider all the evidence.

In order for Judge Schaeffer to accept the plausibility of the demonized portrait of Lourdes Kontos, he apparently selectively ignored evidence which would lead one to view Ms. Kontos as a more sympathetic, even as an heroic, figure. One must overlook the fact, for example, that for three years Ms. Kontos had custody of the boys and the boys were for the most part happy and well-adjusted—this was the case according to the testimony of the school principal, the baseball coach, Mr. DeFuccio, Dr. Brodzinsky, Dr. Shapiro, Dr. Goodstein and of numerous neighbors, and two teachers of the children who appeared in the courtroom as witnesses for Ms. Kontos. The boys' success in adjusting was also reflected in their good grades in school, their positive interactions with their peers, and their high level of participation in extra-curricular activities. Sister Roberta, Principal of St. Augustine School, told Mr. DeFuccio that the boys were "model students," that they were all involved in extra-curricular activities, that they were "good kids," "normal boys," with no evidence of emotional problems.

In order for Judge Schaeffer to justify terminating Ms. Kontos' right to visit with her children, he must have discounted not only this information but the reports and testimony on which he based his decision in May 1990 to award custody to Lourdes Kontos. Psychiatrist Dr. Charles Goodstein evaluated Ms. Kontos in May 1990. He saw her for four visits, two where he observed her interact with her children, and concluded his report, "Mrs. Kontos has been a decent parent to the children and there has been nothing which emerged in the course of their evaluation which would lead to a recommendation that custody should be assigned to Mr. Kontos." He noted also in this report that Mr. Kontos appeared to be far less dedicated to his children that Ms. Kontos was.

The Guardian Ad Litem at the time, Robert Pompliano, Esq. testified on behalf on Ms. Kontos, and the report by Dr. Sandra Shapiro was also in favor of awarding custody to Ms. Kontos. Dr. Shapiro was Ms. Kontos' therapist from 1985 through 1991 and knew both Ms.

Kontos and her boys well. She concludes, "Mrs. Kontos is a fit and loving mother who can and should retain custody of her children during their formative years." The judge also must have disregarded the report by psychologist Dr. David Brodzinsky in August of 1991 in which he concludes, "Neither Ed nor Lourdes is unfit to be a custodial parent. Each has at least the basic capability and emotional stability to meet the children's needs." The judge must have also discounted the testimony given on Lourdes Kontos' behalf by neighbors, friends and teachers of the children.

In order for the judge to rationalize terminating Ms. Kontos' parental rights, he must have overlooked the evidence that she is animated by a highly developed spirit of maternal self-sacrifice. As a single mother, not only did Lourdes Kontos work to support herself and her children at a demanding job, competently care for the children's needs without any help from nearby kin and with meager financial assistance provided by her ex-husband, but she devoted most of her own leisure time to participating with her boys in extra-curricular activities. This exemplary devotion was probably why Michael's baseball coach, "sung the praises of Ms. Kontos" to quote from the report of Charles DeFuccio and "mentioned how close Michael was to his Mom, how she participated and volunteered in the baseball program, how much time she spent with the boys doing their homework and how involved a mother she was."

Furthermore, this is a woman who for the past three years—of course, the authorities did not know that in summer of 1991, but if they were the astute judges of character that they deemed themselves to be, they might have predicted it—has done everything within her power to regain custody of her children: she has spent thousands of dollars on attorneys, she has gone into debt, she has lost her house, she has expended energy and effort to gain allies for her noble cause and she has shed an ocean of tears. Had the authorities gauged the depth of Lourdes Kontos maternal devotion, would they have acted differently? Do they care about the broken lives their decisions leave in their trail?

I believe that there was no justification for reversing custody in June 1991. Not only was there considerable evidence that Ms. Kontos was a devoted and highly competent mother, but the boys clearly preferred to be with her, since the father showed what Dr. Brodzinsky aptly termed, "a marked indifference, or at least an insensitivity, to the boys' feelings." But not only did Judge Schaeffer reverse custody but he terminated Lourdes Kontos' visitation rights entirely, an appalling and shameful violation of the rights of Ms. Kontos and of her children.

To justify his actions, the Judge relied on the reports of Charles DeFuccio, Guardian Ad Litem, Dr. Costa and Dr. Fridman. I want to look briefly at these reports to demonstrate how biased they are and that the conclusions the experts reached were unwarranted.

The report of Guardian Ad Litem Charles M. DeFuccio is so obviously prejudiced against Ms. Kontos that I will not spend much time refuting his claims. Unlike the professional mental health experts, he does not attempt to disguise his aversion to Ms. Kontos by couching it in psychological jargon. When Ms. Kontos did not submit to one DeFuccio's commands and allowed Michael to enroll in the baseball tournament, DeFuccio evidently became angry and blatantly wrote of "the immaturity, short-sightedness, and obvious selfishness of Mrs.

105K

Kontos." Repeatedly in his report, DeFuccio acts as Mr. Kontos' attorney making excuses for him to the reader and to the Kontos boys. He discounts all the evidence he himself uncovers pointing to Ms. Kontos' competence and devotion as a mother, most saliently his own observation that the boys were basically happy and well adjusted——after, he omits of course to state, three years of living with their mother, Lourdes Kontos—and recommends that Mr. Kontos be awarded custody.

Although Mr. DeFuccio does not couch his aversion to Ms. Kontos in psychological jargon, he does not regrettably resist the temptation to play psychologist: he develops an unusual psychological theory to justify depriving Ms. Kontos of custody. DeFuccio states that the boy's passionate interest in baseball was created, in fact, by Ms. Kontos: "Mrs. Kontos was not only totally involved in the baseball program in North Bergen, but seemed to be the driving force and stimulus for all three boys as to their pursuit in playing baseball.. There was an illogical urgency in their pursuit of the championship." Mr. DeFuccio is apparently so emotionally invested in his theory that he is not willing to consider what strikes me as a far more plausible explanation for the boy's involvement in baseball, considering the nature of children their age: that it was a spontaneous expression of their own interests. The issue of the boys' interest in baseball is highly emotionally charged for DeFuccio and he returns to it at the end of his report, commenting disparagingly on Ms. Kontos, "She has instilled a pride—warped as it may be—in the boys' participation in baseball." I do not think that one has to be a baseball fan or a psychologist to recognize that it is not warped for an eleven year old boy to be proud of his baseball accomplishments. Nor is it reprehensible for Ms. Kontos, as a mother, to encourage this pride. Yet, it is these kinds of ludicrous assumptions that DeFuccio uses to justify declaring Lourdes Kontos a delinquent mother and recommending a reversal of custody.

Dr. Morton Fridman's report is a hatchet job, a mean-spirited and skillful act of character assassination unsupported by any evidence. It seems probable that in reaching his conclusions about Ms. Kontos, he was influenced by a telephone call he had with Dr. Girard Costa which he refers to in his evaluation. Fridman paraphrased Costa's assessment, "Lourdes Kontos suffers from a borderline personality disorder and can decompensate into psychosis and suicidality when stressed." This is pure invention on Dr. Costa's part. Ms. Kontos has never been suicidal or psychotic. This idea probably has its origins in a conversation Ms. Kontos had in November 1990 in a session with Dr. Costa in which she told him that the previous week she had a "mini-breakdown." What Ms. Kontos meant by this statement was that a variety of pressures on her had accumulated leading to feelings of frustration, discouragement and nervous exhaustion. Evidently, Ms. Kontos layman's use of the term "breakdown" stimulated Dr. Costa's imagination and led him to wildly extrapolate that she had a *psychotic* break. This was clearly not the case: she has never had any delusions or hallucinations or any kind of disorder in thinking that would impair her ability to function competently as a mother. I believe that Dr. Costa's clearly inaccurate allegation that Ms. Kontos could become psychotic colored Dr. Fridman's assessment of her, as Fridman's concluding recommendations evoke a profound sense of impending disaster that is not explained by any of the facts.

106X

Dr. Fridman and Dr. Costa state repeatedly that Ms. Kontos attempted to "embroil" her boys in her dispute with her husband. I did not know Lourdes Kontos at that time so I will not deny that this took place. I would not be surprised if it did, since it frequently happens to a greater or lesser degree on the part of both parties to a divorce. This, however, certainly does not justify Dr. Fridman's contention that Lourdes Kontos is so manipulative and psychologically impaired that her boys were unable to separate their own feelings from that of their mother and that "the children had been unable to have feelings for their father independent of their mother's feelings." These conclusions are made on the basis of ignoring or minimizing the significance of a great deal of evidence that the boys had their own reasons for being angry at their father. Dr. Goodstein wrote in May 1990 that if Mr. Kontos does not give more "tangible evidence" to the boys that he is as interested in them "out of court as he is in court," they will "continue to complain and these complaints have a sound basis." Furthermore, despite their anger, the boys did on numerous occasions manifest positive feelings toward their father, which is in fact evidence that they had feelings "independent" of that of their mother.

Dr. Fridman's contention that due to Ms. Kontos personality disorder "the boys have difficulty establishing themselves as independent individuals" is also an invention. Although at the time they were unusually close to their mother—understandably so since they were going through a time of transition—they all had good relationships with their peers, teachers and many of the other adults who formed relationships with them, including Charles DeFuccio and Dr. Brodzinsky. We saw above that numerous individuals made clear that the boys had no trouble establishing themselves as independent individuals. Unfortunately, all that my fellow mental health professionals have to do is to couch their assertions in psychological jargon and they are regarded as scientific truths even when they are not supported by any empirical facts.

Dr. Fridman closes his report with a dire warning. "If the children continue to be raised by Lourdes Kontos, it is likely that their capacity to trust others and to form stable, loving relationships while maintaining a stable sense of themselves as independent persons will deteriorate further." I have already indicated why there is reason to believe why this concluding statement is patently false and libelous. What I want to point out here is its obvious effect: it authorized the court to destroy Ms. Kontos' relationship with her children.

What kind of arrogance leads Dr. Fridman to sit in judgment over a woman he does not really know? What kind of insensitivity allows him to feel comfortable making these judgments without considering countervailing evidence? Since Dr. Fridman is unfortunately not unique, or even very unusual, I am impelled to inquire further, why do we tolerate the existence of a system that has substituted the bogus judgment of professionals for the right to be considered innocent until proven guilty, a system where families are routinely destroyed because professional psychobabble has become a substitute for common sense. The Kontos case dramatically demonstrates the validity of my contention that mental health experts have a propensity to "diagnose" their clients as defective and incompetent parents—even when there is considerable countervailing evidence. The lesson it teaches is unequivocal: until mental

health experts are banned as expert witnesses in the courts, there will be no due process and no protection of the rights of families.

Unfortunately, the situation has "deteriorated" even further since August 1991, although not due to any fault of Lourdes Kontos who has not seen her children since that time. Mr. Kontos in alliance with the two therapists of Brian and Eric, and of Michael, respectively have managed to convince the boys that Lourdes Kontos is a dangerously insane woman. John Reilley wrote to Judge Schaeffer in June 1992 that the boys regard Lourdes Kontos as potentially dangerous, an opinion he made clear that he shared. He stated further that, "All three of the Kontos children are convinced that their mother is 'sick' and in need of professional help." Need I point out that this idea could only have been planted in the children's mind by an adult? At the encouragement of Brian Kontos' therapist, Linda Suzuki, Brian wrote his mother a note that included the statement, "I can't say I love you any more."

In June 1991 the Kontos boys clearly wanted to live with their mother. Today, as a result of the efforts of Mr. Kontos and the various professionals he has inducted into his campaign to destroy Ms. Kontos' relationship with her children, the boys are convinced their mother is a virtual demon and want nothing more to do with her. This is a tragedy, and a crime for which the responsible parties will ultimately be held morally, if not legally, accountable.

I want to end by saying that Lourdes Kontos has consulted with me on eight occasions and I have thoroughly discussed her case with my colleague, Dr. Monty Weinstein who was her therapist for seven months in 1993. She is a civic leader who is highly respected in her community, a political activist who shows great commitment to the rights of others, and a mother of great dedication who for three years has been doing everything within her power to attempt to restore her relationship with her children. I agree with Dr. Weinstein that she is a person of high integrity who would be an excellent role model for her children.

By destroying Lourdes Kontos' relationship with her children, Mr. Kontos has demonstrated that he is not fit to have custody of his children.

If further information is required, please feel free to contact me.

Seth Farber

Seth Farber, Ph.D.

Sworn to this
9th Day of March 1994

Joel Rhodes

JOEL RHODES
Notary Public, State of N
No. 44-8556410
Qualified in Rockland County
Commission Expires Dec. 31, 1994

108X

FILED

JUL 1 1992

STEPHEN J. SCHAEFFER, J.S.C.

POWERS & NOVEMBER
125 STATE STREET
P. O. BOX 1048
HACKENSACK, N. J. 07601
(201) 342-3232
ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION : FAMILY PART
HUDSON COUNTY

Plaintiff

LOURDES M. KONTOS

vs.

Defendant

EDWARD G. KONTOS

Docket No. FM-13423-89

CIVIL ACTION

ORDER

THIS MATTER having been heard before the Honorable Stephen J. Schaeffer, P.J.S.C. on June 18, 1992, the return date of an Order to Show Cause application made on behalf of the Defendant, in the presence of Celine Y. November, Esq., of the firm of Powers & November, Esqs., attorneys for the Defendant, EDWARD G. KONTOS; and Gregory T. Farmer, Esq., of the firm of Farmer & Camper, Esqs., attorneys for Plaintiff, LOURDES M. KONTOS, and the Court having read and considered the Certifications and documentation submitted

109X

therefor, and having heard the argument of counsel, and for other good cause shown:

IT IS on this 1st day of July, 1992:

ORDERED that the Plaintiff, LOURDES M. KONTOS, be and hereby is held in contempt for the willful violation of this Court's Order of June 9, 1992; and it is

FURTHER ORDERED that specific penalties, including incarceration, for said violation be and hereby are stayed; and it is

FURTHER ORDERED that the Plaintiff, LOURDES M. KONTOS, be and hereby is restrained from having any contact whatsoever of whatever kind or nature, including correspondence, with BRIAN KONTOS, ERIC KONTOS or MICHAEL KONTOS unless contact is recommended by the children's therapists as being in the best interest of the children; and it is

FURTHER ORDERED that the Plaintiff, LOURDES M. KONTOS, be and hereby is restrained from relocating to the City of Tewksbury, Massachusetts, or the City of Andover, Massachusetts, from the State of New Jersey, and is restrained from coming, ~~within twenty (20) miles of~~ in contact directly or indirectly with the Kontos children and/or entering the towns of Tewksbury, Massachusetts or Andover, Massachusetts; and it is

S.JS

FURTHER ORDERED that the Plaintiff, LOURDES M. KONTOS, be and hereby is restrained from attending the Church to which the children belong, she is restrained from contacting the children's schools, and all personnel involved in the children's extracurricular activities and she is restrained from contacting the children's therapists; and it is

FURTHER ORDERED that if the Plaintiff, LOURDES M. KONTOS, shall violate the terms and provisions of this Order or the Order entered by this Court on June 9, 1992, a warrant shall issue for her arrest.

STEPHEN J. SCHAEFFER, P.J.S.C.

SIGNED PURSUANT TO
RULE 4:42—1(b)

111X

from your jurisdiction and they do have the time to review those papers.

THE COURT: I've already put in a call to the federal district court to see when the motion is going to be scheduled and whether or not they're going to accept it to find out what the status of it is. Now I know it's been filed but I don't know if they are going to accept it because of what I've just said and your petition is really untimely and I think it's inappropriate but you filed it so I called up the United States District Court in the District of New Jersey. I spoke to -- I'm having Mr. Walsh take a look at the papers and see if it's going to be heard or rejected or retained. I don't know what's going to happen. He's the clerk of the Court.

MS. NOVEMBER: Your Honor, if I --

THE COURT: But I don't see -- I really just from an observation, it's purely an observation, I'm willing to handle the municipal court appeals, I'm willing to handle the two contempts or your motion. As far as Mr. Kontos' contempt is concerned, I'd rather treat that last. As far as yours are concerned, the children are in Massachusetts. If you want to have a hearing up in Massachusetts, I'd almost be willing to grant it to you if that's what you really want.

MS. KONTOS: As I said before, Your Honor, at this point I'm withdrawing it until the federal courts decide what they will do with my proceedings.

advising you that she's filed it, it's been assigned to Judge Bissell and I would recommend that -- Ms. November that on behalf of Mr. Kontos you get in touch with Judge Bissell's off - - chambers, find out if they want anything, if they want an appearance or you want to submit any papers which could include the Court's opinion, the documents relating from Dr. Fridman, Dr. -- what's his name?

MS. NOVEMBER: Berzinsky?

THE COURT: Berzinsky, the guardian's reports and all the other documents you may feel appropriate. However, if that does occur, I do not -- and if there is a remand to this Court, then we'll have to hear it on the remand. Meanwhile it's before Judge Bissell.

MS. NOVEMBER: Thank you, Your Honor.

MS. KONTOS: Thank you, Your Honor.

MS. NOVEMBER: Bissell is B-I-S-S-E-L?

THE COURT: I wouldn't -- I'm telling you, Mrs. Kontos, you filed it but I don't know of a case where the federal district court has held it. They might, you never can tell what they will do.

MS. NOVEMBER: I have never --

THE COURT: I don't know but in my experience I've never seen them take a case. They might very well do it.

MS. KONTOS: I'm in the process of preparing other papers for the federal court.

CERTIFICATION

I, the assigned transcriber, do hereby certify that the foregoing transcript of proceedings in the Hudson County Family Court on January 28, 1993, Tape No. 16-93, Index 2705 to 3760 is a true and accurate record of the proceedings to the best of my knowledge and ability.

Dated: 2/3/93

Marie McCormack

MARIE MC CORMACK AOC #220

Lowell Park Counseling and Psychotherapies P.C.

RANDI S. DONN, Ed.D., ABPP
Licensed Psychologist
Diplomate in Family Psychology

GERALD H. MARGOLIS, M.D.
Diplomate, American Board of
Psychiatry and Neurology

MARJORIE B. SALMON, M.A., L.C.S.W.
Marital/Family Therapist

June 8, 1992

Chambers of Steven J. Shaeffer
Presiding Judge
Family Part
Hudson County Courthouse
Administration Building
Jersey City, NJ 07306

Dear Judge Schaeffer,

I am writing to you as the out-patient therapist of Michael and Eric Kontos, since September 1991. As you may be aware, the children's biological mother made an unannounced visit to the Kontos children this past weekend. I discussed this visit with the children today in our weekly session. I feel it is important for the court to know that these children were very traumatized by their mother's actions and very afraid that she was trying to kidnap them and bring them to New Jersey.

All three of the Kontos children feel that their mother is "sick" and in need of professional help. They also fear greatly, the impulsivity and unpredictable behavior of their mother and believe that she is capable of anything. It is the children's fear and concern which I present to the court as their out-patient therapist.

If I can be of any further service to the court, please feel free to contact me at (508) 458-1400.

Sincerely,

John F. Reilly

John F. Reilly, L.I.C.S.W.

99 Market Street
Lowell, Massachusetts 01852
(508) 458-1400

115X EXHIBIT "C"

Mom,
I love you, miss you, wanta be with you, hug you, kiss you. And be there on your Birthday. All wishes to you.
♡Brian



Mom.
I love you. I miss those happy times (you, me) This card is sent with love ♡ for your Birthday. Even though, if it's a few days late. I want to hug & kiss you still. Happy Birthday!!

With all my love
from your son Eric

P.S. I'm still praying

TO: Mom
I love you miss you and miss cuddling with you.

Love,
Michael xoxoxoxo

☹ Sorry. We all love You.

Dear, Mom

Even though I won't be able
to make it home for your birthday.
I'll sure be thinking about you
and remembering all those special times
we did get to spend together.
Most of all, I'll remember
all the ordinary days
that you made special
just by being such a wonderful mother.

Happy Birthday
With Love

Happy Birthday
To You

THE COMMISSION TO STUDY THE LAW OF DIVORCE

Testimony of Susan L. Goldring, Attorney at Law, July 28, 1994

Ladies and Gentlemen:

I appreciate the opportunity to appear before you this evening. My name is Susan L. Goldring and I am an attorney practicing in Tinton Falls, New Jersey. I come before you as an individual and not on behalf of any group or organization, however, I believe that some knowledge of my background may help you in considering my comments. I currently serve as a Trustee of the New Jersey State Bar Association. I am immediate past chair of the Trustees' Legislative Committee and I am a member of the Executive Committee of the State Bar Family Law Committee. In the past I have chaired the Women's Rights Section of the State Bar and the Monmouth Bar Family Law Committee and Matrimonial Early Settlement Panel Program. I sit on the Monmouth County Domestic Violence Working Group which monitors and reviews the processing of domestic violence complaints in Monmouth County. I have been admitted to the bar for almost 20 years and have practiced extensively in the area of family law for the past 17 years.

Ms. Rosenbloom and I conferred with regard to our testimony so that we would not overlap each other. I concur with her statements. I only want to emphasize, both with regard to her suggestions and mine, that for any legislation to be effect, necessary funding must be provided. I urge you to attach economic impact statements to any proposed legislation. I will now discuss the issues of alimony, enforcement of orders, custody & visitation mediation, and QDROs.

Many lay people view alimony as "pin" money, something extra for the supported spouse and therefore something the supported spouse can make do without. Generally the supported spouse is the wife, and most often the receipt of the alimony is critical to her support. You have all heard of the feminization of poverty, the fact that after divorce most men thrive financially while most women fall further and further behind. Even when alimony is awarded, the ability to enforce the awards is

1172

limited. Let me give you an example, changing the names. of course:

Mrs. Smith was divorced after 31 years of marriage. She had severe medical problems which prevented her from working full time. She earned about $5500 per year. Her husband earned $45,000.00. In 1991 Mr. Smith voluntarily retired with a pension of $700 per month. His new wife quit her job and the two of them moved to Florida, alleging that the pension was their only source of income. By the time Mrs. Smith, who was then 60, got the matter before a judge, she was owed approximately $18,500 in alimony. To resolve the matter Mr. Smith entered into a consent order agreeing to pay the arrears and to pay $600 per month from his pension for alimony (the previous order had been $913 per month). Before the ink was dry on the order he filed for bankruptcy and attempted to discharge the support arrears. Mrs. Smith, who had no money to continue to fight the matter with an attorney, tried to get the probation department to enforce the court order. She was told that they could not help her because the laws covering their enforcement rights extended only to child support and did not cover alimony. She would have had to hire an attorney in Florida.

There are many Mrs. Smiths. The specifics of their stories may differ, but in essence, they are the same. These women need alimony to survive. Many have been out of the work force for years, and even if they have now returned, their earning potential is substantially less than their ex-husband's. And their enforcement remedies are limited. I urge you to propose legislation which would apply the same support and collection rules to alimony which presently exist for child support. These would include the right to a wage execution, the right to intercept tax refunds (at least on a state level), and the vesting of alimony payments when they become due so that a court cannot modify the payments retroactively. So often a payor gets rewarded for failing to make payments, with the court essentially saying that since the supported spouse has survived without the support, clearly she doesn't need it.

Enforcement of orders is not just a problem in alimony and child support matters, it is a

problem throughout the family practice. Matters often get delayed because one party has an interest in stalling the proceedings. Another and more familiar area of enforcement concerns centers around visitation issues. In the area of visitation a legislated schedule is not the answer. As much as you may hear from the non-custodial parents who are having trouble obtaining visitation, we, as practitioners hear equally or more often from the custodial parent who can't get the non-custodial parent to exercise visitation. I have had two such cases recently.

The first involved an out of state parent who has visitation with his children for two months in the summer. He is supposed to pick up the children the week after school closes in June and bring them back the week before school opens in September. Last year he didn't show up and he didn't call. Mom, a full time worker, was faced with having to find summer activities for these children on a last minute basis. She was also stuck with the cost.

In the second case, Dad has the children and Mom has visitation. He lives in the Monmouth-Ocean area and Mom lives in the northern part of the State. She has not seen the children on a regular basis in several years. She will arrange to take the children. She then calls at the last minute to say she isn't coming. The children repeatedly feel hurt and rejected, and Dad can never make other plans based on Mom's visitation because he doesn't know if she'll show up. This is not an unusual situation.

With the possible exception of cases of abuse, children are entitled to have a relationship with both parents, and custodial parents are entitled to have some time off from being 24 hour per day, 365 days per year parents. We need better enforcement of these orders, not legislatively determined visitation schedules. The commission could propose legislation which would give courts alternative methods of enforcement with some guidance as to when and how each might be used. Enforcement alternatives for visitation might include compensatory visitation (makeup time) for missed visitation by the non-custodial parent. On the other hand, when the non-custodial parent fails to visit the law

1198

could provide for child care compensation to be added to child support. Incarceration of a parent who is preventing visitation for the period of time when visitation should take place is another alternative. More drastic still would be a change in custody or a withholding of support. The legislation might set criteria for the imposition of each of the possible sanctions. It might also require the payment of counsel fees by the party who is not abiding by the order since affecting the pocketbook is often the best way of effecting a change in behavior. Some of these enforcement techniques have broader application than simply to custody/visitation issues.

Finally, I want to touch briefly on two other issues. The first is custody/visitation mediation. I support mandatory mediation in these areas (except in domestic violence cases). Although no good statistics are available concerning the success of these programs, they serve one extremely useful purpose. Mediation at the beginning of a case and resolution or trial of the custody/visitation issue, prevents either parent from using the issue as leverage in resolving the financial issues in the case. The resolution of custody/visitation issues helps to move the entire case to settlement.

The second issue concerns Qualified Domestic Relations Orders (QDROs). I understand that you will be devoting at least one hearing session to pensions and the use of QDROs. I just want to support their use and urge legislation which specifically overrules the restrictions of the Moore v Moore case. I also want to urge legislation which clearly makes QDROs applicable to all public employee pensions. There is no reason why spouses of public employees should have less protection than spouses of employees in the private sector.

Again, thank you for the opportunity of speaking to you. I would be happy to answer any questions. Thank you.

ROBERT W. BRAID
8 Burnham Lane
Voorhees, NJ 08043
609 751 0450

Testimony Before
The Commission to Study Laws of Divorce
July 28, 1994

Because of the limited time available, I will focus my remarks to one critical issue. "WHEN IS A CHILD NO LONGER A CHILD?". Or, rephrased, what is the difference between reaching the age of majority, being an adult and being emancipated.

The N.J. Statute says (N.J.S.A.9:17B-3)

" The New Jersey Legislature finds and declares by this act intends... to:

"Extend to persons 18 years of age and older the basic civil and contractual rights and obligations heretofore applicable to persons 21 years of age and older, including the right to contract, sue and be sued and defend in civil actions, apply for and be appointed to public employment, apply for and be granted a license or authority to engage in a business or profession subject to state regulation, serve on juries, marry, adopt children, attend and participate in horse race meetings,and parimutuel betting and other legalized games and gaming except as otherwise provided in Subsection C of this section, sell, purchase and consume alcoholic beverages, act as an incorporator, registered agent or director of a corporation, and consent to medical and surgical treatment, execute a will, and to inherit, purchase, mortgage or otherwise encumber and convey real and personal property."

The N.J. Courts Say:

In a land mark case,(Newburgh V. Arrigo 88 N.J. 529 1982) the Newburgh court said there is no fixed age of emancipation. Not 18, not 21, not 25 or even 30. According to the New Jersey Supreme Court, it is the courts prerogative - not the legislature- to determine when a child is no longer a child.

In intact families emancipation is a <u>de facto</u> event and the courts are not involved. However, when the parents are divorced, litigating the difference between adult, majority and emancipation can place a crippling financial burden on the parents. This is not in the best interests of the children. The legislature has allowed the courts to usurp it's authority. Now, It is time for the Legislature to reaffirm it's responsibility to determine when a child is no longer a child.

At the present time it is the policy of the New Jersey Courts to require a non-custodial parent (NCP) to pay, not only for the post-secondary education of adult children, but also support to the custodial parent. Since college expenses include room, board and personal expenses, the NCP is forced to pay twice for the same expenses.

Post-Secondary Education Who; Pay's in Which State?

The New Jersey Family Lawyer, in their April 1994 issue published a survey of how each state in the Union handled this issue.

1. New Jersey and Wyoming were the only two states that had no fixed age of emancipation.
2. Twenty eight states emancipated children when they were 18 or when they completed high school. Three emancipated children at 21 and one at 23.
3. The data suggested that New Jersey may be the only state to require NCP's to pay support and college expenses concurrently.

The Florida Supreme Court in the Grapin v. Grapin case seemed to capture the attitude of the majority of States when it said:.

> While most parents willing assist their adult children in obtaining a higher education, that is increasingly necessary in today's fast-changing world, any duty to do so is a moral rather than a legal one. Parents who remain married while their children attend college may continue supporting their children even beyond the age of 21, but such support may be conditional or withdrawn at any time, and no one may bring an action to enforce continued payments. It would be fundamentally unfair for courts to enforce these moral obligations of support only against divorced parents while other parents may do as they choose.

CONSTITUTIONAL ISSUE

There is also a constitutional issue involve here. The Fourteenth Amendment protects all citizens from unequal treatment under the law. In New Jersey, divorced parents can be forced to provide adult children with a post-secondary education. Non-divorced parents are free to decide whether or not to send their children to college and under what conditions that support will be given. In a recent case in PA (Kline v. Kline) the judge found a statute that required only divorced parents to pay for the college expenses of adult children "to result in the type of invidious discrimination and arbitrary result which is inconsistent with and violative of the Fourteenth Amendment.

When court orders are objectively unfair and arbitrary the courts loose respect and the moral authority for enforcement. This only leads to civil disobedience. The courts are in effect creating criminals out of parents. This is not in the best interest of the children.

R.W.B.

159 Brandywine Drive
Marlton, N.J. 08053
July 21, 1994
(609) 596-8930

Members of the Commission to Study the Law of Divorce
Room 119, Freeholder's Meeting Room
Ocean County Administration Building
101 Hooper Avenue
Toms River, N.J.

Dear Members of the Commission to Study the Law of Divorce,

Alan J. Archambault and I were married on May 3, 1980. On June 7, 1981, we had a son; he adopted my daughter from a previous marriage in September of 1981, and on October 15, 1982, a daughter was born to us.

He deserted us on October 9, 1991.

A support order was signed on October 17, 1991, in Mount Holly, Burlington County, New Jersey.

He moved to Lancaster, Pennsylvania in November, 1991, and on January 6, 1992, quit his $50,000.00 plus a year job in Pennsauken, New Jersey so as to not have to pay child support.

January 30, 1992, his motion to reduce child support payment amount was granted by Judge Schlosser, who also ordered Alan to return to work before health benefits expired. He did not. He never paid support, nor notified the courts of employer nor multiple address changes.

February 23, 1993, we were divorced in Burlington County Courts. Alan only responded to papers in the very beginning of the proceedings, and was in default at the divorce hearing, but showed up attempting to stop or delay the divorce. Judge Sweeney granted the divorce, copy attached, on the grounds of adultry, desertion, and extreme cruelty. Please read it.

A judgment in excess of $11,000.00 for child support arrearages was ordered as part of that divorce, as well as having provisions for medical and dental expense reimbursement; the present support order remained untouched, which included his being ordered to cover the children with health insurance, and it also encompassed equitable distribution, with my getting the house and contents, half his pension when he reaches pensionable age, and divided the bills, with Alan receiving $14,000.00 of the credit card debt, and myself receiving $9,000.00 of the debt, along with the two existing mortgages. A judgment against Alan was entered for the attorney's fee, in the form of additional support for me.

Despite this ruling by Judge Sweeney, because Alan Archambault has refused to pay his portion of the bills that he received as Judge Sweeney's equitable distribution order, the creditors have been able to obtain Summary Judgment against me for one of those debts.

Corestates Bank obtained a Summary Judgment against me last summer, from Judge Eluteri in Civil Court. They then made a motion to attach my wages for Alan's debt. I appealed Judge Eluteri's decision giving Corestates this Summary Judgement, which temporarily stayed the motion for wage garnishment. When I handed Judge Eluteri his copy of my motion to appeal, he openly stated to me that despite the fact that none of his decisions had ever been overturned, if there ever was one that deserved to be overturned, it was this one. He could have refused the Summary Judgment, but did not. Thus, Judge Sweeney's order of equitable distribution fell by the wayside. Something needs to be done, so that a divorce judge's decision will stand regardless of another judge's opinions. Both of the judges in this case were at the same level, just that one was in Family Court, the other in Civil Court.

This month, in Trenton, I lost my appeal, despite some very good materials for reversal. Corestates is again seeking to attach my wages. The rest of Alan's portion of the creditors will follow suit when they learn of the loss of my appeal. Both Judge Eluteri's decision and the appeal document state that I am entitled to indemnification from Alan Archambault after I satisfy the debt, but they know that I will never collect any portion of it since I have been unable to even collect child support from this man for the last three years. This never should be allowed to happen. Big business wins again over the little guy.

I have willingly taken on the responsibility of remaining with and raising my children as best I can, with no support from the children's father, and virtually no help from the court system to obtain that support. I have worked as many as 80 hours a week despite being a cardiac patient. I was laid off from one job in September of last year, and found another. I work all the overtime I can, receive no public assistance, no food stamps, no aid at all. Alan Archambault continues to skip from state to state to avoid his responsibilities.

Alan did his worst while he lived here to abuse us in every way possible, emotionally, physically, and financially. The end result of the divorce which gave us relief from that situation was to allow the present legal system to pick up abusing us where he left off.

To satisfy the creditors, the house is up for sale. Because of the equity, bankruptsy is out of the question. This house was purchased from funds borrowed from savings accounts that my mother had set up for her grandchildren, that she permitted Alan and I to use temporarily. Many major repairs done prior to 1990 were paid for from her estate money which was willed to me when she died. I will net almost nothing from the sale of the house after the creditors are satisfied, and will not even be able to replace the children's college savings funds. The children and I will be homeless when it is sold, and as a direct

result of meaningless divorce laws, pieces of paper that are subject to change at others' whims and big business' desires. If divorce laws prevented creditors from obtaining such judgments from the exempted party, creditors would be slower to allow such exorbitant credit usage in the first place, and perhaps, in being thus forced to seek out the proper party for payment, might actually do some good by helping to track the absent parent so that child support could be obtained in a more timely fashion. Corestates Bank has attorneys in many states, and the funds and resources to chase Alan. They chose not to, despite the divorce order, because they knew of the weakness in the law. They knew they would win, and I would lose. They knew they would force me into homelessness, yet that did not stop them from further injuring the already injured parties of the divorce.

Thousands of families become homeless each year because of the weaknesses in the laws governing divorce aftermath. Women are lulled into hope by the belief that one county judge would uphold another county judge's previous order.

My children, ages 11 and 13, realize that the laws are supporting their father's cruelty and neglect, and are further punishing them for his wrongs. It is almost impossible to teach them different at this time. They are not learning the fairness of the courts through example, nor that right is rewarded and wrong punished. In their eyes, the reverse is truer and truer each day. They are fully aware of why we are losing our home.

The children of today are tomorrow's adults. I am desparately struggling to teach them to accept responsibility by my example. But I feel like I am teaching them to expect and accept abuse. Is it a wonder that so many deadbeat dads exist when they know that no present laws prevent them from doing as they please? What will today's children become after having their lives devestated repeatedly before, during, and for years after divorce?

Today's support and divorce laws are not worth the paper they are printed on.

If you wish to discuss this further, and I hope that you do, please contact me. It is too late to help us, but other families should not have to face what we have faced and what we are continuing to face, and I want to help change these laws.

Families trying to restructure their lives after divorce have a difficult enough road to follow without losing what little dignity and faith they have left. Such as it is with us.

Thank you for your time and consideration.

Sincerely,

Gloria Archambault

Gloria Archambault

FILED WITH THE COURT

MAR 10 1993

JOHN A. SWEENEY, J.S.C.

Thomas N. Ganiaris, Esquire
1950 Route 70 East, Suite 302
Cherry Hill, New Jersey 08003
(609) 751-0070
Attorney for Plaintiff

GLORIA L. ARCHAMBAULT Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - FAMILY PART BURLINGTON COUNTY
v.	:	DOCKET No. FM-03-851-92
ALAN J. ARCHAMBAULT Defendant.	:	Civil Action
	:	FINAL JUDGMENT OF DIVORCE

This matter having been heard on the 23rd day of February, 1993 before the Honorable John A. Sweeney, J.S.C., in the presence of Thomas N. Ganiaris, attorney for the wife - the plaintiff herein, and the husband - the defendant herein, Alan J. Archambault also being present although a default was entered against him on March 12, 1992 for his failure to answer or appear in this matter; and the defendant having chosen not to be represented by counsel; and the defendant having been served properly on December 29, 1992 with a Notice of Equitable Distribution; and the Court having heard and considered the complaint and proofs; and it appearing that the plaintiff and the defendant were married to each other, and the plaintiff having pleaded and proved numerous causes of action for divorce (adultery, desertion and extreme cruelty) under the Statute in such case made and provided; and the parties having been bona

126X

fide residents of this State for more than one year next preceding the commencement of this action, and jurisdiction having been acquired over the defendant pursuant to the Rules governing the courts; and Plaintiff Gloria Archambault having given credible testimony, and for good cause shown:

It is, thereupon, on this 23rd day of February, 1993, by the Superior Court of New Jersey, Chancery Division, ORDERED AND ADJUDGED, and such Court by virtue of the power and authority of this Court and the acts of the Legislature in such case made and provided, does hereby ORDER AND ADJUDGE, that the plaintiff, GLORIA L. ARCHAMBAULT and the defendant, ALAN J. ARCHAMBAULT, be divorced from the bonds of matrimony for the causes aforesaid, and the parties, and each of them, be freed and discharged from the obligation thereof; and

It is further ORDERED that judgment is entered in plaintiff's favor against Alan J. Archambault for $11,764.45 which sum represents the child support arrearages due the plaintiff as of February 16, 1993 under prior Support Order entered under Dockets Nos. FD-03-851-92 and CS71192357A wherein defendant is obligated to pay $250.00 per week. Husband, under said Support Order, is also responsible to pay the wife for all medical, dental and health expenses not reimbursed by any medical and health insurance plan covering the two minor children. Said Support Order is undisturbed by this Order and remains in effect; and

127 K

It is further ORDERED that the Domestic Relations Violation Order (Docket No. FV-792-92) prohibiting defendant from making harassing communications with plaintiff and the two minor children, and restricting defendant's visitation rights with the two minor children is continued and is undisturbed by this Order; and

It is further ORDERED that the wife shall have sole custody of the two minor children, Alan J. Archambault, Jr. (born 06/07/81) and Aimee Ruth Archambault (born 10/15/82); and that wife shall continue the medical and health insurance coverage on herself and the two minor children that is provided as a co-pay plan through wife's employer; and that the wife, who is paying the majority of support for both children, is entitled to claim both children as dependents on her Federal and State Income Tax Returns.

It is further ORDERED that the wife is not now entitled to alimony. The wife may make application for same at a later date should a change in her circumstances or the employment of the husband warrant a reconsideration of this matter.

It is further ORDERED that the marital estate shall be equitably divided as follows:

1. The ownership of Metropolitan Insurance Co. life insurance policy number 850561939A, which lists Alan J. Archambault as the owner and insured, is awarded 100% to the wife. Thomas N.

Ganiaris is appointed by this court as attorney in fact for Alan J. Archambault so that Thomas N. Ganiaris may execute documents transferring the policy to said wife. The Metropolitan Insurance Co. life insurance policy owned by the wife with the wife as the insured will remain the wife's property. The wife is responsible for the annual premium payments of said policies.

2. The marital home (currently valued between $120,000 to $128,000), and all possessions, furniture and fixtures, and personal effects therein (save a Silver Dollar that was given to the husband by his uncle) located at 159 Brandywine Drive, Marlton, Burlington County, New Jersey 08053 (known as Block 3.1, Lot 12 on the Official Tax Map of Evesham Township) are awarded in their entirety to the wife. The wife takes subject to the first mortgage balance owed of approximately $73,500 to Meritor Mortgage and the second mortgage balance owed of approximately $5,000 to the State of New Jersey Department of Community Affairs. The wife will continue to make all mortgage payments. The husband is to be held harmless by the wife in the event she fails to make timely mortgage and real estate tax payments. Thomas N. Ganiaris is appointed by this court as attorney in fact for Alan J. Archambault. Thomas N. Ganiaris may execute the Deed, Affidavit of Consideration or Exemption, and any other documents to transfer the husband's one-half interest in the real property to the wife.

3. The husband's retirement interest in the Teamsters Pension Trust Fund of Philadelphia and Vicinity, 4th and Cherry Streets, Philadelphia, PA 19106 provides for lifetime annuity

1297

payments to husband of approximately $646.34 per month commencing when husband reaches 65 (in 23 years). Although no lump sum payment is allowed, it is noted that the present value of this fund is currently $13,619. The wife is awarded a 50% interest in said annuity payments of said pension plan. A Qualified Domestic Relations Order will be prepared by Thomas N. Ganiaris and submitted to this court for execution to effectuate this division.

If the husband is in arrears of payments at the time that he is eligible to receive his portion of the pension plan benefits, then the wife may make application to this court for payment of the arrears through said plan from the husband's portion of payments.

4. No award is made of a speculative, possible monetary award from an ex-employer of the husband's for alleged violations of employee's rights under the NLRB. The amount is unknown. Should there be a monetary award that the husband is entitled to receive, then the wife may make application for same at a later date The wife may contact the husband's ex-employer to ascertain the status of any possible monetary award.

5. Each party will retain their own checking and saving accounts, which only have nominal value.

6. Wife owned 12 shares of stock in N.L. Industries prior to meeting husband. Current value is $180.00. Wife will retain these shares, which are separate property.

7. Each party will retain the motor vehicles (having nominal equity) that are currently titled in its respective name and which the party has possession of.

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8. Each party will retain whatever furniture, fixtures, belongings, personal effects, and jewelry that are currently in its possession.

It is further ORDERED that the husband is solely responsible, and will hold wife harmless, from the jointly-held credit card accounts amounting to approximately $14,000; namely: Corestates Bank of Delaware, NA - Account Number 426241117018 - $8,166; Signet Bank/Virginia - Account Number 001104620000178573 - $3,000; and Greenwood Trust - Account Number 6011001095517225 - $2,837.

It is further ORDERED that judgment is entered in plaintiff's favor against the husband in the amount of $7,500.00 for counsel fees due Thomas N. Ganiaris, attorney for the wife. The court finds that this represents additional support payments to the wife.

DATED: 2/23/93

JOHN A. SWEENEY, J.S.C.

ENTERED NUNC PRO TUNC

CERTIFIED TO BE A TRUE COPY

Family Division Manager

131X

Irwin R. Eisenstein
PRO-SE
601b Surf Ave. apt 17k
Brooklyn, New York 11224
Work 212-206-3961
After 718-996-6914

July 29, 1994

Honorable Alvin Weiss
General Equity Court,
Gibraltar Building Halsey Street
Newark, N.J. 07102

RE: Miriam Eisenstein vs. Irwin Eisenstein
Docket No. M-19680-90, Supreme Court Docket No. 36,701
A-1673-92T5

Dear Judge Weiss:

Congratulations on your appointment to the position of Assignment judge in Essex County.

I have included a copy of a letter that was sent to Judge Humpreys dated June 15, 1994.

One of the issues that you can expect me to raise in one manner or another while you are the assignment judge will be the issue of Judicial Accountability. Recently, the New Jersey Supreme Court Modified the rules of the attorney ethics panels. Perhaps the same type of open hearings should be available when litigants file complain against judges.

My case started in 1989. After a decision by Judge Zampino, in 1991, I attempted suicide. Recently, Judge Zampino was overturned in the appellate court in another case where the person was hospitalized after his decision. I have been denied reasonable access to my children since that time and my children have been alienated.

In court, Judge Zampino has acted improperly. He has protected an attorney by his orders. When judges allow attorneys to act improperly then the public in general questions the actions of all judges.

In his most recent order dated July 22, 1994, Judge Zampino stated that law in New Jersey does not emancipate children if they are full time students. He did not cite any case law or the criteria that he was using for his decision.

The law in New Jersey that is used in determining this issue is case law. The criteria used for Majority is stated in statute but the issue of emancipation has been determined by Case law. When case law is used it puts an unjust and illegal burden on non-custodial parents. Case law defines the many criteria that can be used in determining emancipation. Judge Zampino stated none of these reasons. One of the criteria used in determining emancipation are the funds available to the citizen who has reached majority. Joshua, my son, because his mother is a professor at NYU goes to college for free. He has custodial funds, I believe in excess of $90,000. Interest statements have been presented to the court from custodial accounts that were held by both parents and his maternal grandmother.

Joshua no longer communicates regularly with his father. He does not expect or want any advice or guidance from his father. In recent meetings Joshua called his father crazy, and clearly that he was happy with his mother and his step father. There is no consortium between Joshua and his natural father. Communications between Joshua and I have broken down. He accepts no advice from me and requests that I communicate with him by letter only. This too, is one of the criteria that can be used in determining emancipation. **Some of the criteria used and clearly stated in the Newburgh case include: The financial resources of both parents, The amount of the contribution sought by the child for the cost of higher education, the ability of the parents to pay that cost, The financial resources of the child including assets owned individually or in trust, college grants available, The ability of the child to earn money during the school year and during summers, The relationship of the child to the paying parent including mutual affection and goals as well as the responsiveness of the child to parental advice and guidance.**

Judge Zampino has refused to recognize these criteria. He has held Mr. Eisenstein responsible for child support for a nineteen year old who has assets in excess of $90,000 (See **Newburgh v. Arriogo 88 N.J. at 529**). Case law in other jurisdictions can and has been cited in prior documents submitted to Judge Zampino and also to the other courts in New Jersey. Case law, as you know can be used to justify almost anything. It was used to justify slavery by the U.S. Supreme Court.

On another point, Judge Zampino has held me accountable for maintenance of a house that is being used by my ex-wife and her 'new husband'. This condition has existed since 1991. I have been required by the court to pay for one-half the maintenance and remodeling of the house but the court has refused to allow me to collect rent.

In the order of divorce certain assets were left out when the order was drafted by Ms. Haber Esq. my ex-wife's attorney. I objected but the judge still signed the order. The judge refused to recognize pre-marital assets even though they were recognized by my wife's attorney in a certification. Ms. Haber did not include all IRA's belonging to Ms. Eisenstein. Ms. Haber presented fraudulent statements to the court that related to Custodial funds. Ms. Haber submitted orders to Judge Zampino to disburse custodial funds and judge Zampino signed these orders. I believe that Ms. Haber, with the knowledge of Judge Zampino has committed fraud by omission.

Judge Zampino, has requested that I visit a court appointed psychiatrist before allowing me to see my daughter. In the past when I visited this doctor, he reported unfavorably. I requested that I be allowed to have a third party present or that I be allowed to record these sessions. The court has refused this request. Although the rules of court are clear as they relate to the use of experts and the right of litigants to have there own experts present for any examination, each court can adhere or not adhere to these rules of court. When the rules of court are

applied differently in each court, then litigants and the public in general feel that the law is administered in an arbitrary manner. I have include a letter that was sent to the court appointed expert who refused to allow me to tape record any meetings.

In Judge Zampino's order dated 7-22-94 the judge stated that I was responsible for paying several expenses within 60 Days. Since these expenses are improper Rather than follow this onerous order, **I am at this time stating that I will refuse to follow this order and would request that Judge Weiss notify Judge Zampino so that he can apply the applicable sanctions now.**

If you want to clear dockets then I would request that you review the decisions in cases that have not been cleared. I would suggest that you review the actions of the judges in these cases.

Judges at this time are not accountable and once appointed for a second seven year term are appointed for life in New Jersey. I understand the need for an independent judiciary. When that judiciary however, acts in a way that undermines the public trust in the law then the legislative and administrative branches of Government can and should change the criteria used for lifetime appointments.

Sincerely,

Irwin R. Eisenstein

C.C. Without attachments. If any of the parties requires attachments, Mr. Eisenstein will supply them. Gov. Christie Todd Whitman, Office of the Governor, Attention:OCR, State House, CN-001, Trenton, N.J. 08625, Judge Zampino

B. DASS
10 BETH ANN WAY
TRENTON, NEW JERSEY 08638
(609) 771-0955

July 28, 1994

Honorable Assemblyman Walter J. Kavanaugh &
Members of the Commission to Study the Law of Divorce

Ladies & Gentlemen:

Attached is a copy of a passage from a recently published book entitled "Hungry Ghosts" by Mary Previte* highlighting the effect of "fatherlessness" on children. Based on many case studies, Ms. Previte has concluded that "fatherlessness" is the number-one cause of nation's social problems among juveniles : crime, teen-age pregnancy, and domestic violence.

It is obvious that a father's involvement (besides mother's) is crucial in a child's life. Unfortunately the present system makes it very difficult, if not impossible, for many fathers to be actively involved in their children's lives.

In light of this information, I trust the Commission will make necessary reforms to encourage and provide maximum parenting time for children.

Thank you for your kind consideration.

Sincerely,

Bob Dass

*Mary Previte, the author of this book, is the Superintendent and Chief Administrator of Camden County Youth Detention Center and is nationaly recognized for her outstanding education program for juvenile corrections.

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