

1. Currently, Pennsylvania child support statutes presume that the amount of the child support award which would result from the application of child support guidelines is the correct amount of support to be awarded, absent a written or specific finding on the record that the application of the guideline would be unjust or inappropriate in a particular case (23 Pa.C.S. §4322(b)). Do you believe that a similar statutory presumption requiring awards of substantially-similar parenting time between two natural parents, absent a finding of harm to the child, would be a step in the right direction for the Commonwealth? Please answer Yes or No and provide a brief rationale to support your answer.

I decline to answer since this issue is likely to come before me if I win a seat on the Superior Court.

2. Absent abuse or neglect to the child, do you think it is in the best interests of minor children to have the authority to choose, in an ongoing manner by Order of Court, whether or not to participate in custody or visitation time with the non-custodial parent? Please answer Yes or No and provide a brief rationale to support your answer.

I cannot answer this specific question, as this issue is likely to come before me in the future.

3. If you were elected to, or retained on, the Court, would you support statewide collection of data concerning custody awards granted by the Courts of Common Pleas, the Superior Court and the Supreme Court for publication as line items in the AOPC's annual report? Please answer Yes or No and provide a brief rationale to support your answer.

I would support statewide collection of data concerning custody awards granted by the various courts of the Commonwealth. It would be valuable in the same way that sentencing reports are valuable.

4. Generally, do you side with the majority opinion in *Hiller v. Fausey* or with Chief Justice Cappy's dissenting position? Please answer Majority or Cappy and provide a brief rationale to support your answer.

I decline to answer; this issue is likely to come before me if I am fortunate enough to rise to the Superior Court.

5. In his concurring opinion on the grandparent custody case of *Troxel v. Granville*, Justice Clarence Thomas wrote, "Our decision in *Pierce v. Society of Sisters*, 268 U. S. 510 (1925), holds that parents have a fundamental constitutional right to rear their children . . . The opinions of the plurality, Justice Kennedy and Justice Souter, recognize such a right, but curiously none of them articulates the appropriate standard of review. I would apply strict scrutiny to infringements of fundamental rights." *Troxel v. Granville* **530 U. S. 57, 80 (2000)**. Do you believe it is appropriate to apply strict scrutiny in litigated custody disputes between two, fit natural parents? Please answer Yes or No and

provide a brief rationale to support your answer.

Whether or not I believe that a strict scrutiny test should be applied, to the extent that our Supreme Court has identified a constitutional standard, it is the law and I must follow the law. I do not make the laws, but only apply them equally to litigants in my courtroom.

6. Building further on Justice Thomas' application of strict scrutiny, some believe that due to the liberty interests at stake in custody battles between natural parents, absent a finding of harm to the child, the least intrusive solution that satisfies Government concerns is an award of substantially-equivalent physical and legal custody. Please indicate your degree of concurrence with this position and provide a brief rationale to support your answer.

- Strongly Agree,
- Agree,
- Somewhat Agree,
- Somewhat Disagree,
- Disagree, or
- Strongly Disagree.

I cannot answer, as similar issues are likely to come before me on the Superior Court.

7. Do you believe that one parent can significantly & detrimentally impact a child's attitudes toward, and desire to be with, the other parent? Please answer Yes or No and provide a brief rationale to support your answer.

Yes, I believe that one parent can significantly and detrimentally impact a child's attitudes toward the other parent in the same way as any party can affect attitudes towards another party. I have seen this happen in many types of family cases, not just custody/divorce cases but also in will contests, etc.

8. If you were elected to or retained on the Court, would you support statewide collection of data concerning custody contempt petitions adjudicated within Pennsylvania's court system for publication as line items in the AOPC's annual report? Please answer Yes or No and provide a brief rationale to support your answer.

I would support statewide collection of data concerning custody contempt petitions in the various courts. It would be valuable in the same way that sentencing reports are valuable.

9. Given that Protection from Abuse Orders (PFA's) can often infringe upon fundamental rights (e.g., one parent's care, companionship, custody and management of his children), what evidentiary standard should be used to weigh the allegations of abuse? Please answer "preponderance" or "clear and convincing" (or another standard that you believe to be applicable) and provide a brief rationale to support your answer.

It is immaterial what I believe that standard should be. As a lower court judge, I must follow already created law. It is not for me to make the laws but to apply them in a fair and unbiased manner to the cases before me. On the Superior Court, it would be my responsibility to make sure that the same was done in the lower court.

10. *Pro se* litigants often complain that clerks and judges refuse to provide them with specific names or types of documents necessary to move toward their stated objective (the *pro se* litigant's objective), despite the *pro se* litigant having observed that very same clerk or judge previously having provided equivalent information to an inquiring attorney.

a. Do you believe that there is a difference between providing legal advice and providing simple procedural assistance? Please answer Yes or No and provide a brief rationale to support your answer.

There is a difference between making material available to pro se litigants and providing legal advice to them. As the Chair of the Ethics Committee, I have advised judges that it is not a violation of the Canons of Judicial Conduct to make sure that a pro se litigant understands and has access to the various forms needed to get into court. The court, should not, however, become the legal representative for the pro se litigant.

b. If elected to the position that you seek, what guidance will you give to your staff to help them provide a reasonably-equitable level of assistance to *pro se* litigants, paralegals and/or attorneys who seek guidance concerning procedural matters, document formats, arguments, evidence, findings, and good 'ole legal advice?

My staff is advised to aid pro se litigants in procedural matters but not to give legal advice to them. They are further advised to do the same with the attorneys who may call with questions. I try very hard not to differentiate between lawyers and non-lawyers when it comes to staff interactions.

11. Do you see a conflict of interest in the Court's power to assign child support, determine additional support and assign legal fees to an obligor's child support arrears given the fact that a State's incentive payments and the Court's funding are dependant on the amount of monies collected from those obligors? Please answer Yes or No and provide a brief rationale to support your answer.

I am charged with following the law. If a law has been passed by the legislature and withstands constitutional challenge, I must follow the law. I cannot comment upon the validity of any particular law, since this is an area which will likely come before me if I am fortunate enough to be elected to the Superior Court.