

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session
March 15, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9:03 a.m. on Tuesday, March 15, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei, Chair
Senator Maurice E. Washington, Vice Chair
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Senator Terry Care
Senator Steven Horsford

STAFF MEMBERS PRESENT:

Nicolas Anthony, Committee Policy Analyst
Kelly Lee, Committee Counsel
Barbara Moss, Committee Secretary

OTHERS PRESENT:

Jon Lane
Kevin Freeland
John O'Connor
Juli Alexander
Douglas Remeta
Jeffrey M. Creedon
Luisa Padgett

CHAIR AMODEI:

The hearing is open on Senate Bill (S.B.) 109.

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SENATE BILL 109: Revises provisions concerning presumption that joint custody is in best interest of minor child. (BDR 11-620)

JON LANE:

I support S.B. 109 and will present written testimony regarding my experience with divorce and joint custody ([Exhibit C](#)).

CHAIR AMODEI:

Would you describe the mixed references, if any, in the cartoon contained on page 1 of your statement, [Exhibit C](#).

MR. LANE:

It is a political cartoon regarding how much goes on behind closed doors, or curtains, in this case. It pertains to disclosure, access and government by the people. I could go on at great length about my personal case, but it would not address the issue. The issue is whether or not parents actually are parents once they are divorced.

CHAIR AMODEI:

I appreciate the stereotype; however, I can assure you with respect to S.B. 109 nothing will go on behind closed doors. Even when it is not particularly pleasant, it will be out front for everyone to see and experience.

KEVIN FREELAND:

I have been a resident of Nevada for 12 years and was married here. I have no statistics to offer, all I have is my story. I appreciate the opportunity to speak and offer thanks to Senator Washington for bringing S.B. 109 forward.

I was married in 1994, and my daughter was born in 1995. All I ever wanted in life was to be a father and have a large family. I was 26 years old and my wife was 36 years old when we were married and pregnant with our daughter. I say "we" because it takes two people to make a baby and two parents to raise a child. I was half of that process and should be granted the right to participate in half of her life.

Excuse me if I ramble, I am not good at speaking in front of people, but this is important to me. I feel this is my absolution and where I finally get to tell my story about how I have been wronged. I was raised by my parents to think right is right and wrong is wrong. Nobody likes divorce; however, my wife and I were

not getting along and had to part. I did not want my child to grow up as I did, seeing her parents fighting all the time. That is not good for children. They need to be loved.

Our divorce was simple. I told my wife I would pay the bills, and all I wanted was joint custody. I asked that my child not be taken from me. We signed a divorce decree for joint custody. I am a disabled veteran and was scheduled to go to Arizona for one year of retraining, which was part of the divorce decree and the judge signed it. One week after I left for Arizona, my ex-wife moved, leaving me with no contact but a post office box for one year. I had medical problems and entered the hospital in fear of my life. My roommate called the telephone number my ex-wife had given me and left a message saying I was in the hospital in bad shape. My daughter called while I was in the hospital. At that time, I was given a false telephone number from my ex-wife. For three weeks I did not hear from my daughter while constantly calling the telephone number. My daughter finally reached me and asked why I was not calling her. I told her I had been calling every day.

I faithfully called my daughter three times a week during the year I spent in Arizona. Sometimes I was allowed to speak to her, sometimes not. I had no control whatsoever. I could not see my daughter and had no idea where she lived. I returned from Arizona after graduating sixth in my class, maintaining a full-time job, 38 hours of school a week and 35 hours of volunteer time in order to learn my trade.

I paid \$3,500 for an attorney to draw up my divorce decree and take it before the judge. When I returned from Arizona, nothing had been done. The divorce decree stated we had joint custody, and my daughter could not leave the county without my or the county's permission. I was then introduced to Judge Archie E. Blake, Department 2, Third Judicial District Court, Churchill County. I fired my attorney because he would not do anything while I was in Arizona. For one year I asked him to find my daughter, but he did nothing.

MR. FREELAND:

I went before Judge Blake and told him I wanted to see my daughter. He strongly suggested I get legal representation because neither my ex-wife nor I had such, but he never said anything to my ex-wife. I obtained legal representation, and over \$3,000 later, I decided there was nothing equal about the system. I had five false temporary protective orders (TPO) filed against me,

at which point my daughter was taken from me with no proof of any wrongdoing. The first TPO came after an argument with my ex-wife. The police came to my house, gave me 15 minutes to pack my clothes and I was not allowed to see my daughter or be near my house for 45 days. There was no proof, just a statement with no truth to it. My ex-wife twisted and turned the argument to make me look like a violent person and said she was in fear of her life. Two years later, a Carson City judge told her she would not be granted any more TPOs because they were being used to keep me away from my daughter.

Much has happened in my life over the past four years. I met a wonderful young lady who is now my wife. When I met her, she worked two jobs causing her to rarely see her children. Her ex-husband did not pay child support or see his children. I had never encountered a deadbeat dad. I thought they were something made up by women to make men look bad. I could not imagine why any father would not want to be part of his child's life. It does not make sense to me.

I had a fairly good job and was making decent money. I met this woman, fell in love and entered the lives of her three children, who needed financial and emotional support, as well as a male role model. My ex-wife made an issue of my seeing this woman. I went before Judge Blake, who told me unless we were legally married and moved to a home large enough to house four children and two adults, I would no longer be allowed to see my daughter. My fiancée and I had decided to wait a year to marry in order that my family could come from the East Coast to participate in our wedding. It was important to my mother because my family had never been present at a wedding of any of her children.

When Judge Blake informed me we had to marry or I would not be allowed to see my daughter, I asked why. He rose up over the bench and told me in front of witnesses, "If you do not like my decision, give up your child." I had fought for four years to be part of her life. In 3 days, we were married and living in an 18-foot travel trailer with 3 children. A friend, who lived by himself in a four-bedroom house, offered to rent us his house. I returned to Judge Blake, informed him I was married, living in a four-bedroom house and asked to be allowed to see my daughter. I was finally permitted visitation four days a month, two of which I must work. I was lucky if I got eight hours a week with my daughter. Is that fair? I had 16 hours a month to spend with my child. This is considered by the court to be in my daughter's best interest.

MR. FREELAND:

My daughter is going to be ten years old in October. She is a wonderful, bright, brilliant little person, and I love her dearly, as well as my three sons. I call them my sons because they are like mine. There is something else I do not understand about our system. I took on the responsibility of a wife and three sons; however, as soon as we married, the State denied any help and support for the children. My wife's ex-husband has not paid child support in three years nor seen his children in over two years. My wife and I initiated contact with him due to emotional problems with the children. He still pays nothing. I was ordered by the judge to marry, which gave me three other children, and ordered to move into a house large enough to accommodate the family. The court did not consider we receive no money for the boys and, in addition, the amount of my child support was raised.

My ex-wife is trained and educated and earns a little less than me, but I have to pay her to live well. The court does not consider I have three other children who must be fed and clothed and need dental care. My wife and I do without to give the children what they need. I have terrible credit, but I must maintain my family.

I am again faced with moving. My friend's situation did not work out and he wants his house back. On my salary, I cannot afford a four-bedroom house. In one month, I have no idea where I will take my family. Where I live, a four-bedroom house costs \$850 to \$1,200 a month. I am paying \$700 a month to my friend at the present time. The State refuses to recognize I cannot carry this burden alone, yet my wife's ex-husband is not chased down. The State sends me a nasty letter when I get a 25-cent pay increase because I do not inform them, yet nothing happens to the ex-husband. We went to court and were told nothing could be done until he is \$25,000 in arrears.

I want my daughter to be part of our lives. My ex-wife and I were supposed to have joint custody from the start. In the divorce decree, I asked for year on-year off, but the courts would not hear of it. I ask you again, is 16 hours a month to spend with my child enough?

We make it every month financially; however, it takes creative financing to decide which bills will be paid and which not. The court has no idea how much food three growing boys can eat. I cannot pay \$1,200 a month to keep a roof over their heads and \$700 a month for food. I am scared. I do not know where

I will go with my family from here. Wherever it is though, as long as my wife and I stick together, we will prevail, but it will not be easy. In any event, I have a court order saying I must have a four-bedroom house or I cannot visit my daughter.

Have you ever had your children taken from you? Have you ever had child protective services visit your home due to false accusations and judge whether or not you are a good parent? It happened to me several times. Fathers are harassed. All my life, right was right, and wrong was wrong. When I went into court, all I wanted were the wrongs made right, but I was kicked in the face by a judge who treated me no better than a criminal. All I asked was to be part of my daughter's life and help her with her homework. She wants a horse and to participate in 4-H club. How can we be involved in 4-H club when I only see her four days a month? I do not ask for child support from my ex-wife, all I ask is to have my daughter year on-year off, and she can keep the child support I send her.

In order for any of this to happen, you have to do something. We are not all deadbeat dads. I have no mercy for deadbeat dads, nor respect for anyone who does not want what they created. For those of us who want to be fathers, please give us the opportunity. Senate Bill 109 would take control out of the situation. When the sole custody parent has control of the children, he or she has a weapon of war and uses it to hurt, but the only one hurt is the child. My daughter is now old enough to understand her mother's actions; however, the courts will not allow her to stand before them and express her feelings. At ten years old, she knows exactly how she feels. Children are honest about expressing their feelings.

Thank you. This is my absolution. Please right the wrongs and give men who want to be fathers a chance. I totally support S.B. 109.

JOHN O'CONNOR:

I have been beating on doors at the Legislature for three years and it is finally happening. Three sessions ago, I could have been a father and my sons loved me, but they do not any longer. Senate Bill 109 needs to be passed. Thank you.

CHAIR AMODEI:

Gentlemen, I assume from your testimony you have active court files in the Second and Third Judicial Districts. Would you object to our research analyst

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perusing the files to ascertain what was done in various instances over the course of time?

MR. FREELAND:
I have no objection.

CHAIR AMODEI:
Are any of the files sealed?

MR. FREELAND:
No.

MR. O'CONNOR:
No.

SENATOR WASHINGTON:
It is important to look at the files. Some people have indicated S.B. 109 is a backdoor approach to answering fictitious TPOs filed to gain alimony or child support or for harassment. This bill is not a backdoor approach to the TPO issue. I am interested in seeing the files, as well as ascertaining whether it was a court master who signed the TPOs, rather than a judge.

MR. FREELAND:
My case never had court masters, only judges from different counties, two in Fallon and three in Carson City.

SENATOR CARE:
We may have to approach the opposing parties, who might have objections to the files being perused.

CHAIR AMODEI:
My assumption is the files are not sealed, which means they are public records. My intent is not to parade the files and make them part of our record. There have been indications of shortcomings in the system and references made regarding points in the system where various orders were, or were not, made. My intent is to have Nicolas Anthony, Committee Policy Analyst, and Kelly Lee, Committee Counsel, look at the files and provide the Committee a synopsis which would not necessarily be put on the record. There is a way to take the testimony and what is available in the files to make certain we have an accurate

picture, which would include arguments on both sides. It would provide the Committee a finer focus on what happened in the context of S.B. 109.

MR. LANE:

There may be a quick way to clarify the issue. My case number can be referenced in the file room at the court building in Washoe County. I believe it applies to any citizen in the State.

CHAIR AMODEI:

Are there any more questions of these witnesses?

MR. FREELAND:

I am unsure whether I presented the issue properly. When I remarried, the State would no longer give my wife assistance, such as food stamps, and considered her children my responsibility. If the State considers them my responsibility, why does the court not take that into consideration?

JULI ALEXANDER:

I have never been nor do I plan to be a parent; however, I am involved in legal reform as an activist and will point out behind-the-scenes reasons for the deterioration of our family courts. There are factors that have not been considered by parents who are involved in daily life and struggles with custody and visitation.

We are concerned with decisions made by judges in family court, part of which has to do with the money mechanism of the court arena. We have been reviewing the Secretary of State's contribution reports and have found, to a large extent, attorneys contribute to the judicial campaigns of judges. It is our position that judges return the favor by taking simple family cases and extending them over a period of years. The cost to parents, in addition to traumatized families, includes guardians appointed on behalf of infants or those otherwise incapacitated, psychological evaluations and factors that make the court system extremely expensive, as well as unresolved situations.

We see cases in court for 9, 10 or 12 years, with no resolution whatsoever. We are concerned the nature of the court system, with its structure of elected judges and campaigns by attorneys for judges, is fueling custody fights. We support joint custody, with the exception of children up to age two years who could develop attachment disorders. These children need a stable residence for

a period of time to learn how to bond. Failure to bond is a problem in society. When a failure-to-bond individual does not feel recognized, he or she is at high risk for drug abuse and criminal acts.

It is our opinion courts intersperse too much into personal lives. Courts do not have the background education and training to make certain decisions. They are not sociologists, psychologists, psychiatrists or family therapists. We actively engage in court watching and see aberrant decisions made without basis which leads to more litigation.

We see a great deal of bias against litigants who represent themselves in court. One of the testifiers said he was advised to get an attorney. The problem is our courts in which families and children end up with a great deal of expense. There is a nationwide movement toward joint custody. Many activist groups are concerned with the degradation of society caused by children harmed by these custody orders. Judges do not have the Wisdom of Solomon and must consider allegations from one party against the other to determine truth. As a result, we see situations where the wrong parent is demonized by the courts, and the person with restraining orders and convictions for valid stalking is awarded custody of the children.

Courts do not have the ability to fully perceive the factors in a situation, which results in people developing a condition called legal abuse syndrome. A project consultant, Karin Huffer, in our group, Redress, Inc., wrote a book entitled *Overcoming the Devastation of Legal Abuse Syndrome*. She identified a form of post-traumatic stress disorder that has disabled parents nationwide. The condition is coverable under social security disability, which means a class of people who are a burden on society has been created. It has to do with the courts' ability to respond appropriately and the judges' ability to see people as human beings, not income for their attorney-based contributions to future judicial campaigns.

The news is rife with angry individuals who take their ire out on the courts they feel have harmed them. While we do not support any type of violence, we recognize the fault lies with the courts that are doing a bad job. I realize much of what I say is negative, but it needs to be said by somebody without a vested interest in a custody battle in the courts. The courts are failing families and society and should be reworked and restructured. Judges need sensitivity and civil rights training to recognize bias against litigants who represent themselves

in an unlawful stance. Judges are required by law to remain impartial, but we do not see it happening. They interject too much of their personalities into cases and make decisions upon anything they choose.

Two judges in Las Vegas were removed by vote, both of whom were known within the legal community to have a tendency to favor one side or the other. Many attorneys know judges go into court with preconceived notions, which we know is not allowed. The court system needs a great deal of education and training. Victims are manufactured in our courts and are at high risk as a result of conflicts under which they have been forced to live by a court that does not understand its proper role and procedure in these matters.

We appreciate the opportunity to present these issues. I apologize for the negativity of this presentation; however, the bottom line is a problem in the judicial branch of service. We know attorneys are part of the judicial branch of service formed by Nevada Supreme Court rules. We have been actively involved in getting the word out about mental instability within the legal community. Glen Meek, with Las Vegas KVBC Channel 3, did a presentation in February 2004, regarding a collection of statistics from the American Bar Association showing the State of Nevada is number two in the nation for bad lawyers. We know judges come from our lawyer pool. Education is necessary in the entire branch of government service which has a direct impact on these issues. In conclusion, we support S.B. 109 and joint parenting and feel it needs to be established in Nevada.

SENATOR CARE:

Since you raised the subject, would you submit the names of the judges you believe were returning favors from attorneys who wrote contributions, as well as the names of attorneys seeking favors by making contributions.

MS. ALEXANDER:

Part of the structure with which we are involved has to do with collecting all the information the Secretary of State has on campaign contributions, which is a huge process. We have to identify within the Secretary of State reports those who are actually attorneys, which is another challenge. We are in the process, and it will take a while. We are also collecting decisions that have been overturned, in order to identify which judges are routinely overturned, to put together and release a report to the media. Until that process is completed, we cannot give you actual information; however, we intend to do so later. We

believe Judges Robert Gaston and Robert Lueck were removed from office correctly, as a result of their bias and prejudice with regard to campaign contributions. We will release that information as soon as we complete our report.

SENATOR CARE:

Do you have evidence? It sounds like speculation. For you to make a public statement such as this invites the question of evidence. The Committee is presently entitled to see your evidence.

MS. ALEXANDER:

In addition to the efforts we fully intend to document, I am also involved with the safe master organization and putting together a court watch program with documentation. I could give you certain examples if I chose to do so at this point, but I feel we need to be more documented. I have been court-watching for a period of two and a half years and have information. I assume most of the members of the Committee are attorneys and my comments could be perceived negatively. We have received a significant number of questions regarding our study on legal abuse syndrome, which will further illustrate the degradation of the courts.

I understand you would like specific information today, but I cannot provide it. We are working to put the information together. We support what is said here by families suffering as a result of the lack of joint custody. We will present our information to you as soon as it is completed, at which time it will have more impact. In the meantime, this is our opportunity to support a Senate bill that is important to the well-being of families in Nevada. In spite of the fact we have not completed our projects, we must take advantage of the opportunity to tell you our initial findings support everything I am saying.

SENATOR CARE:

That is not a responsive answer. I want you to know two of the seven Committee members are attorneys, and I am one of them. You can rest assured I do not do family law. As to being part of the core of the second worst group of attorneys in the country, all I can say is I am on this Committee and will vote on this bill. I suggest you might want to make friends with the right people. Thank you.

MS. ALEXANDER:

We discovered, in our investigation, that attorneys of Nevada are part of the judicial branch of service; therefore, it is our position attorneys in the Legislature violate the separation of powers doctrine. We communicated this issue to the Office of the Attorney General who advised us to present it to the Legislature. I want that on the record.

We understand things get accomplished in the State of Nevada through friendships and relationships; however, sometimes things must be accomplished through truth. We are concerned that attorneys and judges, being part of the Judicial Branch of service and the Legislature, will vote on S.B. 109. In a real sense, it could be a conflict of interest because, in essence, part of the income in the future of the two attorneys on this Committee could be money made by voting against S.B. 109.

CHAIR AMODEI:

We appreciate that, Ms. Alexander. Based on your comments, I will ask Kelly Lee, Committee Counsel, to obtain a Legislative Counsel opinion for the Committee based upon your position. Of course, she will be obtaining it from a lawyer.

I understand your reluctance to respond to Senators Care's question before being fully documented. Would you object to speaking with Nicolas Anthony, Committee Policy Analyst, to make sure he has a general understanding of your testimony, as well as to further enhance your project and the information you anticipate will form the foundation of the conclusions you shared in a preliminary sense, in order to brief the Committee in that context?

MS. ALEXANDER:

That would be fine, and we can be contacted at 702-597-2982. In addition, we would be happy to bring forth other individuals of great repute willing to present their information in the same manner. We are working together as a group to collect and disseminate this type of information. We would welcome and appreciate the opportunity.

CHAIR AMODEI:

We are happy to have the input; however, you need to bring it back in the context of what is before this Committee. I will request Mr. Anthony to keep

the discussion along the lines of preliminary information relevant for the Committee to consider before voting on S.B. 109.

DOUGLAS REMETA:

I want to thank Senator Washington for bringing S.B. 109 forward. I am not an attorney or a politician. I am an airline pilot and single father raising a nine-year-old boy. My ex-wife has custody and I have visitation. I prefer to call it time-sharing because I am fully involved in my son's life and have been since he was born. I have been actively involved with him since he was three months old and he bonded with me, as well as his mother. I see my son 3 days a week and rotate holidays, which works out to be approximately 40-percent time-sharing for me, and 60 percent for his mother.

I am in favor of S.B. 109 because it will change the way courts dole out custody. Passage of this bill will benefit children across Nevada and allow both parents equal access to raising their children. Children need both parents more than anything else in order to become happy, healthy and productive adults. The present system is 40 years old and long overdue for a change.

The law, as it presently stands, creates two classes of parents, the elite and the working class. The elite custodial parent is usually the mother, and the working-class parent is usually the father, better known as the visitor. Family court judges rubber-stamp visitation, every other weekend, thousands of times a year, to noncustodial parents, while the custodial parent enjoys watching the child grow up on a daily basis. Creating two classes of citizens is discrimination, pure and simple, and goes against our constitutional rights. The noncustodial parent has few rights and little recourse, and the custodial parent is aware the courts will do nothing if visitation is withheld.

I have gone to court 16 times in 8 years and finally received 40 percent of the allotted time with my son. A single court appearance granting 50-50 custody would have taken care of all the issues. I am an airline pilot and receive 15 to 18 days off a month and want to spend my days off being a father. The last time I was in court, I requested permission to pick up my son from daycare while my ex-wife was working on my days off. It seems like a no-brainer and would happen if S.B. 109 passed.

Senate Bill 109 is a small but much needed change that will benefit children and parents alike. It will stop tying up the court system at taxpayers' expense for

small changes to a court order. The bill will put both parents on equal ground. With equality, people will begin to negotiate on their own. At present, there is no incentive for the custodial parent to negotiate time-sharing because he or she has power and control. The antiquated 40-year-old system does not work. My parents divorced, and I grew up visiting my father under a flawed system. Please pass this simple bill and give parents and children equality.

This is not a man-versus-woman issue. I am single and would like to remarry. When I do, my future wife will have to deal with the time-sharing manner in which my ex-wife and I handle custody; if my future wife is a single mother, I will have to deal with her situation as well. The court system operates on the Murphy standard, which is a 40-year-old case, *Murphy v. Murphy*, 84 Nev. 710, 711, 447 P.2d 664, 665 (1968), which states, if 50-50 custody is desired, both parties must agree. This will never work because one of the two will never agree.

My roommate, Steven Kennedy, is a single father living in Las Vegas. He was unable to participate today because he had to work. He asked me to present his statement:

I am a divorced single father with three children. My 11-year-old daughter lives in Las Vegas, and I share custody with her mother. My daughter is a well-adjusted, happy child. I share parenting with her mother. ... [My] two sons, ages seven and four, live in Minneapolis, Minnesota, with their mother.

During the divorce, I was informed by my attorney that attempting to share custody of the boys was almost impossible unless the mother agreed to it. He told me we live in a woman-friendly state, and the best I could hope for was joint custody with her having physical custody, which does not amount to much.

I have since learned that physical custody makes me a visitor to my own children. Without shared custody, my sons and I are at the mercy of whatever their mother wants. I would never have believed I could lose my children based solely upon my gender.

Children need both parents. One parent can raise a child alone, but the majority of statistics prove two-parent children are much better off. United States Department of Health and Human Services statistics show 63 percent of youth suicides come from single-parent systems; a United States Department of Justice special report said 71 percent of pregnant teenagers, 90 percent of homeless runaway children and 70 percent of juveniles in state-operated institutions come from fatherless homes; and the Centers for Disease Control and Prevention indicate 85 percent of all children who exhibit behavior disorders come from single parent [situations].

My daughter is well-adjusted and happy. Her mother and I put aside our differences in the best interest of our daughter. My ex-wife in Minneapolis has full custody of our sons, which reduces me to a visitor. My son, Joshua, has emotional problems in school and at home. I know his behavior problems stem from his father being ripped out of his life.

Senate Bill 109, equal parenting legislation, would solve so many problems and reduce divorce. The current system places children in the middle of adults for whatever reasons parents cannot agree.

Mr. Kennedy is my roommate and good friend. We met through an advertisement in the newspaper, and it was coincidence that he was also a single father. His daughter and another child we care for, who does not have a father involved in his life, were afraid to go outside and play until they had male role models. They now act like normal children, ride their bicycles around the neighborhood and play with my son, who is well-adjusted. Senate Bill 109 is a move toward helping children.

Destiny Kennedy, Steve Kennedy's daughter, wrote a small statement:

To whom it may concern:

My name is Destiny Kennedy and I am 11 years old. I am writing about equal rights. I think it [divorce] is unfair most of the time to fathers. Did you ever think how children feel about all of this? A lot of the time when parents are divorced, one of them has moved

because of it, and the children do not get to see one of their parents. I hope you will take my letter into consideration.

JEFFREY M. CREEDON:

I support S.B. 109 and will present written testimony regarding my experience with separation, divorce, equality and joint custody ([Exhibit D](#), original is on file at the Research Library). My presentation mentions Dr. Robert Bauserman, Department of Health and Human Services; I would like to correct it to the Department of Health and Mental Hygiene. There are several studies concerning joint custody. I mentioned Dr. Bauserman because his was a composite of 33 studies, 22 of which were not published.

There is a study written by Mary Ann Watson entitled "Custody Alternatives: Defining the Best Interests of the Children," *Family Relations*, July 1981 ([Exhibit E](#)) which says:

The best aspects of divorce from the eight-, nine- and ten-year-old perspectives of these children were "two Christmases, two birthdays, two rooms, two houses, more children to play with." The commonly stated problems were "have to clean two rooms, have to share with stepbrothers and sisters." None of the three mentioned problems with moving back and forth between two homes, a sense of divided loyalties to two families, or accommodating to diverse value systems or expectations in two separate homes.

Meyer Elkin, with a master's degree in social work, wrote an article entitled "Joint Custody: Affirming that Parents and Families Are Forever," *National Association of Social Workers, Inc.*, 1987, ([Exhibit F](#)) stated:

Ignorance breeds resistance. There are several reasons for the resistance to joint custody. Some of these include the usual resistance to a new idea and change by the traditionalists who mandate to themselves the role of maintaining the outmoded status quo ... Myths, fallacious assumptions and stereotypic thinking also result in resistance.

Mr. Elkin goes on to list false assumptions, as well as enlightened assumptions, concerning joint custody, [Exhibit F](#).

There are several studies; but, unfortunately, due to copyright laws, I would have to pay an exorbitantly large amount of money to copy all of them. I also have the 2000 Census, "Population in Group Quarters by Type, Sex and Age, for the United States: 1990 and 2000" ([Exhibit G](#)) which shows populations inside criminal institutions. My statistics do not take juvenile institutions into account.

LUISA PADGETT:

I was born in Romania and have lived in the United States since November 1996. I am 36 years old and have a 7-year-old son who was born in the United States. My son's father is an American named Mark Padgett, who has custody of our son.

I worked in customer service for 15 years and enjoy helping people. My story began in 1994, with the visit of an American tourist to Romania. In my official capacity of helping tourists, I gave information to the man who would be my future husband. He was born in Castro Valley, California, and was 14 years older than me. It took two years for me to consider him reliable and suitable for my future. He knew how to make me feel positive, comfortable and protected.

One year after we met, he invited me to visit America. Being an only child and very protected, my old-fashioned mother accompanied me. My mother and father had a good position in society, but divorced when I was three years old. During that first visit, I was physically attracted to Mark Padgett and convinced he was the man of my life. We did not have a relationship, just simple friendship, and I became acquainted with his family.

Despite my mother's advice, on my own I returned to America for a second visit. We married, but it was a broken dream. My husband only used me for breeding. He has mental problems, but I am not here to criticize him. I realized it was not real love from the beginning. I did not have a way to return nor did I feel Romania was my home anymore as long as my destiny was to have a child here. The childbirth experience is the miracle of life. My marriage was a long, sad story, and I was a prisoner and hostage in the house for two years.

We married December 7, 1996, after my husband was sure I was pregnant. Our marriage consisted of lies and broken promises. Our child was born at Washoe Medical Center in July 1997. In 1999, my husband took the first legal step and served me with a divorce summons. With the help of a neighbor, who

befriended me, I was represented by attorney Jeffrey Friedman. Although I did not want a divorce, I was told I should get a TPO. I began to learn my rights; however, I was not prepared emotionally, socially or morally for divorce and felt our child needed both parents.

My husband was unable to get the divorce in 1999. He cried and said he had made a mistake and everything would work out. The judge in Reno family court [Family Division, Second Judicial District] was Scott Jordan. There were two hearings, and I was supposed to receive full custody and the house, which was his sole property. He has many sole properties because he is in real estate and is self-employed, with no official job.

Since 1999, I learned my husband is a very rich person, which I had not known previously. He was cheating on his taxes, but I could not prove it. I did not want to take advantage and wanted my child to have his father. I understood he had a lot of cases at the state level, not just about civil rights, against me. Between 1999 and 2000, we reconciled, and I gave up my chance of custody, the house, a lot of other money and common-share properties.

Ms. PADGETT:

On April 25, 2000, my husband said he was unhappy, wanted a divorce and we would share the child. There was a tiny wound on his forehead, and he offered to pay me \$8,000 to call 911 at 10 p.m. and say I hit him, which caused the injury. This would give him a reason to separate from me, and I would be considered the guilty party. This was his revenge because he failed to get the divorce in 1999 and had to reconcile with me.

He had a plan to forcefully remove me from the house, and I was surprised when the police arrested me. The charges were not scandalous nor were there any specific marks on his body. He told the police he was just joking. I ended up in jail for 5 days, which cost me \$3,000. My husband said I was dangerous and unable to care for my son.

I was humiliated and surprised. When taken to the police department in the squad car, I assumed he was the one in trouble. I never believed such a thing could happen in America. I am a Christian, not a fanatic, and go to all kinds of churches. Nothing surprises me anymore. Nothing makes me more emotional than innocence, faith in God and trying to find justice. It is better to die fighting for justice than to be quiet and not receive my child's, or my, civil rights. I hope

my testimony will receive attention because there is sometimes prejudice because I was not born here. I do not have money. I have no relatives here other than my child. I am, basically, alone.

A lady from church bailed me out, and I lived 40 days in a shelter for abused women. In October, Judge Dillworth of Department 1 in Reno court [Second Judicial District], ignored my husband, did not find any charges against me and the evidence was closed and found clean. However, my husband filed for divorce again, and a TPO was issued. The case is still pending. The last hearing took place January 14, 2005. In the ongoing custody battle, there was no evidence I was a bad parent or proof I was in contempt of court, however, it was clarified he was in contempt of court. The judge considered all the evidence. I do not have personal feelings against the judge. Between years 2000 and 2005, there were several appearances in court.

On April 9, 2004, with no legal papers or a court order, my ex-husband refused to let me see my child. A hearing was held five months later. I had a motion to show cause, order and replies. I tried to do it on my own. There were five official lawyers on my case. Last year, I had to go to Nevada Legal Services, based on my financial situation. My ex-husband did not pay alimony or child support, but legal custody was awarded him in June 2001, when the divorce decree was finalized.

MS. PADGETT:

Later, I worked hard but could not make enough money. I never realized so many parents paid thousands of dollars in an attempt to get justice. I felt lucky I did not have to pay all that money. I have not seen my child since December 7, 2004. The last time I saw him was December 6, 2004, on my regular twice-weekly visit at his school in Caughlin Ranch in Reno, where his father recently purchased a house. My ex-husband had become more involved with the child to demonstrate he was a capable parent. I am happy about that.

I was always involved in my child's growth and gave him everything he needed. On December 6, 2004, after parent involvement at school, I could not get a telephone number for my son. On December 7, 2004, my ex-husband filed a TPO against me based on a lie and a violence order was signed by Judge Charles McGee.

I kept my ex-husband's name to ease my way in America. My ex-husband got a TPO charging that I wanted to take my son out of the country, that I hit his father and threatened to kill his father and myself. My ex-husband said my son told him these things.

There was another hearing January 14, 2005. I had witnesses who said my relationship with my son was perfect, he was not afraid of me, he was never molested, I was involved as a mother and he needed me. The judge said nothing, but extended the TPO another six months and said I could only see my child at the office of a child psychologist. I followed the court order, visited the psychologist 4 times, paying \$150 a visit. My husband has had the same lawyer since May 2000.

Yesterday, I called Department 5 [Family Division, Second Judicial District] and asked whether the judge was doing a resolution according to information I received from the counselor. Based on my financial situation and other reasons, I knew I had the right to call the court and try to cooperate with the counselor. Two weeks ago, I wrote a letter to the counselor and he sent me back a letter saying he was waiting for the judge to decide on the fees of the psychologist.

My story is complicated, and I have three boxes of paperwork at home, of which I brought only three examples. I am here to scream out for my rights and the rights of my child to have his mother, as well as his father. My ex-husband, in front of our child, always threatened to destroy me. We never had a physical fight, but he was aware of how to behave with me after he brought me to America. I have documents which include his first letter.

CHAIR AMODEI:

Due to time constraints, I must ask you to conclude your remarks. Thank you.

MS. PADGETT:

I support S.B. 109. I have some papers which I would like to forward to each member of the Committee, after which I would like to be contacted. I am not allowed to have any contact with my child, not even by telephone. Why am I still smiling and strong? It is a challenge for me. I have to be all right for my child, as well as myself. My son should have the chance to have his mother. There is no clear evidence I would ever harm a child.

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CHAIR AMODEI:

The hearing on S.B. 109 will be continued at a later date. There being no further business to come before the Committee, the hearing is adjourned at 10:57 a.m.

RESPECTFULLY SUBMITTED:

Barbara Moss,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____