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## Senate of Pennsylvania

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June 11, 2020

The Honorable Lisa Baker  
Pennsylvania State Senator  
20<sup>th</sup> Senatorial District  
362 Main Capitol  
Harrisburg, PA 17120-3020

Dear Chairwoman Baker:

Thank you for your leadership as Chair of the Senate Judiciary Committee. The COVID-19 crisis has presented our Commonwealth with unprecedented medical and economic challenges. As Chair, you have guided important legislation through your committee to assist individuals within the judicial system to address unintended consequences of actions taken to slow the spread of coronavirus. Today, I write to you regarding a different crisis within the Commonwealth's child custody system.

Judges and other court personnel across the Commonwealth are tasked with immensely difficult cases involving criminal, civil, and family law. The workload that is demanded of them requires a tremendous amount of education in each of these areas. Of particular importance are those cases that call on court personnel to ensure the physical and emotional health and safety of children.

Unfortunately, recent empirical studies show that family courts commonly do not recognize domestic abuse or sexual violence, and fail to understand, or minimize, their implications for children. According to the Administration for Children & Families' most recent report, there were over 4,000 confirmed child victims of abuse or neglect in Pennsylvania, which is an 18.2% increase from 2014. Of these children, 38.5% were physically abused and 50.4% were sexually abused, with the youngest children under the age of 8 being the most vulnerable. The current trend toward the reversal of custody from protective mothers to allegedly abusive fathers can result in ongoing abuse of the child, loss of a secure maternal-child relationship, or, at

worse, death at their father's hands, as was the case in 2018, with 7-year-old Kayden Mancuso, who was killed by her biological father in Southeastern Pennsylvania.

As you may recall, Kayden lived with her mother and stepfather in my district in Bucks County. She was visiting her biological father at his Manayunk home as part of a court-approved custody arrangement when he fatally beat Kayden and then hanged himself. Jeffrey Mancuso had not been violent with Kayden, but had been abusive to others. The judge in Kayden's case was aware of Mancuso's violent or aggressive behavior toward Kayden's mother, his own mother, and other adults when he granted Mancuso unsupervised weekend visits with his daughter in May 2018. Through this tragedy, and its continuing occurrence, it is clear that we must change the law to protect children. No child should be forced to face his or her abuser, especially in an unsupervised setting.

The Commonwealth has a duty to protect its children. Together, we must ensure that in all cases and controversies coming before the courts involving questions of child custody, that the health, safety, and welfare of the child are protected and regarded as an issue of paramount importance. The consequences of a wrong decision in a high conflict custody case are unlike any other.

With that, I would like to bring to your attention legislation that I have introduced this session. Senate Bill 868 was crafted over the last 18 months with the help of Kayden's mother, Kathy Sherlock, and several stakeholder groups. While the bill was introduced last fall, our workgroup held further roundtable discussions since then, which produced additional language that I am offering as an omnibus amendment. Senate Bill 868, with this amendment, would:

- Strengthen the current factors that judges consider to decide custody decisions and emphasize which party would ensure the health and safety of the child;
- Ensure that if there is a finding by the court of a history of abuse or an ongoing risk of abuse, that any custody order includes safety conditions and restrictions necessary to protect the child; and
- Encourage the Supreme Court of Pennsylvania to implement an annual educational and training program for judges and relevant court personnel on child abuse, adverse childhood experiences, domestic violence, and its impact on children.

As you know, it is not in the purview of the General Assembly to mandate what training our judges and court personnel receive. Our hope is to open a dialogue with the court on how best to implement and update current training standards. An evidence-based educational and training program that includes the latest best practices and peer-reviewed research would improve the ability of courts to recognize child abuse, domestic violence, and trauma, and its impact on children, allowing them to make appropriate custody decisions that prioritize the safety of children and their families.

Toward that end, I respectfully request that the Senate Judiciary Committee hold a hearing on Senate Bill 868 and the omnibus amendment, both of which are enclosed for your convenient reference.

Thank you for your consideration of this request.

Sincerely,



Steven J. Santarsiero  
10<sup>th</sup> District

Enclosures

cc: The Honorable Larry Farnese