

Truth Commission Findings and Solutions

Fourth Battered Mothers Custody Conference (BMCC IV)

January 13, 2007 Albany, New York

Testimony to the Truth Commission

Truth Commission Members:

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Special Thanks to Mo Hannah, Ph.D., Truth Commission Coordinator

Sixteen women testified before the Truth Commission at the Fourth Battered Mothers Custody Conference about their family law cases, which covered eleven states.

The common theme that emerged from the testimony is that there is a widespread problem of abusive parents being granted custody of children and protective parents having their custody limited or denied, and/or being otherwise punished.

There is a crisis in the custody court system, which has resulted in thousands of children being sent to live with abusers while safe, protective parents, primarily mothers, are denied any meaningful relationship with their children. The court system has failed to respond appropriately to domestic violence and child abuse cases involving custody. The Commission found many common errors made by the courts and the professionals they rely upon which contribute to these tragedies. These same mistakes have negatively impacted battered women and children in other cases, with less extreme results.

From these and other case histories, and issues raised by concerned professionals throughout the country, the Commission made the following findings and proposals recommended for further study. Not all members of the Truth Commission agree with every proposed solution, but all members are in agreement that solutions need to be developed to address these findings.

TRUTH COMMISSION FINDINGS	PROPOSED SOLUTIONS FOR FURTHER STUDY
I. Court appointees, state actors and other professionals are frequently biased, particularly gender-biased, misogynistic, incompetent, and inadequately trained in domestic violence and child abuse. Many exhibit a shocking lack of knowledge about incest and child sexual abuse, and how domestic violence affects parenting, and may lie with impunity. They appear to have scant understanding of, or interest in, the negative effects of substance abuse as it pertains to parenting There is a lack of training and availability of qualified, ethical professionals, particularly attorneys to represent	

non-abusive protective parents.. This problem is mostly hidden from the general public.

Judges: Judges who preside over custody cases exhibit clear bias against women. They are sometimes closed to new information and research. Many judges improperly delegate judicial authority. They frequently rely on court appointees and abrogate their judicial authority by uncritically following recommendations of appointees.

Public Education: The situation of family courts endangering children and punishing women must be exposed in the media. State and national policymakers in all 3 branches of government and other allies must be advised of the problem of family courts placing children in the unsupervised custody of abusive parents, and be told that this is happening with alarming frequency.

Research: More and better research on family court cases with allegations of DV and child abuse is needed to determine how many children are sent to live with abusers and how often custody scandal cases occur. Research should be done about how jury trials might work in custody cases to determine if this method of family court adjudication improves children's safety. Any changes to the law must be examined to rule out unintended consequences of the abusers using the law to assist their cause.

Training: Effective, quality, in depth training on domestic violence, child sexual abuse, child physical abuse, substance abuse, and the negative effects of abuse and violence on parenting and healthy child development must be developed and provided to all court professionals. A standard national training curriculum must be developed by a consortium of nationally recognized experts in domestic violence, child physical and sexual abuse, substance abuse, parenting, and child development. The approved curriculum must be taught by certified, qualified experts who must pass rigorous examinations in the subject matter. . This training must be based on publications such as the 2006 *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* and 1996 *American Psychological Association Presidential Task Force* must be required for and provided to all court personnel and associated professionals, including judges.

Judges: Judges who demonstrate gender bias, fail to protect children and vulnerable adults, and show favoritism in court appointments must be identified and successfully trained to conduct themselves appropriately, or be removed from the bench. Judges must be prohibited from improperly

The judges may select appointees in a biased manner from a small pool, using problematic lines of friendship and trust. This leads to appointees pleasing the judge in order to be reappointed.

Court-Professionals. Court professionals often do not rely on facts, and make recommendations based on bias, frequently endangering children and vulnerable adults by so doing.

Child Advocates: Guardians ad litem, law guardians and attorneys for the minor often assume inappropriate roles, do inaccurate fact-finding, and present incompetent, biased recommendations that place children at substantial risk of continued abuse. They often fail to gather or report information from their child clients. They may distort the child's wishes and advocate for positions that harm rather than help and protect the child client. They are often appointed when there is no defined need and it is difficult to remove them once they are on the case. In some states, they may stay on the case until the child reaches the age of majority. The child is unable to fire the attorney. The attorneys often do not argue the law or call witnesses. Often their fees are paid by parents who have no say in their appointment.

Evaluators: Evaluators often perform inadequate, incompetent and biased investigations and assessments. Many are selected for reasons other than competency in evaluating domestic violence, child sexual abuse or child physical abuse. They may utilize junk science such as so called "parental alienation syndrome" to make recommendations that place children at risk of continued abuse. They are often appointed when there is no defined need. Their fees, often prohibitively expensive, are usually paid by parents who generally have no say in their appointment. Some do not make written reports and when they do write a report, parents are often not allowed to see the report or They may be trained in systems therapy in which the problem is considered a family problem and not the criminal behavior of the abuser.

delegation of judicial authority in custody and visitation cases. Judges must not be allowed to abrogate their decision-making duties to court-appointees.

Court Professionals: Court personnel and court related, court-related, and court-connected professionals must only gather facts to provide to judges, not make recommendations.

The level of integrity for all court personnel and court related professionals must be dramatically raised to ensure that children and vulnerable adults are not placed at risk.

Child Advocates: The role of the guardian ad litem, law guardian or attorney for the minor must be limited to the American Bar Association standard of practice (37 Family Law Quarterly 2003) or eliminated entirely. Children must be able to dismiss any advocate or attorney who does not ensure their physical and sexual safety and does not represent their wishes. If appointed by the court, the advocate or attorney shall be paid by the court or volunteer his or her services.

Evaluators: Evaluators are to be used only to gather specific factual information that could be helpful for the court to make custody and visitation decisions as directed and defined by the court. Evaluators must be prohibited from usurping judicial authority by making recommendations in custody cases as to which parent should receive custody and what type or schedule of visitation should be granted.

Any appointment of an evaluator should be limited to only specific issues that require scientific expertise in his or her area of expertise, such as a mental health professional expert might be appointed when there is credible evidence that a party and/or child may suffer from a mental health problem that would significantly affect parenting. After-effects of violence and abuse, such as post-traumatic stress disorder, depression or anxiety,

must not be used against victims by any mental health professional. Junk science such as PAS and alienation are inadmissible and must be disallowed. Behavior may be defined but must be proven, not just alleged.

Investigator: When a custody or visitation case involves allegations of domestic violence, child physical or sexual abuse, or substance abuse, the court must appoint a trained investigator who is a documented qualified expert in the discipline area being investigated (i.e., domestic violence, child physical or sexual abuse, or substance abuse). The investigator must have a qualified expert investigator conduct or approve any discipline area in which he or she is not a qualified expert.

A standardized template report format must be required for all investigators to complete, to ensure statewide uniformity and compliance with laws and rules of court. A format example can be found at www.childabusesolutions.com. Such reports must be based only on accurate, scientific evidence.

Mediators: Mediators must never make recommendations to the court. Mediation must be entirely confidential. Mediation must be specifically prohibited in any case where there are allegations of domestic violence, child physical or sexual abuse, or substance abuse, in which cases, the court would order an investigation.

Other Court Connected and Court Appointed

Personnel: Such personnel must be specifically prohibited in child custody and visitation cases. Parents and their children must be free of illegal state intrusion except when a child is at risk in a home where there is domestic violence, physical or sexual abuse, or substance abuse.

Supervised Visitation Monitors: Supervised visitation must be standardized. Supervision by relatives or friends of the abuser must be

Mediators: Mediators are used inappropriately in domestic violence and child abuse cases and in some states, mediators make recommendations to the court based on brief meetings with the parties. They seldom take abuse allegations seriously and generally push protective mothers to accept inappropriate shared custody and unrestricted access by abusers to the children. Often they credit junk science parental alienation syndrome accusations made by abusive parents, but do not realize that abusers are raising PAS allegations are doing so for their own tactical gain. Most are trained in systems therapy in which the problem is considered a family problem and not the criminal behavior of the abuser.

Other Court Connected and Court Appointed

Personnel: Special Masters, Parenting Coordinators and other court personnel are often biased and incompetent, and are used inappropriately. Most side with the fathers and take a punitive role against mothers. They illegally intrude themselves into the lives of families.

Supervised Visitation Monitors: Monitors lack training and are often biased. They scrutinize the protective parents, but do not report children's

disclosures of abuse. They may fail to protect the children appropriately. Most do not take long-term cases because their caseloads are high.

The monitors often misuse and misinterpret data from the supervised visits. Most are more supportive of giving fathers access to children than in protecting the children and their mothers.

Judges may fail to send appropriate cases to supervised visitation, and inappropriately place non-abusive parents on supervised visitation.

Attorneys are sometimes biased against women, unethical and incompetent. Abusers' attorneys are often overaggressive and may suborn or encourage perjury. Attorneys for protective parents may abandon their clients before a court date and may fail to work on behalf of their protective parent clients, setting them up for countless delays and often the loss of custody.

Therapists for the child are sometimes biased, fail to make mandated reports of suspected child abuse or neglect and may be trained in systems therapy, in which the problem is considered a family problem, not the problem of the abuser.

Physicians may be friendly toward the abusers and fail to make mandated reports of suspected child abuse. Few truly understand the dynamics of domestic violence and few take the victim's fears seriously. Some violate the victim's confidentiality and tell their abusers what was said.

Child Protective Services (CPS) frequently does poor investigations, fails to gather information from the children, and does not protect children, particularly when there is a custody case involved. CPS may not do a new investigation when there are sequential reports of abuse. When abuse is not founded by CPS, children are usually reunited with the identified abusers and silenced.

Cases that cover multiple counties or states and involve multiple agencies and jurisdictions allow children to fall through the cracks. There is little or no coordination

Law Enforcement Law Enforcement officers frequently do not investigate abuse allegations thoroughly.

prohibited.

Supervised visitation is to be used only to protect children from violence and abuse, not to punish a parent for reporting abuse or for attempting to protect the child.

Supervisors should make a record of statements by a child, which indicate a danger to the child's health or safety. Supervised visitation reports should not be used to determine if a parent is safe enough for unsupervised visitation, but rather an investigation by a qualified expert investigator should be ordered.

Attorneys, Therapists, and Physicians involved in custody and visitation, domestic violence, child physical and sexual abuse and substance abuse matters must be closely regulated by an independent citizen oversight committee to ensure that child and victim protection is their primary concern and to prevent abuse of power.

Child Protective Services/Law Enforcement: Specialized integrated domestic violence (DV) courts with multi-disciplinary panels and specialists in child abuse and substance abuse must be developed.

Clear lines of communication, process, and jurisdiction, particularly when multiple counties or states are involved, must be established for all agencies and professionals, including Child Protective Services and law enforcement officials, in custody and visitation cases when there are allegations of domestic violence, child physical and sexual abuse and substance abuse,.

<p>District Attorneys: District Attorneys sometimes do not prosecute the criminal actions of the abusers, and when they do prosecute, they often continue cases without findings or accept plea bargains down to meaningless levels which result in no clear record of child physical or sexual abuse. In some cases they inappropriately prosecute protective parents.</p>	<p>District Attorneys: District Attorneys must cease filing bogus charges against protective mothers and begin consistently and vigorously filing charges against abusive, violent fathers. Laws and practices be changed so that the pattern of a defendant's domestic violence tactics be shown in context.</p>
<p>II. Domestic violence, child abuse, and substance abuse are ignored, minimized, and trivialized. This results in a failure to protect children and vulnerable adults.</p> <p>Professionals fail to give credence to abuse and disregard the safety of the children and their mothers. If violence occurred in the past, it is considered no longer a relevant issue even though the victim and children are still afraid.</p> <p>There is a reliance on myths, not research. Parental alienation and other junk theories are used against mothers, completely defeating and trumping any abuse allegations.</p> <p>Mothers are pathologized, misdiagnosed and demonized with mental health labels. Good faith efforts by mothers to protect themselves and their children are frequently misunderstood to be an attempt to interfere with the father's relationship with the children.</p> <p>The “friendly parent” standard is used inappropriately, to say that abusers are more likely to share parenting. Ironically, once abusers gain custody, they then isolate and estrange the children from the protective parents. Courts seldom punish the abusers or switch custody back to the protective parents.</p>	<p>Courts must be mandated to err on the side of physical and sexual safety for children and vulnerable adults.</p> <p>Clear guidelines and protocols must be established to identify domestic violence, child physical and sexual abuse, and substance abuse.</p> <p>All family court cases must be screened at the outset for domestic violence, child physical or sexual abuse, and substance abuse through the use of a nationally recognized valid domestic violence screening instrument, a valid child trauma screening instrument such as the Trauma Symptom Checklist (John Briere, Ph.D.) and a valid substance abuse screening instrument such as the Addiction Severity Index (ASI) in conjunction with alcohol/drug urine or hair tests</p> <p>Pending an investigation when there is any evidence of domestic violence, child abuse, or substance abuse, or during an appeal, the child must be protected by remaining in the custody of the safe, protective parent.</p> <p>Domestic violence must be taken seriously and a domestic violence advocate provided for both adults and children in family court. Domestic violence advocates are an important resource in the community and should not be treated as partisans because the state and the courts claim their policy is to end domestic violence. Accordingly the courts should seek appropriate input from the domestic violence community in determining the qualifications of professionals with respect to domestic violence. Lack of police reports should not be used to discount domestic violence.</p>

Domestic violence must be defined appropriately. One recommendation would be “coercive control by an intimate partner involving physical, sexual, psychological/ emotional and/or economic/financial abuse.”

The court should be aware of and strongly skeptical about men who feign that they are physically victimized by women, particularly when the males are larger or stronger.

The term “primary aggressor” needs to be clearly defined. It is recommended that the definition include the following factors:

- A bigger, stronger (usually male) aggressor hits harder and causes more damage;
- The reason for hitting: males hit for control/get their way versus females hit in self defense;
- Women “give in” due to fear of bodily harm; men virtually never give in due to such fear.

There must be a presumption that domestic violence primary aggressors, child abusers, and habitual substance abusers are prohibited from gaining joint or sole custody of children.

Primary aggressors and child abusers identified in family courts through initial screening and careful investigation must be limited to supervised visitation until they complete an extensive batterers program, anger management program, and/or child abuse prevention program and the program center certifies them safe to be in unsupervised contact with children.

If a primary aggressor fails to complete a program for batterers or anger management, supervised visitation must continue. The court would need to hold a new hearing to determine what visitation would be safe and beneficial for the child.

If the child abuse was sexual in nature, or an abuser physically attacks the child after being declared safe by the treatment center, the abuser shall be limited to only supervised visitation during remainder of the child’s minority.

<p>Joint custody is presumed to be in the best interests of the child even when the parents are unable to communicate and violence is occurring.</p>	<p>Mediation and couples counseling are inappropriate and not to be used in domestic violence cases due to power and control exercised by the primary aggressor.</p> <p>Programs where child protective agencies work together with domestic violence agencies and consult domestic violence advocates about cases which may involve domestic violence must be developed and expanded.</p> <p>The “approximation standard” (i.e., the approximate parenting timeshare prior to separation) must become the standard for sharing parenting after separation. The court must ensure that supervised contact only is allowed for perpetrators when there is domestic violence, child physical or sexual abuse, or substance abuse, unless and until the behavior is remediated to ensure safety of the children and vulnerable adults.</p>
<p>III. Multiple constitutional, equal protection and due process violations occur in family court proceedings.</p> <p>Gender bias is blatant and epidemic by almost all the players in the court system and there is a significant lack of due process.</p> <p>Children are treated as property and are not parties to custody and visitation cases that determine their safety. Children are not allowed to speak for themselves, and when they do speak out, most court players selectively choose to report what they said, or they are ignored, or what they say is used against them or their mothers.</p> <p>Children age 12 and older are often running away from abusive parents where they were placed by court order, and are being prohibited against their wishes from living with the parent who does not harm them</p> <p>The “best interest of the child” standard is unconstitutionally vague.</p>	<p>Gender bias must be exposed and eliminated in family court.</p> <p>Children must be parties to custody cases, not treated as property. Children must be allowed and specifically provided the option to testify (with the option of testifying on camera) and speak to the judge directly, if they wish. If the children are too young to speak for themselves, they may be provided with a free Court Appointed Special Advocate volunteer to assist them.</p> <p>At the age of 12 and older, children may develop their own custody and visitation plan, provided that plan is safe. If the plan involves being in unsupervised contact with a parent who is a domestic violence primary aggressor, whom the child identified as a physical or sexual abuser, or who is a non-abstinent substance abuser, the court shall order an investigation to ensure child safety.</p> <p>“Best interest of the child” must be specifically defined as safety of the child and vulnerable parent</p>

Court orders are unequally enforced in a gender-biased manner. The law is used in a punitive, retaliatory, punishing manner, including excessive criminal prosecution of mothers for minor infractions that are virtually always ignored when these or even more serious ones are done by abusers.

The same issue is often relitigated for the abusive party, but not for the protective parent, who may not even be permitted to rebut the allegations. Most courts ignore *res judicata*, issue preclusion, *collateral estoppel* and other legal arguments and defenses raised by mothers, or they do not even permit her to raise these claims. This does usually not happen with the abusive parent.

The same courts that are very punitive against mothers for any alleged violation often bend over backwards to give fathers who owe child support a break. Many courts eradicate child support arrearages for fathers, even in violation of the law. When child support is ordered against mothers, it is often at much higher levels than courts order against similarly situated fathers.

Poor litigants, usually mothers, may not have an attorney while the litigant with more resources, usually the father, is represented by an attorney.

Excessive court appointee fees quickly deplete assets, even for those with resources. The parent with more money (most often the abuser father, particularly in families where there are violence and control issues) is far better able to pay for expensive attorneys and appointees, creating an unequal playing field. Even apportioning fees based on a percentage of income produces inequality if parents have widely disparate income, as is most often the case in families where there is violence.

All too often, a criminal, rather than a civil, burden of proof is used in family court cases against mothers,

using a civil burden of proof. Safety must be the primary consideration. The court must consider the harm versus benefit of placing children with their identified abusers. The court must be mandated to err on the side of caution and child protection from physical and sexual abuse.

Family courts must be prohibited from making or enforcing gender-biased orders, relitigating issues, making punitive orders, or prosecuting infractions in a punitive or gender-biased manner.

The playing field must be equal; poor litigants need adequate representation. If both litigants agree, without coercion or intimidation, not to be represented by attorneys, the court must ensure that a vulnerable litigant is not allowed to be dominated, controlled or overpowered by an abusive litigant.

If the court appoints a professional to assist the court in fact-finding or to assist a child, that professional must be paid by the court. Litigants who have no say in the appointment must not pay for the court-appointed. Other fees to litigants must be capped.

A civil burden of proof, preponderance of evidence, must be specified and used in family court cases.

particularly, regarding domestic violence or child abuse allegations. Many family courts even ignore criminal court findings of guilt involving the same evidence used to convict abusers.

Ex parte hearings often result in loss of custody, often with no hearing ever being scheduled at which the mother is allowed to present her evidence and rebut the allegations made against her.

Mothers are not given the opportunity to be heard and often are not even noticed about hearings. When they point this out, many courts refuse to reschedule hearings or allow them a chance to rebut the allegations. When custody is switched to the abusive parent, courts often use the long delays that they caused to rationalize keeping custody with the abusive parents.

In-chamber conferences are usually held with no record. Often transcripts are not made of proceedings, and when they are, the transcripts and court records are often altered, sometimes documents are substituted or removed from the case file, and occasionally the entire case files are misplaced. Parents may be denied access to review their own court files.

Evidence of abuse is not allowed, not admitted into evidence or is discounted. Courts and unqualified professionals often look only at physical abuse (and sometimes only "serious" physical abuse), thereby failing to understand the context of the abuser's behavior.

Coercion and intimidation occur, such as threats to mothers that they will lose custody if they do not sign stipulations, agree to unsupervised visitation or shared parenting, or agree to a non-judge with quasi-judicial immunity and near-complete authority over the case.

If victims pursue criminal charges regarding child abuse of domestic violence, this is often held against them.

Mothers are urged or forced to drop protective orders, sometimes as the only way to get their cases moved forward (e.g., to go through mandatory mediation).

Evidence that meets a criminal burden of proof must be considered prima facie evidence in a family court case.

Ex parte hearings must be expressly prohibited by law. All courtrooms and records must be open, including family and juvenile courts. Any order or decision from a hearing in which a party was not noticed or present must be pronounced null and void by law and retroactively remedied.

All hearings and court proceedings must be videotaped or recorded and transcribed. Transcriptions must be provided to litigants, at no cost if the litigant is poor.

All legally admissible evidence of abuse must be allowed in hearings, without exception. Evidence must be preserved. Interviews with children and families on videotape.

Stipulations and agreements made under coercion and intimidation such as threats of losing custody or prejudicing the court must be specifically prohibited. Such stipulations and agreements must be made null and void retroactively and the case must be promptly relitigated.

Retribution against litigants for pursuing criminal charges must be specifically prohibited by law and those professionals removed from their positions. Criminal charges must be reinstated.

Urging/forcing the removal of protective orders must be prohibited by law and court professionals who do this must be removed from their positions. Protective orders must cover the children and be reinstated retroactively.

Often mutual orders of protection are ordered, when there is no request made, and often in states that prohibit mutual orders of protection.

Mothers are often forbidden to get or have entered second opinions on child sexual abuse are forbidden. Mothers are often prohibited from taking their children to the doctor or therapist, denying their children a chance to heal. Mothers and their children are often prohibited from talking to others, and sometimes even from obtaining therapeutic help, which impedes or prevents them from healing. Some are mandated to see therapists or couples counselors who subscribe to junk, sexist theories such as PAS, false allegations of abuse and father supremacy.

“Gag orders” are often issued against mothers, and often mothers are punished for violating them, despite a constitutional right to free speech. Only when the orders are issued as mutual orders do gag orders ever seem to be imposed against fathers, and courts seldom punish fathers for violating them, in contrast to what is done to mothers.

Female *pro se* litigants are often not allowed to speak.

Many judges make rude, degrading comments to *pro se* litigants, particularly women litigants.

All of the court players tend to use language to blame and ascribe responsibility of abuse to the victim.

Translators for non-English speaking litigants are not available or are unqualified. Some translators even distort what was said and become friendly to the father, particularly if the father speaks English.

There is a lack of finality to the cases. The cases end when the last child reaches the age of majority. This is abuse of the judicial system.

Orders of protection must be made only to protect vulnerable adults and children, and mutual orders of protection must be prohibited.

Mothers and children must be allowed to seek appropriate therapeutic help with professionals trained about trauma, domestic violence, child physical and sexual abuse, and substance abuse. These professionals must be mandated to protect children and vulnerable adults, and those who do not must be identified, trained or lose their license. No child may be denied a second opinion on a medical condition or appropriate medical care, by law. However, this does not apply to treatment to “deprogram” or otherwise convince a child that abuse did not occur, or treatment that relies on junk science, which treatment shall be specifically declared illegal and prohibited. All legally admissible evidence must be admitted into court and entered into the court record.

Judicial cannons and court rules must be amended to prohibit gag orders regarding not reporting abuse, discussing the case or seeking safety for oneself or one’s child.

All *pro se* litigants must be allowed to speak in hearings exactly as attorneys speak.

All litigants must be treated with respect and dignity. Court customer satisfaction surveys must be implemented and sent to the Executive or Legislative branches of government to prevent taxpayer dollars from being used inappropriately

Language used by any court professional must be clear and unambiguous, so that the victim is not blamed for the abuse (i.e., “the man abused the woman,” rather than “the woman was abused”.)

Courts must be required to oversee and prevent abuses by translators.

Children who turn 18 may wish to file a class action suit against the courts for endangering them by placing them in the unsupervised custody of the

<p>IV. There is a lack of accountability for court professionals.</p> <p>Appeals are lengthy, costly, and only examine legal issues, not discretion of judges. Where there is no transcript of the proceeding, there is no way to appeal. Where there is no audio transcript, there is no way to appeal inadequate or faulty translation problems.</p> <p>Immunity prevents judges from being held accountable for unethical behavior and decisions.</p> <p>Judges often rule on requests to recuse themselves from cases. Many do not recuse themselves, even when there is evidence of bias and/or misconduct.</p> <p>Professional oversight boards, such as commissions governing judicial performance, attorney bar associations and boards governing mental health professionals, operate in secrecy and virtually never appropriately discipline their members for ethical transgressions and failure to protect children.</p> <p>There is no review of bad judicial decisions. Children are left in dangerous homes for decades. Family court abuses are handled within the court system and no corrective action is taken.</p>	<p>unsafe parent.</p> <p>There must be a less expensive, more expedient fast-track appeal method for cases that place children and abused victims at risk. Records must be kept and made available about how often each judge creates a Custody-Visitation Scandal Case. Such cases should require a written explanation and a review by an outside agency.</p> <p>Judicial and quasi-judicial immunity must be specifically limited. An effective method to discipline judges must be developed.</p> <p>A recusal request must be heard by a different judge than the one who is being asked to be recused.</p> <p>Judicial review must be performed by citizens, not by other judges. **</p> <p>A process must be developed so that the thousands of cases wrongly decided in which children have been forced to live with abusers can be screened for mistakes and can be corrected even if the time to appeal has expired. Custody scandal cases must be immediately investigated by a special national investigative task force. Children must be promptly removed from dangerous placements if there is any evidence they are or have been harmed, and placed with their safe parents.</p> <p>Grievance committees must be set up with domestic violence expertise through an expanded role of the domestic violence liaison for the court or the domestic violence community, so as to guarantee that those reviewing these cases have the requisite domestic violence training to make proper decisions. The committees would focus on the safety of the child and vulnerable parent. An office must be set up to review the cases and correct the problems. This office must have statewide grand jury powers to protect children, depending on the state constitution. An administrative review by an</p>
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entity outside the judiciary must be implemented for any case in which a child has been placed at risk. A review must be conducted upon request, and must include talking directly with the children in question. The children must be placed immediately in the custody of the safest parent if the review determines that there is any risk of physical or sexual harm or injury to the child or children. Citizen oversight committees must be established to ensure that professionals maintain high ethical standards and safety for children and vulnerable adults.

The U.S. Congress must investigate the misuse of federal funds in the court process and taxpayer dollars and the misconduct of the court system to further victimize women and children, along with the due process and constitutional violations. Independent citizen review of family court proceedings, including a court watch program, must be funded nationally, using a standard data-gathering instrument, to ensure family courts are in compliance with accepted rules of conduct and law. Sanctions against abusers and the courts must be used to prevent abusers from using legal tactics to continue their abuse through the courts.

Incompetent judges, mediators, guardians ad litem, law guardians, minors attorneys, custody evaluators, parent coordinators, monitors, special masters and other court connected or appointed personnel must be disciplined and removed, along with those who fail to screen out cases involving domestic violence or child abuse or urge parties into unsafe practices such as mediation, couples counseling, shared custody, mutual orders of protection or dropping court-issued orders of protection

Unfit judges must be recalled. If a recall petition is filed against a family court judge alleging that he or she is unfit because he or she had not protected children or victims from physical or sexual abuse, that judge must at a minimum be assigned to dockets where he or she will not hear any cases involving domestic violence, child abuse or child custody or any other issues where they have been alleged to be unfit.

The method of judicial election or appointment

needs to be examined. Shorter terms, competency exams in the area of law in which they are ruling, training in ethics, psychological testing are needed to ensure judges are fit for the job.

Protective Parent Reforms should be enacted on state and Federal levels to ensure that due process violations cease. (See attached 1992 Post-Separation Family Violence Relief Act R.S. 9:361-369 adopted in Louisiana, and 2006 Protective Parent Reform Acts proposed/ adopted in Connecticut, Maryland and Tennessee.)

- If custody is given to an alleged or adjudicated abuser, the judge must write the reason on the record and ensure the child's safety by frequent follow up hearings. If the child discloses a second act of violence or abuse, only supervised visitation would be allowed thereafter.
- Parents who make good faith reports of abuse of children may not be punished by losing custody.
- The "approximation" standard must be the rule (post-separation custody must approximate pre-separation parenting time.)

The family court must be specifically required by law to obey all human rights statutes and treaties, along with all due process and constitutional laws.