

GLASSBOOK PROJECT

VIOLATED: DOMESTIC VIOLENCE AND CHILD ABUSE VICTIM RIGHTS

When victims of violence are not believed... when their reports are not investigated... when the abuse is not treated as criminal... federally-afforded victim rights are absent.

PARENTAL ALIENATION

"The National Council of Juvenile and Family Court Judges denounced the theory [Parental Alienation Syndrome] as "junk science," and at least four states have passed legislation to curtail its use in custody cases involving allegations of domestic violence. "It's really been a cancer in the family courts," says Richard Ducote, an attorney in Pittsburgh who has represented abuse victims in custody cases for 22 years." – Sarah Childress, Newsweek, "Fighting Over the Kids Battered spouses take aim at a controversial custody strategy," 2007

ISSUE: Parental Alienation Syndrome (PAS) is a term devised by Psychiatrist Richard A. Gardner (who committed suicide) that has no research or scientific basis. His assertion, and one used by "father's rights" groups and defense attorneys, is that it is a "disorder made up of a combination of two contributing factors: programming ("brainwashing") of the child by one parent to denigrate the other parent, and self-created contributions by the child in support of the alienating parent's campaign of denigration against the alienated parent." While PAS has been denounced by many credible groups, it is still brought up in court and used by many attorneys – in fact, while some continue to advocate for inclusion in the American Psychiatric Association's (APA) Diagnostic and Statistical Manual of Mental Disorders (DSM), it is likely that the APA will yet again reject this baseless "condition."

REPRESENTATION: The "Parental Alienation" glass book is a visual representation of how the voices are often "stacked" in family court: child on the bottom, protective parent on the top, and the court in the middle, separating parent and child. While the child makes pleas for protection, the parent tries to speak to the court (words are etched underneath the glass, facing the page representing the court). This book will be used to continue to dispel the myth around PAS and how this label often damages the healthy relationships children have with protective parents.



HB700

"I did not try again to pursue a protective order, as I found the whole process to have been a damaging experience and useless attempt. I actually started hiding the children in other people's homes for protection so Mark could not find them, instead of trying to seek protective orders, and then was sanctioned for not following proper procedure. On March 29th, 2008 Mark Castillo drowned Anthony who was 6, Austin who was 4, and Athena who was 2 years of age in a bathtub in a hotel in Baltimore." - Amy Castillo in her testimony before Maryland Members of the House Judiciary Committee on February 25, 2010

ISSUE: Maryland is the only state in the country requiring a "clear and convincing" standard for orders of protection, leaving many victims of domestic violence and child abuse at substantial risk. Every other state in the country has a "preponderance of the evidence" (51%) standard of proof. Despite the testimony of many advocates and survivor Amy Castillo, the state legislature, many who are former defense attorneys, killed the bill.

REPRESENTATION: The HB700 glass book is based on Amy Castillo's story, which shows how out of balance the system is for domestic violence victims. Our advocacy goal is to resurrect the bill in Maryland and to achieve a reasonable standard of proof, in line with what the rest of the country already has in place to ensure the safety and wellbeing of domestic violence survivors and children.



“CATCH 22”

“In my 13 years of experience Judges, along with DCFS/CPS, have enabled abuse, neglected my rights, refused to let me testify, and have insulted me personally, calling me a liar and saying on record that I have no credibility. These experiences have had a major impact on my life... My case isn't rare, and cases like mine aren't going to go away. It's obvious the status quo isn't an effective method for protecting children.” - Mac Strelieff, child abuse survivor whose mother, a protective parent, was accused of Parental Alienation Syndrome and received jail time for keeping her children from their abuser. Mac continues to advocate for his sister Lynn, who continues to be at risk as her abusive father continues to have parental rights.

ISSUE: While Family Court purports to act in the best interest of children, many times the actions of the court not only support situations where continued abuse can take place, but penalize protective parents in the process. If a parent withholds a child after the court feels the abusive parent has a right to access, s/he can be held in contempt and go to jail. If they abide by court decisions, the child(ren) become further injured. No matter how the parent responds to this situation, it's a “catch 22.”

REPRESENTATION: The “Catch 22” glass book is based on the Strelieff Family case. The book is a virtual game board where, no matter which card is dealt, the outcome leads to loss, defeat and continued risk.

UNEDUCATED PROFESSIONALS

“As I sat through the court-mandated parenting class that was entirely focused on co-parenting, I asked the instructor what she would suggest parents do when there is a situation of domestic violence and substance abuse, since more than half of the class of 50 had this experience. All she could say was ‘Well, that would be a different situation.’ She didn't offer a single suggestion. She had no knowledge of how to address our safety concerns.” - “Patricia,” divorced mother of two

ISSUE: Currently, there is no requirement for judges, attorneys, parenting coordinators, best interest attorneys, custody evaluators, parenting teachers and other court and court-appointed professionals to have any training or education on the circumstances of domestic violence, child abuse, mental illness and substance abuse and how this impacts family court cases and the need for safety. Unregulated and unobserved, these professionals not only can charge exorbitant fees, they can put domestic violence and child abuse victims at further risk.

REPRESENTATION: The “Uneducated Professionals” glass book displays a standardized test for professionals that illustrates the detrimental and pervasive lack of knowledge that court and court-appointed professionals have with regard to domestic violence, child abuse, mental illness and substance abuse.

FAILURE TO PROTECT

“On July 24 2009, Judge Frederick Crow of Scioto County, OH, ordered 22-year-old Cherish Lewis, mother of five-year-old Jaelyn Rice, to turn over her child to the girl's father. But Cherish refused. Why? Because Cherish had information from Children's Services that her daughter had been physically and sexually abused. Children's Services named the father, Stephen Rice, as the alleged perpetrator. For six months, Judge Crow has held Ms. Lewis in contempt of court for not producing the child.” Cherish Lewis was incarcerated for failure to produce the child and comply with this judge's order. – Robin Sax, Women in Crime Inc.

ISSUE: All too often, Family Court judges and attorneys believe allegations of domestic violence and child abuse are little more than one parent's attempt to gain favor in child custody disputes – viewing the cases as “he said/she said” rather than honest attempts to seek safety. Although baseless, protective parents are often cited as anxious, mentally/emotionally unstable and vindictive, where courts take an almost punitive stance when supervision or restriction is sought. Our system, however, does have a responsibility to citizens and communities to protect those that are at risk. Because of the common misperception taken in Family Court that parents claim abuse falsely, there is a failure to protect.

REPRESENTATION: The “Failure to Protect” glass book depicts a letter to Judge Crow between stacked layers of glass. The letter spells out the mountain of evident abuse ignored by this court, asking the judge “ARE WE MISSING SOMETHING?!” Two copies of this book will be created by students: one for exhibition to advocate for systemic changes that don't penalize protective parents and the other to be taken to OH to advocate on behalf of Cherish Lewis and Jaelyn Rice.

This special advocacy effort was lead by Witness Justice, in partnership with Rutgers University-Newark, Department of Arts, Culture and Media, and Justice for Children and Stop the Silence. The glass books were created by five teams of students attending Rutgers-Newark. The books will be used to educate and raise awareness of the systemic issues that need to be addressed so that domestic violence and child abuse victims can experience safety and wellbeing.

