

Raised S.B. No. 431

AN ACT CONCERNING PERJURY COMMITTED BY EXPERT WITNESSES.

To increase the criminal penalty for an expert witness who commits perjury.

Testimony

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Perjury is a serious issue especially when it is from a respected source. While I can understand an expert being duped unwittingly, when it comes to family court matters there is no excuse. Especially, when they have been presented with clear evidence proving that the information they are being told is an out and out lie. Or when they deliberately throw a case for personal reasons.

This is where the experts cross the line. Either they are not very good experts, who failed to do a thorough investigation of the matter, or they are on the take and being bribed. In either situation, the damages to the children are devastating. They leave a permanent mark in the child's brain circuitry that cannot be undone. When an expert lies in court, this bell for the children cannot be un-rung.

Children's most vulnerable time is when they are between the ages of 0-25. Why 25, because that is when the brain is technically still growing to it's full weight of approximately 3lbs. It does not mean that humans do not continue to learn after 25. What it means is that the physical brain stops expanding at the rate it did when we were younger. Absorption of information still continues to the day we stop living.

So why is this so important? A child grows up basing their world on the events that occurred in childhood. These events mold, shape and determine the type of adult a child will grow into. So if during this crucial time in their life, an expert lies about what has transpired, the effects are life long for that child.

Let me give you an example. Parent A and Parent B are in a custody battle over their 2 children. Parent A has temporary custody of the children. Parent A has verbally abused and physically threatened Parent B in front the children repeatedly all of which has been witnessed by the children. Parent B has been a model citizen but victimized repeatedly by Parent A to the point that Parent B began to abuse alcohol for the pain. During the divorce proceedings 3 years prior the parents remained living in the same house, and the verbally and psychological abuse became even more pronounced. All of this was reported to the GAL via emails. Parent B's alcohol abuse eventually requires Parent B to seek help for which Parent B has now been

sober for over 2 years. Strong evidence has been provided that corroborates all of this. But because there are children involved who have witnessed much of the abuse, a GAL had been assigned early on in the case. Parent A wants sole custody. Parent B wants sole custody or at least 50/50, but for the visitations to not be impeded with as Parent B has barely seen the children.

The Guardian Ad Litem (GAL) has a close business relationship with Parent A's attorney and the judge. Parent A's attorney is also a GAL on a private case that the GAL has in front of the same judge the following week. The GAL knows that Parent A's attorney and the Judge are very good friends and that any claim against this attorney's client might cause a problem in any upcoming cases the GAL has with this judge or attorney. In addition, every so often, the Judge, Parent A's attorney and the GAL play cards together. This creates a strong relationship tie between three of the parties involved in this case. This leaves Parent B and their attorney as outsiders.

The GAL knows that it is important to side with Parent A's attorney if a good outcome is wanted for their client in the upcoming private case Parent A's attorney is a GAL on. The GAL also knows that this private case coming up is in front of the same judge as this case.

During the GAL's initial investigation, the children state they love Parent B and want to live with that parent. Parent A contends that this is not true, and that they, Parent A, are the one that was abused. Parent B provides the evidence that they, Parent B, are the ones that are abused and admits that they are now affected with PTSD from the abuse. Parent A then files for a bogus restraining to try to keep Parent B from furthering a relationship with the children, which causes Parent B's visitation time to be reduced to only 2 hours per week. The children are now rude if and when they come to see Parent B causing extreme stress, anxiety and depression in Parent B. Parent B knows that therapy for them is important and continues to stay in counseling to work on their own issues and PTSD. Parent A refuses to go to therapy and admits will not co-parent. Parent B files contempt of visitation order and a different judge fines Parent A and throws them in jail until the fine is paid. Parent B is now seeing the children a bit more steadily. The children are good until it is time for Parent A to pick them up and then they start to get rude and nasty.

The GAL does a subsequent follow up, where Parent A claims the children no longer want to see Parent B and the children confirm this. According to the children, Parent B is a horrible terrible person, who does not feed them, has a dirty house, does not care about them, and they now do not want to see Parent B. Parent B shows the GAL proof that this is NOT true via pictures of recent visits which are finally being complied with by Parent A after the jail and fining. The GAL refuses to view the pictures. Also, during this time frame, the GAL has received numerous emails from Parent B about continued abuse by Parent A.

The GAL sits through the court hearing, listening to the evidence being presented. The GAL hears Parent A lie and get caught about financial issues. The GAL hears

Parent A make further false statements and refusals to cooperate. The GAL listens to Parent B tell of all the abuse for years that they endured and the children witnessed. When called to testify, the GAL admits that Parent A is refusing to co-parent, while Parent B is trying very hard to. The GAL admits that Parent B is doing the necessary work to improve including remaining in substance abuse counseling, but lies and stating he does not think she really means it or will keep it up. The GAL twists and changes the meaning of what Parent B's therapist has testified to. The GAL twists what the evaluator has stated as well. The GAL knows that Parent A is a good parent who loves the children. The GAL lies and stating that Parent B is not doing the work to improve and that the children hate Parent B and do not want to have a relationship with Parent B, despite evidence to the contrary. The GAL admits that while neither parent is perfect, and he is still giving sole custody to Parent A, despite it being like a reward to Parent A for their bad behavior.

In essence, by awarding Parent A with custody, this supposed expert has ignored the evidence in front of him. He has put the children in serious harms way, and subjected them to further tirades by Parent A. The GAL knows that Parent A will never allow the children a relationship with Parent B, which is a main question that all GAL's must answer when stating their opinions on a case. In other words, GAL's must strongly consider which parent is more likely to foster a relationship with the other parent. Clearly the GAL knows that Parent A will never do this, yet, still awards this parent custody. This is clearly a detriment to the children who will have their relationship with Parent B forever impeded upon by Parent A. These children will grow up believing that Parent B is a horrible terrible person because even the GAL agreed and gave Parent A sole custody. These children are doomed to grow up with extreme low-self-esteem and relationship issues.

Now let's give the expert the benefit of the doubt and say, maybe they didn't lie but did not do their job very well. Using our current dysfunctional family courts, we have Parent A and Parent B, who are in the middle of a high conflicted relationship breakdown. There are two children involved. During the marriage, there were never any allegations of abuse. Even during the first year of separation there were no allegations of abuse. Even in the 2nd and 3rd year of separation there were no allegations of abuse. In fact, Parent B had generous and liberal visitation with the children.

Finally, the parents decide to get a divorce. Parent B goes on with his life and meets a new partner. All of a sudden Parent A is claiming abuse. A visitation evaluation is conducted. The first Family Court Evaluator does her job and is not fooled by Parent A and have half-baked restraining order that the police even told her was bogus. The first evaluator determines that there was no abuse, anything the children know was told to them by their mother, and that the mother is refusing to accept that the father has moved on in a positive way in his life.

Parent B is pro-se and does not understand that the evaluators recommendations must be made into a court order. Instead, Parent be tries to get the

recommendations of the first evaluator complied with, i.e. counseling and visitation. But Parent A is of course not satisfied with the original outcome and now knowing how the system works, she refuses to comply constantly lying and blocking access to the children or creating turmoil with any counseling. Ultimately Parent B must file for a new evaluation as the original one is now out of date and was never made into a court order.

A new Family court evaluation for visitation is done. This new evaluator refuses to read the original report or confer with the original evaluator. She takes Parent A's word for everything. Even though it has since been determined that the Parent A is deliberately undermining the children's relationship with their father. The evaluator lies to the courts claiming that the children have every right to be mad at Parent B because Parent A claims she was abused and the children saw it. The 2nd evaluator believes that there is truly abuse going on, despite reports to the contrary. The 2nd Evaluator, however, agrees that counseling and visitation need to be established. She orders both and this time they are made into court orders.

Parent A repeatedly impedes with the 2nd Evaluators orders. The 2nd Evaluator refuses to make new recommendations or revisit the case or retract any of her earlier statements. An AMC or Attorney for the Minor Child is now brought in, who interviews the children. The AMC determines that the something is definitely wrong with the children's stories and she orders a GAL or Guardian Ad Litem be added to the case. The GAL determines that indeed the mother is causing serious issues and is at the heart of all the problems. Yet, still the 2nd Evaluator continues to blame Parent B and refuse to retract their evaluation or amend it.

Because of the 2nd evaluators failed to review the evidence properly, to listen to Parent B, to confer with the 1st evaluator to confirm Parent B's side, or even after having Parent A not comply to her own court orders, not amend and correct her recommendations, the children continue to suffer at the hands of Parent A. Parent A has now had 5 full years or more to brainwash and program the children to hate, distrust and refuse to see Parent B. Had the 2nd evaluator done their job and investigator more thoroughly, the children would never have been put into this position. Parent A would/could have been held accountable soon. And a positive relationship might have occurred between the children and Parent B. Now almost 2 decades years later, Parent B has only seen the children 6 times since 1996 and not seen them at all since 2006. Parent A uses this 2nd evaluation to further prove her point to the children that Parent B is no good, because even this evaluator says so.

The children now have social skill issues. They have abandonment issues. Though they are successful at completing their primary and secondary education, this does not change how they will see the world or relate to the world. In the children's eyes only Parent A can be all good and Parent B all bad. Parent A has now positioned themselves as the children's best friend, further preventing them from establishing any kind of relationship with Parent B for fear of losing Parent A's conditional love and making Parent A hate them also.