

Written Testimony of Jacob Schmitt

April 2, 2014

I am writing this to help other children in Connecticut who are assigned a GAL who they feel don't represent the truth, or who feel like they understand a particular family better than the children who live in it. I was abused for most of my childhood and asked my court appointed GAL for help, which he denied me, subsequently lying in court to protect my abusive father. To this day, I don't understand why he did it, but I do think GAL's should have to answer to someone when they make a mistake.

Between the ages of 6 and 10 my mom and adoptive step-father fought for the custody of me and my younger brother and sister. Since age three my adoptive father had been physically abusing me and my mom. In 2003 when I was five years old my mom divorced my step-dad. My siblings and I would spend half of our time with our mom and half with our dad. In 2004 I started living solely with my mom, only visiting my dad occasionally as he was always busy, and four months later my brother and sister joined me full-time. This was just fine with our dad, and fine with us too. February break of first grade I was with him and one night he grabbed me by the arm and threw me across the dining room. While I was being swung backwards my head cracked open on the counter. He took me to the hospital and told them I slipped and told us to go along with it or he would be in trouble. I went home at the end of our visitation and lied to my mom about the staples in my head. He would also yank me or pull me up by my arm or ear or smack me in the face with the front or back of his hand a lot. He sometimes backhanded me so hard at the dinner table that my chair tipped over backwards, and I would fall on the floor. He even punched and kicked us sometimes.

Later that year my mom and her fiancé decided we were going to move to Louisiana because she was offered a flight paramedic job. My step-dad said he was fine with this and said we could stay with him while my mom moved into the new house.

Up to this point my step-dad was still abusing me, but my brother and sister and I said nothing because we were afraid of him finding out and we knew we were leaving soon. We also were only seeing him about two weekends a month, so it wasn't very hard to handle. My siblings and I were happy to get away and be with our mom again, but at the last second my step-dad took back his word and with my aunt and grandmother's help started to try and get custody of me and my siblings. He kept us for over a month without letting us see our mom, who had to move to start her new job. She ended up having to drive up from New Orleans over a dozen times to visit us in only a few months. It was awful. This is when my sister told my mom about how I really got my staples and when I met Officer Hoffman, who I told about it. Meeting him helped me to become more honest about what was happening, but I still didn't trust people not to tell him. We met our Guardian ad Litem, Mr. McCoy, and he seemed nice, but I don't know if he understood that we were scared. We met a lady named Norma a couple times. I don't know what happened but I know my mom and her fiancé had to sell our new house in 2006 and move back to Connecticut so they could attend court and try to fight what was happening.

For awhile things were okay, we were going back and forth between our parents, but then things started to get worse for me at my dad's. In 2007, I finally had enough and after a bad weekend at my dad's I told my mom what he was doing to me and my brother. My mom immediately took us to meet our GAL McCoy, because she said that

is what the court said to do if there were any problems. We were told that McCoy would help protect us and to tell him what had been going on. My siblings and I told him how he had been abusing my brother and I, that he drank a lot, and sometimes in the car, when we were going places and that we didn't always feel safe with him and that we wanted to live with our mom. I repeatedly asked him if he would tell the judge exactly what we told him and he said he would every time. I also asked him if he would tell our dad and he said he would have to. That night I was never more scared in my life. I think we all were. My mom refused to let us go back on our regular day and spent a lot of time talking with people to see how she could help us.

She told us she would have to go back to court, and on that day my mom reassured us that everything was going to work out fine and that we would all return to her house later that day. Instead, McCoy told the judge that our dad never abused us and that we told him that our dad would just playfully "bop" us on the head if we were out of line. Our grandmother and father's girlfriend, who had watched it happen constantly, lied directly to the judge and said our father never laid a hand on any of us. Instead of returning to my mom's house like promised, we were brought back to our Grandma's house where our dad lived, all three of us in tears.

We didn't get to see our mom for three months, which was the entire summer of 2007. Throughout the summer I asked why McCoy lied to the court, and each time I asked I would be told that he didn't lie and that I'm just a kid and I don't know better. We went to our dad's attorney's office with him and heard a lot of bad things about what was going on. During these three months the abuse continued. After the three months we would be with our mom weekends and Wednesdays. The court implemented Dr.

Rhodes for therapy and we continued to see her for the next eight months. During that time I became so unhappy living at my dad's that I planned to sneak out of the house and walk along Route 184 all the way to her house. I had packed my bag with snacks and a flashlight and called my mom and left a message telling her I was coming to her house. My step-dad's girlfriend saw me take the house phone and go to my room and told my dad. At another point in the eight months my dad was meeting to pick us up from an after school function. My mom lived near the school so my brother and I rode our bikes there. My mom told us we could ride them only if we promised to put them in her car before leaving with our dad, but our dad stopped us and told us to drop the bikes in the middle of the parking lot and get in the car because her time with us was "over". Unsure what to do, my brother and I stood there confused and scared. We eventually got into our dad's truck and our mother walked up to his door and tried to give him my backpack for school when she realized he had been drinking. She told him to let Sue his girlfriend drive, but instead, my step-dad slammed the door closed into my mom's head and body, then drove off while she was stunned. Later that night the police came and talked to us. The officer wanted us to tell him in front of our dad, which made me very uncomfortable because I feared he would hit me later if I went against him. The police disregarded the entire thing and said my mom was just "being a woman" and overreacting. My brother and I told the school what happened the next day, and when we got home we hid in a tree when our dad got home because we were scared of what he would do since we reported him.

After eight months of seeing Dr. Rhodes, our father finally showed his true colors in a meeting with Dr. Rhodes after she said something that angered him. He refused to

let us see her anymore. In June 2008 around the end of fourth grade, Dr. Rhodes went and talked to the judge, and my mom won primary custody of me and my siblings. She came to our school and brought us home back to her house. Four months later my mom was granted full custody. I have not seen my dad in over 5 years, not because my mom won't let me, but because he refuses to see any of us, refuses to call, and refuses to be at family gatherings if we are invited. It has always bothered me that McCoy was supposed to be someone we could trust and someone who was supposed to protect us but allowed us to be sent back time and time again to someone who was hurting us. It took a lot of courage for me and my little brother to tell him how bad things were, and to be ignored and for him to allow us to be taken away from our mom has really ruined any trust I have in the judicial system. I used to think that judges were fair, and that people like McCoy were good, but I learned the hard way that it's just not the case.

My mom has tried to help us have a relationship with our dad for years, she is even really nice to our dad's family, especially our grandfather who visits us regularly. She has brought all of us to family therapy since Dr. Rhodes, and I think it has helped us to not act the way we were treated growing up. It is hard having this past, it's embarrassing and sad every time I think about how it used to be, but I am also grateful that someone spent enough time with our family to finally see the truth of what was going on and get us safe. I feel that our case would have gone differently had there been someone overseeing our GAL and talking with us, like a supervisor, or someone that we could have gone to after he didn't tell the truth in court. Because our mom had no money for an attorney, but had a job so she couldn't get a free one, and our GAL lied, we ended up getting hurt and being in a bad situation a lot longer than we should

have and there was no one else to turn to. If it wasn't for Dr. Rhodes, we would probably still be in that situation. I have always asked my mom about this situation, probably because I want to understand it, so I was glad when she told me people are trying to change it and were looking for suggestions how to make it better.

I think you should make it easier for people to get GALs that don't cost so much, attorneys that don't cost so much, and implement supervisors or head GALs who are people like Dr. Rhodes that don't take any money but what your insurance covers. It seems like money is the real problem in these situations, and also people who are not trained in child and family psychology acting like they are, making huge decisions about families without really knowing what is going on. Lastly, my dad had a very long record with DCF when he and my mom went to court for custody, in the very beginning, I feel like McCoy should have considered talking to them. Domestic violence has affected three generations of my dad's family that we know of, it doesn't go away unless you work hard not to be that person.

Thank you for listening,

Jacob Schmitt