Testimony for the Judiciary Committee public hearing Friday, April 10, 2015

SUBJECT MATTER: The Judicial Nomination of the Honorable Chase Rogers to be Chief Justice

I am sharing my story because it represents all that is wrong with the CT Family Court. The abuse that I endured has to stop before more irreparable damage is done to children and families like mine. I've recently filed a formal grievance, complete with 108 pages of supporting documentation to the Statewide Bar Association Grievance Counsel, DCF, and the CT Attorney General. I haven't yet found a single legal entity that cares. The following is a very brief version of my grievance….

Atty. Margaret Bozek was appointed as Guardian Ad Litem to my divorce case in 2011. It was her recommendation that I be custodial parent of our 3 children (ages 14, 13 and 9). My ex-husband agreed to limited access because he worked weeknights from 11pm–7am. In September of 2013, my ex-husband refused to return my 15 year old son to me for several days. I was advised to call the police - which I did multiple times. Lacking the funds to hire an attorney, I filed my own contempt motion and ex parte motion for custody. Atty. Bozek was again appointed to our case. My ex-husband retained Atty. Ceil Gersten, his notoriously contentious divorce lawyer. Atty. Bozek aligned with her immediately (perhaps because they're friends - a fact they advertise on Facebook.)

- Atty. Bozek told me it was wrong to call the police on my family. When I asked why it was necessary to supply police reports when I filed the contempt motion if it was wrong to involve them - she didn't respond.
- She told custody battles over teenagers cannot be won - if my son didn't want to come home to me, I shouldn't make him. I reminded her that my ex-husband wasn't home at night - she told me it wasn't against the law to leave teenagers home alone.
- I told her my ex-husband was allowing our 15 year old son to have sleepovers with his girl friend - she instructed me to stop trying to control what goes on at my ex-husband's home.
- I told her I had discovered a text message conversation on my younger son's cell phone that revealed my ex-husband and his girlfriend were allowing our 14 and 15 year-old boys to consume alcohol - she refused to meet with me because I couldn't afford her $1,500 retainer.
- I had to wait for a status conference in November to determine how she would be paid, before she would speak to me. I had to accept that I would not see my son before that time.

I was told in September I needed a hysterectomy. Having had no contact with my oldest son for the entire month of October, I became extremely distraught. I knew children who start drinking prior to age 15 are four times more likely to become addicted. I experienced the devastating effects alcoholism has on a family and was terrified my boys were heading down the same path - and felt powerless to do anything to stop it. Co-parenting with my ex-husband was impossible. I feared for my children's safety when in their father's care, all of which led to an emotional breakdown in early November, which resulted in a 3 day hospitalization ….

An intense psychological evaluation determined that I had suffered one severely depressive episode due to extreme stress, anemia, and a thyroid imbalance - I posed no threat to myself or others and was released without any limitations. Upon learning that my ex-husband wouldn't allow me access to my children, hospital personnel advised me to call the police (action I did not take, as I knew Atty Bozek wouldn't approve). She never reviewed my discharge paperwork and without knowledge of any facts, Atty Bozek supported my ex-husband's decision to prevent reunification with my children.

In court a week later Atty. Gersten told me if I didn't agree to seeing my children just **one night a week for 3 hours,** she would tell an open courtroom about my breakdown. Atty. Bozek didn't bother to show up for her own status conference, so apparently she agreed this arrangement was best. When I insisted that I had all the written documentation I needed to prove they had absolutely no legal justification to limit my contact with my children, Atty. Bozek was informed her presence in court was needed ***…. this would lead a reasonable person to conclude both attorneys were co-conspirators to BLACKMAIL.***

I lost my children and my financial support, and could no longer afford my home. During the month of December I moved, had surgery (a less invasive alternative to a hysterectomy), took the kids to countless counseling sessions, attended my own therapy and co-parenting counseling, while working 40 hour weeks.

In February Atty. Bozek finally met with me for the first time. The kids had been staying with me consistently 3 nights a week, yet she told me she was recommending a plan that had them with me just two nights. She admitted my ex-husband, "lacked parental instincts", acknowledged he wasn't home at night to fulfill his parenting responsibility, then told me I would be obligated to pay him child support. I told her that was obscene and I would NEVER agree to it. She accused me of being difficult, told me I had to agree OR ELSE she would tell a judge about my breakdown, and a judge would respond negatively. I accused her of extortion.

- I asked Atty. Bozek why my children were being taken from me, just to be left alone or handed off to other people, when our court-ordered co-parenting counselor stated, in writing: ***"do not delegate child-related tasks or responsibility to someone else if your co-parent is willing and able"***. She didn't respond.
- I illustrated in great detail how her proposed plan failed to meet 13 out of the 15 criteria for the Best Interest of the Child StandardShe didn't respond.
- I provided documented proof of my ex-husband's blatant efforts to actively alienate me from the children. She didn't respond.
- I told Atty. Bozek repeatedly that I would NEVER agree to a plan that failed to serve my children's Best Interest. She insisted I had to, because this plan was the "children's preference". Teenagers can choose which parent they want to live with and can't be told what to do. I asked if adults had to follow court orders, what made teenagers exempt. She didn't respond.
- I asked her if she realized that handing over that much power and control over to teenagers, rendered me incapable of enforcing something as simple as a curfew. She didn't respond.
- I asked how I could effectively parent children two nights a week, when my value had been diminished and my authority had been undermined to such an extreme. After all, they're being taught my role as mother is so unimportant, they're better off at their father's home - ***when he's not there*** - than they are with me? She didn't respond.
- I shared actual case law where it was ruled, the children's preference was not determinitive in custody disputes where undue influence was proven. I asked what normal healthy teenage boys wouldn't prefer the PARENT-FREE household where alcohol is provided and sleepovers with girlfriends are permitted. She didn't respond.

At a hearing in March, my ex-husband insisted that although the children had been with me consistently for 3 nights a week, they didn't like it. Atty. Bozek made her recommendation of 2 nights a week, discredited my therapist, and told the family services counselor that she thought I was still too "emotionally fragile". Apparently my passionate (albeit angry) advocacy on behalf of my children rendered me unstable. I am expected to remain perfectly calm and cooperative while my children are being used as tools to manipulate me. Changing her recommendation to three nights a week was supposed to appease me. It didn't. I challenged Atty. Bozek to show me the "emotional stability scale" she was using that made me well enough to be a parent 3 nights, but not 4 or 5**.** I asked if I was truly so unstable, how she could recommend the kids have any overnights with me at all… She didn't respond**.** A "trial" was scheduled for June.

I told Atty. Bozek taking this to trial was ridiculous - I told her that I would never agree to a plan that she herself admitted was less than ideal. MY CHILDRNE DESERVE BETTER THAN THAT. I told her if a judge ordered me to take my children 2 or even 3 nights a week - I couldn't do it. I could not afford to pay my ex-husband child support and rent - I'd be forced to move again and I wouldn't be able to accommodate any overnights with my children at all. I insisted we work on a plan that is agreeable to BOTH parents, or there will be no plan that I could be a part of. My ex-husband refused to discuss any other options and I was accused of abandoning my children.

Fighting with my ex-husband every week for 8 months to arrange time to be with my children was unbearable. Thousands of dollars in GAL fees were billed, we still had no parenting plan, and the kids were entrenched in the ugly conflict. I feared my ex-husband's methods for coercing the children into liking his house better, were harmful to them. I thought if I stopped fighting for them, maybe he'd stop hurting them. Because I saw no way to protect them from being caught in the middle of this endless battle, I stepped out. I explained to the children until we were able to work out a plan, they could call me any time they wanted to see me. I just couldn't fight anymore to make it happen. I shared with Atty. Bozek the conversation I had with the kids explaining my decision to make their time with me optional. Atty. Gersten used that correspondence to file a contempt motion against me – as we're not allowed to discuss such matters with the children.

Atty. Bozek was dishonest when she told me a "trial" was scheduled for June. She often used the threat of going to trial to frighten me, insisting it was an expense I couldn't possibly afford. Returning to court in June was unfathomable, especially since she knew if a judge ordered their proposed plan - I couldn't do it. Atty. Bozek never saw the children when they were with me. She never visited my home, and she never interviewed teachers, doctors, or the man I've been dating for 3 years. These were all things she said she'd have to do to prepare for a trial. She seemed so confident we could work this out on our own I truly thought my ex-husband would wait until the last minute to negotiate a plan. I was wrong. I learned we were going to court when Atty. Gersten filed a judgment against me for failing to submit my trial compliance paperwork in time.

Atty. Bozek proceeded to unlawfully manipulate the outcome of the hearing by withholding the results of my psychological evaluation. She only told Judge Dolan about my breakdown and he refused to allow me to share the written documentation I had proving I was well. I testified that I would never participate in a plan that left my children unsupervised all night long 3 nights a week. In my opinion, it was the same as being an accessory to a crime. He applauded my conviction but reprimanded me for doing something profoundly stupid, which admittedly I deserved. Contradicting the orders of my physicians, therapists and psychiatrist, he told me I "better be on medication" and told me to return to court in September with a mental health professional proving I'm well.

When it was time to return to court in September, my therapist and psychiatrist assured me that there was absolutely no reason to accompany me. I had all the documentation I needed to prove that I was well. The judge was ready to proceed but Atty. Gersten insisted that I be held to his original [literal] demand, of having someone present to vouch for my wellness. An unrepresented person had to explain to a judge and two attorneys that mental health professionals do not appear in court in the absence of a subpoena. The case was continued until January.

Later in September, I stopped by my ex-husband's home to deliver a child support check while he was at work. When I arrived I discovered the children were consuming alcohol. I was very concerned, especially for my 11-year-old daughter who was being supervised by 4 teenage boys who were drinking. Having no authority to do anything, I left. The kids told my ex-husband I crashed their party because I immediately received a text message from him saying I had no business being at his house. My friend who is a state trooper, advised me to call the police. The incident was investigated and the police found enough evidence of underage drinking to refer the case to DCF. The next day my ex-husband was so angry that I exposed what was going on at his house, he filed a complaint with the police against me for showing up at his house unannounced.

I told Atty. Bozek that I wanted to meet with her in person to discuss the incident and the concerns I had about my children's safety at their father's home. EXACTLY the same request I made a year ago. Again she refused to meet with me. Again she told me it was wrong to call the police. When I asked what would have been a better way to handle the situation, she didn't respond**.** It took DCF 3 months to investigate and when they did, they were unable to substantiate anything because the children lied to investigators.

Atty. Bozek contacted me in November to ask what contact I've had with the children. I reported little to none at all since the drinking/police/DCF incident in September. My ex-husband insists they are all still angry at me for calling the police. She asked what I hoped to accomplish at our "trial" in January. I told her I was never going back to court. Why would I fight for three children who don't want me in their lives? I told her there would be no therapist to subpoena, as therapy was deemed no longer necessary and I was discharged. And why should a therapist waste time in court suffering the indignity of being publicly discredited, because attorneys refused to look at the written documentation I've had - for an entire year - proving I was well? Three children no longer have a mother, clearly this is what she thinks is best. I am powerless to change it. I know when to quit. She didn't respond.

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Three children no longer have a mother because my ex-spouse resented paying child support and found an attorney unscrupulous enough to help him cut me out of their lives. My 11-year old daughter, a former DCF foster child, has now lost her second mother and I'm having difficulty finding a legal entity in this state that cares.

The time for money provisions in our child support laws are obscene and only serve to create a breeding ground for conflict. *This needs to change.* I've been told judges don't like to hear about parental alienation. They chose to believe it doesn't exist. *This needs to change.* I too would love to believe it's not possible for a parent to do something so despicable. Truth is, I lost 3 kids and 2 homes in 7 months simply because my ex-spouse figured out how easy it is to manipulate teenagers into hating their mother ….. just so he could escape a child support obligation. Parental alienation must no longer be a tolerated as a clever strategy for winning custody disputes and needs to start being treated as the crime of child abuse that it is.

I should not have to navigate the shark-infested waters of the family courts to defend my constitutional right to be a parent [and to protect my children's constitutional right to have a mother] UNREPRESENTED. When one party has an attorney and the other does not, it's not a fair fight. If I committed a crime, I'd be provided an attorney if I couldn't afford one. Why should criminals have more right to representation than I do? *This needs to change*.

My ex-husband and I spent two years and over 20,000 dollars to have 2 lawyers and a GAL create a divorce agreement that was absolutely **UNENFORCEABLE**. Consequences for non-compliance were not included in our agreement and I'm told they rarely are. *This needs to change*. No one should ever have to endure the years of abuse and dysfunction that I have just because one ex-spouse refuses to comply with a parenting plan. The endless conflict – that is extraordinarily profitable for lawyers - is devastating our children. No one seems to care.

On March 25th, 2014 during a CT Family Court Reform panel discussion, (http://wnpr.org/post/look-inside-connecticuts-family-court-system) a partner from Atty. Bozek's firm proclaimed on National Public Radio that he never met a GAL who didn't "immediately meet with all parties to resolve disputes as quickly as possible." I asked Atty. Bozek if she ever met her partner. She didn't respond. It took her 4 months to meet with me, with an outstanding EMERGENCY custody order in place. 18 months later there is still no resolution***. She abused her power to punish me in the worst way imaginable because I refused to accept a plan that was unacceptable.***

On that same panel discussion the Connecticut Family Courts were compared to the North Korean government. According to my experience, this is not much of an exaggeration given that Guardians ad Litem operate with complete immunity and no oversight. That would certainly explain Atty. Bozek's flagrant refusal to do her job. Apparently, with no one to answer to, she doesn't have to.

IN THIS COUNTRY an attorney can send me bills for her "service" while refusing to answer ANY of my legitimate questions. IN THIS COUNTRY I am court ordered to pay an attorney to strip me of my children when she has absolutely no legal grounds what-so-ever. I've been to court 5 times and haven't yet had had the opportunity to be heard. IN THIS COUNTRY unscrupulous attorneys can violate my constitutional rights because pro se has no voice. ******Sadly there are far more parents who are too debilitated by the excruciating pain, shame and humiliation of having lost their children, to say much of anything at all.******

I filed a formal grievance with the Bar Association, but I'm well aware that Atty. Bozek's judicial immunity and nonexistent oversight probably will more than likely render it useless – what other recourse do I have? Her ignorance, arrogance, negligence and incompetence are unconscionable. I just can't suffer IN SILENCE the gross injustice of attorney-assisted parentectomy and legalized child abduction at the hands of an inept Guardian Ad Litem and corrupt judicial system.

I liken this nightmare to being raped by a police officer … rape is bad, but it's even worse when committed by a public servant and authority figure we've entrusted to keep us safe. Likewise, incompetence on the part of an attorney is bad, but it is downright criminal when committed by someone charged with looking out for the Best Interest of CHILDREN – our planet's most precious resource.

My story is not unique, which is why so many other victims are making similar claims of abuse/corruption/collusion, crying out for family court reform ***and demanding a change in its leadership!*** If you care about children, please do not allow Chief Justice Rogers to continue destroying families in our profoundly broken and corrupt family courts.

Respectfully Submitted,

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