

## **EXEMPLAR CASE - HOWARD COUNTY - Ellicott City**

### **CASE #13 C-17-111078 CIRCUIT COURT OF HOWARD COUNTY**

The case noted is presented because it is fully and completely documented. Further. This case is flawlessly emblematic of the issues generically referred to in the introduction. Our request to bring attention to a matter that must be addressed as a public health crisis, not only in Maryland, but also across the United States is well represented by presenting the facts and compelling issues in this case

The FCVFC was contacted by the parent, who was originally the Defendant, (Later switched to the Plaintiff) because he had seen published writings by staff of the FCVFC. He found the articles and documents alarming, as his case was moving in the direction described. His alarm rapidly increased as events unfolded.

### **CASE SUMMARY**

#### **PRE LITIGATION HISTORY**

Mr. and Mrs. X. are both forty years old. They were members of the same Maryland community as children, acquaintances at school and in the community. In college, they dated, became engaged and married as of 11/22/2003

Mr. X graduated from college with a degree in engineering. His work career took him into the area of commercial real estate, where he thrived.

Mrs. X. did not have professional goals at that time and worked in her family's very lucrative business.

Three children were born between the years 2006 to 2010. The children are at this point in time 13, 11 and 9 years old. The children are all in good health, academically, socially, athletically engaged.

## **PRESENTING PROBLEM**

Mrs. X. began to present with a compelling picture of drug and alcohol addiction, which despite a series of rehabilitation treatment interventions over the next two plus years were not successful in avoiding movement toward separation and then steps toward divorce.

Separation was compelled by the collapse of the marital relationship, as well as clear and present danger to the children. Mrs. X was unable to care for the children in their daily lives. Impaired judgment with regard to assessment of levels of intoxication allowed Mrs. X. to drive while intoxicated. She engaged the children in the use of the interlock system (to unlock the system so that she could drive) She was engaged in a number of driving accidents, involving the children who were traumatized and terrorized by the experiences to which they were subject. This fact is well documented throughout the litigation record, though thoroughly ignored.

By mutual agreement, the couple separated, leaving physical custody of the children to the father with hopes that this further step would motivate treatment progress. The separation agreement drafted by Mrs. X's attorney granted liberal visitation and contact with the children, joint custody, decision making, planning, with Mr. X having ultimate authority if there was an impasse.

\*(EXHIBIT - GOOD WILL STATEMENT OF LIMITED DIVORCE AND CONDITIONS FOR CUSTODY TRANSFER IF MRS. X. RELAPSED)

At no point in any discussions, past or present did Mr. X ever disagree with joint custody or shared parenting. The court record clearly demonstrates on every possible level that Mr. X supported, cooperated, and assisted with every treatment intervention and every court order.

## **THE CHILDREN**

The children were raised to be outspoken, thoughtful, independent thinkers.

(EXHIBIT - THE CHILDREN'S COMMUNICATION UNDER LOCKDOWN - WRITTEN PROTEST INCLUDES CALLING THE POLICE AGAINST THEIR CUSTODIANS)

They each excel in every aspect of their own lives - school, sports, friendships, and community.

The children very clearly articulated their well founded, well documented reasons for intense antagonism and mistrust of their mother as reported in the remarks on interviews with the children in the report of evaluator #1. All remarks were either ignored or used to impugn the children's thoughts and feelings.

The children were exposed to frightening, life threatening experiences while in the custody of their mother. These experiences are thoroughly documented in police records, accident records, and police reports (in our possession). Statements to their own therapists and to the two court evaluators, the court ordered reunification therapist and the Best Interest attorney who has generically represented the children as a group, clearly articulate, in factual detail the bases of their original concerns and then the reasons for their growing antagonism to her.

Initial experiences in visitation following the parent's separation deepened the children's hostility to their mother. These experiences are fully documented throughout the record, and ignored at every decision making level.

**Non Alcoholic / Non Addicted Spouse Blamed For Children's Trauma Response To Mother's Neglect And Abuse Of Children**

(Every statement is fully documented)

As the children resisted contact - visiting / calls with their mother and were openly resisting contact with her - therapeutic intervention focused on:

**A.)** Mr. X was expected to physically force the children to meet with their mother - and speak to her by phone.

If the children refused to leave his car, the message from court authorities was that corporal, punishment, physical force should be implemented.

When their mother called Police, police refused to use physical force to return children who ran from her, or refused to leave the car or their home. These facts are fully documented through the record, again, ignored.

Mr. X reasoned, punished, the children for not working with their mother, but on the record, refused to apply physical force.

Court ordered Therapists recommended that Mrs. X. withdraw from contact with the children - that she not attend their games, or seek contact with the children, outside of court authority.

That which was disregarded, though documented, that when the children did meet with their mother, there was a significant level of discord between the children their mother and her extended family.

**B.)** Mr. X, as per direction of the therapists, he was to take responsibility for his wife's addiction and encourage the children to work with her - because, in effect, her behavior was not her fault - nor her responsibility...\*

**C.)** Mr. X was diagnosed psychiatrically - incorrectly to the point that statements made would be viewed by any responsible practitioner as defaming and libelous, much less seriously personally damaging to Mr. X.

The basis of descriptions of Mr. X that were then used to define his character and interpersonal dynamics all came from verbal accounts imparted by Mrs. X. during undocumented interviews with evaluators # 1 and 2. All medical and psychiatric records related to Mrs. X's medical / psychiatric status were completely sealed off from any scrutiny.

The Reunification therapist, directing therapeutic processes and reporting, demanded major control, oversight and scrutiny of Mr. X's court ordered "treatment". Such oversight included choice of a therapist and then..... HIPPA releases for all parties - therapists and lawyers to be able to speak with his therapist, ask questions and direct the course of treatment

\*(EXHIBIT - SNYDER AFFIDAVIT/ SCHERER 6/14/19 - "TEAM APPROACH" DEMAND)

**D)** Demands were made through court actors, reinforced by his own lawyer to force Mr. X into court ordered therapy and oversight by those whose bias and animus toward Mr. X were palpable through written reports and testimony. Articulated directives to manage and control his interactions with his children deference to his wife, to shape his thoughts and actions toward his children - apologizing for his role in generating his wife's addictions are specified.

The intent of these directives were implicit in the formation of the improvised psychological profiles and reflected in the financial interim payment schedule.

\*(EXHIBIT - REFER TO BILLING STATEMENTS OF COURT ACTORS - GENERIC ACCOUNTING LISTED IN THIS DOCUMENT)

The constitutional violations related to freedom of thought, speech, privacy liberty rights to parenting children are legion throughout the numerous Motions filed by opposing counsel, piled on by the Best Interest Attorney, each of the multiple therapists, who were then supported by his own lawyers, (until lawyer #4).

Mr. X was vilified, humiliated in court by Court psychological evaluators, court appointed therapists and the opposing counsel, representing Mrs. X.

(Documented throughout the entire file).

Mr. X was treated as a criminal, threatened repeatedly with jail sentences for not responding rapidly enough to directives from therapists and opposing counsel for questioning orders that Constitutionally violated rights to privacy and even self-incrimination.

Statement and recommendations by therapists were treated as if they were Orders from the judge - documented throughout the court file.

Contempt Orders requesting jail time re:

**A.)** Demands for HIPPA releases to access and share information about Mr. X were put forth by opposing counsel, supported by the cotillion of therapists, evaluator and the BIA, all of whom conspired to put forth hearsay, unsubstantiated testimony providing an entirely erroneous personality profile of Mr. X

**B.)** The consortium also has consistently pressed to choose the personal therapist for Mr. X and to exclude the highly reputable representative chosen by Mr. X (Dr. Michael Stone MD)

(Refer to June 14, 2019 BIA Court Memo redolent of ongoing commentary)

The level of exacting rigor for compliance with punitive orders that were legally questionable because of their incursion into violations of constitutional rights create the impression of an autocratic proceeding having no resemblance to a litigation process.

This level of compliance with court direction was responded to by recommendations to comply, completely, accompanied by the constant refrain “you will lose your children if you do not .....”. Attorney #4 responded to unconscionable court orders with an onslaught of laser focused scholarly legal

(EXHIBITS TO FOLLOW - REFER TO FRYE-REID MOTION...)

## **LITIGATION PRACTICE**

Mr. X was forced to work with four attorneys before he finally experienced a litigation defense, as opposed to constant refrain to be silent and threats that if he did not comply with all demands put forth by opposing attorney, whose position clearly was complied with by the judge. The judge gave lip service to “concerns” and opposition,

yet on every decision required by a Motion brought forth by opposing attorney, the judge complied with the max. Court orders were issued that defied logic, testimony, and basic decent care of children.

**A.) Appointment of Evaluators:**

Evaluators #1 and #2

Applied the precepts and interventions of discredited junk science - "Parental Alienation".

\*(Refer To Frye Reid Motion)

The evaluator defined Mr. X in the most toxic, malignant terms, assigning responsibility to him for causing all of his wife's problems, assigning responsibility to him for "alienating" the children from their mother.

No evidence of any of the behaviors ascribed to Mr. X - or the children were ever produced or existed as per any discernible evidence, testimony, or personal history,

The evaluator ignored the multiple statements of each of the children that he placed on the record, in the report as they described their fears of their mother as per her willingness to harm herself and or them, to blame their father....."to make herself believed".

(Evaluator #1 children's statements to the evaluator - ignored - exhibit attached)

The judge suspended further engagement of this evaluator because the recommendations for complete separation from their father, and multiple attendant punitive measures toward the children were" so extreme", that he wished to engage a second opinion before considering these measures.

(Recommendation of evaluator #2 does not indicate the appointment of an alternate opinion. This judge appointed a factotum, with malice of forethought, who would fully support the recommendations of evaluator #1).

The judge gave lip service to concerns about the children re: multiple sources of trauma and then in each and every one of his rulings, he ignored his own protestations from the bench, which included a prolonged, detailed description of a personal experience with his own mother which, the judge noted (repeatedly) haunted him over the years.

Detailed / documented critiques of evaluator #1's work and testimony are in progress.

Detailed / documented complaints against this judge are in progress. The Judge suspended evaluator # 1 and Sua Sponte replaced evaluator #1 with evaluator #2. (We refer to evaluator #2 as 'the closer')

Evaluator #2 is well known to subscribe to exactly the same junk science concepts and punitive measures towards children and protective parents as evaluator #1. Evaluator #2 is a supervisor and mentor of evaluator #2 and well known to support and subscribe to the same obscene, deplorable techniques as evaluator #1.

Evaluator #1 Billing Summaries to Date - attached

Evaluator #2 presented his findings prior to submitting his report. Findings completely supported findings and views of evaluator #1. Billing statement summary Attached

In an emergency Pendente Lite Hearing - the judge who expressed concerns about the recommendations of evaluator #1 implemented an emergency custody transfer of all 3 children.

(EXHIBIT ATTACHED: SUA SPONTE CUSTODY TRANSFER OF CHILDREN MID TRIAL)

### **Pre Hearing Of Custody Evaluations Or Critique Of Evaluations Presented**

The children's explicit, documented thoughts, feelings, fears and wishes, elicited by their therapist in drawings and notebooks, weekly sessions, were totally ignored. Further the children's comments were



used against them and their father as they were each ridiculed and belittled in the court record.

Statements made by each of the children quoted by evaluator #1 as to their reasons for fear and dislike of their mother were totally ignored.

Mr. X was ordered to implement transfer planning of the children on Fri. at close of court 3/9/2019.

Phone Meeting with the reunification therapist, children's therapist, X trial lawyer were scheduled for Fri. evening, Mar 9, 2019 at 9 pm. This meeting laid out a schedule for informing the children, transferring their possessions. A further meeting was scheduled for Sat. afternoon, with the same parties, at 1 pm 3/10/2019.

### **Phone Meeting - 3/10/2019**

Mr. X was encouraged to share his feelings about the transfer, which he did.

Mr. X was asked about safety concerns for the children in the course of transfer to be dealt with, proposed by children's therapist.

Reunification therapist posed resources related to psychiatric hospitalization, police escort and her own (unwelcome) presence.

Mr. X expressed concerns about the children opening the car doors while car was in motion and feared for their jumping out of the car. This statement alarmed children's therapist and reunification therapist.

Mr. X was reflecting on a particularly traumatic memory in which his wife, while drunk, with the children in the car, opened the car door and appeared to be in danger of jumping out of the car. Mr. X had to grab the car door to intervene in the crisis created by his wife.

As this statement was made by Mr. X, the discussion moved from planning and intervention for the children to expository statements that Mr. X be somehow in a position to encourage suicidal behavior on the part of the children.

Further, Mr. X's trial lawyer "distorted" an emotional statement made by him, describing his own emotional distress over the situation, as an attack on her, as opposed to a statement of a wish for identification, an - as - if you were in my situation. A similar statement related to a comment, "you would never speak that way to your children", responded to with the statement, by his trial lawyer... I have said much worse to my son".

The discussion ended with an agreement with Mr. X that the children would be informed of the custody transfer Sun. early evening. The children had social engagements Sat. afternoon and evening and sports events on Sun.

At 9 PM the evening of Sat. 3/10/ 2019 Mr. X responded to a knock on the door. The children's therapist, accompanied by a police officer were present to remove the children from his custody on an Emergency Ex Parte Domestic Violence Petition.

The Petition, attached, was filed by Mr. X's wife, her attorney, not present on the phone conference call, by the children's therapist, his trial lawyer and the reunification therapist.

The Petition and the Affidavit was based on sworn testimony. The documents are attached. (Contemporaneous notes are present to attest to the multiple inaccuracies of the documents used to expedite a court order. The DV Petition was dismissed 6/21/2019 after an extended period of hearings and dispute and after a horrendous transfer was orchestrated

Exhibit - DV Document Attached

## **CASE STATUS**

The R. children have been held incommunicado against their will, with absolutely no contact with their father since Sat. evening 3/10/2019 when they were escorted by police and their therapist to the undisclosed location where they are living in isolation with their mother, under intense scrutiny.

The document outlining the rules and consequences for breaking those rules is attached as Exhibit - Rebecca Snyder - "Coercion and Threat Therapy"

The children are living under the threat of being transferred to unlicensed, heavily ridiculed "reunification therapy programs" as punishment and retaliation for not thoroughly recapitulating to the authority of their mother and maternal grandparents.

Mr. X is now facing court orders to remove his personal therapist and retain a minion of the court.

As per case status of 6/21/2019.

The children were offered no representation, advocacy or voice in events

MEETINGS PLANNING THE CHILDREN'S TRANSFER USED AS A "SET UP" FOR FRAUDULENT DOMESTIC VIOLENCE CHARGES AGAINST THE FATHER - SET UP BY THE ATTORNEY FOR THE MOTHER

NEITHER THE ATTORNEY FOR THE MOTHER NOR THE MOTHER WERE PARTIES TO THE CONFERENCE CALL OF SAT. AFTERNOON - MAR.

THE 3 PLENARY MEETINGS WERE PHONE CONFERENCE CALLS:

Transfer Meeting #1 - 9 PM Fri. evening following Pendente Lite Hearing - Mar... Attended by children's therapist, reunification therapist, trial attorney for Mr. X - discussion of transfer mechanism and no contact constraints as per court order - Children were unaware of the transfer order as Fri.3/

Transfer discussion with children was planned for Sun. afternoon 3/ as each child had sports events and social dates over the weekend - involving sleepovers with friends

Sat. afternoon meeting with Mr. X children's therapist, reunification therapist and attorney #3 - resulted in false charges of DV threats and suicide threats constructed by Mr. X's attorney (EXHIBIT - CONTENT OF THIS MEETING AND HISTORY AND RATIONAL FOR ISSUES RAISED BY MR. X - ALL FACTUAL CONTENT IS DOCUMENTED IN COURT RECORDS AND STATEMENTS OF THE CHILDREN EXHIBITS ATTACHED

The content of this meeting 3/ ..... 1 PM IN THE AFTERNOON - is fully and completely documented through contemporaneous notes taken by Mr. X and FCVFC consultant who was in contact with Mr. X at the time of each meeting Fri., 3/ .... Sat. 3/ ..... Sun. 3/

The evening of 3/ - Mr. X was not aware that his lawyer, in collusion with the attorney for his wife contacted the Maryland Commissioner's office and had his wife file an emergency ex parte motion for DV, expediting the pick up order for the children from Mon. at 5 pm to Sat. evening 3/

A report generated by two parties issuing the complaint, not present on the phone call, communicated hearsay evidence to a court of a false and defamatory nature.

The parties colluding to provide false information to the court included

Mr. X's attorney

The children's therapist

The reunification therapist

All parties paid by Mr. X employed by him under confidential fiduciary covenant, conspired with his wife's attorney and her lawyer to provide additional fire walls of separation between himself and his children - just forced from his custody that afternoon - see exhibits\*

The allegations of conspiracy to file false charges against Mr. X, to libel and defame him, to cause further trauma to his children and to deprive him of avenues of evidence against false claims, must be viewed in the bad faith spirit in which these acts were entered into.

Mr. X's attorney and the reunification therapist made massive demands and lodged huge complaints against Mr. X's delay in signing over HIPPA rights for these various actors. Their demands to have access to personal treatment personnel for reasons articulated in the attached exhibit\*, once received, these parties so interested in separating the children from their father confirmed their self-promotion aspects of their coordinated efforts in generating the DV complaint articulated in the convoluted Emergency Ex Parte hearing generated by his wife and her attorney.

On Sat. evening at approximately 9 pm, Mr. X received a knock on the door from the police with the Emergency Order to remove the children with all necessary force, to be transferred to an "undisclosed" location.

Mr. X has not seen or spoke with his children since the date of Sat. Mar.

Their status and well being are communicated through the assigned BIA whose communication with the children as per her initial tenure was to text them while they were at school to make sure that they

cooperated with evaluator #2, or else they would be removed from their father's custody.

The children did cooperate with evaluator #2, though their animus to him was made clear.

**COST OF INCOMPLETE LITIGATION TO DATE:**

EVALUATOR #1

EVALUATOR #2

ATTORNEY FEES

THERAPIST FEES

BEST INTEREST ATTORNEY FEES

ALIMONY

PRE CHILD TRANSFER

POST CHILD TRANSFER

CURRENT LITIGATION STATUS / CUSTODY STATUS