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PRESS ADVISORY

Parenting Project report describes the failure of DCYF and Family Court to protect children, especially in sexual molestation cases

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Rhode Island's child-protection system is broken, unaccountable, and driven by private contractors who are not required to be neutral and unbiased, according to a 24-page report prepared by the Parenting Project with documents obtained under the state's Access to Public Records Act. These failures cause lasting harm to children caught up in the state system.

Rhode Island's Department of Children, Youth and Families (DCYF) is charged under state law with protecting children from abuse. The Parenting Project has legally obtained documents that demonstrate DCYF's failure to carry out these duties in an objective and neutral manner, especially in regard to allegations of sexual molestation.

Specifically, the Parenting Project has learned that DCYF:

1. fails to track cases of credible sexual molestation;

2. fails to assure that its hearing officers perform their duties in an objective and neutral manner;
3. uses a nationally discredited, unscientific "theory" called "parental alienation syndrome" (PAS) to overturn credible charges of molestation; and
4. works as a team with privately paid contractors (lawyers, assisted by clinicians) who rely on secrecy, delay, and misinformation to win family court custody cases for their clients in ways that harm children.

In addition, the report shows how a judge who is already under censure by the state Supreme Court, can be easily influenced by a team of lawyers, serving as private contractors for a father accused of molesting his daughter, and working in tandem with the Department of Children, Youth and Families.

The Parenting Project, based at Mathewson Street United Methodist Church has prepared and released a report of its experience after being called on by a Rhode Island community that found the state's child-protection system initially responsive, but increasingly compromised, in handling credible allegations of child sexual molestation.

Out of concern for the child who identified her alleged molester, and who drew and re-enacted his alleged behavior, this report does not name the child or the community she lived in. But private meetings, testimony, letters and protests against DCYF and Family Court's management of the case, have made that information well known to state officials, who have failed to be accountable in this case and others.

The Parenting Project is a volunteer community service provided since 1996 by Mathewson Street United Methodist Church, Providence, Rhode Island, to focus on the

needs of children at risk in Family Court custody cases. Participants have included private citizens and professionals who have identified areas of concern within the system, which volunteers have investigated through court watching, interviews and research of legally secured documents.

Project coordinator, the Rev. Anne Grant, is a retired United Methodist minister who served for eight years as executive director of Rhode Island's largest shelter for battered women and their children. There she saw systemic problems that placed these families at risk, resulting in severe psychiatric problems and, in some cases, death.

Research and advocacy by the Parenting Project is intended:

1. to identify official actions that endanger children and parents who are trying to protect their children;
2. to recognize systemic problems in Rhode Island's child-protection system, including both DCYF and Family Court;
3. to advocate before the General Assembly for changes in the law that will make the state's child-protection system more effective and accountable; and
4. to educate the public about these issues, so that citizens who care about children can effectively promote change in the child-protection system.

The Parenting Project report concludes with specific recommendations of legislation needed to reform DCYF and Family Court (pages 18-20).

The child who angrily protested her father's "sausage games" when she was 3 (and who drew this picture of him laughing as he rubbed his "sausage" to make it grow and then sprayed her with "sausage juice") has now been given by DCYF to his sole care in another state. She is 7 years old. This month, she may testify about what happened four years ago. For the past 18 months, she has been allowed to see her mother only two hours a week, even though DCYF has never brought any charges against the mother.

The story of this child and her older sister illustrate how the Rhode Island Family Court and DCYF traumatize children and devastate families with their use of the nationally discredited "theory" of "parental alienation syndrome." The theory proposes that children who fear their fathers have been "alienated," "brainwashed," and "coached" by their mothers, and that they should be removed from their mothers and given to their fathers.

Executive Summary

DCYF and Family Court Fail to Protect
Children in Sexual Molestation Cases

Rhode Island's Department of Children, Youth and Families (DCYF) is charged under state law with protecting children from abuse. For this report, the Parenting Project has legally obtained records from:

1. open court files,
2. private interviews,
3. personal documents and photographs provided by the children's mother, and
4. requests for information under Rhode Island's Access to Public Records Act.

These records demonstrate DCYF's failure to carry out its child-protection duties in an objective and neutral manner, especially in regard to alleged sexual molestation. Specifically, the Parenting Project has learned that DCYF:

1. fails to track cases of credible sexual molestation;
2. fails to assure that its hearing officers perform their duties in an objective and neutral manner;
3. uses a nationally discredited, unscientific "theory" called "parental alienation syndrome" (PAS) to overturn credible charges of molestation; and
4. works as a team with privately paid contractors (lawyers, assisted by clinicians) who rely on secrecy, delay, and misinformation to win family court custody cases for their clients in ways that harm children.

Failures at DCYF might cause less harm if the Rhode Island Family Court were providing reliably independent jurisprudence, but it is not. The Court, which holds ultimate authority for child-protection in the state, is compromised in its own failure to require guardians *ad litem* to function as truly independent, unbiased, and disinterested finders of fact seeking the best interests of children. Instead, custody cases afford guardians virtually unfettered power, influence, and opportunity for personal gain.

REPORT

1. DCYF fails to track cases of credible sexual molestation.

During a long controversy over DCYF's handling of a case involving allegations that a father had sexually abused his pre-school daughter while they were home alone, the Parenting Project invoked Rhode Island's Access to Public Records Act in a letter[1] to DCYF Executive Director Patricia Martinez asking for the agency's policies and procedures for processing such complaints.

Kevin J. Aucoin, Chief Legal Counsel for DCYF, provided the requested materials and confirmed in a letter to Anne Grant of the Parenting Project dated September 21, 2007, that "DCYF does not maintain any data with respect to the number of cases in which custody has been awarded to a person who has been 'indicated' for child sexual abuse and/or molestation."[2]

Nor, wrote Aucoin, does DCYF maintain "data with respect to the number of child sexual abuse cases which have been overturned within the DCYF adjudicative process and/or through proceedings in Family Court."

In response to the request for public records, Aucoin provided the following DCYF policies: Reporting Child Abuse and/or Neglect,[3] Criteria for a Child Protective Services Investigation,[4] Response Priorities - Emergency, Immediate, and Routine,[5] Information/Referral Reports,[6] Standards for Investigating Child Abuse and Neglect Reports,[7] Standards of Proof,[8] and Complaints and Hearings.[9]

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[1] Letter from Anne Grant to Patricia Martinez, August 31, 2007.

[2] Letter from DCYF Chief Legal Counsel Kevin J. Aucoin, September 21, 2007.

[3] Policy: 500.0000. Effective Date: July 7, 1984; Revised Date: December 29, 2006, Version: 4.

[4] Policy: 500.0010. Effective Date: July 7, 1984; Revised Date: December 29, 2006, Version: 4.

[5] Policy: 500.0015. Effective Date: July 7, 1984; Revised Date: July 6, 1987, Version: 2.

[6] Policy: 500.0040. Effective Date: July 7, 1984; Revised Date: December 29, 2006, Version: 3.

[7] Policy: 500.0050. Effective Date: July 7, 1984; Revised Date: February 3, 2003, Version: 5.

[8] Policy: 500.0080. Effective Date: July 7, 1984; Revised Date: January 18, 2000, Version: 3.

[9] Policy: 100.0055. Effective Date: October 8, 1984; Revised Date: January 18, 2000, Version 3.

These regulations are generally sound as far as they go. However, key elements are entirely missing, such as: (1) any criteria for the selection of hearing officers, (2) any requirement that DCYF hearing officers be objective and neutral, (3) any requirement to notify concerned parties of an administrative hearing, (4) any process for tracking indicated findings of molestation, and (5) any process for evaluating hearing officers' objectivity by tracking the frequency with which they overturn findings of molestation.

The department's designated hearing officer, appointed by the director of the department,[10] plays a central role when an alleged molester hires a defense attorney. Hearing officers' objectivity and neutrality is particularly crucial in light of the fact that their decisions are not rendered with strict rules of evidence in open court and seldom become matters of public record.[11] Yet their decisions become the basis for DCYF to take drastic measures that can cause lifelong damage to children.

2. DCYF fails to assure that its hearing officers perform their duties in an objective and neutral manner.

Early in 2004, a nurse practitioner called the state's child-protection hotline. DCYF responded by sending a child protective investigator (CPI), who was convinced by the energetic way a three-year-old girl described and acted out male sexual behavior that she identified with her father. After conferring with a DCYF supervisor and lawyer, the investigator concluded that a finding of sexual molestation was indicated against the child's father. Although he was removed from the home, DCYF failed to take any legal action against him and did not direct local police to report the incident to the attorney general.

DCYF staff referred the child and her older sister for sexual abuse counseling. The father hired a criminal defense attorney, who appealed the finding against him.

[10] Policy 100.0055, Effective Date: October 8, 1984; Revised Date: January 18, 2000, Version 3.

[11] These administrative procedures allow such lax rules of evidence as those "commonly relied upon by reasonably prudent men in the conduct of their affairs" *(RIGL section 42-35-10)*. As the unintended irony of the language suggests, this is not a high standard in any context, and certainly not for alleged molestation.

DCYF assigned an attorney on contract, Norbara Octeau, to hear the appeal, which she did on October 12, 2004. DCYF did not notify the child's mother of this administrative hearing. Nor did the department introduce its own report of their initial finding that indicated the father for sexual molestation. DCYF presented no exhibits and did not object to five exhibits offered by the father, including emails he had written to the investigator and the pediatrician.

DCYF's own policy states how lax its appeal hearings can be: "The rules of evidence tend to be informal at this hearing and often 'credible hearsay' is permitted at the discretion of the Court"[12]

On December 14, 2004, hearing officer Octeau rendered her decision overturning the finding against the father. Although the hearing officer had never met the mother, she nevertheless called the mother's "behavior and conduct … highly unorthodox and rather suspicious." Octeau further stated: "This maternal behavior casts a shadow over the reliability of the child's statements…."[13]

That hearsay was later quoted by the court-appointed guardian *ad litem* and others as if it were a judicial finding of fact.

Other misinformation in Octeau's report was repeated by the guardian and numerous clinicians. For example, Octeau incorrectly stated that the alleged molestation happened at night in the child's bedroom. In fact the child consistently told others that the father undressed and played "sausage games" while her mother was at work and her sister at school; that he rubbed his "sausage" to make it big and sprayed her with "sausage juice," and more than that. Repeatedly, in detail, she described, drew, and re-enacted behavior that her mother could not have shown her.

DCYF left both sisters in their mother's care for twenty-six months and never brought any charges against their mother. But in April 2006, working with the guardian *ad litem,* DCYF took "temporary custody" of both girls for "psychiatric evaluation" and never returned them. The girls were then 5 and 9 years old. For the past eighteen months they have allowed the girls to see their mother only two hours a week.

[12] DCYF Standards of Proof Policy 500.0080.C.2.
[13] Norbara L. Octeau, "Decision," Administrative Hearing AH/04-55, p. 20.

The older girl's handwritten journal shows her belief that there was a deliberate effort by DCYF contractors to undermine her sister's account. She describes the difference in the social worker's friendliness toward the children's father and her disrespect for their mother. She tells how the foster mother said their father is "not guilty," but their mother has "mental problems," and the younger girl has lied. She quotes the foster mother blaming children who lie about molestation: "They do it all the time!"[14]

In April 2007, the Parenting Project discovered online articles written by Norbara Octeau, the attorney who served as hearing officer. In one article, apparently published to attract fathers to her private law practice, she extensively complains "that women seem to be considered the only naturally qualified caregivers of children." She mocks the "pedestal of holy motherhood."[15]

Another article notes that mothers' "traditional roles . . . elevate their argument to a pedestal which still elicits a knee-jerk reaction to the hallowed image of mother and child."[16]

After discovering Octeau's opinions online, Grant expressed concern in her letter of April 20, 2007, to DCYF director Martinez, who responded in a letter nearly five months later. Martinez completely ignored the central question of prejudice in Octeau's writing and defended her as "a seasoned attorney" who has conducted more than one hundred administrative hearings for the Department.[17]

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[14] From older sister's handwritten journal.

[15] Norbara L. Octeau and Christopher A. Pearsall, "Rhode Island Divorce Lawyer Tips for You– Are the Rhode Island Family Courts against Fathers?" After Grant's letter to DCYF, Mr. Persall's name was removed from this posting, and the article listed at note 16 was substituted. Both reveal similar sarcasm and bias against mothers. The version sent by Grant to Martinez is attached as it appeared online on April 12, 2007:
http://www.rhodeislanddivorcetips.com/2007/02/rhode_islanddi_12.html

[16] Norbara L. Octeau, "DCYF Children Abuse/Are the Rhode Island Courts against fathers?" February 20, 2007:
http://rhodeislanddivorcetips.typepad.com/dcyf_children_abuse/2007/02/are_the_rhode_i.html

[17] Letter from Martinez to Grant, September 13, 2007.

Octeau still works as a DCYF hearing officer on contract. The state controller's records show that, in the months since Grant informed DCYF of Octeau's biased writing, the department has made four more payments to her totaling $36,019[18]

The father's defense team, which is now preparing for Family Court's evidentiary hearing on the sexual molestation complaint nearly four years ago, has persuaded Family Court Judge John Mutter to "admit as a full exhibit, the written decision of Norbara Octeau, a DCYF administrative appeals hearing officer, which included findings of fact and conclusions of law, rendered after an evidentiary hearing at which witnesses were sworn…."[19]

In fact, Octeau heard only two "witnesses," the accused father and DCYF's child protective investigator. Octeau made a point of overturning the finding against the father in part because "valuable evidence was not considered."[20]

Octeau did not insist on having evidence of the child's many statements or drawings, though she could have done that under administrative rules of evidence.[21] DCYF's administrative hearing certainly cannot be considered a "trial," as the father's defense team has portrayed it.

Numerous red flags appear throughout the father's psychological evaluations and other documents, which are not confidential. He and his siblings were all victims of sexual molestation by their father, who was repeatedly arrested and imprisoned twice for sex crimes against children.

One psychologist who was sympathetic to him nonetheless stated in 2005: "For the foreseeable future, [this father should] "not have unsupervised visits with his children

[18] "Smart Staffing Payment" reports for May 11 through September 14, 2007. DCYF has one fulltime staff member serving as an administrative hearing officer, plus two attorneys on contract. The second contractor received $27,186 during this same period, suggesting that Octeau handles a larger amount of work for the department.

[19] Lise J. Gescheidt, "Objection to and Motion to Strike…," March 19, 2007.

[20] Octeau, Decision, AH/04-55, p. 20.

[21] These rules state: "In addition, the Hearing Officer may in his or her discretion permit as evidence any statement by a child under the age of thirteen (13) years old about a prescribed act or abuse, neglect, or misconduct by a parent or guardian, if that statement was made spontaneously within a reasonable time after the act is alleged to have occurred, and if the statement was made to someone the child would normally turn to for sympathy, protection or advice," Policy 1000.0055, "Complaints and Hearings," E.4.

for the protection of all concerned."[22] That clinician suggested that the father take both a polygraph and a plethysmograph, which the father refused.

But in August 2007, DCYF gave the younger girl, now 7, to her father, who has moved to another state. DCYF claims that "she wants to be with him."[23] By then only six weeks remained until the evidentiary hearing in Family Court, scheduled for October 16, 2007, when this child may be called to testify about what happened nearly four years ago.

The Parenting Project contends that, for DCYF to place a child in the sole possession of the one alleged molester she consistently identified in her words, actions, and drawings is negligent and irresponsible. It amounts to tampering with a witness. That this is being done with public funds on behalf of the citizens of Rhode Island makes it worthy of the public outcry it has received from people who know this family well and from all those who care about children's safety.

3. DCYF uses the nationally discredited, unscientific "theory" of "parental alienation syndrome" (PAS) to overturn credible charges of molestation.

In 1985, a New Jersey psychiatrist named Richard Gardner began promoting a "diagnosis" he called "Parental Alienation Syndrome" (PAS) and built a career as a highly paid forensic expert in hundreds of custody cases. By 1998, his views were shown to be closely aligned to those advanced by the North American Man/Boy Love Association (NAMBLA) in its efforts to justify, normalize, and rationalize sex between adults and children.[24] Gardner lobbied Congress unsuccessfully to abolish mandated reporting of sexual molestation.[25]

Psychiatrists responsible for the authoritative *Diagnostic and Statistical Manual of Mental Disorders* have steadfastly excluded "parental alienation syndrome" as a recognized diagnosis. The National Council of Juvenile and Family Court Judges states

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[22] John P. Parsons, January 8, 2005 (incorrectly dated 2004), p. 46.
[23] This statement was made to Anne Grant in a telephone conversation by DCYF associate director for child welfare Thomas Dwyer on July 31, 2007, in reference to this child having extensive unsupervised visits with her father.
[24] Dallam, S. J., "Dr. Richard Gardner: A review of his theories and opinions on atypical sexuality, pedophilia, and treatment issues," *Treating Abuse Today,* 8(1), 15-23; http://www.leadershipcouncil.org/1/res/dallam/2.html
[25] *Ibid.*

unequivocally that judges should strike allegations of "parental alienation" from all reports to the court, for it does not meet minimum standards of evidence.[26]

While Gardner sometimes acknowledged that incest and sexual stimulation can be psychologically harmful to children, he generally held that sex between children and their fathers is normal and natural and that those who object, especially mothers, are over-reacting.

The sexual aspects of his theories were less well known than his rhetoric. Words like "alienating," "brainwashing," and "coaching" became commonplace in custody court reports by guardians *ad litem,* lawyers and clinicians, who were often paid by fathers to vilify mothers.

Most amazingly, clinicians and judges went along with Gardner's "therapy," which was to remove children from mothers who had allegedly "alienated" them against fathers and to give those children to their fathers, regardless of any history of domestic violence or sexual molestation.

In 1990, in *Pettinato v. Pettinato,* the Rhode Island Supreme Court set forth its "lode-star principle" that established eight factors for judges to determine the "best interests of the child" in awarding custody. These include:

1. The wishes of the child's parent or parents regarding the child's custody.
2. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.
3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings, and any other person who may significantly affect the child's best interest.
4. The child's adjustment to the child's home, school, and community.
5. The mental and physical health of all individuals involved.
6. The stability of the child's home environment.
7. The moral fitness of the child's parents.

[26] *Navigating Custody and Visitation Evaluations in Cases With Domestic Violence: A Judge's Guide,* 2004, revised 2006, pages 24-25. This and many other scientific and legal documents appear online at http://www.leadershipcouncil.org/1/pas/faq.htm#PAS

8. The willingness and ability of each parent to facilitate a close and continuous parent-child relationship between the child and the other parent.[27]

Proponents of "parental alienation syndrome" focus narrowly on the last of these, often calling it the "friendly parent" provision, without admitting that children may have good reasons for fearing and resisting a parent who has been abusive. When the court removes children from a protective parent who has been accused of "alienating" them from their other parent, it often ignores the first seven factors and violates *Pettinato* by forbidding the children a "close and continuous" relationship with the parent whom the children reasonably prefer.

Then, ironically, the court itself becomes the alienator by drastically limiting children's contact with mothers in an effort to "reunify" them with fathers. Not only has Gardner's "therapy" for the "alienated child" failed, but it has produced a generation of wounded child-veterans of custody courts.

The Parenting Project has followed some Rhode Island cases where children returned to their mothers in teenage years, when they required clinical treatment. In one case, the child was abandoned by his father. In another, the child committed suicide.

Gardner himself committed suicide in 2003. In his last courtroom testimony as a forensic expert, he admitted that he had misrepresented his credentials at Columbia University and acknowledged that he had not spoken to the Dean of Columbia's medical school for over 15 years and he had no hospital admitting privileges for over 25 years. After his death, Columbia University instructed the press to correct his obituary: Contrary to his claims, Dr. Gardner had worked with them only as a volunteer.

But Gardner's discredited rhetoric of "parental alienation" still holds currency at DCYF and in several Rhode Island Family Court chambers. In this particular case, the guardian *ad litem* actively promotes Gardner's "diagnosis." One psychologist reports that it was the guardian who raised the question with her "about the possibility of parental alienation."[28]

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[27] *Pettinato v. Pettinato,* 582 A.2d 909, 913-14 (R.I. 1990).
[28] Bernice Kelly, Psy.D., "Status Report, January 11, 2007, p. 2.

The Rhode Island Family Court's training manual, *Guardian ad Litem Practice* (2004),[29] devotes an entire section to Gardner's strategy. David Tassoni, deputy administrator at Family Court, has stated that he works hard to find guardians who "understand parental alienation." Serving as a guardian in Family Court is a lucrative assignment for lawyers and clinicians willing to espouse PAS.

Consequently, it is not just DCYF, but the Court itself that has succumbed to this bogus theory, when it should be holding DCYF accountable. In a small state with many lawyers, "parental alienation" cases have proven to be a long-term, lucrative market especially when children are young and one of their parents has considerable assets.

Judge John A. Mutter's explosive temperament is known in the corridors outside his closed courtroom. One of only two judges currently assigned to hear DCYF cases in Providence, he insisted on bringing this case all the way from Newport when he changed venues in 2006. Several months earlier, Rhode Island's Supreme Court ruled against him for repeatedly abusing judicial discretion against a mother in another case,[30] but he has refused to recuse himself from hearing this case.

The Parenting Project was afforded a front-row seat on September 7, 2007, when subpoenaed to present documents we were writing about online at http://custodyscam.blogspot.com/

We tried to get legal representation only to find that the guardian *ad litem* had warned one prominent lawyer not to get involved. Anne Grant went to court without counsel, and sat in the witness stand, facing the "team" that crowded around the father at the defendant's table. In the corner farthest from the mother sat the guardian *ad litem* Lise Iwon. Beside her was DCYF senior attorney Martha Kelly. Next came the father, then his civil attorney Deborah Tate and his criminal attorney Lise Gescheidt.[31] In courthouse

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[29] *Guardian Ad Litem Practice In Rhode Island Family Court,* a training manual published by the Rhode Island Bar Association and "sponsored with The Rhode Island Family Court," October 4 & 5, 2004.

[30] *Cardinale v. Cardinale*, 889 A.2d 210 (R.I. 2006).

[31] A year ago, some members of this team established a new award presented at the RI Bar Association's annual meeting to honor those who have "influenced women to pursue legal careers and advanced opportunities for women within the legal profession." The first recipient was the other judge assigned to DCYF cases in Providence, who would assume this case if Judge Mutter recused. If this award appears to be currying favor, the fact that a judge saw no harm in accepting it speaks volumes about ethical choices, influential alliances, and earning a living in a small state.

parlance, they have been described as "an impressive array of legal talent." The irony of their uniting as a team around this father who has paid most of their billable hours is that they appear to have departed from attorneys' most basic obligation to ensure that justice is done in the courts. The child who energetically accused her father of "sausage games" is now in his sole possession and her mother accused of "parental alienation." Rhode Island's child-protection system has failed in its essential duty.

4. DCYF works as a team with privately paid contractors who rely on secrecy, delay, and misinformation to win Family Court custody cases for their clients. The resulting decisions cause chaos in families and lasting harm to children.

Money paid to private contractors, primarily lawyers and clinicians, plays a major role in "parental alienation" cases like this one. By April 2007, a year after coordinating the removal of the girls from their mother and home, the guardian *ad litem,* Lise Iwon, had received about $12,000 from their father and had submitted numerous motions to force their mother to pay her thousands more. Far from being an unbiased and diligent representative of the children, the guardian had met the girls only once for a private interview that cost the family $1,000.

Her itemized bill, at $200 an hour, including time spent driving, shows no effort to interview the girls' lifelong neighbors, friends, and family associates, as required by the state training manual she helped to write. The guardian's bill shows an early focus on phone calls "with various therapists to try to have them take this case." Iwon lists clinicians well known for espousing "parental alienation," including one forensic psychologist whose report actually favored the mother. At that point, the guardian removed him from the case.

The guardian's bill also shows her working closely with a clinician contracted by DCYF to "reunite" the younger girl with her father. Haven Miles, a licensed clinical social worker, writes, "it does not seem possible . . . to make a determination of whether and/or how there was sexual abuse…."[32]

[32] Haven Miles, "Summary of Contacts, Parent-Child Assessment," November 28, 2005, p. 5.

Nevertheless, she takes the five-year-old into a room alone with her father. The girl is horrified. She turns her back on him and screams "for 20 or 30 minutes." Exhausted, the child accepts a glass of water from the social worker, who soothes her feverish face with a wet cloth and begins talking quietly. She gets the child to enter a conversation about "small topics" with her father.[33]

This form of "reunification" takes an enormous risk, presumably to "deprogram" a child allegedly "brainwashed" by her mother. But exactly the same procedure could be used to "groom" a child for molestation.

Iwon, the guardian *ad litem,* includes one entry on her itemized bill for January 24, 2007, for "various phone calls and follow-up messages to set up telephone conf and/or meeting with 'team members'."

Why would a supposedly unbiased guardian *ad litem* refer to people as her "team members?" And for what purpose would they be conferring so urgently?

It is possible they were aware that the day before, on January 23rd, the mother and her Rhode Island attorney had begun the process to bring in *pro hac vice* attorneys from two other states who are experienced in litigating custody cases where "parental alienation" is alleged.

In February, Chief Judge Jeremiah admitted those two *pro hac vice* attorneys. The guardian's itemized bill then charges $600 for another meeting. Reports follow from DCYF and two private contractors who are focused on "reunifying" the girls with their father.

In a private conversation with Parenting Project coordinator Anne Grant, DCYF director Martinez verified that DCYF actually authorized one of these contractors, a

[33] *Idem,* p. 4. Lawyers use clinicians in these cases with evident cynicism, cherry-picking their reports for exactly the phrase that is needed to convince a judge. PAS legal strategies are not a search for the truth. Miles writes advice that is completely ignored by the guardian and other lawyers on the father's team: "The emotional complexities of this situation are so overwhelming as to be crushing. Each person involved will be dramatically impaired if progress through this is not achieved. The youngest participant will be the most damaged. Every effort should be made to support her staying connected with her relationships in a way which will insure her own safety…," p. 6. DCYF first removed her from her mother, then did not allow her to eat, sleep or speak privately with her sister at the shelter, and finally placed her alone with her father.

PAS-oriented agency in Massachusetts, to charge these parents as much as $30,000 for their court-ordered psychological evaluations.[34]

When the cover of confidentiality is removed for a close examination of court documents, the teamwork among DCYF and privately paid contractors looks like a courtly Elizabethan dance: First one contractor, then another, takes a stately bow to the "best interests" of the children.

The endless delays are purposeful: According to Rhode Island's three-year policy on administrative hearings, the agency's original finding against the father will be expunged on December 14, 2007, three years after Octeau overturned it.[35]

Shielded by secrecy, the father's "team" has spread disinformation and defamation, which is the heart of the "parental alienation" strategy. Nearly a year after the children were taken from their mother, their father's criminal defense attorney declares their team's "consensus that Mother is manipulative, paranoid, and is suffering from mental and emotional problems that adversely impact her behavior, her relationships with her children, and the children's relationship with their own father."[36]

The family's priest had offered another perspective:

> *For the past several years we in the parish have witnessed the consistent maternal love with which [this mother] has embraced her children. In light of the tragic circumstances surrounding this family, [she] has shown great strength and has provided her children with a love beyond all telling. To remove these children from her care at this very difficult and fragile time is a travesty.*[37]

He, like those neighbors, former teachers, and others writing letters of support for the children and their mother have been painted with a broad brush by the father's team as "emotional," and ignorant of "the whole story."

This report has been produced to convey a better understanding of that story and its profound implications for the safety of children who protest sexual molestation in Rhode Island.

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[34] Conversation at DCYF on July 27th, 2007.
[35] Policy 500.0000 B.1.
[36] Lise J. Gescheidt, "OBJECTION TO AND MOTION TO STRIKE…," March 19, 2007.
[37] Letter from Reverend GWH, April 29, 2006.

CONCLUSION

This report shows how Rhode Island's child-protection system is broken, unaccountable, and driven by private contractors, primarily lawyers and clinicians, whose delaying tactics exhaust employees in DCYF and Family Court.

As many witnesses testified at the Senate Health and Human Services hearing on August 16, 2007, Rhode Island's child-protection system is hemorrhaging social workers and foster families. Taxpayers foot the bill. Children pay with their lives.

This broken system cannot repair itself. The General Assembly must provide oversight, investigate abuses, and pass legislation that will:

1. Expand the mandate of the Child Advocate to defend children, not only in DCYF custody, but in Family Court. Children are slipping into the gears that join these executive and judicial functions of machinery created by the legislature.

2. Restore the Child Advocate's staff cut in the current budget reduction. Provide another staff person to serve as ombudsperson, to confidentially address systemic abuse that places children at risk. Reverse the threatened consolidation of the Child Advocate with other state advocates who have different missions.

3. Prioritize frontline salaries. Provide sufficient funding and support services for DCYF social workers and foster families fleeing a dysfunctional system.

4. Make DCYF and Family Court accountable. Only the General Assembly can establish ethical standards, transparent reporting procedures, and proper oversight for private contractors. Too many people have too much to gain from privatization shrouded in secrecy.

5. Identify which hearing officers most frequently overturn indications of sexual molestation and which guardians *ad litem* orchestrate the most long-term custody cases. Strategic delays multiply profits for contractors, overwhelm state employees, and make children feel desperate.

6. Outlaw the use of "parental alienation" strategies in Rhode Island custody cases and review those cases where children have been removed under allegations of "alienation." Stop training lawyers and clinicians in this nationally discredited theory, mindset and tactic.

7. Require a more equitable allocation of judges to cover DCYF cases. Nearly a decade ago, the legislature created a third Family Court judgeship for the DCYF calendar, but the Court has diverted that judge to a drug court. This produces good publicity for Family Court but resolves far fewer cases than those left to languish on the DCYF calendar.

8. Establish procedures to regularly review judges; to set standards for judge's mandatory retirement; to end the power of chief judges to appoint politically connected magistrates; and to establish a process that appoints term-limited masters and magistrates without exorbitant salaries. Rhode Island judges are among the highest paid in the nation. Yet this is the only state that gives judges lifetime tenure without review.

9. Require legislators who have conflicts of interest to recuse themselves. Numerous lawmakers are also officers of the court. Many have business, partners, clients, or close family members who come before the court, or who serve as private contractors in DCYF or Family Court. They should not vote on these matters. Judges have long memories, and some are extremely vindictive. Rhode Island will never solve endemic problems of our child-protection system or build public confidence in it while legislators with conflicts of interest vote on politically sensitive issues.

10. Bring back the Children's Code Commission that once gathered key players and policy-makers on children's issues to promote ongoing coordination at the top levels of government.

11. Create a corps of retired volunteers within the system to help overburdened staff and to provide a human touch. Rhode Island needs responsible citizens with no vested interest inside the system to assure that children's needs are being met.

It is past time for the General Assembly to end current practices that fail to protect the most vulnerable members of our society, that drain away public funds at an unconscionable rate in a failing system, and that enrich private contractors to the detriment of children.

The Parenting Project looks to our lawmakers to create a child-protection system worthy of its name.

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CHRONOLOGY

To request pdf copies of the footnoted documents, contact parentingproject@cox.net

January 2, 2004
A nurse-practitioner calls the DCYF hotline to report evidence of sexual molestation of a 3-year-old by her father; DCYF opens an investigation, which results in a finding of sexual molestation against the father.

March 2004
DCYF refers both sisters for therapy at the Sexual Assault & Trauma Resource Center (but stops that therapy the following year).

October 12, 2004
DCYF contractor/hearing officer Norbara L. Octeau holds an administrative hearing initiated by an appeal from the father's defense attorney, Lise Gescheidt. DCYF does not inform the mother, introduces no exhibits, and does not contest the father's exhibits. Only two witnesses are heard: the father and the DCYF child protective investigator.

December 14, 2004
DCYF contractor/hearing officer Norbara L. Octeau renders her decision "that there is not a preponderance of evidence to support the finding of Sexual Molestation" against the father. She recognizes that other evidence exists, but does not ask to see it. Although she has never met the mother, Octeau "finds" the mother's "behavior and conduct … highly unorthodox and rather suspicious," and states: "This maternal behavior casts a shadow over the reliability of the child's statements…."

March 10, 2005
Judge John Mutter appoints a contractor/guardian *ad litem,* Lise Iwon, whose itemized bill and report (Oct. 26, 2005) show a failure to perform an unbiased preliminary investigation. She uses "parental alienation syndrome" (PAS) as a legal strategy.

July 8, 2005
A contractor/social worker, Haven Miles, holds the first meeting between father and daughters, pursuing Gardner's prescribed "therapy" for "parental alienation syndrome" of separating the child from mother and "reuniting" her with father.

August 12, 2005
Social worker Haven Miles "reunites" father and younger daughter (then 5 years old) in a session documented as a traumatic event.

April 6, 2006
Contractor/guardian *ad litem* Lise Iwon brings an emergency motion and helps secure an agreement from both parents to give DCYF "temporary custody" of the children for a "psychiatric evaluation."

April 7, 2006
The girls (ages 5 and 9) are taken into state custody and placed in a foster home. Later moved into another foster home, they eventually enter a state shelter where they are not allowed to sleep or eat together. They are forbidden to speak their mother's native language. They are never returned to their home. They see their mother two hours a week.

April 29, 2006
The family's priest sends a packet of letters documenting dozens of people's concern about what has happened to the girls. Community meetings and letter-writing continues.

June 27, 2006
The family's neighbors read an op-ed, "Family Court devastation: Discredited 'Parental Alienation Syndrome'," [38] in the *Providence Journal* and later contact the author, Anne Grant, at the Parenting Project. Grant begins research into the case. Grant's work is not-for-hire and is conditional on gaining access to the family's home, photos and documents. This is fully legal for the purpose of identifying dangers caused by conflicts of interest in Rhode Island's child protective system.

April 20, 2007
Anne Grant writes a letter[39] to DCYF director Patricia Martinez expressing concern about the bias against mothers expressed online by DCYF's contracted hearing officer, Norbara Octeau.[40] Grant documents Octeau's bias against the mother in this case specifically.

April 24, 2007
First Star, a leading national child advocacy organization, gives Rhode Island and fourteen other states an F for failing to provide genuine legal representation to abused and neglected children.

May 24, 2007
The Parenting Project testifies to the House Finance Committee about the failure of the state's child-protection system and the need to provide funds for a strong, independent Office of Child Advocate, not to merge this office with other state advocates; Grant tells committee members about the bias of the DCYF hearing officer and other problems in this case.

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[38] Anne Grant, "Family Court devastation: Discredited 'Parental Alienation Syndrome'," *The Providence Journal, June 27, 2006, p.B5.*

[39] Letter from Anne Grant to Patricia Martinez, April 20, 2007.

[40] Two online articles by Norbara Octeau, April 12th and May 1, 2007.

June 5, 2007
The father's criminal defense attorney, Lise Gescheidt, successfully appeals to Family Court Judge John Mutter to admit DCYF hearing officer Octeau's December 2004 decision favoring the father.

June 28, 2007
Child Advocate Jametta Alston files a federal class action lawsuit against DCYF for failing to protect children in its care.

July 3, 2007
Grant writes to Martinez expressing further concerns about the case and particularly the danger in the younger girl being forced to have unsupervised visits with her father.

July 7, 2007
Grant accesses the civil file on this case at Family Court for the last time.

July 10, 2007
Judge Mutter seals the civil file (in addition to the DCYF file), effective June 5th, compounding the secrecy of the case by entirely blocking access to public records.

July 24, 2007
The Parenting Project begins to mount a blog documenting the case and DCYF treatment of the girls at http://custodyscam.blogspot.com

July 25, 2007
The Parenting Project presents written testimony to the Senate Committee on Health and Human Services, urging them to develop legislation that addresses systemic abuses in both DCYF and Family Court and to outlaw the use of PAS in Rhode Island, with reference to this case and to the CustodyScam blog.

July 27, 2007
Grant meets with Martinez to discuss concerns regarding the case.

July 31, 2007
Grant talks on the phone with DCYF associate director for child welfare services Thomas Dwyer, who says the younger girl "wants to be with her father."

August 3, 2007
Grant talks on the phone with DCYF associate director of child welfare services Thomas Dwyer and DCYF deputy director Jorge Garcia, who says Judge Mutter sealed the civil record on this case on July 10th, effective June 5th, and they cannot discuss it further.

August 16, 2007
Parenting Project presents written and oral testimony to the Senate Committee on Health and Human Services, outlining areas where legislators need to act, as illustrated by this case.

August 17, 2007
DCYF senior attorney Kelly redacts a confidential transcript to secure an order[41] from Judge Mutter ordering DCYF to "advise Anne Grant" to remove information pertaining to these children from the CustodyScam blog. When Grant seeks legal counsel, guardian *ad litem* Lise Iwon warns a prominent Rhode Island attorney not to get involved.

August 31, 2007
Grant sends a letter[42] requesting public records from Martinez related to DCYF tracking of sexual molestation cases. The father's civil defense attorney, Deborah Tate, secures a subpoena[43] ordering Grant to produce all her documents relating to the family on September 7th.

September 7, 2007
Grant appears without counsel and delivers copies of her documents. She testifies before Judge Mutter under questioning by the father's defense team and attorneys from DCYF and CASA. The hearing shows the inner workings of this closed courtroom, where the guardian *ad item,* Lise Iwon, who is presumed to be unbiased, serves as an active participant with the father's defense attorneys and DCYF. These four attorneys surround the father and do not attempt to hide the fact that they are functioning as a team.

September 13, 2007
Martinez sends a letter[44] to Grant defending Octeau as a "seasoned" hearing officer, but fails to address Octeau's biased opinions published online.

September 21, 2007
Kevin Aucoin sends a letter[45] to Grant acknowledging that DCYF does not track sexual molestation indications and findings. He includes a CD of DCYF policies. He later responds to a further enquiry with an emailed link to the Secretary of State's website on Rules and Regulations for administrative appeals:
http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DCYF/DCYF_1053_.pdf

October 11, 2007
Parenting Project releases its press advisory and report, "DCYF and Family Court Fail to Protect Children in Sexual Molestation Cases."

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[41] Letter from DCYF Chief Legal Counsel Martha J. Kelly to Anne Grant, August 17, 2007.

[42] Letter from Anne Grant to Patricia Martinez, August 31, 2007.

[43] Subpoena from Deborah M. Tate to Anne Grant, August 31, 2007.

[44] Letter from Patricia Martinez to Anne Grant, September 13, 2007.

[45] Letter and policies from Kevin Aucoin to Anne Grant, September 21, 2007.