
From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Friday, February 04, 2011 6:29 PM
To: HUS testimony
Subject: Informational Briefing on Monday, 02/07/11, at 8:30am in Room 329

TO: Representative Mizuno, Chair
Representative Jordan, Vice-Chair
Human Services Committee Members & Other Concerned Representatives

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: February 7, 2011

RE: Informational Briefing Testimony

Good Morning Representatives and thank you for making the time in your day to attend this briefing.

I am an independent Domestic Violence Survivor Advocate who is involved with many of the survivor moms who have presented written testimony for this briefing and have had the sad distinction of bearing witness to the majority of them losing custody of their children in contradiction of state statute **571-46(9)** through ongoing custody and visitation litigation with their abusers, professional error and/or child protective services intervention.

When most people think of domestic violence, they think of PHYSICAL violence but **the primary form of domestic violence is PSYCHOLOGICAL/EMOTIONAL or MENTAL ABUSE**; without the foundation of psychological power and control the other abuses: physical, sexual, financial, etc. cannot "take hold" and be maintained. Since psychological abuse is invisible, it is not easily recognizable or identifiable which serves the abuser's purpose, but the proof of psychological abuse is all in the victim's behaviors.

The most recognized piece of advice for a victim of domestic violence is to leave her abuser, but a PHYSICAL separation does absolutely nothing to an invisible PSYCHOLOGICAL hold. State statute 571-46(9) remedied this for families torn apart by domestic violence by dictating the terms of custody and visitation outright, holding the abuser accountable and responsible while affording the survivor and her children the best assurance of safety. Sadly, this statute is being ignored under the arguments of fairness, equity and the passage of time; its lack of use, maintenance and enforcement not only betrays domestic violence victim-survivors who've put their trust in the system and fled, but is assuring the continuance of domestic violence into the next generation.

Domestic violence is an extremely complicated issue that doesn't make sense - even to those who escaped from it - and while it is an unpleasant and inflammatory topic, trying to deny its existence is what's ultimately brought us all here today. When I do domestic violence trainings, I point out that domestic violence isn't just an abuser and victim's "personal" problem - it's a societal problem that impacts ALL of us and I can prove it (which'll really ruin your day) - but the main point is that abusers will not stop their abuse unless they are held consistently accountable by third parties and survivors will not be able to do so without third party support or intervention. Clinical studies have shown that the **children who've witnessed and been exposed to domestic violence recover in tandem with the victim** that again points to the wisdom of 571-46(9).

The accounts you'll hear today are nothing less than horrific and the survivor moms who are coming forward are doing so at great risk to themselves and their family court cases. They are turning to you as our lawmakers for justice, correction and reparation for the crimes that have been committed against them and for their rights that have been violated or discarded, while at the same time hoping to raise awareness to prevent their fates from ever befalling any other victim whose told "If you're in a violent or abusive relationship, leave".

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

HRS 571-46 (9) In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the court that family violence has been committed by a parent raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence. In addition to other factors that a court shall consider in a proceeding in which the custody of a child or visitation by a parent is at issue, and in which the court has made a finding of family violence by a parent:

- (A) The court shall consider as the primary factor the safety and well-being of the child and of the parent who is the victim of family violence;
- (B) The court shall consider the perpetrator's history of causing physical harm, bodily injury, or assault or causing reasonable fear of physical harm, bodily injury, or assault to another person; and
- (C) If a parent is absent or relocates because of an act of family violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation;

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 4:12 PM
To: HUSTestimony
Subject: Monday's Informational Briefing (02/07/11 at 8:30am)

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Members of the Committee on Human Services

FROM: M.T. (by proxy through Dara Carlin, M.A.)
881 Akiu Place
Kailua, HI 96734

DATE: February 7, 2011

RE: DV Informational Briefing

I met my ex-husband in 1997 and we were married in 1999. I fled for my life and my infant daughter's life in 2007.

Realizing I was a victim of Domestic Violence wasn't too hard for me. Six months into our marriage, he punched me in the mouth so hard I literally had no idea what hit me. One minute, I was in the kitchen talking to him and the next, I was on the floor. I was so shocked and stunned, I couldn't wrap my mind around it. The physical abuse was bad enough but the psychological abuse was worse. People always ask "Why didn't you just leave?" but I DID - 5 or 6 different times! Each time I sought help from authorities, NO ONE would help me so I'd have no choice but go back to him. One time, I spoke to his commanding officer and was told to "Go home, don't cause any more trouble and make him a nice dinner" and this is looking at him with black eyes and a split lip! I suffered a miscarriage following a particularly bad beating (he didn't want children) so when I became pregnant the second time, I knew the child I was carrying was not going to be safe from him either.

My DV was documented, however, because my ex is considered to be highly dangerous to my daughter and me I went through a program called the "New Numbers For Victims of Domestic Violence", a program that's administered by the Social Security Administration that helps to conceal DV survivor's identities and locations from abusers who relentlessly stalk their victims. You can't just get into this program - you need VOLUMES of verified third party documented abuse to prove your victimization and risk to get into this program so if you're in it, you ARE a "bona fide victim of domestic violence" but a condition of this program is erasing your former identity - you're asked to destroy all evidence tying you to your former identity so the only physical evidence I have left of my abuse are scars, memory loss due to head injuries, a single piece of paper saying my social security number was changed due to extreme violence and abuse against me.

The professionals that helped me the most throughout my experience have been those who really saw the truth (like one of our visitation supervisors) and those who really DO know everything about Domestic Violence: Military Advocate, Lisa Frey; Kona Shelter Director, Angela Kalani; Therapist, Dr. Tyler Ralston; former HSCADV Educators, Esther McDaniel and Sue Green; and my Domestic Violence

Survivor Advocate, Dara Carlin, who has been totally rejected by DHS, Family Court and the local DV Community - all people she faithfully worked with before - for attempting to help them correct their mistakes. (Thankfully she's recognized and respected **NATIONALLY** as an expert in Domestic Violence!)

In September 2008, I took my then year and a half-old daughter to an Emergency Room for treatment after she developed a high fever that wouldn't break after receiving 7 immunizations (4 of which were live viruses) at the same time, which I've been told is a potentially **NORMAL** response to that amount of vaccines she was given all at once. Because of a lifelong pre-existing condition I have combined with the stress related to this event, I was also hospitalized then given a drug I'M **ALLERGIC** to. When my husband and sister vehemently objected to my being given a drug I'm allergic to, it was documented that they were "hostile and belligerent" towards hospital staff. My daughter and I were discharged home **TOGETHER** (no CPS intervention) yet 5 nights later when my daughter was sleeping, CPS took my daughter from us with no explanation as to why. **The CPS Investigator and GAL then CONTACTED MY ABUSER** - the man I had successfully escaped from through the help of the Identity & Relocation program - effectively undoing every protective measure that had been put into place to keep my daughter and me safe from him!

The then Executive Director of the Hawaii State Coalition Against Domestic Violence, Carol Lee, who was involved in my case from the beginning DID ABSOLUTELY NOTHING to verify my status as a DV survivor, advocate for me, stop the over-zealous efforts of the GAL and CPS from dismantling the very safety precautions she herself helped put into place and never took a stand for me with CPS or the family court. My case was no secret in the "DV community" yet **NONE** of the "DV Professionals" on Oahu who knew the truth of my case came forward to verify their involvement with me!

Because the offer of assistance from my DV Survivor Advocate was **COMPLETELY IGNORED** by CPS and the GAL, not only was my safety compromised, but my daughter was wrongfully removed from our care, my husband almost lost his job several times, pursuing my college education to become a teacher became worthless and we were brought to the brink of bankruptcy. The tab for my family court-related expenses in Hawaii totals over **\$68,000**, all of which cumulated over a period of a year and a half! At one point in our case, I had to sell our furniture so we could afford to see our daughter at the PACT visitation center.

The amount of money spent by Domestic Violence services to keep me and my daughter safe, all of which was completely compromised by CPS and the GAL and the tab that the state paid for the GAL and CPS's mistake, I can't even fathom. Multiple professionals spent countless hours at the state's expense trying to unravel a "mystery" that had already been identified and was being responded to (domestic violence) then because Ms. Lee failed to take a stand in this case and the GAL and CPS chose to ignore my DV Survivor Advocate, the following services were used on me alone:

- The services of a state-appointed attorney
- The services of a state-appointed Guardian Ad Litem
- The time and resources expended by a CPS Investigator, Case Manager and Supervisor whose efforts stripped me of all the protective measures put into place by DV services
- The time and resources required for 12 family court proceedings that included the employment of 2 judges, court officers and 2 attorneys from the AG's office
- 4 psychological evaluations

- Supervised visitation services through the Department of Human Services (2x a week for 6 months) AND The Parents & Children Together program (3x a week for 3 months)
- 3 Ohana Conferences
- 2 multi-disciplinary meeting at the Kapiolani Child Protection Center where the DV service providers and my Survivor Advocate were deliberately excluded from participating (I have since learned that DHS is not allowed to exclude anyone on the case)
- 9 1/2 months of non-relative out-of-home foster care (my suggestions for family placements were all summarily rejected)
- Enhanced Healthy Start services (which are designed to strengthen the parent-child bond) being afforded to the FOSTER PARENTS
- Placing my husband in Catholic Charities foster parent training classes to become a licensed child-specific foster care placement (including paying for FBI and other background checks) only to be told that he would NOT be a placement option for our daughter
- 3 Home Inspection-Evaluations by Catholic Charities, CPS & the GAL with a 4th planned by Parents Inc.
- 1 court-ordered mediation that my Survivor Advocate was not allowed to participate in
- 2 Substance Abuse Evaluations (because my ex accused me of abusing prescription drugs)
- 2 urinalysis proving my sobriety
- 1 hair follicle test to ensure that I was REALLY sober even after 2 clean UAs!

Considering all the budget cuts the state is going through, don't you think these resources could've been spent more wisely? Please look at how the Family Court system in Hawaii treats women who escape abusive situations then try to keep their children safe from their abusers!

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 4:14 PM
To: HUS testimony
Subject: For Monday's 02/07/11 Informational Briefing at 8:30am

TO: The House Human Services Committee

FROM: F.W. (by proxy through Dara Carlin, M.A.)
881 Akiu Place
Kailua, HI 96734

DATE: 02/07/11

When my husband began sexually abusing our children, I knew that was wrong and how he was treating me was wrong so I did what they tell you to do: I got help and I got out. I left Hawaii with the kids and was staying in a Domestic Violence shelter when state police came with an Ex Parte Hawaii order saying that he had been given full custody of our kids! They actually took my kids from me in 2 squad cars while we were in a shelter for domestic violence! My oldest was only in the third grade.

When I started telling people (the court professionals) what it was like being married to him and how he acted, no one would believe me - instead they believed him and all the crazy things he'd say about me that weren't true. After they took the kids, I didn't know what else to do but go home to my parents so I could work to make a new life for my kids and save enough money to go back to court to get them back.

I came back to Hawaii for the custody trial but when we got to court, the judge said he "didn't want a trial, he wanted a settlement" and said that "things *could* get worse for me" if I "didn't settle and chose to go to trial".

We were at court by 8:00am and by 4:45pm, nothing had changed - we waited all day for a trial that never happened (my witnesses for the trial missed an entire day of work because they waited with me all day) and worse was the Custody Evaluator submitted a report that documented evidence of my children's ongoing sexual abuse by their father (the therapist was an intern student) but no one blinked an eye or even looked at him strangely - the report was supposed to be evidence IN SUPPORT of my ex!

My Domestic Violence Survivor Advocate asked the Custody Evaluator if she had considered the Rebuttable Presumption against custody to a family violence perpetrator in my case and the Custody

Evaluator asked "What's that?" The Custody Evaluator didn't even know what the law was yet she was recommending full physical and legal custody to an abuser with evidence of his abuse that SHE brought to the court herself!

This is all wrong - I wouldn't have left him if I had known they'd take the kids from me and give them to him and he lied to the court ALL DAY! Up until 4:30pm that day, he was saying that he was going to leave Hawaii and move back to the mainland by a specific day in December, but at 4:30pm he all of a sudden announces that the move was just a POSSIBILITY not an actuality and the judge saw absolutely nothing wrong with my ex-husband lying to him and misrepresenting himself to the judge ALL DAY LONG!

Nothing was decided that day besides maintaining the status quo: he keeps full physical/legal custody of the kids. I had to return back home to the mainland without the kids who don't understand how I could just leave them like I did. They don't understand or know about the restrictions that have been placed on me and telling them about it would be considered bad parenting, so I have to keep quiet and strong for my kids while they cry for me and continue to be molested by their father.

Please expose what is happening in family court for victims of domestic violence that try to escape their abusers. The promise of safety we're given "if we have the courage to leave him" is like the family court: broken!

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 4:13 PM
To: HUSTestimony
Subject: DV Informational Briefing on Monday, 02/07/11 at 8:30am in Room 329

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Services Committee Members

FROM: S.C. (by proxy through Dara Carlin, M.A.)
881 Akiu Place
Kailua, HI 96734

DATE: February 7, 2011

Re: DV Informational Briefing

Good morning Representatives. I am a survivor of domestic violence living on the island of Oahu. In the summer of 1997 my husband attacked me, holding a gun to my head, threatening to kill me if I "ever even tried to call the police" on him. I was so terrified, I just froze. He was holding me off-balance so when he let go of me, I fell, hitting my head on the concrete floor. He left with his friends and though I was dizzy from hitting my head, I tried to call 911 but he had pulled all the phones out of the wall. That was my only attempt to get help that day because I had to take care of my small children who were all screaming and crying from having witnessed EVERYTHING.

The very next morning, I went to the local police and told them what happened. The officer told me he couldn't do anything about it because I "waited too long". He began to scold me telling me that I should have called them right away when it happened. I explained that he had pulled all the phones out of the wall but the officer told me that I could've gone to a neighbor's house to use their phone. I just stood there in total disbelief. It was like going to the hospital for help after having an accident and instead of getting help, the doctor scolded you for getting injured!

The officer then directed me to talk to a female officer in the back room and I did. That officer advised me to not go back to the house (but I HAD to because I had children who depended upon me at home). She told me that I needed to understand that what he did to me was an attempt to take my life, that I was in extreme danger and that she was formally advising me not to go back. I didn't have a choice though because I had kids to take care of, so I went back.

The next morning I called a friend and went to my mom's house. In turn, he filed for divorce claiming that I had abandoned him AND the children! He threatened me that if I didn't accept the divorce according to his terms and conditions, that I'd never see a dollar. The attorney I had at the time advised me to accept his offer so I did which resulted with him being awarded EVERYTHING, including my children! My case would be considered a "settled" case where I "voluntarily agreed" to this but this was a domestic violence case and (like my marriage to him) I felt I had no choice but to do as I was told (or else face his consequences and I was terrified of what he would do to me next based upon what he had already done to me!)

I didn't know I had protections under the law and if my attorney knew of these protections, they weren't brought to my attention. I blindly followed my attorney's advice and direction and lost my children (literally AND figuratively) because of it. In the years that would follow, my children would continue to be exposed to the violence and abuses I was now "free" from. My ex set about to destroy my connection and relationship with each of my children and was successful in doing so. PLEASE learn from my experience and do something to protect other victims of domestic violence and their children from suffering our fates.

Thank you for listening to me.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 4:15 PM
To: HUS testimony
Subject: Monday's 8:30am Informational Briefing (02/07/11)

Importance: High

TO: Representative John Mizuno & Representative Jo Jordan

and the Human Services Committee Members

FROM: T.B. (by proxy through Dara Carlin, M.A.)

881 Akiu Place

Kailua, HI 96734

Date: February 7, 2011

RE: Testimony for the Informational briefing on Domestic Violence

I am testifying anonymously because I'm afraid of what'll happen to me if I'm identified. This is what happened to me and my children:

My ex moved into our home in 2002; we were married in 2004. **His first felony assault occurred in August 2008 when he choked me and tried to suffocate me with a pillow** - all because I asked him about a bill. He got upset and started yelling at me to shut up and look at him. I called the Chaplain RIGHT AFTER THE ASSAULT. The Chaplain asked us to come in and see him. My ex told the Chaplain he placed his hands around my throat and the Chaplain explained that this was serious. He asked us to promise to come in and see him for marriage counseling and encouraged my ex to sign-up for an anger management course. My ex refused to go back to see the Chaplain, telling me we could not trust him.

Two weeks previous, he had picked me up by my forearms and thrown me with such force up on the washing machine that it hurt my back and made a dent in top of the lid. Randomly he would shove me, push me, force me to sit on his lap, force me to hold his hand, take the keys away when he would come home from work, slam doors, break dishes, slam his fist on

table/wall, pretend to hit me, put his face in mine when he was yelling at me, claim I was evil, Satan was in me, I was not being a Godly wife to him, that I dishonored him, force me to kneel and pray with him, force me to hug him, would spank my butt whenever I walked by him so hard that it would leave a red mark and put GPS on my phone so he could track me through Sprint's Family Locator. If he could not get a hold of me, he would call the kids cell phones and find out where I was at all times. There is worse and throughout it all, he would not listen when I'd tell him he was hurting me. I wasn't allowed to get a job and he wouldn't allow me to go to school either.

I reported the abuse to the same Chaplain in April 2009 and he advised me to make a report. I was terrified because **my ex had told me that he would claim I was crazy, unstable, that he would have the kids taken away from me and everyone would think I'm a bad mother.** (I have since found out that this is what EVERY abusive husband says to keep his wife from leaving!) He also told me that I could never leave him and he'd find me if I ever left saying that he could "hunt me down". I called a Victim Advocate who asked me to file a TRO after I had told her what had happened. The Victim Advocate and Advocacy Worker observed and documented the bruises on my legs, the marks on my arms and the scratch on my back. When my ex violated the TRO, I reported it as I was told to do to HPD who said they had no jurisdiction – that because I was on a military base that I should call the MP because it happened on base. I did this, but the MP said that they really couldn't do anything as that was HPD's responsibility. **No one would document the violation!**

In June 2009, CWS wrote a report to Family Court for the TRO Hearing:

- CONFIRMING THREAT OF ABUSE to the children by my ex.
- CONFIRMING SEXUAL ABUSE ALLEGATIONS of my daughter by my ex.
- Substantiating that I HAVE TAKEN APPROPRIATE ACTION TO PROTECT MY CHILDREN through filing the TRO and that the DHS believes the TRO is necessary to protect the children from further psychological harm.
- That my ex SHOULD HAVE NO CONTACT with the older children and that visitation with the younger two be supervised until matters of visitation are addressed in a divorce custody action.

When the custody proceedings began the judge ordered me to disclose my residential address to my ex's attorney (who would definitely share that information with him) even though I had TWO TROs in place (one military, one civil)! It's important to mention that the TROs are in effect until my youngest child turns 18 - she was only 2 when I was issued these protective orders, but that's how scary and violent my ex is.

After seeing and hearing what's happened to all the other domestic violence survivors who've left their abusers and who've lost custody as a result, I'm absolutely TERRIFIED of what's going to happen next to me and my children! Even with all this evidence, there is NO GUARANTEE that my children won't be taken from me because NO ONE seems to be following the law here that says an abuser CANNOT get custody! **I would have NEVER LEFT if I knew that this was going to happen to me and my children!** I've been treated like a liar everywhere I go with everyone feeling sorry for my ex and trying to

make ME feel sorry for him too! **He sexually abused my daughter and I'm supposed to feel sorry for him????!!**
Everyone says I'M being "unreasonable" because I want to keep my children safe from a man convicted of domestic violence and child sexual abuse?! Come on! PLEASE look into these cases so my children and I don't end up like all the other "survivors" have: childless.

Thank you for your time.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 4:01 PM
To: HUS testimony
Subject: Monday's Informational Briefing (Feb. 7 at 8:30am)

Importance: High

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Members of the Committee on Human Services

FROM: Jonea Schillachi-Lavernge
6737 Puu Pilo Place
Kapaa, HI 96746

DATE: February 7, 2011

I was married to my ex for only 2 MONTHS before I had to leave while pregnant with our daughter. The first time my ex became violent with me was shortly after I announced I was pregnant. He scared me so badly that night I immediately left. Believe it or not, that's when the REAL abuse began.

The day our daughter was born, my ex arrived 5 hours before the start of visiting hours and when the nurse told him the baby and I were sleeping he became angry, loud and frightening saying he had a right to see his baby anytime he wanted to. It only got worse from there. Beginning at 6 months of age, my daughter began showing signs of abuse but I didn't recognize it as that - it just never occurred to me that he would hurt his own daughter. By the time she was 20 MONTHS-OLD she was showing signs of sexual abuse that were medically documented but again, I couldn't fathom something of that nature happening to my daughter, let alone by her father and her grandfather, who never leaves my ex's side. To this day, they still live together.

By the time my daughter was 26 months-old, there was no mistaking the physical and sexual abuse so I reported it to CPS where we lived on the mainland. The police become involved and when my ex and his father deny everything and my daughter does not disclose being abused in a 20-minute "interview" (remember, she's only 2 years-old!) the sheriff simply believed them. My ex then asks the court for an evaluation of me for reporting the abuse! The more the witnesses and documentation of my daughter's sexual abuse increased, the less authorities and the court were willing to do ANYTHING about it! Seeing no other choice, I took my daughter and fled the country to keep her safe from further harm and sexual abuse.

In 2004, when my daughter was 7 years-old, I was found by authorities and put in jail for a little over 5 months while my daughter was returned to her father and grandfather's care by the DA. Considering the allegations you'd think she'd be placed in foster care for safety's sake, but no, she was returned to the two men who were abusing her.

At my criminal trial in 2006, **I WON A HISTORICAL ACQUITTAL** and was completely cleared of any wrongdoing in taking my daughter and hiding her based upon the evidence of my daughter's abuse presented to the jury. A custody trial was pending the outcome of the criminal trial, but I have YET to get my day in court on that matter.

Against the recommendation made by the court mediator (the ONLY professional on this case who has not been paid by my ex) my ex moved to Kauai with our daughter, his father and his new fiancé, who doesn't speak the English language. About a year later, many incidents of domestic violence of the fiancé were reported to 911 by third parties against my ex and his father. Although police responded to these incidents, CPS was not called.

In May 2007, **my ex's fiancé fled the island with her infant daughter and 4 months later, contacted me to report the ongoing physical, sexual and psychological abuse of my daughter by my ex and his father!** CPS was called to investigate and against the Children's Justice Center's policy, my ex was permitted to pick our daughter up from school to transport her to the CJC and waited for her in the waiting room while she was being asked about her abuse by her father and grandfather!

Unable to get my custody trial because Kauai Judge Murashigue accepted the TEMPORARY out-of-state orders as permanent orders, my daughter and I have spent the past 3 YEARS flying to the island of Oahu for once-a-month supervised PACT Center Visitations. To say this has turned my life and my daughter's life upside down is an understatement! **I have been in family court for 14 YEARS now at a pricetag of \$1,600,000.00.** I have been financially exhausted and had no choice but to return to the mainland at the start of the year. The last time I was supposed to see my daughter, I flew from CA to Oahu to see her at PACT. I was going to tell her good-bye but never got the opportunity because **my last visitation with her was cancelled without explanation while I was flying over.** I wasn't even afforded a 24 hour courtesy call so I wouldn't have to spend the money to make the trip over!

My case was **featured in the documentary "Family Court Crisis: Our Children At Risk"**, but like my historical acquittal, it seems to mean nothing. I cannot even count the number of "professionals" who have been in and out of our case. The "reunification therapist", Diane Gerard, assigned to reunify my daughter and me did nothing of the sort – after 2 YEARS of meeting with my daughter and at times with my ex, she finally saw me for a total of 2 hours then declared that visitations should be stopped. Internationally recognized abuse expert, Dr. Robert Geffner, has been barred from testifying in my case (he disputes Diane Gerard's conclusions) while the Minor's Counsel for my daughter from the mainland has unabashedly stood by my ex's side and both this counsel and therapist have been directly paid by my ex for years.

My relationship (if you could even call it that) with my daughter has been strained to the point of destruction and continues to be maliciously harmed with not a single person or professional willing to intervene to help us. My Constitutional Rights have been completely ignored as have my daughter's HUMAN RIGHTS. I can think of nothing more corrupt and broken than the family court in Hawaii. PLEASE DO SOMETHING to correct this!

Jonea Schillachi-Lavergne

From: Walter Carlin [wcarlin1@san.rr.com]
Sent: Friday, February 04, 2011 12:41 PM
To: HUS testimony
Subject: Informational Briefing Testimony for 02/07/11 at 8:30am in Room 329

To: Representative John Mizuno, Chair
Representative Jo Jordan, Co-Chair
Members of the House Human Services Committee

From: Walter Carlin
14024 Rue D'Azur
Del Mar, CA 92014

Date: February 7, 2011

In 2000, my daughter fled from her Virginia home to Hawaii with her children to distance themselves from her then husband, who had become increasingly violent and unstable. She had hoped he would get the help he needed, but instead he followed them to Hawaii, crafting a story about how he was victimized and how unstable and unfit my daughter was. (At the time, neither she nor I were aware this exact scenario plays out on a daily basis across the United States, where victims of domestic violence - through courage or sheer terror - escape their abusive partners. Some, like my daughter and grandchildren, are "lucky" to have gotten out and away, but all too often we see other women and children on the evening news or in the newspapers that didn't.)

When the Family Court in Honolulu was made aware of my daughter and grandchildren's exposure to harm, she was issued a TRO. Apparently, end of the story: my daughter and grandchildren were now protected from domestic violence, case closed. But not so; it turned out to be just the beginning.

Eleven years after my daughter and grandchildren escaped to Hawaii, she continues to be harassed: acting pro se, the perpetrator has continually taken advantage of the Family Court system by repetitious filings which - regardless of their content, often erroneous and not pertinent - are entertained by the court, causing both financial and psychological strain on my daughter and grandchildren. Precluded by the court from access to my daughter, he was subsequently denied contact with my grandchildren by the court, which intervened to keep the children safe. He appealed that ruling, lost, then immediately filed another motion to continue these endless attempts to evade numerous court decisions forbidding his further contact.

At what point does this harassment stop?

Again, my daughter has been lucky because the laws to keep her and the children safe have been applied. Today you will hear many incidents from domestic violence survivors who weren't as lucky; please use the authority given you by the people of the State of Hawaii to do something about it.

Sincerely,

Walter Carlin

From: guy yatsushiro [gyats1@yahoo.com]
Sent: Sunday, February 06, 2011 3:59 PM
To: HUSTestimony
Subject: 2/7/2011 INFORMATIONAL BRIEFING at 8:30AM

To: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Services Committee Members

From: Guy Yatsushiro, M.D.
1914 South King Street, Suite 201
Honolulu, HI 96826

Date: 2/7/2011

Re: The Informational Briefing on Domestic Violence Survivors and Their Children

Good morning and thank you for your attention to this matter. I am married to a domestic violence survivor who fled an abusive marriage a decade ago. She left with two kids who were quite young at the time.

When I met my wife, her ex was still on the mainland and didn't bother to visit the kids for two years or so. When my wife finally filed for custody of the kids (she was afraid to) he moved to Hawaii saying he wanted to be a part of the kids lives now. She had a TRO against him so everyone was being careful: they did supervised visitations at the PACT Center and the kids were initially happy to see him but that gradually changed and my step-daughter would come out of visitations complaining about how her father was treating her. Even though the situation was getting worse, the ex kept asking for more and unsupervised time.

Next thing you know the visits are unsupervised and the kids are coming back from visitations crying, cranky, hungry, cold, tired, soaking wet (when there was rain), without homework being done and complaining about being hit by the father. My wife reported all this, as she was directed to do by the counselors, but nothing happened and my step-daughter in particular, got dramatically worse. The ex would then point to my wife and say the kids behavior and the kids fear of him was all her fault.

Still it got worse: my step-son started becoming angry and aggressive towards his mother and my step-daughter would come home saying her father was playing favorites (favoring her brother over her), putting them in dangerous situations and telling her things that were not child appropriate. My step-daughter took her frustration about his playing favorites out on my step-son and where they once enjoyed a close relationship, now you couldn't put them in the same room together. Things kept getting worse until the family court finally acknowledged that the kids were being hurt and abused by the father and stopped visitations. The father filed an appeal saying it was all made up but in his absence, the kids just blossomed.

That should be the end of it but it's not: my wife was just served with more family court papers last week. This guy lost his appeal and hasn't followed any of the court orders but is asking that my wife be found in contempt of court?! The ridiculous thing is instead of the family court looking at the history of the case and who this guy is, they accepted his petition and set it for a hearing. Unbelievable.

If I ran my practice the way the family court is being run, my license would be gone and I'd be under a pile of

malpractice suits. No one should be subjected to any of this, but it's worse when there's a history of abuse and violence that's being ignored and this guy's rights are coming before the child's best interests. There is no oversight in family court and the judges answer to no one. This is appalling. As a physician I am routinely reviewed by Medicare, insurance carriers AND the state board; if I am found in violation, my license is pulled.

Something needs to be done. This is a HEALTHCARE issue. Mothers and children are suffering unnecessarily at the hands of the court system. Here are some suggestions: how about making judgeships publicly-elected positions? OR making a special domestic violence abuse court? OR making all the closed-door family court records available for review and public scrutiny? The family courts have become an embarrassment and are dangerous. I understand that you cannot legislate away bad behavior but there are no effective checks and balances or oversight of the family court judges. Please enact new legislation to curtail further victimization of our most vulnerable.

Thank you again for making this issue a priority and giving it the PUBLIC attention it deserves.

Sincerely, Guy Yatsushiro, M.D.

From: shauna awai [shaunaawai@gmail.com]
Sent: Wednesday, February 02, 2011 7:39 PM
To: HUSTestimony
Subject: Hawaii Fails Our Keiki In Family Court

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Shauna Awai. I am currently battling a 4 year war between myself and my ex-husband Daniel Awai and his Family. After a mental and physically abusive marriage in which my ex husband abused the drugs cocaine, ice, and marijuana. The divorce proceedings began after I had given my ex Daniel Awai an ultimatum: Either go to rehab or file for divorce. Shortly after that, a fight that ended up with me placing a restraining order and it being granted. A week later I was formally served with divorce papers stating that he demanded custody of our three young children. After a long court battle that lasted over a year, mostly in part because the court wanted to give him chance after chance to prove that he was clean and sober but he failed a second random drug test and a few more incidents with abuse and neglect towards the children, I was awarded full physical and legal custody and all visitation was then terminated. Soon after that Daniel stopped paying Childsupport and is now back over \$40,000. I believe that his father being a police chaplain of the police department helped his case as well. Trying to keep the childrens best interest in mind I continued to let the paternal grandparents visit, permitting a couple overnight visits a week. As I was told that Daniel was no longer living in their home. I okayed the visits as under a few conditions one being that there will be no physical discipline, another that if Daniel is present that he be at all times supervised with the children. But after several incidents where the children returned with bruises and other minor injuries like a fat lip and a rug burn in where Daniel had dragged my son across the church floor because he was making too much noise, I stopped the visits. I was then informed by CPS that there was a report made against me regarding us living in a boat and the fact that I worked too much and that I neglected the children. All outlandish accusations and all of them unfounded and dropped. The paternal grandmother admitted to placing the false claims saying that she was just worried about the children because I was no longer allowing them to see them. Again about one month later I was served with more papers this time the paternal grandparents filing a "grandparents right to intervene" which of course got denied. Now to the biggest problem and I am sure unjust problem at hand. I was again served with papers and this time they were armed with a new attorney, Per Diem Judge Alvin Nishimura. He had taken a planned drug test and passed of course and now he believes that he deserves custody of our children. It clearly states in our decree that he must take a Random drug test every other year as well as attend drug counseling. And once he failed one test that he will have to pay for all future drug test and all cost of returning to court. However the Judge Ching at the first hearing and at the second hearing a month later Judge Murakami ignored the previous order and even though Daniel did not pass a random drug test and is not in drug counseling he granted him visitation for 8 hours on a Sunday with the paternal grandfather Keoki Awai as supervisee, which obviously hadn't kept my children safe in the past. I was appalled by Judge Murakami's lack of regard to the previous order and the evidence that stared him in the face. My attorney Jesse Hall of Coates and Frey argued that what he ordered was against protocol and that a 1 hour supervised visit through PACT was the more reasonable way to go after he passed a RANDOM drug test. But Murakami all ready had his mind made up, stating that it was impossible to get in for PACT visits. We had a recess and my attorney was able to reach PACT and get visits set up. So Murakami gave him the 8 hours on Sunday as well as a 1 hour pact visit every other week. So without any change in circumstances Daniel went from not seeing the children at all for over 1 year to once a week and then some. Also the judge order that Daniel be able to attend all of the childrens activities. After 30 days Judge Murakami wanted a review hearing. During the visits Daniel attend a whole 4 baseball games out of the 10 remaining in the season and didn't show up to 1 dance lesson that our girls were attending. The week before court a major incident happened regarding my 4 year old. Her arm was dislocated after someone, either Daniel or the grandmother grabbed and pulled her arm. They did not take her to the E.R and she was clearly in

severe pain crying and screaming when I picked her up over 5 hours later. I rushed her to the ER where they reduced it right away. I had explain explicitly prior to the visits that she has a condition where that happens on rare occasions and they were instructed by Judge Ching and Murakami that I be notified if an injury occurs in their care. I was not notified. To make matters worse this happened while the supervisee was in church leaving Daniel unattended with my daughter in the house. It was made very clear that the supervisor must always be present in the room and he was not. Armed with the ER report as evidence we returned to court this time with a new attorney on my side Michael Ostendorp, we were sure that Judge Murakami could not ignore this evidence, but he did only stating that next time I be notified and on top of that he stopped the PACT supervised visits and gave Daniel every other Saturdays as well for another 8 hours. My attorney and I were baffled. How could this happen? How can a Judge ignore evidence, a previous court order, and basically everything. Ever since Daniel hired a PER DIEM judge as an attorney no amount of evidence against them is being heard or even placed on record, Murakami is turning off the record all the time. Not even half of the time we spend in court is on the record. Since I have sole physical and legal custody I left Hawaii with my children due to I could no longer afford it there thanks to thousands of dollars of legal bills and no childsupport from Daniel. I moved to Vegas with my Fiance, as he is opening a store there and he is my main souce of financial support other than my parents. I left my attorney to deal with the rest of the legal issues back in Hawaii. Now Judge Murakami want to uphold the the law to the "T" and is punishing me for leaving by making me buy my ex, the one that owes me over \$40000 in childsupport a laptop so that he can skype with the children until he decides if he is going to make me return to Hawaii. How Corrupt is that???? It was also stated in court on the record that Daniel has a job now but yet Murakami has not order Daniel to pay any back childsupport. To make matters worse I find that my old attorney broke attorney client privelage and spoke to opposing counsel regarding my case and I will be suing regarding that matter when this is resolved. This is a prime example on how Judge Murakami is ruling from the bench with no concern for my children or the consequences that his decisions have on them. As well as nothing is fair when a Per Diem Judge is on the otherside of the bench as an attorney.

February 3, 2011

Representative John Mizuno, Chair,
House Human Services Committee
Hawai'i State Capitol
415 S. Beretania,
Honolulu, HI. 96813

RE: Informational Briefing on Monday, February 7 at 8:30am (Room #329)

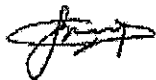
To the House Human Services Committee:

My name is Joy Lacanienta and I'm a survivor of Domestic Violence. I would like to be given an opportunity to share my experience as a survivor and the necessary steps I took as well as the amount of work my network of support, provided me in order to navigate through the Justice System and finally evolve to a place of healing (for me and my daughter). It has been almost 12 years since I left my abuser but the emotional scars of dealing with the system, keeping-up with documentation and reporting the violation of the TRO has been a traumatic experience in and of itself.

Organizations such as the Domestic Violence Action Center (DVAC) has assisted numerous families to gain such support to protect their rights. However, there are still much needed work to revise legislation, such as HRS Section 586-5 and 586-5.6 to secure the safety of DV survivor, their children, and others as they transition from the time of the OSC hearing until the alleged abuser is served with the court order.

I fully support any measure that our justice and legislative system can enact to ensure the safety of survivors and their families.

Sincerely,



Joy Lacanienta

From: mary/paul remigio [remigiomp@hawaiiantel.net]
Sent: Tuesday, February 01, 2011 7:46 PM
To: HUS testimony
Subject: Family Court Judges

I'm told that the priority of Family Court is to protect our keiki. I know from personal experience that this is not the case. My daughter has been through the Family Court system and has not received the support to keep her children safe. Her ex tested positive for drugs, has admitted in court that he does not want to travel at my daughter's expense to see his children, broke into my home to take the children, past violence in the marriage, does not work, therefore provides no support. He tried to take a concealed weapon on an airplane, has admitted that he has stolen and stripped cars. There were clear indications that the ex (actually his family) now wanted custody of the children.

This circus has been going on for over 2 years, and we don't have the financial means to keep paying attorney fees, so because she has full legal and physical custody, and because Hawaii is too expensive, she moved to the mainland.

The judge was very angry and told my daughter to buy a computer for her ex, so he could see and speak with his children. (even though he said in the courtroom that he didn't want to travel to see them) The computer was used but was checked before it was shipped to Hawaii. The ex said it didn't work, so the judge ruled that she needed to buy him a brand new computer. The judge is now threatening to find her in contempt if she doesn't return to Hawaii with the children. The attorney for the ex is also a per diem judge.

How can my daughter support her children when the court system is draining her of the financial means to do so?

From: Paige Calahan [paigecalahan@gmail.com]
Sent: Sunday, February 06, 2011 10:36 PM
To: HUS testimony
Cc: Dara Carlin, M.A.
Subject: "Informational Briefing to be heard 02/07/11 at 8:30am in Room 329"
Attachments: 2011_0206_Testimony_Calahan.pdf

Please include for Mondays hearing.

Thank You.

February 6, 2011

The latest hearing was with DHS/CWS regards a Motion for Temporary Foster Custody (TFC), filed by the State. All allegations against me were dismissed; however, there were many procedural, constitutional, statutory, and guideline violations that are still affecting my life, and the life of my Son. I want the Legislators to consider the nose of the camel that was introduced to the tent upon the 2007 filing for divorce/custody, and its relevant effects on procedures, federal/state constitutional rights/liberties, and legal interpretations.

Rights violations of due process, retention of counsel, notification of accusations, confrontation of accuser and ability to call witnesses were a few of the illegalities. My unenumerated rights have been defiled for years in the trial court under Second Circuit's Judge Keith E. Tanaka (Tanaka), and associated para-professionals like GAL/Property Master Barbara Sauer, Therapist Margaret Goldberg, and DHS employees Kelley Andrade and Annie Reinecke (AR). This - in great part - impacted the years and days leading up to the 8/2/10 hearing.

I have been biased against and suffered retaliatory action by the court, its officers, para-professionals and social services because I exercised my right to "petition the government" under freedom of speech. I take the rights and responsibilities of my "active citizenship" seriously. Current circumstances (plus my eyewitness, first-hand experiences) have made apparent, the continued need for my voice. Though seeking remedy via corporate courts, any perceived sacrifice of my sovereignty is fictitious.

I was well within the law and adhering to law when my Son was removed from my care on 8/8/08 (without evidentiary hearing, exigent circumstances, and in violation of statutory law or "best interest of the child" criteria). Time elapsed between 8/8/08 & 12/12/08 influenced custody. Time elapsed between 12/23/08 - 08/02/10, affected circumstances for which my son and myself are now denied all contact, and for which Child Welfare Service (CWS) and Dept. of Human Services (DHS) brought charges against me; working in tandem and concert with Tanaka and per diem Judge Renatta Foster-Au, to legislate custody.

My Son and myself have been forced into involuntary servitude, to a life devoid of a "meaningful relationship" with each other and this has occurred through threatened and state-imposed legal coercion, as well as the compounded fraud and deceit of my ex. Neither myself or my Son has been convicted of a crime. In contrast, my ex has been convicted of 2-violations of TRO, pled down to Contempt of Court and the pleas were allowed solely due to the fact that he did not want his TRO violations held against him re: custody. Three TRO violations remain "pending". He served 1-year parole but was not ordered to receive the associated statutory recommendations. All in addition to having lost custody of 2 prior children to sexual abuse allegations by the children and their therapists.

Though free of criminal convictions, we have been managed with emotional and psychological imprisonment because they "love each other too much". The sudden and complete isolation is nothing short of subjugation to cruel and unusual punishment; inhumane, torturous, and humiliating. The calloused application of this chastisement was applied because of we disregarded "unspoken rules"; rules made via "tacit assumption".

This resulted in an excessive psychological penalty being imposed on us, both victims of domestic violence. This inflicted forfeiture of our "pursuit of happiness" holds great implications for future generations by clear and continuing effects on my Son, my productivity, and making manifest a warped societal "normalcy bias", if acceptance of these violations is allowed. For unsubstantiated and false allegations against me, I have been deprived of the right to care, custody and control of my son and this is in violation of our fundamental liberty interests that are protected by federal and state constitutions. Perjury, cronyism, falsification of court documents, libel, racketeering, color of law abuses, fabrication of evidence, and failure to keep from harm, etc., are all contributing factors in the tight knot around our necks. Unwinding these waxed and polished threads in a statement is challenging to say the least, and much more difficult than the 4-years of documents that created it. I want the legislators to look for "true" justice, for the sake of my Son and those children and protective parents that follow.

This time my Son was taken into protective custody from his custodial parent (my Ex) on 07/10/10 and 07/26/10. On 07/10/10, My Son ran away from his father. On 07/26/10, he was forcibly taken by CWS. These were the 2nd and 3rd times. The first occurrence was in December 2007. Between 11/2007 and present day, my 11-year old Son continues to make allegations of abuse/neglect against his father. He has been relocated out of state and is emotionally distraught; and not in court-ordered "individual" therapy.

Abuse and Neglect are defined by statutory law, as well as clearly outlined in DHS's manual for their workers. Procedure and Protocols for "investigation" and remedy are also outlined thereby. Adherence to laws and mandates that protect children is not optional. Protection for "mandatory reporters" is also not optional. Violations of these laws and mandates - despite position (appointed, elected or otherwise) - is punishable by law. Immunity is applicable only within the bounds of certain positions and even this is questionable when a child is knowingly harmed. Exceeding the "footprint" of these positions voids immunity. DHS/CWS, Judge Keith Tanaka, various para-professionals ALL exceeded this footprint.

Tanaka signed another order on 7/30/10, allowing my Ex to relocate with my Son out of state, even though Tanaka had no subject matter jurisdiction, was aware of this and the State was petitioning for temporary foster care.

I was not allowed to introduce relevant evidence that included (4) notarized Declarations (officially taken by my attorney) from Visitation Supervisors. These supervisors were witness to (& subject to) Defendant's abusive and abhorrent behaviors that supported consistent statements of my Son. Some supervisors were even the 'target' of my ex's abuses and for this they requested to be released from their obligation to testify on 07/12/10, for fear of retaliation against their person and/or their families. This was granted.

I was disallowed from calling (2) witnesses even though they were waiting in the hallway. The State called one witness, Annie Reinecke of CWS. My witness's were current visitation supervisor, Gail Bell (Bell) and DV Advocate Dara Carlin. Bell was the "person" my Son ran to when he fled my ex's home on the morning of 07/10/10. Relevance of these witnesses (either in person or via Declaration) was dismissed even though (a) Carlin and Bell would testify in direct contradiction to AR; (b) GAL, Ostercock, or AR had not spoken to them (with exception to one short occasion between AR & Bell); (c) Court was considering whether there was psychological/sexual abuse/neglect by the my ex; (d) Court was considering removing care of my Son from my ex; (e) CWS/DHS had an obligation to implement a Service Plan with both of the parents; (f) CWS/DHS had an obligation to continue ordered visitation; CWS/DHS had an obligation to perform an "investigation" to confirm/deny harm to my Son; (g) CWS/DHS composed a Safe Family Home Report (SFHR), filed 07/27/10, that should have logically included present-day and accurate information.

On 7/12/10 my Ex testified to: no food in the house; no enrollment for school; isolation; my Son's "hate(red)" of himself, therapist, and paternal grandparents; no activities; no peer interaction; sleeping in the same bed as my Son (who was accusing him of inappropriate contact); residing in house with roof leaking so bad that my Son's room was uninhabitable; home infested with vermin and insects; using my Son's SSI stipend to fund his stock-market trading for sole purpose of increasing his own retirement accounts; Using my Son's SSI funds even though they were court ordered to be used for tuition; falsifying his Child Support Guideline income; falsifying court documents; attending therapy with my Son even though he was to have "independent" counseling, as per court order. In addition, GAL Barbara Sauer (BS) colluded with my ex to violate Court orders to set a precedent in favor of my ex. This backfired and resulted in a Contempt of Court citation from MPD. Their violation was wrongfully held against me.

DV was further substantiated in psychological evaluations (PsychEval) ordered by CWS/DHS, and performed by Dr. Stephanie Kong in, 2008, AFTER custody was changed to my ex. My Son's and my own PsychEval showed DV. Kong's PsychEvals were deemed accurate and credible and attached "Recommendations" were ordered by the Court but DV was ignored. Interestingly, Kong included that I was endangering my Son by delivering him to

court ordered visitation with his father, and that I remained in a violent relationship with my Ex. This was overlooked by Tanaka but I was held accountable. These PsychEvals were referred by CWS/DHS – at great expense to the state – as part of a CWS/DHS investigation. After nearly 2 years CWS/DHS closed their investigation prior to PsychEval results being returned. I questioned this but no reasonable answer was forthcoming. No true investigation was done and they did not prevent harm to my Son. I voluntarily sought and maintained therapy to address patterns that put me in an abusive relationship. My ex has sought no such therapy for his behaviors. I attended all CWS/DHS referred classes and training. Referrals are mandatory. My ex never attended and was not held accountable for same. I passed training, tests and evaluations with flying colors and was found to not be harmful to my Son. This information was withheld by DHS/CWS.

Tanaka, in violation of “rebuttable presumption” found that my ex was not guilty of DV and that my allegations of DV were “not credible”. Tanaka dissolved TROs based on the fact that violations hadn’t yet been prosecuted and also that Defendant presented documents (later proven to be forged), that alleged I was a harm to my Son and was destroying marital assets/income. These actions by Tanaka, allowed our abuser back onto the property. He was ordered to the “marital home” (5-minute walk) but instead moved “50 paces away” from us and maternal grandmother, where he continued to terrorize us until we were forced to flee. Fleeing the escalating terroristic threatening was held against me as “alienating” Child, even though it was done after consulting my attorney. Tanaka also ignored a picture of me with a black eye, plus my ex’s convictions on TRO violations, as well as prior history of allegations of sexual abuse and neglect by his (2) estranged Children from a former marriage, and their therapists. Tanaka refused testimony of ex-wife and children in November 2008 evidentiary hearing as “irrelevant”. He deemed notarized proof of the aforementioned forgery as “irrelevant”, “frivolous” and a “landlord/tenant issue” even though it was allowed when it served my ex’s issues. (10/2007).

CWS/DHS also ignored the fact that my ex is on 240mg/day of a Class II narcotic (Oxycontin), as well as marijuana. My Son reports of drug abuse, not being able to wake my ex, my ex’s deteriorating physical condition, access to the drugs, and usage in the presence of my Son were all ignored by CWS, DHS, Tanaka and both GALs. This level of drug use makes driving illegal and was offered by my Son as why my ex did not take him to school. Add to this, Supervisor testimony that my ex regularly smelled of alcohol (My Son reported large amounts of vodka) and this is a deadly mixture, yet my ex drove my Son under these conditions, against Court Order.

AR has run interference for my ex with (2) prior visitation supervisors, Bell and former custody evaluator Pattie Martin (Martin). In 2008, AR called Martin at the courthouse (where she worked for Tanaka), and started screaming at her. The two had no prior contact. AR yelled at Martin, “You have no idea what you’ve gotten yourself into...back off”. AR made the same statement to Bell when she was questioned after my Son ran to her on 07/10/10. Child and Family Services (CFS) Ellen Brewerton told me she was up against “dark forces” but did not elaborate. AR also told Bell that she was going to “talk to the Judge (Tanaka)” even though this is extra-judicial communication. Martin was “credible” with Tanaka’s court until she testified in our favor. After her testimony she was threatened with the loss of her job and eventually had to leave because of the pressures and restrictions (she still works with Children for the state).

As with all allegations made by my Son, on 7/10/10 my Son made abuse/neglect reports. I was denied details from CWS because I was not “custodial parent”; however, I am still his parent and my parental rights are not terminated.

After hearing, FA stayed to speak with my ex and I had to request to speak with her. FA made many false and “influenced” statements against my character. She also made recommendations that would have convinced any bystander that she was dispensing legal advice; behaving in Attorney/Client manner. FA was not neutral or independent. Valdriz and Tanaka share a wall and a clerk (Wilma). Wilma has interfered several times in my divorce/custody case and was the clerk who refused my filing of appeal. Untimely, improper and even lack of service has been a running theme in my custody case, and this has been willfully allowed by Tanaka, even though objected to by counsel and myself.

AR testified that she had done a thorough investigation (required) but this is untrue. AR voided ethics, committed perjury, skipped the investigation, accepted my ex and trial court assessment as her own, omitted any home evaluation, accepted unsubstantiated allegations from unqualified person (GAL BS) instead of seeking informed and current information from licensed and qualified experts (my therapists), among many other things.

Statutory law demands that my Son not be in the custody of his abuser. Even as custodial parent he has violated the "adequate provisions" (by his own admission) that constitute the considered allowance of "visitation". The State has failed its sworn duty to protect my Son. Instead they made false and unsubstantiated allegations against me and broke many "rules" and "laws" to guarantee that my Son was placed in an environment that does not meet "best interest" criterion. By standing by and allowing (and nurturing) this travesty of justice, they have themselves become knowing perpetrators of abuse and neglect and should be held accountable for same.

In conclusion, Valdriz dismissed all charges against me that alleged I was guilty of psychological harm of her son, yet these are the same allegations for which I am punished in the custody case, and for which all contact was removed. The 2010 allegations were supported by 2008 allegations. All allegations were unsubstantiated. No current investigation was conducted and no "true" investigation in 2008. My Son and myself have been denied multiple rights and liberties, as well as protection under the law. This has been allowed to happen by lack of oversight, collusion, fraud, perjury, forgery, UPL, public corruption and abuses under color of law (to name a few). Many of these crimes are known to the Office of the Attorney General who stands now in opposition to me. They are complicit in my current circumstances by their chosen failure to protect us from these abuses, even though this is their stated purpose and sworn duty. For reasons unknown to me, CWS/DHS and the Attorney General have gone to great lengths and continued expense to silence me, instead of cutting their losses and doing their job which would safeguard my Son. Perhaps it is the obvious conflict of interest posed by the AG having to prosecute and defend it's people at the same time. Whatever the reason, my Son deserves to grow up without fear and I deserves the right to care for my child, clear my name and have those who smeared it held accountable for their wrong-doing. As there are laws, mandates, procedures and protocols to ensure this, and since these were voided in my cases since 2007, allowing compounding against me, I seeks review of the facts (rather than false allegations) and their related effects upon my current and continuing circumstances. Since this falls under the purview of the Legislature, I continue my appeals for correction.

PAIGE ELLEN CALAHAN,
Mother/DV Survivor