

Is There Justice for Children ?

This is a true story about injustice, corruption, greed and above all the suffering of minor children being ignored by the Court and those institutions whose mandate is to protect children. It began in 1999 in Elkhart and moved into Goshen, then later, Plymouth, Indiana. It has reached across state lines and may end up becoming an international issue.

It is an example of unfair, unethical and illegal procedures and actions; in admission of evidence; conflict of interest - blatantly improper acts and practices. The events smack loudly of prejudice and bias and overlooking of fair play and equal representation. The proceedings have escalated into an urgent matter of children's well being.

The story began when an unethical attorney (a former deputy prosecutor from Elkhart) argued the divorce case of a client (mother - also from Elkhart) in front of a judge (in Goshen). Almost a year later and following several court proceedings, the mother's attorney was exposed to be the former partner of the judge! Neither the attorney nor the judge revealed their previous association as former law partners. Incidentally, the same attorney had previously been suspended from practicing law in Indiana for a battery charge against a former girlfriend/divorce client, and assault against her daughter. Upon this conflict of interest being exposed by the father, the case moved to Elkhart a week before the divorce trial, in front of a different judge, who was a friend of the first judge and the mother's attorney. Through the judge's ruling, the mother received not only child support (although the children lived at least half the time with the father, and the father had joint legal and physical custody) but also additional generous payments from the father. The couple continued to share joint physical and legal custody of their two daughters. The father filed an appeal of the judge's ruling and the case was returned for consideration - *before the same ruling judge!* This judge upheld his own former decision, and in addition, imposed additional penalties to the original ruling against the father!

Due to the relationships of the various judges and the mother's attorney, the father applied for a different judge and a change of venue. The case was referred to Marshall County Circuit Court in Plymouth, IN. Then, while the father was on a temporary visit abroad, the mother sued for, and was awarded full custodial rights of the children - without the father being legally represented. When the father returned, he petitioned to regain the joint custody. The Marshall County Judge refused to return the joint custody to the father!

The children's dilemma is serious; the younger one has indicated that she wants to live with the father, the older one has suffered psychologically, and both are subjects of the mother's regime of psychological manipulation, leading to the older one self-mutilating or "cutting" (photo) herself. With the health and safety of the children his utmost priority, the father files for full legal custody of his children.

The Marshall County judge continues to refuse to hear and act upon indications and evidence of the mother's lack of parental supervision; changes in the children's schedules to defer and impose upon the father's exercise of his allocated parental contact; imposition of mounting psychological stress upon the children, and cover up and contrived hindrances to the evaluation and treatment of the oldest child's psychological problems. In addition, the Court and Elkhart Child Protection Services (CPS) failed to seriously address the health and safety concerns for the children. The judge refused the father's repeated petitions and requests for action on, or at the very least, removal of the children from their current residence until the hearing. The Court's rulings, either through inaction or explicitly in favor of the mother, have been prolonging the suffering of the children, who have been subjects of manipulation and alienation by the mother against the father.

In addition, the CPS refused to take a first step of investigating and / or visiting the children even once! The mother has been obstructive and less than cooperative in allowing the father his parental visitation rights and his personal interaction with his daughters. She has also been engineering events to adversely affect the relationship of the children with their father. Most importantly, she has tried to prevent and hinder treatment of the children's psychological problems, and has progressively manipulated and alienated both children against their father.

The father is seeking equity and justice. Beginning with the original deception in the divorce hearings - conflict of interest - the court rulings have been imbalanced and prejudicial against the father and unduly in favor of the mother, and more importantly, detrimental to the well-being of the children. He is concerned

for the health and well being of his children, and seeking fair consideration of evidence, phone records, medical reports, vital documentation, witnesses, and photographs he is making available.

What is happening in our courts today when blatant "conflict of interest" judgments are allowed to stand? Or when the natural rights of a father as a parent are taken away in his absence on the basis of lies uttered by the mother? The same mother who admitted in Court that the father was a "good father."

In America, everyone has the right to a Court hearing in a timely manner, with sufficient time to present his or her evidence and arguments in Court. How can such unfair practices be allowed to continue in our judicial system today? Should dishonest representatives of the legal system be allowed to interpret the legal codes to suit their prejudices, even in the face of evidence? Should they be allowed to retain their seats and continue dispensing unfair and discriminatory rulings to others?

The judge in the case continued his policy of inaction even after he was informed, by the father, of the child's self-mutilation, hence ignoring the plight of the child, who continued "cutting" while still in the custody of the mother, and after the Court became aware.

What about the children? Will it take a greater tragedy than "cutting" to force a closer look at the custodial parent's true interest and motives? Does it take a misfortune to gain any help in this matter?

The health, safety, and well being of the children should be the foremost consideration of this matter. This is a case of discrimination, that the judge and the courts are ignoring their own guidelines and protocols, and bending backward in favor of the mother, at the expense of the children. Children should not be subjected to psychological and physical abuse in order to punish the non-custodial parent. Despite the long list of shady dealings and contrived complications, the heart of the issue must remain deciding the best possible scenario for children. This is the core concern for the father. He is anxious that his daughter's psychological problems may go from "cutting" to something more serious.

The father moved from Indiana to secure a higher paying job to meet the exorbitant, immoral and illegal (both by Indiana Codes and US Constitution) child support, and other court-ruled payments. He cannot receive legal aid or child protective support from either his new state residence, or Indiana. Neither agencies will cross state boundaries to help him. Another extension of the repeatedly postponed, by the Court, child custody hearing is scheduled for February 12 and 13, 2003. This time the father will go it alone; his lawyer dropped his case due to the amount of legal fees already incurred. In the same vein, expert witnesses regarding the children and their mother's treatment of them, cannot be procured, because the father cannot afford to pay for their services.

Lest you think this is a father trying to avoid paying child support, he is a highly educated (Ph.D.) former Notre Dame Professor. He would do anything to keep his daughters safe, happy, and healthy. Since the very beginning, the courts have always sided with the mother, and against the father in all matters. The fact that he is not a US citizen has also played an important part in these proceedings.

It is time to expose the unethical, illegal and unjust actions, and to reinstate honesty and justice into the Indiana Court system. Justice regarding the welfare of children should not be based upon gender or money. I hope you can play a major role in healing and preserving the fragile lives of two young children. If you feel any compassion for the minor children who continue to suffer, please contact me to find out how you can help.

Thank you for your time, interest, compassion, and for your forthcoming response.

If you would like more information about this urgent matter, please contact me at

visit <http://webpages.charter.net/lah1321/>