Opponent Testimony on HB508

Civil Justice Committee; Ohio House of Representatives

Chair Hillyer and Vice Chair Grendell and the Committee,

I wish to provide opponent testimony against HB508 on the record.

While I agree the family court system is littered with issues that need reformed, I do not believe that HB508 is that solution. Unfortunately, the best interest of the children are not being considered universally in family courts across America and globally. Ohio is a particularly difficult place to have a child in the family courts. This is in part due to the inconsistencies in judicial decisions and a lack of faith by the public towards their judiciary. I believe that because the public has lost faith in their judiciary Ohioans are now seeking a legislative solution to the vast discrepancies and inconsistencies in our court systems. The solution to this problem cannot be found legislatively. We must begin by restoring the public's opinion of our court systems, their judiciary, and their court-appointed evaluators. I would like to briefly describe my situation which led to my interest and propose alternative solutions, rather than those in HB508.

I have lived in four states across America and I have been practicing in psychology across these places. I have never been so scared of my own judge's ability to consider the best interest of my sons as while living and working in Geauga County and Cleveland, OH. Traditionally, the constitutional role of judges was an apolitical position that respectfully and compassionately interpreted the law of our country and communities. Instead, we have judges that insisted on being public members of political groups making being an unbiased party difficult; example: Ohio Tea Party movements have featured judicial speakers, including Open Ohio. Our elected judges have even supported the burning of face masks in our streets. The bias that a judge can exhibit and the resulting consequences of unchecked power have been abundantly clear in my own family's case. The august position of an elected judicial official is being used to silence mothers and victims while simultaneously punishing them for speaking out, removing their children without hearing or evidence throughout Ohio, not just by Geauga County but by appointed Visiting Judges as a pattern as well. Judges now routinely work with physician and psychological health professionals to mandate health reports not needed by medicine or psychology and therefore not paid for by health insurance. Parents either pay cash out-of-pocket, tax dollars pay or insurance is illegally billed (such as in Geauga). Judges prefer certain evaluators that they assign without hesitation.

This same Geauga judge has unilaterally and without hearing or request by either parent prevented our sons from being tested for COVID19; a direct reflection of his bias and judicial overreach. When a hospital initiated a necessary test during a medical emergency our son was taken out of the hospital by the judge's campaign managerwho was open carrying his sidearm gun. This "constable" took our child from a locked Pediatric floor by judicial order outside of their county without proper service and I have not seen or spoken to our sons since. Alarmingly, and in an extreme overreach of power, our son was taken away from their parent because a judge decided to play God, physician and legislator. The judge assigned their pet psychologist and evaluator without a forensic psychology specialty that never issued a full report or presented testimony to help inform his decision. This psychologist did not file mandated reports of abuse and used Rorschach Ink Blot tests in their evaluation. The report determined I had PTSD from years of abuse by their father. The judge

ignored the report which said dad was a narcissist and had substance abuse disorder, also describing his many arrests for driving intoxicated and harming our son under the influence. My Order of Protection used in Criminal Court was ignored. The judge stated on record he “could not read it” and ignored New York jurisdiction and record. The children’s Guardian Ad Litem was never licensed in law, psychology, or social work despite purporting to be and charging us as if she was. Our Guardian raised ignored concerns to the judiciary about father and his abuses to no avail. Today, because of only ex-parte filings and without evidence, our sons have now contracted and we’re untreated for COVID19 and associated seizures. The school nurse sent him to the ER in ambulance and neither the school nor the hospital called me. The EMS of the county never released his medical or transport record to me. Father still has exclusive access despite the children being tested for and testing positive for CoVID (violating our unnecessary and unlitigated unilaterally enforced Order against it), being sent to school by his neglectful parent with high fever resulting in months of seizures and exposing countless other children and families to COVID19. This is a virus our courts use as a weapon and it is not being viewed as an illness to respect and treat or a global problem requiring a scientific solution. I am not alone in being isolated from our children. No one in our family has contact expect father as controlled by father. Paternal and maternal grandparents have attempted to intervene and have likewise been ignored by the courts with unanswered motions submitted to our judges.

I have written complaints about the judges to the Supreme Court . We were assigned a visiting judge who chose his own GAL and evaluators he always assigns across the state regardless of county of residence. He has never heard the same case and continues to allow our sons to be kept away. Our hearing date last week was canceled without notice and the judge failed to present for hearing. I have requested relief by the Supreme Court and gone unanswered. In five years I have never had a hearing or opportunity to present evidence on eight ex-parte requests for custody by their abusive father. My contact is supposed to be through a person assigned by the judge with a revoked nursing license performing unsanctioned visitation for cash. When I am unable to speak to them in the impossible manner proposed it is assumed I abandoned our children despite never giving up. As you will learn through these opponent testimonies today, I am far from the only mother or victim being harmed.

I write this to share three things:

1. HB508 is a cookie-cutter solution to solve a problem much more complex than just parents who cannot get along and that simply have differing parenting styles. While I recognize some mothers favor HB508, as a mother who cannot see their children due to failings by our state, HB508 is not the proper method to ensure the return of my children. This argument contained in HB 508 empowers judges to continue not having required hearings. The argument that I would benefit from 50/50 parenting is moot because no judge will hear any argument or evidence, as critical and valid as my counsel felt it to be. In fact, my filings have been stricken from the record without valid reason.

2. There are already mechanisms in place to protect victims, such as protection orders and requirements to check paternity of children prior to assigning custody in non-married couples. Lawyers are the intended recipient of court information yet while retained, the judge called me directly three times leaving two voicemails across 4 years and countless times sent his constable to our home outside of county to harass us. These existing protective mechanisms were alarmingly ignored, including our pleas for relief. There must be a valid way to seek relief when ignored by the courts. Making 50/50 standard does not help complex cases.

3. Evaluators that are assigned by the court helping them make decisions is a dangerous slippery slope. Evaluators can be predicted ahead of time as judges routinely use their trusted psychologist, pediatrician, or guardian leading to multiple parties all being victims of the same bias and abuse by our judges.

Being a scientist, I am skilled in troubleshooting and a fan of the statement “don’t mention a problem if you cannot pose the solution.” As a victim of abuse and a mother, I propose an alternative solution. In medicine there are functioning mechanisms in place to protect people seeking healthcare. Three examples to translate to the law and judiciary, primarily as it applies to family court:

1. Patients are allowed to bring other people to see and speak with their physician. They are encouraged to ask questions, support and help the patient understand their situation. In law, meeting with your lawyer with your spouse or parents invalidates your confidentiality and privilege. This leads to poor communication and understanding by the public.

2. Chart reviews are a common avenue available to patients unhappy with their care. They can request either another doctor or system, in or out of state, and another qualified individual will provide another opinion. In Ohio we cannot easily have a review of an especially difficult case. Some states such as Texas allow for jury trials in family court. A separate review or jury can prevent bias that is clearly evident. For example, even competent and qualified expert witnesses are being de facto deemed less knowledgeable than the judges own evaluators. Families need to be able to stand a chance.

3. In medicine and psychology there are fields specialized in identifying child abuse. In fact, we have abuse fellowships nationwide. As there are genuine forensic psychologists and experts in domestic violence, why can the court systems not employ highly qualified people who understand these intricacies? The courts continue to prop up the careers of unqualified and poorly skilled individuals that are the exact same professionals who incorrect give domestic violence and victims education to our judiciary. One such example is the improper use of the psychology term: legal abuse syndrome (present in the DSM). Court psychologists and guardians have created a twisted version termed parental alienation used by abusers who then appear knowledgeable and to have basis to remove their children from an eloquent victim claiming their false term is proof the protective parents cried wolf. If judges continue to choose the same evaluators, assigned attorneys and guardians while delaying hearings and not taking evidence it begins to look like a racket requiring federal intervention. We have the avenues to seek relief from these abuses in America and Ohio but we still continue to create unnecessary solutions if we would simply police our own judiciary and court systems through available, valid mechanisms.

In summary, I believe HB508 to be a poor solution to a very real problem. Further, I believe that HB508 fails to address the true issues that plague the families in front of our courts today. Finally, I believe our issues to be judicial abuses of power, state abuses of power and the improper weaponization of medicine and psychology by the same. If our powerful and educated community members continue to use their platforms to harm families and silence victims we cannot as a society and state develop into what we were intended: a country run by and for the people, all people and persons, especially all families and children.

Kimberly G. Page

Mother of James and Samuel