Testimony of protective grandparents in opposition to House Bill 14 before the House Families and Aging Committee by Peggy Daly and Stephen Masternak – March 21, 2023

Peggy's testimony:

Madam Chair Schmidt, Vice Chair Miller, and Ranking Member Denson and members of the committee. Thank you for hearing all of today's opposition testimony to House Bill 14. We beg your indulgence as we've only recently learned of the bill and have traveled from three hours away. Our combined testimony is slightly longer than 10 minutes but demonstrates a deeply personal, compelling account on the lacking realities of child protection in family court.

This is a quote from the existing Lucas County Juvenile Court parenting time schedule. "This parenting plan and access schedule presumes that the father and mother are good parents and that a child is safe with either parent." No further guidance is given on what constitutes child safety or what undergirds the court's "presumption" of what is a good parent.

Countless times, as we've read that quote, our family has asked: What if both parents are NOT good, safe parents? What then?

HB 14 purports to provide a remedy. But as with most subjects in law, that which is written on paper is rarely what occurs in actual court.

We are the paternal grandparents of a child whose mother had custody. From birth, she repeatedly left our grandchild alone and in danger, along with a slightly older sibling from a different father. One evening, after her neighbors alerted police to children screaming, the pre-school age sibling gave police access to her apartment. They found our less than two-year-old grandchild, naked, on top of a bunk bed, had defecated in that bed, was screaming and sobbing uncontrollably. Police found a kitchen knife on the floor, accessible to both children.

They located the mother and she returned, not before the maternal grandmother was also located and had arrived. A police report stated that the mother told officers she left young, sleeping children alone that evening because "she needed a break from the children." At first, she lied, saying she left them in the care of the older child's father, but changed her story to the police at the incident. Neighbors later reported that it was a frequent occurrence for her to leave her children alone.

This was a Friday evening, just preceding our son's regular parenting time weekend. With no warning, he walked into this police situation. All along, he had disapproved of the mother's parenting style and her incessant lies. However, he had no idea that his child had been repeatedly placed at such risk since birth.

Our son had done all the things we expect a good father to do. He had registered with the putative father registry to secure his rights if the birth mother relinquished her rights in an

adoption. After birth, our son immediately contacted the local child support agency for help in determining paternity and to step up to his child support obligation. When the mother refused him regular, predictable parenting time, our son did not delay but filed court motions to secure that parenting time.

The maternal grandmother knew of the recurring neglect and failed to report. How do we know? Because on this awful evening, the grandmother had followed our son with his terrorized and exhausted child out to the parking lot, specifically to hand him a copy of a four-page typewritten letter she had recently composed to the mother's psychiatrist. She described deeply concerning evidence of the mother's poor mental health. Until that letter, our son had no knowledge that the mother was under psychiatric care with prescribed medication.

In detail, the letter covered fantastical falsehoods constantly spun by the mother—including stories of her purported critical surgical heart procedures which had never actually occurred, and an utterly untrue cancer diagnosis. Further, the letter included the grandmother's first-hand knowledge that her daughter was walking out on her children, absences she had personally witnessed. In the letter, the grandmother only admitted to warning the mother that she could be reported to children's services—something the grandmother apparently never reported herself.

After her arrest and a weekend in jail to satisfy a previous unrelated bench warrant, the mother was convicted on two counts of child endangerment.

After first achieving emergency custody, our son pursued and was awarded residential custody. The GAL stated aloud to our son's attorney, where I was present in a conference at the court: "Mom lies all the time." The mother had also admitted during the temporary custody hearing, "I have urges to flee my children."

After awarding residential custody to our son, the court further ordered an immediate, graduated schedule for the mother's parenting time. Beginning with the first specified date, only part—NOT all—of the mother's parenting time was supervised. Whom did the court appoint as that part-time supervisor? The maternal grandmother who had already failed to report known neglect. Within a few months, despite never attending more than one court-required parenting class—a failure which the GAL also revealed—the mother was given the standard court parenting time schedule, allowing her about 25% parenting time with our grandchild throughout the year.

When our grandchild was four years old, the mother entered a relationship with another man. Their own social media reported they began dating between his incarcerations for multiple drunk driving convictions. To the mother, that was all a big joke. Additionally, the boyfriend had a habit of recording and then posting his videos while operating a motorcycle, where he proudly filmed speeds exceeding 160 miles per hour on rural roads with on-coming traffic.

Arriving for her now standard scheduled parenting times and especially on weekend time, the mother repeatedly placed our grandchild in a vehicle operated by her convicted drunk-driving boyfriend, driving with a suspended license. Our son contacted the police who stated they were powerless unless they witnessed the driver committing a traffic violation.

The couple would leave with our grandchild for the entire weekend, sometimes crossing state lines traveling great distance from home. Or, rather than exercising parenting time, after pick-up, she would promptly dump our grandchild at some undisclosed location so that she could go to bars and sporting events with her boyfriend.

How did we know this? Through a private investigator's documented work, commissioned by our son's attorney. At this time, given all that he knew, our son had begun pursuing a case to have a county-approved agency supervise the mother's parenting time. Remember that goal please: Our son wanted the MOTHER to be supervised, as SHE WAS THE ONE—not the boyfriend—who was supposed to have primary care and concern for the welfare of her child.

Stephen's testimony

Madam Chair, Vice Chair, Ranking member and members of the committee. I will continue where my wife left off.

On a particular Friday evening, our son knew she was not going to exercise parenting time, but instead had tickets to a sporting event. With many contemporaneous, proven and compelling concerns, we all became very worried about our young grandchild's safety such that my son and I went to her apartment to check on the child's welfare.

Security personnel had previously approached my son as he waited in the parking lot for pick-up after a parenting time. Security had told him that the apartment complex was a known haven for drug deals. Her apartment was on the second floor where the main entrance opened to an outside second-story balcony. This complex was at the corner of a very busy intersection and had an outdoor swimming pool which was not always secured.

When we arrived and knocked, my then four-year-old grandchild threw open the unlocked door, jumping into my son's arms. We never entered the apartment, but from the doorway observed that this four-year-old was alone, in the dark, watching inappropriate television, with an unsecured and hyped-up pit-bull terrier. We made multiple attempts to determine an adult's presence, hollering "Hello?" and "Is anyone here?" After a lengthy duration, a man, whom my son had never met, finally appeared from what was a likely bedroom hallway. He was not the current boyfriend. Subsequently, our son learned that the man was identified as the mother's roommate, living with her in a two-bedroom apartment along the children. This arrangement was apparently acceptable to the GAL.

All of this collected danger and neglect was NOT acceptable to my son, who was recording this incident for evidence. He told this stranger to give him the child's belongings and we left with

the child. By the next morning, the mother's attorney contacted our son's attorney stating that they would bring charges of custody interference and seek reallocation of residential custody if the child was not immediately returned to the neglectful, dangerous parent.

Why did our son go to these lengths to prove unequivocally that the mother was unfit to parent? Because his attorney advised that even with substantial evidence—including police reports and testimony, a record of two child endangerment convictions, and compelling written testimony from the maternal grandmother documenting mental health instability—none of that evidence could be heard in this new case pleading for supervised parenting time. Unlike other matters before courts, where a defendant's past criminal history may be admitted when charged with repeating the same crimes, our son was told that in subsequent family court cases, a plaintiff cannot admit into the record a defendant's previous convictions and documented offenses once a consent judgment entry is recorded. In any subsequent case, a protective parent begins from square one every time, even with a proven pattern of neglect or abuse.

The case outcome was heart-breaking, where no one except our son demonstrated as foremost the child's best interests. A court hearing was scheduled. Arriving to testify was our son, the private investigators and my wife as the child's daily care provider while our son attends work. But the magistrate disallowed all testimony. Neither parent and no witnesses were even brought into the hearing while the two attorneys, the GAL and the magistrate arrived at this decision. The mother was not ordered to be supervised nor meted out any greater sanctions. Instead, the court appointed the MOTHER as supervisor of the drunk-driving boyfriend and only when the boyfriend was in the child's presence. Even that scant censure held a sunset provision after a few months. The mother's own access to the child was unrestricted in any manner.

Later, the mother married the boyfriend and had more children with him. She has continued to make parenting decisions which place all the children at risk. We frequently have worrisome, disquieting parenting-time weekends or whole weeks, not knowing what risks the children may be facing. Since the last parenting time case, there have been additional harmful and dangerous outcomes for our grandchild. We've attached a representative account to the end of our testimony.

Our grandchild has consistently expressed an unwillingness to be with the mother, sometimes with great resistance at getting into her vehicle, where harsh verbal reprimands are often issued. Rather than arbitrary parental alienation accusations, which are reportedly escalating in family court, perhaps instead courts need to fully understand and acknowledge the trauma children—some from their earliest days—have already experienced at the hands of non-protective parents to explain a child's consistent resistance to being with an abusive or neglectful parent.

But parental possession trumps a child's rights to express—at times quite vocally—that she or he may be terrified to be with a nonprotective parent. Protective parents are admonished by courts to talk calmly to the child about the requirement that the child must be transferred.

Despite a protective parent's instinct to move heaven and earth to safeguard their child, they are instructed by courts that not only must they not prevent these transfers but must work to convince the child that she or he must go. Perhaps in the child's eyes, this makes that protective parent a seeming ally of the dangerous parent. Imagine looking a terrified child in the face while telling that child it will all be ok, when you know full well it may not be.

Sponsor and proponent testimony to this bill discussed research on emotional and psychological outcomes to support a shared parenting scenario. Have the same proponents documented any research to show the loss of trust a child may experience in both parents when forced into situations that bring them terror or experiences of neglect?

After pooling family resources totaling more than $50,000 to help our son and grandchild, we have no confidence that the court will respect the rights of a child to be parented in safety. Instead, what our son has consistently heard is the court's intent to recognize the paramount possession rights of an unsafe mother. In response, she manipulates the child and weak court rules to secure parenting time—time which she often doesn't even exercise, instead having others spend that parenting time.

HB 14 will make this situation all the worse for many, many children. It moves the needle further away from safety for a vast number of children. Across the country, even after protective parents pleaded with courts to restrict nonprotective parents, children have died at the hands of dangerous parents during court required parenting time.

Despite the sincere intents of those "good and safe parents" who advocate for this bill, in our view, our grandchild's very life and the lives of so many other children are of greater seriousness. So is their long term emotional and psychological well-being, if those children are fortunate enough not to be one of the statistics who dies.

Children are not excluded in "We the People." Their rights to life, liberty and the pursuit of happiness, and their protections from dangerous adults, should be strengthened, not weakened, by the General Assembly and by the courts. We urge a no vote to HB 14.

Among a long list of subsequent child welfare concerns, our grandchild's mother has:

- Failed to provide proper supervision for her children after giving them lit sparklers on a Fourth of July. As a result, our grandchild suffered multiple second-degree burns for which the mother failed to seek immediate medical attention. The child is permanently scarred.
- Failed to provide proper supervision while she alone accompanied all her children, whose age differences span more than 10 years, to an active hotel swimming facility. Our grandchild's older sibling almost drowned, and was, in fact, saved because our grandchild alerted strangers at poolside who dove for the child while the mother was removed with the younger children at a splashpad.

- Demonstrates infrequent motivation to arrive on time for the exchange of parenting time.
- Coerces our grandchild with sobbing claims that her “heart will be broken” if she can’t have forfeited parenting time when she fails to show up for that time.
- Failed to attend our grandchild’s activities and parent teacher conferences despite proper advance notice being provided.
- Is frequently in substantial arrears for her child support, requiring more court time and costs to get resolved. She fails to report to the child support agency her employment which has changed frequently over the years.
- Was arrested for shoplifting at a time where we believe she was likely with at least some of her children.
- Uses foul language around her children and exposes them to inappropriate media.
- Forces the children to submit to her will on everything from forcing food they dislike to confining them for extended periods to their bedroom where toys and books are limited. In fact, she often withholds toys and books as punishment and children are deprived of their rightful possession of even comfort objects.
- Ridicules one child in front of another and allows her husband to do likewise.
- Disparages our son and his family members.