

TESTIMONY BEFORE THE PENNSYLVANIA HOUSE JUDICIARY COMMITTEE
by RICHARD ALTHAUS
May 6, 1993

Mr. Chairman, members of the Committee, my name is Richard Althaus from Mt. Lebanon, and I appreciate the opportunity to address you this morning.

I am a career federal civil servant and my wife, Renee, is an elementary school teacher in the Mt. Lebanon School District. We have two children, a daughter Nicole, now 18, and a son Bryan, 14.

In 1990 my wife was diagnosed as having breast cancer. Thankfully due to extremely early detection she had successful surgery and is today cancer free. She did, however, hit the "emotional wall" in her recovery in the fall of 1990 while our daughter was 15 and a sophomore at Mt. Lebanon High School.

Our daughter was deeply distressed by what she saw as vulnerability in a Mother who had always represented strength and support to her. In addition, her grandmother was also diagnosed during this same time period with incurable pancreatic cancer.

During this difficult period our daughter looked to surrogates to provide the emotional support she needed. These included a teacher in the Mt. Lebanon School District who started off her first class by saying she was a victim of abuse as a child, and a social worker at Magee-Womens Hospital who Renee was seeing in a cancer support group. We arranged for our daughter to see this social worker in the recognition that she was depressed and needed support to understand and deal with the emotions of the illnesses.

Unbeknownst to us, this teacher and social worker were acquaintances. Together they planted in our daughter's mind the doubt that she could be so upset because of cancer and that there must be something else bothering her. These seeds were later cultivated via manipulation of our daughter to become allegations of indecent sexual activity against me.

In late February, 1991, the social worker reported to Allegheny County CYS her suspicions and our daughter was taken by the teacher to meet with CYS where she recounted vague tales of sexual improprieties.

My wife received a telephone call on a Thursday afternoon at her school from CYS caseworker, Cheryl Armour, who requested to meet with her. When pressed by my wife as to the reason for the requested meeting Armour advised her that "**Your husband has been sexually abusing your daughter.**" My wife dropped the phone and broke down. After recovering from the shock she called me at my work and I was as stunned as her by the allegations.

I called back Ms. Armour and she now wanted us to meet with her late this same day and to bring our son with us. At this point I contacted our attorney to advise him what had happened and he recommended that we not meet with CYS without counsel present as he had had experience with clients who had been placed at severe disadvantage due to the judgmental reporting by CYS at meetings where counsel was not present.

Our attorney called Ms. Armour and indicated we would not be meeting with her that afternoon and that he would call in the morning to schedule an appointment. Ms. Armour then advised our attorney that Renee had the option of kicking me out of the house and Nicole returning home, placing her with her teacher, or having her sent to a shelter. Our attorney asked if CYS had checked out this teacher as she had indicated in her class that she herself was a victim of abuse. Ms. Armour said CYS had checked her out.

When we were advised of the placement options facing us we rejected all three; CYS placed our daughter with her teacher.

On Friday morning our attorney contacted Ms. Armour and it was agreed that we would meet together the following Thursday. The delay was due to Ms. Armour not being available until then.

This same morning, however, Ms. Armour met with the Mt. Lebanon Police. After our daughter repeated her allegations to the police detective, she and Ms. Armour had our son taken from his classroom for questioning.

Our attorney had counseled Bryan the previous evening that if he was taken from class to meet with anyone he was to request that they contact him to be present. Bryan did as he was told and asked that his attorney be present; the police detective shouted at him that he must answer their questions, now. Bryan, then 12, answered all questions, denying all allegations made by his sister.

In spite of our son's denial, and without any advance contact with us, the Mt. Lebanon Police obtained a warrant for my arrest late Friday. They waited until 11:30 PM to come arrest me out of bed. I was held in detention on \$50,000 straight bond, remaining in jail for three days until Monday evening after a bail reduction hearing.

The recounting of these events is important. First of all, CYS initiated police involvement before doing anything that had any semblance of any investigation. As our daughter had been removed by CYS from the home there was no emergency justification or reason for such action.

Second, there was no independent corroboration of the allegations made by our daughter. The referral to the police was made directly by Ms. Armour before any independent evaluation by psychological or medical professionals was obtained to determine the credibility of the allegations.

CYS and the Mt. Lebanon Police later enlisted others to legitimize their actions. Several weeks after my arrest a "credibility report" was conducted by a psychologist at Pittsburgh's Childrens Hospital.

This report concluded that our daughter was credible in spite of containing numerous "red flags" which were not checked out or investigated. If our daughter was so abused, how did she maintain high honor roll grades, participate in extra curricular activities, have excellent school attendance, and have no medical evidence of any abuse? Also, why would we take our daughter to see a social worker if the alleged acts were occurring?

The answer to all questions, we believe, was that the results of this credibility report were predetermined and the whole exercise was part of a confirmatory system.

Two weeks after my arrest, CYS scheduled a placement hearing in Juvenile Court. Before the hearing I submitted to a polygraph test administered by a Pittsburgh Police Officer. I passed this test, and our attorney advised Ms. Armour and the Mt. Lebanon detective. Neither gave my taking or passing the test any merit.

At the placement hearing Ms. Armour testified that we agreed with the placement of our daughter with her teacher. This lie was immediately challenged by our attorney as incorrect. We used the hearing to offer alternative placement but our choice rejected by the judge based on the recommendation of Ms. Armour. The judge asked our son his wishes and he indicated he wanted to stay with us; the judge approved his request.

CYS next referred our daughter to the WPIC Sex Abuse clinic where she was to become a patient of clinic head Dr. Judith Cohen. My wife spoke once with Dr. Cohen and asked her to be objective. Dr. Cohen told my wife that a jury would decide the case.

Later allegations by our daughter took a bizarre escalation including murder, multiple childbirth, satanism, drug use, and pornography. These allegations included others, including George and Heidi Stipetich of Upper St. Clair, whose home it was alleged I took our daughter on a weekly basis for a period of two years.

I was arrested a second time in August, 1991, at my place of employment. When told the reason for my arrest I asked, "Who the hell is George Stipetich?" We didn't even know these people.

On the first day of the new school year my wife was arrested. She was charged with abuse first only at our home but then, when she didn't "roll" on me or the Stipetich's she was arrested a second time and tied into the allegations involving that couple.

CYS filed indicated reports against my wife and I based solely on our daughter's allegation. Then our daughter accused her grandmother and brother of abuse. CYS filed an indicated report

against my mother-in-law when she refused to talk to them on advise of our attorney. Our son, who my daughter alleged first as abused and then abuser, talked with CYS and they determined him credible and dismissed our daughter's allegations against him as unfounded.

I'd like to point out a major inconsistency in CYS' actions on this case. The Stipetich's were publicly identified in the media while we were protected from exposure as our daughter was a minor. At the time of the allegations the Stipetich's had four minor children under the age of 15 living with them. No one from CYS ever contacted the Stipetich family to interview the children. Were not these children at risk if their parents were involved in such horrendous acts as were alleged?

My wife met with CYS on several occasions during the period of the charges against us to go over family service plans. Points in these plans included our acknowledgement that we had sexually abused our daughter, that we supported our daughter's continued placement with her teacher, and her continued treatment at WPIC. Obviously, we were at odds with all three "goals" and never signed anything developed by CYS.

At one point CYS assigned an open-minded caseworker on the case and she was removed within weeks at the prompting of the Assistant District Attorney, Dr. Cohen, and the foster mother. The ADA actually contacted high level personnel in CYS to ensure the removal of this caseworker. She was removed, and her removal was duly noted in Dr. Cohen's records.

Other information gained through discovery documents has provided examples of where CYS personnel lied to us and purposefully kept us in the dark about our daughter's health and welfare. Our daughter was actually hospitalized during the fourteen months she was away from us and we were never notified. To CYS and the rest of the legal, social services and medical establishment working to convict us, our rights meant nothing.

CYS acknowledges that two-thirds of all reported cases are without merit and they are dropped without any action. Such a high percentage of false reports begs the question of the nature and intent of such reports.

It's even more frightening to me that our case was among the one-third that CYS felt had merit, and this determination was made based on nothing that comes close to an investigation. How many others have been similarly mistreated as a result of such actions by our present system?

CYS was, in our opinion, as guilty as those who initially counseled our daughter into her allegations. CYS was grossly negligent in their responsibilities under the law for verifying reports of child abuse and for their actions which almost destroyed my family.

Our system of government is based on a presumption of innocence until proven guilty. In child abuse proceedings, however, this right is washed away in a sea of emotionalism. The San Diego County Grand Jury in their February, 1992, report on this subject noted, "The burden of proof, contrary to every other area of our judicial system, is on the alleged perpetrator to prove his innocence."

Once allegations are publicized, those accused will forever bear the scars of the accusations. For this reason, it is imperative that actions which are initiated be measured and appropriate and not be recklessly initiated based on emotions or limited and incomplete investigatory information.

My wife and I have been fortunate. All charges were dropped against us last April during pre-trial proceedings when our daughter refused to testify. After more than a year of therapy our daughter has disclosed that the allegations which she made under stressful situations were totally without substance. Based on her recantations she has returned home and our family unit is back together. Incredibly, she had been told by her court appointed child advocate that she would be arrested if she ever recanted.

The truth of the matter is, Nicole was not protected by the system and was in fact a victim of the very system mandated to protect her. After being convinced she had been sexually abused, she was placed by CYS in the care of a woman who we warned them about. Dr. Cohen's treatment records document that our daughter was verbally and emotionally abused while in her foster placement, and, at one point, it became so bad that alternative placement was actively pursued.

An opinion on the appropriateness of the handling of our case was issued by Judge Robert Dauer, Chief Judge of the Court of Common Pleas of Allegheny County who presided over pre-trial deliberations. Judge Dauer wrote, "The horrendous criminal charges brought against Mr. Althaus and Mr. Stipetich were directly attributable to promptings of a teacher and foster parent, county social workers, treating physicians, and police officers which may have been altruistic but were based on false information that should have been further investigated and questioned."

In closing, the false reporting of child abuse can not be dismissed as a rare abnormality in the system. Our social service systems must be structured to ensure the protection of the child and the rights of those accused while initiating a comprehensive review and investigation of the allegations to determine their validity.

Our legislative mandates must require accountability when allegations are determined to have been filed based on malicious intent or from individuals who have persuaded a child to make false allegations.

In addition, CYS and its personnel must, on an **organizational** and **individual** basis, be held to a level of professional accountability commensurate with the authority and power with which we empower them to act in the performance of their responsibilities.

Negligence in the performance of their responsibilities by reason of inadequate or unprofessional work ethics must result in legal accountability and responsibility.

Thank you.