

I should begin by stating that I am in favor of shared parenting when it involves two **FIT** parents, with emphasis on the word **FIT**. Our custody arrangement began as 50/50 per the father's wishes despite it following two CYS referrals against Father by reported inappropriate touching from our son. Father proceeded to violate that Order 21 times in the next 1.5 years and our son was being negatively affected. As a result I filed for primary custody and we had a custody evaluation completed. During that time Father was claiming that I was attempting to alienate him despite it being Father engaging in those behaviors. I was awarded primary physical custody in 2012. Following this change in the Custody Order, Father increased his alienation efforts and our son began making very disturbing statements like, "you're going to jail, "dad says mom deserves to be in hell," etc.

The Father and I were working with a co-parent coordinator for two years attempting to create a parallel parenting plan to address the ongoing issues with co-parenting and Father violating the Court Order. After 10 months, Father refused to sign the Parallel Parenting Plan. The co-parent coordinator decided to meet with the child for the first time and he presented concerns to her that resulted in my filing for sole legal and physical custody with supervised visits for Father. The sole legal custody was based on multiple issues of Father failing to properly care for the child during medical needs and refusing to agree to appropriate and recommended treatments for the child. At that time we had a third custody evaluation with the original evaluator. He concluded in his evaluation that despite Father continuing to claim that Mother was attempting to alienate the child from him that there was no evidence of that alienation, however there was evidence that Father was attempting to alienate Mother.

Following that hearing in Sept. 2014, I was awarded full legal and physical custody of my son along with a finding of Contempt against Father after two experts testified to the mental and emotional abuse that was inflicted upon our son by his Father. Father was permitted to have supervised visitation, however he was found in Contempt of the Court Order again and then committed a felony related to our case so the supervisor suspended supervised visits and required that father get a complete psychological evaluation and meet some additional objectives to resume supervised visitation. Father took 18 months to request resumption of the visits, the supervisor indicated that too much time had passed and that he had not met her requirements so she thought the Court should decide if contact was to resume. Supervised visits occurred from Jan. 2017-Sept. 2017 when the reunification counselor resigned, indicating that she believed the child needed a break (as the visits were causing him significant distress). So visits were suspended while we sought a new reunification counselor. Against the agreement reached by the attorneys, father made initial contact with the proposed counselor and then sent her documents that was supposed to occur from the attorneys. She chose not to get involved in the case citing that there was a history of boundary issues and concerns that could continue to be an issue with Father. Father's attorney petitioned the Court to resume visits and the Judge stated they should resume without ever having a hearing as to why they were stopped or from the mental health professionals who were advising that it was not in the child's best interest. The Judge continued to deny a hearing and ignored an Emergency Petition that my attorney filed in January 2018 to address the concerns for the child.

Father's attorney filed contempt against me for not resuming the visits and the Judge scheduled a Contempt hearing for 3/27/18. My attorney advised that I should allow visits to resume since the Judge was threatening jail time for contempt even though I have never violated a Court Order. So we told the child visits were going to resume and asked what help he needed for him to be more comfortable during the visits (he had shared with his therapist how he was feeling during the visits). He also began telling me, "I want to see my dad, but my body is uncomfortable." He mentioned this repeatedly over several weeks. The supervised visit was set to occur on Sunday evening 3/18/18 and on that day the child exhibited very non-functional behavior for several hours. When asked what was happening for him so that we could figure out what he needs to have a good visit with his dad, he disclosed inappropriate touching by his father and indicated that it happened frequently over the course of a few years. He disclosed to his trauma specialist as well as his pediatrician who both filed reports with Childline.

CYS interviewed the child and determined they would be conducting a full investigation. My attorney contacted the judge's office and asked for a phone conference with father's attorney and the judge regarding the upcoming hearing and requesting a continuance until CYS completed their investigation. Father's attorney indicated that he had witnesses who rearranged their work schedule to testify on 3/27/18 so he would like for them to still testify. According to my attorney, the judge's response was, "That's fine. There won't be any prejudice given to which witnesses testify on that date and those who don't since I'm not going to do anything because I don't want to interfere with the CYS investigation. The record will remain open." My attorney indicated that she would only be bringing the CYS caseworker to testify to an

open investigation since it doesn't make sense to bring the mental health professionals until we know the outcome of the investigation.

At the hearing, the reunification counselor testified that she last had contact with the child and this father in June of 2017 prior to her resignation in Sept. 2017 so it had been about 9 months since she last saw the child. The father's therapist testified to how much better father was and there were no existing issues. My attorney cross-examined her and asked if she was aware of the 3 violations of the Court Order that father engaged in the Fall of 2017 after the supervised visits were suspended and she responded that she was and they spoke about those extensively. The Judge took a brief recess and then called the CYS caseworker into his chambers independently of the parties' attorneys. Then requested the attorneys after sending out the CYS caseworker. He returned to the bench and indicated his concern about the conflict in this case and the "perception" of possible influence upon the child regarding the allegations and possible alienation (of which there has been NO evidence/testimony ever provided!). He ordered CYS to take full physical and legal custody of the child for 2 weeks until the child completed the forensic interview at the Children's Resource Center.

Two days later I was informed by the CYS caseworker that there was a hearing on 4/3/18 which was required by federal law for CYS to outline the plan for the child. The CYS caseworker also indicated that although these hearings are usually held in their office with a hearing master that the custody judge indicated that he was presiding over this hearing. I was informed by an attorney that CYS must prove that I am unfit or abusive to retain my son in placement. They did neither at the hearing. The CYS caseworker testified that he visited my home and it was neat and clean and no concerns with abuse. However, the Judge still ruled that CYS met the threshold of Dependency to keep the child retained. The Judge added that both parents were to get a psychological evaluation before he would re-evaluate the child's placement. The psychological evaluations were completed by the same psychologist, which resulted in an extremely negatively biased report towards me. The psychologist misquoted me along with both of my therapists in ways that aligned with the outcome CYS was implying – **that I influenced my son's opinions about his father despite the fact that the psychologist never spoke with the child or his therapist of 4.5 years to determine if he even had negative opinions of his father.** The psychologist drew conclusions that have no supporting evidence in the report. Both of my therapists indicated that they felt distressed after speaking with her and that she was asking leading questions towards a preconceived agenda. The CYS caseworker was quoted as saying he **"heavily influenced that evaluation."**

So I obtained a second opinion, which unfortunately wasn't completed prior to the next hearing date of 5/8/18. The outcome of that psychological evaluation was significantly different than the first. It was far more comprehensive as well as more accurate. We arrived for that hearing and the Judge took the GAL and the Solicitor for CYS into his chambers independent of the parties' counsel for 30-40 minutes. The attorneys were then called into chambers and were told what decisions had been made. My attorney emerged and motioned me to follow her. We went to a room where she could privately tell me that my son was not returning home, despite the GAL and CYS caseworker both providing that indication to the child prior to the hearing, and the fact that the requirements of Dependency Law still had not been met. She also indicated that the abuse allegations were unfounded based on the perception that I influenced my son to make the allegations, **again with no evidence, and they were making recommendations from the original psychologist's reports even though they weren't bringing her to testify or be cross-examined.** CYS was setting objectives that I needed to obtain a new psychologist, but father could retain his therapist, and that father and I needed to participate in family therapy together to learn how to communicate better about the child and create 50/50 custody agreement by the 3 month review. Neither of these objectives are appropriate for the custody circumstances that have existed for the past 7 years, of which **CYS has no knowledge. However, the Judge accepted their "recommendations."**

At the 4/3/18 hearing, CYS was to obtain a psychological evaluation for the child that was not able to be scheduled until 6/5/18. The report for that evaluation was issued to the parents on 7/18/18. The reports identifies no symptomatic behaviors by the child of alienation towards the father, which the Judge indicated concerns about without any evidence ever presented to that effect, and results of an objective trauma assessment of the child with indicators of potential childhood sexual abuse.

I began supervised visits at the YWCA on 3/26/18, which continued at 4 hours/week. Father began supervised visits on 5/18/18. Our son's behaviors drastically changed and continued deteriorating since the contact with his father began. The YWCA indicated concerns that the CYS caseworkers ignored. On 5/25/18 my son was abruptly removed from my friend's home as his foster placement due to a missing physical form for the foster father that the adults failed to communicate in order to locate. **Rather, CYS removed the child on an "emergency" basis and notified me the following day that they moved him to his father's sister's home, the house where some of the abuse occurred. Father and his sister and brother-in-law then violated the Court Order for the next 3 consecutive weeks by giving the father access to the child outside of the approved YWCA supervision. CYS did nothing in response. The child's behavior continued to deteriorate and he began reporting inappropriate comments by his paternal aunt that were negative towards me. CYS saw this in the YWCA reports and also has had no response despite the fact that the child was being subjected to the same mental and emotional abuse by the paternal aunt that he previously endured from his father.**

My son stated repeatedly for 7 months that he wanted to return to our home and that I have done nothing wrong, yet it fell on deaf ears with CYS and the GAL. I have not been found in Contempt or unfit or abusive and yet CYS had my son in a foster placement for 11 months while permitting me only 4 hours/week of supervised contact despite more than a dozen supervisors appointed by CYS reporting no concerns with the interactions between me and my son. Despite identified concerns from the supervisors since supervised visits began with Father, CYS moved the child into live with his Father 7 months into the Dependency. This all occurred 3 weeks before the 7th hearing, 8 months into the Dependency, the first time that I was permitted to testify and present a single witness. I was denied due process and the requirements of the Dependency law were never met. I petitioned to have the Judge recused since he is no longer in the Family Division, he did not meet the requirements for a Judge presiding over Dependency cases, and he continually denied me due process.

Significant concerns emerged shortly after the child was placed to live with father. The supervisor of my visits who was appointed by CYS met with CYS about her significant concerns and CYS' response was to tell my supervisor to alter her reports and bribe her "to write her reports the way they want them written." My attorney filed an Emergency Petition over these concerns and that was ignored, and on 12/27/18 Father was given full legal and physical custody. My time remained at 4 hours/week supervised despite the passing of 9 months and no concerns identified. The child then began refusing visits with me without giving any reasonable explanation so I saw him about 2 hours during the month of January. At the end of January I met with three staff members from the DHS to express my concerns over the unlawful handling of my case by CYS. On Feb. 14, 2019, five days prior to the next hearing, I was suddenly permitted to see my son unsupervised and for any amount of time. CYS ended the Dependency at the very next hearing on Feb. 19, 2019, however with Father retaining full legal and physical custody.

Father has continued to violate the Court Order as well as engage in the psychological abuse of alienating our son from me. Evidence of this has been presented to the Court, however, the Judge continues to hold private chambers meetings not on the record, despite my opposition to them, and indicate outcomes that would be unfavorable to me if the parties can't reach our own agreement. **We began a 50/50 schedule in August 2019. Our son's behaviors continue to deteriorate except when we are out of town together, then he is fine. He exhibits textbook symptoms of a child being alienated by one parent against the other, but more concerning is that he has continued to demonstrate the indicators of a child who has been sexually abused. The pediatrician was finally permitted by the Judge to testify uncensored (she was censored by the Judge in the Nov 2018 hearing) on June 6, 2019 and she identified in sworn testimony the detailed disclosure the child made to her. The Judge sent the child home with his Father that same day. Additionally, in our most recent "hearing" date of Nov. 26, 2019 there have been about 23 instances of Father violating the Court Order just since June 6, 2019, 5 months. The Judge stated in yet another private chambers meeting that he isn't finding anyone in Contempt. So why have a Court Order and why is this Judge on the bench if he's not going to enforce Court Orders that he signs into existence? This gives Father free reign to continue using the child as a weapon against me and abusing him.**

My son disclosed abuse by his father and in 16 dates of hearings no evidence has ever been presented of ANYTHING I have done to lose custody of him. There is ample documentation to support his disclosure of abuse by his father having

occurred by multiple professionals in addition to documentation of concerns by numerous third parties over the past 8 years. CYS did not speak to anyone except the child, mother, and father, excluding the mandated reporters, as part of their "thorough" investigation. **I have been denied due process throughout the past 18 months by the Judge denying my witnesses, not permitting my testimony, holding chambers meeting with attorneys that are not on the record, etc. The 5/8/18 "hearing" was decided in chambers with only the Judge, CYS Solicitor, and GAL participating, and then returning to the courtroom to "put it on the record," by allowing the CYS caseworker as the only witness. The YWCA reports from supervised visits for both mother and father indicate the ongoing pattern of behaviors and concerns of the child when contact with father occurs. Father has continued to violate Court Orders which has been an ongoing issue and the child was not in an emotionally safe placement with his paternal aunt, but CYS continued to ignore all of these transgressions. After the child became more vocal during my supervised visits at the YWCA, CYS issued new "rules" prohibiting the child's speech, which is a violation of his Constitutional rights, and "rules" that the YWCA supervisors had not seen for any other case in over 11 years. CYS expended more time and energy trying to cover up doing the wrong thing than any time it would have taken them to do the right thing for this child and instead continue to keep the child in harm's way.**

CYS has been cited by DHS for multiple violations in this case, however, they failed to identify that a proper abuse investigation was never done according to the law and their own policies. Page 2 of the 2015 Correction Plan for Dauphin County CYS states that they must obtain medical records. Additionally, DHS staff indicated that they spoke to the Judge during their investigation, however never to the mandated reporters that were never contacted. The psychologist for CYS also had a private meeting with the Judge in Jan. 2019 despite the fact that he was a witness in this case. CYS closed the case on 5/8/18 as unfounded and requested medical records on 6/25/18, 7 weeks after the fact even though the pediatrician was one of the referral sources whom they also never spoke to. So as a result, the Judge has proceeded in this case forcing a 50/50 custody schedule and identifying that the parties need to attend family therapy to learn to communicate better about the child. **So I'm expected to sit in a room and learn to communicate better with the man who molested our son and who continues to psychologically abuse him in his alienation efforts against me. No one should ever be put in that position and that is NOT an appropriate resolution to abuse.**

While I agree and support shared parenting in most cases, I implore you to emphasize the word FIT parents in the writing of this law as well as insure that Judges are adequately trained to not simply assume that abuse allegations in high conflict cases as always false allegations. Sometimes the high-conflict is BECAUSE of abuse and no child should ever be put through what my son has been put through after having the courage to disclose that his father molested him. The very people charged with protecting children have failed him over and over and have added trauma upon trauma for this child.

It is no longer acceptable for people to continue uttering how "broken" the system is for children. It is dysfunctional and by most accounts that is purposeful due to the billions of dollars it generates for the legal profession and state agencies. Our children should not be used as a commodity for the legal system or the state run agencies that exist to PROTECT children. I have thousands of pages of documentation to support my testimony and numerous witnesses that has not been permitted to be presented in court hearings. I also have spoken with County Commissioners, DHS, the Inspector General's Office, the DA's Office, the Attorney General's Office, the Auditor General's Office, the Governor's Office, the Judicial Conduct Board, and have contacted several state lawmakers and filed an Appeal to the Superior Court in my efforts to protect my son, all to no avail despite several of these personnel indicating that they will stop at nothing to protect children in Pennsylvania. **That simply hasn't been true for my son.**

Respectfully submitted,



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