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Speaking of Family

# Dying for custody (Part 1): DOJ announces investigation into Connecticut court programs

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**WASHINGTON**, January 24, 2014 — On January 9<sup>th</sup>, Pedro Garcia III **told** Connecticut's **Legislative Task Force on Family Courts** that in 2009 he was worried about his children's safety, and begged the Connecticut family courts for help protecting them. In response, the court's Family Services Counselor told him *"Pedro, you sound like a jealous ex-husband."*

Just months later, Garcia's ex-wife's new boyfriend was arrested for **brutally murdering his son**.

Garcia is not alone. Over 100 parents and professionals packed the same hearing to voice similar concerns that the court's programs and services are not working for consumers, and in some cases, have shut them out of their own children's lives while allowing pedophiles and murderers to access their kids.

Several parents explained to the task force how their life savings was diverted to family court industry insiders who routinely fail to disclose or resolve conflicts of interest on their cases. Many speculated that the State's family court's programs and industry professionals are working together to arbitrarily revoke their custody rights, only to have family court industry professionals sell them their parenting time back in what Michael Nowacki called "pay-per-view" doses of therapy, assessments, court dates, and supervised visitation programs prescribed by the courts.

Parents also say their cases are being inappropriately handled by current mediation and domestic violence screening protocols used by the Connecticut family courts, which are based in part on a **DOJ funded study** conducted by Jessica Pearson and the **Association of Family and Conciliation Courts**. Pearson was a Judicial Branch contractor who **co-founded** the controversial family court industry corporation with the court employees she worked with.

Following the hearing, some parents received **letters from the US Department of Justice** confirming the agency has initiated an investigation into the Connecticut Judicial Branch's handling of cases involving disabled litigants.

Parents without disabilities want the DOJ to do more, and wonder whether there is a corrupt federally funded policy driving so many troubling case outcomes?

### **ACCESS AND VISITATION DENIED, INDUSTRY SUPPORT GRANTED**

Each year, the Connecticut Judicial Branch received federal funding from the US Department of Health and Human Services Office of Child Support Enforcement (OCSE) and the Department of Justice to fund the

court's programs and services. The purpose of OCSE's Access and Visitation program and **Responsible Fatherhood Initiative** (also funded by **special legislation** on the State level), is allegedly to enforce child support orders and help noncustodial fathers like Garcia gain access to their children.

Torrington father **Ron Tolmoff told task force members** that while the court efficiently addresses the financial concerns of the professionals assigned to his custody case, no one appears concerned by the fact that he has not seen his son in years.

Tolmoff says that the court was initially inefficient [at best] at assisting him when Robert Zaslow, the guardian ad litem appointed to his case, repeatedly obstructed his access to his son's educational records. Upon obtaining the records, Tolmoff was distraught to discover that accused prolific pedophile priest **Richard McGann** was on the pick up list—but he the father was not.

In 2011, **Survivors Network of those Abused by Priests (SNAP)** discovered the accused pedophile living at a Hartford daycare center. SNAP reported McGann's whereabouts to Department of Public Health after it was reported to them that the archdiocese suspended McGann from the priesthood and paid out "a substantial amount" in connections with allegations McGann had repeatedly raped and exploited children during his tenure as a priest.

Tolmoff reports he has paid out over \$50,000 to questionable family court industry professionals for questionable services that often times were unnecessary and always fruitless in his quest to convince the court to require his ex to allow him to spend quality time with his son.

"It only took 30 days to enforce child support and a fraudulent arrearage amount of \$20,000 when I only owe \$5,000 with lack of fair hearing or verification. They collect more from my paycheck than what the order states..." says Tolmoff. "They have attached my wages, income tax returns, and threaten me with many awful remedies that harm my family...but not once have they enforced visitation orders."

## **PROFIT V. EVIDENCE**

Since taking office in 2008, President Barack Obama has made controversial OCSE initiatives a **top priority for his administration**, yet **experts say** that in many cases, the programs may not be helping good fathers, but arbitrarily decreasing the number of fit fathers and mothers who have custody in order to meet the federal funding mandates. The programs then provide these noncustodial parents (some of whom are recruited from prison) with "technical assistance" (legal assistance, supervised visitation, waived criminal penalties, reunification therapy) in gaining custody of the children they may or may not be fit to raise.

**Records** show that in 2002, a Washington based demonstration project **overseen by Pearson** used the OCSE funds to help **Beltway Sniper John Muhammad** sue his ex wife for custody. Mildred had only recently located her children after John kidnapped them, moved into a shelter, and enrolled them in school under fake names. When Mildred took the children into hiding, John embarked on a cross-country shooting spree that left 9 people dead.

In Connecticut, the court's **AV program grants** are partnered with Fatherhood programs and overseen by Task Force member **Joseph DiTunno**, who is a manager in the Court Support Services Division. The funding is used to sponsor the court's mediation programs, supervised visitation, and court operations.

At last week's hearing, several mothers testified that judges often awarded sole custody of their children to violent criminals, then ordered fit mothers with no history of abusing or neglecting their children to purchase parenting time from supervised visitation centers. They say the courts refused to allow them to utilize the federally subsidized services, essentially starving them out of their parenting rights.

**In 2010, the Judicial Branch signed a multi-agency agreement** between the Judicial Branch, the Department of Corrections, Department of Parole and other agencies which requires signatories to use State resources to promote the Responsible Fatherhood industry, or rather, to deliberately discriminate against parents on the basis of gender in various government services affecting the outcome of custody cases. DiTunno is listed on the agreement as the CSSD contact liaison.

Michigan based Father's Rights activist **Doug Dante** also questions what the grants are being used for.

"It does not appear that there is meaningful federal control or supervision which would prevent fraud, waste, and abuse at the parenting time program," says Dante. "In at least one state other than Connecticut **there is significant evidence** of grossly inflated fees, serious financial conflicts of interest, and underhanded activities by parenting time coordinators."

## **PARENTS QUESTION AFCC INFLUENCE**

Tolmoff testified that Zaslow failed to disclose his conflict of interest that he is an AFCC member, and **he founded and operates** a trade association for family court industry professionals together with some of other professionals assigned to his case. Parents like **Peter Szymonik** testified to similar experiences with AFCC proprietors and speculated that the Judicial Branch's own investment in the corporation's services may be the reason why so many complaints about AFCC affiliates were dismissed by authorities without proper investigation.

In 2001, CSSD Director and **AFCC past President Robert Tompkins** received an award from the AFCC, and CSSD manager Steven Grant was elected to AFCC's board of directors. According to **AFCC member/donor/CSSD Regional Manager Debra Kulak**, the Judicial Branch subsequently awarded the AFCC a contract to "research" and set up the court's case screening protocols. The "research" team included **DiTunno and AFCC affiliated CSSD employees Grant, Kulak, and Catherine Ceruti**. In 2009, Judicial Branch Operations Manager Marilou Giovannucci **won an award from AFCC** for her "behind the scenes efforts in helping the association reach new audiences and expand its reach."

**Controversy arose in 2013** when several Connecticut judges and court employees founded a State chapter of the trade association together with some of the professionals who appear before them on family court cases.

The Judicial Branch then paid the corporation to conduct trainings usually allocated to said AFCC affiliated employees.

In 2013, the **Commission on Judicial Ethics ruled that** judicial membership in such organizations is a violation of professional codes of conduct, yet the Judicial Review Commission subsequently dismissed all complaints filed by parents against AFCC affiliated judges who heard cases involving other AFCC proprietors. The Secretary of State's office has not recorded any changes to the corporation's board of directors since the corporation's establishment.

What are AFCC proprietors training the Judicial Branch to do?

Most parents testified that they initially agreed to joint custody, only to have their rights revoked for arbitrary reasons. This could mean CSSD's programs are working as intended, as the grants can only be justified if offenders and noncustodial parents increase their time with children. While the programs may decline to assist fathers like Tolmoff, the system appears to be working extremely well for predators like [ex] Father McGann.

FOR MORE INFORMATION:

Live video of the hearing:

<http://www.ct-n.com/ctnplayer.asp?odID=9782>

Written testimony:

<http://www.cga.ct.gov/jud/ldcc/Testimony.asp>



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