

MY TESTIMONY GIVEN AT JULY 29, 2002 CUSTODY EVIDENTIARY HEARING

To begin my testimony I think the appropriate starting point would be in addressing a July 3, 2001 letter authored by Dr. Richard Bennett (my daughter's treating psychiatrist) sent to Attorney Beverly Mears my daughter's guardian ad litem. (I have that letter with me and it has been filed as attachment to Ms. Aigner's, December 11, 2001 Petition For Psychiatric Evaluation.)

Mr. Bennett's concerns in this letter were that he could not understand why I suddenly wanted to exercise my one hour supervised visitation rights with Stephanie (my daughter) after having not exercised those rights for eleven months following Judge Hiram Carpenter's July 14, 2000 custody order? I will respond to that question by reflecting on the July order where Mr. Carpenter expected Stephanie's reaction to his order would most likely result in an explosive behavioral eruption. Without conscience Mr. Carpenter concluded that Stephanie's shattered emotions can be brought under control by incarcerating her in a Residential Treatment Facility. Just the thought of that happening to my daughter terrified me. I think we all know that these institutions are akin to a prison specifically designed to break a child's will and control their emotions and behavior with absolutely any method that the staff deems necessary, including drugs, confinement and total isolation from the outside world. Given Stephanie's fate if should she lash out as a result of that order I felt I needed to make a judgment call which would have had the least negative impact on Stephanie's precarious situation that the court inflicted on her. I was afraid that if I attempted to initiate the weekly one hour supervised visit with her that just my limited presence in her life would be blamed for triggering a real or feigned emotional outcry that would have caused her to be placed in one of these institutions. Even still I worry every day that Stephanie would suddenly be rushed off in the middle of the night to one of these facilities without my knowledge and even if I did know, I would have no legal means as a parent to offer her emotional support or legally defend her.

I want this court and Mr. Bennet to know it hurts me and my family deeply to be kept away from Stephanie like nothing anyone could ever imagine. To this day I cry, I don't sleep well and not a single minute of the day goes by that Stephanie is not in my thoughts. This endless nightmare effects my work and often I find myself driving down the highway with tears running down my face. Other days I hurt so bad I just want to die to escape the pain of my broken heart. And these are the same feelings that every one of my family members feel. My mother who loved Stephanie more than life itself went to her grave two weeks after Judge Carpenter removed Stephanie from her life with the greatest hurt that was ever done to her, knowing that she would never see Stephanie again. As hard as this may be for Mr. Bennett to understand this is called LOVE.

Even though I could not be in Stephanie's life directly I did everything I could do legally to rescue her from the viciousness and imprisonment of Judge Carpenter's order. I filed an appeal pro se in the Superior Court of Pennsylvania knowing it would be at least nine months that I wouldn't see my daughter all the while praying for God's speed to

somehow expedite the process. Instead roadblocks were implemented through transcript delays adding to my woes and wasting precious months away as Stephanie was exiled from her dad and family.

When the transcripts were finally completed 108 days delinquent and I was issued a brief schedule by Superior Court I was at point of desperation to gain Stephanie's freedom. I consulted with attorney Anthony Zanoni on March 30, 2001, seeking legal advice and technical pointers to file a proper and effective legal brief. Being certain that the Superior Court would have to vacate Judge Carpenter's July 14 order that was constructed from fraud and extreme bias. I was forthright and totally honest with Attorney Zanoni telling him the details of my case emphasizing that the recently completed transcripts were wiped out, replete with alterations of material facts and statements. When Mr. Zanoni learned that Dr. Nancy Baker was previously involved with the case he energetically offered to file the brief for me at the cost of \$2,700.00. Even at that I felt this was a cheap price to pay to help my daughter. That day I felt the weight of the world was lifted from my shoulders.

On April 19, 2001, four days before the brief was due in Superior Court Mr. Zanoni called me into his office and advised me to drop the appeal in Superior Court. As a trade off he assured me that there would be no problem getting me custody of Stephanie equal to the original shared custody agreement that I had prior to Judge Carpenter's July 14, order. He said that he read the entire case record and I should have never lost custody of Stephanie in the first place. His selling point to drop the appeal was that by late spring or early summer I would be back in Stephanie's life as opposed to having to wait for a Superior Court ruling that would most likely come in the fall 2001. While I was reluctant to follow this recommendation, I agreed because I was anxious to be reunited with my daughter again, put this whole matter to rest and hopefully resume a normal life together..

Finally Mr. Bennett and this court should understand that it was not a sudden change of mind by me to seek visitation or custody of Stephanie, I never stopped seeking custody of Stephanie after July 14, 2000. Instead it was just a sudden change of circumstances that brought it to light sooner. Reinforcing my belief that Attorney Zanoni was true to his word and that I would soon regain shared custody of Stephanie I received a letter from him dated May 10, 2001, that summarized a conversation with himself and attorney Beverly Mears laying out the specific requirements for the new custody arrangement and the stipulations that I would need to follow to complete the agreement. The primary stipulation to activate the proposed agreement was for me to attend two supervised visits and if no problematic conduct occurs Attorney Mears would apply for resumption of a more normal custody schedule. (I would like to enter that letter into the record.)

While I fully accepted the terms of the agreement between the attorneys I also forewarned Attorney Zanoni that he should not schedule the two supervised visits unless he was absolutely sure the process would be completed without delay right on through to the custody agreement. My concerns were that there is an established pattern and recorded history demonstrating that every time I seek custody or extended visitation with my daughter she unexpectedly becomes involved in some confrontational incident with her

mother or ends up in some mental institution. He agreed that they would be careful and once the process started it would conclude quickly with a judge signing off. No hearings would be necessary.

After a couple months delay the supervised visits commenced on August 2, 2001. Attorney Zaroni attended and initiated the first visit with me and advised Sandy Fluke that there would be two or three visits at most than a custody schedule was to be worked out. While I was glad to see Stephanie for the first time in 13 months I felt angry and sick in my stomach when I had seen my poor girl with no eye lashes and barely enough hair on head to cover her scalp. It was all ripped out. The second visit was scheduled for August 9, 2001, and like the first it went exceptionally well and without incident. I was told by Sandy Fluke after the second visit that the custody office wanted me to continue these visits under the pretense that they just wanted me to keep in contact with Stephanie until a meeting was scheduled.

When I was given a supervised visitation schedule on through September I conveyed my fears to Attorney Zaroni that Bev Mears was not going to be as cooperative as he thought she was going to be. Meanwhile on August 21, 2001, the Superior Court re-issued a new brief deadline for September 30, whereby granting my request to proceed on the original trial court record. I advised Attorney Zaroni that I preferred and he should consider filing the brief in Superior Court since Beverly Mears has made no effort to petition the Common Pleas Court for custody change. I even offered him additional money to do the job. Anyhow, what appeared to be a response or a diversion to my request to file my brief Attorney Zaroni suddenly presented me with a Petition for Custody Modification drafted by him on or about August 23, 2001, and sent to me with an accompanying letter urging me to sign the petition and return it to his office for filing with the court on short notice when it becomes apparent that a formal petition will be necessary. The letter also made reference that attorney Mears was optimistic that a normal custody resolution will be reached whereby avoiding the costs of continuing all the way to Evidentiary Hearings. (I would like to enter the letter into the record). (Shows Mears wasn't concerned with Bennett's July 3, letter and recommendations and apparently considered me fit to still have custody)

As the supervised visits were being scheduled on through the month of October 2001, it was obvious that Bev Mears pulled out of her mutual agreement with Attorney Zaroni. Because she avoided filing for custody modification after the two ideal supervised visits, I was developing suspicions that somebody wanted the supervised visits to continue until an incident occurred during a visit with Steph that would give the court some excuse not to afford me a custody schedule. I firmly believe that the last supervised visit on November 5, 2001, was a contrivance and a no-bars-hold effort by Dr. Bennett, the court and Stephanie's mother to deliberately sabotage the visit to create a negative report that could be adversely used against me. Just for the record I had also observed from week to week that Stephanie's hair was gradually growing back.

I have had 15 excellent supervised visits with Stephanie between August 2, 2001 and November 5, 2001, I can assure you they amounted to precious time spent with my daughter. Again Dr. Bennett would have this court believe that the bottom fell out of the close daughter/father relationship on November 5, 2001. He is dead wrong! I know my daughter better than anyone else and I can say without doubt that the things Stephanie was saying at that visit were programmed into her head by her mother and third party interveners. I had no trouble seeing that it was tearing Stephanie apart to say the things she did. And I will guarantee this court that if I had scheduled a supervised visit a week later minus third party intervention, Stephanie would have been there enthusiastically with open arms. This would seem to explain why Dr. Bennett wasted no time to direct Stephanie's mother to put a halt to any further supervised visits with Steph thereafter.

At a February 5, 2002, Custody Intake Conference it was suggested to me by Kathy Davidheizer that I still had available court ordered supervised visits and I had the option to exercise that right if I desired. I remarked that on December 11, 2001 I had discussed with Attorney Zanoni the resumption of supervised visits on a more mother convenient schedule of every other week until I got a hearing. I also, remarked that Mr. Zanoni made no effort to follow through with my request. At no time during the Intake Conference did I directly ask for resumption of visits with Stephanie since her mother precluded a formal request by forthrightly rejecting any supervised visits with Steph per recommendation of a doctor.

At the March 19, 2002, Mediation Conference, by suggestion of Nancy Vaughn and the advice of Attorney Zanoni I did assert that I would want to have a supervised visit with Stephanie around the Easter Holiday. Again the mother and her attorney invoked her contempt of the court order and supported their position that Dr. Bennett has recommended that no supervised visits be allowed to resume. On April 25, 2002 Ms. Aigner filed a petition in compliance with Dr. Bennett's letter to suspend all supervised visits. Ironically, at an April 25, pre-hearing conference Ms. Aigner chastised me in front of the hearing officer for refusing to see my daughter, just because she said she didn't want to see me. I believe this is what is called a catch-22 situation.

By the time April 29, 2002, rolled around my former attorney Anthony Zanoni advised me that he could not obtain a shared custody agreement for me since I did not have enough contact with my daughter over the last 13 months that he accrued during the time that he had my case. After all the promises of gaining shared custody of my daughter Attorney Zanoni had nonchalantly down played his role in the entire matter to that which he would attempt to get me a couple hours of unsupervised visits per week with my daughter. Attorney Zanoni presumed that if all went well, eventually over a progressive period of time I might be able to increase the visitation time with my own daughter to an over-night stay per week.

So here I am today sitting in a hearing I wasn't suppose to have representing myself after my money has been stolen, my appeal in Superior Court has been wasted away, I have no custody of my daughter, another eight months of isolation have gone by, I have missed her thirteenth, fourteenth, and now fifteenth birthday which is tomorrow, I am defending

myself against more false accusations that my presence in my daughter's life is emotionally destabilizing for her, and as a result have been stripped of the supervised visitation based on a lethal potion of psychobabble and blatant lies.

For all the reasons above that is why I chose to file for full custody of my daughter. Under the guidance of Mr. Carpenter's July 14, 2000 custody order, Stephanie has virtually become a prisoner in her mother's house and under the totalitarian control of Dr. Bennett and his Home Nursing Program. She will never be able to effectively or convincingly communicate her desires to these people, that she loves her paternal family and needs unconstrained and frequent contact with her father and remaining family. Compounding that problem Stephanie's mother is either emotionally unable or willfully fails to see Stephanie's emotional needs and takes no meaningful corrective actions to alleviate her pain. Instead of looking into her daughter's eyes and seeing the loneliness, the emotional pain and fear, she shields herself with a destructive July 14, 2000 court order and forges on with a vigorous program of relentless isolation, and parental alienation so heinous it makes my head spin. All this hurt done to eradicate Stephanie's love towards her father and family that she was raised with. These actions are brutal and are consequently driving Stephanie into further psychological despair.

In response to my March 19, request to reinstate supervised visits, Dr. Bennett wrote a letter to Ms. Frederick's attorney dated March 19, 2002. The subject matter and context of that letter are comprised of Dr. Bennett's opinions and objections to the resumption of supervised visits. While Dr. Bennett claims in his July 3, 2001 and March 19, 2002, letters that he encourages a child's relationship with both parents, his March 19 letter is in sharp contrast to that assertion while crediting his program with fostering an improving relationship between Stephanie and her mother. However, Dr. Bennett fails to mention that this improved relationship with mom came at the high cost of undermining the close father/daughter emotional bond that already existed and endured during the marriage breakup up until Stephanie entered into the Home Nursing Program. Now Dr. Bennett will have this court believe that he has established emotional stability in Stephanie's life because he has forged an alleged mother/daughter relationship while precluding Stephanie a relationship with her father. In other words any change that topples Stephanie's previous alignment with her dad and paternal family is considered success under Dr. Bennett's rational.

Dr. Bennett's March 19, letter then encourages Ms. Frederick and this court to bar me from further contact with Stephanie based on her wishes that she no longer desires to see her father. Using a double edged sword to vilify me Dr. Bennett makes two false and insupportable allegations to make me appear as playing fast and loose with Stephanie's emotions. First he claims that I scheduled supervised visits with Stephanie and then failed to follow through with them. Then he uses the prestige of his professional opinions to alarm this court by passing blame on me for causing my daughter psychological regression due to my efforts to re-establish the supervised visits. This clinical observation reported by Dr. Bennett is an astounding piece of psychiatric work despite the fact that I never made any formal efforts to re-establish supervised visits with my daughter until March 19, 2002 the same date that he wrote the letter. It must be concluded that Dr.

Bennett is lying to mask the real reason for the emotional setbacks of Stephanie if we can even believe that part of his report to be true. There is no question that Dr. Bennett's letters of July 3, 2001 and March 19, 2002 were ones written out of desperation and neither had anything to do with protecting the emotional stability or safety of Stephanie.

Yet the record established in this case since the supervised visits began on August 2, 2001, indicates that Stephanie had been given no choice to make contact with her dad and family even though it is her desire to do so. In fact various efforts were implemented over the last two years since entering Mr. Bennett's program to eliminate all contact between Stephanie and her father. For example since Mr. Carpenter issued his July 14, order all avenues of telephone communication has been shut off for Stephanie giving her no opportunity to contact me or her family by telephone. Stephanie's mother even boasts that she had call gate services installed on telephones that Stephanie may have access to. All modes of correspondence with Stephanie has been severed with no way of exchanging so much as a greeting card. Within the last year Ms. Frederick has adjusted her shopping habits and patterns to minimize or avoid all contact between Stephanie and paternal family members that she may come across while shopping. And even the two chance meetings that Stephanie and family members had since making it known that I was seeking reinstatement of custody resulted in Stephanie being quickly whisked away and escorted from the stores by her mother. This kind of treatment of a soon to be fifteen year old young lady is torturous, barbaric, emotionally abusive, and constitutes court sanctioned child abuse in the highest degree. These abuses can only serve one purpose and that is to eradicate Stephanie's memories and fondness of her dad and paternal family. The mindset here appears to be that the more years Dr. Bennett and Stephanie's mother can keep Stephanie separated from me and the family she loves will eventually erode away her desire to want her dad and family. As the saying goes out of sight, out of mind. Using these tactics to break Stephanie's will is not emotional healing or psychological stability by any standards. This is called forced compliance, submission and acceptance to an alternative lifestyle that Stephanie's mother and Dr. Bennett fashioned for her. This is an inhumane psychological experiment in human engineering better known as mind control and brainwashing.

I fail to see how Stephanie is a better person as a result of Dr. Bennett and his Home Nursing Program. Breaking a child down and reducing them to nothing and taking everything away that they hold dear to their heart is not healing. Two years later after entering Dr. Bennett's treatment facilities his interpretation of Stephanie's psychological gain is maintaining a makeshift relationship with her mother, and no relationship with her father and family that she once loved and felt secure with. In reality the only people who have made substantial gain from Stephanie's misery is the mother who acquired full custody of her and Dr. Bennett and the Home Nursing Agency who managed to lighten Ms. Frederick's insurance carriers bank account at a conservative figure of around \$100,000 dollars.

I am sure that Ms. Aigner will attack me claiming that I do not see the emotional problems with my daughter and I am resistant to having her treated by psychologists, psychiatrists, and counselors and this would not be in her best interests. And I know I

will be accused of referring to these people as witch doctors and shamans. I can assure this court that Stephanie unquestionably has emotional problems. And I have no doubts that these problems will persist as long as Stephanie is kept exiled from her dad and the family she loves.

While Dr. Bennett would have this court believe that I have no empathy for Stephanie's emotions I contend that he is sorely mistaken and I would never, ever alienated or exiled Stephanie from her mother as she has done with me, despite all the horrific and abusive things brought against me through this mother's unbridled anger and vindictiveness.

I am asking this court to give me the chance to give Stephanie a chance to regain her happiness and enjoyment of life during the remaining few years of her childhood by granting me custody of my daughter. Yes, I would be willing to take Stephanie to a competent licensed counselor who does not demonstrate gender bias and one who is not associated with the Blair County Court system. I will guarantee this court that in two months I can bring back a happy, polite, and emotionally stable young lady.

Tomorrow Stephanie will be 15 years old. I am asking this court to PLEASE do what is right and set her free of her bondage.