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APPENDIX A

Family Courts Need Domestic Violence Experts: 20 Common Mistakes in Evaluations Judges Miss

March 11, 2022

Essay by Barry Goldstein & Veronica York

The original sin family courts made in responding to domestic violence cases was turning to mental health professionals as if they were the experts. It is not that psychologists have nothing to contribute, but they do not have the specialized knowledge of domestic violence, child sexual abuse and other critical issues. The original mistake was based on the popular assumption at the time that DV was caused by mental illness or substance abuse. We now know the original assumptions were wrong, but courts continue to rely on these outdated practices.

In one case, Barry was asked at least 15 questions about the fact he doesn't have a mental health degree. The academic work to obtain a mental health degree does not provide any knowledge about domestic violence or child abuse. Psychologists may try to use general psychological principles, but much about DV is counterintuitive.

The Saunders Study found court professionals need training in very specific subjects that include screening for DV, risk assessment, post-separation violence and the impact of DV on children. Most evaluators do not have this needed expertise. They

often attempt to screen for DV with psychological tests that tell us nothing about DV. As a result, evaluators often use non-probative information to discredit true reports of abuse. We have never seen an evaluation that says the mother reports strangulation and if this is true there is an increased risk of lethality. Post-separation abuse analysis almost never mentions alleged abusers' litigation and economic abuse as a continuation of domestic violence or the likelihood an abuser will assault future partners which means custody or unsupervised visitation will result in more exposure of children to domestic violence. Few evaluators are familiar with ACE or focus on the harm caused by fear and stress. This means evaluators are not using the specific knowledge Saunders says is needed to respond effectively to domestic violence. In other words, the courts are relying on professionals who routinely minimize and deny true reports of abuse. Many domestic violence cases do not include an evaluation, but the judges and other court professionals are influenced by the misinformation evaluators provided in other cases.

Few evaluators relied on by custody courts have the critical knowledge needed to recognize and respond effectively to possible domestic violence or child abuse cases. They are unfamiliar with critical scientific research like ACE (adverse childhood experiences), Saunders, Meier, Bala, gender bias or child murders in custody cases. The evaluators do not understand domestic violence dynamics or batterer narratives that help explain abuser motives. Evaluators and other court professionals are oblivious to the widespread failure of custody courts to protect children. All the mistakes caused by failing to use current scientific research

minimize the harm from abuse and make it harder for courts to recognize true reports. The courts are influenced by the superior financial resources of abusers who usually control family finances, and the cottage industry of lawyers and evaluators that make large incomes by promoting practices that favor abusive fathers. The result is DV custody cases are severely tilted in favor of abusive fathers and towards risking children.

Court professionals are satisfied with the present practices, and defensive about the painful tragedies they cause. The Bartlow Study found judges and court administrators failed to create reforms in the face of preventable child murders. They thought these tragedies were exceptions. In the last 13 years, the Center for Judicial Excellence found over 800 tragic “exceptions.”

Domestic violence experts can recognize mistakes by evaluators in abuse cases. This is why Saunders found courts should be using a multi-disciplinary approach. Some judges cannot imagine how a DV expert can help a court recognize errors by evaluators regarding DV and child abuse. Saunders found DV advocates have more of the specific knowledge courts need about DV than judges, lawyers or evaluators. We quickly came up with a list of over 80 common mistakes about DV that evaluators routinely make because they don't have the specialized DV knowledge needed. In this article, we are sharing 20 of these common mistakes. The full list of common evaluator DV errors will be available at www.BarryGoldstein.net.

1. Evaluator failed to make distinction between public and private behavior

Most abusers are able to control their behavior and do so in public. Attorneys for abusers often present evidence from friends, family, and colleagues about his good behavior and how he could not be an abuser. Evaluators often rely on this non-probative behavior, but mothers and children see a very different side of the abusive father in the privacy of their home.

2. Evaluator only considered physical abuse

The purpose of domestic violence is not to cause great pain but to coerce and control the victim. In DV custody cases there is often one or a few physical incidents and thousands of other DV tactics. The abuser does not need to keep assaulting her because once he does, she knows what he is capable of. The physical abuse can be “minor” as pushing or blocking a door and are combined with emotional, psychological and other tactics. The other types of abuse serve as a reminder of what can happen if she doesn’t obey. ACE tells us it is the fear and stress abusers cause, that does most of the harm to children. Evaluators often pay lip service to other types of abuse but mainly or exclusively focus on physical abuse. This is based on outdated beliefs from the 1970s. This mistake reduces the available evidence and minimizes the harm abusers cause.

3. Evaluator fails to understand most of the harm from DV is caused by fear and stress rather than immediate physical injuries

The ACE Research is exciting because it could be used to dramatically reduce a wide range of serious illnesses and social problems. This would greatly increase life expectancy and achievement. Prevention is the key to providing these benefits and improving children's lives. Contested custody cases are often the last chance to save children from the consequences of exposure to ACEs. In most cases the courts are not even considering this opportunity.

4. Evaluator assumed unfounded child protective case meant the reports of abuse are false

Caseworkers often face heavy caseloads that lead to reports of abuse being unfounded for non-probative reasons. Examples include: child refused to speak to caseworker; not enough time to investigate; failure to take cases during litigation seriously; the child is living with the safe parent; caseworker manipulated or intimidated by abuser; reliance on the myth that mothers often make deliberate false reports; and the lack of expertise regarding DV and child sexual abuse. Unfounded cases often prove to be true reports much later. Evaluators save time and resources by treating unfounded cases as if they prove the reports were wrong. Unfortunately, these practices don't save children.

5. Evaluator failed to consider ACE and Saunders

Perhaps the biggest reason custody courts are failing children in abuse cases is the failure to use scientific research like ACE and Saunders. They go to the essence of the well-being of children. ACE tells us the fear and stress abusers cause will shorten children's lives and cause a lifetime of health problems. Saunders tells us courts are relying on the wrong experts for abuse cases and this results in courts frequently disbelieving true reports of abuse. There are judges and evaluators that use ACE and Saunders and this results in better decisions for children. Most courts however rely on outdated practices that do not include this research. This mistake is not neutral. It favors abusive fathers and risks children.

6. Evaluator blamed mother for father's abuse

In a safe family, if a child came home complaining about something the father did, the mother would ask the father about it. If a father heard the child was complaining about sexual abuse, he would want an investigation to find out who did it or if there was a misunderstanding such as an unintentional boundary violation. When the father is an abuser, the mother is afraid to discuss the complaint with him and the father immediately claims alienation and tries to silence the child. In these and other situations, untrained evaluators blame the mother for not cooperating and communicating. If the evaluator is part of the cottage industry, she will be called an alienator. And

in each instance, it is the fear caused by the father's abuse that created the problem, but mothers are often blamed. This is an example of gender bias that most court professionals do not have the training or humility to recognize.

7. Evaluator failed to recognize shared parenting is inappropriate in cases involving possible DV or child abuse

Courts promote shared parenting because laws favor it, and co-parenting is viewed as the best way to promote settlements. Shared parenting was never meant for domestic violence cases. The unequal power in DV cases makes it dangerous. Good research like Saunders says shared parenting should never be used in DV cases. Abusers use decision-making to block anything the mother wants and particularly to prevent or undermine therapy where the child might reveal his abuse. Shared parenting in inappropriate cases is great for court professionals' bank accounts because more services will be needed but works poorly for children. Even in the rare cases where abuse reports are false, the bad relationship makes co-parenting a mistake.

8. Evaluator focused on how to pressure victims to accommodate the abuser instead of how abuser can reduce fear and stress

Most contested custody is really DV cases involving the worst abusers. They believe she has no right to leave so are using custody to regain control. Accordingly, they will not agree to anything reasonable. Evaluators who fail to understand DV dynamics, pressure victims and children to

accommodate the abuser as the best way to promote a settlement. ACE tells us that the fear and stress abusers cause will have lifelong negative effects on the children. Accordingly, best practices require pressuring abusers to reduce the fear and stress they are causing if they want a relationship. Evaluators unfamiliar with ACE don't even know these best practices.

9. Evaluator used psychological tests to screen for DV

Psychological tests were developed for people who may need to be hospitalized. They tell us nothing about domestic violence. It was originally used when many believed the false assumption that DV was caused by mental illness or substance abuse. There can be valid uses of psychological tests in some cases, but when evaluators use them to screen for DV, it says more about the ignorance of the evaluator than the circumstances of the case.

10. Evaluator does not understand primary attachment so recommended a harmful outcome case

Harmful outcome cases give custody to the alleged abuser and limit a safe, protective mother who is the primary attachment figure to supervised or no visitation. The Saunders Study found harmful outcome cases are ALWAYS wrong and based on flawed practices. The reason they are always wrong is that denying children a normal relationship with their primary attachment figure, a harm that includes increased risk of depression, low self-esteem and suicide is greater than whatever benefit the court thought it was

providing. The frequency of these always wrong cases, a decade after Saunders was published, exposes the failure of custody courts to adopt current scientific research.

11.Evaluator used non-probative factors to discredit reports of abuse

The Saunders Study says court professionals need to learn how to screen for DV. They need to know what information to look for but also how to avoid non-probative information. Common examples include: she returns to her abuser; she seeks a protective order but doesn't follow up; she doesn't have a police report or medical records. All of these are normal responses by women abused by their partners for safety and other good reasons. Another example is a professional observes the alleged abuser playing with the children and the kids show no fear. Unqualified professionals assume this means he cannot be abusive, but the children know he wouldn't hurt them in the presence of witnesses, so it is safe to play with a father they still love. Inadequately trained professionals often use these non-probative issues to discredit true reports of abuse.

12.Evaluator assumes just because he hurts the mother doesn't mean he will hurt the children

This one is scary. Evaluators, lawyers, and judges continue to say this out loud even after children have been murdered by abusive fathers because of this mistake. Fathers who abuse mothers are 40-60% more likely to also abuse the

children. The worst abusers have learned the best way to hurt the mother is to hurt her children. Many evaluators never consider this.

13.Evaluator failed to make the health and safety of children the first priority

The health and safety of children was always the most important consideration for custody courts and the ACE Studies make this so much clearer. ACE did not make domestic violence and child abuse more harmful to children, but rather made us aware of the full harm caused by our long tolerance of behavior we now define as domestic violence and child abuse. The courts cannot allow defensiveness, inertia, ignorance of scientific research, “father’s rights,” or the incomes of court professionals to be placed above the well-being of precious children. Evaluators who fail to make children the first priority, other than with lip service, must be corrected.

14.Evaluator failed to understand that a father who causes PTSD to the mother or child is an unfit parent

PTSD cannot be caused from something benign. It requires the most traumatic event or a series of traumatic events such as occur with domestic violence. Abusers and too often court professionals minimize a father’s abuse to keep him in a child’s life. This is based on the belief that a child benefits from having both parents in their lives. This is usually true, but not when a

parent is an abuser and certainly not if the parent was so abusive as to cause PTSD.

15. Evaluator failed to recognize behavior associated with higher risk of lethality

Saunders found court professionals need training in risk assessment. There are specific behaviors associated with higher risk of lethality. This would include strangulation; hitting a woman while pregnant; forced or pressured sex; hurting animals; violating court orders; threats of murder, kidnapping or suicide; violating court orders; access to guns; and the belief she has no right to leave. Cases involving these behaviors should be taken extremely seriously and evaluators have a duty to make judges aware of these risks.

16. Evaluator failed to consider the danger associated with offensive or threatening language based on research on batterer narratives

Most evaluators do not have the DV knowledge needed for DV cases and research about batterer narratives is therefore rarely considered. Most abusers would say it is wrong to assault a woman and then say EXCEPT. The major exceptions are she did something he defines as improper, or she is a (insert the slur). These offensive sexist terms tell women and should tell court professionals the mother is in danger. It also sends horrific messages to children. This information would help courts understand DV cases better, but not when this is never discussed.

17.Evaluator treats dismissal of child sexual abuse complaints as proof of coaching

The Bala Study reviewed child protective cases involving reports of child sexual abuse. This is the definitive study about false reports, and found mothers make deliberate false reports less than 2% of the time. Nevertheless, when fathers claim alienation, abuse reports are believed by the courts less than 2% of the time. The alleged abuser gains custody 85% of the time. The failure of our society and custody courts to protect children from sexual abuse is the next big scandal waiting to be exposed. When mothers raise concerns about child sexual abuse there are several possible explanations. The most likely is the report is true. Other common circumstances include: no abuse but the child was uncomfortable because of boundary violations; exposure to pornography or sexual behavior; the evidence is equivocal or a good faith but mistaken report. The least likely is coaching, but courts routinely only consider the report is true, which requires overwhelming evidence or they jump to coaching, based on assumptions rather than actual evidence. As a result, courts are often never told about sexual abuse, so that they have no chance to protect children.

18.Evaluator focused on unscientific alienation theories

Most custody cases, like any litigation are settled more or less amicably. The problem is the 3.8% of cases that require trial and often much more. Between

75-90% of these cases involve domestic violence, which is obscured by high conflict approaches. DV is about control, including financial control which means the alleged abusive father usually controls most of the family resources. Richard Gardner understood this when he concocted Parental Alienation Syndrome (PAS). He needed an approach that could be used to help abusive fathers take custody from mothers who are the primary attachment figures. PAS was not based on any research but only Gardner's experience, beliefs, and biases. This included many public statements that sex between adults and children can be acceptable. This was the start of the cottage industry for lawyers and mental health professionals who made large incomes by using bogus practices that hurt children. The superior financial resources and manipulation skills helped promote PAS. When it developed a deserved bad reputation, the cottage industry published new articles based on the old lack of research and changed the name to alienation, parental alienation, gatekeeping or whatever was convenient. Twice PAS, was rejected by the American Psychiatric Association for inclusion in the DSM because there is still no research to support it. The DSM is the compendium of all valid mental health diagnoses, so it is unethical when cottage industry professionals tell courts the mothers or children suffer from alienation. Despite this repudiation by the leading professional organizations and the enormous harm to children, courts continue to listen to this biased and sexist theory. The recent Meier Study from the National Institute of Justice found alienation is used in a

biased way so that only fathers benefit from a finding of alienation. In most cases alienating behavior by fathers against mothers is not even discussed. This means this sexist theory with no supporting research is implemented to deny mothers due process and equal protection. In most cases, the supposed alienation is assumed rather than proven with actual evidence. The use of alienation raises ethical issues because it often creates the appearance of corruption even if the judge acts in good faith. The extreme decisions and catastrophic harm unscientific alienation theories cause children makes it hard to believe corruption isn't involved.

19.Evaluator failed to recommend play therapy in disputed child sexual abuse cases

Child sexual abuse is hard to prove for some good reasons. Young children often have difficulty speaking to people they don't know. Caseworkers and evaluators often expect children to speak about the most embarrassing and painful episode in their lives without taking the time to develop a trusting relationship. This is one cause of false claims of coaching. Best practices for young children is play therapy. The child will reveal whatever they need to through their play and artwork. This takes coaching off the table because a parent can't coach a young child how to draw a picture or play with Legos. This is particularly helpful as inept and unscrupulous people seek to discredit reports and retaliate by claiming coaching and alienation.

20. Evaluator focuses on approaches asking victims to just “get over it”

Just get over it is often used to pressure children to interact with abusive parents they fear. ACE tells us this is a harmful approach. Courts have the power to force children to spend time with an abusive parent but have no ability to remove the fear and stress the abuser causes. This means the fear and stress will be pushed deeper inside the child where it will inevitably come out later in much more harmful forms. Evaluators and judges need training to avoid these dangerous mistakes.

Conclusion

Evaluators have legitimate expertise in psychology and mental illness. If they make mistakes, there are professional standards and other professionals who can flag their errors. These are subjects the court hears often and can make judgments about.

The problem discussed in this article concerns issues related to domestic violence and child abuse. The present evaluation system was created at a time when no research was available, and the courts have failed to update practices even after multiple research studies proved many common assumptions are wrong. Today, there is rarely an expert available in a case to recognize and correct standard mistakes evaluators make regarding abuse issues. Even if a protective mother calls a DV expert, judges may not understand that experts in child sexual abuse or domestic violence have a better understanding of their specialized areas than mental health professionals.

We are discussing clear errors that court professionals feel comfortable stating openly, but novice DV advocates would recognize immediately. There can be no dispute that abusers usually act differently in public than in private, but courts routinely base decisions on non-probative public behavior. Saunders says court professionals need training in risk assessment. Law enforcement and DV advocates have been using this knowledge for decades, but custody courts still make decisions without risk assessment.

DV advocates have told us for many decades that physical abuse is not the worst part of domestic violence. No one listened because the advocates usually do not have advanced degrees, there was no scientific research to support their knowledge, they were viewed as biased because they are always against DV, and they are mostly women. The ACE Studies confirmed the advocates were absolutely right and still the courts routinely make the outdated mistakes of focusing mainly or completely on physical abuse.

The authors of this article are not qualified to analyze a psychological test or diagnose a parent. We do know and can share with the court that psychological tests were not created for the populations seen in family court and tell us nothing about domestic violence. We quickly found over 80 common mistakes evaluators make because they do not have the needed expertise in domestic violence and especially child sexual abuse.

This is why the Saunders Study recommends a multi-disciplinary approach to DV custody cases. Custody courts have no other way to obtain needed expertise about DV and child abuse than from specialized experts. Judges, lawyers, and psychologists usually want to get any training from other judges, lawyers and psychologists. Although Saunders found DV advocates have more of the specific DV knowledge courts need, court professionals often don't want to listen to people they view as less knowledgeable.

Psychologists usually have far more formal education than experts in DV and child abuse. Nevertheless, more than four decades since DV became a public issue, evaluators continue to make blatant DV 101 mistakes and none of the other court professionals recognize and discredit these clear errors. Children pay an awful price for the insistence by court professionals on continuing to use the same outdated practices.

Contested custody cases are usually the last chance to save children from the life-altering harm caused by exposure to ACEs. ACEs, evaluators rarely even discuss in their reports.”

APPENDIX B

UCLA Women's Law Journal

Campbell, Emmaline, *How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It*, 2017 UCLA Women's Law Journal, 24(1)

“HOW DOMESTIC VIOLENCE BATTERERS USE CUSTODY PROCEEDINGS IN FAMILY COURTS TO ABUSE VICTIMS, AND HOW COURTS CAN PUT A STOP TO IT

I. Introduction

Domestic violence batterers are master manipulators who find creative ways to abuse their victims, even after the relationship ends. Domestic violence is defined as “a pattern of behavior in a relationship by which the batterer attempts to control his victim through a variety of tactics.” Batterers’ tactics “are more than physical violence and induce a penumbra of threats and actions to induce fear, humiliation, social isolation, and resource deprivation” These tactics can include psychological and emotional abuse, destruction of property and harming of pets, forcing victims into isolation, creating economic abuse, and enforcing rigid expectations of gender roles. All of these tactics have one purpose: controlling the victim. Batterers are often very angry when victims end a relationship. When the victim leaves, she exercises her autonomy and escapes the batterer’s hold. Many batterers react violently to this.

This article will use gender-specific nouns and pronouns, referring to victims of domestic violence with female pronouns and referring to batterers with male pronouns. This usage reflects that fact that the vast majority of victims of domestic violence are female, and the vast majority of perpetrators of domestic violence are male. See Shannon Catalano, *Intimate Partner Violence, 1993–2010*, U.S. Department of Justice Bureau of Justice Statistics, <http://www.bjs.gov/>

Victims report increased and more severe violence after separation, referred to as “separation assault.” In one study, 35 percent of victims reported more severe violence after separation. Some batterers even kill their victims after separation. A victim’s risk of being killed by her batterer increases six-fold when she leaves her batterer. When a victim leaves her battering spouse and seeks to end the marriage, the batterer often does not willingly relinquish control over her. Instead, he takes advantage of the divorce and custody process as an avenue to continue his abuse. This paper will focus on the ways in which batterers take advantage of custody proceedings in family court to continue to abuse their victims.

The batterer’s use of coercion during the custody process can take many forms. It can include demanding custody simply for the sake of staying involved in the victim’s life; forcing the victim to return to court dozens of times to prolong contact; using court-mandated visitation or custody as an opportunity to commit physical violence against the victim; intimidating the victim into conceding joint custody during coercive

mediation sessions; and refusing to pay child support to force the victim back into court.

This paper will address the many ways that batterers use the family court system to perpetuate abuse against their victims. At present, most family courts are unprepared to address batterers' attempts to use the court and the legal system as a tool of abuse. This paper will offer recommendations for how family courts can stop batterers from manipulating the courts as a site of abuse.

II. The Context Of Abuse: Victim And Batterer Psychology

In order to understand how the family court system results in unfair outcomes for victims, it is necessary first to understand the psychological profiles of victims and abusers.

A. Victim Psychology

Abuse can make people react in unpredictable ways. Many domestic violence survivors "may present as angry, distrustful, and suspicious with all professionals related to the court proceedings."

This response is a normal reaction to the trauma of abuse. But many judges expect victims to appear "victimized or helpless." When victims do not appear helpless but seem angry, the court may draw adverse inferences about these behaviors and assume the victim is purposefully acting uncooperative or difficult. Based on these assumptions, judges may be sympathetic to the abuser and more readily believe his

claims. Battered women may also exhibit psychological symptoms that confuse judges. Many battered women suffer from post-traumatic stress disorder (PTSD), which can lead them to display “a strange lack of affect when discussing the violence, or to giggle inappropriately.” Trauma can also affect victims’ memories, leading them to have difficulty articulating events in chronological order. Courts may misinterpret these behaviors as a sign that the victim is lying or not credible.

B. Batterer Psychology

Batterers often have a psychological profile that creates a positive first impression. Batterers may present as “charming, charismatic, likeable, reasonable, generous, and even flexible.” Batterers can be highly manipulative and carefully craft their image. Many batterers can be abusive at home in private, but to the outside world they appear to be caring and devoted family men. When judges encounter batterers in court, they are often swayed by the batterers’ accounts of events, which, in contrast to the victims’ accounts, seem reasonable and rational, and thus more credible. Batterers often take advantage of their likeable façade to present false narratives to the court about the abuse. Many batterers are described by their own counselors as “skillfully dishonest”. Batterers often lie or distort facts about the abuse in court. Batterers may also falsely accuse victims of infidelity or sexual promiscuity, in an effort to diminish the victim’s credibility with the court. Other batterers have falsely alleged that victims had mental health or drug problems. Many batterers have claimed that the victim committed physical abuse against them, shifting the focus

away from the victim and forcing the court to untangle the variety of abuse allegations in the case.

Many batterers deny the abuse. Some counselors who work with batterers have noted that their clients give a “passionate and eloquent denial of the abuse and the impact of their own conduct on others.” Some batterers claim that their victims have manufactured the allegations of abuse in order to gain an advantage in their custody cases. When batterers do admit to committing abuse, they may use tactics to minimize the violence. Batterers may allege that the fights the victim has described also included acts of violence committed by the victim. In other cases, the batterer might admit to minor acts of violence, like shoving, in order to make the more serious and denied allegations seem less credible. Some batterers may even use their knowledge of the victim’s psychology against her. Batterers may claim the victim’s anger and assertiveness in court demonstrate that she is not a real victim and that her abuse allegations are false. Other batterers focus on attacking the victim’s emotional state. In custody proceedings, batterers often claim that victims are “too unstable” to care for children, even where the instability is temporary and a direct result of the abuse.

C. Batterer-Victim Dynamics

Batterers exert power over victims to undermine the victims’ autonomy while increasing their own power. Where the victim is a mother, the batterer tends to challenge her parental authority and tries to create tensions between her and the

children. As a result, she may have difficulty controlling the children's behavior. Custody evaluators may find that domestic violence victims are not effective parents if they cannot control the children.

Evaluators may be persuaded by a father's portrayal of himself as a powerful figure, and the children may behave better in his care due to their fear of him. Children may even request to be placed with the batterer as a result of traumatic bonding. These behaviors often lead custody evaluators to recommend some amount of custody for the batterer.

Batterers may seem more credible than victims based on their psychological profiles. Many "judges and evaluators lacking in-depth knowledge about domestic violence and PTSD may easily be misled into trusting the calm, sincere-sounding accused's veracity more than the 'strange' or emotional purported-victim's." When a judge must decide whether the batterer or the victim's account of abuse is true, the batterer's account may win out because of a perception that he is more credible.

D. How Batterer Psychology is Favored by Law: Friendly-Parent Provisions

As discussed above, batterers often portray themselves as the reasonable and flexible parent. In contrast, victims may appear rigid and uncooperative for being unwilling to maintain a co-parenting relationship with the batterer. The National Council of Juvenile and Family Court Judges notes that "it is often legitimate for the partner of an abusive parent to try to protect the children from exposure to abuse, or to try to secure his or her own safety from the abusive partner by limiting that partner's

contact with the children.” But unfortunately, many child-custody laws are built to favor “generous” batterers over “protective” victims. According to the American Bar Association, as of 2008, 32 states included “friendly-parent” presumptions as a factor in the analysis of the best interest of the child. Friendly-parent presumptions assume that “in all child custody cases the parent who was the most generous in sharing the child with the other parent would have a greater ability to understand and provide for the child’s needs.”

Some states, including California, have recognized that friendly-parent provisions should not be applied in domestic violence cases. However, this does not fully resolve the problem. For friendly-parent provisions not to apply, the court must first make a finding of domestic violence. If the court believes the batterer and not the victim, then the domestic violence exception does not kick in, and the friendly-parent provision still applies. Unlike California, not all states have recognized that friendly-parent provisions should be inapplicable in domestic violence cases. “Although every state has made domestic violence (‘DV’) a factor that courts must consider in custody cases, and at least 24 have a presumption that batterers not be given custody, studies show that batterers still win custody in states with the [Friendly-Parent Provision] unless a statute clarifies that it does not apply when there is DV.” Friendly-parent provisions create risks for the children of domestic violence abusers and continue to be applied in many cases nationally, even when one parent has had a history of perpetrating domestic violence.

E. How Batterers Exploit Victim Psychology: Parental Alienation

Batterers can be adept at using the psychology of victims against them by arguing the victim has turned the children against the batterer. A widely discredited theory known as “parental alienation” has been used by batterers to claim that the victim manipulated the children into disliking the batterer. In parental alienation, a parent ostensibly “creates misrepresentations of the other parent in the child’s head in the hopes that the child will alienate that other parent.” The National Council of Juvenile and Family Court Judges has noted that the scientific community has discredited parental alienation theory and it should not be admissible in court. Though parental alienation has been discredited, some courts continue to apply it or reference it. A recent decision in Connecticut notes that, “Like other jurisdictions, Connecticut has not passed on the issue of whether parental alienation syndrome is a reliable theory.” In one case in Louisiana, the court drew at length from a journal article on parental alienation, quoting, “The alienated parent typically is a ‘good’ parent who has no history or physical or emotional abuse of the child, and while there may be some ‘kernel of truth’ to the child’s complaints about the rejected parent, the child’s grossly negative views and feelings are a significantly distorted and exaggerated reaction.” Despite the fact that parental alienation has been discredited, its legacy lives on in the minds of some judges.

F. Solutions

Ruling on domestic violence allegations often proves uniquely challenging for judges. Judges cannot rely on their gut instincts about whether the victim or batterer is more

credible. Instead, courts must engage in careful fact-finding to determine if accusations of domestic violence are true. Courts should consider looking to the following resources for further evidence: testimony from other family members or friends, service providers, counselors, police reports, criminal case records, restraining order records, medical records, and school records.

III. Legal Areas Exploited by Batterers

A. Mediation

1. The Status of Mediation Today

Mediation is often praised as a less adversarial way to handle divorce and custody cases. In mediation, an impartial third party (a “mediator”) facilitates the resolution of divorce and custody disputes to reach agreement between the parties. Supporters of mediation say that it is less costly, more efficient, and produces better outcomes than traditional custody litigation. However, mediation has come under significant criticism in cases of domestic violence. Mediation puts victims of domestic violence at a huge disadvantage in custody proceedings.

Because of the power imbalance in the batterer-victim relationship, victims often feel disempowered when the batterer is present and unable to voice their needs or the needs of their children during mediation. The National Council on Juvenile and Family Court Judges recommends that judges consider not requiring mediation in cases involving domestic violence, where state law allows. Mediation can be voluntary or mandatory, depending on state law. Each state determines whether all custody

disputes in the state must be mediated, or whether there are opt-out provisions or other exceptions for domestic violence or other reasons. Fortunately, the majority of states have banned mediation in domestic violence cases. Other states allow victims of domestic violence to opt-out of mediation. The American Bar Association reports that as of 2014, only eighteen states require domestic violence victims to engage in mediation (with five states leaving it up to the discretion of the court), without allowing them to opt out. Unfortunately, California is one of those states. In California, mediation in custody disputes is mandatory even in cases of domestic violence. California adopted mandatory mediation in 1981 because custody cases in need of litigation heavily overburdened the family courts. In mandatory mediation, the judge plays a significantly more limited role in custody proceedings. Instead, the mediator spends time with the parties discussing arrangements. This delegation saves the court a substantial amount of time. The Judicial Council of California has examined the problems of mediation for victims of domestic violence, but determined that mandatory mediation is an essential part of keeping the family courts running in California. The Council wrote, "To suggest that mediation be made voluntary has the potential of crippling a severely burdened court system. When family law judges already report that they have insufficient time to handle grueling calendars, a suggestion that would increase that caseload by a large margin is untenable." This is California's position despite the fact that in the majority of other states, courts are able to manage their family law caseloads without requiring victims of domestic violence to enter mediation. California should reconsider whether the efficiency of

mediation outweighs the disadvantages of forced mediation for victims of domestic violence.

2. Victims and Batterers Cannot Negotiate on Fair Terms

Mediation, by its nature, is likely to produce better outcomes for batterers than for victims. The National Council of Juvenile and Family Court Judges notes that an abuser may favor mediation because the abuser knows he can coerce the victim more easily during the process of mediation than in traditional litigation.

This is because in relationships with a history of violence, even after the relationship ends, the victim may feel unable to assert her interests. The victim may feel compelled to capitulate to the batterer's custody demands, even when the demands are contrary to the best interest of their child. The victim may fear that the abuser will retaliate if she stands up for herself—perhaps by physically attacking her after the mediation session. These fears are not unreasonable; many women report being battered after attending mediation with their abusers. The egalitarian principles of mediation cannot overtake years of reinforced behavioral patterns. "Throughout the abusive relationship, the abused spouse has been conditioned to relent, compromise, and conform to be safe from [violence]. This learned pattern of dealing with her abuser cannot be easily broken, especially in a process that requires compromise." These patterns make it difficult for a victim to assert herself for the first time during mediation. Mediation is also concerning for victims because they are often not represented by an attorney in the proceedings. In traditional litigation, a victim could

hire an attorney and allow the attorney to advocate on her behalf. In mediation in California, the parties' attorneys may attend at the discretion of the mediator, but are not allowed to speak for their clients. Mediators have a right to remove attorneys from the room if the attorney attempts to participate in the mediation. In mediation, attorneys are not allowed to support victims in the way that litigation allows. For these reasons, many people support ending the requirement for mediation in domestic violence cases. The National Council of Juvenile and Family Court Judges has recommended that mediation "not be mandated or referred in cases in which[domestic violence] has been alleged."

3. Mediators are Unequipped to Handle Domestic Violence Cases

Mediators are frequently not well trained on domestic violence issues, and they are typically not equipped to address the unique needs of a domestic violence victim in mediation. Certification for mediators may require very minimal training on domestic violence. In California, mediators must receive only 16 hours of training in their first year of work and subsequently receive update training for 4 hours per year. Mediators may be unable to properly screen for domestic violence and may overlook many cases in which domestic violence is present. In a study of mediation reports in San Diego, researchers found that the mediator only accounted for domestic violence in 43.1 percent of cases where the screening form filled out by the client had an explicit domestic violence allegation. Even in cases where a temporary restraining order had been issued and was documented in the screening form, the mediator addressed

domestic violence in the mediation report only 49.4 percent of the time. Other studies have similarly found that mediators are frequently unable to identify cases involving domestic violence. Some mediators are even hostile to claims of domestic violence. In one study, researchers found that “women who informed custody mediators that they were victims of domestic violence often received less favorable custody awards.” Mediators may suspect that women who report domestic violence are manufacturing the allegations for custody purposes, and they may punish women who make allegations of domestic violence based on this belief. Mediators also fail to recommend taking custody away from batterers. In the San Diego study, mediators recommended joint custody in 91.4 percent of domestic violence cases, a rate even higher than their average of 90 percent joint custody recommendation for non-domestic violence cases. Even when the father was clearly a perpetrator of abuse, he received at least some physical custody in 96.8 percent of cases. Courts will enforce mediators’ recommendations, even when they conflict with the law. In *In re Marriage of Fajota*, the mediator’s report explicitly acknowledged the father’s history of domestic violence yet still made a joint custody recommendation, and the trial court followed this recommendation and granted joint custody. The court’s custody grant was later overturned on appeal for its failure to address the domestic violence issue. Mediators also may be unprepared to detect abusive behaviors during a mediation session. Within a mediation session, an abuser may threaten the victim through certain coded phrases or body language. Because of her history with the abuser, the victim understands that she is being threatened, while the mediator remains oblivious. Not

only can this continuation of abuse further traumatize the victim, it may intimidate her to cede ground to the batterer when negotiating her custody requests.

4. Solutions

States should allow victims of domestic violence to opt out of mediation. The majority of states already allow this. However, a number of states, including California, have not implemented this policy. California has tried to address the concerns of victims in mediation by allowing victims to meet separately with mediators. While this is a positive step towards protecting the safety of victims, it is insufficient. The batterer frequently knows where to find the victim; if he wants to retaliate and attack her, he will be able to do it. Separate meetings do not negate the potential for future attacks. Additionally, even if the parties meet separately, the goal of mediation is for the parties to agree on some terms. When the mediator meets with the batterer, and says, “Your partner is seeking sole custody,” there is no mystery about the victim’s request. The batterer will know that the victim went against his wishes, and he can retaliate against her at a later time. In some cases, even with separate meetings, the victim may be too afraid to ask for what she and her children need, out of fear that the request will anger the batterer. If mediation is going to be conducted with couples with domestic violence histories, it is essential that mediators be highly trained on power differentials. Some advocates believe that a mediator can deal with power imbalances by exercising his or her own power in the mediation. Under this model, the mediator lays out ground rules, chooses the topics of discussion, decides who may

speak and for how long, and determines which spouse may present a proposal to the other. These mediators are trained to watch for specific behaviors indicative of power imbalances, such as threats, insults, glaring, and passivity. With proper training, it is possible for mediators to become more adept at working with couples with histories of domestic violence.

Another way to moderate power imbalances in mediation is to allow the victim to bring an attorney to advocate on her behalf. "Research in Maine has shown that the presence of attorneys moderates power imbalances and decreases the likelihood of unfairness. The attorney can act as a support person and as a spokesperson for the victim." Under the California Family Code, attorneys are not allowed to advocate for their clients during a mediation, and can be excluded from mediation by the mediator. This provision should be changed to allow for attorneys to attend mediation sessions and speak on behalf of their clients, especially in cases of domestic violence.

B. Litigation Abuse

While mediation poses problems for victims, litigated custody battles also create opportunities for abuse. "Litigation abuse" is defined as the batterer's use of the court system as a tool of coercive control over the victim. Batterers often pursue litigation abuse as a tactic for several reasons: it is one of the few remaining ways that they can control a victim after separation, it can drain the victim's financial resources, and family courts allow for parties to demand many hearings.

1. Litigation as the Only Contact Left

Litigation abuse is a common tactic for batterers because it is often the only way left for batterers to stay in contact with their victims. After the end of a relationship, a victim typically tries to put distance between herself and the batterer. But when a batterer files a motion in court, the victim is forced to respond. Even if a victim has a restraining order or criminal protective order against the batterer, if the batterer files a motion to modify custody or visitation, then the batterer may get the chance to see the victim in court.

2. Financial Motives for Litigation Abuse

Litigation is expensive. Batterers may pursue custody litigation in order to financially drain their victims, as custody litigation is costly. A study of custody expenses for battered women found that their average court-related costs exceeded \$90,000. These expensive proceedings are often a hardship for battered women, as women's income tends to decrease significantly after divorce. One study noted that the average post-divorce per capita income of wives and children approximates 68 percent of their before-divorce per capita income; whereas, the per capita income of husbands increased by 182 percent after divorce." Victims of domestic violence are also likely to face even more dire economic conditions than other women going through divorce. Victims of domestic violence may also have suffered from economic abuse throughout the marriage, where the abuser prevented the victim from having money of her own or hid the family's money from her. By the time of divorce, she may

have very limited financial resources left. When abused women are forced to spend all of their resources on fighting custody proceedings, it may seriously impact their ability to stay away from the batterer. Some research has found that when victims have limited resources to pay for legal representation, they may return to their abusive relationships at a rate of around 50 percent. Batterers may thus coerce victims into returning to the relationship by draining them of economic resources, leaving victims without other options for financial stability.

Victims may also lose their jobs as a result of litigation abuse. If the victim is constantly required to appear in court to attend hearings, she may miss many days of work. While most employers will excuse a few absences, if the victim continues to miss work for months on end, she may risk losing her job.

3. Frequency of Motions Allowed in Family Court Court processes are easy for batterers to exploit because family court proceedings typically lack finality and are susceptible to frequent motions for updates and changes. In most areas of law, final judgments and settlements end litigation, but verdicts in family court are open to frequent modifications. Because custody agreements are formulated based on the child's best interest and based on the situation of each parent, as the child's interests change or a parent's situation changes, opportunities to revise the custody agreement arise. Batterers may petition for changes to custody every time there is a minor change in the child or parent's situation.

4. Power Differentials in Representation

While batterers commonly hire attorneys to represent them in custody proceedings, most victims do not. Many victims cannot afford to hire an attorney. This places victims at a serious disadvantage in custody proceedings. Parents represented by attorneys are more likely to be awarded custody than parents who are not so represented. Without an attorney, victims may have trouble navigating the court system and understanding court rules and procedures.

Even if neither parent can afford an attorney, the batterer can use the power differential between himself and the victim to his advantage in court. When both parents proceed pro se, the batterer is allowed direct access to the victim in and out of court. The batterer negotiates custody directly with the victim, which allows him a substantial amount of contact. The batterer may also be able to cross-examine the victim on the witness stand in court, often a traumatic experience for the victim.

5. Tactics of Litigation Abuse

Litigation provides many opportunities for batterers to abuse victims. "Such measures [have] included requests for emergency hearings, multiple charges of contempt, failing to supply appropriate documents, and accusations against the participants." The National Council of Juvenile and Family Court Judges notes that abusive parents frequently make multiple appearances "seeking to undo orders that they perceive to be unfavorable to them, even in the absence of any change in circumstance between hearings." Batterers may request continuances or otherwise

seek to postpone final judgment. Each time the batterer files a motion, he has another opportunity to continue his reach into the victim's life.

6. Solutions

Family courts can, on their own authority, order the party bringing excessive motions to pay the attorney's fees and costs of the opposing party. Courts also have other options to discipline a batterer who files excessive motions. Courts can ban the batterer from filing any further actions or motions against the victim without permission from the court, find the batterer in contempt of court, or refer the batterer's attorney for disciplinary action. In one such case, the California Court of Appeal wrote that the batterer's appeals were "[T]otally devoid of merit and were brought merely to continue an ongoing harassment of his ex-wife over custody of their child. . . . His actions are a sham, frivolous in nature, an abuse of the court system and deserving of an appropriate sanction." The court imposed financial sanctions on the batterer and ordered him to pay attorney's fees to the victim. If the batterer files frivolous actions against the victim in another civil court, victims have the option to fight back through their own legal processes. If a batterer files a frivolous motion against a victim in a federal court, the victim can ask the judge to sanction the batterer under Rule 11 of the Federal Rules of Civil Procedure. This rule allows judges to deter abusive conduct in the courts and can result in monetary damages being awarded to the victim of the litigation abuse. Most batterers' claims against victims are filed in state courts, and thus the Federal Rules of Civil Procedure do not

apply. However, some state legislatures have enacted analogous provisions. Twenty-eight states, including California and Massachusetts, have enacted “anti-SLAPP” (Strategic Litigation Against Public Participation) laws, which protect individuals from being sued frivolously. For example, the Supreme Judicial Court of Massachusetts applied the Massachusetts anti-SLAPP law in a 2002 case. In that case, the court sanctioned an ex-boyfriend who filed a civil complaint against his ex-girlfriend to retaliate against her after she filed for a restraining order. Applying the state’s anti-SLAPP provision, the court determined that the burden shifted to the ex-boyfriend to demonstrate, by a preponderance of the evidence, that the ex-girlfriend’s petition was “devoid of any reasonable factual support or any arguable basis in law.” The court, finding no such evidence, ordered the ex-boyfriend to pay the ex-girlfriend’s costs and attorney’s fees. More courts can take advantage of these provisions to deter batterers from committing litigation abuse.

C. Custody

Custody is the area of family law most susceptible to abuse from batterers. Because of the high stakes for the victim and children in custody proceedings, batterers can take advantage of the victim’s fear and demand significant custody rights for the purpose of staying involved in the victim’s life indefinitely.

1. Batterers’ Threats About Custody

Even before the first court appearance in a dissolution proceeding, the batterer may have already made threats about custody to abuse and control the victim. Many

batterers threaten that if the victim leaves, the batterer will be able to take the children away through a custody action. This is one of several common threats that batterers make to try to stop their victims from ending the relationship. “In a pilot study of 94 battered women’s experiences with child custody, batterers’ threats to keep the women from leaving included hurting the children (25 percent), kidnapping the children (25 percent), and taking the children through a custody action (35 percent). In this sample, 20 percent of the women reported returning to the batterers at least once because of these threats.” Batterers make threats involving custody because such threats effectually scare victims into staying with the batterer.

2. Custody Does Go to Batterers

Batterers’ threats about custody are not hollow; custody does frequently go to batterers. While in many cases victims do receive full custody, many batterers continue to receive joint custody. A project in Massachusetts found that out of 40 men who had abused their wives and children, 15 were granted sole or joint physical custody by the courts. Batterers are more likely to seek custody of children than non-batterer fathers. Some researchers have found that men who abuse their partners contest custody at least twice as often as non-batterer fathers. Batterer fathers tend to stay highly involved in children’s lives after divorce, in contrast to the general trend of fathers gradually disengaging from their children following divorce. Despite laws that require judges to consider domestic violence in their decisions, many judges still wish to give some amount of custody to batterers. A general belief exists in some courts that joint custody is in the best interest of children, despite the fact that no

studies have shown that joint custody leads to better outcomes for children in families with a history of domestic violence. Other scholars suggest that courts continue to give joint custody to batterers to reassure the batterer he “still has a central role to play in the child’s life.” This prioritization of the batterer’s needs over the needs of the children and victim is highly troubling and pervasive.

3. Custody Gives Batterers a Tool for Abuse

When batterers are granted custody, they can use the children as a mechanism to stay involved in the life of their victims. In one study, 70 percent of domestic violence victims interviewed reported that batterers used the children to stay involved in the victims’ lives. Batterers granted joint custody often use custody as an excuse to stay in communication with the victim. Because of the history of the power dynamics between the couple, batterers “tend to use the power of joint parenting to exert control over the other parent.” Batterers may “gain access to victims by manufacturing reasons to ‘discuss’ child rearing or by insisting upon joint attendance at school events, parent-teacher meetings, or medical appointments. They can also withhold consent for a child’s counseling, medical procedures, and extra-curricular school events.” In this way, batterers stay involved in the victims’ lives and continue to abuse them. Batterers can use custody as an opportunity to pass threatening messages through children and back to their mothers. One victim reported that her child told her, “Daddy is going to kill me with a gun. He’s told me that he bought a book of 1001 ways to murder somebody.” Another victim reported that the batterer “used his 3-

year-old to deliver threats: 'Does mommy have a boy-friend? Tell mommy I'll kill her if she has a boyfriend.'"

Other batterers manipulate victims through disrupting childcare routines. In some cases, batterers deliberately upset family routines to punish victims for the separation. In one case, a mother reported that the batterer would show up in the middle of the child's nap time in order to disturb the family. Other batterers have frequently failed to appear for scheduled visits or arrived late. These disruptions disturb the family routine and leave the mother and children feeling disoriented. One mother described such disruptions, stating, "We were splitting up, but he was still controlling my life." One author notes that such disruptions contain "a powerful message about the abuser's ability to continue to disrupt his or her partner's life, and the necessity that it be arranged around the abuser's needs."

4. Solutions

Courts should seriously consider the risks of granting any amount of custody to a batterer. All states have enacted statutes that require courts to consider domestic violence evidence in custody cases, and about half have a rebuttable presumption against giving custody to a batterer. In California, Family Code Section 3044 reads: "Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence against the other party seeking custody of the child or against the child or the child's siblings within the previous five years, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of

the child, pursuant to [Family Code] Section 3011. This presumption may only be rebutted by a preponderance of the evidence.”

Rebuttable presumption statutes provide an excellent way to prevent abusive parents from obtaining custody of children. This presumption is triggered if one parent was convicted of domestic violence against the other parent or if any court has found that the parent committed domestic violence against the other parent or the children. One study found that in states with a rebuttable presumption statute, more custody orders were granted to the victim-mothers, and the batterer-fathers’ visits were limited through restrictive conditions and a structured schedule. If a batterer does receive some form of custody, courts can still work to protect the victim from excessive in-person contact with him. To avoid unnecessary and potentially abusive communication between the victim and the batterer, courts can work out a custody plan in advance that contains a very detailed and precise visitation order, so there is no need for ongoing interpretation. A detailed visitation order will prevent the batterer from exploiting any vagueness for the purpose of contacting the victim or bringing the victim back to court to resolve the dispute. Courts should also consider implementing supervised exchange agreements. In a supervised exchange agreement, the abuser does not collect the child directly from the victim, but instead from a third-party, such as the child’s school. This remedy can be excellent when the abuser does not pose a threat to the child directly, but direct exchanges with the victim could be problematic and conflict provoking. This method also avoids re-traumatizing the

victim by lessening the constant in-person contact between her and the abuser and reducing the chance that children will witness physical abuse.

D. Supervised Visitation

1. The Uses of Supervised Visitation

Sometimes a judge does not feel that it would be safe for a child and a batterer to be alone together, but the judge still wants to keep the batterer involved in the child's life. In these cases, courts may assign supervised visitation. Supervised visitation is contact between a child and a parent that takes place in the presence of a third party, who monitors safety during the contact. Supervised visitation is common in cases of domestic violence. Studies have found that many batterers are granted supervised visitation with children, even when there is a substantiated claim of domestic violence. One study found that 80 percent of fathers with a known history of domestic violence still received visitation.

Supervised visitation can encompass a range of services, including, at its most intensive level, one-to-one supervision with a trained observer present at all times. There are also less intensive options for supervision available, including exchange supervision, under which only the transfer of children at the start and end of visits is monitored.

Supervised visitation can be a good resource for courts that wish to keep a batterer in the child's life. Supervised visits occur in a safe setting, where the batterer cannot physically harm the child. If the batterer initiates aggressive or manipulative

behaviors, the supervisor can intervene. Supervised visits can also reduce a victim's anxiety about the child's contact with the batterer, because the victim knows that the batterer is being carefully monitored.

Battered women report feeling less anxiety after the court has instituted supervised visitation. Supervised visitation still has its limitations. First, there are concerns that many supervisors at supervised visitation centers have not been well-trained in detecting abusive behaviors. A supervisor must be trained to be vigilant to not only signs of physical abuse, but also verbal or emotional abuse. Second, supervised visitation is not a universal solution that works for every case.

Advocates worry that courts assign supervised visitation too readily, without addressing fundamental questions about whether it is in the best interest of the child to continue to have contact with the batterer. Third, supervised visitation is always a temporary measure, and courts must have a plan for what will happen when the supervised visitation period ends. Courts should continuously evaluate the batterer's progress throughout supervised visitation and ensure total compliance before awarding the batterer any custody. Courts should not transition a batterer from supervised visitation to unsupervised visits merely because the cost of supervised visitation is high; the court should only end supervised visitation when there is evidence that it is safe for the batterer to be alone with the child.

2. The Risk of Supervised Visitation Becoming a Tool of Abuse

Sadly, though many parents use supervised visitation as a chance to reconnect with their children, some batterers use supervised visitation as an opportunity to continue

to abuse their ex-partners. While supervised visitation centers address some of the problems of batterer abuse, some forms of abuse are still possible inside the visitation center. Even though a batterer may not be able to physically hit the child in the visitation center, he may be able to exhibit other abusive behaviors. Some batterers have passed threatening notes to their children at supervised visitation centers. Some batterers have whispered threats to their children, out of hearing range of visitation center staff. Some batterers do not use supervised visitation to focus on the children at all, but instead remain focused on their victims. For example, some batterers use visitation as a chance to gather information about victims to plan an assault or stalking by asking the children about their mother's address, job, or routines. In addition, the visitation center itself can give the batterer an opportunity to attack. The batterer knows that his victim will be present at the supervised visitation center to drop off her children. He can plan an assault accordingly, or follow her home after a visit. In one case, a woman was murdered in the parking lot of a supervised visitation center while bringing her child for visitation.

3. Solutions

Courts should consider assigning supervised visitation only in cases where it would be healthy for the child to continue to have contact with the batterer. In cases where the batterer has a history of using manipulation or emotional abuse, child-parent conversations must be actively monitored by a trained supervisor. Courts should receive status updates on how supervised visitation is going and not hesitate to end visitation if the batterer behaves inappropriately. Supervised visitation centers must

ensure their facilities and parking lots are safe for domestic violence victims and their children. Extra security guards should be stationed in the parking lots when domestic violence victims will be dropping off their children. Visitation centers also must take care to ensure a batterer is not able to follow a victim home after pick-up at the visitation center.

E. Child Support

1. Child Support as a Tool of Abuse

For many families, court-ordered child support is an important tool to help families stay financially stable after divorce. But in domestic violence cases, child support payment disputes can give batterers another opportunity to try to exert control over their victims. Many victims, out of fear of the batterer, are afraid to file for the child support that their children need. One victim said that going after child support from her batterer “would be like poking a stick at a snake.” Many women report lowering or waiving their requests for child support because they feared further physical violence. Research on child support awards indicates that the more fear a mother has of the father, the lower the child support award will be. After an initial award of a low amount of child support, many women are afraid to return to court to ask for an increase, even if their children’s needs have increased since the award. Batterers may use child support disputes as a bargaining chip in their divorce arguments with their victims. Batterers often focus on the balance between child support and custody. When a father takes on a larger share of the custody, often his child support

obligation is reduced. Some batterers may petition the court for custody, even though they do not want custody. They do so solely in order to reduce their child support payments. These custody requests often make victims afraid for their children's safety, and may make victims more likely to acquiesce on other demands. Some batterers may even ask for custody specifically to retaliate against the mother, because she requested child support. A batterer may also use child support obligations as an excuse to stay very involved in the victim's life. Some batterers may feel that paying support gives them a right to dictate how the victim should live. Batterers may ask the children questions about the victim's lifestyle, in order to look for reasons to bring her back to court for a proceeding seeking a reduction in child support.

Even when mothers do file child support claims against batterers and win, the batterers often fail to pay. According to some research, batterers are more likely than non-batterers to fail to pay child support. Batterers may lie to the court about their income or move from job to job frequently to avoid being forced to pay child support. Denying child support to victims is a form of economic abuse that leaves the victims without the means they need to take care of their children. Some victims have reported that batterers use this form of financial abuse as a revenge tactic. Batterers may know that in order for child support awards to be enforced, "on a practical level, women are required to initiate proceedings first to locate the father and then to seek legal redress." Many victims may be afraid to push the batterer to pay child support, out of fear that he may physically harm them or otherwise retaliate.

2. Solutions

Child support in cases of domestic violence requires the court to carefully consider the appropriate amount of child support that should be awarded. Even if the victim is requesting a low award of child support, the court should consider the possible factors in her decision and make an independent judgment about the appropriate award.

When batterers fail to pay child support, the court must strictly enforce the child support obligation. Batterers may avoid paying child support in order to prolong the court case and require the victim to initiate further proceedings. Courts should take the first instance of a failure to pay child support seriously and not hesitate to find batterers in contempt of court.

IV. Conclusion

The ease and frequency with which batterers take advantage of the custody process to bully and abuse their victims is deeply troubling. Family courts must take a proactive role in preventing abuse through the legal system. Family court judges and mediators should attend trainings on the psychological profiles of batterers and victims, so they are more capable of identifying domestic violence histories in court or in mediation sessions. Family court judges and mediators should vigilantly watch for abuse throughout the mediation process, and all states should allow domestic violence victims to opt out of mediation. In litigation, judges should remain aware of the possibility of litigation abuse, and sanction batterers who file frivolous motions.

Courts should be wary of granting custody or visitation to batterers, and if they do, courts should carefully structure all agreements to decrease the need for contact between the parties. When courts award child support in domestic violence cases, judges should ensure that the batterer does in fact pay and that victims do not have to repeatedly face the batterer to enforce payment. Steps like these will help family courts ensure greater access, fairer outcomes, and increased safety for victims of domestic violence and their children.”

Appendix C

Crisis in the Custody Court System

B. Goldstein and Veronica York

“Every year 58,000 children are sent for custody or unprotected visitation with dangerous abusers. In a recent two year period 175 children were murdered by abusive fathers involved in contested custody often with the unwitting assistance of courts that gave the fathers the access used to kill the children. Dr. Dianne Bartlow and her students interviewed judges and court administrators as part of a study to determine what reforms the courts had made in response to the tragedies in their communities. The judges who participated are some of the best which is why they agreed to take the time to discuss domestic violence and custody. They often spoke eloquently about these issues and tended to have more training than their colleagues. Nevertheless, these courts had not created reforms to make children safer because they assumed the tragedy in their community was an exception. Unfortunately, the court system has not been very open to findings that their practices are working poorly for children. In many ways the court system is an insular community that only speaks to themselves and has not modified their practices and training in response to current scientific research.

In April of 2012, the U. S. Department of Justice released a study led by Dr. Daniel Saunders of the University of Michigan that is extremely helpful in explaining why the courts get such a high percentage of domestic violence custody cases wrong. Saunders found that there is now a substantial body of current scientific research

that could inform court decisions, but court professionals rarely look to this research to help protect children. He found that the standard training received by evaluators, judges and lawyers does not provide the information needed to respond effectively to domestic violence cases. Dr. Saunders recommends that court professionals receive training in screening for domestic violence, risk assessment, post-separation violence and the impact of domestic violence on children. I would add that they need to understand domestic violence dynamics and be familiar with batterer narratives in order to avoid being manipulated by abusers. Most of the evaluators claimed to have the needed training, but when asked how they screened for domestic violence often cited the MMPI and other standard psychological tests that tell us nothing about domestic violence. Saunders recommends that they should use the Campbell Danger Assessment or other similar tool. In thirty years of practicing law and reviewing cases since, I have never seen an evaluator use any tool that would be effective in screening for domestic violence or recognizing the danger the alleged abuser poses. This is the worst of all possible situations in that the professionals do not have the training and expertise they need but think they do so they do not seek assistance from genuine domestic violence experts. Many judges and lawyers receive their information from these evaluators who do not have the necessary training.

The problem is magnified by the widespread use of a cottage industry of lawyers and mental health professionals that seek “fathers’ rights” business. A large majority of contested custody are really domestic violence cases in which abusive fathers use standard abuser tactics to seek custody as a way to regain control over their victims.

Domestic violence is very much about control and economic control is an important part of the standard tactics. This means that in contested cases the abusive father usually controls most of the family financial resources. Accordingly, the best way for unscrupulous professionals to make a substantial income is to support practices and approaches that favor abusers. This is why we see support for PAS in custody courts and nowhere else. These professionals are extremely biased but courts treat them as if they were neutral. In many cases attorneys for the abuser encourage the appointment of GALs and evaluators who are part of the cottage industry and GALs similarly support biased evaluators. This mistake often leads to cases in which overwhelming evidence of abuse is ignored or minimized and extreme outcomes that Saunders found are always harmful to children are created.

Dr. Saunders found that court professionals without the specific training needed tend to believe the myth that women frequently make false allegations of abuse, focus on unscientific alienation theories and assume mothers trying to protect their children from abusive fathers are hurting the children. Many of the harmful outcomes occur when courts focus on these issues which say more about the lack of qualifications of the court professionals than the facts and circumstances in the case.

There is now a substantial body of medical research about the long-term health impact on children exposed to domestic violence, child abuse and other traumas. This research is based on the ACES (Adverse Childhood Experiences) studies. We now know that children exposed to domestic violence will suffer more illnesses and

injuries as children and later as adults. They will require more medical care and have a reduced life expectancy. I believe these findings about the catastrophic impact of domestic violence on children should require the court system to take a fresh look at its response to domestic violence. They need to make the safety of children the first priority rather than claims to “rights” of parents or other factors that have much less influence on the well-being of children. The research means that it is critical courts learn to recognize domestic violence and stop minimizing its significance. I wish the leaders in the custody court system would be open to meeting with leading researchers and domestic violence experts to discuss the reforms needed to better protect our children.”

APPENDIX D

PETITION FOR EXTRAORDINARY RELIEF

Margaret M. FitzGerald (Knaub)

Petitioner

v

No. 2004-FC-005010Y02

No. 2004-FC-000501-03

Michael Alan Knaub, ex-husband, AG Peter Kovach of Office of General Counsel, Suzy Moore, Office of General Counsel, Dean Picarella OAG, York Area Regional Police: Officers WBarley, DWingert, MPrice, MZinn, GMcGee, Dr. Jeffrey Frey, M.D. PCP, York Hospital/Wellspan Behavioral Health: Dr. Rollings, Dr. W Cee Gassie, M.D., Dr. Stephen Dilts, M.D., Social Worker Maxine Banks, MSS, Nurse G. Koudrasuk, RN, Dr. W Massie, D.O., Dr. Samuel Woo, M.D., Dr. Stephen Brockway, M.D. of The Meadows in AZ, Trauma Treatment Providers of Life Healing Center of Santa Fe, NM, Court of Common Pleas, York County, PA: Judge John Thompson, Judge Richard Renn, Judge Bachman, Judge Dorcy, Judge Michael Bortner, Thomas O'Shea, Esq. Of CGA Law Firm, Michael J. Krout of Morris & Vedder, Donald Kissinger, Esq of Howett, Kissinger, & Conley/Holst, Dr. Arnold Shienvold, PhD of

Riegler & Shienvold Associates, Glenn Vaughn, Conciliator York County Court of Common Pleas, Demosthenes Lorandos, PhD/JD of Lorandos and Associates, Darrell Wilt, LMFT of Life Solutions, Drs. Glenn Williams, M.D. and Dr. David Zelis, M.D. of York Pediatrics, Janet Bliss, MA of Family Child Resources, Karen Stabley, art therapist, Drs Barry Bricklin, PhD & Gail Elliot Consultants of Child Custody Issues, Dr. Weinberg, Superintendant of Dallastown Area High School (DAHS), Dr. Stanley Weinstein, Assistant Principal DAHS, Dr. Joshua Doll, Principal of DAHS, Andrew Thompson, Guidance Counselor DAHS, Garrett Boop, guidance counselor DAHS, Corissa Fetrow DAHS, Kevin Myers DAHS

Respondents

APPLICATION FOR EXTRAORDINARY RELIEF UNDER 42 PA.C.S. § 726 AND PA. R.A.P. 3309

INTRODUCTION

This suit presents an issue of extraordinary and immediate importance to the families of this Commonwealth and the integrity of its democratic institutions. Petitioner alleges that the Commonwealth's family court system in York County is guilty of extortion, fraud, malpractice, and abuse of the rights of its constituents, women, and children.

Petitioner has developed overwhelming evidence of the malpractice, abuse, extortion, fraud, lawlessness, and unconstitutionality perpetrated by the individuals/professionals involved in our 5+ year long custody battle in York County court, and the Supreme Court of this Commonwealth should hear this case without delay. Petitioner is left with no choice but to turn to this Court to vindicate my children and my constitutional rights and seek retribution for damages due to malfeasance by all professionals involved in our legal case which caused lifetime damage to the children and Petitioner/Margaret M FitzGerald/Mother.

The entire crew of professionals who tried this case failed to address the fact that domestic violence/battering and abuse was being perpetrated by the father Michael A. Knaub against our children and me, Margaret M. FitzGerald, their mother, Petitioner, and primary caregiver. I was diagnosed and treated for 'battered woman syndrome' and this fact was ignored throughout our entire case leaving our children in the care of a dangerous narcissist batterer. All professionals accepted father's narrative and smear of Petitioner/Margaret/Mother as fact without investigation. Not one professional attended to reports of abuse of mother and children during 5+ year custody bloodbath therefore malpractice and abuse by the law ran rampant resulting in neurological damage-attachment system malevolence-alienation of children from mother for 20 years, @ \$500K in costs and lifetime damage to children and unrelenting sorrow for Petitioner. {18 U.S.C. § 872}

-the intermediate appellate court has so far departed from accepted judicial practices or so abused its discretion as to call for the exercise of the Pennsylvania Supreme Court's supervisory authority

- the Petition for Extraordinary Relief presented is one of such substantial public importance as to require prompt and definitive resolution by the Pennsylvania Supreme Court

-Civil and Constitutional Rights violations against Petitioner, Margaret M. FitzGerald (Knaub) and my children, Taylor, Graham and Davis Knaub:

4th. 8th. 14th Amendments

PA Statute of 1836- arbitration

Federal Civil Rights Statutes:

Title 18 U.S.C. Section 249 -Hate Crimes prevention Act

Title 18 USC Section 241 Conspiracy Against Rights

Title 18 USC Section 242 Deprivation of Rights under Color of Law-judges and lawyers

Title 42 USC Section 14141- pattern and practice

14th Amendment=> The Fourteenth Amendment forbids the states from depriving any person of "life, liberty, or property, without due process of law" and from denying anyone equal protection under the law.

I, Petitioner, Margaret M FitzGerald, LCSW, primary caregiver and mother of our 3 children was deeply traumatized ongoing due to the continuing abuse by my husband and batterer, Respondent Michael A Knaub; as I stood powerless without any effective legal intervention to stop the abuse and alienation of my children from me for weeks, months, then years knowing, witnessing, hearing the abuse against them by Michael A Knaub, their biological father and batterer, and reporting these numerous incidents to my attorneys, judges, police officers, school officials, therapists, pediatricians, and custody evaluators who ignored my reports throughout the duration of the entire divorce and child custody case. Trial Court docket No. 2004-FC-000501-03

Petitioner will illuminate throughout the presentation of this travesty of malpractice, injustice, and corruption by the Court of Common Pleas of York County, Pennsylvania, the professional research, theory and professional practice of domestic violence/abuse/coercive control and battering dynamics through a few well-respected experts on domestic violence (DV)/coercive control specifically Dr. Evan Stark, Professor Emeritus, Rutgers University recently passed who is considered the 'pioneer of Coercive Control'/Intimate Partner Violence/abuse and battering dynamics and Lundy Bancroft whose Risk Assessments to protect children from batterers are the model for practitioners as well as others experts in domestic violence (DV), DV By Proxy, Coercive Control, and Intimate Partner Violence (IPV) which

were ignored by law and mental health every hearing, every session, every step through this massacre of our children and me.

Due to the malpractice and reprehensible failure of lawyers, police officers, judges, custody evaluators, therapists, school officials, pediatricians, medical providers at York Hospital to assess, treat, and provide care for our children and me/Petitioner according to best practices of domestic violence evidence-based practice and DV law for the children's safety and healing with me, their mother, the damage of perpetual abuse and alienation under the thumb of Michael A Knaub continues. Why didn't lawyers and judges enforce the law {18 U.S. Code § 1509, 42 Code § 1985} to stop the abuse and alienation of our children and prosecute Michael A Knaub in criminal court for his crimes of spousal and child abuse? {App F} Hundreds of thousands of dollars poured into court professionals' pockets while the ravaging of children and mother continued. There were documented numerous violations of the Court orders {18 U.S. Code § 1509} by this batterer Michael A Knaub-visitation interference, his terrorism of our children during phone calls, ACE signs and symptoms requiring medical attention in the children, delays, cancellations, poisoning of children's love for their mother, reports of abuse by family and friends, failures to comply with therapeutic directives and legal mandates-all with impunity by the Court. No accountability for Michael A Knaub's continued abusiveness for almost 6 years by law, education, medical and mental health. {18 U.S. Code § 1509}{42 Code § 1985}

The entire case created dire trauma for me, the mother/Petitioner/primary caregiver Margaret M FitzGerald (Knaub) and our 3 children, Taylor, Graham, and Davis Knaub whom the Court left in the custody of a delusional dangerous batterer, Michael A Knaub. Why was he never evaluated nor held accountable? Erroneously, professionals' judgements were based on nihilism throughout the entire saga of abuse and malpractice, extortion, fraud, Due Process undone, and wrong party 'indicted'. Although I reported the reign of terror by Michael A Knaub against our children and me during phone calls, swim meets, visitations, the court aided and abetted it all.

The focus on my trauma and sorrow as a result of 'battered woman syndrome' resulting in my hospitalization where gaslighting of me was accepted as truth by medical providers and all who would listen for the next 21 years. This tactic by narcissist batterer Michael A Knaub became the central focus by all providers as I was slandered, framed, demeaned, dismissed, gaslighted, smeared, defamed, besmirched as an unfit mother and/or needing to work on my "verbal and emotional control".

"These women have been subjected to a pattern of domination that includes tactics to isolate, degrade, exploit, and control them as well as frighten them or hurt them physically. This pattern which may include but is not limited to physical violence, has been variously termed psychological or emotional abuse, patriarchal or intimate terrorism (Tolman, 1992, Johnson, 2008), and coercive control (Stark, 2007). *{Re-presenting Battered Women: Coercive Control and the Defense of Liberty, Stark, E. p. 3,*
https://www.stopvaw.org/uploads/evan_stark_article_final_100812.pdf

This is a matter of public importance and national impact. As a Licensed Clinical Social Worker and Coach in private practice, I have witnessed a pandemic of cases very similar to ours with failure by the Courts to enforce the law violating Constitutional, civil, human, and parental rights of citizens of this nation. Children and mothers are being murdered, damaged, with a myriad of consequences to their health and mental health into adulthood.

It's now been 21 years since my parents and I have seen my youngest son. Davis' Grandpa, my father, Dr. Edmond FitzGerald, retired surgeon, passed away summer of 2023 without seeing his grandchildren for 20 years. My 86 year old mother grieves this same loss for 20 years as well. The other 2 now adult children are mostly absent from our family too with one struggling with meth addiction for years now. Think of Stockholm Syndrome/Patty Hearst cases where adults become absorbed into their captors agenda. It's criminal.

Exhibit 1-Strangulation assault against Margaret M FitzGerald/Petitioner where Petitioner called police after her husband, Michael A Knaub, choked her with is hands around her neck in 2002. Perpetrator fled the scene in his car before police arrived. Officer Zech shined his flashlight on Margaret M FitzGerald's neck the night of the assault stating to her that "there are marks on your neck". In the Court hearing regarding this assault, Officer Zech lied on the stand negating the evidence of the marks on Petitioner's neck. Case # 21-02-03432 no criminal charges were filed against

batterer Michael A Knaub in this domestic violence assault against Petitioner, Margaret M. FitzGerald

Exhibit 2-Domestic violence incident (030803 case #21-03-05652 W. Barley, where Petitioner called Officer W Barley after another strangulation assault against me by Michael A Knaub, resulting in no sanctions nor arrests of batterer who fled the scene; in fact, officer spoke demeaningly, disrespectfully towards Petitioner, dismissed Petitioner's report and documented assault against Margaret M FitzGerald as "Disturbance." Where is the enforcement of the Strangulation Law in PA? 18 PA Law § 3923

Exhibit 3-Domestic Violence/Assault incident (10/2/03 #21-03-07416 MSAMP was a retaliation tactic by batterer, Michael A Knaub, by calling police after he choked me by the neck. Respondent Michael A Knaub lied to police and said I, Petitioner, was assaulting him. 18 PA § 4906

"Because of the distorted perceptions that the abuser has of rights and responsibilities in relationships, he considers himself to be the victim. Acts of self-defense on the part of the battered woman or the children, or efforts they make to stand up for their rights, he defines as aggression against him. He is often highly skilled at twisting his descriptions of events to create the convincing impression that he has been victimized." {*Understanding The Batterer in Custody and Visitation Disputes*, Bancroft, Lundy 1998}

Exhibit 4–“Attempted Suicide” Case #21-03-08219 11/9/03 Gaslighting, lies by Respondent, Michael A Knaub, against Petitioner Margaret M FitzGerald who did not have any suicidal ideation, tendencies or behaviors 18 PA § 4906

Exhibit 5- Officer W Barley and medical providers believed Michael Knaub’s lies. As a clean and sober woman for 15 years with a brief relapse drinking wine one night due to 13 years of pattern of power and control battering by husband does not make a woman unfit but battered and suffering derogatory, inhumane, and lethal threats against her in front of her children. False allegations made by Respondent, Michael A Knaub, 18 PA § 4906 against Petitioner, Margaret M FitzGerald which became the theme of entire corrupt upcoming custody case disguising and ignoring abuse evidence as Respondent Michael A Knaub’s lies and half-truths became the predominant focus by all professionals every step of the way. Batterer’s narrative accepted as fact by providers who then filed involuntary commitment against Petitioner which has caused violations of her 2nd Amendment rights U. S. Const. amend. II which triggered FBI Database labeling of Petitioner, Margaret M FitzGerald, as “Mental Defective” See Case # 21-03-08219

“Other batterers have falsely alleged that victims had mental health or drug problems. Many batterers have claimed that the victim committed physical abuse against them, shifting the focus away from the victim and forcing the court to untangle the variety of abuse allegations in the case.” {*How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It*, 2017, UCLA Women’s Law Journal, p. 44}

Exhibit 6a, 6b, 6c, 6d, 6e, 6f, 6g- York Health System “302 Involuntary Commitment”

Gaslighting “Husband states...” “spoke with patient’s husband...” “Husband’s concerns” “Dr Dilts spoke to her husband” “Contact person-Michael A Knaub” Social Worker Maxine Banks, MSS, Nurse S. Koudrasuk, and Dr. Stephen Dilts, M.D., Dr. Jeffrey Frey M.D., our primary care physician, accepted Respondent, Michael A Knaub’s narrative-gaslighting of wife- as fact. All medical providers failed to document the spousal abuse Margaret M FitzGerald reported in detail. Correct diagnosis should have been spousal violence, confirmed 995.81 T74.11XD and spousal abuse, Psychological, confirmed 995.82 T74.31XD

“Domestic violence (DV) is a major public health problem in the United States, affecting between two and four million women each year...Doctors, nurses, and other providers are urged to screen routinely for DV, yet progress is hindered because health systems lack the data, formalized procedures and the reimbursement schemes to fully implement and sustain published screening guidelines...

Although medical record documentation of DV is recommended, it is still uncommon. Accurate coding of DV is even more unusual...

Victim advocates and health care providers have been working together for many years to strengthen the health care response to DV. However, there are systemic barriers to doing so, most significantly the lack of data and institutional support for such interventions. Many of the principal barriers providers face can be approached and overcome by promoting accurate documentation and coding of DV.” {Rudman, W. PhD, *Coding and Documentation of Domestic Violence*. University of Mississippi Medical Center, 2000, Family Violence Prevention Fund}

Exhibit 7- Petitioner consented to and authorized **voluntary** treatment at York Hospital.

Exhibit 8- Denial of Concealed Handgun Permit for Margaret M FitzGerald based on Respondent's lies and gaslighting into a "302 Involuntary Commitment" of Petitioner by Respondent batterer Michael A Knaub and colluding medical providers at York Hospital and York Area Regional Police. {Violation of 2nd Amendment}

Exhibit 8a: Narcissist's calculated plan to exile mother from children's lives. 2003 Respondent Michael A Knaub excludes children's mother/primary caregiver/Petitioner as parent on school enrollment forms as he switched schools without discussion with mother/Petitioner as abuser Michael A Knaub's alienation tactics progress.

Exhibit 8b: "Children may visit for 1 hour in C conference room." Dr. Dilts, York Hospital. No one enforced this directive for children and mother. Never happened. Respondent Michael A Knaub began his pattern of alienation and interfered in relationships for children with mother/Petitioner.

Exhibit 9: Children's love letters to their mother/Petitioner while in trauma treatment:

Exhibit 9a: Taylor, my daughter, age 12, to her Mom/Petitioner “Sail away with me...”

Exhibit 9b: Taylor Amends letter to me at The Meadows during Family week.

Exhibit 9c: Graham, my son, age 10, to his Mom/Petitioner “I love you...come home soon...I need my Mommy!”

Exhibit 9d: Graham to his Mom/Petitioner “Love...Momma..your little bunny...You are like a beautiful swan”

Exhibit 9e: Davis, my son, age 8, to his Mom/Petitioner “Happy New Year...smiling face, hearts, I love you”

Exhibit 10-Mother/Petitioner attended Intensive Trauma Resolution Treatment at Life Healing Center in Santa Fe, NM. Joan Halucha, LADAC, misdiagnosed patient Petitioner Margaret M FitzGerald and failed to diagnose her with spousal abuse/’battered woman syndrome’ and recommended return to home of batterer without protections in place for her safety. No abuse report by provider mandated by law.

February 4th upon Petitioner’s discharge from Life Healing Intensive Trauma Treatment Center Michael A Knaub forbid her to return home, drove her and forced her to stay at hotel, lying to mother and children that it was just a short term measure for her re-entry when it was a calculated move to exile her from the family and home of 13 years. Taylor, Graham, and Davis Knaub were waiting for their mother in the

car with hugs and kisses for Petitioner's Margaret M FitzGerald's return from trauma treatment center.

Exhibit 10a Feb 5th Respondent Michael A Knaub calculated plans to build home on marital farm without knowledge or consent of his wife/Petitioner/Margaret M FitzGerald 18 U.S.C. § 3663A

Exhibits 11- Domestic Violence assaults against Petitioner/Margaret M FitzGerald by Respondent Michael A Knaub. Respondent Michael A Knaub terrorized me-blocked the front door, called me unspeakable names, screaming and yelling at me in front of our children and absorbed our daughter into his terrorizing campaign against me, our children's mother, Petitioner/Margaret M FitzGerald, when I tried to return to my home with my children after trauma treatment.

Exhibit 11a-March 3, 2004 case #21-04-01455 MGEORGE 18 PA § 4906

Exhibit 11b-March 6, 2004 case #21-04-01713 DWING told me I would have had better luck in the state of MD as "they recognize domestic violence there but not in PA" 18 PA § 4906

Exhibit 11c and 11d-March 11, 2004 case #21-04-01914 MPRICE and Det. MZINN case #21-04-01925 officers harassed me as I was sobbing at the terrorism of me by Respondent Michael Knaub against Petitioner/Margaret M FitzGerald 18 PA § 4906

"The abuser believes it is his right to control his family, set expectations, and issue discipline as he sees fit, without outside intervention. Many batterers have their beliefs reinforced when victims, neighbors, or friends call the

authorities and the authorities fail to take positive action.” {Effects of Domestic Violence on the Victim, **Growing Free: A Manual for Survivors of Domestic Violence**, Deaton and Hertica, 2001, p. 29}

Exhibit 12- 2004 Petitioner/Mother/Margaret M FitzGerald (Knaub) Diagnosed and Treatment for ‘battered woman syndrome’/ spousal abuse at Berks Women in Crisis {*Jaime G. v. H.L.* (2018) 25 Cal.App.5th 794 “...there is a presumption against awarding *any* custody to a domestic abuser. This means the court must give the survivor sole legal and physical custody”} *H.R. Con. Res. 172, 101st Cong., 2d Sess.* (1990) “Expressing the sense of the Congress that, for purposes of determining child custody, evidence of spousal abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of an abusive parent.”

Exhibit 13 -Attorney Thomas O’Shea York, PA, March, 2004 allowed Petitioner/Margaret FitzGerald/Mother without investigation of circumstances to sign over exclusive possession of her home to Respondent Michael A Knaub. 18 PA § 4114 Put our children at risk by leaving them in their abuser father’s home without protection of their mother and primary caregiver/Petitioner. 18 PA § 4107, 18 PA § 4304, U.S.Const. amend VII

Exhibit 14 - March 11, 2004 Petition for Exclusive Possession Respondents Attorney Michael J. Krout of Morris and Vedder, counsel and high school friend of Respondent Michael A Knaub, committed perjury many times in

demeaning, lying, smear and assassinating the character of mother/Petitioner/Margaret M FitzGerald: 18 PA § 4902, 18 PA § 4903, 18 PA § 4906 cover page #5. "Wife has a history of psychological problems..." Lies. Petitioner Margaret M FitzGerald has been active in 12 Step recovery from alcoholism for 15 years prior with brief relapse and subsequent treatment for spousal abuse/battered woman syndrome at Caron Foundation. Michael A Knaub/Respondent was using Percocet as an addict during custody case (reported by a family member) but when I told my attorney, Don Kissinger, he said "well, Michael is bald so we cannot do a hair analysis"...Hair on legs would have worked and provided the substantiating evidence but my attorney Kissinger ignored me and family member's report of Respondent Michael A Knaub returning to active drug addiction. 18 PA Law § 3923

p.2 Line 6. Respondent Michael Knaub knew I had unknowingly consumed a swallow of vodka in a water bottle his father left in our truck. I was seeing my therapist for continued recovery support and being honest with her about my drinking wine and reporting my concern as to the enmeshment I was seeing in my husband, Respondent Michael Knaub with our daughter as I was concerned for her safety and well-being.

7. I did drive Davis and I to a nearby restaurant and drank wine there.

8. I called my husband Michael A Knaub Respondent to pick us up as I knew I had been drinking and would not drive my son after drinking. I never stated to anyone the any thought of "suicide." Gaslighting. I took my bottle of Wellbutrin and went upstairs to the bathroom. There was no scene. Kids were not aware of any of this. Taylor did not see nor hear me "attempt suicide". Lies. The children were upstairs in

their playroom and didn't "discover wife after she had consumed the pills" Lies. I asked my husband Michael Knaub to please call an ambulance for me as I knew I had taken more Wellbutrin than prescribed. The earlier domestic assault that evening by Respondent Michael Knaub choking me and degrading me in front of our children caused me to do something stupid after drinking myself silly. 18 PA § 4906, 18 PA § 4903

9. I voluntarily sought treatment for myself. I called for help. The officer interrogated Respondent/Michael A Knaub who lied about the incident pejoratively describing me and my behavior. Gaslighting.

10. Again, false as I voluntarily consented to treatment at York Hospital due to being drunk one night and imbibing too many Wellbutrin and another assault against me that evening. People do not take Wellbutrin to kill themselves.

11. Wife/Petitioner/Margaret FitzGerald had chosen to go to Caron Foundation as I know the professionals who work there and respect their quality of treatment for those I have sponsored in the past in their recovery from alcoholism. It is located only 30-40 minutes from York. Husband Michael Knaub chose The Meadows across the country and implementing his agenda of exiling me from our family and interfering in our children being easily able to visit their mother. Not one visit for the children with their mother despite arrangements repeatedly made by therapists for them to come. I heard tears and cries on phone calls as they pleaded with their father Michael Knaub to visit me, their mother, Margaret FitzGerald, but he screamed and yelled at them on phone calls and refused to bring them for 3 months. Manipulated and

deceived me into extracting my medical records with promise of bringing our children to visit. 18 PA § 4114

“Risk of psychological abuse and manipulation. Batterers have been observed to tend towards using the children as weapons against the mother (McGee; Erickson & Henderson, 1998)” *Assessing Risk to Children from Batterers*, Bancroft, L. 2002

12. continued...misdiagnosis. Battered woman syndrome was Petitioner's diagnosis. Malpractice by The Meadows and Life Healing Center in missing this significant fact in Petitioner's reports of abuse, denigration, lethal assaults while in treatment there.

13. Wife was tricked and forced into going to a hotel instead of going home with her children to her family home of 13 years after 90 days away from her children on Feb 4, 2004. Petitioner was vulnerable after completing trauma treatment and was manipulated by my husband, Michael A Knaub into going to hotel. Domestic incident where the manager of the hotel moved Petitioner Margaret M FitzGerald/wife to another room for her safety as husband Respondent Michael A Knaub barged into her room, assaulted her, tried to steal her car keys, shoved her before I directed him to leave immediately. Police officer did not charge Michael Knaub with assault nor arrest him when Petitioner reported this incident.

See Exhibit 11a MGEORGE case #21-04-01455

14. As a victim of unabated terrorism by her husband Respondent Michael Knaub and loss of her children and her home being met by a wolf in sheep's clothing-Michael A Knaub- at the door of her home every time she tried to visit and have time with her

children, she was revictimized by the batterer. This characterization of mother/Petitioner are lies again. She never expressed threats of suicide. Gaslighting, lies, and perjury in Court to obtain this Petition for Exclusive Possession by batterer Michael A Knaub/Respondent and his high school buddy Respondent attorney Krout.

{U.S. Const. amend VIII}

15. Wife did place multiple calls and heard her sons crying “I want to talk with Mama...I wanna go see Mama!!” and batterer Michael A Knaub screaming at them, punched one of them, terrorizing them to “shut up”.

“A batterer’s actions to harm children, threaten to harm them, or take them away from their mother can be sources of severe fear and emotional trauma for battered women and their children. This critical aspect of domestic violence appears to be widely underestimated for its prevalence and destructiveness.”
{The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics, Bancroft, Silverman, Ritchie, 2012, p. 97}

16. Petitioner is not a woman who customarily uses foul language-another lie. Petitioner did call Respondent Michael A Knaub out on his behavior which was monstrous, abusive, and cruel.

17. Petitioner tried to reason with Respondent Michael A Knaub when he utilized his unconscionable battering tactic of pretending I was invisible in front of the children in our home behind closed doors. Petitioner did not antagonize Respondent.

18. This statement is totally twisted to make me out to be the bad guy, vilifying me, when in fact there was a monstrous abuser Respondent/Michael A Knaub on board

with his colluding lawyer friend from high school, Respondent Mike Krout, aiding him in perjury and gaslighting of me in his calculated plan to erase me from our children. What is the secret this narcissistic abuser/Respondent/Michael A Knaub is so desperately hiding? My attorneys, Respondent Don Kissinger, Holst inquired but never conducted an investigation.

19.20. How does the Court ignore domestic violence and abuse reports and leave children in the home of a batterer? It's a rigged system and happening across the nation. extortion, fraud, malfeasance, criminal.

21. 23. 24. Ignore the evidence of spouse and child abuse? best interests of children? Domestic violence best practices for the safety and healing of the children is for them to be ensured safety and healing with their mother. Court leaves them in the home of the batterer? Reprehensible Legal malpractice

“...Dr. David Pelcovitz concluded that removals heighten the child's sense of self-blame, and that children exposed to domestic violence are at a significantly above-normal risk of suffering separation anxiety disorder if separated from their mother. Ex. 139. Dr. Pelcovitz stated that “taking a child whose greatest fear is separation from his or her mother and in the name of ‘protecting’ that child [by] forcing on them, what is in effect, their worst nightmare, ... is tantamount to pouring salt on an open wound.” {Expert testimony, Nicholson v Williams, Case #00-CV2229, U.S. District Court, Eastern District of New York}

Exhibit 15 - Judge John Thompson, in the Court of Common Pleas of York County, PA, April 27, 2004, signed the order to give batterer father Michael A Knaub exclusive possession of the marital home on April 27, 2004. No investigation of battering/abuse

reports against mother and children ever conducted. Devastating legal malpractice and criminality against the children and Petitioner, Margaret M. FitzGerald, their mother. Persuasive tactics by Narcissist Respondent Michael A Knaub were mishandled and misdiagnosed causing harm to all.

“...many judges, psychologists and lawyers want to believe in a just world and thus allow themselves to be fooled by batterers.”{Erickson, Nancy S. (2005, Spring). Family Law Quarterly vol 39, no. 1, p. 87-108.}

Exhibit 16- Petitioner attends Caron Foundation after being terrorized 6 times-spit on, name calling, physically blocking me from freely walking, my possessions stolen and clothes removed from my closet and packed in boxes in the attic, items removed from my kitchen, house rearranged, stating in front of our children “wish you would get cancer and die”, whistled at as if I were a dog, by husband/Respondent/Michael A Knaub after trying to move back to family home with our children as primary caregiver of 13 years.

“The typical behavior of batterers, both as partners and as parents, can have far-reaching effects on all aspects of family functioning (Graham-Bermann & Levendosky, 2011; Mullender et al., 2002; McGee, 2000; Hurley & Jaffe, 1990). In fact, a batterer's parenting cannot properly be spoken of apart from his other behaviors because his full pattern of conduct has important implications for family dynamics, as we will see. The effects on children of this damage to family bonds have not been the subject of extensive examination, yet they may be among the principal causes of the symptoms so widely demonstrated to accompany exposure to domestic violence. Few studies have addressed the impact ...” {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd edition, ancroft, Silverman, Ritchie, 2012}

Exhibit 17—2004 Petitioner/Margaret FitzGerald (Knaub) treatment for ‘battered woman syndrome’ at Berks Women in Crisis. Submitted this evidence numerous times throughout 5+ years to my attorney, health and behavioral healthcare providers, police, custody evaluators, therapists, school officials-abuse evidence ignored by all. *Jaime G. v. H.L.* (2018) 25 Cal.App.5th 794, *In re the Marriage of Fajota* (2014) 230 Cal.App.4th 1487. (When custody is granted to an abuser) {“The Court of Appeal ruled that the trial court made two mistakes (twice “abused its discretion”) by awarding joint legal custody without applying Family Code section 3044, which says courts should almost never award joint legal custody to a parent who has committed domestic abuse against the other parent in the past five years, because it would be detrimental to a child’s best interest”}

Exhibit 18-Sept 2004 Long time accountant terminated Respondent Michael A Knaub as a client “due to our inability to build a long term relationship based on cooperation, communication, and trust.”

Exhibit 19- Karen Stabley, Oct 2004, art therapist. “Mike would not allow any family visits with Margie...” “She (Ms. Stabley) feels that Taylor is holding “a lot of anger”. “Children of battered women can target their mother for their angry resentments toward the batterer, as they often do not feel comfortable expressing their anger directly to him.” (Bancroft, 2005; Roy, 1988)”

Exhibit 20 May 19, 2004 Petitioner Margaret M FitzGerald (Knaub) fired CGA Law Firm in York, PA, and hired new Counsel Kissinger, Howett, and Conley in Harrisburg, PA. Pattern begins of Petitioner's/Mother's counsel Don Kissinger to Father's/Respondent's counsel Michael Krout letters having conversations back and forth about the numerous violations of Court orders by Respondent Michael A Knaub. No sanctions, no lack of enforcement by law ongoing for 5 years enabling abuse and alienation.

Exhibit 21- Feb 25, 2005 Petitioner/Mother's Counsel to Respondent Michael A Knaub/Batterer's Counsel Letter: Kissinger to Krout: "As your client continues to severely limit my client's access to the children..."

Exhibit 22- Petitioner's Therapist, Sue Rockefeller Letter to Attorney Kissinger/Petitioner's Counsel: "I believe that Mrs. Knaub should have unsupervised visits with her children..."

Exhibit 23- June 8, 2005 Petitioner/Mother's Counsel to Respondent Michael A Knaub's Counsel

Kissinger to Krout: "...your client continues to unreasonably interfere with Margie's contact with the children, and he has even acted in contempt of the temporary order as regards to Graham by limiting visits and...refunds related to late filed tax returns.

We have no choice but to approach this case in an adversarial fashion..." No sanctions...no enforcement of the law-reprehensible legal malpractice

Exhibit 24-postcard from Graham "I love you so much OXOXOXOX"

Exhibit 25- Dr. Arnold Shienvold ordered by Judge Renn. Custody evaluation. It took a year for Dr. Shienvold to complete his evaluation which is supposed to take 6-8 weeks to complete as children⁹ were being programmed and brainwashed against Petitioner/Mother by Father/Respondent Michael A Knaub. Failure to assess domestic violence allegations properly. Petitioner's/Mother's diagnosis ignored (battered woman syndrome). MMPI contraindicated in abuse cases. No Trauma Checklists, Risks Assessments, nor Abuse Inventories, nor DV investigations conducted. 18 PA § 4304

"More alarming are findings that, even when detected, domestic violence is often not considered or taken seriously in court decisions and mediators' and evaluators' recommendations." {*When Battered Women Lose Custody: Dangerous Parents or Systems Failure?* Saunders, Daniel, PhD 2008 p.15}

"Postseparation risks are many, including the risk of physical, sexual, and psychological abuse of the children by the batterer and the risk that he will undermine the mother-child relationships that are so critical to children's recovery. {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, Bancroft, Silverman, Ritchie, 2012, p. 178}

"In domestic violence cases, the best interests of the children are not separable from the best interests of the battered mother (Whitney & Davis, 1999). Therefore, the safety and well-being of the mother need to be taken into account in making custody and visitation arrangements..."

⁹ Bancroft, Silverman, & Ritchie, **The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., 2012, p. 213} "...we have found that it (evaluation) can nonetheless be performed in a reasonable length of time. (We typically are given 20 to 30 hours in which to complete a custody and visitation investigation over roughly 7 weeks)"

“We have read 2 or more dozen evaluations in which a psychological evaluator described the mother as chronically mistrustful and as looking for others to take responsibility for her life, with no reference to the fact that these test results are normative for battered women...Evaluators are sometimes guilty of unethical and unprofessional conduct. Both our professional experience and research suggest that the ethical and professional problems on the part of custody evaluators may be widespread (Senate Committee on Post Audit and Oversight, 2001; Silverman, Andrews, et al., 2001) There appears to be an urgent need for the establishment of oversight and review of the performance of custody evaluations.” {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, Bancroft, Silverman, Ritchie, 2012, p. 147, 258}

“The Saunders Study found court professionals need training in very specific subjects that include screening for DV, risk assessment, post-separation violence and the impact of DV on children. Most evaluators do not have this needed expertise. They often attempt to screen for DV with psychological tests that tell us nothing about DV. As a result, evaluators often use non-probative information to discredit true reports of abuse. We have never seen an evaluation that says the mother reports strangulation and if this is true there is an increased risk of lethality. Post-separation abuse analysis almost never mentions alleged abusers’ litigation and economic abuse as a continuation of domestic violence or the likelihood an abuser will assault future partners which means custody or unsupervised visitation will result in more exposure of children to domestic violence. Few evaluators are familiar with ACE or focus on the harm caused by fear and stress. This means evaluators are not using the specific knowledge Saunders says is needed to respond effectively to domestic violence. In other words, the courts are relying on professionals who routinely minimize and deny true reports of abuse. Many domestic violence cases do not include an evaluation, but the judges and other court professionals are influenced by the misinformation evaluators provided in other cases.

Few evaluators relied on by custody courts have the critical knowledge needed to recognize and respond effectively to possible domestic violence or child abuse cases. They are unfamiliar with critical scientific research like ACE (adverse childhood experiences), Saunders, Meier, Bala, gender bias or child murders in custody cases. The evaluators do not understand domestic violence dynamics or batterer narratives that help explain abuser motives. Evaluators and other court professionals are oblivious to the widespread failure of custody courts to protect children. All the mistakes caused by failing to use current scientific research minimize the harm from abuse and make it harder for courts to

recognize true reports. The courts are influenced by the superior financial resources of abusers who usually control family finances, and the cottage industry of lawyers and evaluators that make large incomes by promoting practices that favor abusive fathers. The result is DV custody cases are severely tilted in favor of abusive fathers and towards risking children.”
 {<https://centerforjudicialexcellence.org/2022/03/11/20-mistakes-in-evaluations-judges-miss>}

Exhibit 26-Alienation Dynamic–“In an alienation dynamic, the expressed hostility is not a signal of neurological disorganization but is an instrumental act of interpersonal *aggression*.” Respondent Michael A Knaub has abused our children and created what Dr. Childress describes as multiple personality disorder in my children.”
 18 PA § 4304, 23 Pa.C.S. § 6303 (3).

Batterer is a criminal. Case should have been immediately stopped. Batterer prosecuted in criminal court and children immediately removed from his custody and ensured safety and healing with their mother/Petitioner/Margaret M FitzGerald.
 Legal and evaluator malpractice

Exhibit 27 Case Law Beekman v Beekman 645 N.E.2d 1332, 1336 9Ohio Ct App.1994)

“...Where the evidence shows that after the initial decree the residential parent is not living up to the court’s presumption and is attempting to poison the relationship between the ex-spouse and the child, this is a change of circumstances that warrants a modification of the prior custody order.”

Exhibit 28-March 4, 2005 PETITION FOR PARTIAL CUSTODY

9. (a) “At this time, Father is preventing Mother from having any meaningful contact whatsoever with her children...” Isolation tactics by father of children ignored.

“There is a wide consensus in the domestic violence field, among both researchers and practitioners, that batterers simply do not change their behavior in the absence of consequences and accountability imposed by wider systems. Bancroft, 2003, Gondolf, 2002, Pence & Baymar, 1993; and many others” {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 191}

Exhibit 29-March 28, 2005 PLAINTIFF’S ANSWER WITH NEW MATTER TO DEFENDANT’S PETITION FOR PARTIAL CUSTODY

“Mother’s history of substance abuse lies, Mother’s conduct is abusive-lies,...suicide-lies...children discovered her-lies...physical attacks toward Taylor ...name calling...”

Lies, Lies, Lies, smear campaign by Respondent Michael A Knaub and his attorney

Mike Krout- perjury

“Other batterers have falsely alleged that victims had mental health or drug problems.”{*How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims*, and How Courts Can Put a Stop to It, UCLA Women’s Law Journal, 2017, p.44 {App B, 37a}

“Lawyers representing batterers sometimes act as arms of this intimidation, laughing derisively at statements made by the battered women, ridiculing her, or threatening her with future legal actions.”
<https://lundybancroft.com/articles/understanding-the-batterer-in-custody-and-visitation-disputes/>

Tried to call and meet with Davis on his birthday...Respondent/Batterer/Michael A

Knaub ignored my requests for us to have a visit and slammed phone down as Davis

got on for 1 second. Respondent/Batterer Michael A Knaub smashed the gift I gave him to give to my Davis on the ground at a swim meet and drove off.

I attended all swim meets but incognito at several after accosted by batterer in parking lot and in hallway of DAHS where he crushed my toe by stomping on my sandaled foot. Plenty of witnesses but my reporting of numerous incidents like this was ignored by evaluators, therapists, attorneys, judges, cops.

p. 6 Karen Stabley, art therapist, listened only to Respondent Michael A Knaub- she failed to assess domestic violence impact on the children, abuse evidence, and my 'battered woman syndrome' diagnosis and treatment.

Exhibit 30-April 8, 2005 Stipulated Order for Custody From Conciliation

Petitioner/Margaret M FitzGerald was railroaded in this hearing. Petitioner's counsel Don Kissinger sat on his hands while talltales/lies were being spewed about Margaret M FitzGerald by Attorney Krout, Respondent Michael A Knaub's attorney. Petitioner's attorney Don Kissinger's silence and failing to object to the lies being stated about Petitioner in Court. The white collar conspirators' endgame of ripping a fit mother from her 3 young children to move toward protracted litigation for greed and extortion is their goal. Children are collateral damage in this crime syndicate. As I questioned my attorney Don Kissinger, he just ignored me/his client/Petitioner and allowed sole custody be awarded to Respondent/Batterer/Michael A Knaub without a word. This was an intentional set up. Court appointed custody evaluator signed on to continue the white collar crimes against children and their mother.

Batterer's abusiveness aided and abetted by Judge Renn and his cronies, Attorneys Kissinger and Krout at York County Court of Common Pleas. No laws enforced, no sanctions against Respondent narcissist tyrant Michael A Knaub who ran over our rights and rolled over sanctions that were never instituted in the very beginning of case.

Exhibit 31 - April 28, 2005 Petitioner's/Mother's Counsel to Respondent/Father's Counsel:

"He is apparently taking the position that he will not agree to any further supervisors that are friends of Margie's. We will not permit him to suspend visits at this stage in the evaluative process." Batterer did suspend visits. No sanctions. Visitation interference. Violations of Custody order with impunity. Lack of enforcement of the law by Howett, Kissinger, and Holst Law Firm and Morris & Vedder Law Firm. Criminal child and spousal abuse by Respondent batterer Michael Knaub.

Exhibit 32-June 17, 2005 Berks Women In Crisis documentation for Petitioner/Margaret M FitzGerald/Mother as a client for treatment for DV and abuse submitted again to Petitioner's Attorney Don Kissinger, custody evaluator Dr. Arnold Sheinvold. Mother's diagnosis of battered woman syndrome ignored. Failure to assess domestic violence dynamics properly. Wrong party indicted. Due Process undone. Malfeasance.

Exhibit 33-June 10, 2005 Letter to Mom/Petitioner from son, Graham “I love you soooooo MUCH! Love, Graham”

Exhibit 34-Oct 10, 2005 continued visitation interference by Batterer/Respondent Michael A Knaub with impunity. Lack of enforcement by law of alienation and abuse. “...He is apparently taking the position that he will not agree...We will not permit to suspend visits at this stage...we will expect your client to exercise good faith in establishing visits this week”

Exhibit 35-Jan 6, 2006 Petitioner’s Counsel Kissinger to Respondent’s Counsel Krout “Your client continues to disregard the existing interim custody order...”

Exhibit 36-Jan 6, 2006 PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF EXISTING VISITATION ORDER

p.2 6. “Since the parties’ separation in Feb 2004, Father who is also a recovering alcoholic has arbitrarily imposed supervised visitation upon Mother, and given severe alienation on the part of Father, 2 of the children, Taylor and Davis, now refuse to have any contact whatsoever with Mother at this time;....

7. In light of Father’s draconian imposition and enforcement of supervised visitation...”

p.3 11. Notwithstanding the existence of the interim order, Father routinely disregards the provisions of the existing order in a flagrant fashion in order to further alienate the children from Mother.....”

p.5 14. It is Father's conscious desire to eliminate Mother from the children's lives, which behavior is not only violative of the existing custody order but extremely detrimental to the children's best interests..."

"The batterers most inclined to isolate their children appear to be those who have the greatest concern that the children will disclose abuse to outsiders...high rates of child abuse observed in batterers..."{**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 76, 36}

Palpable dysfunctionality in abuser left unaddressed, untamed. Psychobabble without assessment of abuse dynamics impact on children and their mother
Petitioner Margaret M FitzGerald.

"Multiple studies (discussed in Chapter 3) have found that children of battered women do better when their mothers are doing better and when they manage to stay close to their mothers...In addition, the observation in these studies that children do worse when their mothers do worse may largely be a reflection of the fact that they are both being injured by the same source, and the more psychologically destructive he is, the more wounded they all will be." ..."{**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 53}

Petitions for Contempt resulted in no sanctions nor arrests of Respondent/Batterer Father/ Michael A Knaub for child and spousal abuse, violations of the law but morphed into yet another reunification attempt with ignorant-of-abuse-dynamics, unprofessional therapists who perpetrated malpractice upon our children and Petitioner by failing to diagnose spousal and child abuse.

“...our experience indicates that concerns about ethics and practices of some therapists are indeed warranted.” {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 136}

Exhibit 37-March 27, 2006 Petitioner’s attorney, Darren Holst/Don Kissinger to Respondent’s/Batterer’s Attorney Krout: “Given your client’s refusal even to implement the restrictive recommendations of Dr. Shienvold, our client is constrained to seek to have the matter listed for a full hearing.”

Petitioner forced to spend gobs of \$\$\$\$ yet again to rescue her children. Petition for Special Relief in the Nature of a Request for Custody Hearing

Exhibit 38-STIPULATED ORDER FOR CUSTODY entered as a result of pre-trial Conciliation Conference held on April 20, 2006 before Glenn Vaughn, Esq. We didn’t reach an agreement. Petitioner is offered another reunification attempt with no consequences again for Respondent Michael A Knaub’s lawless behavior and blatant steamrolling of children and custody orders with impunity by the Court. Extortion. Fraud. Legal malpractice.

p. 2 “Some problems have arisen which the Court will attempt to resolve by giving more specific information about the provisions of the existing Order...Father shall send Mother copies of school records....” Never happened. No sanctions. No arrest of batterer. No accountability. Child and spousal abuse enabled by professionals. Petitioner had to go directly to school officials to obtain updates about my children.

p.3 Phone calls were directly interfered with by Respondent Michael A Knaub...yelling at our sons to get off the phone...father picking up the phone to answer on our mandated call time and hanging up immediately...harassing Graham while he was trying to speak with me, getting on the line during our conversation which was supposed to be safe and private..no privacy...Petitioner Margaret M FitzGerald never notified by Respondent/Father/Michael A Knaub if Graham wasn't available to have his court-ordered phone call with me, his mother.

"The parties have determined a new supervisor for the Mother's visits with Graham" Conciliator Vaughn 'gave in' to Respondent Michael A Knaub's request for supervision despite deeming it unnecessary.

"The remarkable ability of highly destructive abusers to gain sympathy and win allies has been analyzed in detail elsewhere (Bancroft, 2003) {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 217}

Where is enforcement of the law? Rogue renegade abuser never roped in. Legal malpractice: Judge Renn, Conciliator Glenn Vaughn, Esq. Attorneys Michael Krout, Attorney Don Kissinger

"Jaffe and Geffner (1998) wrote, "In our professional experience in over 20 years of completing custody and visitation assessments, the no identification of domestic violence in divorce cases is the source of the real problems that occur" {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 159}

Exhibit 39-April 11, 2006 Petitioner's Counsel Attorney Holst letter to Respondent's/Michael A Knaub's Counsel, Michael Krout

"...no with no valid justification he has refused our client's suggestion that AW supervise visits...It is unacceptable for your client to unreasonably restrict Margie's time with Graham through unjustified veto power of the supervisor...further evidence of his contemptuous conduct and disdain of the custody process...Please speak with your client and advise him to comply with the order..."

Exhibit 40 April 14, 2006 Darrell Wilt, MA, LMFT signed on as ignorant family therapist for another reunification effort -malpractice as failure to address domestic violence dynamics properly 23 Pa. C.S. §§ 6311 – 6320 and practiced outside his scope of competence. Listened only to Father/Respondent Michael A Knaub. Conflict of interest as Wilt was Batterer/Respondent Michael Knaub's individual therapist.

Exhibit 41-June 6, 2006 Petitioner's letter to her Counsel Attorney Kissinger to go to Court with years of ongoing evidence of abuse and numerous violations of the Custody Order by Respondent/Father/Michael A Knaub. Petitioner's Counsel Attorney Kissinger ignored my request. {*Loper Bright Enterprises v. Raimondo*, No. 22. 451, Jun 28, 2024 "Reduced Deference to Agency Interpretations: Courts may be less likely to defer to agency interpretations of laws related to family matters, such as child custody, adoption, or spousal support, leading to potentially different outcomes"} }

Exhibit 42- July 20, 2006 Darrell Wilt Outcome of One Session with Mother and her children. “The ultimate effect was a very tense and unhelpful session for everyone present.” Malpractice. Failure to address abuse dynamics- how batterer’s influence and continued abuse has affected children’s attitudes and behaviors towards their mother. 23 Pa. C.S. §§ 6311 – 6320, 18 PA § 4304

Exhibit 43- July 24, 2006 letter from Petitioner’s daughter Taylor to her mother copied to her father/Respondent Michael Knaub after years of alienation and indoctrination into hate and contempt camp batterer has been enabled to create and hold our children hostage in for years due to malfeasance of all professionals involved in this custody massacre of children and Petitioner/their Mother.

“...do not come to any more of my (swim) meets. I don’t want to see you and I don’t want you to involve yourself in my life. Don’t respond to this email. Just pay attention to what I said and don’t show up.”

Exhibit 44-2004 photo of Mother and her daughter Taylor at FitzGerald family reunion just before onset of intense abuse and alienation by Respondent/Narcissist Batterer/Michael A Knaub

Exhibit 45-2004 letter from Taylor to her mother/Petitioner before terrorism by Respondent/Narcissist Father/Michael A Knaub “...I’m very lucky to have you as my mom. Yesterday when I was scared, I was thinking about you. I love you. Taylor”

Exhibit 46-August 11, 2006 Petitioner's/Mother's Counsel to Respondent's/ Father's Counsel letter

"My client has not had a visit with Graham since June 8, 2006! Your client's failure to abide by the existing order is inexcusable."

Exhibit 47- August 11, 2006 DEFENDANT'S SECOND PETITION FOR CONTEMPT AND REQUEST FOR MODIFICATION

Conspirators include Judge Renn, Howett, Kissinger, Conley, & Holst, PC, Krout
p. 3 #13 "Since the parties' separation in Feb 2004, Father has flatly refused to allow Mother to have any contact whatsoever with Taylor and Davis, and Father has engaged in a course of conduct to alienate all the children, Graham included, from Mother."

p. 4 #18 "As of the date of this filing of this Petition, Father has refused to present Graham for 18 visits."

p. 7 "Imposes sanctions against Plaintiff for his contempt..."

No sanctions, continued alienation and abuse aided and abetted by Court-Legal Malpractice. Trail of carnage continues. 23 Pa. C.S. §§ 6311 – 6320, 18 PA § 4304, 18 PA Law § 3923

Exhibit 48-August 31, 2006 Petitioner's Counsel Kissinger letter to Respondent's Counsel Krout: "...no visit with Graham was conducted last week as per our explicit agreement...in contravention of the existing order." Legal Malpractice-Lack of

enforcement by law of continued alienation and abuse, ongoing visitation interference by Michael A Knaub with impunity.

Exhibit 49-Sept 11, 2006 Petitioner/Mother's Counsel to Respondent/Father's Counsel:

"I have become increasingly frustrated and outraged by your client's actions throughout the course of this case...your client continues to take liberties with the scheduled visits, which results in further alienation between Margie and the children!"

Continued visitation interference, alienation and abuse with no consequence by the Court. Legal malpractice. Crimes of child and spousal abuse by Respondent/Batterer/Michael A Knaub aided and abetted by Court.

Exhibit 50- Sept 20, 2006 Karen Stabley MCAT ATR BC Art Therapist-malpractice. Failure to assess domestic violence allegations properly and impact on children. Malpractice. 23 Pa. C.S. §§ 6311 – 6320, 18 PA § 4304

Psychosomatic symptoms/ACE's/Adverse Childhood Experiences emerging in my son, Graham.

Therapist blames visits with mother "it would be my recommendation that visits and contact be suspended until Graham can develop better coping strategies..."

“The batterer, as the primary perpetrator of violence and of psychological aggression in the home, should be seen as the one responsible for the exposure of the children to the effects reviewed above; his behavior is the overwhelming cause of their symptoms...We believe that the blaming of the mothers for these effects on children is not ethically supportable, and perhaps, more importantly, such blaming by professionals does not help the children and in fact backfires against them in many ways.” {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 49}

Exhibit 51-Sept 17, 2006 letter from Supervisor Jennie Harris-hired by Respondent/Batterer/Michael A Knaub, and untrained in domestic violence dynamics

“It is essential that such a supervisor be trained in the dynamics of domestic violence...Providing supervised visitation is a complicated role requiring extensive skills; batterers attempt many destructive behaviors...supervisors need to be vigilant and highly trained (Oehme & Maxwell, 2004) {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 216}

Exhibit 52-Document from Dallastown Area High School school guidance Garrett Boop and school nurse Corey Fetrow. As Petitioner had previously reported to school officials abuse and alienation by Respondent/Narcissist/Father/Michael Knaub in 2005, failure to report suspected abuse is against the law for mandated reporters which school officials are. 23 Pa. C.S. §§ 6311 – 6320, 18 PA § 4304

Psychosomatic symptoms/ACE's worsening in my son, Graham-throwing up, anxiety.

“Dad called to see if he could have a copy of this log”

Exhibit 53-Sept 8, 2006 York Pediatric Medicine. Medical malpractice perpetrated upon my son, Graham, as Petitioner reported evidence of abuse and Dr David Zelis

ignored my report, listened only to Respondent/Batterer/Father/Michael A Knaub, and failed to assess domestic violence effects properly “this is most likely felt to be acid disease related to stressors involving visits with his biological mother, which according to Dad...”18 PA § 4304, 23 Pa. C.S. §§ 6311 – 6320

Exhibit 54- 2006 Petitioner’s Receipt from numerous therapy sessions with Sue Rockefeller, MHS, due to trauma, ongoing witnessing abuse of my children with no prosecution of Respondent/Batterer/Michael A Knaub for ongoing child and spousal abuse aided and abetted by Court professionals, legal abuse, suffering and loss of children for 2 years.

Exhibit 55-Dec 14, 2006 Petitioner’s Counsel to Respondent/Michael A Knaub’s Counsel Letter regarding new reunification plan with therapists ignorant of abuse dynamics and culpable of malpractice/malfeasance as they have all practiced outside their scope of practice causing harm to children and Petitioner. Still no sanctions by Court, nor arrests of Michael A Knaub for ongoing child and spousal abuse and flagrant abuse of Custody process, \$\$\$\$ 18 PA Law § 3923

Exhibit 56-May 10, 2007 Family Child Resources. Janet Bliss, MS, letter to Attorneys another reunification attempt when Petitioner’s request to Attorney Kissinger to have Court suspend judgments issued by evaluators’ and ill-equipped

therapists' recommendations¹⁰ and go directly before a Judge to reverse custody due to unbridled documented abuse and relentless violations of Court Orders by Respondent/Batterer/Michael A Knaub against my children and Petitioner was ignored. {*Loper Bright Enterprises v. Raimondo*, No. 22. 451, Jun 28, 2024}

"I have concerns about all three Knaub children continuing to have no contact with their mother. There are long term negative effects for children who are allowed to omit a parent from their lives...it is recommended that all three Knaub children have a relationship with their mother."

Exhibit 57-May 22, 2007 Petitioner's Counsel to Respondent Michael A Knaub's Counsel

"We remain interested in amicably resolving...we must ask that your client demonstrate his willingness to proceed with Bliss.." No sanctions, no holding Respondent Michael A Knaub's feet to the fire after 3 years of abuse and ongoing alienation. Legal malpractice. 18 PA Law § 3923

Exhibit 58-June 1, 2007 Petitioner's Counsel letter to Respondent Michael A Knaub's Counsel:

"...you indicated you were advising Mike to contact Janet Bliss on an immediate basis...Mike has yet to contact Janet in this regard...It is simply unreasonable for your client to drag his feet on this matter."

¹⁰ *Loper Bright Enterprises v. Raimondo*, No. 22-451, Jun 28, 2024

Does underlining a statement have any full force of the law? :/ Lack of enforcement by law of abuse and alienation. Continuing harm to the children. Legal malpractice. 18 PA Law § 3923

Exhibit 59- June 2007 PETITION FOR ENFORCEMENT OF EXISTING CUSTODY ORDER AND MODIFICATION THEREOF

p. 1 #4 “Since the parties physical separation in February 2004, Mother has been unable to have meaningful and appropriate contact with all three minor children due to Father’s actions. 18 PA § 4304, 18 PA Law § 3923

p.2 #8 On January 9, 2006, Mother filed a Petition for Contempt alleging, *inter alia*, that Father had failed to abide by the April, 2005 Order.

p. 2 #10 Father continued his failure to abide by the called for supervised visitation with respect to Graham, thus prompting Mother to file a second Petition for Contempt and Request for Modification on or about August 11, 2006.

p. 3 #16 On May 10, 2007, Ms Bliss provided a report to both attorneys in which she opined that it was her “therapeutic impression that the father, Michael Knaub, is not promoting or encouraging a relationship between the children and their mother.” 18 PA § 4304

“Regrettably, family courts sometimes make orders that cause harm of various kinds to mother-child relationships or that retraumatize the mother in a way that puts at risk the greatest hope the children have for recovery. With rare exceptions, it is not in the children’s best interests to be placed in the custody of a battering father. (American Psychological Association Presidential Task force, 1996; American Bar Association on Childen, 1994; National Council of

Juvenile and Family Court Judges, 1994) {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 215}

Exhibit 60- Email from Petitioner's youngest son, Davis: "Don't ever email me again!"

DV By Proxy by batterer. Davis was only 8 years old at onset of custody predation.

Exhibit 61-Feb 2004 Artwork/ Love letter from Davis to Mom/Petitioner

Exhibit 62- Summer of 2003 Davis last attendance at our FitzGerald family reunion together at the beach. We went kayaking together-Mom/Petitioner and Davis

Brainwashing a child can occur within a matter of weeks.

"If brainwashing strategies succeed, and the target parent and the children have minimal contact, a programming parent will point to this status quo as true confirmation of the other parent's inability to parent. If a court decision is made to maintain a current custody arrangement or to decrease visiting time, the parent will interpret this to the children by saying, "Even the judge thinks I'm a better parent." Reinterpreted, some children may adopt the programme and become convinced of a target parent's ineptitude or lack of real interest or love." {**Children Held Hostage: Dealing with Programmed and Brainwashed Children**, 1991, Clawar, S. & Rivlin, B, p. 30}

Exhibit 63-June 7, 2007 Petitioner's Counsel letter to Respondent Michael A Knaub's Counsel:

"Throughout this case, you stated that your client would cooperate in re-initiation of contact between Margie and the children...it is now abundantly clear that your client does not intend to act in compliance with your representations...Unless Mr. Knaub

begins to immediately cooperate with regard to custody, this matter will have a much different result than he anticipates.”

Reprehensible legal malpractice to allow this abuse and alienation to continue. Runaway train of abuse given fuel and ammo to create continuing carnage of children and mother

Exhibit 64-July 24, 2007 Shared Parenting Plan Margaret M FitzGerald/Petitioner/Mother presented to Janet for this reunification attempt for children with their Mother/Petitioner which seemed reasonable and good for our children.

Exhibit 65-July 25, 2007 Family Child Resources Reunification Plan by Janet Bliss, MS

No parameters for our safety from battering tactics. Malpractice.

Exhibit 66- photo of Taylor with her Mom/Petitioner from 2004 at our last family reunion together

Exhibit 67- During Bliss reunification attempt 2007 Letter from Taylor to her mother/Petitioner-Evidence of Contempt/Disrespect in all 3 Children towards their mother/Petitioner over years of living in the home of a batterer/Respondent/Michael

A Knaub with no enforcement of the law and malfeasance by all professionals involved in our custody case.

Taylor, my daughter to her mother/Petitioner doesn't call me 'Mom' anymore but calls me "Manipulative Margie" "you are a lunatic"..."hate, hate, hate 17X Hate, Taylor"

No verification by Dr. Shienvold of author of these letters.

She became the agent of her father, Michael A Knaub's, hate. That was the pre-empting cause to stop the abuse in this case.

"Extremely negative opinions of this nature are unchildlike; it is unusual to have a totally closed or overly rigid negative view of a parent. Even in problematic parent-child relationships, the child often seeks reasons to love and identify with a parent. When a child holds to an excessively closed, rigid view of a parent, the programming and/or brainwashing is often the causative factor." {**Children Held Hostage: Dealing with Programmed and Brainwashed Children**, 1991, Clawar, S. & Rivlin, B, p. 75}

Exhibit 68- Photo of Graham with his mother/Petitioner during a visit in 2006

Exhibit 69- Letter from Graham to his mother/Petitioner 2007 during Bliss reunification attempt. At his age, he would have been unlikely to use words such as 'unethical'. The terms 'we' 'us' is characteristic of a battering household. "I wasn't able to give her (Janet Bliss) reasons why I didn't want to see you."

"The damage that domestic violence can cause to mother-child relationships may be the most serious cause of distress for children of battered women." {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 88}

Exhibit 70-photo of Davis with his mother/Petitioner in 2003

Exhibit 71- 2007 Reunification Attempt with J. Bliss: Letter from Davis to his mother/Petitioner whom he no longer calls “Mom” but by her first name. Characteristic of living in the home of a batterer in Respondent/Batterer Father/Michael A Knaub’s degrading and villifying of the mother. “If we have to see each other don’t even think about touching me! Just stay away from me. Davis”

“False memories created in Davis for his mother” in Sheinvold evaluation-cause to stop the abuse in this case.

Exhibit 72-Letter from Petitioner’s Counsel to Respondent/Michael A Knaub’s Counsel to protract this custody process without justification. Where’s Arbitration? 18 PA Law § 3923 lawyers and judges

\$\$\$ Dr Shienvold already perpetrated harm upon our children and me/Petitioner by practicing outside his scope of practice in first failed custody evaluation by ignoring Petitioner’s ‘battered woman syndrome’ diagnosis and domestic violence evidence presented to him and the impact upon the children he left in batterer’s sole custody. Left father to his own devices without providing protection to children and mother.

Exhibit 73- ORDER OF COURT Judge Bortner incorporated previous requirements and Janet Bliss’ reunification plan and caveats contained herein completely ignored by Respondent/Michael A Knaub. Lack of enforcement of the law.

Collusion of Judge Bortner, Attorney Kissinger, Attorney Mike Krout to enable continued abuse upon children and mother by Respondent/Michael A Knaub/Narcissist Batterer Father as violations of this yet another Custody Order by Respondent/Michael A Knaub were numerous and unending. Abuser's reasoning nonsensical yet never questioned. Actions of domination by batterer allowed to reign in family and case with no stopgaps.

Petitioner/Margaret M FitzGerald did not receive any information-medical-I had to contact swim coach and learned of Taylor's mono illness, nor academic records (Mother/Petitioner developed relationships with school officials in York and when Petitioner moved children out of state to FL without consent to keep abreast of our children's well-being), updates, special events about our children from Respondent/Michael A Knaub prior, during, nor subsequent to custody bloodbath by the Court system. Reprehensible legal malpractice. Trail of carnage continues at 21 years ongoing in 2025. Wrong actions were supported-made right in the eyes of the children by legal community.

"I have observed that family law lawyers and judges often fall prey to becoming agents of batterers to continue the harassment of abused partners through prolonged court proceedings and conflicts about postseparation parenting. Because batterers are more likely to fight for custody of children and, as likely as nonbatterers, to be successful in this action, more intensive reading and training in this area is essential for forensic professionals." {Peter Jaffe, PhD, Director, *Center for Children and Families in the Justice System*}

Exhibit 74- August 20, 2007 Letter from Dr. Glenn Williams, M.D. of York Pediatric Medicine who wrote a lethal letter to abort sessions for Taylor with her mother/Petitioner without consulting with therapist leading the reunification process nor her mother/Petitioner to further assess circumstances around Taylor's psychosomatic symptoms. Medical malpractice. Failure to assess Taylor's ACE's (Adverse Childhood Experience Symptoms)/psychosomatic symptoms due to abuse and alienation run rampant by Respondent/Batterer Father/Michael A Knaub and Court professionals who aided and abetted this abuse process against our children and their mother/Petitioner.

"My impressions of Taylor's situation is that she is suffering from anxiety, and stress that relates to the recent contact with her mother...I feel that it is in her best interest to abort the present contact."

Janet abruptly ended reunification attempt at the receipt of this doctor's letter. Medical malpractice.

Exhibit 75- Letter from Janet Bliss, MS from Family Child Resources to Petitioner and Respondent Michael A Knaub ending her involvement in our custody case after failing to enforce her therapeutic directives, failing to assess for abuse dynamics and recommend Court to enact Due Process for children and their mother/Petitioner-inform the Court to enact full extent of the law for immediate prosecution of batterer and evidence-based practices to protect the children from further abuse by batterer/Respondent/Michael A Knaub by removing them from his custody and

ensuring their safety and healing with their mother/Petitioner/Margaret M FitzGerald

Complete no contact/alienation of children from Petitioner when Janet axed our reunification attempt at receipt of Dr. Glenn Williams "abort sessions with mother"

"The dynamics by which hostages become bonded to and protective of their captors, even while being terrorized and mistreated, have to be known as the Stockholm Syndrome, which has also been applied to battered women and their children."(Graham et al, 2001) {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 50} Think Patty Hearst case.

Exhibit 76- Petitioner's email to DAHS Kevin Myers to discern well-being of my daughter, Taylor. No response

Exhibit 77-May 27, 2008 DEFENDANT'S PETITION FOR MODIFICATION OF CUSTODY ORDER AND REQUEST FOR COMPREHENSIVE PSYCHOLOGICAL AND CUSTODY EVALUATION TO P.A.R.Civ.P.1915.8

p. 4 #22 "...Ms. Bliss advised counsel of her need to end her involvement in the therapeutic visitation. Shortly after that, Ms. Bliss relocated to Texas. (Was she threatened by Batterer?)

#23 Mother has had no contact with the minor children since September 2007. Actually no "normal" time together since brainwashing and programming began in 2003

Exhibit 78-July 17, 2008 Application for Continuance by Respondent/Michael A Knaub. Request to attend pre-trial conference by phone.

Exhibit 79-July 23, 2008 Mother's Counsel Attorney Kissinger's letter to Judge Bortner in response to continuance requested by Respondent/Michael A Knaub's counsel, Mike Krout:

"My client has not had meaningful contact with the children since the involuntary cessation of therapeutic contact last fall." Respondent Michael A Knaub was taking our daughter without discussion with Petitioner/Mother to look at colleges without which constitutes another violation of the Court Order. Lack of enforcement by law. Sorrow unending as Mother and daughter had our time together at this yet another significant milestone of her childhood stolen from us.

Abusiveness by father sole cause of defeat and devastation that lawyers were responsible to stop by legal action-reprehensible legal malpractice.

Exhibit 80-August 8, 2008 MEMORANDUM FOR CUSTODY OF PRE-TRIAL CONFERENCE

"...no legal justification exists for the total and complete estrangement which has been permitted to occur and which will ultimately cause severe emotional harm to the children..."

Lack of enforcement by law for years by judges, attorneys, police.. Actions of malaise and disaster beyond report, preposterous pronouncements every day in court.

Exhibit 81-Petitioner/Mother/Margaret M FitzGerald submitted a clinically sound plan “Rescue, Healing, and Restoration Plan for Taylor, Graham, and Davis with Mom” to my counsel, Attorney Kissinger initially in 2006 then again in 2008 followed by an Addendum to this plan-ignored by Attorney Kissinger, Dr. Sheinvold, Judge Bortner-Legal and evaluator malpractice

Exhibit 82- Sept 10, 2008 Letter from Dr. Shienfold to Judge Bortner

“Unfortunately, the father, Michael A Knaub, has not contacted this office for an appointment...”

Exhibit 83-November 4, 2008 Request from Petitioner to my counsel, Attorney Kissinger to submit to the Court/Judge Bortner my Rescue plan and other requirements re: violations of custody order by batterer Respondent Michael A Knaub for years of his abuse for our 3 children’s healing with me/Mother/Petitioner. Stacks of evidence presented by mother/Petitioner and clinically sound plans she created for solving this utter mess left unaddressed, ignored.

Exhibit 83 p. 3

“Narcissists/psychopaths/coercive controllers are extremely effective at convincing their family, children, friends, colleagues, bosses that their innocent target is ‘bad’. They do this by profound and convincing lying,

provoking their targets in front of others, accusing the target of what they are doing, getting others to condemn the target based on their lies, manipulating circumstances against the target, playing the victim, and other tactics. The damage to the target is mentally and emotionally so distressing that it is referred to as murder of the soul.” {Dr. Karen Mitchell, PhD., Founder and CEO of Kalmor Institute, <https://kalmor.com.au/>

Exhibit 84-November 19, 2008 Letter from Assistant Principal Stanley Weinstein from Dallastown Area High School regarding excessive absences by Taylor. Petitioner was the non-custodial parent so this communication to Petitioner was very concerning to me. I responded to Mr. Weinstein with incidents of abuse and violations of the law which have caused harm to our children. He completely ignored my reports. As a mandated reporter, he violated the law by failing to report suspected child abuse.

Exhibit 85-December 2008 Document from Karen Stabley, art therapist, regarding Taylor’s intense physical symptoms which have caused her to miss school. Malfeasance by this therapist again as Ms. Stabley never consulted Petitioner/Taylor’s mother as to her concerns for my daughter. This therapist again failed to assess domestic violence dynamics which result in ACE’s/psychosomatic symptoms in children. What was happening in that home that was making my daughter so ill?

Exhibit 86-December 23, 2008 email from Petitioner to her counsel regarding Christmas time with the children “It’s Christmas and I am having no contact again, 5 years in a row without my children...” Legal malpractice, greed.

Exhibit 86a- Photo of Petitioner with evidence of stress symptoms all over her neck and face and body. No history of hives.

Exhibit 87- 2009 Shienvold Custody Evaluation -psychobabble. Outrageous malpractice

Where are The Risk Assessments to the Children from Batterers?

“Whereas Michael in the past admitted to contributing to family problems, he does not accept Margie’s report that he is trying to cut her out of the children’s lives, or that he is actively attempting to alienate the children from her.”(p. 5)

1998 <https://lundybancroft.com/articles/understanding-the-batterer-in-custody-and-visitation-disputes/>

2006 <https://www.ncjfcj.org/bench-cards/navigating-custody-visitation-evaluations-in-cases-with-domestic-violence-a-judges-guide/>

Batterer’s attitudes reflected in custody evaluator’s dismissing attitudes and demeanor towards Petitioner. Dr. Shienvold perpetrated lifelong damage upon our children and their mother/Petitioner by recommending a “Good-bye session for the children with their mother”. Failure to address abuse evidence reported to him, failure to consult evidence by many- those corroborating Petitioner’s solid character and history of loving relationships with her children, failure to seek DV expertise to properly assess domestic violence dynamics upon children and mother/Petitioner.

Assessment tools in professional toolbox but evaluator and therapists failed to utilize them-failure by all mental health professionals and evaluators-malpractice

“A custody evaluator who does not have a professional background working in domestic violence programs should seek consultation from a domestic violence professional on all custody evaluations that involved allegations of domestic violence (American Psychological Association, 1994)”...careful investigation by the custody evaluator may reveal that the batterer has a severe and chronic problem with lying...”

The paramount goal in domestic violence cases, for reasons we explain in Chapter 7, is to promote the strongest relationship possible between the children and the nonbattering parent.” {**The Batterer As Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Ed., Bancroft, Silverman, Ritchie, 2012, p. 207, 254}

Exhibit 88- Shienvold asked for me to contact friends, mothers of children at kids' school, and family to call him to corroborate Petitioner's integrity but denied it in his evaluation.

“I did call Dr. Shienvold and left a message with his secretary. I was clear that I was calling on your behalf and left my phone number for him to call. Pass this along and I hope it helps.” Margie Prevot York, PA

Several messages like this Dr Shienvold evaluator ignored.

Dr. Shienvold, in our last session together, our children with their mother/Petitioner, leaned back in his chair, wrapped his hands around the back of his neck and stated, “I don't know what to do...I have to tell the attorneys something tomorrow and I don't know what to do.” Then he proceeded to write a lethal recommendation without any

consideration of children's and mother's needs a "Good-bye session for the children with their mother".

Surreptitious decisions based on no thought of mother/Petitioner and her children's welfare or ongoing well-being and healing.

"What we can say with confidence, however, is that abusive partners continue to be given primary or shared custody in an alarming number of cases, even where abuse is well documented." {*Rethinking Custody Evaluation in Cases Involving Domestic Violence*, Stark, E PhD, 2009,p.17}

Petitioner absolutely knew there was something sinister going on with these professionals and would not stop my pursuit to rescue our children from the psychopathic abuser and went to a conference to try to find someone who could help us. Wrong actions taken by every professional in case.

"Restoring damaged family relationships and reestablishing the mother's parental authority (Graham-Vermann & Levendosky, 2011; Rubenstein & Lehmann, 2000) are key to the future emotional health of the children. Children's relationships to their nonbattering parent need to be recognized as the single most important factor in the long-term thriving." {**The Batterer as Parent**, 2nd Edition, 2012, p. 245}

"We are particularly aware of recurring cases in which evaluators underestimate the risk to children from well-educated, professionally successful, white batterers." {**The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics**, 2nd Edition, 2012, Bancroft, Silverman, & Ritchie, p. 213}

Exhibit 89-June 2009 AFFIDAVIT OF DEMOSTHENES LORANDOS PhD,J.D.

Petitioner hired an “expert” to fix this custody fiasco who came in and testified that Shienvold’s evaluation was ‘inadequate’ and hired on Drs Bricklin & Elliott at \$60K. More conspirators in this predation of children and their mother. The result of Drs Bricklin and Elliott’s failed evaluation as again another failure of professionals to properly assess domestic violence dynamics and mother’s diagnosis of ‘battered woman syndrome.’ Drs Bricklin & Elliot essentially supported Dr Shienvold’s evaluation but with an added step by step reunification plan which would never have worked as the psychopathic abuse tactics by Respondent Michael A Knaub would have continued unbridled by the ongoing pattern of malpractice by all professionals involved. The lack of enforcement of the law to stop abuse and alienation and failure to provide Due Process to protect our rights and lives was absent through the entire savage journey through York County family court. Petitioner’s children’s suffering would have worsened as no accountability at all to stop heinous abuse by Respondent Michael A Knaub which is why Petitioner cancelled trial.

Exhibit 90-June 22, 2009 Attorney Donald Kissinger requests \$10K more for a total of \$15,110.00 extortion, fraud

Exhibit 91-July 15, 2009 Submitted treatment for domestic violence to Attorney Kissinger again. Evidence ignored.

Exhibit 92- Attorney Lorandos' assistant directed me to write list of incidents over the years "what a jerk Michael Knaub is"

Exhibit 93- July 16, 2009 Informed Consent Agreement for Drs Bricklin and Elliott to confirm evaluation on July 22, 2009 Attorney Kissinger to Attorney Mike Krout Special instruction which never occurred: "The current noncustodial parent should spend 3 hours with each child on each of the 2 days preceding the initial evaluation date" Lack of enforcement by law aiding and abetting abuse and alienation by Respondent Michael A Knaub batterer father. Legal malpractice by Attorneys Kissinger, Krout, Lorandos and evaluator malpractice Drs Bricklin & Elliot to ensure this step occurred for the children's safety and healing with their mother/Petitioner.

Exhibit 94- Letters and List of People Corroborating Character of Petitioner as Evidence before the Court. Treated as hearsay. Legal Malpractice

Exhibit 95- Drs Bricklin and Elliot Custody Evaluation. Attorney Lorandos met with Petitioner/Mother in a hotel room just before meeting with Drs for evaluation and told me (Petitioner has no evidence other than what I am stating now) "You should have taken him out. You would have been out of jail in 3 years according to PA law and your children and you would have been free of him and his savage abuse. I respond "why do you think I hired you? To get us out of his talons!" Dr Bricklin shared with Petitioner that he scored Respondent Michael A Knaub as if he had answered

all the questions on his PORT test although Respondent only answered a few so Respondent's results should not have been accepted. Malpractice. I don't why Dr Bricklin felt the need to share that with me as it is not in his favor to do so.

Exhibit 96- Petitioner cancelled trial as the corruption and malfeasance was so deep, no Due Process, no enforcement of the law nor mental health practitioners who properly addressed the impact of the abuse dynamics that were crushing my children's relationships with themselves and with me, Petitioner and their mother. Petitioner was beyond devastated and in unending sorrow knowing that our children were just chattel to my battering ex husband Respondent Michael A Knaub and scared of his predatorial agenda for them.

August 7, 2009 Cease and Desist Letter from Petitioner to Judge Michael Bortner

"Domestic violence abusers present many unacceptable risks to children, but the courts cannot protect children if they are unable to recognize the abuser's pattern of domestic violence tactics. Every year 58,000 children are forced into custody or unprotected visitation with dangerous abusers. Judges make these dangerous mistakes because they are relying on court professionals who do not know how to recognize domestic violence or minimize its significance. They often compound the harm to children by denying them normal access to their mothers by punishing mothers for making abuse allegations the courts assume are false because court professionals failed to understand the significance of the available evidence."{*DV Cases Require DV Experts: Duh!*, Goldstein, B. (2013), p. 2, <http://www.barrygoldstein.net/important-articles/dv-cases-require-dv-experts>}

Exhibit 97- August 7, 2009 Cease and Desist letter from Petitioner/Margaret FitzGerald to Attorney Don Kissinger

Exhibit 98- October 16, 2009 Petitioner Reporting Abuse of Children to Superintendent of DAHS, Dr. Weinberg in response to numerous psychosomatic symptoms, absences due to illnesses our children were suffering. He ignored and failed to report suspected child abuse. Criminal

Exhibit 99-November 4, 2009 Email from Dr Bricklin in answering Petitioner's Questions

"...it was not our wish to leave the children with father...I doubt that the kids can become any more alienated than they already are."

Exhibit 100- Many of the Costs of Malfeasance by all Professionals Involved. Some invoices still outstanding. Over \$300K just for Kissinger fees. Extortion, fraud, malpractice, systemic abuses that left children with neurological damage {See Exhibit 26} without their loving fit mother for 20 years and sorrow unending for Petitioner.

Exhibit 101- Complaint to American Psychological Association against Dr. Shienvold. "Closed" by Patricia Dixon, Board and Investigative Officer, Office of Ethics

Exhibit 102- January 21, 2011 and January 2014 OAG Commonwealth of Pennsylvania, Peter Kovach and Dean Picarella: "This office has determined that the circumstances in this case do not permit formal prosecution...While this office chose

not to proceed further with your complaint..." Collusion in fraud and crimes against my children and their mother/Petitioner/Margaret FitzGerald in this domestic violence/coercive control travesty of injustice case

Exhibit 103- January 14, 2011 email from DAHS Garrett Boop: "I was notified that Graham and Davis Knaub were withdrawn from Dallastown Area High School" Isolation tactics by Respondent/Batterer Michael A Knaub continuing unabated.

Exhibit 104-December 17, 2012 Email from Petitioner to Respondent Michael A Knaub and our 3 children "I want to see my sweethearts over Christmas!" No response. Complete severe alienation by Batterer aided and abetted by all the puppets-judges, lawyers, cops, therapists, evaluators, medical providers, he snookered in his psychopathic abuse against our 3 children and their mother/Petitioner/Margaret M FitzGerald

Exhibit 105-Complaint with Office of Disciplinary Counsel against Donald T Kissinger, File No. C3-12-744. "We do not believe that we have the evidence to establish that Mr. Kissinger acted unprofessionally."

Exhibit 106-July 27, 2016 Complaint to OAG Civil Rights Enforcement Section (CRES) "Under all of these laws, the authority of the CRES is limited to

situations in which there exists a pattern or practice of conduct, or substantial portions of the population may be affected.”

These crimes against children and their mothers are pandemic across the USA. Domestic violence is being aided and abetted by criminals in family courts with violations of human, civil, parental, Constitutional rights, deaths and damage to children and their mothers. This is the reason I am seeking justice to stop these travesties of injustice and murderous schemes narcissistic abusers are perpetrating against their own wives and children aided and abetted by family courts, but especially to set my own children free. Our Knaub nightmare is just one of a pandemic of cases just like ours.

Conclusion: In retribution for the reprehensible malpractice, abuse, and harm done including defamation of Petitioner's character and integrity by all Respondents against my children and their mother/Petitioner/Margaret M FitzGerald, I want this travesty of injustice to be adjudicated as a landmark case in domestic violence by the U.S. Supreme Court so this malpractice and abuse never ever happens again.

I want narcissist batterer Michael A Knaub/Respondent prosecuted, arrested and imprisoned for his crimes of child and spousal abuse, attempted murder of Petitioner by strangulation to the fullest extent of the law and every single dime and possession of Respondent's/Michael A Knaub's: assets, investments, properties, IRA, cash, cars and items I choose removed from his possession and given to Petitioner/Margaret

FitzGerald to disburse how I see fit to our children. I want over a dozen videos and boxes of pictures, mementos of our children's childhoods returned to me/Petitioner/Margaret FitzGerald intact for my children and me.

All licensed professionals and Respondents have their licenses removed, all Respondent lawyers and judges disbarred, police officers and educators prohibited from practicing their professions to prevent any further harm to children and families, judicial awards-punitive and compensatory damage awards given to Petitioner for her children and herself in the value of no less than \$800,000,000 after taxes,{ \$10M x 4 victims for 20 years} all therapy costs for my children's and Petitioner's lifetimes paid for by all Respondents for the healing of the trauma induced by all who were complicit in this travesty of injustice against Petitioner and her children alienated from one another for 20 years due to their failure, greed, fraud, extortion, malpractice, and abuse.

I want this case publicized on every possible media outlet and used in professional education to reform professionals' education and practice in law, medicine, education, mental and behavioral health, police training, social work, psychology, nursing, etc. to effectively learn and implement the proper understanding of domestic violence, 'battered woman syndrome', and coercive control dynamics through evidence-based practice and by Due Process of law. For only through solid ethical and just education and accountability of batterers by the legal system may accurate assessment and

treatment of victims of domestic violence be remedied. This publication of our case will ensure the public becomes aware of the travesties of injustice and harm being perpetrated upon children and their mothers by family courts USA.

I want oral and written amends prepared and presented to Petitioner and my children, Taylor, Graham, and Davis Knaub in person.

Margaret M. FitzGerald, L.C.S.W.

Appendix E

Violations of Constitutional, Federal, and State Laws

Civil and Constitutional Rights violations against children and their mother/Petitioner:

U.S. Const. amend. IV

U.S. Const. amend. VIII

U.S. Const. amend XIV

Petitioner/Mother's 2nd Amendment rights violated

Federal Civil Rights Statutes Violations:

Title 18 USC Section 241 Conspiracy Against Rights

Title 18 USC Section 242 Deprivation of Rights under Color of Law

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.”

34 U.S.C. § 12601- Cause of Action

“(a) Unlawful conduct It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the

incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General

Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) [\[1\]](#) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.”

Title 42 USC Code § 1985-Conspiracy to interfere with Civil Rights

“(2) Obstructing justice; intimidating party, witness, or juror. “If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States,

the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.” <https://www.law.cornell.edu/uscode/text/42/1985>

Pennsylvania Statutes Violations:

PA Statute of 1836- arbitration

Title 18 PA Law § 4304 Endangering welfare of children

23 Pa. C.S. §§ 6311 – 6320- The Child Protective Services Law

Title 18 PA Law § 3923. Theft by extortion

Title 18 PA Law § 4902-Perjury

Title 18 PA Law § 4501-Harm

Title 18 PA Law § 4107 Deceptive or fraudulent business practices

Title 18 PA Law § 4114 Securing execution of documents by deception

Title 18 PA Law § 4903. False swearing

(a) False swearing in official matters

Title 18 PA Law § 4906. False reports to law enforcement authorities.

(a) Falsely incriminating another.

(b) Fictitious reports.

Title 18 PA Law § 4910. Tampering with or fabricating physical evidence.

Title 18 PA Law § 4911. Tampering with public records or information.

Title 18 PA Law § 4952. Intimidation of witnesses or victims.

Title 18 PA Law § 4958. Intimidation, retaliation or obstruction in child abuse cases.

(b) Retaliation.

23 Pa.C.S. § 6303-Substantial evidence.

(b.1) Child abuse.

Title 18 PA Law § 6319. Penalties.

(a) Failure to report or refer.

Title 18 PA Law § 6334. Disposition of complaints received.

APPENDIX F

Lawyers' and Judges' Mistakes

- Elasticity of Court Orders
- Wrong actions made right in the eyes of the children by the legal community
- Perjury repeatedly in Court
- Actions of domination by batterer allowed to reign in family and case with no stopgaps
- Children's minds and hearts and relationships with selves and mother decimated
- Reign of terror aided and abetted by Court
- Profound neglect of mother's and children's needs
- Failure to act in best interests of children
- Failure by Court to suspend judgments issued by evaluators and therapists
- Lack of enforcement by law of abuse and alienation
- Rogue renegading abuser never roped in
- Preposterous pronouncements by Court of fitness of both parties
- Misallegations of abuse-wrong party indicted
- Law on the side of the people? Due process undone
- Wailing and gnashing of children and their mother due to profound mishandling of entire case

- Leveling the playing field when players don't play fair, especially parent of their own children
- Retaliation tactics clear in this case-left unaddressed by both counsel's sides
- Runaway train of abuse given fuel and ammo to create continuing carnage of children and mother
- Sacred rights embedded and stated explicitly in the U.S. Constitution denied as mother terribly besmirched and children mashed like potatoes
- Trail of carnage continues
- Father's lies now children's truths
- Unrestorable state of affairs
- Mother unrelenting sorrow
- Rights of children smashed, lifetime damage
- Rights of mother decimated, violated
- What are the costs of such pain and torment, loss and sorrow to a mother's heart?
- Costs to children undeniable, untenable in legal terms...they were sacrificed to greed and power.
- Left father to his own devices without providing protection to children and mother
- Reams and reams of evidence ignored and left unaddressed by counsel on both sides
- Tall tales told by counsel many times in Court
- When action was required to stop abuse, everyone turned a blind eye
- Mother's true character revealed in pages of letters not just hearsay but as viable evidence before the Court-ignored, neglected.

-Abusiveness by father sole cause of defeat and devastation that lawyers were responsible to stop by legal action-reprehensible legal malpractice

-Stacks of evidence presented by mother and clinically sound plans she created for solving this utter mess left unaddressed, ignored.

-One, two, three, let the father have his glee so the faucet of money keeps flowing

-Four, five, six, let the mother pick up sticks of broken lives of her children she cannot even see nor hold again

-Seven, eight, nine let the carousel go round and round with no rhyme or reason just for a dime

-Way beyond couth or care, the children live forever in their father's snare

-West, east, south, or north this is beyond the scope of the 4th (Amendment)

-Narcissist tyrant ran over their rights and rolled over sanctions that were never instituted at the very beginning.

-Rest assured the world waits for cease and desist. Batterer's game of puppets slapped all professionals and judges right in the face.

-Where's rightfulness and candor in the name of the law? Mother's pure ardor of love for her children was the core ingredient the court is supposed to look for.

-Spilling over the tent of justice and right comes a man with pure evil and conscious mal intent

-Run amok professionals and letter of the law spelled backward in its own alphabet creating 'litter' of the law.

-Superb aggressor belongs behind bars with bruises and banners of abuse clear as day throughout it all.

-Distraught were children and mother crying out as professionals and lawyers hearing only their own clout

-Sleep well, my dear children, and let it be known that our rights and our moments were completely disavowed.

-Father's intent displayed on a banner written in blood, cries, and tears on the faces of all who should have mattered

-Exclaiming from rooftops to all who would hear all the lies he created as facts of the case were just smear

-Justice turned inside and out and twisted around as children whose lives depended on the crowd of people at the table of law and mental health when what emerged was filth amidst stealth and perjury and ill-acquired wealth

-Above all do no harm and yet that became nil until all judges and lawyers remanded their fill

-Ruthless hurry became the rule as crimes ran rampant against mother and children by lawyers, by judges, evaluators too as shoe leather became father's hatchet who is leaning on children still

-Tears on the table everyday still-did all of you professionals consider the pill of jail time and sanctions and due process uphill?

-The hurt, the pain, the damage unfolds as bandits of justice erased the stronghold of the love of a mother for her children in tow.

-Actions of malaise and disaster beyond report, preposterous pronouncements every day in court

-Everyone involved had only this intent-in canvassing the money, to hell with the children

-As upset was the mother of the loss of her precious 3, benign and candor her love overflowed in tears and many pleas. Where was the action by the court of its laws in retribution for her love which became twisted as flaws?

APPENDIX G

Medical and Mental Health Providers'

Mistakes

-Lethargy/Laissez-faire attitude while children are being harmed in their care for 5+ years

-Errors in judgment

-Surreptitious decisions based on no thought of Margie and her children's welfare or ongoing well-being and healing

-Failure to assess domestic violence allegations properly

-Judgment based on nihilism

-Acceptance of narrative as fact

-Plagiarism of children's communication and letters

-Resistance of therapeutic interventions by batterer father

- Malaise of therapists to ensure all directions followed by father and children
- Mother's diagnosis ignored (battered woman syndrome)
- Actions of domination by batterer allowed to reign in family and case with no stopgaps
- Wailing and gnashing of children and their mother due to profound mishandling of entire case
- Profound neglect of mother's and children's needs
- Listened only to father
- Failure to act in best interests of children
- Isolation tactics by father of children ignored
- Persuasive tactics by narcissist mishandled and misdiagnosed causing harm to all
- Malignant narcissism in the DSM

- Malpractice left trail of robotrons created by father
- Assessment tools in toolbox but not searched for and utilized by all mental health professionals and evaluators-malpractice
- Allowing children to run roughshod over their mother without immediate intervention
- Unrestorable state of affairs
- Palpable dysfunctionality in abuser left unaddressed, untamed
- Wrong actions taken by every professional in case
- Leftover principles from last century incorporated into evaluation plans
- Delusionary thinking by batterer ignored and left unchallenged by all professionals
- Caveats were just cages of craftiness and lies embedded in psychobabble of evaluations

- Abuser's reasoning nonsensical yet never questioned
- When action was required to stop the abuse, everyone turned a blind eye.
- Pretense of fault never investigated as mother danced to the tune of callous hearts
- Wandering around the circle of 'help' is a loving mother in charge whose soundness of mind was neglected by all
- One child became the agent of father's hate. That was the pre-empting cause to stop the abuse in this case.
- Shame on those entrusted with this family's care who left children and mother alone and unprotected in Daniel's den-Michael Knaub's lion's lair.
- Malfeasance perpetrated upon family by all professionals

Appendix AA

Supreme Court of Pennsylvania

Middle District

February 12, 2025

Margaret M. FitzGerald

3108 Birmingham Drive

Fort Collins, Colorado 80526

RE: Fitzgerald (Knaub), M. Pet v. Knaub, M et al.

No. 110 MM 2024

Lower Appellate Court Docket No.

Trial Court Docket No. 2004-Fc-000501-02

Dear Margaret M. Fitzgerald,

Enclosed please find a certified copy of an order dated February 12, 2025 entered in the above-captioned matter.

Very Truly Yours,

Office of the Prothonotary

/ad

Enclosure

**IN THE SUPREME COURT OF
PENNSYLVANIA
MIDDLE DISTRICT**

Margaret M. FitzGerald, L.C.S.W.

Petitioner,

v.

Michael Alan Knaub, AG Peter Kovach of Office of General Counsel, Suzy Moore-Office of General Counsel, Dean Picarella, OAG, York Area Regional Police: Officer Weyeth Barley, Officer Dave Barley, Officer Sam Perry, Officer Mark Price, Detective Michael Zinn, Officer George McGee, Officer David Wingert, Sgt Jeffrey Dunbar YAPD CHP Denial, Dr. Jeffrey Frey, M.D. -Primary Care Physician, York Hospital/Wellspan Behavioral Health: Dr. Stephen Dilts, M.D., Social Worker Maxine Banks, MSS, Gary Kondrasuk, RN, Dr. W Massie, D.O., Dr. Samuel Woo, M.D., Dr. Stephen Brockway, M.D. of The Meadows in AZ, Dr. George Greer, MD and Joan Halucha, LADAC, of Life Healing Center of Santa Fe, NM, Court of Common Pleas, York County, PA: Judge John Thompson, Judge Richard Renn, Judge Sheryl Ann Dorney, Judge Penny Blackwell, Judge Michael Bortner, Thomas O'Shea, Esq. Of CGA Law Firm, Michael J. Krout of Morris & Vedder, Donald Kissinger, Esq and Darrin Holst, Esq. of Howett, Kissinger, & Conley/Holst, Dr. Arnold Shienvold, PhD

of Riegler & Shienvold Associates, Glenn Vaughn, Esq.-Conciliator York County Court of Common Pleas, Demosthenes Lorandos, PhD/JD of Lorandos and Associates, Darrell Wilt, LMFT of Life Solutions, Dr. Glenn Williams, M.D. and Dr. David Zelis, M.D. of York Pediatric Medicine, Janet Bliss, MA of Family Child Resources, Karen Stabley, art therapist, Drs Barry Bricklin, PhD & Gail Elliot Consultants of Child Custody Issues, Dr. Weinberg-Superintendent of Dallastown Area High School (DAHS), Dr. Stanley Weinstein-Assistant Principal DAHS, Dr. Joshua Doll, Principal of DAHS, Andrew Thompson-Guidance Counselor DAHS, Richard Howley-DAHS swim coach, Corissa Fetrow DAHS, Kevin Myers DAHS, Sheriff Justin Smith-Larimer County Sheriff's office

Respondents

ORDER

PER CURIAM

AND NOW, this 12th day of February, 2025, the Application for Extraordinary Relief is DENIED. The Prothonotary is DIRECTED to strike the names of the jurists from the caption.

Justice Brobson did not participate in the consideration or decision of this matter.

A True Copy Elizabeth E. Zisk

As Of 02/12/2025

Attest: Elizabeth E Zisk

Chief Clerk

Supreme Court of Pennsylvania

A handwritten signature in cursive script, reading "Margaret M. FitzGerald". The signature is written in dark ink and is positioned in the lower right area of the document.