

No. 20-524

**IN THE SUPREME COURT OF THE
UNITED STATES**

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Yi Tai Shao,
Petitioner,

vs.

John Roberts, et al.,
Respondents.

—o0o—

On Petition For A Writ Of Certiorari To the United
States Court of Appeals For The District of Columbia
Circuit
[Court of Appeals Case No. 19-5014]

**MOTION FOR LEAVE TO FILE AMICUS
CURIAE BRIEF OF MOTHERS OF LOST
CHILDREN**

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MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Pursuant to this Court's Rule 37.2, counsel for Petitioners and Respondents were notified Amicus Curiae Mothers of Lost Children's intent to file this *amicus* brief. Petitioner and the Solicitor General's Office have consented to the filing of an *amicus* brief. As of the filing of this motion, the other Respondents have not agreed or disagreed as to filing of an *amicus curiae* brief.

Amicus curiae MOTHERS OF LOST CHILDREN is a grassroots organization with a mission to raise awareness about child abuse and create a social justice movement to ensure children are placed with the safe parent when the other parent is an abuser. Our organization has been in contact with over 3,000 safe nurturing mothers whose children have been taken from them and given to abusive fathers.

In this case, the Amicus desires to bring to the Court's attention information and research on the systematic use of the court system to cause the removal of children from their protective parents and placement in dangerous situations, particularly the growing bias of the system to place children with abusive men seeking custody. The particular issues the Petitioner seeks to present are an example of this trend. The matters presented by Amicus put Petitioner's case in the larger context of a systematic failure of due process and bias of the court system as a whole.

WHEREFOR, *amicus* respectfully moves this Court to grant filing of the Amicus Curiae Brief submitted herewith.

Dated: November 9, 2020.

Respectfully submitted,

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INTEREST OF AMICUS CURIAE¹

Amicus curiae MOTHERS OF LOST CHILDREN is a grassroots organization with a mission to raise awareness about child abuse and create a social justice movement to ensure children are placed with the safe parent when the other parent is an abuser.

Many mothers have learned through painful experiences that the court system is often not friendly to women and children who have been victimized. Over the last two decades, the courts have become biased in favor of abusive men who seek custody. This is disturbing news. As said by Cheyenne Proverb, “A nation is not conquered until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors, nor how strong their weapons.”

Our organization has been in contact with over 3,000 safe nurturing mothers whose children have been taken from them and given to abusive fathers.

SCIENTIFIC STUDIES SHOW THAT MOTHERS ARE SYSTEMATICALLY FORCED TO ACCEPT PLACEMENT OF THEIR CHILDREN WITH ABUSIVE SPOUSES.

¹ Pursuant to this Court’s Rule 37.6, *amicus* affirms that no counsel for a party authored this brief in whole or in part, that no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief, and that no person other than *amicus* and its counsel made such a monetary contribution. Pursuant to this Court’s Rule 37.2, counsel of record for Petitioner and Respondents were notified of the filing of this amicus brief. Petitioner and the Solicitor General’s Office have consented; counsel for other Respondents have neither consented or objected.

Research by Geraldine Stahly, Ph.D. on 391 national protective mother cases, of which 40% were from California, shows a chilling pattern:²

- 89% of mothers reported being victims of domestic violence, 65% of mothers were advised not to raise issues of domestic violence or abuse in court. 59% of the mothers stopped reporting abuse for fear their contact with their children would be terminated.
- Allegations of physical and sexual child abuse arose in nearly all cases. In 66% of cases, children continued to report abuse after custody orders.
- The children had serious symptoms, including sleep disorders, rage, regression, fears/phobias, pain, depression, dissociation, sexual acting out, suicide attempt, constipation/diarrhea, learning disability, and eating disorders.
- In cases where mothers raised abuse allegation, only 17% retained custody after court proceedings.
- 68% of mothers lost custody in an emergency court order. 62% lost custody in an ex parte proceeding. 59% of the proceedings in which custody was lost had no court reporter.
- 68% of the mothers lost custody as a result of a psychological evaluation. 57% of the mothers were not allowed to see the court evaluation/recommendation on custody.
- 43% of the mothers were labeled as having PMS (Parental Alienation Syndrome) and 33% were labeled as “alienators”.

² California Protective Parents Association commissioned the study which was led by researcher Geraldine Stahly, Ph.D. The results of this and related studies are reported at <https://www.cprotectiveparents.org/research>.

- 65% of the mothers were threatened with sanctions if they talked publicly about their case.
- 27% of mothers filed for bankruptcy because of the costs of litigation over custody.
- Two thirds of the children continued to report abuse. 87% of mothers believe their children were still being abused yet 85% believed they cannot protect their children.

It is clear from these data that children are being taken from their primary caregiving mothers and placed with fathers whom the children identified as abusive. The family court is not responding well to the plight of abused children.

As medical research shows, these children will have far-reaching negative outcomes in adulthood. It is incumbent upon family court to prevent such outcomes by keeping children safe and nurtured.

Evaluators, mediators, children's attorneys and judges ignored or suppressed the evidence. Instead of protecting the children, courts changed custody to the identified abuser. In over 60% of the cases, custody was changed in ex parte hearings which are intended to protect, not endanger, children.³

Why are abused children of divorce not protected? There are two main reasons.

The first factor is money.

Divorce is the outcome of about 50% of marriages in California. In middle and upper-income divorces, child custody has become a huge money-making enterprise.

³ See footnote 2. The statistics were provided by Dr. Stahl, commissioned by California Protective Parents Association, and is pending publication.

- Attorneys and mental health professionals make a handsome living from custody litigation. The longer it goes on, the more money they make.
- Judges receive job security, and retired judges “moonlight” by hearing overflow cases.
- In a 1999 Washington Times Insight Magazine article “Is Justice for Sale in LA?” reporter Kelly Patricia O’Meara described other income in the form of payoffs to judges through a slush fund in Los Angeles. See Insight Magazine, on the news online, Vol. 15, No. 16 - May 3, 1999
- When one litigant can afford an attorney while the other cannot, this financial imbalance places the self-represented litigant at a distinct disadvantage in court.

Large contributions to judicial campaign funds are a vehicle for potentially influencing judges, and in at least one jurisdiction, direct bribes were used. New York Judge Gerald Garson was convicted and imprisoned in 2007 for accepting bribes to manipulate the outcomes of divorce proceedings. See, *Betra v. Wolfe* (March 14, 2008) 0116059/2004, Motion Seq. No. 001, Supreme Court of the State of New York, New York County, 2008 NY Slip Op 30821, 2008 N.Y. Misc. LEXIS 1933.

Judges and court-appointed professionals are rarely disciplined or held accountable for decisions that endanger children.

- Appeals are prohibitively expensive
- Appeals judges rarely reverse lower court rulings.
- Judges and court appointees have immunity.
- The California oversight agency, the Commission for Judicial Performance, spends over \$3 million dollars per year. However, no judges were removed from the bench in a three-year period.

Yi Tai Shao aka Linda Shao and her daughter

fit this pattern. Their case is typical of cases in which abusers, not children, are protected by family courts. Her case is so egregious that an expert on child abuse, Meera Fox, Esq. found the child's lengthy parental deprivation was caused by the courts' conspiracy with her prior attorney. *Linda Shao v. Tsan-Kuen Wang*, H040395, filed on May 10, 2017. See a copy at <http://shaochronology.blogspot.com/2017/04/evidence-of-conspiracy-and-judicial.html>.

As citizens, children are having their constitutional rights to liberty and the pursuit of happiness violated, along with their human right to safety. In 2011, the Inter-American Commission on Human Rights found in the *Gonzales (Lenahan)* case that the United States was committing human rights violations by not protecting women and girls. See IACHR, 0 EA/Ser/LIV /II. 128, Doc. 19, July 24, 2007.

This mother and child exemplify the IACHR findings.

In 2009, at a National Summit on the Intersection of Domestic Violence and Child Mistreatment, prior Attorney General Eric Holder urged the judges to consider the following issues:⁴

- Why are mothers who are the victims of domestic violence losing custody of their children to the courts and to the child protection system?
- Why are children of color over-represented in the child protection system?
- Do children need a relationship with their fathers even when their fathers have been abusive to them and their mothers in the past?

⁴ See US Department of Justice, Justice News: "Attorney General Eric Holder via Video to the National Summit on the Intersection of Domestic Violence and Child Maltreatment" Tuesday, June 2, 2009; see also, <https://www.justice.gov/opa/speech/attorney-general-eric-holder-video-national-summit-intersection-domestic-violence-and>

If so, what does that relationship look like?

“Protecting our children is one of the most important things we can do for society,” Congressman Ted Poe stated in announcing House Concurrent Resolution 150 to end the court ordered abuse in September 2016. The harsh realities of child abuse are real.

The successor to H.Con.Res. 150, H.Con.Res. 72, as passed by the House on September 25, 2018, expresses the sense of Congress that:

- child safety is the first priority of custody and parenting adjudications, and courts should resolve safety risks and claims of family violence before assessing other best interest factors;
- all evidence admitted in custody and parenting adjudications should be subject to evidentiary admissibility standards;
- evidence from court-affiliated or appointed fee-paid professionals regarding adult or child abuse allegations in custody cases should be considered only when the professional possesses documented expertise and experience in the relevant types of abuse, trauma, and the behaviors of victims and perpetrators;
- states should define required standards of expertise and experience for appointed fee-paid professionals who provide evidence to the court on behaviors of abuse victims and perpetrators, specify requirements for the contents of such professional reports, and require courts to find that any appointed professionals meet those standards;
- states should consider models under which court-appointed professionals are paid directly by the courts, with potential reimbursement by the parties after due consideration of the parties' financial circumstances; and
- Congress should schedule hearings on family

courts' practices with regard to children's safety and civil rights.

Ms. Shao's case is a good example of court ordered abuse of a child and mother. The court, child's attorney and professionals jointly suppressed her ex-husband's dangerous mental illness, and refused to recuse themselves when there have been direct conflicts of interest.

California Protective Parents Association, wrote an Amicus Curiae letter for Ms. Shao regarding the court-ordered abuse which was sent to the Chief Justice of California Supreme Court on July 2, 2014.

The Petition for Writ of Certiorari is in line with the goals of the H.Con.Res. 72 as passed by the House of Representatives.

CONCLUSION

For the foregoing reasons, Amicus request that Yi Tai Shao's Petition for Certiorari be granted.

Dated: November 9, 2020.

Respectfully submitted,

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