

Chantal O'Brien

To: Senate Standing Committee on Judiciary Senate Standing Committee on Children and Families

RE: New York State Family Court

Date of Testimony: November 1<sup>st</sup>, 2023

My name is Chantal O'Brien. I am a lifelong New Yorker who was negatively impacted by the New York State Family Court system throughout my childhood. I am going to testify how the family court system failed to protect my siblings and I, and how it served as a venue for Mercy First, JCCA, and the Administration for Children's Services to act out retaliation against my mother.

My mother is a domestic violence survivor. When I was three years old, she wanted to throw my abusive father out of the home. My mother did not have a solid relationship with her family. Forging a path as a single mother was a calculated risk, she was willing to take. She received an order of protection from Queens County Family Court. She was shocked when the order of protection did not expel him from the home. It was merely a directive to refrain from using physical force and/or act out abusive behavior. This was an egregious oversight because Queens County Family Court forced us to live with our abuser—putting our lives in danger.

My mother pretended everything was normal to ease our fears. She secretly planned an exit strategy. My mother took us to the Upper East Side to visit her sister, my aunt, for the day. I remember playing at a children's museum with my siblings and cousin. We returned to my aunt's apartment for dinner. My father called to tell my mother not to bother coming back because he changed the locks. We were only allowed to stay at our aunt's home for the night. The next day, we had to go to an emergency homeless shelter. My mother went back to Queens County Family

Court to tell them that my father violated the order of protection. She was offered no assistance with regaining access to the home or having my father arrested. We would languish in the New York City homeless shelter system for over two years.

We were living in The Bronx when my mother was aggressively coerced by a family counselor to place us into foster care, due to malicious mandated reporting and targeted harassment. The trauma of what my father put us through, being harassed, and feeling alienated from the world she once knew, impaired her judgement. She immediately regretted her decision. My mother had an 18-B lawyer who didn't adequately explain her rights or options. She was virtually alone in the decade-long fight to get us back.

My mother petitioned Manhattan Family Court to compel Mercy First and the Administration for Children Services because my brother was going to be put on medication under fraudulent pretenses. She knew it was a ploy for Mercy First and the abusive foster family to receive more money. A psychiatrist employed by Mercy First testified against my mother and that testimony persuaded a judge to threaten her with neglect charges if she didn't go along with it. The Manhattan Family Court judge stamped her approval for our silencing. The foster mother would beat my siblings and I into submission, so we would lie to psychologists and psychiatrists about mental illness symptoms we did not have. Anytime we tried speaking up about being severely abused, we were wrongfully dismissed as "mentally ill" children.

My mother filed another petition with the Manhattan Family Court to get us back, since our placement in foster care was voluntary. A high-ranking Mercy First administrator asked if we wanted to go home to our mother. We enthusiastically said we did. Our foster mother found out and sadistically beat us. Afterwards, she forced us to lie that our mother sexually abused us. While being questioned by the same high-ranking administrator, the foster mother led the discussion and

did the talking for us. No one from Manhattan Family Court questioned us—not even our law guardian at Lawyers for Children. My mother’s lawyer called her in the middle of the night to warn her she may be arrested over these false allegations. We went to Montefiore Hospital and underwent an evasive exam. The results came back inconclusive. In hindsight, Mercy First and our abusive foster family, could not allow us to leave their care—we were too lucrative. Manhattan Family Court and the Administration for Children Services rescinded its approval of my mother’s petition.

I left the care of Mercy First when I was 14 years old. I was institutionally abused and silenced while at Pleasantville Cottage School—JCCA. The abuse was so bad, me and another girl from my cottage went AWOL. The following morning, we arrived at Manhattan Family Court to blow the whistle on our abuse. We spoke to family court specialists. A judge saw I had visible injuries. Our mothers were called, and the judge ordered us to be temporarily discharged while an investigation was conducted. Ultimately, the judge ruled in our favor to be permanently discharged. JCCA refused to honor the family court judge’s ruling. For whatever reason, the ruling was not enforced by the Manhattan Family Court.

Months later, I had an on-site visit at Lawyers for Children. I asked my law guardian why JCCA was allowed to disobey a judge’s ruling? I told her I was now a victim of retaliatory abuse. Lastly, I revealed to her what happened to us at Mercy First and the fears I had for my brother because he was still in their care. She brushed it off and told me to focus on “present-day” goals. I begged her to call my brother to see if he was safe. She claimed she would. She never did. Not even my legal representation could be trusted to advocate for our best interests in Manhattan Family Court.

After I was savagely beaten by Pleasantville Cottage School staff, while an administrator on-duty looked on, I was transported to Westchester County Medical Center. I was there for over a month. My mother petitioned for my return. I was released to her care. JCCA administrators claimed my transcripts would be faxed to the New York City Office for High Schools on 24<sup>th</sup> Street. The office informed her that my transcripts were not faxed. The following weeks, my mother called Pleasantville Cottage School nonstop. Finally, someone returned her call. She was told to go back downtown because my transcripts had already been faxed. Again, she was informed that Pleasantville Cottage School did not fax anything. My mother took the *Metro North* to Pleasantville Cottage School and visited JCCA's office in Manhattan a few times a week. She was given the run-around. This went on for months. Her employer started to dock her pay because she was missing so much work.

We were aghast upon discovering that JCCA and the Administration for Children Services colluded to railroad my mother with educational neglect charges. She filed for an impartial hearing through the New York City Department of Education. After JCCA and Administration for Children Services were notified about the filing, my transcripts suddenly appeared. This act of retaliation against my mother sabotaged my education. I was out of school for months and held back a grade.

When I turned 17 years old, I thought hard about the corruption and silencing we experienced. I felt time was running out to hold people accountable. I contacted Lawyers for Children and left my law guardian a voicemail on her extension. She called me back and told me she technically could not provide me with services because I was no longer in foster care. She claimed she would ask around to see what resources were available. I called back a few times to follow-up. I never heard from her again.

What was done to my family was state sanctioned, court-approved violence. Every moving part of the family court system played a role in our misery and perpetually failed us. This is not a matter of a dysfunctional culture, but a deeply rotted system that has become so normalized, its brutality should be expected. This testimony was hard to put into words. We live with the pain of what was done to us, every day. I do not want another family to meet a fate like ours. Do not allow iniquitous actions to masquerade as the greater good or even worse: as justice being served. People's lives are being annihilated and families are crumbling. Please, do something.