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Via Email:

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Gentlemen:

My encounter with the NYS Family Court System began 4/2021 in Jefferson County, when my estranged wife (EW) filed a CPS report alleging child abuse by me against my then 11-year-old daughter. The allegation over 4 months old, later unindicated allowed an Ex-Parte Motion to grant temporary custody to her mother without a hearing for over 2 months. The allegations were a lie, not to mention EW a mandated reporter waiting over 4 months.

The Motion granted by a Surrogate Judge provided no specific means of visitation nor was visitation allowed by the mother through her attorney even though numerous requests were asked.

Finally allowed to see my daughter, by that time she suffered from Parental Alienation and weaponized against her father. Important to know her mom (EW), a current public-school psychologist, and former NYS CPS Intake Specialist (known alcoholic/drug addict) knew exactly how and what to push on this 11-year year old girl from a standpoint of pure hatred against her father.

When finally, a hearing occurred over MS Teams I tried to address the Court about visitation while my legal counsel acknowledged my attempt to speak the computer microphone did not work, and the Judge cut me off while trying to “chat” with the Court. Check the record, my most basic civil rights obliterated.

This unfortunate series of events caused massive damage to my daughter. Over the last 2+ years I’ve seen my daughter for approximately 140 hours or less than 6 days.

1. Why are Surrogate Judges allowed to render orders and judgements on Family Court Matters?
2. Why is NYS one of only a few states not acknowledging Parental Alienation as a mental health indication inflicting children?

Time passed and with no formal visitation order in place, the case sent to NYS Supreme Court allowed my EW to continue alienating the child to the point she became conflicted with a juxtaposition reality regarding her father.

My EW then commenced the child on a regiment of powerful anti-depression, ADSD, and other psychosomatic drugs to control her mood and behavior without notification, consultation, and approval from dad. At one point was prescribed Lithium.

Her behavior quickly deteriorated, after several admittance into St. Lawrence Psych and Four Winds Center (Saratoga, NY) my daughter fell behind in school and became not only hostile but violent to many she encountered, including her mom.

3. How can a temporary custody parent have unilateral all-power and control over a child's medical/mental health decisions?
4. What can be done to hold custodial parents accountable to properly notify the other parent of their child's medical, educational, spiritual, and developmental information going forward?

In the winter months of 2022, my daughter ended up in the residential care of the Children's Home of Watertown, NY, (CH). No one provided an explanation as to how my daughter landed there, she bounced from the emergency room of Samaritan Medical Center (SMC) and inpatient care of the CH.

Every time I tried to gain access to these facilities I was told "your daughter doesn't want to see you", even with a Court Order from a NYS Supreme Court Judge CH & SMC denied entry and access to see my daughter.

When the City of Watertown Police Dept., (WCPD) were called to enforce the Order I was told by the police officers they would not enforce the order or hold CH, SMC accountable to the Court and to contact my lawyer.

The alienation complete and with no accountability held towards these organizations, does anyone wonder why my daughter has no respect for authority or her parents?

5. What can be done to enforce Court Orders so parents may see their children in distress without undue interference from 3rd parties?

In fact, since I do not have legal standing and since I am the non-custodial parent, I cannot even bring action in a Court of Law seeking remedy against these organizations rendering them insulated to any accountability, de facto legal jurisdictions unto themselves, and implied judicial immunity like governmental processes, ala law enforcement and the courts.

6. Why do noncustodial parents in NYS have no legal standing to bring suit on behalf of their children?

Because of this, medical and mental health providers held my daughter's father in contempt, even suggesting I threaten "them" because of the mere suggestion of legal action against them. They also took a false narrative upon intake of my daughter that her father, was a known child abuser without due diligence by contacting the other parent.

I cannot even question my daughter's medical, mental health treatment nor her prescription drug regiment and without notification from EW. To this day never properly informed of her medical providers, addresses, indications, diagnoses, prognoses, medications, and expected outcomes. No timeline provided or detox plan considered on how she weans off these powerful prescription drugs. When I ask if she'll remain on them for the rest of her life, no answer's forthcoming.

7. The Court should require that medical/mental health treatments be fully disclosed to the non-custodial parent in a timely fashion through the Court and not based on "good faith" of the custodial parent.

My daughter's descent into the abyss did not end there. With no visitation order enforced more time passed and she continued her confliction towards her father and just about everyone else.

Soon not even EW could handle her.

During the early morning hours of Martin Luther King Day 2023 I received a phone call from a CPS case worker at SMC asking me to pick my daughter up, no explanation given and when I took too long to get her, I was berated for being late.

Given a bag of prescription drugs and clothes, EW provided little to no information regarding the circumstances nor did the CPS Caseworker, Social Worker, and the discharging Nurse of SMC.

Only had three days of drugs and when I went to renew her prescriptions was told by CH that she needed an appointment for an assessment as EW did not keep her medical appointments for over 6 months.

My daughter had already violently attacked her mother and then attacked her father, forced to go to the CH I knew the child would not complete the appointment without the help of mom. Big mistake.

Told by my daughter's social worker at Watertown City School District (WCSD) to address her inappropriate dress and physically check her book bag for contraband while EW waited to get her prescriptions renewed the child and dad talked, upon EW re-entering the car the situation blew up into a physical confrontation while the car in motion, my daughter attempted to jump out.

Rather than help Mom decided to audio tape the situation.

The WCPD showed up and failed to separate the parties, did not conduct a complete investigation, and then confirmed transferring custody back to mom.

I requested a police misconduct investigation from the WCPD only to be met with contempt, intimidation, and threats. The investigation still has not taken place.

More months go by, another summer without seeing my daughter when off from school. In 03/2023 EW lands on Article 10 for drinking and driving with the child in the car.

No one can provide an explanation as to why no criminal charges filed, or how a known alcoholic, drug addict, and unstable parent continues temporary on a years old Ex Parte Temporary Custody Order without adequate parental visitation, from a judge elected by the voters of Jefferson County to handle estates, wills and probate.

In 10/2023 EW was granted a conditional discharge off Article 10; guessing she passed a bunch of drug tests and yet when she allocuted before Court, I was not allowed to address the Court.

Last Wednesday (10/25/23) my daughter was **statutorily raped** by an 18-year-old senior in the Library at Watertown City High School. Once again, in concert with WCPD, WCSD kept me from seeing, speaking, or assessing my daughter by providing cover for EW and daughter to leave through a side exit.

South Jefferson School District successfully preempted a father/daughter visit over a discipline matter a few years back. Again, any wonder why the child believes she's immune to any accountability. The reason provided, "your daughter doesn't want to see you".

Of course, she doesn't want to see me, I represent stability, accountability, and discipline.

8. How does the law prevent a parent who's called to school on a child's discipline matter from even seeing that child?

When I asked the Superintendent of WCSD if the 18-year-old senior only known as "Tony" was suspended and out of the building I was told "we can't comment on other student's discipline as per NYS Education Law", even though Tony represents a clear and present danger to my child.

9. A 13-year-old girl **RAPED** in the WCSD Library by an 18-year-old man-child, and they can't even tell me if the alleged perpetrator has been suspended? **HOW IS THIS EVEN LEGAL?**

Today 10/30/23 my daughter was suspended for 5-days for possession of a marijuana vape pen, WCSD marked her as absent, when I email my lawyer and EW's lawyer as to the status of my daughter the silence was profound.

Only until the special education coordinator of WCSD called to inform me of her suspension did I learn any of circumstances.

10. Under NYS Education law as a parent, I have right to meet with the school authorities before the pronouncement of discipline and yet I'm routinely ignored and kept in the dark. HOW IS THIS LAWFUL?

Jefferson County CPS and the House of the Good Shepard social worker look at my inquiries and complaints with contempt and hostility.

Why? They know the child should be removed from EW's house but know the 13-year-old girl does not want to live with her father. She suffers from parental alienation, and they do not want forced entry into the foster care system, probably because no foster home will accept her.

11. How does an alienating parent gain from their misdeeds with a system rewarding them for abusive parenting?

Ultimately the entire system has failed my daughter, I do accept some responsibility, should have fought harder, forced minimal contact, and hired better lawyers but it's the wild west show up here in Jefferson County with no accountability from NYS.

Responsibilities:

- The Jefferson County NYS Unified Court System for allowing a Surrogate Judge to preside over a Family Court matter and allowing an Ex Parte Motion to go on so long without proper adjudication.
- Local school districts empower and enabling children to eliminate parental governance over their own children through misinterpretation or abuse of NYS Education Law for the school's convenience or cover their own liability.
- Medical/Mental Providers who can avoid negligence and malpractice by promoting parental alienation through demeaning narratives and not conducting proper due diligence regarding allegations of abuse.
- Non-profit non-government organizations like the CH, SMC, and House of the Good Shepherd who contract out government functions and take on implied immunity under the auspicious of outsourcing and enjoy de facto monopolies as the only providers in town.
- The lack of any check and balances by eliminating the non-custodial parent from having any legal standing regarding their children.
- Police Departments acting as social workers, and judicial adjudication without any mandate or legitimacy by pre-determining outcomes through policing powers.
- A complete underfunding and lack of transparency regarding local NYS DSS and CPS organizations who maintain no standard of professionalism due to high caseloads, poor pay, and personnel turnover.
- The allowance of Alcoholic Anonymous as an addiction treatment of first resort, essentially addicts, managing addicts for addicts by addicts while conducting non-certified and non-accredited treatment services which under their own admission emphasizes eliminating those in an addict's life that will not accept addiction and effect on the larger family unit.

While this tragedy occurs my health insurance still carried through EW's employer, every time I seek treatment, she receives a summary of the provided, treatment and cost associated and yet I do not receive the same of regarding my daughter. Very ironic.

Because of this I do not seek mental health services. Why? Because if this situation ever goes to trial, her lawyer will know exactly where to send the subpoenas gaining access to my medical records, and because this case is not considered criminal, the expectation of complete patient confidentiality does not exist.

I've endured this torture alone (my immediate family dead), with no friends (I'm piranha in the community), lost my job as a substitute teacher at WCSD (yes, I used to teach there) and thrown out of my MSE program at SUNY Potsdam.

And you want to focus on disrespect, cookie cutter, and dehumanizing aspects of the Family Court System?

I'd settle for simple notification regarding my daughter's development, meaningful family time with her, an expectation of fair and just treatment from a system widely described as misandrist and anti-father.

As a State we glorify inclusion and diversity; ever seen the typical employee roster of some of these organizations? After many months and \$40G the Judge finally order psych evals on all three of us, the only organization in the area who performs that service reported me as threatening when I requested the accommodation of a male psychiatrist.

To date my psych eval remains unfinished. I have not seen my daughter's report, yet trial scheduled in NYS Supreme Court on the divorce action looms early 12/2023, before the custody issue resolved in Family Court, how does that happen?

The best advice I can give based on experience, the system should always default to shared custody unless the particulars deem single parent custody, ala abuse, abandonment, or criminal behavior present after proper due process confers evidence without a shadow of doubt.

Until NYS reforms their Family Law with the idea that all parents matter in their children's life, all parents have inalienable rights to raise their children as they see fit within the confines of the law and the State decides to take a minimalist approach towards interjecting adjudication into nuclear family outcomes, situations like Audrey's will persist.

You're asking yourselves; did he just contradict himself?

Yes, I did, and the reason is simple, the source of the Nile of my particulars lies in that Ex Parte Order and 8+ weeks with no hearing.

If this case was assigned to a proper Family Court Justice, someone with experience and specialized training, my daughter and I could have worked out the differences over the divorce and she would not become a weapon used by my EW.

I beg you to look at the record, delve into the particulars, hold those involved with malpractice accountable and use my family's destruction by Jefferson County as an example of what not to do, so no one else must endure the pain I can only describe as worst than chemo (yea I went through that too).

Yes, I've missed other details and events, this testimony difficult to recall and more difficult to write but am willing to speak to the powers that be at their convenience.

Sincerely,

Doug Berry