

Esther Horton – New York

222. Ms. Horton and the biological father were never married. They began a relationship on September 1989. The child was born on Feb 7, 1995. Though the parents were not living together, the father visited the child without incident for the first three years. He did not file for paternity until after the violent incident.
223. In 1998, the father kicked the mother in the head while she was driving a car on the highway. The child was in the car and observed this. A report was made to the police. Charges were filed and in spite of the testimony of the victim, a witness and a state trooper, the father was found not guilty and released. A report was made to CPS and they substantiated the complaint against him for inadequate guardianship and ignoring the welfare of the child. However, he was only limited to 10 supervised visits with the child and then the supervision was lifted. He previously had been convicted in 1988 for criminal possession of a weapon when he pointed a loaded gun at a person during an argument.
224. In January 2000, the court had ordered joint custody with bi-weekly unsupervised visitation with the father. In January 2001, the child who was six at the time, was being seen at Astor Services for Children. She was diagnosed as adjustment disorder with anxiety from seeing father kick mother in the head in the car. She also disclosed sexual abuse. The therapist (Joan Traver) launched a CPS hotline report as mandated by law. After the CPS caseworker, Elena Peritocis, interviewed the child, she ordered the mother to get an order of protection which she did on 9 January 2001. The CPS worker also told the mother to go to the Queens Special Victims Squad and a police criminal investigation for sexual abuse third degree was launched. CPS stated in court on 19 January 2001 that the "child made a statement that father tickles her vagina and inserted his fingers into her vagina." Visitation with the father was suspended. The Assistant District Attorney (Queens) interviewed the child who did not disclose the abuse and the case was dropped.
225. In a custody hearing on 8 February 2001, the Law Guardian recommended the custody switch based on allegations of PAS against the mother and that she had coached the child. Yet he had not interviewed the child for over a year. In subsequent hearings, one witness testified that he never said she coached the child and another that the assistant district attorney was misquoted by CPS. No mention was made of the father's violence in front of the child nor his criminal history. While the mother was in court, CPS took the daughter away without even a good bye. Three weeks later the mother was ordered to have supervised visitation at a program called Little Angels and ordered to pay \$200 per month.
226. The program was completely incompetent, filthy and cluttered, had staff with little training and was never registered as a charity and never qualified as a non-profit as it alleged. Eventually it was closed and the manager convicted of embezzlement. This is the same agency that another petitioner, Genia Shockome, was ordered to take her children to and where she videotaped the so-called supervisor sleeping. The child

had to travel six hours to get to the visits. She would arrive disheveled, hungry and tired. Signs of abuse were reported to the monitors and ignored. At these visits, the father was late constantly and the child had to be forced to go home with him kicking and screaming: "I don't want to go back to that man."

227. The mother had an order of protection against the father but the monitors made no effort to prevent direct contact with the assailant father. The mother paid over \$2,000 to see her daughter but had to stop in June 2001 when she could no longer afford the fee. The mother worked seven days a week because of mounting debt but lost jobs due to the court schedule and was forced to file bankruptcy. The court now claims she has abandoned her child though they have prevented her contact.

228. A full custody trial was held in October 2001 and the court left the custody in place with father repeating that the mother was paranoid and coached the daughter because the child was too articulate. A forensic evaluation was done of the mother after the custody switch but it did not find the mother to be mentally ill. The mother does not see her child and has only limited phone contact. Only the child's older step-sister (24) is permitted to visit. Again there is no mention of the father's violence nor his criminal history in the findings of fact. The child is now 12 and continues to report abuse that continues to be ignored.