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## **FOR IMMEDIATE RELEASE- February 1, 2018**

FAILING CHILD SEXUAL ABUSE VICTIMS &  
PROTECTING THEIR PREDATORS:  
FAMILY COURTS ARE AS GUILTY AS MICHIGAN STATE, US  
OLYMPIC OFFICIALS, AND PENN STATE

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### **PRESS CONFERENCE:**

**WEDNESDAY, FEBRUARY 7, 2018**  
**11:00 A.M.**  
**E.P. MELLON ROOM**  
**KOPPERS CONFERENCE CENTER**  
**436 SEVENTH AVENUE**  
**PITTSBURGH, PA 15219**

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The world was horrified recently to learn that officials at Michigan State University and those adults responsible for the U.S. Olympics girls gymnastic team have for years ignored the pleas of hundreds of children subjected to the rapes committed by Larry Nassar, the physician assigned to “care” for them. Only a few years ago, the decades of sexual abuse committed by Jerry Sandusky against the young boys he claimed to “mentor”, also ignored by Penn State staff, shocked the nation. However, most sexually abused children are molested within their own homes, by their own parents. When these families break up, the divorce and custody litigation empowers the family court judges, who are supposed to protect the

children, to decide with whom the children live, and under what conditions the other parent is involved.

**Advocates for abused women and children, and the medical and mental health professionals involved in these cases, have known for a long time that family court judges in this Commonwealth, like their counterparts nationwide, are often forcing children to live with their abusers, and severing or limiting the children’s contact with the innocent parent fighting to protect the child from the predatory parent. Yes, our family courts are sentencing children to live with their rapists or batterers—despite abundant evidence that would convict the abusers in a criminal court trial! This scandal is deeper and more widespread than the Nassar and Sandusky tragedies.**

A case now pending in the Pennsylvania Supreme Court (Nos. 1-WAL-2018; 20 & 21-WAL-2018) from the Allegheny Court of Common Pleas is an appalling example of such a custody case, and will be discussed at the press-conference:

The February 23, 2016, “Forensic Assessment/Final Report” from the Child Advocacy Center at UPMC Children’s Hospital regarding this child (then 9) states:

The interview with \*\*\* was video/audiotaped. A copy of that video/audio tape was released to Lt. Gallatin. During the interview \*\*\* reported that [his father] anally assaulted him more than once. All of the alleged incidents occurred in the child’s bed at his father’s home. He reported that his father has touched his penis on his \*\*\* penis more than one time in the bathroom of his father’s home. \*\*\* also reported that his father exposed him to pornography via the Internet.

On May 20, 2016, the child (\*\*\*) substituted for his name) actually testified before the Allegheny County Common Pleas judge, and courageously answered her questions:

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Q. Do you miss [your paternal grandparents]?

A. No.

Q. Why don't you miss them?

A. Because they don't believe me, and I don't like people who don't believe me.

Q. Why do you think they don't believe you?

A. Because once when I called my grandma, she asked me if I was reading off a script, and I said no. Then I told her that you shouldn't believe what my father is telling you. It's all lies. Then my grandma said I don't believe you. That can't be true. It's impossible for him to lie. Then I said, no, you have to believe me. She said I'm sorry, but we disagree. The she said good-bye and hung up.

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Q. Why don't you want to live with your father?

A. Because I don't believe him. He's unpredictable. I don't trust him.

Q. Are you afraid of your dad?

A. Uh-huh.

Q. Why are you afraid of him?

A. Because I've been having nightmares lately about my father. He's been showing up in my dreams. I don't like him because I'm really scared of him.

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Q. Did you have a good time then?

A. Yes. Because my father acted totally normal. Because he's like two people. Like he would never—like you would never see the

real him because you don't go to our house. He's two different people. Like in public, he's really nice. Do like whatever. Sort of look like he's totally nice. But the at home he would be pretty whatever.

Q. If someone said that you had to start visits with your father, how would that make you feel?

A. No.

Q. Would that be the same way if you had to live with your father some of the time?

A. Uh-huh.

Q. Why? Why would you not want to start visiting with your father?

A. Because I don't trust him. I don't want to be with somebody I don't trust.

Q. Why don't you trust him?

A. Because he's not honest.

Q. What if your father were to get help and he was to change? Would you then be—

A. If he was to change, but he's probably not going to accept help.

Q. But what if he did? What if he did and he changed?

A. If he did, it depends.

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Q. Tell me about where you slept in the house and where [your father] slept.

A. I slept in my bed, and he slept in my bed. But he really had his own room, but he would always sleep in mine.

Q. Every night?

A. Like almost like—more than every other night.

Q. More than every other night. So what happened when your dad would sleep in the bed with you?

A. Sometime he would do things.

Q. Can you tell me some of the things that he did.

A. It's really uncomfortable.

Q. I know it is, but its important for me to hear from you. You know, this has been going on for a while. I did get to read what you said to Judge Salter, and then I saw your interview with Dr. Rua. Everybody else keeps telling me things that you said, but I haven't heard from you. You're really the most important person in all of this, \*\*\*.

A. Well, sometimes he would lay on top of me. He would like pull my pajamas down. He had these like shorty shorts that he would go running in. They didn't need underwear. Well, the first thing is that I was—I acted asleep, but I was really awake when it all happened. He would stick his penis in my butt crack. Into what I call my poop hole. He would do that many times. When under my body he would be squeezing my penis. Sometimes I get really angry with myself because I always say that I could have stopped him.

Q. Do you understand though, \*\*\*, you are a child? Do you understand that? Do you understand that none of this is your fault?<sup>1</sup> Do you believe that?

A. Sometimes.

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<sup>1</sup> One can only imagine the betrayal this young boy feels after the caring and reassuring judge sent him to live with his reported rapist, while terminating all contact with his mother.

Q. Does your mother ever say anything to you about [your father] at this time?

A. No. What she tells me to do is to tell the truth.

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**Despite reassuring this child that “it was not his fault”, on December 12, 2016, the judge gave this child’s father sole custody and completely terminated his mother’s contact with her son until she could convince a discredited “program” in California run by a “psychologist” whose license was pulled by the California authorities that she had rehabilitated herself. The young child’s mother, a physician, has not spoken to her son in over a year, and will be present at the conference. The Superior Court has affirmed the judge’s ruling, so the Supreme Court is the child’s last hope for protection. The relevant court documents are included in the Dropbox attachment.**

**What drives this flawed family court mentality is a bogus concept used by such abusers only in family court, where some misguided family court judges buy it, called “parental alienation syndrome.” In other words, the mothers are solely held responsible for the children’s reports of abuse.**

The tragic acceptance of this “parental alienation syndrome” nonsense is especially puzzling since the literature and materials provided to the judges nationwide has attempted to warn them about these grave errors. A recent article in the *Judges’ Journal* cogently explains the flawed approach to this family’s problems and the misguided draconian “remedy” imposed on this young boy and his mother by the trial court. According to Rebecca M. Thomas and James T. Richardson, in their recent article *Parental Alienation Syndrome: 30 Years Old and Still Junk Science*, 54 *Judges’ Journal* 22 (Summer, 2015):

Despite having been introduced 30 years ago, there remains no credible scientific evidence supporting parental alienation syndrome (PAS, also called parental alienation (PA) and parental alienation disorder (PAD)). The concept has not gained general acceptance in the scientific field, and there remains no test, no data, or any experiment supporting claims made concerning PAS. Because of this lack of scientific credibility, many organizations—scientific, medical, and legal—continue to reject its use and acceptance.

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Most of the “evidence” offered to establish PAS as a credible diagnosis is based on clinical observation. Clinical observation has some uses: it can allow for description of a phenomenon. What it cannot do, however, is provide evidence of the cause of the observed phenomenon. It does not provide an opportunity for replication, one of the tenets of the scientific method. Observation is best used to set forth the variables to be tested during scientific research. So while researchers have published articles describing PAS, none have produced experimental evidence that can be replicated to establish PAS exists either as a discreet phenomenon or a causal effect.

Even when clinical observers claim to be able to distinguish an alienated child from an otherwise disturbed child, there is no objective way to verify their conclusion. In addition, no studies identify a supposedly alienated child absent the accusation by a parent. Most information a therapist uses to make a “diagnosis” typically comes from the accusing parent. Empirical research shows that when children reject a parent, there are multiple reasons, including possible negative behaviors by the rejected parent, child abuse or neglect, or the child’s developmental difficulties or personality.

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Plainly, any mental health diagnosis requiring family court involvement as both a feature of the “illness” and the “cure” is dubious at best. The “cure” suggested is removal of the child from the custody of the “offending parent”, and, in some cases, a cut-off of all contact between that parent and child. In addition, the “cure” for the child is “deprogramming” the “brainwashing.” Given that family courts are

intended to be therapeutic, it is difficult to understand a court participating in psychological “diagnosis” that requires trauma to the family as the “cure.” If we are to accept PAS as a real problem, the solution currently in use is completely antithetical to the mission of family courts. When accusations of PAS arise, other, multiple reasons for a child’s behavior are likely to exist. Ethical practice requires these other possible reasons be considered, not ignored.

Even the National Council of Juvenile and Family Court Judges and the State Court Institute, in their publication *Navigating Custody and Visitation Evaluations in Cases With Domestic Violence: A Judge’s Guide* (2004, revised 2006), tried to educate the family court judges. This publication from two such nationally authoritative judicial organizations explains the abundant problems generated by the “parental alienation” approach to these types of cases, and describes what unfortunately happened to the precious children in these cases:

In contested custody cases, children may indeed express fear of, be concerned about, have distaste for, or be angry at one of their parents. Unfortunately, an all too common practice in such cases is for evaluators to diagnose children who exhibit a very strong bond and alignment with one parent and, simultaneously, a strong rejection of the other parent, as suffering from “parental alienation syndrome” or “PAS.” Under relevant evidentiary standard, the court should not accept this testimony. The theory positing the existence of “PAS” has been discredited by the scientific community. In *Kumho Tire v. Carmichael*, 526 U.S. 137 (1999), the Supreme Court ruled that even expert testimony based in the “soft sciences” must meet the standard set in the *Daubert* case. *Daubert*, in which the court re-examined the standard it had earlier articulated in the *Frye* case, requires application of a multi factor test, including peer review, publication, testability, rate of error, and general acceptance. “Parental Alienation Syndrome” does not pass this test. Any testimony that a party to a custody case suffers

from the syndrome of “parental alienation” should therefore be ruled inadmissible and/or stricken from the evaluation report under both the standard established in *Daubert* and the earlier *Frye* standard. The discredited diagnosis of “PAS” (or allegation of “parental alienation”), quite apart from its scientific invalidity, inappropriately asks the court to assume that the children’s behaviors and attitudes towards the parent who claims to be “alienated” have no grounding in reality. It also diverts attention away from the behaviors of the abusive parent, who may have directly influenced the children’s response by acting in violent, disrespectful, intimidating, humiliating and/or discrediting ways toward the children themselves, or the children’s other parent. The task for the court is to distinguish between situations in which children are critical of one parent because they have been appropriately manipulated by the other (taking care not to solely rely on subtle indications), and situations in which children have their own legitimate grounds for criticism or fear of a parent, which will likely be the case when the parent has perpetrated domestic violence. Those grounds do not become less legitimate because the abused parent shares them, and seeks to advocate for the children by voicing their concerns. *Navigating Custody and Visitation Evaluations in Cases With Domestic Violence: A Judge’s Guide* (2004, revised 2006) at 24-25.

The United States Congress has in July begun considering House Concurrent Resolution 72 (included in the Dropbox) seeking to end these horrific family court cases, and specifically addresses the issues in the Allegheny County case. The press conference will feature presentations from several local and national advocates who have been fighting this problem for years.

Finally, the press conference attendees will hear a Dallas, Texas, high school senior describe her compelling journey from sexual abuse, to a four- year-sentence from a family court judge to live with her molesting father with little contact with her mother, to freedom and liberation after she was finally believed, and her father surrendered his parental rights. She is now planning a future legal career to save others from her plight. Materials from her Texas case are also included in the Dropbox.