



## Spring 2011 – Newsletter of the NOW Family Law Ad Hoc Advisory Committee

Dear NOW Leaders and Members,

The purpose of the Family Law Committee Newsletter is to provide continuing education to our NOW leadership and members, about current news and information regarding the existing crisis for mothers and children in family courts. We hope you find the information we share with you of value as you go about your work as NOW leaders and members.

### General Information

A clearinghouse of materials the committee has compiled can be found at the NOW Foundation web site at this link: <http://www.nowfoundation.org/issues/family/>. There are additional materials at the chapters-only web site.

Family Law Advisory Committee Brochure available at this link: <http://www.nowfoundation.org/issues/family/familylawbrochure7-08final.pdf>

### An Interview with Linda Marie Sacks

In our Summer 2010 Newsletter, the NOW Family Law Committee posed the following question: **What better way to control a mother than to take full control of her children?**

This Spring 2011 Newsletter issue explores what can happen to a protective mother and her children when she does nothing more than try to protect those children.

The NOW ad hoc Family Law Committee is privileged to share the following personal interview of Linda Marie.

Linda Marie Sacks was a stay-at-home, soccer mom in Daytona Beach, Florida, known to be very devoted to her two little girls. Linda Marie's daughters are currently 14 and 16 years old. In April 2002, Linda Marie was told by the preschool administrator that her daughter, who at the time was in kindergarten, had sexual knowledge beyond her years. A school teacher at the pre-school had heard Linda Marie's seven-year-old daughter say "I suck my daddy's penis." These education personnel never called the human services hotline even though they were mandatory reporters. Furthermore, Linda Marie saw the father wiping down the vaginas of her then elementary-school-age children. The daughter, who was eight years old at the time, drew her father as an erect penis on legs in the therapist's office. The father also had a physical altercation with the eight year old daughter and gave her a split lip. Additionally, the father was verbally and emotionally abusing Linda Marie. Linda Marie filed for divorce in January, 2004. During the three and one-half year divorce proceedings, the father refused to leave the family home, and all of Linda Marie's attempts to convince the court to protect her children were denied. In June 2004, the father was granted a protective order against the girl's therapist, so she was prohibited from testifying. In April 2007, the court awarded sole custody of the two daughters to their father and Linda Marie was court-ordered to leave the home within 14 days.

Linda Marie was awarded only two hours per month of supervised visitation with them and must conduct the visits at a visitation center. Visitation is so restricted that it totaled only 80 hours in

three years and 11 months. In August 2008, the Fifth District Court of Appeals reversed and remanded the custody issue for violating Linda Marie's constitutional rights. This rare reversal provided no relief, as Judge Shawn L. Briese refused to protect the children, refused to hear witness testimony about the documented abuse, and refused to be disqualified from the case. In addition, he refused to vacate the unjust supervised visitation order. The events that led to this miscarriage of justice and the additional harm caused to these two children by a biased family court is well documented and, sadly, is typical of family court actions happening all over the U.S. Linda Marie continues to advocate for her daughters and to work to overturn the judge's tragic decision by charging judicial misconduct.

She is speaking on behalf of her children, and all of America's children affected by the failure of family courts to protect them. The NOW ad hoc Family Law Committee is privileged to share the following personal interview of Linda Marie.

Adele: Linda Marie, who was your children's primary caregiver during your marriage?

Linda Marie: I was the primary caregiver, and I was the class Mom, car pool Mom, soccer Mom, and truly lived my life for the care and nurture of my children. I am a 'squeaky clean Mom' and never imagined that I could lose custody of my children in the United States of America.

Adele: It is public knowledge, Linda, that you are allowed only two hours of supervised visitation a month with your children. What reason did the court give for mandating supervised visitation?

Linda Marie: Yes, it is public knowledge that I am seeing my daughters for only two hours a month. I am the longest family law referral at the local visitation center. The family court has not given me a case plan or reunification plan, and every Motion to be re-united has been denied by the court. The court-mandated supervised visitation because I believed my daughters and tried to protect them. Judge Briese called my daughter a liar. Dr. Deborah Day, the court-appointed psychologist wrote that my daughter, R.S., has pediatric bipolar and that negates any [credible report of] child sexual abuse. My daughter has never had pediatric bipolar disorder, and the judge knew this. Dr. Day then thwarted the investigation by the police and Florida Department of Children and Families (DCF), and said there is no abuse.

Adele: Do you believe the court punished you for doing a Channel 9 news interview in New York?

Linda Marie: Yes. Judge Briese said (on transcript) in his oral ruling June 2009 that my doing an interview at the Battered Mothers Custody Conference in New York was a "concern to the court," and that while I was on supervised visitation I did not buy greeting cards for the children to give to the father. Judge Briese said because of this, I must continue to have my visitation with my daughters supervised. The judge was not concerned that the father admitted to abusing the children, and awarded him sole physical custody once again.

Adele: Linda Marie, why do you think your children should live with you and not their father?

Linda Marie: In the Retrial of Custody April 2009, Judge Briese heard the father admit to the physical altercation he had with our daughter, R.S., at eight years old that gave her a split lip and blood, and he admitted to wiping down the vaginas of our school-age daughters, S.S. and R.S., and admitted to verbally abusing me in front of the children. These admissions matched the police reports, DCF reports and the Injunction of Protection. This gives me great safety concerns for my daughters and my case is a Justice for Children (JFC) case. They advocate for children when "official avenues" have failed to protect them. JFC also has safety concerns for my daughters in the custody of their father.



JFC expressed concerns about DCF and said “the evidence collected was never properly investigated by your agency” and this resulted in a verdict that was contrary to the best interests of the children.

Adele: Has there been confirmed abuse of your children by their father?

Linda Marie: Yes, the father admitted in the retrial (on transcript) that he abused the children, and Dr. Kathy Pearce has documented evidence of abuse by the father to the children, but Judge Briese has refused to allow her to testify.

Adele: What impact do you think the custody decision has had on your children?

Linda Marie: I can't imagine what trauma this has caused them, but I hope it helps that they knew I believed them, and always will.

Adele: And what impact has the custody decision had on you?

Linda Marie: My daughters said in April 2006, “Mommy fight for us, and do something every day to get us back and don't ever stop.” I have become a national spokesperson for my daughters and all of America's children. I will continue every day to advocate for them. This is a national crisis all over the U.S., and I will continue every day to keep my promise to my children.

Adele: For how many years have you been involved in family court and at what financial cost?

Linda Marie: I filed for divorce in January 2004. Since April 2007, I have spent over \$140,000 to be re-united with my daughters. The first appeal cost \$80,000. For the last few years I have proceeded *pro se*, and now I am a formidable legal advocate as I have law books and I know Rules of Procedure in both the family law and appeals courts.

Adele: How many attorneys have you retained?

Linda Marie: Six.

Adele: Why have you had a number of attorneys?

Linda Marie: I had to terminate the first Dissolution of Marriage attorney in the first few months because she failed to protect my children, and then admitted, when I asked if she knew my husband or his family, that her husband's (a partner in the law firm) parents were best friends with my husband's parents, and she never disclosed this. The second dissolution attorney and third domestic violence attorney (who saw Judge Briese recuse himself, and when we accepted then he “Unrecussed” (on transcript)), the fourth was a slander attorney, the fifth an appeals attorney, the sixth a retrial attorney, and now I am *pro se*, representing myself.

Adele: How many judges have you had?

Linda Marie: Three.

Adele: How many courts have you appealed to and are you currently involved in an appeal?

Linda Marie: My case is now being presented to U.S. Supreme Court in Washington D.C. on May 6, 2011, with my filing of my *pro se* Petition for Certiorari. My case has been at the Fifth District Court of Appeals three times.

Adele: Approximately how many organizations are you in that are fighting for the same cause?

Linda Marie: I am honored to be working with numerous groups such as the Battered Mothers Custody Conference, Center for Judicial Excellence, California Protective Parent Association (CPPA), Justice for Children, and Florida NOW Child Custody and Family Court Committee, as well as all of the advocacy organizations listed in the FL NOW Brochure on the Crisis in the Family Courts, and wonderful individuals all over the U.S. who are advocating for my daughters and all of America's children.

Adele: Have you spoken out publicly about your case?

Linda Marie: Yes, after the custody was reversed for constitutional violations, I was sent back to the very same judge at the Fifth District Court of Appeals who denied my Writ of Prohibition showing documented violations of judicial misconduct. The family courts are broken, and I could not be silent anymore.

Adele: Have you made any videos, web sites or any other media appeals about your case?

Linda Marie: Yes. I was chosen by the Center for Judicial Excellence and the California Protective Parent Association (CCPA) to be the spokesperson for the first public service announcements addressing the family court crisis. Mom Logic ([momlogic.com](http://momlogic.com)) has featured my story two times. I am so thankful to all of the national advocacy groups, advocates, and mothers all over the U.S. who are part of the solution to the family court crisis and who help to publish press releases about this injustice, and who highlight my case and other cases in an effort to bring media attention.

Adele: If you had any advice to give to mothers planning to divorce, what would that be?

Linda Marie: Mothers should research this issue and see all of the resources in the NOW Ad Hoc Committee brochure "Crisis for Women in Family Court: What to Expect and How to Fight Back," get the book "Domestic Violence, Abuse and Child Custody Legal Strategies and Policy Issues," by Mo Therese Hannah, Ph.D. and Barry Goldstein, J.D., and read the book "Why Mothers are Running from The Family Courts" by Michael Leshner Esq. and Amy Neustein, Ph.D. Mothers of America must know that family courts are giving custody to pedophiles and batterers. The American Judges Association's website states "Studies show that batterers have been able to convince authorities that the victim is unfit or undeserving of sole custody in approximately 70% of challenged cases." [See citation below.] Document, document, document! Become knowledgeable about the laws in your state, go to the Clerk of Courts and read your case file.

Adele: What sort of specific advocacy for mothers engaged in custody disputes would you like to see from NOW?

Linda Marie: I am thankful to NOW for doing this story, and I hope that NOW can join with other national organizations like California Protective Parent Association and Center for Judicial Excellence to ask for congressional hearings to address this crisis. The Leadership Council on Child Abuse and Interpersonal Violence states that "58,000 children a year are court-ordered into unsupervised contact with physically or sexually abusive parents after a divorce in the U.S." This is an epidemic and is worse than the Catholic Church scandal. My daughter's teacher said "America better wake up, if you of all mothers can lose custody of your children, anyone can."

Adele: Linda Marie, thank you so much for sharing this valuable information with others who may need to hear it. I hope your story can spare another mother and her children from this experience.

The NOW Family Law ad hoc Advisory Committee sincerely appreciates Linda Marie Sacks allowing us to interview her for this publication. Mothers in similar circumstances may ask NOW leaders in any location for help. Perhaps the telling of Linda Marie's story will encourage NOW members to help and support mothers who have lost or are in danger of losing their children while trying to protect them from violent or abusive fathers.

**Additionally, the NOW Family Law ad hoc Advisory Committee would like to thank member Adele Guadalupe for facilitating the interview.** Ms. Guadalupe was born in New York City. She has resided in Palm Beach County, FL, since 1985. Ms. Guadalupe has been a member of the National NOW Family Law Committee since its inception in 2004. Additionally, she has participated in other organizations to advocate for mothers' rights. She is an active member of the Florida NOW Child Custody/Family Law Committee and is one of the original founders of Families Against Court Travesties (FACTs), formed nine years ago, which is a local ad hoc committee of the Palm Beach Chapter of NOW, and may be located on the web at [www.FACTscourtwatch.org](http://www.FACTscourtwatch.org). Having attended many hearings in family court as a member of FACTS Court Watch and testifying in judicial and governing body hearings, Ms. Guadalupe has also given numerous workshops related to women in the courts.

[Citation: American Judges Foundation, Domestic Violence and the Court House: Understanding the Problem...Knowing the Victim, available at <http://aja.ncsc.dni.us/domviol/page5.html>.]

### **Mothers at the White House - Valentine's Day 2011**

**Sunday, February 13, 2011**



Twenty to thirty mothers and children participated in a vigil and demonstration in front of the White House for two hours in mid-February. They held one big banner, three large double-sided signs on poles, and several other large signs.

The purpose was to express grave concerns about **five hundred million dollars** (\$500,000,000) in federal funds awarded to local- and state-based programs intended to

encourage fathers to pay child support and provide for supervised visits.

We believe that these funds have supported legal services to batterers, molesters, felons and drug addicts who avoid paying child support by getting custody. Frequently, protective mothers have lost custody to abusers and are then put on supervised visitation. Their children's continued outcries of abuse are ignored.

We urge the Obama administration to conduct a detailed investigation of how those funds have been used and to make recommendations to assure that such programs do not provide legal services to documented batterers, molesters, felons or drug addicts in child custody cases.

**February 14, 2011**

A press conference and speak out were held on Monday, February 14 at the U.S. Department of Health and Human Services (HHS) to inform them how their fatherhood programs impact children. Advocates joined the speak-out. A television reporter came by, but security staff forced him to leave.

Fortunately, he had a zoom lens, so could film the event from afar.

About half way through the speak-out, several Homeland Security vehicles arrived. A small squadron of large uniformed federal agents announced that the group was on federal property and told us to leave or be arrested. After a lively discussion from citizens whose taxes support the federal government, the mothers, children and advocates, including two attorneys, marched off, finishing the speak-out while moving along peacefully.

The march continued up Independence Avenue, past the three House of Representatives' office buildings, turned left on First Street and ended at the Senate office buildings. Many of the mothers stood with the signs and banners during the next several hours in front of the Senate buildings, while others met with Senate aides and distributed packets of information.

A courageous child told Senate aides how she was forced to reunite with her sex-offender father. A mother, who is a NOW member, explained how she was turned away from federally-funded legal services because she is a mother, not a father. Two attorneys, two counselors, and several mothers discussed how the HHS fatherhood

### **Mothers' Day**

Mothers' Day celebrates mothers, yet many mothers cannot celebrate because they do not have their children. We hope that you will join us, on this and every Mothers' Day, in our efforts to educate the public about the discrimination and abuse mothers and children experience at the hands of the Fathers' Rights controlled family courts. How? Tell someone..... Find ways to spread the word, and share your feminist knowledge.

"America better wake up, if you of all mothers can lose custody of your children, anyone can." – Linda Marie's children's teacher

The NOW Family Law Committee poses the following question: Given that this committee (and other organizations like it) gets many calls from desperate protective parents throughout the country. What can be done to change this egregious situation for primary caregivers who are protecting their children from abuse and in the process are losing primary custody and are frequently losing any contact with them at all?

program backfires, leading to destructive outcomes for children.

### **February 15, 2011**

The next day, the NOW member from the group continued to distribute the rest of the packets and fliers to the remaining senators. She found that the senators and their aides recognized her white t-shirt with Mothers of Lost Children in black letters on the front. The emblematic uniform is being noticed – an excellent sign.

### **Mothers Day Demonstrations**

The next events will be on Sunday May 8, Mothers Day and Monday, May 9, 2011.

Those who are not able to come to Washington, D.C. can organize a speak-out at your local courthouse on Monday May 9 and wear the t-shirt 'uniform.' If needed, wear a white scarf over your face to prevent recognition and retribution by the court. White pants or skirts complete the ensemble.

See <http://mothersoflostchildren.com> for more information on the vigil.

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*Women and children face a national crisis in family law courts of the United States. NOW recognizes this crisis and seeks to address the discrimination against women in family courts. The NOW Family Law Ad Hoc Advisory Committee is appointed annually by the NOW president to provide critical information to NOW leadership and members as they respond to the family law crisis. See our website at: <http://www.nowfoundation.org/issues/family/>.*