
Violence against Women and Children in Custody Cases

Submission before
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Submitted by
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Introduction:

The Mother-Child Human Rights Foundation: Mothers ReVolution, is a nonprofit organization that assists Protective Mothers¹ and their children in the United States of America and those embroiled in cases involving the Hague Convention on the Civil Aspects of International Child Abduction. Founded in 2018, Mothers ReVolution annually receives thousands of requests for assistance from women and children resulting from Intimate Partner Violence (IPV), child abuse and the family court crisis. We provide support services including legal consultations, paralegal assistance, media strategy, trauma counseling, and other forms of advocacy.

We are thankful for the Special Rapporteur's inquest regarding the interrelationship between claims of "parental alienation," IPV and child abuse, and its resulting double-victimization of women and children. Based on the thousands of custody cases presented to us, this interrelationship has manifested in the "*Judicial Trafficking*" of children from their mother into the custody of their abusive fathers, affecting more than 80% of custody cases involving IPV and child abuse².

When survivors of IPV, already suffering from Post-Traumatic Stress *Injury* (PTSI)³, leave abusive relationships in the hopes of obtaining safety for themselves and their children, they unexpectedly find themselves in an inverted reality. Instead of encountering a legal system that protects them, they enter a world wherein the family courts, child protective services and law enforcement systems facilitate the perpetrators' Post-Separation Abuse, thereby exposing them to an increase in violence and murder⁴. The agenda of the existing legal system remains fundamentally patriarchal in nature, entitling abusive fathers to custody of their children and disregarding the rights of mothers and children to be safe from violence and murder.

Judicial Child Trafficking unfolds as follows⁵:

1. Regardless of a prior history of IPV and/or child abuse, upon separation or divorce, the family courts typically encourage abusive fathers to continue to have parenting time of the children, thereby requiring mothers to co-parent with their abusers. Abusive, vengeful fathers then utilize this shared custody scenario to further exploit their coercive control of the mothers and abuse of the children⁶.
2. When a child discloses abuse to their mother, and she reports it to law enforcement, social workers, and/or attorneys, the abusive father gaslights judicial officers by "Denying, Attacking, and Reversing Victim and Offender" (DARVO)⁷; claiming mother is "crazy," and "alienating" the child from him. He then proceeds to weaponize the child against her through motioning the court for sole custody.
3. Subsequently, family court judges base their custody decisions on the results of forced "Custody Evaluations." Appointed evaluators are known to use unscrupulous tactics and inappropriate psychological testing methods (such as the MMPI test which is entirely unsuitable for victims of IPV⁸) to discredit mother's credible reports of IPV and abuse. Confirmation-bias reports, based purely on opinion, claim mother is lying and coaching the child because of animosity towards father⁹. She is "mentally unstable" because she suffers from "parental alienation syndrome," engages in "pathological attachment,"

“enmeshed parenting,” “gatekeeping,” “implacable hostility,” “psychological splitting,” and other such nonscientific psychobabble.

4. The resulting custody transfer usually occurs without warning, through ex-parte orders and sometimes forcefully: children are jumped by police, SWAT teams and social workers¹⁰ usually without a warrant. Many of them are detained in reunification camps where they are “deprogrammed” through “threat therapy” to believe their mothers are mentally ill and dangerous, and to trauma-bond with their abusive fathers¹¹. If mothers are permitted to maintain contact with their children, it is often supervised. This visitation regime reinforces the perpetrators’ brainwashing of the children to believe their mothers are unfit parents, consequently compounding existing abuse and increasing the possibility of intergenerational impact¹². The Centers for Disease Control and Prevention concludes that the resulting Adverse Childhood Experiences are the number one cause of death in survivors¹³. Mothers alleged to be the perpetrators of “parental alienation” are in fact the safe parents who are truly estranged from their children.
5. Family courts further punish mothers for protecting, by ordering her to pay for the judicial abduction and continued abuse of their children. Failure to pay child support, fees for both parties’ attorneys, parenting coordinators, guardian ad litem, therapists, supervised visitation providers and other court-appointed personnel results in loss of visitation, garnished wages, property liens and jail time. Meanwhile, courts facilitate the perpetrators’ continued torture of mothers through endless court proceedings leading to bankruptcy. All the while, judicial officers and court-appointed professionals profit from this Legal Abuse¹⁴, knowing full well she will never surrender. Judicial officers paid off by abusive fathers, a.k.a. “*fathers’ rights guns*,” scheme to launder their illicit proceeds through, what they coin themselves as, their “*Kids for Cash LLC*”¹⁵. Protective Mothers who resist or blow the whistle are routinely gagged and jailed¹⁶.

Through combining factors of destruction of their motherhood, financial devastation, possible criminal records and homelessness, their PTSI is compounded and erodes the mothers’ ability to function, destroys their livelihood and careers, causes illness, and ostracizes them from society. The intent of this nefarious scheme can be deemed “*Attempted Murder by Proxy*,” since it takes on the same hideous forms of torture, terror, pillage, and murder as any conventional war. The resulting daily onslaught of fatalities is staggering¹⁷. Rooted firmly in a centuries-old patriarchal culture, this 21st century judicial “*Mommicide*” agenda originated when discriminatory federal fatherhood funding and legislation¹⁸ birthed the Association of Family and Conciliation Courts (AFCC)¹⁹. Their diabolical agenda has metastasized worldwide²⁰, destroying generations in its wake, and leaving a shameful stain on Humanity, as Human Rights of mothers and children remain non-existent.

Due to the woefully outdated Hague Convention on the Civil Aspects of International Child Abduction (Hague Treaty), numerous mothers are geographically “*stuck*,” subjected to ongoing abuse in a foreign legal system, culture, and language. 73% of all Hague Treaty cases are mothers returning to their home country with their children, of which 91% escape IPV and child abuse²¹. Abusers also trick mothers in consenting to her return with the children, to then later allege that she “abducted” them. Hague Treaty proceedings solely adjudicate the children’s jurisdiction without considering IPV and child abuse, which results in the deportation of nearly all children²². Most mothers are unable to return with them due to

risk of criminal prosecution, immigration restrictions, financial hardship, continued post-separation abuse and judicial bias in father's country²³. Their children, now in the full custody of their abusive fathers, suffer long-term or permanent separation from their mothers, their maternal families, as well as their cultural heritage.

Examples:

Numerous cruel custody decisions that diametrically oppose gender equality, women's empowerment and sustainability can be accessed in our databases²⁴. The following are examples of non-fatal double-victimization cases where loving, safe, and capable mothers without criminal, abuse or psychiatric records lost custody of their children to abusive fathers. Most have not seen their children since:

- 1) Upon release from prison for murder, father of J.W.'s son was granted parenting time whereby he severely beat the child resulting in hospitalization. When J.W. sought protection through the family court, full custody was awarded to father and J.W. was restrained from having contact with her child, jailed, and then forcibly committed to a psychiatric facility, despite a forensic evaluation proving she did not suffer from any mental health conditions²⁵.
- 2) When L.K.'s daughter disclosed sexual abuse by her father, the court awarded him sole custody, despite the fact that he was a convicted pedophile who served six years in jail for his lewd crimes²⁶.
- 3) D.S. lost custody of her son to her abusive ex-husband who wasn't even the child's father. A social worker advised her to escape his abuse by leaving the state, but then turned against her by exposing her location to law enforcement to gain a promotion. D. S. was arrested and so severely tortured in jail that she nearly died²⁷.
- 4) M. W.²⁸ and M. B.²⁹ lost custody and all contact with their children and were subsequently jailed and criminally prosecuted because they expressed their love to their children in the form of a single text message ("I love you") and a delivery of birthday flowers to the child's home.
- 5) The Hague Court ordered G.F.'s daughter to be jumped by a SWAT team on her way to school and deported from Holland to her father in the U.S., despite verified evidence he had abused her, and his admission to being addicted to hard drugs. Even as father lie dying on his deathbed due to terminal cancer, the court's mediator continued insisting he should retain full custody. He passed away a few days later, after which the court placed G.F.'s child with an unknown family³⁰.

Recommendations from our organization to the United Nations and American Organization of States Parties:

Implement a Zero-Tolerance Policy regarding IPV, child abuse and gender inequality via educational, media and entertainment channels, and offer early intervention.

Abolish Family Court Jurisdiction over IPV and child abuse cases:

Such (alleged) crimes must be adjudicated upon within Criminal Divisions via jury trials, subject to the rules of evidence, and video recorded to preserve the record. Financial incentives and state/federal funding must be eradicated from custody litigation proceedings, and both parties should be afforded Pro Bono legal representation as a Constitutional Right. Non-determinable cases of IPV and child abuse need close monitoring, intervention services, prevention of possible escalation and supervised contact. Offenders must be sentenced and denied contact with victims, while victims must be offered protective living conditions, including change of identities. Names and locations of sentenced offenders should be entered in a national Department of Justice public registry. To ensure accountability of judicial professionals, Judicial Immunity must be abolished entirely, worldwide. Considering the long-term consequences of IPV and child abuse, Statutes of Limitations on filing complaints against perpetrators and court professionals should be extended and tolled. Judicial oversight committees should be multi-disciplinary, including experts in Law and Psychology, and advocates for victims of IPV and child abuse.

Reform of the Hague Convention on the Civil Aspects of International Child Abduction:

Cases (and allegations) of IPV and child abuse must be adjudicated on their merits as a threshold matter prior to determination of deportation/return orders. The “Habitual Residence” factor should be replaced with the “Habitual Parent” factor, with global jurisdiction for minors. All court proceedings should be conducted in the English language, with orders enforceable worldwide. A multi-disciplinary United Nations Oversight Committee consisting of experts in Law and Psychology, and advocates for victims of IPV and child abuse must enforce proper implementation of the Treaty by the countries which have ratified it.

We demand the basic Human Right to raise our Children in Safety and Peace.

Respectfully submitted on behalf of all Protective Mothers of
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References

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- ²³ <https://protectivemothersrevolution.org/hague-cases/>
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