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# Structural Violence in the New Hampshire Family Court System: An Autoethnographic Exploration

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Structural Violence in the New Hampshire Family Court System: An Autoethnographic  
Exploration

by

Ann Marie Moynihan

A Dissertation Presented to the  
College of Arts, Humanities, and Social Sciences of Nova Southeastern University  
in Partial Fulfillment of the Requirements for the Degree of  
Doctor of Philosophy

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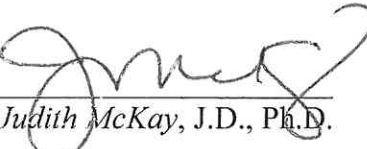
This dissertation was submitted by Ann Marie Moynihan under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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## Dedication

This dissertation is dedicated to the late Nathan O. Weeks, Guardian ad Litem and the late Robert A. Luther, New Hampshire State Representative. Your unwavering passion for this cause and support for this study is commendable. Your commitment to past, present and future victims of structural violence in social systems is admirable. I am eternally grateful for your votes of confidence and advocacy. As discussed and promised, I am doing what needs to be done. May you rest in peace.

*In memory of Dr. Burt Kaliski, Professor Emeritus,*

*Southern New Hampshire University.*

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## Abstract

The family law system effectuates case outcomes affecting the lives of parents, children, and society through court orders imposing important life decisions upon divorcing or unmarried parents, children, and post divorce families. While some cases are resolved in alternative dispute resolution forums, others enter the courtroom and judicial decisions cause unintended consequences for millions of adults and children each year. This research details a parent's suboptimal family law system experience caused by judicial decision-making, highlighting the need to examine the causes of unintended systemic outcomes. The purpose of this research is to raise awareness and provide justification for systemic reform to prevent unintended consequences of court ordered outcomes caused by underlying structural violence. Conflicting objectives of litigants and problem solvers are investigated to determine the causes of systemic failures so recommendations for improved outcomes can be formulated. Theories of justice, civil rights, public policy, systems, structural violence, and nonviolence are integral components of this research. Applied theory in the context of the researcher's experience highlights the need to address this social system issue while demonstrating the system intended to resolve disputes actually exacerbates conflict, resulting in more disputes. This research contributes to the literature because many litigants are unable to share their stories due to their oppressed condition within the system. This autoethnography documents the effects of a social system for conflict management gone awry and establishes a foundation to promote dialogue in support of a new way to manage disputes that is conducive to conflict resolution instead of conflict escalation.

## Chapter 1: Introduction to the Study

### **Introduction**

“Family law is the area of law designed to resolve disputes that encompass marriage, separation, divorce, custody and support of children” (Clapp, 1996, p. 129).

The family law system is designed to resolve disputes during a litigation process, which consists of filing motions in court and results in the issuance of court orders (Koel, Clark, Straus, Whitney, & Hauser, 1994). During this litigation process, judges issue orders that specify the manner in which litigants are to perform or act, usually because the parties are unable or unwilling to make their decisions jointly or engage in alternative dispute resolution processes. The litigation occurs in a court that is defined by Hastings (2007) as:

the institution for reviewing, approving, and enforcing agreements, and for resolving disputes, if no agreement is possible. It is often used to refer to the judge or master handling a particular case, as in the phrase, ‘The court denied the motion’. (Hastings, 2007, p. 273)

By design, the area of law intended to resolve disputes in fact exacerbates conflict, causes disputes, and affects outcomes that jeopardize the futures of parents, children, and society in some cases. The purpose of this research is to raise awareness, which will facilitate the creation of change to minimize conflict and ameliorate the negative effects of this undesirable social phenomenon.

## **Background**

The family court system consists of an adversarial litigation process designed to find fault, determine who is to blame and then hold the one to blame accountable for their actions (Eddy, 2006). The adversarial process sets litigants up to combat each other and their attorneys act out the battle (Winner, 1996). This adversarial litigation process is used to settle disputes by determining whether one is guilty or not guilty, to blame or not to blame. There is no mutuality in the process and by design there is a winner and a loser. While the system is designed to resolve disputes, it has many costs due to delays, dishonesty, unworkable outcomes, and destroyed relationships resulting from the win-lose process (Cloke, 2001).

Given that disputes are comprised of conflict and usually involve distrust, the process of assigning blame is not productive because assigning blame does not make the conflict go away and in fact, sometimes blame assignment makes the conflict worse. Litigation requires judges to make decisions and issue court orders to solve problems but in the interest of resolving disputes, the actual conflict and its sources are not addressed. The result is court decisions do not address the causes of conflict due to the win or lose competitive nature of the process, which can ultimately cause the winner to have power over, dominate, and control the loser (Cloke, 2001). In family matters requiring ongoing relationships involving children, this creates a counterproductive conflict cycle as the current family law system sets the stage for more conflict that emerges as additional disputes in need of resolution.



Conflict is “the interaction of interdependent people who perceive incompatibility and the possibility of interference from others as a result of this incompatibility” (Folger, 2009, p. 4). Many states now have a presumption of shared parenting (Levy, 2008) which assumes and implies collaboration between parents. Parents in the family court system are engaged in an adversarial process that is counterintuitive to sharing. The litigation process facilitates polarization between the parties at a time when they need to be working together to settle their disputes, yet they are in court because they are unable to work together. Incompatibility and the potential for interference between interdependent people are counterintuitive to a presumption of litigants ‘sharing’ and are unrealistic under the best circumstances. The judicial assignment of fault and blame in written court orders does not address the parties perceptions of incompatibility, possible interference or underlying conflict and in fact may exacerbate or reinforce those factors due to perceptions and misperceptions. Court trials do not resolve underlying conflict issues in personal relationships (Wilmot & Hocker, 2011). The fact that the court is not designed to resolve conflict is then magnified. Further complicating matters is the fact that the litigation process frequently makes matters worse for parents and children by facilitating and escalating conflict once blame is assigned. The establishment of blame is sometimes accompanied by sanctions and punishment based on a lack of information, inaccurate information and some facts which have been misconstrued (Eddy, 2006). Despite the fact that mediation and other collaborative resolution methods are available, the American legal system continues to inadvertently promote parental conflict (Baer, 2014).

## **Purpose**

This research is inspired by personal experience within the New Hampshire family court system, which resulted in undesirable and at times unconscionable outcomes for our family. At the present time there is no mechanism to mitigate the negative effects of the litigation process due to the state constitution, laws, and court rules that are designed to facilitate intractable conflict in a vicious cycle of structural violence. The systemic facilitation of protracted litigation at the expense of parents, children, and society enables the problem solvers within the New Hampshire family court system to meet their own personal goals, which are in direct conflict with the needs of the parents, and children who are in dire need of resolution to move forward with their lives. Therefore, the purpose of this study is to provide a basis for the analysis and examination of the primary issues and challenges surrounding family court conflict in New Hampshire within the context of conflict theory. The following topics are included:

1. Family Court System Dynamics
2. Structural, Cultural and Direct Violence
3. Public Policy and Nonviolent Direct Action
4. Nonviolent Resistance

## **Goals**

The first goal of this project is to document the events of an actual New Hampshire family court experience. This documentation will facilitate an analysis of the issues contributing to intractable family court conflict, the impact on culture and provide visibility for aspects of the system targeted as catalysts for systemic reform. While

attempts to address systemic problems are emerging as evidenced by the implementation of alternative dispute resolution options in many states, specific literature pertinent to the presence of structural violence in the family law system is not apparent. Additionally, very few documented, published survivor stories exist because victims are afraid to speak up due to their oppressed conditions and fear of judicial repercussions. This research documents factors such as laws, constitutional issues, system characteristics facilitating structural violence and the competitive environment motivating the problem solvers in the New Hampshire family court system to establish and achieve their individual goals.

The second research goal is to prevent other parents and children from being victimized by structural violence within the social system that was designed to protect them. Structural violence exists when social structural issues are linked to human suffering (Galtung, 1969b). The lack of judicial accountability in the New Hampshire family court (social structure) allows judges to secretly harm parents, children, and ultimately society (human suffering) with neither the fear of nor actual repercussions. Raising awareness about the negative implications of my engagement in the family court system is essential to the prevention of future harm and will help to achieve the goal of preventing further victimization. The research will also document outcomes resulting from structural violence to illustrate an actual link between social structure and human suffering while providing literature for peer review.

The ultimate and final goal of the research is to provide a starting point for a better default conflict management system for unmarried parents and children; one which will generate optimal outcomes because despite consensus that the New Hampshire

family court does not resolve conflict for parents and children, the system remains intact. The documentation of an actual family court experience in New Hampshire will allow for the identification of leverage points, places of power within the system where small changes have the potential to produce significant behavioral changes (Meadows, 2008). An analysis of the system in the context of my experience in the New Hampshire family court will assist with the identification of leverage points for potential intervention. The identification of leverage points in the system structure will also highlight opportunities to maximize desirable outcomes and minimize undesirable outcomes.

### **Conclusion**

This research documents an actual New Hampshire family court experience for analysis, formulation of alternatives, solutions, peer review, and a revised system in alignment with desirable social outcomes. The research also provides a starting point for systemic reform and reveals areas where future research is needed. It is my hope and anticipation that awareness, a call to action and systemic reform will be initiated by the personal experience that has fueled me with the tenacity required to make a positive difference.

## Chapter 2: Literature Review

### **Introduction**

A review of the literature for this research consists of a multidisciplinary approach encompassing auxiliary subject areas related to the dispute resolution system for parents and children in the United States known as the ‘family court’. Peer reviewed literature pertinent to the abuse of parents and children by judges, lawyers and others affiliated with the family court system is sparse, likely because very few parents and affiliates of the court come forward due to fears of reprisal and repercussions. After careful contemplation and consideration about the risks and potential rewards, the decision is to move forward and close the literary gap with the intent of creating change to minimize and potentially prevent the need for systemic reform in the future. The lack of literature specific to the abuse of parents and children by judges, lawyers, and court affiliates resulting in injustices is not surprising. The gap in the literature is demonstrative of a dire need for the literary void to be filled. Further affirmation of the need for this project was derived after the determination that several disciplines directly affect this social structure phenomenon, yet the issues in their entirety remain unaddressed so the unintended consequences, negative outcomes, and injustices prevail. Considering “injustice anywhere is a threat to justice everywhere” (King, M. L. "Letter from the Birmingham city Jail", King, April 16, 1963, p. 482) and the fact we are all affected indirectly by that which affects others, the dysfunctional New Hampshire family court system outcomes need to be examined to determine the causes so further injustices can be remediated.

## **Family Court System Dynamics**

The New Hampshire family court system consists of a litigation process designed to resolve family disputes. While the family courts are intended to resolve disputes, awareness of unintended consequences and negative outcomes from the family courts in the United States has been on the rise for the last three decades (Chesler, 2011; Rosen, 2014). According to Baer (2014), the American legal system inadvertently promotes conflict during divorce matters despite the fact there are alternatives to reduce conflict such as mediation and other collaborative approaches. Consequently, some unmarried parents, children and post divorce families are experiencing harm as the system designed to resolve disputes is instead increasing disputes and creating dysfunctional results for parents and children (Bryan, 2006). While many people are resolving their family matters in alternative dispute resolution forums, others remain in the system as cases decided by the family court due to factors which preclude the parents from working collaboratively to arrive at optimal conclusions for their children (Eddy, 2006). Kelly (2013) states 80 to 85 percent of family matters can be resolved without litigation and the remaining 15 to 20 percent of the cases may end up in litigation which becomes protracted and is associated with poor outcomes for parents and children (Kelly, May 2013). This is a problem of social concern (Bing, Nelson, & Wesolowski, 2009; Koel, Clark, Straus, Whiteney, & Hauser, 1994).

Penelope Bryan (2006) presents a compelling argument that the court procedures used to settle divorce disputes yield unjust decisions, poor outcomes, and dysfunctional results for millions of adults and children each year and highlights the benefits of

improving procedural justice in divorce cases. Arguing that the family law system produces dysfunctional results, Bryan uses the justice theory of John Rawls to explain justice is the first virtue of social institutions and no matter how efficiently organized must be reformed or abolished if they are unjust (Rawls, 1999). Following Rawls' (1999) theory that a legitimate legal system must produce just results sounds feasible except 'justice' is difficult to define, particularly in family law. While many blame the family court for the lack of justice, the system does not harm parents and children; the people within the system impose harm upon the people relying upon those working in the system to ensure justice is served. The system facilitates harm to parents and children and people within the system cause the actual harm to parents and children.

The foundation of the family law system is the state constitution and laws. Once litigants enter the court they are bound by court rules and procedures (Winner, 1996). Bryan's (2006) research documents the need for procedural justice reform in the family court including the areas of law, public policy, psychology and the social sciences, all of which are important facets of the broken family court dispute resolution system. For those participating in the family court there is a lack of opportunity to correct decisional errors in divorce matters. Bryan (2006) also states procedures within the system to promote fair agreements at the outset are lacking and frequently put the financially dependent spouse at a disadvantage, usually to the detriment of the children. The scholarly context of Bryan's (2006) research is presented through the lens of the researcher.

In *Divorced from Justice*, Karen Winner (1996) dispels the myth that divorce laws were created to protect women and children financially and discusses the negative impact of the court on women from poor and working-class women to professional women of affluent means. The unintended consequences of the family court system are presented in the context of her experience as an investigative journalist and include examples of divorce lawyers using unscrupulous tactics that exploit clients and judges who blatantly violate laws they are supposed to uphold. Of all the literature reviewed to date, Winner (1996) writes about the topic most closely related to this research. The author discusses the ways divorce lawyers and judges abuse women and children to propose solutions to the multitude of issues impacting women, children, and society. Despite the time lapse between the 1996 publication of *Divorced from Justice* and today, the issues remain unchanged and now men are claiming abuses as well. At the time of Winner's (1996) publication, there were very few published stories because people are afraid of what judges will do to them or worse, their children if they speak up. Because pleas for reform remain persistent since 1996, it is time for another perspective to emerge. This research is intended to spark a new national conversation about what needs to happen to provide a new and effective conflict management system for parents and children.

**Previous research and findings.** There is a lack of research and current studies about the abuse of parents and children by divorce lawyers and judges. Winner's (1996) work most closely correlates to this autoethnographical research. As implied by the title, this book details the abuse of women and children by lawyers and judges. As an investigative journalist Winner received volumes of correspondence from disgruntled



family court litigants containing horrific stories about deceit, abuses of power, conflicts of interest and politically motivated decisions in what has been described as a system designed by lawyers and judges to serve lawyers and judges, not the mothers, fathers and children it was intended to serve. Many proceedings in family court are protected from public view, which presented Winner with some research challenges. Given there is usually acrimony between divorcing parents, the fact that there is a mutual code between lawyers and judges not to report colleague misconduct and the confidentiality or secrecy within lawyer discipline and judicial conduct commissions, there were difficulties obtaining answers to her questions. Regardless of the challenges the research posed, the unintended consequences of the family court were undeniable as patterns of negative outcomes began to emerge.

Financial abuse, socioeconomic abuse, emotional abuse, legal abuse, and victimization are among the negative outcomes people endure within the family court system. In part, this is attributable to the women's movement's usage of laws to fight discrimination during the seventies and eighties, which were used to address domestic violence in the home. The problem intensified during the nineties as women relied on the law to combat domestic violence. Inadvertently, control of this issue was put primarily in the hands of men for enforcement of the law including police officers, lawyers, judges, and prosecutors. There was an underlying assumption the state would protect women and the law would implement relief and solutions. Instead, men were responsible for ensuring justice (Goodmark, 2012). While it seemed like a good idea at the time, the solution to domestic violence was delegated to a system poorly designed to address

domestic violence issues. At the time of Winner's (1996) publication, awareness of abuse by lawyers and judges was not widespread as the focus was on women and children. This research differs from Winner's (1996) research regarding the abuse of women and children by lawyers and judges in that by design it is focused on the impact on parents and children because the literature now documents parents and children are afflicted with the issue of legal abuse (Huffer, 2013; Joseph, 2014; Palmer & Palmer, 2013). What was once construed as a women's issue is now a social problem of interest that applies to parents and no longer appears to be gender specific.

The phenomenon of systemic abuse in the New Hampshire family court has been observed, researched, and experienced since 2007 when this researcher realized a simple in-state relocation to return to the workforce that had no impact on the father's time with his children became a matter of state interest and intervention and began to go awry. Over the last nine years several issues have been observed as contributing factors including the violation of father's, mother's and children's rights, lack of judicial accountability, constitutional deficiencies, the need for family law reform, anticorruption checks and balances. At the beginning of the research in 2007, it was difficult to find any information or literature in relation to the phenomenon that was emerging as what appeared to be the abuse of parents and children within the family court litigation process. Within the last past few years, many advocacy, resistance, and leadership groups highlighting judicial abuse have emerged and expanded.

Every year several million Americans end up in family court as the result of domestic disputes with no conception of what they and their children will endure as a

result of engaging in the family court process (Walker, Cummings and Cummings, 2012). The transcripts from the 2012 Cummings Foundation conference are recorded by Walker (et.al) in *Our Broken Family Court*. Among the conference faculty speakers and presenters were lawyers, judges, and psychologists. Each speaker addressed the problems within the family court system from their own professional perspectives. Many problems with the family court are addressed during the conference, including the fact that the court system is flawed and contains systematic errors that prevent us from protecting our children. This is due to rules pertaining to parental access of children that inhibit the process. Walker (et al., 2012) posit that stereotypical bias of the problem solvers, lack of knowledge about child development and child abuse also contribute to the problem in addition to the fact domestic violence is not widely understood due to its counterintuitive nature. This leads to misperceptions, inaccurate conclusions and ultimately the malfunctioning of the system.

Within the court children have no legal standing and in many cases they lack representation. The lack of representation makes them invisible, yet they are profoundly impacted as the result of orders written and issued by the court. Walker (2012) concludes that there are few incentives to change the system and challenges us to find incentives to start the process. While she has been working on this cause for almost 40 years she believes we are continuing the cycle of abuse and domestic violence that begins with what children are put through in family court at a very young age. The concern is if we do not stop the violence there, we will not be able to stop the violence at all (Walker, Cummings, & Cummings, 2012).

Another unintended consequence of the family court process is the alienation of parents and children. In some cases, parents manipulate their children and use them as pawns while they try to turn the child against the other parent, usually during divorce. This is referred to as Parental Alienation Syndrome (PAS), which has a significant impact on children even after they become adults. In most cases their struggles usually originated during a process which took place in the family court system (Baker, 2007). The acknowledgment of the weaknesses and contradictions in the current system are disturbing because *Our Broken Family Court System* documents the system creates more pain and suffering than assistance and solutions. Karen Huffer (2013) takes the pain and suffering a step further with the concept of “Legal Abuse Syndrome”. Citing victims emerge as the result of violence or deceit, Huffer refers to victims as ‘invisible hostages’ who have experienced the kidnapping of their souls.

Parents and children in the litigation process live in danger of loss and harm. During prolonged litigation, living in jeopardy for an unknown, extended period of time causes litigants to become emotional hostages (Huffer, 2013). Due to the financial, work, physical, emotional and family pressures every aspect of the victim’s life is risked as living with the impending threat of harm causes a sense of being attacked to which the victim is powerless to respond. The powerless victim, unable to respond is helpless when faced with this jeopardy, putting them at risk for Post Traumatic Stress Disorder. Huffer (2013) attributes this to attorneys, judges, and others who prey upon these victims in a self-serving manner and points out that litigation, hence the abuse, can consume years of the victim’s lifetime. Huffer’s (2013) focus is from the perspective of a mental health

professional recommending steps to help litigants recover. The focus of her work while meaningful and useful, only briefly touches upon the evolution of institutional abuse of power as a cause of Legal Abuse Syndrome and does not identify the cause through a structural violence frame; her focus is on recovery, not the cause of the problem. This research is intended to address structural violence as a cause of the institutional abuse of power documented by Huffer (2013) which harms people to the extreme of needing therapy to cope with Legal Abuse Syndrome inflicted upon her clients by abuses of those in power. Huffer (2013) affirms that our family court system is broken and opens the door for discussion about a new system to facilitate conflict resolution for parents and children.

The literature establishes that men, women, and children are traumatized within the family court system. The Adverse Childhood Experiences (ACE) study (Felitti et al., 1998) reported the impact of different types of childhood trauma on the participants. Among the traumatic events suffered by the participants are physical, emotional or sexual abuse, domestic violence, substance abuse by or the imprisonment of an adult in their home, a mentally ill or depressed adult, separation from a biological parent and emotional or physical neglect. ACE scores were created to indicate the amount of the participant's exposure to trauma. The study established a strong connection between emotional trauma in childhood and diseases during adulthood that lead to early death. The study also found increased alcoholism and substance abuse, poor work performance, financial stress, risk for emotional and sexual intimate partner violence, smoking, suicide, unintended pregnancies and poor academic achievement among the participants resulted

in negative health and well-being outcomes for participants throughout their lives. The study established that children exposed to domestic violence, child abuse and other trauma will suffer more injuries and illnesses than children without exposure to trauma and will likely live shorter lives. This serious problem of social concern needs to be examined and addressed.

Barry Goldstein (2014) discusses the ACE study and the importance of family court reforms to keep children safe and protect them from health risks. “Society can use this information for preventive responses that will drastically reduce health problems, crime, and dysfunctional behavior while enriching the public financially and spiritually” (Goldstein, 2014, p.146). He believes the impact on society would benefit people’s lives and improve our culture, as the negative impact of domestic violence would be mitigated. If the study results are considered in shaping public policy more people would reach their potential, there would be less crime and less tax dollars would be needed for services as exposure to harm caused by the trauma could be minimized (Goldstein, 2014). Unfortunately, this is not currently happening in the New Hampshire family court system.

Within the family court system lawyers represent their clients in a process that produces winners and losers. Winner (1996) reports the sad truth is lawyers in the divorce industry use the woman’s divorce to advance their own financial interests at the expense of the woman and her children. Adding insult to injury, women involuntarily divorced in the court by their husbands are also forced by the court to incur financial and economic sanctions that do not represent their interests. The underlying conflict is ignored in this adversarial approach (Baer, 2014). Baer (2014) admits within this

adversarial approach the conflict is ignored and in fact, the legal system exponentially exacerbates the conflict and levels of distrust regardless of the best efforts of attorneys and even admits some attorneys do a great job exacerbating the conflict well in excess of the conflict that the process creates itself. Emotionally charged people engaged in an adversarial process with lawyers unequipped to deal with emotional issues is referred to by Baer (2014) as the “perfect storm”:

There is a difference between conflict resolution and dispute resolution. Conflict resolution is a subset of dispute resolution, as is litigation. However, one works through the conflict in order to reduce it and decrease the level of distrust.

Unfortunately, the other resolves the dispute with the unfortunate byproduct of exacerbating the level of distrust and conflict. When attorneys add fuel to the fire, it only makes it that much worse. (Baer, 2014, p. 241)

This provides further explanation of how the court system facilitates, promotes, and escalates conflict. Given that the family court system conflicts with its designed intention it is not surprising the family court creates the conflict phenomenon it is supposed to mitigate. Following this logic, the family court is doing exactly what it is designed to do which is a cause of the negative outcomes and unintended consequences the system generates.

Family court litigation is emotionally charged with expressed emotion in the form of anger and at times becomes hostile during the litigation process (Bryan, 2006). Sometimes the process leads to ongoing hostility between parents and fuels conflict escalation, which is known to have a negative impact on parents and children. The way

people divorce in terms of what they tell their children and the amount of conflict between them plays a significant role in outcomes for children (Baer, 2014). Children are harmed by many factors during the process including powerlessness, lack of predictability and stability, parental conflict that is increased by the adversarial process and poverty which increases all the other factors (Bettelheim, 2013). To minimize the damage and harm resulting from the negative impact of the system the underlying anger and ongoing hostility causing the conflict must be addressed and mitigated; yet the family court does not address conflict. The literature firmly established conflict between parents is a primary adjustment factor for children following divorce (Bing et al., 2009; Johnston, Kline, & Tschann, 1989; Koel et al., 1994; Simons, Grossman, & Weiner, 1990). This reiterates and justifies the need for reform because the current system causes conflict between parents, which is known to be harmful to children.

An additional dimension of the human factor warranting discussion is the personalities of the litigants and problem solvers because they have a substantial impact on the handling and outcomes of cases. Bill Eddy, LCSW, a mediator, and an attorney with over 30 years of dispute resolution experience explains personalities drive conflict and the dynamics of four Cluster B Personality Disorders, which appear to be increasingly dominant in legal disputes. Eddy (2006) claims litigation is frequently driven by people who have borderline, narcissistic, antisocial and histrionic personality disorders and in these cases the issues are not the issues but in fact the high conflict personalities are the issues.



Eddy (2006) recommends several strategies to manage and resolve disputes involving high conflict personalities embroiled in litigation noting that high conflict personality litigants are attracted to the process due to personality traits that correlate to characteristics of the court process. For example, people who have high conflict personalities are preoccupied with blaming others; the court process decides who is to blame or who is guilty. High conflict personalities avoid taking responsibility, engage in all or nothing thinking, aggressively look for allies to support their cause and punish those they believe are guilty of hurting them. Similarly, the court process holds someone else responsible, which helps the high conflict person to avoid taking responsibility. The court provides two alternatives guilty or not guilty, which coincide with the high conflict person's all or nothing thinking. The high conflict person is drawn to the court process because it is necessary to enlist advocates to support their position in court and the court validates their desire to look for allies to support their cause. During the court process the judge sometimes imposes sanctions as punishment that provides validation for the high conflict person's desire to punish those they believe are guilty of hurting them.

Litigants with high conflict personalities avoid taking responsibility and try to convince others to solve their problems, even lying when they feel desperate. The court process works well for them because the court will hold someone else responsible, solve their problems and overlook lying. Further complicating matters, high conflict personalities operate with emotional intensity making up facts to fit their intense emotions. This results in emotional, not actual facts presented to the court and leads to decisions being made and court orders being issued based on cognitive distortions and

emotional persuasion. The high conflict personality is in court because the person is difficult, not because their disputes are legitimate. Regardless, decisions are made and court orders are issued based on inaccurate information.

Once the court order is issued, the high conflict person will do everything possible to avoid complying with the court order if it does not comply with one's distorted perception of reality. To avoid consequences and punishment, the high conflict personality will fail to comply with the court order under the guise of following the order or the appearance of a valid argument that the order is being followed. Within a family court system designed to escalate conflict, the participation of high conflict parents in the litigation process only serves the purpose of escalating and widening conflict. According to Wright (2013), the family court not only fails to protect parents and children but also actually punishes those with the most worries.

**Domestic violence.** Domestic violence is defined as:

A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. (*What is Domestic Violence?*, 2017)

In an attempt to combat domestic violence the feminist movement in the United States was instrumental at developing and implementing legal solutions to deal with domestic violence but the system is deeply flawed in many ways, preventing it from

meeting its objective (Goodmark, 2012). The primary focus of laws is to address physical violence leaving no protection from profoundly damaging behaviors including emotional, economic, and psychological abuse. Asserting the movement's approach to domestic violence is flawed, Goodmark (2012) argues for a system that would define abuse and change the power structure of the process to be more attentive to experiences, goals, needs, and priorities.

During the early eighties the Duluth Model emerged in Duluth, Michigan (The Duluth Model, 1984). The model defines ways to keep victims safe and hold batterers accountable for their actions. The Duluth Model (1984) approach is a multi-agency collaborative effort in support of shifting the responsibility for victim safety to the community and state with an understanding of the ways in which each agency supports or undermines the goals and intervention strategies of the approach. Social service agencies, law enforcement, courts, departments of corrections, and other advocacy agencies are included in the response and approach to domestic violence. The policies and procedures formulated in support of the goals include input from domestic violence victims. Within the model the belief is battering is conducted with the intent of dominating and controlling the intimate partner and the goal is to address the causes of problems enabling men to dominate and control women. This power and control wheel of domestic violence outlines some of the factors contributing to power and control in domestic violence:



DOMESTIC ABUSE INTERVENTION PROGRAMS  
 202 East Superior Street  
 Duluth, Minnesota 55802  
 218-722-2781  
[www.theduluthmodel.org](http://www.theduluthmodel.org)

*Figure 1.* The Power and Control Wheel illustrates the dynamics of the cycle of violence. *Note.* Adapted from The Duluth Model. (1984). Retrieved from <https://www.theduluthmodel.org/wp-content/uploads/2017/03/PowerandControl.pdf>

The power and control wheel specifies the characteristics of one type of domestic violence and includes coercion, threats, intimidation, emotional abuse, isolation, minimizing, denying, blaming, using children, male privilege, and economic abuse. Power and control is violence that may be physical or sexual in nature. Government,

religious, and societal institutions are aspects of our culture that influence the dynamic of domestic violence in their responses to victims, batterers and the social systems in which they exist. The dynamic of domestic violence has implications for our cultural norms, values and traditions (The Duluth Model, 1984).

The dynamic of domestic violence needs to be considered because within the system designed to provide remedies in domestic violence cases there are judges striving for fair, humane outcomes and others thriving on power and control over the lives of those before them. When people in powerful positions abuse their power in domestic violence cases they have mutual interests with the abuser (Bancroft, 2002). Therefore, when domestic violence is transferred to the court, the violence continues in and through the court as the batterer who can no longer reach their target of blame enlists the services of a judge to assume power and control over the victim. The domestic violence system intersects with the family law system and in some courts is within the family law system, sometimes resulting in the batterer's use of the family court as a facilitator of domestic violence. This presents a dilemma for the battered mother.

New Hampshire state statute requires the mother and others to report suspected abuse and neglect or be subject to the consequences of noncompliance with RSA 169-C. The statute requires the mother to ensure the safety of her children yet the court frowns upon mothers who try to keep their children safe. Evan Stark (2007) refers to this phenomenon as the battered mother's dilemma. "The battered mother's dilemma is a form of intimidation in which the perpetrator forces the victim to choose between her own safety and the safety of their children" (Stark, 2007, p.253). The battered mother's

dilemma usually consists of an ongoing pattern in which the perpetrator repeatedly forces the victim to choose between taking some action she believes is wrong, taking no action when the perpetrator hurts the child or when she is being hurt. To deal with the dilemma victims usually choose the least dangerous alternative, which is usually another instance of control that leaves the victim with no control. Stark (2007) notes agencies may mistakenly hold a victim responsible and impose punishment due to lack of knowledge about the context of the victim's situation, which ends up exacerbating the battered mother's dilemma rather than resolving it.

The Maze of Coercive Control (Jones, 2011) is a modified version of the power and control wheel that provides a visual representation of the dynamic of power and coercive control (See Appendix A). The wheel includes additional elements of power and control including grooming, luring, legal harassment, monitoring and stalking, medical neglect, spiritual conflict and exploitation. Victim barriers and batterer traits are described in relation to family dynamics to provide a deeper understanding of the manner in which coercive control infiltrates the lives of victims, negatively influencing social ties within our culture. The wheel demonstrates how our social institutions reinforce coercive control as the vicious cycle continues in domestic violence cases.

While the justice system handles minor disputes efficiently, the justice court is not appropriate in domestic violence cases (Ross, 2011). Some judges will not allow this behavior to continue but due to the structural violence present in the New Hampshire family court domestic violence can go viral through the court when an uneducated or unscrupulous judge allows, enables or causes the behavior to continue, creating what

superficially appears to be intractable conflict between the parents. Although laws can be enacted to solve some of the problems domestic violence present in court, the issues of direct violence imposed by judges in the court will not be eliminated without a lot of work because the underlying issue is power and control. In some cases, intractable conflict between the parties serves as a ruse for the people within the system who depend on it for their livelihood to serve and retain their diminishing 'customer base' since the alternative dispute resolution movement has threatened their very existence.

**Parents of injustice.** Neustein and Leshner (2005) examine the widespread dysfunction of our nation's family courts under the premise the family courts do not protect the people they were designed to help in the publication of their research findings, *From Madness to Mutiny*. Specifically, the authors present actual cases of mothers who believe their children have been sexually abused by their fathers. In these cases, mothers are not believed by the court and are in fact ridiculed or punished by the court for trying to protect their children. All too often the mother in such a case is deemed the unstable parent and her children are removed from her care, placed in foster care or even with the father credibly accused of abusing them (Neustein & Leshner, 2005). In *Beyond the Hostage Child*, Rosen (2014) reports it is not uncommon for children to be court ordered into the sole care of their abusive parent and denied all contact with the parent working to ensure their protection. Noting this problem was first described nearly 20 years ago, Rosen (2014) further explains this phenomenon has been remarkably resistant to efforts to create change. This is disturbing considering the work of Neustein and Leshner (2005) spanned 18 years as they gathered and analyzed cases in family courts throughout the

country, concluding it is not uncommon for cases to be severely mishandled. The authors use ethnomethodology to show how judges, private attorneys, guardians, child protective service workers and court appointed mental health experts work collaboratively in a closed loop family court setting which seems logical to those on the inside and looks like madness to those on the outside. According to Neustein and Leshner (2005), the family courts are issuing orders conflicting with parental values causing some mothers to take extreme action by going to the media and some even run away with their children to undisclosed locations. This is an issue of serious social concern as parents are moving from *madness to mutiny*, in some cases fleeing the country due to malfunction in the family court, the system designed to protect them and their children.

Blake (2012) describes the implications of a custody battle from his perspective as a father to demonstrate a father can hurt just as much as a mother during a custody battle, revealing how the family court system responds to fathers fighting for even just 50% custody with their children (Blake, 2012). Blake (2012) raises awareness of the much-needed changes within the family court system while letting other fathers know they are not alone in their fight. Understanding the court process from the father's perspective is equally important to considering the perspective of the mother. Both men and women are afflicted with negative outcomes due to participation in the family court system.

On Thursday morning, June 16, 2011, *The Sentinel Newspaper* in Keene, New Hampshire received a document entitled "Last Statement" in the United States mail from a man who suggested he was going to set himself on fire in front of the Cheshire County Court House. "A man walks up to the main door of the Keene New Hampshire County



Court House, douses himself with gasoline and lights a match. And everyone wants to know why” was the first sentence of Thomas Ball’s ‘Last Statement’ (Moore, June 17, 2011). Thomas Ball then cited an old general and proclaimed “Death is not the worst of evil.” Frustrated after 10 long years of a divorce and unable to extricate himself and his family from the New Hampshire family court system, Thomas Ball’s threat became a fulfilled promise. The day before the letter arrived at the newspaper, Mr. Ball had in fact walked up to the steps of the courthouse, doused himself in gasoline and set himself on fire. This suicide by martyr incident was Thomas Ball’s attempt to widely publicize New Hampshire’s corrupt family law system.

Mr. Ball was scheduled to appear in court the last week of June on a contempt charge for unpaid child support. Opposing counsel was pleading for Mr. Ball to be jailed for back child support of approximately \$3,000.00. Unemployed for the last two years, Mr. Ball didn’t dispute he owed the money and knew if the lawyer wanted him incarcerated that the judge would grant the request and have the bailiff take him into custody. Mr. Ball believed there really are no surprises regarding how the system works once you know how it actually works and that it does not work anything like what is taught in high school history or civics class.

Mr. Ball stated he could have borrowed the money to catch up on his arrearage, but he was done being bullied for being a man. Believing that people in Washington are stupid to think they can govern Americans with an iron fist, he challenged men of America to give a taste of war to the federal government which “declared war on men” 25 years ago and to challenge their commitment to their cause. Mr. Ball’s theory was

there are two kinds of bureaucrats, the ones who say and the ones who do. Mr. Ball's last statement suggested the bridge between the two types of bureaucrats is "The Second Set of Books" (Ball, 2011).

Facing incarceration for about \$3000.00 of unpaid child support, Thomas Ball felt hopeless with nowhere to turn as his life was dominated by the court for 10 years while he tried in vain to extricate himself from the system by getting divorced. Instead, Mr. Ball researched, acknowledged, and accepted the harsh realities and hopelessness of the failing legal system. Mr. Ball's self-immolation to become a martyr by suicide demonstrates he died for a cause he believed was just.

The incident was sparked by Mr. Ball's belief that The Second Set of Books is encountered by those who are swept up into legal messes and become astonished at what police, prosecutors and judges are doing that seems so blatantly wrong. The books include training manuals, departmental policies, bureaucratic procedures and situational protocols. Mr. Ball then assured the reader everything they do is logical and by the book but the confusion between their actions and what one believes would occur in these matters is the result of different sets of books. The old First Set of Books is the Constitution, the general laws or statutes and the court ruling sometimes called Common Law, but police, judges, and prosecutors are using the newer Second Set of Books, which is a collection of policies, procedures, and protocols. In Mr. Ball's experience, once you know which set of books everyone is using, then their actions look logical and upright.

Mr. Ball's last statement detailed the family court matter and explained the role of family law, the Constitution, civil rights, domestic violence, mental health practitioners,

bureaucracy, public policy and their connections to *The Second Set of Books*. Domestic violence, discrimination, economics, statistics, government and its relation to the system were also mentioned in connection with New Hampshire family law. Mr. Ball even mentioned feminism and Betty Friedan as potential causes of his fiasco in the family court because feminists claimed when women took over, we would have a kinder, gentler, more nurturing world, but instead we ended up with Joe Stalin and a system that causes poverty and homelessness (Ball, 2011). The aftermath of the incident left his children without a father and people who work in the 'system' with less billable hours. Mr. Ball's altruistic ideals had little pity for those who would be desolated by his action. He lost the desire to feel sorry for himself and in a sense Mr. Ball, like those who die of ordinary suicide seemed already dead to this world as he went forward to die and his "Last Statement" reflects it.

In another New Hampshire headline, "*Rye Father Continues Fight for Shared Parental Custody after Divorce*" makes the headlines as a father, Tim Sanborn tells a reporter what typically happens when people use the family court system to get divorced in New Hampshire. "As a state, what we are doing is putting families through so much conflict. It is really hurting families" (Cresta, 2012). It is not uncommon for people to spend tens of thousands of dollars and five years in court, enmeshed in a system that causes more problems than it solves and produces socially undesirable results. The reporter documents consensus the family court system needs to be improved and it is a nationwide problem. Admitting that the state is causing conflict for families, Cresta and

Sanborn (2012) scratch the surface of this social phenomenon by admitting there is a problem, but shed no light on the cause of the problem.

In *Preacher in her pocket: A father confronts adultery, conspiracy, and judicial misconduct* Purcell (2012) details a family's long and hard struggle for survival while a member of the clergy and a 'manic' mother united to deceive an "irresponsible and gullible" divorce system (Purcell, 2012). The father explains the family experienced significant offensive acts including arrogant authorities, child abuse, adultery, conspiracy, maternal indifference, and denial of due process rights in a process he believes is designed to resolve conflict but instead pushed a father to the outer limits of acceptable civilized behavior. The author and father assert the result was a path of destruction, frustration, heartache, and tears as the family court conflict increased. Of particular interest is the father's decision to expose some embarrassing and humiliating family matters citing his belief there are situations where maintaining the confidentiality of such matters may circumvent a greater need to know. Once Purcell (2012) realized his struggle with the divorce system was not out of the ordinary and many others encounter the unconstitutional, debilitating, and horrific practices employed by family courts, he was determined to expose the harmful effects upon innocent parents and children that resulted from disgraceful practices used in the family court system.

Purcell (2012) notes the shortcomings in our legal system are known and while others demonstrate the need for remediation there has not been corrective legislation. Purcell's (2012) work is also noteworthy because it is a recent publication and stories about people's experiences in the court are hard to find. Change is going to be a massive

undertaking but first there needs to be wide spread awareness of the problem. Exposing personal details of family conflict is not glamorous, but when people come forward and expose how their misfortunes are being exploited by those in power (for money) then hopefully we can put an end to the direct violence imposed on citizens by the system designed to protect them which is laden with structural violence.

Chesler (2011) is the first to break the false stereotype about mothers getting preferential treatment over fathers in court when it comes to matters of children and custody. In this updated edition the author shows with few exceptions, the news has only gotten worse. When both the father and the mother want custody of the children, the father usually gets it. This is relevant because it is important to cover the rights of mothers and fathers; this book addresses parental rights and responsibilities from the perspective of the mother. The author updated the original version to account for changing trends regarding the family court's determination of parental rights and responsibilities. It is important to cover the male and female aspects of court outcomes as a consideration when designing and implementing a revised system.

During 2010, Judge Michele Lowrance's observations of the litigation process since 1995 motivated her to publish *The Good Karma Divorce: Avoid Litigation, Turn Negative Emotions into Positive Actions, and Get On with the Rest of Your Life*. Highlighting divorce is a destructive process. With the intent of motivating divorcing spouses to stay out of the court room, she equips potential litigants with tools to avoid litigation (Lowrance, 2010). Apparently the family court in the United States is so bad that even a judge encourages divorcing spouses to avoid the 'black hole' of litigation and

get on with their lives. As Lowrance (2010) stated and Baer (2014) reiterated, “The court system was not built to house these [violent] emotions, and attorneys are not trained to reduce this kind of suffering” (Baer, 2014, p. 240).

Lowrance (2010) was not the first judge to write about the system. Judge Judy Sheindlin, a former New York family court judge of 24 years, also known as Judge Judy, reports she has seen few positive results in the family court and notes chaos is prevalent within the institution. Despite working hard she does not believe she has helped children to have better lives, enabled families to flourish or that she made New York a better place. She believed remaining on the family court bench would not make a difference and understood that publishing her book would preclude her from working in family court again. Regardless, Sheindlin (1996) published *Don't Pee on My Leg and Tell Me It's Raining* hoping to “strip away the veil of secrecy which has protected a social system run by reality-impaired ideologues. It would be an important first step toward some long-overdue change and a risk worth taking” (Sheindlin & Getlin, 1996, p. 9). Sheindlin (1996) concludes her book with a chapter entitled “People, Not Government Create Opportunity” where she affirms the families of America are in trouble. “The Constitution guarantees every citizen the right to pursue opportunity. It does not require the government to provide that opportunity. Beyond creating an atmosphere-legal and social-that enables people to grow, no one is owed anything” (Sheindlin & Getlin, 1996, p. 238).

**Judicial independence and accountability.** “Judges enjoy virtually unlimited immunity from civil suits, no matter how outrageously they behave on the bench, even

when their decisions violate the law” (Neustein & Lesher, 2005, p. 215). The purpose of judicial independence is to ensure judges can exercise their discretion to perform the duties required of them, which is why it is very difficult to remove a judge from office as the result of issued rulings. Judicial independence that includes unlimited immunity makes it impossible to remove judges for any reason, whether it is for poor performance or unethical behavior. Independent of laws or case law, judicial independence and the lack of accountability are one explanation for the dysfunctional results and unintended consequences generated by the family law system. Judges are appointed or elected as the direct result of political structures that formed the American court system. Within democracy, there needs to be a balance between judicial independence and preventing judges from having unlimited power to protect fundamental rights and avoid government by the judiciary (Guarnieri & Pederzoli, 2002).

Power is “the ability to influence or control events” and power creates power (Folger, 2009, p. 25). People in positions of high power sometimes develop altered views as their protracted self-perception of higher power progresses over time. According to Wilmot and Hocker (2011), there are some consequences of ongoing feelings of higher power, which include the desire, and pursuance of more power for the sake of having more power. This is accompanied by a temptation to achieve the desire for more power through the illegal misuses of an institution’s resources during the goal attainment process. The cycle continues as those in power develop a false sense of their worth and new values evolve to protect their power. The problem with one having more power than another is it facilitates corruption or moral rotteness and an inability to maintain

integrity (Wilmot & Hocker, 2011, p. 127). In this context, one can easily derive that absolute power corrupts, absolutely.

Americans value and rely upon the United States judiciary to administer justice in an impartial manner and believe in holding government officials accountable for their actions; sometimes these goals directly conflict with each other (Tarr, 2012). In accordance with the United States Constitution, this inherent systemic conflict is resolved with a greater emphasis on judicial independence, which is to protect judges from undue influences. The ongoing debate about finding balance between judicial independence and judicial accountability has spanned centuries. According to Fowle (1805):

Those who effect to scout the phrase 'sovereign people' ask much in a jargon, understood by none but themselves, about '*the independence of the Judges.*' Are they to be independent of THE PEOPLE? If they are to be independent of the people, and the people are not also to be independent of the judges; we may as well call them *superior* to the people, at once, and [be] done with it. (Fowle, 1805)

Tarr (2012) identifies the challenges of state-level judicial independence and accountability that have recently emerged and suggests ways to find the appropriate balance between independence and accountability. Finding balance between independence and accountability is a key component of restoring the power to the people and allowing families and children to be free of governmental interference, which will require change, also known as reform. To ensure judicial independence and accountability Tarr (2012) offers suggestions such as rules for judicial disqualification,



judicial election reform, single non-renewable terms and curtailing judicial discretion.

Why do judges have so much power? Americans set up the court system with the expectation of an impartial administration of justice through judicial independence and an expectation of government accountability. There did not appear to be an understanding of ‘judicial independence’ when the system was designed (Tarr, 2012). The lack of understanding from the inception of the system has resulted in a conflict between the American values of government accountability and judicial independence.

An analysis of the system as structured may reveal system characteristics that can be revised to balance the conflicting values. The analysis may lead to the identification of opportunities to create change to maximize positive outcomes and minimize unintended consequences of the system (Meadows, 2008). The creation of systemic change will affect the structure of the system and structural change is perceived as a threat to the current structure. When the structure is threatened, the beneficiaries of the structure work to preserve the status quo and they are well positioned to ensure the status quo in fulfillment of their personal goals (Galtung, 1969b). The fact those in power are in a position to preserve their power poses challenges for those seeking to create change.

Some judges listen carefully to the concerns of litigants and some do not (Bancroft, 2002). Some judges are elected to their positions, while others are appointed (Ford, 2005). Whether judges are elected or appointed, whether they listen or not, judges in the family court are granted the widest discretion to issue orders without accountability in a process where judicial decision-making power is referred to as ‘judicial discretion’ (Winner, 1996). This unlimited, unmodulated power in conjunction with the lack of

judicial accountability leaves parents and children powerless and vulnerable to mistreatment because within the process the decision maker has full authority with no accountability, regardless of the implications of those decisions on parents, children, and culture. Once the judicial decisions are made and orders are issued the recipients are responsible for compliance, regardless of whether or not the order is realistic, viable, or sensible. The recipients of orders are responsible for following the orders and held accountable for noncompliance by the judge, even if the orders were not feasible at the outset. Despite the feasibility of their orders and independent of reality testing, judges still have the power to impose punishment and sanctions upon parents for non-compliance even if the previously issued orders made no sense or were obsolete upon issuance. Considering the power imbalance between judges and litigants the potential for judicial abuse and risk of direct violence for litigants is inherent in the process due to the lack accountability and a lack of controls to mitigate or prevent abuse within the system.

### **Theoretical Framework**

#### **Structural, Cultural and Direct Violence**

Family court judges with the widest discretion are able to place constraints on parents and children, which may consist of unequal access to resources, employment, education, health care, and basic necessities required for social functioning. Judges also have the power and authority to force compliance with their mandates of what they believe parents and children are supposed to do. In a system where the decision-maker has sole authority, unlimited power and no accountability there is an intrinsic potential for impropriety. Despite the built-in potential for systemic violence, the family court is

condoned by culture. According to Galtung (1990), cultural violence occurs when aspects of our culture are used to justify or legitimize direct or structural violence. Family court is the mechanism for resolving family matters of divorce and custody regardless of the hidden potential for abuse, violence, and negative outcomes. The current attitudes and beliefs formed at a very young age are prevalent in day-to-day life causing members of society to perceive the family court litigation process to be acceptable. Therefore, cultural acceptance of the family court system despite the lack of judicial accountability is a form of cultural violence because “The culture preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and/or repression as normal and natural, or into not seeing them (particularly not exploitation) at all” (Galtung, 1990, p. 295).

There is an observable flow from cultural to structural to direct violence (Galtung & Høivik, 1971). Following the flow, cultural violence, or the cultural values holding over time facilitate harm to some groups or members of society by enabling and condoning the deprivation of their ability to meet their basic needs and impose an unequal distribution of resources through events or acts of direct violence. Within the flow, social structures and institutions with the inherent ability to deprive citizens of the ability to meet their basic needs is known as structural violence (Galtung, 1969a). While cultural violence condones structural violence, the family court system is then legitimized by the fact that it is normal, acceptable, legal and the right of societal members to enter into the court system (cultural violence) and engage in battles in a process that by design

buttresses intractable conflict (structural violence) leaving family court litigants vulnerable to harm (direct violence).

Direct violence is the avoidable impairment of fundamental human needs or life that makes it impossible or difficult for people to meet their needs or achieve their full potential. The threat of use of force, verbal or physical is also acknowledged as violence. Direct violence is the violence that occurs in the court as a matter of day-to-day business when judges abuse their discretion and issue unconstitutional orders. Unconstitutional orders have been known to deprive children of parents and parents of their money (Palmer & Palmer, 2013). This cycle of violence in the family court system affirms Galtung's social science theorem, "violence breeds violence" (Galtung & Fischer, 2013). Structural violence occurs because it is not visible in societies bound by tradition (Galtung, 1969b).

Structural, cultural, and direct violence are interrelated and influence each other. Cultural violence has justified the structural violence because the structural violence is built into the system enabled by the culture. Structural violence within the process supports and promotes cultural violence in a vicious cycle that enables direct violence to occur. Regardless of the causes, symptoms and interaction of structural, cultural, and direct violence, the result is the same; death through deprivation, which is measurable in lost man-years and can be avoided (Galtung & Hoivik, 1971). Death through judicial deprivation in the United States of America indicates the need for a swift, intense examination of the foundation of our family law system to determine the causes and impose immediate remedial action.

**Corruption and oppression.** Wilmot & Hocker (2011) assert there is a problem with one having more power than another has because it facilitates corruption, moral rotteness and causes people to lack integrity. Scholarly literature documenting the impact of corruption on individuals and groups in the context of the family court system appears to be lacking. However, the existing literature clearly cites the need for family court system reform within the context of political corruption. Ford (2005) describes the efforts to expose corruption and bring justice to the family court system in Texas as implied by the title: *The Women of CourtWatch: Reforming a Corrupt Family Court System*. The activism of the women was instrumental in removing five judges from the Houston, Texas family court working to ensure the judges were defeated in the 1994 election. While their efforts may have resulted in justice, their efforts were directed towards elected judges so their model is inapplicable in states such as New Hampshire where judges are appointed, not elected.

Winner's (1996) investigative reports reveal female clients frequently become victims of their attorneys who put a high priority on their profits and pad fees, overbill and withhold itemized bills if clients are unable to pay, despite the illegality of such actions. Ethics are not a major concern in the industry as many people are losing their homes, life savings, and most distressing-their children. As of 1996, contrary to public belief, 70 percent of all litigated custody trials ruled in favor of the father (Winner, 1996). Conversely, Baskerville (2007) alleges there is a war on fathers. Winner (1996) says mothers and children are being abused by the court.

According to Judge Baer (2014), initiating litigation starts a war where the casualties of war are mothers, fathers and children. The fact is, as long as parents fight in the current family court system nothing will change and war will prevail, complete with the resulting casualties. Winner (1996) dissected the divorce court system piece by piece and exposed the painful truth that justice is for sale, consumer safeguards are lacking, the self-disciplinary system is deficient and consequently divorce is big business which generates several billion dollars a year all of which is hidden from public view.

Hampton's (2010) theory of tolerant oppression is that tolerant oppressors believe the person or group tolerated is inferior, imperfect or evil. Tolerant oppressors feel entitled to dominate, control or exclude their objects of tolerance, and unlike other oppressors the tolerant oppressors temporarily refrain from their desire to control their targets and think they are being forced to put up with people they don't like or trust and sometimes hate (Hampton, 2010). Tolerant oppression is likely to occur when the people in power are tolerant. Tolerant oppressors who abuse their power deliberately to dominate and control others and their oppressive thoughts and actions are usually the most obvious. Considering the dynamic of Hampton's theory, tolerant judges have the potential to be oppressive.

A judge who thwarted Kevin Thompson's (2006) attempts to inform the public about rampant corruption in the Massachusetts family courts banned Thompson's (2006) book, *Exposing Corruption in the Massachusetts Family Courts*. Thompson came back during 2012 with a book entitled *Absolute Evil* in which he explained his first hand experiences in what he believed was a corrupt Massachusetts court system. As a vocal

critic of the courts, Thompson believed he was targeted because he was vocal about injustice and corruption in the Massachusetts court and exposed when judges defied the law, their code of conduct and committed fraud to issue retaliatory orders against him. Mr. Thompson's act of nonviolent direct action was intended to expose the corruption and he asked readers to use their own judgment regarding whether or not injustice occurred in his case.

Mr. Thompson endured a form of mental abuse called "gaslighting" (Wetzler, 1992) used by the judges or "abusers" to get him, the victim, to doubt his perceptions by using an increased frequency of systematically withholding factual information, instead giving false information via faulty orders. Gaslighting has the gradual effect of making the victim feel anxious, confused, and less trusting of their memories and perceptions. Frequently people abused by fictitious court orders do not present well in court and sometimes in general due to the effects of the abuse they have endured (Huffer, 2013). Sometimes they appeared unstable or crazy, when in reality they were some of the most stable, rational sane people on earth who were battered into this altered state of existence. This is due in part to the procedures limiting the finding of actual facts and a system that does not allow for correction based on the truth if there are inaccuracies, misunderstandings, or misperceptions. Some of these victims endured years of trying to comply with court orders that were not reality based and it caused these individuals to speak in a manner that made them seem crazy or radical. In fact, their demeanor was symptomatic of a much larger problem; abuse by those in power because there are no

checks and balances in the family court system to prevent atrocities and acts of oppression.

“Oppression thrives on misinformation. It crushes the force of the truth and distorts the course of justice regardless of the forum” (Huffer, 2013, p. 124). Huffer (2013) claims a significant amount of people are being invisibly oppressed, our judicial institutions are laden with misinformation and there are barriers to justice for pro se litigants contributing to an oppressive cycle.



*Figure 2.* Visual depicting the flow of information in the judicial decision-making process that leads to misinformation, providing the foundation for an oppressive cycle. *Note.* Adapted from Legal Abuse Syndrome: 8 Steps for avoiding the traumatic stress caused by the justice system by Dr. Karin Huffer M.F.T. Copyright 2013 by Dr. Karin Huffer.

Huffer (2013) found that her clients were referred to as ‘disgruntled litigants’ although they were in fact victims of misinformation which was unquestionably accepted



by the court and the truth was dismissed repeatedly without a second look from the court. In one case, Huffer learned the clerks had been told to dismiss any incoming paperwork from her client without review. “Only the oppression from the power game of officially sanctioned lies now lives for James. The truth was dead, buried and he was urged to forget it” (Huffer, 2013, p. 127). Asserting a forum of truth would squelch the rage of Legal Abuse Syndrome victims, she notes no one will provide them with a forum to expose the truth. Noting that oppression from misinformation is irreversible, she urges victims to use their power to fight back and respond to misinformation to force the truth “through the membrane of officiality” (Huffer, 2013, p. 128).

Thompson (2012) reminded citizens they need to ensure that governmental agencies, chartered with the mission of ensuring ‘liberty and justice for all’ are held accountable for their actions. Thompson’s message is clear; when injustice becomes law, rebellion becomes duty (Thompson, 2012). The unintended consequences of the family court system in America need to be brought to the forefront and rebellion in the form of nonviolent direct action needs to illuminate systemic mistreatment such as civil rights violations, oppression and the resulting subaltern status imposed upon our citizens.

According to Spivak (1985), the subaltern who has limited or no access to hegemonic power is severely oppressed due to lack of access to orthodoxy, which creates the historical narrative. The subaltern lack of access to orthodoxy and hence the master narrative causes the subaltern to be severely oppressed. The subaltern exists within an extreme form of oppression due to their lack of voice which ultimately denies the subaltern access to hegemonic power (Spivak, 1985).

Snow (2016), an investigative reporter, published a report about the epidemic of corruption and violence facilitated by family courts in the United States. Children are being removed from their protective mothers and ordered into the custody and care of the fathers whom abused them. Snow (2016) asserted the epidemic of judicial abuse is supported by racketeering and corruption in organized networks and notes billions of dollars provided by taxpayers fund the judicial abuse of parents and children in the courts. Snow (2016) also reported there is clear evidence of judicial and insider lawyers using and abusing the family court system to destroy protective mothers and impose a lifetime of suffering upon innocent children. Whether the child is rich or poor, no child is safe.

As the result of corruption and oppression present in the family court system subaltern status is created. During the last two years, the literature has started to contain self-published stories of those starting to speak and social media is blossoming with the stories of aggrieved citizens calling for action. Freida Wright (2013) requested people notify news stations and talk shows calling for investigations and for people to spread the word nationally. “It doesn’t matter who you tell . . . . Just. Start. Talking. We need to make it clear that the current ‘status quo’ of the US Family Court is NOT acceptable because our children deserve better” (Wright, 2013, p. 129).

### **Public Policy and Nonviolent Direct Action**

Separation of powers in the United States is to ensure laws are made in the legislature, administered by executive agencies, interpreted and implemented by the

courts (Mnookin, 1985). Unfortunately, there is now a threat to judicial power called, 'robed rage' (Neustein & Leshner, 2005, p. 51). The authors outlined the new legal landscape that enabled the dysfunction and showed how the system failed to react to severe criticism from media and legislators. Issues such as secrecy of proceedings, punitive rulings, surprise changes of custody, abuse of contempt powers, punishment, no accountability, no oversight of family court judges and the fact United States judges are the least scrutinized need to be addressed (Neustein & Leshner, 2005, p. 204). Court orders are public information, yet the orders forbid some litigants from discussing their cases. The inherent dysfunction is equivalent to family or worse pedophile 'secrets'. The oppressed litigants are powerless to take action because they are not allowed to talk about their cases. The resulting oppression is family business which generates profit from 'family business' (Wright, 2013, p. 124). Baskerville (2007) asserts that family courts and bureaucracies reflective of dictatorship practices are violating basic civil liberties, entering homes uninvited, taking away people's children at will, and then throwing the parents into jail without any form of due process, much less a trial. No parent, no child and no family in America is safe (Baskerville, 2007).

Gene Sharp (1985) believes it is important to be determined and nonviolent while continuing to maintain resistance. Following this unique dynamic, the theory is the opponent's repression may rebound by political 'jiu-jitsu', weakening his power by loss of support and increased resistance. Sharp (1985) believes there are three main nonviolent means of resistance including conversion (the rarest), accommodation, and nonviolent coercion. He also believes massive noncooperation may paralyze and disintegrate the

oppressive system (Sharp, 1985). Gene Sharp offers many suggestions about how to apply nonviolence to redistribute power in relation to social reform.

How does one force a judge to follow the law or respect civil and constitutional rights if they are not required to? How does one guarantee positive outcomes given the human and structural factors in a system, which by its fundamental nature escalates conflict? Is it possible to assure positive outcomes if the power and control is in the hands of one person relying on information provided by third parties and others? Carper (2012) describes how fraud is committed by attorneys as the court refuses to investigate or hear matters of fraud due to bias and complacency stating instead, the extreme opposite of any rules or laws in favor of their fellow attorneys. Fraud is easily practiced when a state court system does not have an adequate document tracking system, standard rules, procedures and deadlines and these systemic inadequacies contribute to negative outcomes (Carper, 2012). Carper's (2012) work raises awareness of corruption in the court system, which leads to unintended consequences and negative outcomes.

The opportunities for corruption are supported by power structures within the system and an analysis of the system needs to consider these factors. Changing the family court system will require political and government involvement in addition to the cooperation of various bodies of government and perhaps even the voters. Just as global security, the reduction of poverty, the stability of our economic and financial systems are at stake as a collective whole, so is the security of parents and children, their economic well-being at the family level as it relates to democracy and people having a say in their

own lives. Understanding the political power structures in relation to corruption is important for unraveling the existing system and building safeguards into a new system.

Boot (1998), an investigative reporter, documents dozens of stories and is a whistleblower on what he describes as the most destructive branch of our government, the judiciary. Boot (1998) uses statistics to support his belief judges have greatly damaged both the criminal and civil justice systems and reveals judges who have taken advantage of their positions not only for personal gain, but also to gain greater political power. Boot calls this the “juristocracy” and further implicates the judiciary for greater social divides. After examining numerous cases the author reported he found case after case revealing judges who have routinely overturned popular initiatives without legal basis or the right to do so, implemented controversial policies with no basis in law, and put millions of dollars into the pockets of undeserving plaintiffs (Boot, 1998). Boot (1998) intended to spark a national debate about the condition of our legal system while suggesting ways to improve judicial performance and reclaim its original role-to serve the people. Through the examination of many cases the author exposed the judicial system in America is not functioning as designed and the fact that systemic flaws are producing unintended consequences, which are harmful to Americans. He emphasized that many cases involved orders written without legal basis, in direct opposition to the goals and objectives of the system. Boot’s initial call to action in 1998 is still unanswered because 17 years later this research still needs to be pursued.

## **Nonviolent Resistance**

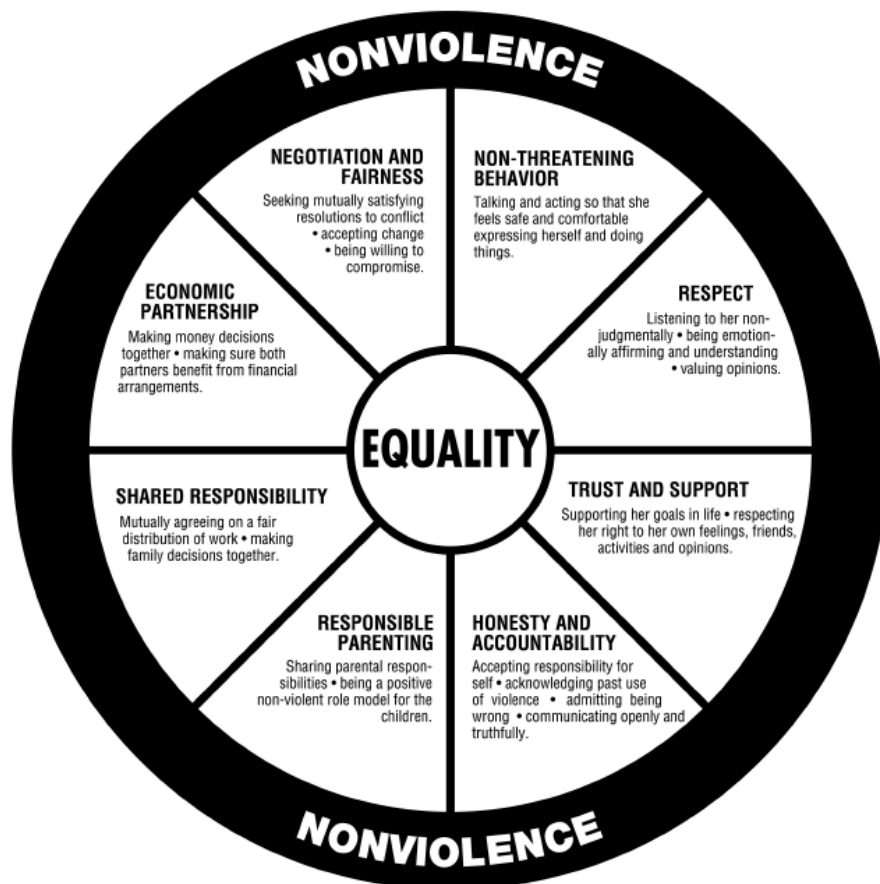
Sharp (2010) analyzes the structure of dictatorships in relation to the cultures of nonviolent resistance which bring them down and suggests how effective democratic modes of collective life are forged out of those cultures, basing his assertions on his actual experience resulting from interaction with survivors and resisters of dictatorships. He addresses the reality of dictatorships stressing the importance of minimizing casualties, pointing out the advantages and dangers of negotiations including perspectives on power and justice in negotiations. Sharp (2010) also considers sources of political power and suggests attacking the weaknesses of dictators through nonviolent struggle, strategic planning and employing political defiance. He suggests formal statements, communication with wider audiences, group representations, nonviolent statements, symbolic public acts, pressure on individuals, drama, music, processions, honoring the dead, public assemblies and other methods of social, political and economic forms of non-cooperation are needed to liberate those who are imprisoned by their dictators (Sharp, 2010).

One may ask, “What does dictatorship, democracy and liberation have to do with the family court in the United States?”. Interestingly enough the work of Gene Sharp is relevant because it addresses the issues which are both the input and the output of the family court system. Litigants within the system are at the mercy of the judge who essentially dictates what the people do. In extreme cases and due to the lack of checks and balances judges have the power to tell people where to live, where to work, where to sleep, what jobs to do, where to do those jobs, how to spend their money and how they

should have spent their money—just to name a few. A litigant at the mercy of a person with such power needs alternate strategies to navigate or at least survive the family court system and some of Gene Sharp's ideas have the potential to alter the power dynamic for those within the system. From an external systems design standpoint Gene Sharp also brings good ideas to the forum because the family court system needs to be addressed from the outside as well as the inside. Altering the power dynamic inherent in the process by shifting away from power and control and integrating equality into a nonviolent process may be a viable alternative.

The Duluth Model's wheel of equality (1984) offers some perspective regarding the integration of nonviolence into a process of equality. The process involves non-threatening behavior, respect, trust, support, honesty, accountability, responsible parenting, shared responsibility, economic partnership, negotiation, and fairness. The components of the equality wheel specify desirable principles of interaction between intimate partners. The family court system does not foster non threatening behavior and respect nor does the process encourage respect, trust, and support. While honesty is expected and accountability is likely, it is unfortunate the family court does not always acknowledge and value honesty, instead litigants can be held accountable for orders based on dishonesty. Responsible parenting is expected by the family court, yet there is no shared responsibility for parenting decisions and the family court destroys economic partnerships making it difficult for parents to parent responsibly. The family court's judicial decision-making process is based on attack, blame, and punishment, which relies

on power and control. The nonviolent model promotes negotiation and fairness including mutual solutions to conflict, willingness to compromise and relies on equality.



DOMESTIC ABUSE INTERVENTION PROGRAMS  
 202 East Superior Street  
 Duluth, Minnesota 55802  
 218-722-2781  
[www.theduluthmodel.org](http://www.theduluthmodel.org)

Figure 3. The Duluth Model was created in 1984 as part of a domestic abuse intervention program aimed at reforms to the criminal justice system in support of a collaborative effort to end violence against women. *Note.* Retrieved from: <https://www.theduluthmodel.org/wheel-gallery/>.

**Conflict theory.** The structural change model can be used to explain conflict escalation and the underlying psychological factors which lead to conflict escalation



(Pruitt & Kim, 2004). The structural change model applies to the family court process at the interpersonal level. The structural change model consists of heavy tactics used by a party triggering structural changes in the other until the other uses heavy tactics, which cause structural changes in the party, and the cycle begins to repeat itself. The persistent cycle of escalation facilitates the persistence of psychological change, which causes the attitudes and perceptions of individuals to change. During this process, negative beliefs within individuals begin to validate their negative feelings, causing the negative feelings to justify negative beliefs during this vicious cycle (Pruitt & Kim, 2004). The model incorporates Deutsch's (2000a) crude law of conflict development; processes which produce heavy contentious tactics are also produced by those tactics. Following that logic, Pruitt & Kim (2004) suggest the same cycle is evident if the words "structural changes" are replaced with "hostile attitudes" (Deutsch, 2000A).

Understanding the psychological factors is a very important part of the conflict analysis because emotions substantially affect behavior. Pruitt and Kim (2004) explain how blame encourages conflict escalation because it promotes anger and in turn provokes people to hurt each other. The court process is designed to assign blame, which implies the process is designed to facilitate conflict escalation. Within the structural change model, heavy tactics are used by a party, which affects structural changes in the other. This causes the other person to use heavy tactics which promote structural changes in the other party as the conflict escalates. In this conflict spiral model escalation occurs within a vicious cycle of actions and reactions.

Within the court system, litigants file motions with accusations and allegations which the other party needs to defend. This causes the other party to become angry and respond with counter allegations in a cycle that repeats itself, beginning again when orders assigning blame are issued. Structural changes to the conflict can be equated to structural changes during the litigation process as litigants continue to file motions. The cycle continues to repeat itself while hostile attitudes and perceptions feed into further escalation and deter settlement. From a theoretical perspective, Pruitt and Kim's (2004) explanations of the effects of hostile attitudes and perceptions shed light on the reasons for shortfalls within the current system. The hostile attitudes and perceptions occurring as the result of motions filed in the court cause the parties to distrust each other as they begin to view each other as threats. The hostile views provoked by the current system design are also harmful because the process encourages retaliation when one party provokes another. This process is further complicated as the process blocks association with the other party and interferes with communication. This is another way hostile attitudes promote conflict escalation.

Whether the parties attack and blame each other in court through lawyers or self-representation, it becomes a perfect storm as lawyers advise their clients not to speak to each other and at this point clients would prefer not to communicate. It is unfortunate the hostile attitudes and perceptions then lead to a lack of empathy, which causes the parties to lose sight of the goal, and they are no longer able to view the issues through the lens of the other. Once the conflict reaches this stage it is difficult to resolve due to the parties adherence to their positions and the negative reinforcement of the process that has led

them to believe contentious behavior is required to prevail. Once the other party is viewed as the enemy conflict escalation is inevitable (Pruitt & Kim, 2004). Considering Pruitt and Kim's (2004) structural change model, conflict escalation within the family court system is inevitable, inherent in the process and the need for a system to minimize anger and hostility becomes clear.

**Social theory.** The theories of Henry David Thoreau, Martin Luther King, Jr. and John Rawls are applicable to this research because the individuals experiencing rights violations and oppression in the family court are attempting to gain a voice they are entitled to in and by government. They are following their consciences to stand up for what they believe is right, even if the government disagrees. While Thoreau (1849) encourages people not to partake in what is wrong, Martin Luther King, Jr. (1963) encourages people to stand up for what they believe is right. In a society with people free from bias and prejudice whose needs are met, the door is open for injustice to be minimized and for a society where members are treated equally. In theory, perhaps the issues of morality and family law can be balanced, but in practice, the design of the current system does not accommodate the need to balance those objectives.

According to Thoreau (1849), people have a moral obligation to follow their conscience regarding the laws and rules of government and to do what they believe is right despite the harsh reality of potential punishment or sanctions. Thoreau suggests if the government expects one to be the source of injustice to another it is acceptable to break the law. Believing government was immoral, he did not believe people should partake in a system he thought was evil. This strong set of principles led him to the belief

government should not be above individual rights (Thoreau, 1957, 1960). The dilemma facing parents in the United States is people should follow their conscience, particularly considering their personal family values but in reality the family court negates individual and family values in many cases. This causes a situation where parents are ordered to follow court orders that in some cases are against their principles leading to additional problems because there are two conflicting forces in need of reconciliation; personal values and compliance with court orders.

John Rawls (1999) defines the role of justice stating:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. (Rawls, 1999, p. 3)

Following Rawls (1999) theory of justice a family court system which fails to provide justice is unjust and therefore in need of reform or abolishment. In support of the research objectives a thorough examination, investigation, analysis and critique of the family court as an institution is indicated and reform or abolishment is needed if the family court system is unjust.

### **Conclusion**

This multidisciplinary review of the literature reveals there is a lack of research and studies about the judicial abuse of parents and children by judges, divorce lawyers, and court affiliates. The available literature indicates there are victims of the family court, the social system designed to protect them, but those impacted are usually unable

or unwilling to speak and peer reviewed literature is sparse. Literature regarding the abuse of parents and children by judges, lawyers, and court affiliates resulting in injustices, unintended consequences, and negative outcomes is needed and this research provides a contribution for peer review that may help to justify future reform efforts. There is a need for research with documented narratives for analysis to help promote positive change. The need for documented narratives that are usually inaccessible was of prime consideration as the potential methods for this research were explored.

*“Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come” (King, April 16, 1963, p. 486).*

## Chapter 3: Research Method

### **Research Objectives**

An in depth documentary of my experience in the New Hampshire family court and corroborating evidence was utilized in an inductive process to meet the research objectives. Personal observations were used to detect patterns leading to a tentative hypothesis that can be explored to develop theories and findings in support of the following research objectives:

1. To identify factors contributing to intractable family court conflict.
2. Evaluate the impact of judicial decision-making on culture through the evaluation of texts in a case prolonged for over eight years.
3. Perform text and case analysis to determine the existence of patterns in judicial decisions which influence outcomes to formulate a tentative hypothesis based on the findings.
4. Upon documentation, identification and analysis of texts, propose a preliminary hypothesis in relation to observations of the cultural phenomenon.
5. Identify leverage points within the system to be targeted as catalysts for systemic reform to ensure positive outcomes from the social conflict management system designed to protect parents, children and society.
6. Initiate a call to action, encourage and establish literature so there can be reciprocity and others can analyze the findings to evaluate the need for an improved default conflict management system for unmarried parents and children.

## Research Method

### Autoethnography

Autoethnography is defined as “autobiographies that self-consciously explore the interplay of the introspective, personally engaged self with cultural descriptions mediated through language, history and ethnographic explanation” (Ellis & Bochner, 2003, p. 742). Autoethnography “should be ethnographic in its methodological orientation, cultural in its interpretive orientation, and autobiographical in its content orientation” (Chang, 2008, p. 48). Using autoethnography I engaged in reflexivity to interpret and re-present the experience (ethnography), understand, reflect upon, explain and report the lived experience in context as it correlates to phenomenon that has occurred (cultural interpretation) based on personal experience (autobiographical). Autoethnography offers several style options, some of which were evaluated as options for this research.

As the research methods were considered it was important to evaluate the characteristics of each method in relation to the research objectives and the story to be told. The methods evaluated for this research were the evocative, analytical and critical methods of autoethnography although collaborative, interpretive and performance autoethnography were considered as well. Choosing the optimal style of autoethnography was an important consideration in relation to the research objectives.

**Evocative autoethnography.** Evocative autoethnography addresses personal matters using emotional self-reflexivity as a valuable source of data. The method evokes emotion and response from the reader (Ellis, 2004). The validity of the evocative autoethnography is determined on the basis of the reader’s opinion regarding the

plausibility, authenticity, believability of the story and whether or not the reader can relate to the autoethnographer's story in relation to their own experiences (Ellis, 1995). At the beginning of the research design phase evocative autoethnography as method appeared enticing because it seemed to support the objective of initiating a call to action by emotionally attracting advocates to respond and promote change. The evocative method of autoethnography was considered a viable option while the analytical method of autoethnography was evaluated.

**Analytical autoethnography.** Analytical autoethnography includes the researcher as a full member of the study where the researcher is visible in published texts and dedicated to creating theoretical perspectives of broader social phenomena (Anderson, 2006). According to Anderson (2006), analytical autoethnography also includes analytic reflexivity, dialogue with people in addition to the self and commitment to theoretical analysis to provide insight on the broader perspective based on the analysis of data leading to revisions of theoretical understanding (p.388). Analytical autoethnography was initially considered as a method of choice due to the potential for new theoretical perspectives and dialogue with people in addition to the self. The preliminary choice of the analytical method seemed like a good starting point with lots of potential until critical autoethnography was evaluated and determined to be a better option for this research.

**Critical autoethnography.** Critical autoethnography is similar to Madison's (2012) conception of critical ethnography which "begins with an ethical responsibility to address processes of unfairness or injustice within a particular lived domain" (Madison,



2012, p. 5). Autoethnography as method can be used to critique cultural identities, experiences, practices, cultural systems and bring injustice to the forefront. Similar to the conceptual artist's presentation of anticipated ideas, perspectives and experiences the conceptual autoethnographer uses personal stories to convey and critique cultural experiences to provide voices for those not heard (Adams, Holman Jones, & Ellis, 2015). The process of creating critical autoethnography displays the standpoint of the writer openly and transparently leaving the researcher vulnerable to judgment and evaluation (Alexander, 2013). Critical autoethnography allows the researcher "to produce analytical, accessible texts which change us and the world that we live in for the better" (Holman Jones, 2005, p. 764).

Therefore, critical autoethnography is the method chosen for this research because this method accommodates my moral obligation to address unfairness and injustice within the lived domain, the New Hampshire family court. Critical autoethnography also provides the opportunity for me to provide a voice for those not heard. Critical autoethnography approaches research from the standpoint of the writer in a transparent manner leaving the researcher vulnerable to judgment and criticism. Despite the potential for judgment and criticism, it is important for my experience to be visible, heard, judged, and evaluated because the potential benefits of changing the world we live in for the better far outweigh the moral and ethical costs of this researcher doing nothing.

### **The Nine P's of Autoethnography**

This autoethnographic study was operationalized using the "Nine P's of Autoethnography" which were first introduced at The Qualitative Report Fifth Annual

Conference during January of 2014 by Chenail et al., 2014. Person, populace, position, problem, purpose, perspective, plan, product, and praxis all need to be considered during the course of an autoethnographic study. The aforementioned criteria are an integral component of the methodology for this research and need to be considered so the study is conducted as conceptualized. The consideration of all nine concepts helped me conduct the research in an all-encompassing manner in support of quality and the research objectives. The criteria also give the reader insight and understanding relative to the scope of the project.

**Person.** It is important to note I wrote this autoethnography primarily from my perspective and standpoint as a parent. While I happen to be a mother whose personal experience within the New Hampshire family court inspired me to do this autoethnography, the literature indicates both men and women are dissatisfied with the outcomes of their family court litigation. This phenomenon in conjunction with my personal experience highlighted the need for this research. My approach to this autoethnography is from a cultural standpoint as a parent, not as a woman per se.

**Populous.** The populous I identify with is primarily parents within the family court process from the past, present and future. The populous most relevant to this study is parents of any gender impacted by an experience within the New Hampshire family court system and potentially other family court systems in the United States. It is important to encompass *all* parents when considering the groups that may identify with this research. The literature demonstrates parents and children in the United States are negatively impacted by the family court. While I happen to be female and the research

happens to be specific to New Hampshire, it is important to acknowledge the populous most closely identifying with this research may be of any gender or from any state. The secondary social group impacted by the family court is children. Approximately half of the marriages in the United States end in divorce (Anonymous, 2011). Therefore, the impact upon unmarried parents and children is potentially widespread and this research has the potential to have a substantial impact on society once the research objectives are fully met.

**Position.** Consideration of the researcher's position in relation to the populous is important when doing autoethnography. I was put in a unique position to conduct this research due to the circumstances imposed upon our family when we were forced to enter the New Hampshire family court system. My personal family court experience prompted me to think about the family court's cultural implications, which led to an epiphany; I was oppressed. After being court ordered into an oppressed condition, with nowhere to turn and no one to affect the outcome, it became obvious this autoethnography needed to be written and published because there are many people who need someone to help with their predicaments but they have no voice. Having shared their predicaments, I conducted this research as a moral obligation to open the door for a closer examination of the New Hampshire family court system to inspire social change.

**Problem.** The problem began during July of 2007, four years post divorce when I tried to relocate an hour and 15 minutes, 65 miles from Hampstead, New Hampshire to Gilford, New Hampshire to downsize, restructure my finances and return to the workforce in accordance with my financial plan, which was the result of my consultations

with a Certified Financial Planner. My former spouse initiated court action to preclude my relocation and return to the workforce where we remained for almost 10 years in what became intractable conflict and a battle with the state of New Hampshire to continue as a fit parent, earn a productive living, and provide for my children. The efforts were mostly to no avail because a judge blocked and diverted my efforts. The magnitude of the emotional and financial devastation this caused our family is a problem of social concern. The larger problem is this is happening to many parents and children in New Hampshire and other states behind closed doors, out of public view and hence the challenge: it needs to be brought to the forefront and ultimately a halt.

**Purpose.** The purpose of this autoethnography is to document my experience through the lens of a domestic and structural violence survivor for review and scrutiny by others and peers. This literary contribution promotes awareness and provides justification for systemic reform, which can create change to effectuate positive outcomes for parents and children in the New Hampshire family court system and potentially all of the United States. The documentation of the status quo enables a basis for analysis to be performed so problems can be identified with the current system and causes of family court conflict escalation can be considered prior to generating alternatives and implementing solutions. “Dynamic instances of critically oriented autoethnography show a range of issues being interrogated,” (Berry, 2013, p. 214). This autoethnography provides a multifaceted documentation of the New Hampshire family court experience, or the ‘status quo’ and its impact on culture for analysis of the past, present and opportunities for the future.

Another purpose of this autoethnography is to provide multidisciplinary scholarly documentation, which has the potential to validate the experiences of those without a voice, others labeled as ‘disgruntled litigants’ and inspire additional studies. Promoting awareness in this context may prompt others to conduct further research, which could ultimately help to create change that minimizes negative outcomes and prevents the unintended consequences of the current New Hampshire family court system. This research is intended to prompt additional research.

**Perspective.** This autoethnography challenges cultural assumptions pertinent to family law and presents the research from my perspective through a critical lens, using a cultural standpoint to analyze my personal experience in the New Hampshire family court. Filling this void in the literature will enable other researchers to gain perspective from me, the participant, and prevent access challenges that are inherently insurmountable in domestic violence cases as victims are not always forthcoming due to fears of retribution from their perpetrator or the court. This autoethnography will allow others access to perspective from the lens of the participant.

To better understand the context of this autoethnography it is important to know some background about my personal perspective and personality traits. If a person is plagued by guilt or worry and unwittingly falls into the same old self-destructive thinking patterns, the person has "erroneous zones" which are whole facets of the person's approach to life that act as barriers to success and happiness (Dyer, 1976). Dyer (1976) provoked self-awareness by citing that if you believe you have no control over your feelings and reactions, you give up many choices available to you. Dyer (1976) showed

people how to take charge of their lives and manage how much difficult times and people are allowed to affect them. A major theme of *Your Erroneous Zones* is if you depend upon others for your well-being, you lose yourself. Dyer equips the reader with tools to stay in charge of their happiness, well-being, and independence to eliminate all erroneous zones.

I have been practicing Dyer's (1976) principles since the late seventies, eliminating barriers to happiness and success. Consequently, being told by a judge where to live and work, how much money to make, what job to do and where to sleep posed some draconian challenges for me because I am self-reliant and do not rely on others for my well-being. Following Dyer's (1976) logic regarding managing how much difficult times and people are allowed to affect our lives, being required to depend on a judge's orders for one's well-being can cause one's self to be seized, along with the ability to meet basic needs and the peaceful enjoyment of cultural experiences. The judge's orders were counterintuitive to my goals, objectives and who I am. The judge's orders were counterproductive to what I set out to accomplish.

## **Plan**

**Data collection.** Data for this autoethnography was collected from the court file, transcripts, audio recordings of hearings and court orders, following the chronology of the court file. Self-observational data was collected from personal journals, personal memory, and email, recorded in a narrative format including detailed observations. Data collection also consisted of internal chronicling, including a chronological sequencing and reporting of events. The process included self-reflection relative to self-identity,

values, preferences, relationships with others and cultural identity. External data collection did not require interviews with subjects to connect the phenomenon with cultural assumptions because research, literature, and data collection provided ample opportunity for me to connect the phenomenon with cultural assumptions.

Data collection started with the court file and other documents, correspondence, notes and journals related to the case and the case in its entirety is stored in a five-drawer file cabinet, which is 59 inches high, 15 inches wide, and 29 inches deep. Written from the court file, the initial draft of the autoethnography consisted of 436 pages of narrative and was reduced to 339 pages for the final collection of data. The exorbitant amount of data initially collected was refined to specifically define the scope of the data and further eliminate repetition within the narrative and the data collection spreadsheet, without compromising integrity. The autoethnography contains data from motions, judicial decisions, and motions for reconsideration, which deemed the data repetitious. Therefore, the data was reduced to eliminate repetition while maintaining data integrity.

Artifacts include objects, memorabilia, and photographs. Some of the objects prompt memories of specific periods of time in relation to our cultural position and the photographs illustrate the implications of the manner in which the judge's orders caused us to live. The data collected is integrated into an analysis consisting of cultural implications in relation to the literature reviewed including public policy, parental rights, conflict theory, the family court as a conflict management system and its impact on society. The incorporated literature is also an important source of data because it helps the researcher contextualize the personal story within the public story (Chang, 2008).

The spreadsheet containing columns documenting who (actors), what (topic of the texts), when (dates of data occurrence and collection) and where (the source of data collection and recording) for each data set was used to collect the data for organization into categories and themes. As the research moved forward, data refinement became an ongoing part of the process and was helpful when decisions needed to be made regarding the relevance or irrelevance of data. The data collected and logged on the spreadsheet consisted of rows documenting the narrative and columns for recording attributes of collected data (See Appendix B).

“The process of collecting data for autoethnographies is often a very time-consuming and emotionally complex process and may involve you in years of writing and rewriting in order to gain distance from or to get closer to the data” (Grbich, 2013, p.123). The data collection process was indeed very time-consuming due to the various sources from which data was collected and the need to ensure accuracy throughout the process. The initial collection of data (436 pages) comprised a book in the form of an autoethnography that was reduced to five chapters (339 pages). Writing the autoethnography was the most challenging, laborious, tedious and time-consuming part of the research process, albeit very rewarding. This statement comes with a disclaimer noting the research process pales compared to the process of living through the circumstances that provided the data. Due to the nature of the content, data collection was at times emotionally complex as I engaged in reflexivity. The reflexivity process caused previous emotions to surface and occasionally new emotions emerged. The earliest data collected was 10 years old so distance from the data helped with the



management of the emotional complexity associated with this project. The emotional complexity of the writing process was easily modulated by remembering I now have the honor and privilege of being in a position to do this research on behalf of many who are not able to attempt this social change initiative due to their oppressed conditions.

**Data management.** Data management was of significant importance during the writing of this autoethnography and a major component of this research. First, I printed all five sections of the autoethnography. The primary data on pages one to 339 was labeled and instances of text pertinent to research questions one, two, and three were identified and marked with a red pen. I noted the reason the labeled text related to each research question. Next, the autoethnography was reviewed and the data was labeled according to the theme that was identified in relation to the research questions for each of the five sections. Once the data labeling process was complete, the themes were organized by category and logged on an Excel spreadsheet. The topics are arranged on separate tabs of the spreadsheet corresponding to each of the five sections. Each section contains excerpts from the data to provide examples pertinent to the emergent categories. This data management method was useful for data analysis, interpretation, connecting the present and the past, identifying the predominant categories of data that emerged, and further classification of the categories into themes as they became apparent.

Data categories included judicial decisions, court orders, emails, letters, artifacts, emotions, ignored evidence, appeals, outcomes, leverage points, and summaries for sections one through five. Throughout the process, each line of code on the spreadsheet was verified for accuracy to ensure data integrity and the data management process was

ongoing as new themes emerged. The data management process was challenging due to the volume of data so the structure provided by the spreadsheet was an important part of the data management process as it provided a solid foundation for data analysis. The data analysis was performed within the context of the following research questions:

***Research question one.*** How does the judicial decision-making process in the New Hampshire family court impact parents and children?

***Research question two.*** Does judicial decision-making in the New Hampshire family court preclude parents from meeting their basic needs and providing for their children?

***Research question three.*** What is the impact of New Hampshire family court's orders on culture?

**Data analysis.** Data analysis and interpretation within the autoethnographic method required me to “shift attention back and forth between self and others, the personal and social context” (Chang, 2008, p. 125). The process of analyzing and interpreting cultural data facilitates the transformation of the biographical data into culturally meaningful text (p.126). Maxwell (2005) states it is important to balance the analysis and interpretation of data and the first step requires balancing fracturing and connecting. Data analysis is a mechanism for examining components of the data; data interpretation focuses on connecting the fractured data. “Fracturing is part of the data analysis called “categorizing” which refers to two main activities –“coding” and “organizing” data” (p.96). Coding the data fractures and reorganizes the data for

comparison making it conducive to theory development and rearrangement into broader categories (Maxwell, 2005).

During the analysis phase, it was necessary to examine the components of the data for categorization, which was part of the coding and organizing process. Labeled, classified data in an organized format was conducive to the data analysis process. During the analysis process, a conscious effort was made to carefully identify and apply attributes to judicial decision-making while deciphering between my observations, epiphanies, and reflexive analysis. Fracturing the data was useful for further refinement and helped me reorganize the data into categories and identify detailed, specific themes (See Appendix C). Quality control was essential during the analysis of the data because data is the basis of analysis and interpretation, which has a substantial impact on the quality of the final product. Checking and re-checking the data in comparison to the court file, autoethnography, and spreadsheet was an integral part of the ongoing process to ensure a quality product.

The process of data analysis required me to use a “zoom-in / zoom-out” approach as part of the data analysis and interpretation phase of the research (Chang, 2008). As I zoomed in the micro focus was on small groups of data; as I zoomed out the focus shifted to a macro level. Controlling the quality of the process and product was a major part of the data analysis and interpretation for this autoethnography. Consistent with Chang’s (2008) 10 analysis and interpretation strategies, I analyzed the data as follows:

1. Searched for recurring topics, themes and patterns
2. Looked for cultural themes

3. Identified exceptional occurrences
4. Analyzed inclusion and omission
5. Connected the present with the past
6. Analyzed relationships between self and others
7. Compared my case with other people's cases
8. Contextualized broadly
9. Compared with social science constructs and ideas
10. Framed with theories

(Chang, 2008, p. 131)

Quality control was an integral component of the analysis that needed to be considered for both the process and the final product. Analysis and interpretation was used in conjunction with re-checking and verifying each line of code. The utilization of Chang's (2008) analysis and interpretation strategies helped to ensure the integrity of the process and product quality. To further ensure data integrity the spreadsheet was reviewed and verified until no further changes were needed.

This final step of data analysis included sorting the spreadsheet by frequency of occurrence for items listed on the data collection table. All five sections were consolidated from the tabs onto one spreadsheet and the entire spreadsheet was sorted to determine the number of times the data collection items occurred on the spreadsheet. This step provided verification of the categories and themes identified during the data analysis phase of the research. The data self-grouped into categories related to systemic violence, public policy, the impact of judicial decision-making on parents, children,

culture, ethical issues and questionable practices. This confirmed the identification of the four major categories and the themes within each category. The self-grouping of the themes into applicable categories indicates consistency within the data and helps to establish reliability of the data as a basis to validate the findings.

**Product.** Autoethnography is an ethnographic portrayal of the events in the researcher's life (Sieber & Tolich, 2013) characterized "by artistically constructed pieces of 'text' that evoke the imagination and increase the reader's understanding" (Muncey, 2010, p. 8). Autoethnography is used by researchers as a method to promote social consciousness and societal change (Adams et al., 2015). The research objectives of raising awareness of the cultural phenomenon resulting from the New Hampshire family court experience and the need for reform correlate with the autoethnography research method. Another benefit of autoethnography is the research is conceived as a conscious act in an attempt to invite reciprocal responses from the multiple audiences the research is intended to motivate. The process of spinning connections between reflexivity and culture while intentionally putting one's self on the line allows the use of critical cultural scholarship to promote justice which implies it is extremely important to do reflexivity well (Berry, 2013).

The autoethnography consists of five sections that coincide chronologically with orders in the court file, based on specific timeframes and grouped according to the major theme of each litigation segment. The sections are written using the court file as a basis and texts, journals and notes from the last eight years are included. The first section covers court decisions from July of 2007 until the court order precluding relocation was

issued by the court during June of 2008. In this section, the events that unfolded leading to the final order in the relocation matter and the rationale specified by the court for precluding the parent's necessary relocation are discussed.

The collection of data is recorded and categorized on a spreadsheet for subsequent coding and analysis. During this process, patterns emerged leading to connections, discovery and embodiment, which prompted and enabled reflexivity and in depth consideration of the relationship between the self and other. Each section concludes with my view through a critical lens from a unique cultural standpoint in relation to the impact of the court's orders on the parent, children and culture. This format is followed for each of the five sections.

The second section of the autoethnography addresses the stalking segment of the court matter and documents the court events from July of 2008 until April of 2009. This includes matters litigated in the family court and the stalking matter, which was heard in the district court. Section two differs slightly from the first section to include an additional section presenting more data and information pertinent to the New Hampshire Supreme Court appeal of the stalking decision. This differs slightly from the first section because no appeal was filed after the order precluding relocation order was issued. The remaining sections also include data and information pertinent to New Hampshire Supreme Court appeals filed as a result of orders issued from the family court division.

Section three addresses the court ordered separation of a parent and child covering from May of 2009 until April of 2011. In section four, the story builds as the fallout documented in the previous three sections continues to mount due to a Child Support

matter which entered the court during May of 2011. This matter remains in the court through section four. As the fourth section concludes during August of 2012, section five begins during September of 2012. This section documents how filing a Petition for Redress of Grievance at the New Hampshire Legislature prompted a custody battle in the court. Section five concludes during October of 2014 when the New Hampshire Supreme Court declined to accept the last appeal.

**Praxis.** This autoethnographical inquiry has implications for social science. The present literature has deficiencies in the publication of survivor stories of those victimized by domestic violence, structural violence in the court system or both. This is because victims of domestic violence fear their perpetrators will retaliate if the victim makes their predicament known (Jones, 2013). Given this predicament of those in an oppressed state, it is difficult to obtain all the facts and circumstances relevant to their condition. Conversely, an autoethnographer is uniquely poised to overcome these research challenges due to heightened awareness of the risks, costs, and benefits of the autoethnography method for those afflicted with an oppressed condition. The effects of judicial decision-making on parents and children is a prime candidate for this research method; to date there is a lack of autoethnography literature which is likely due to the oppressed and depressed socioeconomic state of victims which is well documented in the literature. Consequently, autoethnographers with first hand experiences in the family court system are rare.

While it would be nice if there are no more stories of this nature, the unfortunate reality is there will continue to be unintended consequences until the stories are told,

systemic flaws are identified and remediated. This autoethnography has the potential to change the current predicament of oppressed victims who want and need to speak up but are unable to be heard because this research documents bona fide outcomes, their relation to culture and may serve as justification for sweeping reform. The “constitutive potential also shows in praxis seeking critical ends, in which scholars join in reflexivity with the overt and sustained goal of advocating social reform, often by uncovering power imbalances and cultural oppression” (Berry, 2013, p. 214). Bringing this problem to a halt would be a major accomplishment of this research.

### **Ethics**

Confidentiality and minimizing harm are important ethical issues researchers need to consider (McCosker, Barnard, & Gerber, 2001). Researchers have an ethical duty to minimize harm and confidentiality is one way to protect research participants. Respect for persons, working to ensure no harm while maximizing the research benefits or beneficence and justice, making sure the research benefits and costs are equitably shared are guidelines which need to be followed (Adams et al., 2015). The court file is public information and is not subject to laws of confidentiality in New Hampshire where the autoethnography is based. As a matter of public policy New Hampshire court files are open to public review and a person can simply walk into a court and request to review a file unless a judge has sealed the court file. The court case this autoethnography refers to is not sealed and anyone may walk into the court, review the file and verify or discredit the contents of the autoethnography. It would be easy for the public to identify anyone associated with the court case in that instance. The public nature of the information



contained in the file challenges the researcher's duty to protect participants and the researcher from harm because theoretically the project would not be possible due to the technical impossibility of complete anonymity. Those at risk of harm include the researcher, parties to the case, children, witnesses, the judge, and officers of the court. Names are omitted to minimize the risk of harm.

The potential for researcher harm is inherent in this project and it is incumbent upon the researcher to minimize self-harm from personal and professional perspectives. Sieber and Tolich (2013) state the importance of anticipating researcher vulnerability as a foundational guideline for autoethnographers. Utilizing the autoethnographic method the researcher is part of the data as the researcher engages in self-introspection. Balancing the minimization of risk for the researcher and participants without suppressing the story is a major consideration. The very existence of this story is based on circumstances facilitated by the fact that this and similar stories are not frequently told due to the vulnerability of afflicted individuals and groups.

“Rather than sitting on the sidelines and hurling judgment and advice, **we must dare to show up and let ourselves be seen**. This is vulnerability. This is *daring greatly*” (Brown, 2012, p. 2). According to Brown (p.34), vulnerability consists of uncertainty, risk, and emotional exposure. Engaging in autoethnography as method means I am daring greatly, willing to be vulnerable to promote change in support of improved societal outcomes. The autoethnographical research method requires me to be vulnerable, willing, and able to contribute to the field of literature while understanding the uncertainty of outcomes and remaining ethically cognizant at all times. My challenge

was to balance vulnerability and purpose while remaining steadfast to accomplish the research objectives.

### **Standpoint Theory**

The basis of standpoint theory is “Life is not experienced the same for all members of any given society” (Boylorn & Orbe, 2014, p. 123). People formulate opinions based upon their perceptions of two-way exchanges of communication with others. Social group membership influences standpoints of individuals overtly and covertly. It is important to note that although standpoint theory has historically been used in the context of studying women’s lives, it is applicable to marginalized populations as well. In the context of this research, standpoint theory is applied to segments of the population marginalized by their family court experience.

Standpoint theory strives to understand the standpoint of a marginalized population; to do that there needs to be an understanding of the lived experience of the individual. It is important to include the lived experiences of the marginalized population because those with no social power are likely to have a different perspective than those with social power. This is crucial to the literature because typically those with social power dominate the field (Orbe, 1998). Within standpoint theory the inclusion of the marginalized group is essential because the members of the marginalized group have a unique perspective of the social structures as the “outsiders-within” (Collins, 1986). This autoethnography presents the view of the outsider-within, revealing the ways in which the judicial decision-making process in New Hampshire impacted parents, children and culture as the result of litigation in the New Hampshire family court.

## Conclusion

There is evidence within the literature that reveals outcomes from family court proceedings are harmful to parents and children. Many practitioners, parents and scholars affirmed the system is either broken or does not work and called for reforms and change due to numerous instances of injustice over the years (Bryan, 2006; Ford, 2005; Neustein & Leshner, 2005; Winner, 1996). The literature contains this evidence through the lenses of people writing about the problems with the New Hampshire family court and others representing people harmed within and throughout the New Hampshire family court process. Regardless of each person's lens, their perceptions about family court injustices and the need for change are consistent. However, this project is unique because it integrates actual experience through the lens of the researcher and includes multidisciplinary, scholarly literature presented in a manner conducive to conflict analysis for potential resolution. New Hampshire family court injustice is a prime issue of social concern due to the systemic structure that is negatively impacting the parents and children of New Hampshire.

This autoethnography provides opportunity for an analysis of the cultural phenomena that emerge as the result of participation in the New Hampshire family court system. This autoethnography also enables other researchers to examine my case and come up with their own analysis, conclusions, and recommendations. I hope an analysis of the conflict pertinent to my case encompassing theoretical frames that are conducive to conflict resolution will open the door to conversations and promote long overdue, desperately needed reforms.

*“Injustice anywhere is a threat to justice everywhere.”*, Martin Luther King, Jr.,

April 16, 1963.

## Chapter 4: Results

### Introduction

The findings of this study are derived from coded data on an Excel spreadsheet. The writing consisted of zooming in and zooming out in a process of reflexivity. The analysis of the data mirrored the zooming in and zooming out process as categories and themes were established. The categories were determined by frequency of occurrence on the spreadsheet. Four logical categories emerged including similar themes that self-grouped based on presence throughout the data (See Appendix D).

### Categories and Themes

#### Categories

The spreadsheet data analysis revealed several themes related to the research questions that were grouped into four categories. Each data category contains related themes and the categories were determined by the frequency of total occurrence on the spreadsheet. The four categories are:

1. Systemic Violence
2. Public Policy
3. Impact on Parents, Children and Culture
4. Ethical Issues and Questionable Practices

#### Themes

**Theme 1.** Structural, cultural, and direct violence is prevalent throughout the majority of the data, emerging as the number one theme.

**Theme 2.** Judicial power maintains a strong presence throughout the data, including a negative impact on parents, children, their relationships, and culture.

**Theme 3.** High rates of harm and injustice are present throughout the majority of the data followed by judicial abuse.

**Theme 4.** The instances where judicial discretion is applied are closely related to the instances of oppression, dominance, and control throughout the data.

**Theme 5.** The occurrences of judicial discretion within the data closely align with leverage points which were identified throughout the data.

**Theme 6.** Marginalization, socioeconomic disadvantage, deprivation, jeopardized welfare of parents and children exist within the data, negatively affecting parents, children, and culture.

**Theme 7.** Conflict escalates and continues in proximity to the denial of reality, reality denied and financial damage.

**Theme 8.** Adverse childhood experiences due to judicial decision-making in the New Hampshire family court negatively affect children, parents, and culture.

**Theme 9.** The New Hampshire family court provides a forum for and facilitates domestic violence.

**Theme 10.** Delays in the process lead to uncertainty, stagnated growth, and unexpressed potential for parents and children.

**Theme 11.** Jeopardized integrity of the judicial decision-making process due to questionable practices and maladministration raises ethical questions regarding patronizer favoritism.

## **Systemic Violence**

Systemic violence is the category containing the highest number of occurrences within the data. This finding indicates a very strong presence of structural, cultural, and direct violence in this New Hampshire family court matter. The findings indicate an excessive amount of harm to parents and children in this study. The findings indicate the system promotes and facilitates harm, which makes it easy for judges to impose harm whether intentionally or unintentionally. The predominant systemic violence themes include judicial power, harm, injustice, and judicial abuse.

**Theme 1.** Structural, cultural and direct violence is prevalent throughout the majority of the data, emerging as the number one theme.

**Theme 2.** Judicial power maintains a strong presence throughout the data, including a negative impact on parents, children, their relationships, and culture.

**Theme 3.** High rates of harm and injustice are present throughout the majority of the data followed by judicial abuse.

The similar findings in this data grouping show consistency within the data. The findings indicate judicial power is closely related to structural, cultural, and direct violence found in this category. The high rate of harm finding mirrors the frequent occurrences of judicial power and structural violence. Structural violence, judicial power, harm, and injustice are interrelated and predominant in the research findings. Direct violence and the presence of judicial abuse throughout of the data suggest a close relationship between the violence applied by the judge and the labeling of judicial actions indicating judicial abuse. Judicial power is a major theme which closely aligned with

harm and judicial abuse. The strong presence of judicial power throughout the data is of relevance to the impact of judicial decision-making for parents and children.

Several types of abuse were observed throughout the data. Financial and economic abuse by the judge was a frequent occurrence. Judicial power resulted in harm and injustice to parents and children as the presence of judicial discretion enabled the judge to excessively dominate, control, and oppress parents and children in this case. The factors enabling these negative outcomes can be mitigated through public policy changes. Public policy was the second most prevalent category represented in the data.

### **Public Policy**

The public policy category contained the second highest number of occurrences within the data. Themes four and five maintain strong rates of occurrence throughout the public policy category. Public policy issues were prevalent throughout the data and occurred second in frequency to systemic violence. The public policy issues include judicial discretion in relation to oppressive judicial decisions and resulting court orders. The themes in this category also include the domination and control of parents and children by the judge.

**Theme 4.** The instances where judicial discretion is applied are closely related to the instances of oppression, dominance, and control throughout the data.

**Theme 5.** The occurrences of judicial discretion within the data closely align with leverage points which were identified throughout the data.

Instances of judicial discretion in proximity to leverage points throughout the data indicate there is a momentous leverage point relating to judicial discretion. The findings



indicate judicial decision-making results in oppressive dominance and control. Judicial discretion is a public policy matter, which in this case significantly affects parents, children and culture in a harmful manner. This phenomenon happened to emerge as the third category.

### **Impact on Parents, Children, and Culture**

The impact of judicial decision-making on parents, children, and culture in the New Hampshire family court becomes highly visible in this category. Themes six, seven, and eight contain similar rates of occurrence throughout this category. This finding reveals the implications of judicial decision-making for parents, children and culture to including marginalization, escalated conflict, socioeconomic disadvantage, deprivation, adverse childhood experiences (ACE), jeopardized welfare of parents and children, reality denied and financial damage. The predominant themes in this category demonstrate there are substantial negative ramifications of the New Hampshire family court's judicial decision-making process for parents, children, and culture.

**Theme 6.** Marginalization, socioeconomic disadvantage, deprivation, jeopardized welfare of parents and children exist within the data, negatively affecting parents, children, and culture.

**Theme 7.** Conflict escalates and continues in proximity to the denial of reality, reality denied and financial damage.

**Theme 8.** Adverse childhood experiences due to judicial decision-making in the New Hampshire family court negatively impact children, parents, and culture.

The negative impact of judicial decision-making on parents and children is evident in this category. Judicial decision-making in this court case does not demonstrate positive implications for parents, children, and culture. The findings indicate there is a strong need for the examination of the judicial making process in the New Hampshire family court. This finding raises questions about how or why such negative outcomes are possible and the fourth category may provide a basis upon which to examine the negative results.

### **Ethical Issues and Questionable Practices**

Ethical issues and questionable practices are present throughout the narrative. Themes nine, ten, and eleven identify observations of unusual phenomenon within the New Hampshire family court case that appear to be questionable or unethical. The mere existence of ethical issues and questionable practices as a category and the insidious judicial practices within the data makes this a very relevant finding. The finding of the New Hampshire family court as a facilitator of domestic violence indicates the prevalence of this category is strong.

**Theme 9.** The New Hampshire family court provides a forum for and facilitates domestic violence.

**Theme 10.** Delays in the process lead to uncertainty, stagnated growth, and unexpressed potential for parents and children.

**Theme 11.** Jeopardized integrity of the judicial decision-making process due to questionable practices and maladministration raises ethical questions regarding patronizer favoritism.

Ethical issues self-grouped with questionable practices in terms of frequency of occurrence indicating further consistency within the data. While the themes in this last category occur the lowest in frequency, it is important to emphasize their similar frequencies of occurrence throughout the data because this consistency indicates a solid presence of ethical issues and questionable practices in the New Hampshire family court. The existence of judicial discretion is closely related to dominance, oppression, and control. Judicial discretion within the ethical issues and questionable practices category resulted in evidence ignored, bias, lack of impartiality, patronizer favoritism, imposition of the judge's values on parents and children, deprivation, judicial disregard for statute, court rules, case law and United States Supreme Court case law and the creation of customized 'laws' just for our family through the judge's decisions and orders. There were observations of orders of impossibility and double binds, which jeopardized the welfare of the parents and children in addition to jeopardizing the integrity of the process. The judicial decisions in this matter provoked many thoughts, feelings, and emotions, influencing the parents, children, and our society.

### **Thoughts, Feelings and Emotions**

Many thoughts, feelings and emotions emerged throughout the judicial decision-making process. I experienced a wide range of thoughts, feelings, and emotions as I fought for my right to provide basic needs for our children and waited for the judge's decisions to find out where I could live, work and how many children I would have so I could try to obtain adequate housing. Once issued by the court, the judge's decisions would inform me about what he wanted me to do and where he wanted me to do it. I

waited for the judge to issue his orders, only to find out his orders were inconsistent with what I needed to do meet our needs. If I did what the judge told me to do there would be negative consequences because his orders were uncondusive to meeting our basic needs. If I did not do what the judge told me to do negative consequences would be imposed by the judge. This was particularly problematic because there were times when there were conflicts within the orders making it impossible to do what the judge wanted me to do. While these double bind situations did not present at a high frequency in terms of occurrences, the orders of impossibility leaving me in lose-lose situations were stressful and traumatic, negatively impacting our children, both parents and our culture. The following sections are examples of the psychological impact of judicial decision-making in this matter.

### **Afraid**

*“I was afraid because the father had angry rages while we were married, my children and I had bruises. I did not want to fight; I just wanted to provide a safe loving home for me and the children where the cost of housing was commensurate with the amount of money I qualified to earn. However, his anger had been intensifying and his behavior had been unpredictable.”*

*“I was afraid for our safety and well-being, afraid I would lose everything I worked for to achieve financial security for the children and me.”*

### **Anguish**

*“The result of this judge’s orders was blatantly incompetent. I was left unable to make decisions which made sense, without just cause and yet the state had no*

*accountability. The state had the authority to assign responsibility with no accountability and no reality test. The emotional anguish this caused made my face look old. At this point the crisis had been going on for five years. It was four days short of four months since the child support hearing. Where was the child support order? The court process consumed almost every mental minute of my day.”*

### **Baffled**

*“The fact that I am still battling with the judge for five years to recognize his own Findings of Fact granted is baffling.”*

### **Confused**

*“The father believed my relocation with our children was against the law. At that point, I was confused. I significantly rebuilt for four years post divorce with the assistance of a Certified Financial Planner and the downsizing, relocation and return to the workforce at Southern New Hampshire University were all part of that plan. With cash and other investments to sustain the relocation I thought I was more than good to go.”*

*“The facts did not matter in my case, which was confusing. I thought for sure the judge would recognize the domestic violence element of our case, understand what is going on here and start issuing orders to protect our children and me.”*

### **Disbelief**

*“I cannot believe I am reading and writing this much less understand how we lived it and lived through it. Who in America is ordered to sleep in a certain spot unless they are in the military, wearing an ankle bracelet or incarcerated?”*

**Felt Exploited**

*“The day we filed the Stipulated Order there was a disturbing aura like a used car dealership as they attorneys went back and forth in and out of the court room and conference rooms. This made me feel like there was something to be had for the attorneys from people who were not experiencing the best of times. I just got the feeling that these guys got off on being there making in excess of \$200 an hour to strike deals for people who just couldn’t seem to work out their own differences; somewhat exploitive in a way.”*

*“Meanwhile, in comes Counsel’s affidavit regarding fees and I get to pay my ex-husband’s legal bills again, this time \$750.00 for filing the Motion for Summary Judgment in an attempt to set the record straight and help the judge “get it right” this time. It looks like the high conflict expert is right about ‘something else’ going on in this case.”*

**Fear**

*“Jeopardizing our basic needs, then insinuating violence and finally, obsession with knowing my daily location were valid reasons to fear for our safety.”*

**Felt Oppressed**

*“The order precluding relocation was evolving into a court order that dictated where the children and I slept. We commuted from the Gilford house to school in Hampstead prior to my attempt to relocate and return to the workforce at Southern New Hampshire University as we owned timesharing at a Gilford resort condominium. I started to feel oppressed; I never knew the government could tell people where to sleep.”*

*“It was becoming clear to me the conflict was about me fighting with the State of New Hampshire to continue being the healthy parent for our children and fighting with the state to earn a living and provide for our children. It suddenly dawned on me that I had fallen victim to a system ill equipped to help those it was meant to serve, instead totally suited to the needs of those who benefit from the system. I began to perceive the State of New Hampshire’s Family Division employees as people who had the ability to generate business in support of their brotherhood of attorneys and others who benefit from working within the system. It was as if I was in a fight with the judge, a single person with the ability to customize laws specifically for our family via his court orders to micromanage my life, at times with double bind orders. The biggest revelation of all was when I realized that he had unlimited power and used it to oppress us. Once I realized this I decided the judge may have won the battles but he would not win what I now realized had become a war.”*

### **Felt Uncertain**

*“The judge was imposing uncertainty upon our lives. I needed the judge’s permission to meet our basic needs of food, clothing and shelter.”*

### **Felt Weird**

*“It felt weird to be in the position of having to refute the father’s inaccurate and untruthful statements. His perception of the actual time he spent with the children seemed distorted and his accounting of the impact of the relocation on his time with the children if we were to relocate was not accurate, yet he was using it to justify the modification of the custodial arrangement without grounds. This was disturbing.”*

**Hopelessness**

*“The judge issued an order granting father's request and conducted a show cause hearing. It seemed like there would be no justice, no matter what I did. I began to feel hopeless.”*

**Optimistic**

*“I was optimistic justice would prevail; our children would settle well in their new environment, this would soon be behind us and we would all move on.”*

**Perplexed**

*“The GAL gave me an original signed copy of his Motion to Withdraw and told me to hold onto it because I may need it. Perplexed by his statement I asked him what he meant by ‘I may need it’. He told me I would know when the time is right. While the time is right, I did not think it would take more than nine years for the time to be right.”*

*“I was somewhat perplexed by the fact an attorney who conducted domestic violence training for judges, was a certified GAL and sat on the GAL board was unable to have a positive impact on this case.”*

*“The judge erred in creating a perplexing and bewildering paradox. Children were in dire need, I pleaded for child support guideline deviation to increase child support due to special circumstances (RSA 458-C:5). Instead the father was granted relief with a downward adjustment to child support which he did not even request, raising questions about the father’s favoritism by this judge for the previous five years.”*

*“It was perplexing that the GAL made the confidentiality aspects of the matter very clear to the parties in his own stipulation and then in his Motion for Instructions*



*notified the court we previously signed a stipulation with him which designated that "certain portions of the GAL would be confidential." [sic] This statement in the GAL's Motion for Instructions appears to be a Freudian slip. What was the GAL hiding? Multiple ethical problems associated with this case was all I could think, here we go again."*

### **Wondering**

*"I remember wondering why the judge thought the move would be so bad for our children. They were well adjusted and seemed capable of adapting to a new environment, especially one offering them significant advantages over their current environment. What was the big deal?"*

*"The pain and agony of replaying this in my head many times a day, day after day, is beyond the likes of which many can fathom. After being dismissed from three counselors unable to help me stating it is not me it is the judge, I wondered how and why our society tolerates such judicial abuses. After all, this is America isn't it? The land of the free and the brave."*

*"The father's attorney submitted his pleadings on stationery from his law firm which has vertical lines on the margins. It is easy to go through the file and identify which documents are filed by the father. What is the reason for this practice? Does this make it convenient for the judge to pull out the documents his orders will be based on? Now I am wondering . . ."*

*"I could not help but wonder if the Judge was at the father's Rotary presidential induction speech where he blatantly and horrifically defamed me, or so I'm told. Or was*

*it the “I’ll see you tomorrow” as the judge turned light purple when the father’s attorney said that to him. Or, if one were to look at the judge’s client list from his financial planning practice would that shed some light? Did the father’s family or friends go to this judge for estate planning? If so, did the judge know there was plenty of money to keep this case going? Or, is it that the judge and the father’s attorney were lunch buddies?”*

While it is not the main focus of the research and data, it is important to note the impact of judicial decision-making on the thoughts, feelings and emotions of parents and children engaged in the judicial decision-making process. Parents and children are subject to decisions that put them in unusual circumstances compared to their peers and cultural norms, negatively impacting society. Afraid, anguish, baffled, confused, fear, feeling incarcerated, oppressed, weird, perplexed, and wondering emphasize the uncertainty imposed upon our lives as we were dragged through the court process. Occasionally an epiphany arose giving way to optimistic thinking which would ultimately be shattered with the realization of false hope and being naïve after receiving orders of impossibility containing double binds. This result is inconsistent with a system chartered with preserving the rule of law, rights, and liberties of parents and children guaranteed by the United States and New Hampshire Constitutions. The outcomes of this researcher’s engagement in the judicial decision-making process are also challengeable given the New Hampshire family court’s mission to provide prompt and efficient forums for the fair, independent administration of justice while encompassing respect for the dignity of all they serve.

### **Double Binds and Orders of Impossibility**

Orders containing double binds were identified during the research process.

Within the New Hampshire family court process, I was advised by attorneys to withhold abuse information to protect myself and our children because reporting abuse makes parents look bad to the judge, which can cause the reporting parent to be accused of alleging abuse to gain an upper hand in the court proceedings. However, in the state of New Hampshire everyone is a mandated reporter, subject to prosecution for failure to report suspected abuse. This paradox puts victims in a double bind and harm's way. The lose-lose prospect this scenario presents for parents is insurmountable because they cannot safely report abuse and ask for protection from the court; if they do not report the abuse they are not safe because there is no protection from the perpetrator. This puts parents in a position of impossibility at a time when they need solutions and protection more than ever.

Another situation of impossibility occurs when employment in Gilford is ruled to be a legitimate purpose for the move. Contrarily, the Gilford location was ruled not to be reasonable in light of the purpose. How can employment be a legitimate purpose (okay) but the location of the employment not be legitimate in light of the purpose (not okay) in light of the fact the employment was okay? How can it be okay and not okay (both)? To be employed I needed to be at the location. As a matter of logic, the decision appears to be flawed.

I was ordered to remain the primary parent and keep the children enrolled in school in Hampstead. This meant I was essentially ordered to live in Hampstead when

my work was in Gilford, over an hour away. The judge's order precluding relocation implies it is preferable for me to commute to work, over an hour away from Hampstead even though the father would commute less to see his children than I would have to commute to work at Southern New Hampshire University. The judge ordered me to be the primary parent for our children but would not allow me to do what I needed to do to provide for them. The judge was not influenced by anything I planned, proved, or was poised to do. I was supposed to do what the judge ordered me to do, even though his orders were not conducive to compliance with his orders, the best interest of our children and meeting my financial obligations and goals.

### **Paradoxes**

The appointment of a GAL to evaluate parent skills, the ability of a parent to nurture and provide for their children while depriving parents the financial resources to do presents an interesting paradox. Similarly, I was providing stability for me and the children, the father robbed us of stability while accusing me of not providing it. These perplexing paradoxes created a change in circumstances, causing a greater need for financial support. After creating the financial need, the judge continued to deny my requested relief, which appears preferential to the father in a phenomenon I refer to as "patronizer favoritism".

*"The judge erred in creating a perplexing and bewildering paradox. Children were in dire need, I pleaded for child support guideline deviation to increase support due to special circumstances (RSA 458-C:5) and instead the father was granted relief with a*

*downward adjustment to child support that he did not even request raising questions about father's favoritism by this judge for the previous five years."*

Judicial decision-making can stop a parent from achieving their goals at the whim of the other parent, yet NH RSA 461-A:6, the Best Interest statute requires the judge to consider the ability and disposition of each parent to foster a positive relationship, frequent and continuing physical, written, and telephonic contact with the other parent. A parent fighting another parent in court to block the parent from achieving their goal of providing for the children is showing the children how to fight. The refusal of one parent to resolve conflict with the other parent does not foster a positive relationship with the other parent; it puts children in an awkward position with both parents and is contrary to their well-being, growth, and development. A parent whose preferred method of conflict resolution is parenting through the court does not foster positive relationships. Therefore, by virtue of the fact the father opted for court decision-making he was not acting in the best interest of the children.

### **Conclusion**

The judge denied the children and me the continuance of our existence as we knew it, under the guise that changing our living arrangement would not be in the children's best interest. The judge's denial of our existence changed our living arrangement and was contrary to our best interest. This is exactly what the judge stated he intended to prevent. The paradox presented insurmountable challenges throughout the duration of the matter. The findings in the Relocation, Stalking, Alienation, Child Support and Custody Battle sections detail the manner in which the predominant themes

of each category emerge and document the impact on parents, children and society due to the judicial decision-making process in this matter.

## **Relocation**

### **Background**

After my divorce became final in 2003, I decided to remain in the former marital home with our children to provide them with stability while I financially rebuilt. The 40-year-old maintenance intensive dwelling consisted of an in-law apartment, an in-ground swimming pool that overlooked the lake where we had beach rights and a boat dock. The home was a great choice for two people to raise a family although the demands of single motherhood were not conducive to continuing with our former lifestyle four years post divorce. The competing demands of motherhood, property maintenance, career transitioning, rental property management, and related expenses continued to intensify. Our home was truly a great home, but not a great home for us.

After enduring the Mother's Day Floods of 2006, I realized it was time to make a change to downsize from the former marital home in Hampstead, New Hampshire and relocate to Gilford, New Hampshire to return to the workforce part time at the Southern New Hampshire University center in Gilford as an adjunct faculty member. Once the downsizing was complete, I would be able to enroll in and complete a Ph.D. program at Nova Southeastern University to get a Ph.D. in Conflict Analysis and Resolution. Embarking on the journey required the restructuring of our day-to-day life and freedom from the demands of the responsibilities I amassed or there would be no Ph.D. and no

time for returning to the workforce until the housing and real estate issues were alleviated.

During July of 2007 and in accordance with New Hampshire statute, I notified my former spouse that the children and I would be relocating to Gilford, NH, 65 miles away from Hampstead, NH. The relocation would not change the amount of time the father spent with the children because they were with their father every other weekend and one weeknight visit for a few hours in accordance with the Permanent Stipulations from our divorce. I bought a beautiful three-year-old single-family home in a zero effort community in Gilford, NH within proximity to everything the children and a single mother would need for half the price of housing in Hampstead, NH. The condominium fees included snow plowing, shoveling, lawn maintenance and landscaping which meant I would spend less time on property maintenance and more time meeting the needs of our children. At the time of the anticipated relocation, I had enough cash and assets to sustain the transition, not work outside the home for four and a half years, pay cash for and pursue a Ph.D. My former spouse and I spent vacations in Gilford, NH at Lake Winnepesaukee since we were dating, the children since birth. Unfortunately, my former spouse exercised his right under New Hampshire statute, NH RSA 461-A:12, Relocation of a Residence of a Child to request a court hearing on the relocation issue.

The father initiated court action with no regard for the fact that the court battle he launched was far worse and more devastating for the children than any adjustment to relocating that likely would have lasted a few months. During the pendency of the relocation matter, more than 36 motions and objections were filed. From July of 2007

until July of 2008, court orders were issued on at least 11 different occasions. The court docket sheet for that timeframe contains more than 100 entries. Almost *eleven months* went by from the time I provided the father with notice of intent to relocate until June 5, 2008 when the court issued an order precluding my relocation of the minor children's residence that was 10 pages long. The judge's order is based on some false pretenses, particularly his reliance on long distance, out of state relocation case law which addresses relocations imposing a substantial impact on a child's time with their non-custodial parent and in our case it would not.

The remedy for this negative outcome is to appeal the order to the New Hampshire Supreme Court. I was advised by a couple of attorneys not to waste my time or money on an appeal because the New Hampshire Supreme Court was very unlikely to accept the appeal once I paid to have the paperwork prepared and submitted. The consensus was if the appeal was accepted, the decision was unlikely to be overturned because the issues in question were discretionary and the judge has broad discretion in family matters.

### **Systemic Violence**

Themes one, two and three are present during the pendency of relocation matter during which conflict widened and escalated causing our family to suffer a substantial amount of harm due to structural, cultural and direct violence. The New Hampshire family court system is designed to cause harm by preventing people from being able to meet their basic needs. This deprivation phenomenon is widely unknown and therefore condoned by culture. Structural and cultural violence support the application of direct



violence by judges upon litigants. The direct violence is related to structural violence and justified by cultural violence. Judicial abuse is enabled by judicial power, which is abused legitimately in New Hampshire court family matters causing us to be in an oppressed condition.

Portions of the judge's decision are not supported by findings of fact, actual facts, or evidence and imposed negative outcomes that were beyond my control. I was obliged to abide by the judge's orders whether they made sense or not, whether they were feasible or not. In New Hampshire, post divorce Supreme Court appeals regarding family matters are seldom accepted which enables direct violence and related undesirable outcomes to prevail without remedy. Judicial power is effectively absolute, causing harm in the form of direct violence and needs to be addressed as a matter of public policy.

### **Public Policy**

Themes four and five relate to public policy and encompass judicial discretion, oppression, dominance, and control, all of which are present in the relocation matter. The major public policy issues in the relocation matter are New Hampshire 461-A:12, Relocation of a Residence of a Child, which is the statute governing relocation and entitles a parent to request a court hearing if they oppose the relocation of children with their other parent. The father's entitlement to a court hearing due to my relocation notice turned into intractable conflict and many more hearings, which makes this a matter of public policy. The New Hampshire family court interferes with the rights and responsibilities of divorced and unmarried parents but not married parents. The court

orders use language stating 'the court finds', yet the judge makes judicial decisions not 'the court'.

Public policy puts parents into the position of needing permission from the court to relocate if one parent disagrees. Public policy is a leverage point within the system that needs to be addressed so parents in New Hampshire no longer need to fight the state or get permission to provide for their children in the manner they see fit. I worked with a state representative to get the statute revised by including a radius within which parents would not be entitled to a court hearing. It was voted "Inexpedient to Legislate" and no change was implemented. From a public policy standpoint, this is an issue of social concern.

### **Impact on Parents, Children, and Culture**

Themes six, seven and eight focus on the impact of the judicial decision-making process on parents, children, and culture. Marginalization, socioeconomic disadvantage, deprivation, jeopardized welfare of parents and children began to emerge during the relocation matter. Conflict escalated as the judge's order precluding relocation did not take important aspects of our reality into consideration and was contrary to the GAL report. The judicial decision-making process derailed my financial plan and my return to the workforce putting our welfare in jeopardy while imposing adverse childhood experiences upon our children.

**Jeopardized welfare.** The theme of jeopardizing our welfare emerged, as I needed to wait and see if the judge would give me permission to meet our needs. The judge denied me the ability to provide basic needs for me and the children in the manner

most conducive to our lifestyle and my financial plan. I was denied the opportunity to cut my mortgage payments in half yet in the judge's order he blamed me for increasing my mortgage payments because I bought the house in Gilford, NH. The judge used the fact my Hampstead house did not sell as a reason to deny the relocation, yet I was not at liberty to sell it because there was no comparable suitable housing in Hampstead for us to live in, whether he believed it or not. Therefore, if I sold the house I would be violating the judge's order to remain in Hampstead and keep the children in Hampstead schools while the matter was pending. In the final order, the judge ordered the children were to remain in Hampstead schools and I was to remain the primary parent. This meant I was ordered to stay in the home I needed to sell so I could downsize. This also meant I was ordered to live in the town of Hampstead because the children would not be allowed to attend Hampstead schools unless we resided in Hampstead, NH per the Hampstead School District policy. The judge's order precluding relocation began the process of marginalization, socioeconomic disadvantage, imposed deprivation, and jeopardized our welfare. The court order created scarcity; scarcity of the resources we needed to exist including food, clothing, shelter and the financial means to meet our needs which caused the further escalation of conflict which is harmful to children.

**Reality denied.** The judge denied reality resulting in our reality being denied. The judge's order stated the evidence established I did not pursue work in real estate or as a teacher in southern New Hampshire, yet I did not know I was supposed to pursue work in those fields and establish evidence of such effort until the judge issued his order. I was not qualified or certified to be employed in either field. The pay in those professions did

not support cost of affordable suitable housing in southern New Hampshire and was inconsistent with my career and financial goals. Reality denial was marginalizing, jeopardized our welfare, and imposed economic disadvantage. Denying reality had a negative impact on our family.

The judge also ignored evidence of time the father spent with our children. The judge assumed geographical location of parents helped children, ignoring factual evidence of actual time the father spent with children, instead favoring his own thoughts we should not move because it is better for the children to know both parents are nearby. The judge ignored the fact I had no family nearby and limited access to maternal family, favoring paternal family for father who was with the children 20% of the time. The judge was not persuaded by evidence of no suitable downsized housing in the Hampstead area; Hampstead Code Enforcement officer's testimony and real estate listings were disregarded. Living outside of the town of Hampstead was not an option, per the judge's order the children needed to remain in Hampstead schools. The judge had absolute power and authority to make my life decisions with no regard for reality and without accountability.

The judge granted my proposed findings of fact excepting a few line items, issued with a 10-page order stating if his order conflicted with his findings of fact then his order was what ruled. The disclaimer acknowledges some facts were ignored and implies the judge ignored or overruled his own findings of fact granted in his order. The judge ordered me to provide for our children in manner inconsistent with their needs, my values, beliefs, qualifications, and ambitions all of which were irrelevant. The reality is I

was not free to pursue opportunity and I was denied my right to self-determination; the judge made decisions and I was expected to follow through with his decisions which when reality tested, failed. Inaccuracies on the record became facts in the file. Fact or fiction, the truth becomes what the judge writes.

The judge's order precluding relocation put me in double binds after the fact leaving me unable to prevent any of the conditions the judge created for me. The uncertainty and delays in the judicial decision-making process stagnated the growth of me and the children leaving our potential unexpressed. The judge's order stated that the children's attendance at Friday night pizza parties or impromptu get-togethers with their father's extended family would certainly be reduced and was a factor to consider. This part of the order puts a greater emphasis on children spending time with their father's extended family than for their well-being and food, clothing, and shelter when they were with their mother more than 80% of their lives. The truth is the children only saw their father's extended family when they were with him, every other weekend and one night a week. The judge also had no regard for how his order would affect the mother and children's time with the mother's family in the Gilford area. Pizza parties with the father took priority over food, clothing, and shelter for children when they were with their mother. The judge's flawed logic and favoritism of the father shed light on the possibility of questionable practices in our matter.

### **Ethical Issues and Questionable Practices**

Themes nine, ten and eleven address ethical issues, and questionable practices inherent within the data. The findings indicate the New Hampshire family court provides

a forum for and facilitates domestic violence. The process of judicial decision-making includes many delays which can be exacerbated by the actions of judges, attorneys and litigants leading to uncertainty, stagnated growth and unexpressed potential. While delays are inherent within the process questionable practices can cause further delays and jeopardize the integrity of the judicial decision-making process. Several examples of questionable practices exist within the data.

**Evidence ignored.** Extensive evidence in our matter was ignored due to the judge's discretion. Evidence of my attempts to get my ex-husband to attend mediation, the judge's own findings of fact, the testimony of the GAL the judge appointed, the SNHU Gilford center director and the Hampstead Code Enforcement officer was ignored or disregarded. Prior to the initial hearing, I filed a motion to dismiss requesting the judge send us to mediation as part of the requested relief. The judge did not mention the requested relief in his orders and he did not send us to mediation. Instead, eleven months later in his order precluding relocation the judge blamed both parents for their inability to communicate with one another stating as a result the decision on relocation is left in the hands of the court. If we went to mediation and resolved the matter, it would no longer be in the court and the judge would not have control over our case. Judicial pay in New Hampshire is in part based on caseload.

Despite his appointment of the GAL with extensive experience, the judge ignored the GAL's consistent recommendations that the children and I be allowed to relocate to Gilford, NH on three separate occasions. Upon denying the relocation, the judge relied on information that was not true and not substantiated by the GAL. The judge considered

the father' extended family relationships stating the father has extended family in the Hampstead area, noting the children saw them on a regular basis including Friday night pizza parties. The judge ignored that the children only saw their father every other weekend and three hours Monday evenings; this meant their attendance at pizza parties would not change. Ignoring this evidence established that the children's time at impromptu gatherings and pizza parties every other Friday night was more important than stability with food, clothing, and shelter 80% of the time when children were with their mother. This made no sense.

The judge ordered I could work towards my employment and downsizing goals without having to relocate the children to Gilford, denying my relocation because at the time I only had one course to teach in Gilford, NH. I set myself up without the *need* to teach *any* courses for four and a half years after moving to Gilford, NH. The judge disregarded the testimony of the Southern New Hampshire University Gilford center director stating I would be offered additional courses as they became available.

**Double binds.** The judge put me in a double bind ordering me to remain the primary parent, keep our children in the Hampstead school system, and downsize in the Hampstead area with no regard for the fact I needed to remain in the town of Hampstead for the children to qualify for enrollment in the Hampstead school system. I was ordered to remain the primary parent yet denied and deprived the financial resources to provide for us. The judge also disregarded the Hampstead Code Enforcement Officer's testimony about the lack of three bedroom condominiums in Hampstead. The order states I failed to establish the lack of affordable suitable housing in Hampstead, yet I was in court because

I established the lack of Hampstead housing possibilities, determining the need for relocation long before the matter entered the court.

**Process delays.** The court process spanned almost one year. I waited two months for the relocation decision, incurred additional expenses, and was ultimately prevented from reducing my expenses in accordance with my financial plan. The judge derailed my financial plan and then he blamed me for my financial position even though he blocked me from decreasing my expenses. The judge would not let me complete downsizing by relocating, then blamed me for the financial situation I was in for buying the house I would downsize to as a financial solution. In the end, the judge blamed me for the situation he ordered me into after prolonging the matter for 11 months.

From a comparative standpoint, questionable practices and ethical issues in the relocation matter were low compared to the Stalking, Alienation, Child Support, and Custody Battle segments. Despite the minimal presence of questionable practices, there were indications something was amiss. In retrospect, it appears as though it was in the best interest of the problem solvers to have repeat business. Ordering an unstable environment was the first step in destabilizing our environment to justify the court time to follow, the order precluding relocation became the foundation for future court battles. If the judge included provisions in his order empowering me and the father work together to keep us out of court, we would not be patronizing the court, which is not in the judge's best interest.



## Stalking

### Background

On July 10, 2008, I sent the father email to let him know we would be in Gilford for the summer. The next day the father filed a motion for contempt alleging I relocated to Gilford, NH with our children in violation of the judge's order. The father filed his motion barely a month after the judge denied my necessary relocation and one year to the day from the his filing to halt our relocation. The father stated:

by order of the court dated June 9, 2008 the court denied the Mother's request to relocate the children's residence to Gilford and that notwithstanding the clear terms of the order the Mother has rented out the former marital home in Hampstead and moved the children to the new home in Gilford, NH in a clear violation of the Court's order (Index #145).

The father also told the judge I no longer had a residence in Hampstead and the children may no longer qualify to attend school in Hampstead, NH. The children's attendance at Hampstead schools was one of the reasons the court denied my 'request' to relocate the children's residence to Gilford, NH. The father wanted the judge to order me to immediately return the children to a residence in Hampstead and to fine me \$25 for each day I kept the children in Gilford, alleging I was acting contrary to the judge's order.

The father was without knowledge regarding whether or not I violated the judge's order precluding relocating nor did he ask. He did not attempt to seek assent prior to filing in court and he did not mention additional living space in the former marital home including the in-law apartment or the suite adjacent to the pool. I rented out the upstairs

portion of my home and began occupying the in-law apartment and suite adjacent to the pool upon the advice of my financial planner to prevent me from losing the home to foreclosure. I still owned the home and the children were still enrolled in Hampstead schools, nothing changed. Our altered living arrangement did require movers as I cleaned out upstairs, occupied downstairs and moved the rest of our belongings to basement storage with the exception of what we would use in Gilford during the summer until the house was rented in the fall. We were in Gilford for the summer and the father knew our whereabouts yet the conflict continued to escalate. A hearing was conducted and the judge issued an order stating if I did not confirm Hampstead residency as ordered the parents shall have approximately equal residential responsibility for the children. My attorney filed a motion to reconsider informing the judge that a shared parenting arrangement between two parents who cannot communicate, cooperate or in any manner share consistent parenting styles, would most likely cause our children to suffer harm. The motion to reconsider also noted one of the children was already experiencing physical symptoms because of additional time with the father. The judge denied the motion and the court record was becoming misconstrued. Our actual and legal residence did not change from Hampstead to Gilford yet I needed to prove I re-established a residence I never 'unestablished'. If the judge chose not to believe the truth and evidence, my children would be harmed.

At the end of August, the children and I left Gilford and returned to the Hampstead house so they could start school in Hampstead as planned and court ordered. Returning to the house was not a very good time for us. We occupied the ground level

that included a large family room off the in-ground swimming pool, a laundry room, and a full bathroom. There was also an in-law apartment adjacent to the family room one-half level upstairs. It was very choppy space to live in and the children were very upset about people living upstairs in the main living quarters of our home where we previously lived. We went from a gourmet kitchen upstairs to an apartment sized stove on the first floor in a galley kitchen that was too small for a kitchen table. One of the children's bedrooms was on the other side of the galley kitchen in what once was a family room before it was divided in half to make the in-law apartment long before we bought the home. The other child slept in the family room adjacent to the pool. While the setup was less than ideal, I was happy we had a roof over our heads and confident it was only temporary; confident the judge would realize his mistakes and undo them. Above all, we were safe. Or, so I thought.

When the children returned to school, their father suddenly changed his walk route and began to walk by our house every night. I happened to be at the door the first night; I saw my ex-husband approach our home and he sneered at me as he walked by. The next day the father was walking just south of our street heading toward the street where he lives. Around the same time I received an email from the father stating he wanted to make 'araignments to take him' (our son), an email which was insidious and very scary. The father also sent USPS mail during the same timeframe and wrote "Do Not Forward, Address Correction Requested" on the envelope in an attempt to gather evidence to prove I violated the judge's order precluding relocation for submission at the upcoming hearing. Obviously I lived at the same address, I received the father's mail.

I observed the father walking by our home almost every night for several weeks. The father's behavior seemed like dominance, control, and obsession with my whereabouts. The father's change of behavior was during September, long after he filed his motion for contempt in July. I was not sure why the father was walking by so frequently. He lived 7/10 of a mile away but I only saw him walk by the house a few times in all the years we were divorced. My tenant was also concerned about the father's odd behavior, particularly when the father would stop in front of our home and stare towards it with mean facial expressions, shaking clenched fists. The tenant told me the father's behavior was creepy and scary to him, his wife, and child and I had better do something about it, or *he* would. At that point I connected with my domestic violence advocates and learned the father's sudden change of behavior was of huge concern and not to be taken lightly. I was being stalked. In conjunction with advice from my domestic violence advocate from A Safe Place, I filed a Stalking Petition that was granted at the Plaistow District Court. It was the last thing I wanted to do, I just wanted to get on with my life.

I remember thinking the father overreacted by filing the motion for contempt alleging I violated the order precluding relocation when he knew we were in Gilford for the summer, then panicked when he had no evidence because his allegations were not true. Besides the fact the behavior was creepy and dangerous I became afraid of what he was doing, why he was walking by and what he would do next. Suddenly I realized we were living in a fishbowl, exactly where the father wanted us to live, essentially where he got the judge to order us to live. This was upsetting and immobilizing. It got to the point

where we did not sleep in the Hampstead house every night. The children wanted no part of the 'shadow of their former lives', instead insisting upon sleeping in the Gilford house or at my sister's house in Boxford, Massachusetts. In addition to frightening the tenants, and me the father's behavior was also frightening the children.

Opposing counsel wrote a letter to the court clerk (not a motion in accordance with protocol) to request a show cause hearing regarding the motion for contempt alleging I violated the order precluding relocation. The judge issued an order granting father's request and conducted a show cause hearing. The judge found as fact the father was unable to understand what the children want and need during the relocation matter, yet the judge was acquiescing to the father's requests. My attorney filed an expedited motion for compliance with family division rules noting the father was stalking me through the court and informed the judge I have no idea what is alleged and cannot defend against a mere request for show cause hearing. The judge denied the motion and ordered a show cause hearing.

The final hearing on the stalking petition was conducted and the Administrative Office of the Court sent the same judge from our family matter to the district court to preside over the hearing. The judge noted that the father admitted walking by my house in September and October but that he had a legitimate purpose for his actions. The judge stated the defendant was obtaining information used in a hearing on October 28, 2008 in the Brentwood Family Division resulting in a finding of contempt against me that related to my residence with our children, which arose from an order prohibiting me from relocating the children's residence. He further stated the other evidence of stalking

relating to emails and text messages were not a course of conduct targeted at me that would cause a reasonable person to fear for personal safety or where the defendant knew he would place me in fear of my safety. The judge's order established that my domestic violence advocates, my tenant and me were not reasonable people.

Once again, my attorney filed a motion for reconsideration, highlighting that by dismissing the stalking petition the court legitimized stalking in any instance where there has been a family matter, whether pending or closed. The ruling also legitimized stalking if the purpose is to obtain a finding of contempt against the other party so the motion for reconsideration challenged the judge's decision under the premise the legislature did not intend this result when incorporating "lawful purpose" into the statute. It was noted my testimony and evidence submitted during the hearing clearly discredited the finding of contempt in the family matter and the defendant's testimony in the stalking matter clearly misconstrued evidence presented in the family matter. In the motion to reconsider, a case that found a private investigator stalking a person is not a "lawful purpose" by the mere fact of his position of a private investigator was referenced. This argument was used to show the parallel between that case and stalking your ex-spouse to prove contempt in that it is not a "lawful purpose". My attorney, a domestic violence trainer for the state of New Hampshire, informed the judge his ruling incites high conflict, continued intimidation, abuse, and legitimized stalking through the court. The judge denied the motion for reconsideration on March 30, 2009. The order was appealed and accepted by the New Hampshire Supreme Court because it was a mandatory appeal, which meant it is mandatory for the court to accept and review it. The New Hampshire Supreme Court

affirmed the judge's decision, setting the precedent it is legal for the stalker to determine whether the stalker's own purpose for stalking is lawful.

During the show cause hearing my attorney mentioned my Certified Financial Planner with whom the judge had an external business relationship. We wanted to call him as a witness but did not because the concern was the judge would need to recuse himself and we did not want this matter to be prolonged any further with delayed proceedings. The judge denied a subsequent motion for judicial recusal. The father submitted a calendar he prepared as evidence documenting the dates he walked by to monitor our whereabouts. The father's calendar was inaccurate.

The judge mentioned my testimony about renting out my residence in Hampstead, noting I lived in the former marital home and that the children and I lived in Gilford, NH for the summer. He further noted my intention to resume residence in Hampstead so the children would continue to attend the Hampstead schools in the 2008-2009 school year. The judge then stated he took into consideration the testimony and evidence submitted at the July 22, 2008 hearing and the offers of proof presented at the hearing on October 28, 2008. Citing he reviewed his notes of the July 22, 2008 hearing, the judge noted my testimony that we were only in Gilford for the summer and I still had items for the children and me in the Hampstead house. He also stated my testimony pertinent to renting out the Hampstead house. There were no set terms of the rental because I was required to have the children back in Hampstead schools for the beginning of the 2008–2009 school year. The judge also noted my testimony about going back to Hampstead but I had no specific date knowing the drop-dead date was the first day of school. He

stated the evidence presented at the October 28, 2008 hearing established I actually rented out the Hampstead house on a one-year lease and I only retained for my own use a one-bedroom apartment in the house. He also stated the evidence established for the months of September and October the children and I were occupying three different living units, the one bedroom apartment connected to the Hampstead house, the Gilford condominium, and the home of my sister in Boxford Massachusetts.

The judge further excluded the days the children spent with their father in Hampstead during the month of September. The judge stated the children spent seven days in Hampstead, twelve days in Gilford and six days in Boxford in September. The judge further stated we spent one day in Hampstead during the month of October, one day in Hampstead, eight days in Gilford and eleven days in Boxford again excluding the days the children spent in Hampstead with their father. My cell phone records indicated we were in Hampstead almost every day during the September and October timeframe. I knew I was being stalked because I was in my Hampstead house when the father walked by. Based on this evidence and lack thereof, the judge found I was in contempt of the order dated June 5, 2008, which precluded me from relocating the children's residence from Hampstead to Gilford, NH. The judge's rationale was the intent of the court order was to maintain the legal and actual residence of the children in Hampstead so they would continue to be able to attend the Hampstead public schools and be able to maintain close contact with their father (*although they did not have it*) who lived a short distance from the former marital home. The judge reiterated it was important for the two children to have easy and frequent contact with both parents, the arrangement of the mother and



father only living half a mile apart appeared to substantially contribute to the children's well-being and my shuffling of the two children between Hampstead, Gilford and Boxford over the first months of school demonstrated I failed to comply with the court's order of June 5, 2008 precluding relocation. He also said maintaining a one-bedroom apartment in Hampstead and having the children spend the majority of the time in Gilford or Boxford including many school nights did not comply with the order of reestablishing residence in Hampstead.

*The judge found me in contempt of his order precluding relocation when I was not.*

The judge's order caused the GAL to file the following motion (See Appendix E):

#### **Motion by the GAL to Withdraw**

This motion is to request the court to allow this GAL to withdraw from the above-entitled case. Due to multiple ethical problems during the course of this case, this GAL does not wish to be further associated with this case as it poses insurmountable problems for this GAL from a professional perspective. Perhaps a successor GAL may be able to better advise the court in this case.

Wherefore, the GAL, Nathan Weeks asks that the court allow the withdrawal of this GAL in the above entitled case.

*The GAL gave me an original signed copy of his motion and told me to hold onto it because I may need it. Perplexed about what he meant I asked him what he meant by 'I may need it' and he told me I would know when the time is right. While the time is right, I did not think it would take more than nine years for the time to be right.*

When the judge granted the GAL's motion without comment, I realized conflict was unlikely to stop. Initially I thought I was in a justice system and I began to realize I was not.

### **Systemic Violence**

Themes one, two and three became more obvious during the stalking matter. The withdrawal of the GAL due to multiple ethical problems during the course of this case and the lack of commentary and accompanying granting of the motion by the judge is a strong indicator of structural violence. The GAL called the judge on his mismanagement of the case in writing, on the record and the judge did not flinch. There was no need for the judge to flinch because he has broad discretion, judicial immunity, guaranteed employment until the age of seventy, a pension equating to his full time salary, other benefits and the possibility of post judicial assignments. With no accountability and no fear of repercussion, the judge can do whatever he wants to do without fear of consequences. Considering this matter from the perspective of the judge, it is easy to understand the negative implications of his orders on our family. The judge's orders appear as though he does not care about the best interest of our children and their welfare. The structure of the social system known as the New Hampshire family court is such that the judge does not need to care about the negative implications of his orders. Consequently, systemic violence is a major area of concern in this matter.

**Judicial abuse.** One of my motions to reconsider states "If this Court lets the November 5, 2008 order stand, this Court is empowering and entitling the father to continue to abuse and stalk his ex-wife.[emphasis added]". The judge denied the motion.

Through his finding of contempt of the order precluding relocation, the judge seized control of my day-to-day decision-making when the children were with me, stripping me of the ability as a mom to mitigate the damage the father and judge were causing in our day-to-day lives. There was damage to our quality of life when we had to live in the substandard part of the house so I would not lose it to foreclosure due to direct violence applied by the judge.

**Judicial power.** Judicial power imposed a negative impact on our family. All the logic, reason, and evidence pertinent to meeting our basic needs fell on deaf ears when explained to the judge. The father's battering continued to escalate through the court, aided and abetted by the judge, despite actual facts and evidence I presented. I only realized the order precluding relocation meant we had to sleep in Hampstead every night after the finding of contempt. I was in contempt of court due to my day-to-day decision-making, based on where we spent our time.

**Harm.** The judge's orders were contrary to the children's best interest. He was advised accordingly and continued issuing orders contrary to the children's best interest, causing them harm. The judge continued to blame me and punish me for his own detrimental behavior, causing our children further harm. Broad discretion in this matter equated to direct violence and the judicial abuse of children within the judicial decision-making process. The judge's decisions were harmful to the parents and children, preventing them from meeting their basic needs. The harm, injustice, and judicial abuse, which negatively affected our family due to judicial power, are serious matters of public policy that need to be addressed.

## **Public Policy**

Current law presumes shared parenting works well. For children whose parents are able to resolve differences without court intervention the presumption is reasonable. Conversely, the children of parents who cannot work together are at risk of harm under this presumption. While judges are expected to recognize and prevent harm, the judicial decision-making process does not guarantee this will happen. Public policy solutions need to be formulated to prevent negative outcomes for parents unable to work together to raise their children. Judicial discretion needs to be examined.

**Judicial discretion.** Another public policy issue is the issue of judicial discretion pertinent to judicial recusal. In New Hampshire, judges decide and issue orders on motions for their own recusal. The judge denied the motion for his own recusal. The discretion to decide their own recusal is a conflict of interest and affording judges the ability to decide their own recusal motions ensures that conflicts of interest will prevail. This practice also ensures matters of oppression, dominance, and control are not exposed. This aspect of public policy needs to be explored and remedied.

## **Impact on Parents, Children, and Culture**

Themes six, seven and eight became more obvious during the stalking matter than previously reported in the relocation matter. Marginalization, deprivation and the socioeconomic impact of judicial decision-making became dominant themes causing adverse childhood experiences as the judge's decisions forced us to flee three homes and live out of my SUV.

**Marginalization.** The judge's orders were causing us to become marginalized members of society, as we were no longer able to live in our homes. First, the order precluding relocation necessitated renting out the main part of our Hampstead home that commanded the highest rent. To avoid losing it and in conjunction with advice from my Certified Financial Planner we moved into the in-law apartment and the suite adjacent to the pool. Second, the implications of the father's stalking behavior legitimized by the judge in conjunction with being in the substandard part of our home caused the children to reject being there, instead they insisted upon sleeping in Gilford and commuting to school in Hampstead. Thirdly, by the judge's false finding of contempt, the home the children enjoyed as a safe haven in Gilford had to be rented abruptly to eliminate the appearance of any impropriety on my part. The children were adamant about sleeping in the Gilford house or my sister's home in Boxford, MA because spending time in the Hampstead home was traumatizing to them. While most members of society are allowed to choose and occupy adequate shelter without government interference, I was not. The nomadic lifestyle the judge forced us into was awkward and damaging to the children whose socialization with peers began to diminish.

**Deprivation.** The father convinced the judge not to allow me to do what I needed to do to provide for our basic needs and the court order precluding relocation blocked my return to the workforce. I felt like a crazy person even though I was not; I looked stressed all the time, was obsessed with how the judge's decisions were harming us, and I was compelled to change my predicament. I had to face the reality I was litigated out of three homes, both parts of my Hampstead home and the Gilford home the children

enjoyed but were not allowed to live in because it was against the law the judge custom tailored to our family in his orders.

**Conflict escalation.** Judicial decisions caused more problems and created the need for more trips to court as the disheveled lifestyle we were ordered into based on false and denied reality needed to be lived in practice. The living environment the judge afforded us was substantially less than the children were accustomed to and considerably inferior to that which I was poised to provide, causing our children trauma, which led to further conflict. Conflict escalation continued with the father's stalking behavior as in September he had no evidence for the contempt hearing he previously requested in July. To create evidence, the father walked by our house nightly and stalked us to create his stalking calendar, albeit inaccurate. The financial damage imposed upon us was causing scarcity while the court record was increasingly being misconstrued causing further misperception and more conflict. Judicial decisions validating the father's distorted facts and battering behavior fueled more conflict. The judge's refusal to believe the truth, accept, and consider my evidence furthered conflict as well. My inability to follow court orders that denied reality was beginning to show, setting the stage for more conflict. All the while my head was spinning as I tried to grasp how I, especially a single mother, was capable of owning my own homes yet I was unable to live in them.

**Adverse childhood experiences.** Court ordered excessive dominance and control was ruining our post divorce family. The judge was worse than a strict parent; he was more like an abusive parent. The court ordered relationship diminishment between the children and I continued as trust eroded. My attorney restated evidence of the father's

insistence upon parenting through the court and that my compliance with commensurate demands and court orders was harming the children in an attempt to obtain relief, but to no avail. Our children were beginning to realize the father's blocking of our move to Gilford was diminishing the quality of their lives and our time together. The son of a friend told his mother who later told me, those kids and I "live in hell". Sadly, it was just another day for us. With more questions than answers, I remember thinking *the abuse must stop*.

### **Ethical Issues and Questionable Practices**

**Domestic violence facilitation.** Judicial decision-making facilitated financial abuse jeopardizing our ability to thrive by undermining my return to the workforce. Rulings unfavorable to me are unfavorable to our children. The judge made sure children had neither their old bedrooms nor their new bedrooms under the guise it was my entire fault as he blamed and punished me and the children for not following his order to sleep in Hampstead every night, despite the fact his order did not state we had to sleep in Hampstead every night. The father somehow got the judge to transform the court order precluding relocation into an order dictating where we slept every night, unbeknown to me, then got judge to punish me and reward him for the double bind they created. We were forced by the judge to remain in a home where we were once abused and most recently, stalked. Facilitating and legitimating domestic violence, the judge's order was abusive.

**Uncertainty and unexpressed potential.** The judge was not protecting our children; his order directly endangered their welfare. The judge stripped our children of

stability with their healthy parent by depriving me of the resources to provide and care for them. It was becoming more difficult to meet the needs of the children. After being stripped of our basic needs, we were on the brink of homelessness as we lived out of my sport utility vehicle. It was difficult to maintain the children's enrollment in activities and the demands of the case were making it impossible to resume my career.

**Questionable practices.** The judge's order finding me in contempt of the order precluding relocation stated that shuffling the two children between Hampstead, Gilford and Boxford over the first months of school demonstrated I failed to comply with the court order of June 5, 2008 precluding relocation. He also stated maintaining a one-bedroom apartment in Hampstead and having the children spend the majority of the time in Gilford or Boxford including many school nights did not comply with the order of reestablishing residence in Hampstead. Now that I was found in contempt, as punishment the judge ordered the shared parenting plan into effect. The judge stated residency was not reestablished in Hampstead so the parenting plans with alternative provisions for residential time and legal residence of the children for school attendance purposes would be implemented. I was ordered to pay my ex-husband's legal fees in the amount of \$2687.50 because the judge found me in contempt of his order (when I was not). Opposing counsel's hourly rate of \$250.00 per hour was ruled to be reasonable by judge. I called the New Hampshire Bar Association and was told to be careful because the going rate for attorney fees was \$150.00 per hour in New Hampshire. What was that supposed to mean? *'Be careful'*; as if I had a choice. The woman from the bar association implied the hourly rate was questionable, the judge stated the hourly rate of



\$250.00 was reasonable. Where was the money going? The judge's ruling of the attorney's billable hours as reasonable is suspicious and questionable.

The judge falsely found me in contempt of his order precluding relocation based on provisions that were not in his order precluding relocation. The judge did not order us to be in Hampstead every night, yet punished the children and me for failing to do what he did not order us to do. Ordering parents and children to sleep in a specific home every night is a very questionable and oppressive practice. The judge used our children in an attempt to control my behavior, changing residential responsibility to punish me for his misperception that I did not comply with his order precluding relocation. This is contrary to the best interest of the children and validating of the father's bad behavior. My attorney filed a motion to reconsider due to failure to follow family division rules, which she stated, put me at a disadvantage to defend myself yet again from attacks by the father the court seemed to support and encourage by failing to follow New Hampshire Family Division rules. The motion also noted the judge's failure to immediately recuse himself in violation of Canon 4 of the Code of Judicial Conduct. The judge denied the motion for reconsideration.

**Maladministration.** The judge repeatedly attacked, blamed, and punished the children and me for situations of impossibility, some of which the judge created. The judge falsely found me in contempt for not reestablishing a residence I never unestablished. The judge found me in contempt of provisions of an order that did not exist. The judge's finding of contempt set the precedent we needed to sleep in our

Hampstead house every night. The judge's maladministration resulted in gross injustice for our family.

**Ethical questions.** The GAL's motion to withdraw due to multiple ethical problems associated with the case was granted without formal objection by either party and without explanation by the judge. The withdrawal of the GAL due ethical problems and the judge's subsequent silence is alarming. More disturbing is the fact the judge subsequently appointed a GAL whose practice was located in the same town as his own practice. The withdrawn GAL told me we would be indigent by the time the court sorted this out and he and wanted no part of it. While this was upsetting, I understood; the GAL knew our case was hijacked. My attorney could not believe they were doing this, at which point she told me the judge does not like me and I had better get a job even if it is selling shoes or else he will take my children away from me to punish me. When I reacted in disbelief telling her he could not do that, she informed me he has the broadest discretion and he can do whatever he wants to do.

**Jeopardized integrity of process.** The aforementioned themes and excerpts from the data present a sobering glimpse into the inner workings of the New Hampshire family court and the jeopardized integrity of the judicial decision-making process.

*My domestic violence advocate observed the judge and opposing counsel having lunch together at a local restaurant. Shortly thereafter my attorney, the GAL and a couple of others suggested I investigate the relationship between opposing counsel and the judge. On February 16, 2009 a counselor for one of the children said "the conflict needs to stop immediately". Although I agreed the conflict needed to stop, I was*

*powerless to stop it and given my advocate's observation I began to realize the conflict was unlikely to stop. This made me think back to the "multiple ethical problems" with the case noted by the GAL as the reason for withdrawing from our case.*

## **Alienation**

### **Background**

The judge appointed another GAL who happened to have a legal practice in the same town as the judge's practice and in which the judge also resided. The appointment of this GAL was shocking in light of the previous GAL's departure amid unrefuted allegations of multiple ethical problems during the course of this case. By this time, it was predictable the new GAL would likely advise the court in a manner consistent with the best interest of himself, the judge and opposing counsel, and that the conflict was likely to continue. Next, the father filed a motion for a show cause hearing due to my non-payment of his attorney fees. I owed him \$2375.00 because of the contempt finding against me, even though I was not in contempt. He was proposing the court give me seven days to pay in full or a capias for my arrest to be issued and for an immediate court hearing to be conducted. The judge scheduled the motion to be heard at the final hearing.

On June 8, 2009, the GAL filed a motion to suspend my parenting time with one of our children. The GAL alleged the child was having a difficult time when spending time with me and asked not to be required to spend time with me temporarily. The GAL went as far as to state our child asked to begin the suspension on a specific date. The motion stated the child's counselor would support the recommendation. This same counselor previously said she would support whatever the court says because she does

not want to go against the court. The father filed a motion to join the GAL's parenting time suspension motion stating it was in the best interest of our child for all contact to be suspended for the time being. Objections to these motions were filed noting that in accordance with RSA 461-A:3 the court must presume frequent and continuing contact between each child and both parents is in the best interest of the minor child. The GAL did not allege abuse by me as defined in the domestic violence statute nor was there any abuse on my behalf that was harmful to the child. The objection stated I was neither arrested nor convicted of any crime, did not pursue any illegal activities or abuse the child physically or psychologically and did not engage in any other activity that would warrant the suspension of my parenting time with the child.

The GAL stated the child felt caught in the middle and was having a very difficult time connecting with me. The GAL also believed trust between me and the child was severely damaged because of the environment in which the child was placed with me (the environment the judge ordered us to remain in), primarily arising from the relocation battle between the father and me. The GAL kept referring to the 'divorce conflict', even though it was not. The conflict was family conflict caused by the judge. The judge's orders did not allow me to make the decisions I needed to make to provide for our children in support of their basic and emotional needs. The GAL's frequent references to the 'divorce conflict' appeared crafted to deflect attention away from the bad behavior he and the problem solvers engaged in to keep the matter in court. In the GAL's response, he stated several times what the evidence showed but did not provide any evidence. He stated I was placing the child in the divorce conflict and when the child was with me I

was not positive which resulted in continuing and escalating conflict. The judge approved a GAL bill from June 18, 2009 to exceed the cap and approve the payment of outstanding GAL fees for \$1797.09.

*The conflict escalated because the judge's orders facilitated and promoted the escalation of conflict; paid for by the parents and at the expense of our children.*

The hearing was conducted on June 19, 2009 and 10 days later the judge issued the father's proposed order with some handwritten notes at the bottom. Effective forthwith my parenting time with our child was suspended and the father was awarded primary residential responsibility and sole decision making for the child. The order further stated the child shall continue in counseling with the present counselor, each party shall continue to cooperate with the counselor and the GAL was to address the child's relationship with me. The order also stated parenting time between the child and me shall not resume until recommended by *both* the GAL and the child's counselor or until the child requests it. Phone, email, and written communication were allowed to continue and I was told I may attend any of the child's activities. The judge also stated neither party shall discuss the pending matter with or provide any pleadings or related documents to the minor children. The order stated the GAL's appointment was to continue. This meant the government would be monitoring the relationship between our child and me.

The judge awarded the father whom he previously found as fact to be unable to understand what the children want and need, sole decision-making for the child. No holidays, no birthdays, no family vacations, no Christmas, no religious events, no school

vacations, not even supervised visitation. The judge completely suspended the child's time with the mother and effectively removed the mother from the child's life.

The judge ordered me to pay \$50.00 a month in child support, which was the minimum, based on my financial affidavit and the fact I was out of the workforce due to my childcare responsibilities. He also ordered me to use all reasonable efforts to seek gainful employment noting there would be a child support review at the next hearing. At the next hearing, the judge stated the goal was to reunite us as soon as possible and to attempt to start the process of redeveloping trust between our child and me. The judge reaffirmed his previous order, parenting time between me and our child remained suspended and was not to resume until recommended by *both* the GAL and the child's counselor or until the child requested it. In the meantime, I was allowed to call, email and write to my child and attend any of the child's activities. The judge ordered the clerk's office to schedule a further review hearing in ninety days to review the progress regarding resuming parenting time between the child and me and to review the Uniform Support Order.

*I was not going there with those two (the GAL and counselor). I knew what they were up to and was not up for widening and prolonging the conflict. I did nothing to repair the relationship with our child as ordered because I realized the antics of the judge, GAL, counselor and opposing counsel would only serve to further traumatize the child. I had faith this would resolve itself without their drama. It was becoming clear the escalation, widening and manufacture of ongoing conflict was to benefit of those in the system.*

A motion to disqualify the GAL was filed because as of the date of the court's order appointing the GAL, the GAL was not certified with the Brentwood family court clerk's office, the Rockingham County Superior court or by the GAL board. His certification expired during May of 2008, more than one year prior to the proceedings. I informed the judge the GAL's original certification was issued during May 2005 and the GAL did not participate in the new recertification classes that contained new subject matter about domestic violence, psychological conditions, stalking and other relevant issues applicable in our matter that were not part of the previous curriculum. Due to the fact these issues were at the forefront of our case I believed the GAL should not act as a GAL in our matter and that he should be removed immediately. The motion also informed the judge the GAL's lack of subject matter training in the new curriculum would have an adverse impact on his recommendations, was very prejudicial, harmful, and damaging to my position in this matter. The motion stated in accordance with statute, court rules and the New Hampshire Supreme Court's standards I was entitled by law to have a certified GAL appointed to serve in this matter. The father objected to my motion, which was denied by the judge.

Once the judge established I was in violation of the court's order precluding relocation by finding of contempt the door was open for the father to file a motion to modify residential responsibility so the children could live with him. The father filed the motion alleging their continued placement with me was harmful to them. My attorney filed an objection to the father's motion to modify residential responsibility informing the judge the father's insistence upon parenting through the court was causing our children to

receive scraps for parents who were corresponding via email. The motion informed the judge the father did not want to solve problems; he wanted to win.

A motion to examine the dynamic of the high conflict case as it relates to the best interest of the children was filed along with a motion for summary judgment. The motion detailed the high conflict behavior of the father in our legal dispute explaining the issues are not the issues; the father's high conflict personality is the issue driving our case. The motion was based on advice I received directly from a high conflict personality expert who told me I needed to point out the high conflict person's pattern of attack and blame to the judge. The motion explained the father's own inner turmoil during the course of the case since July of 2007 frequently caused him to act out in the court through his attorney to *imply* factual events. In reality, the father was creating emotional facts, formed in his mind with no basis in reality. The father's perception of facts was not actual facts supported by real evidence. The father's repeated victories in court based on his misconstrued evidence presented to the court were encouraging him to have confidence in his validated but distorted thinking and to repeat the cycle of attack and blame.

The father's attack and blame accompanied requests for the judge to punish me and some of the father's requested sanctions also punished our children. In the motion the judge was asked to consider the dynamic of the conflict and "release the mother and children; allow the mother to live and work with the pay she can earn supports the cost of suitable, affordable housing for her and the children" and to restore our agreed upon parenting plan. The expert informed me if I did all I could to point out the high conflict



person's pattern of attack and blame to the judge and the matter persisted then there must be something *else* going on with my case. The judge refused to release us and denied the motion to examine the dynamic of the high conflict case as it relates to the best interest of the children.

The judge's order stated it appeared as though I was attempting to supplement evidence presented at the hearing without basis and my requested relief was previously denied in the order precluding relocation over year ago which was not before the court for ruling. In the December 15, 2009 order, the father was awarded attorney fees and his attorney submitted an affidavit totaling \$750.00. The father wanted the judge to order my payment within thirty days due to my 'bad faith' filing of the motion for summary judgment. If I did not pay within thirty days, the father wanted the judge to schedule a show cause hearing.

*By this time I realized they were holding my children for ransom which in this instance was more billable hours and court time. Based on our family history they knew I would do whatever it takes to keep our children safe and they were banking on my participation to 'fight' to get the children back home safely, whatever 'home' may be. In a bold and difficult attempt at nonviolent resistance I decided to stop playing their game.*

The judge stated no more review hearings on parenting time would be scheduled until a request was made with an affidavit setting forth evidence of my participation in the child's counseling sessions and noted the clerk's office was scheduling a further hearing on all other pending motions. The GAL did not need to attend because parenting

issues would not be addressed. All I could do was sit back and wait for the new parenting arrangement to implode.

*I am glad the judge got my message: When there are no players, the game is over.*

The judge issued a parenting plan stating when our other child is in my care we shall not spend school nights in any location outside of a fifteen-mile radius from the town of Hampstead, NH. If I violated this provision, the GAL had authority to advise the court at which point an alternative parenting schedule would begin immediately without further order of the court. The alternative plan was my ex-husband would have our other child from Monday through Friday each week and I would have parenting time on alternating weekends from Friday after school or if there was no school at 8:00 AM until Sunday at 7:30 PM. The court ordered plan did not allow the child to have any vacation schedule with me. The judge noted my sister's house in Boxford, MA was considered within the radius, *even though it was more than 15 miles to her house*. We now had a sleeping radius, a special provision with the same full force and effect as law, written by the judge just for us. The government was dictating where we slept.

*The GAL was throwing fuel onto a fire and I could not stop thinking about why he would do that. Those around me were adamant that it was in the GAL's best interest to promote, escalate, and prolong conflict. I thought for sure when this new GAL came along and saw the destruction the father had convinced the court to impose he would tell the court the truth and this matter would be turned around. I am not that naïve anymore. It goes back to the first GAL filing the motion to withdraw due to multiple ethical problems associated with the case and his statement in another motion that opposing*

*counsel was causing undue delay in this matter. As I looked into this further, I learned that opposing counsel and the judge both had kids in college during this timeframe.*

*Opposing counsel and the GAL, both attorneys, do not get paid without billable hours. Our life was reduced to the best interest of those whose livelihoods depended upon billable hours. We were at the mercy of opportunistic, unscrupulous people who bilked us. The GAL filed another statement, requesting \$1603.04.*

The judge's order was issued ninety days after the September hearing. The judge's order stated I lived in the prior marital home in Hampstead with the children. Yet the judge found me in contempt because I failed to maintain the same children's residence in Hampstead; shuffling the two children between Hampstead, Gilford and Boxford over the first two months of the school year. He stated I maintained the in-law apartment in the former marital home in Hampstead while having the children spend a substantial portion of their time in either my Gilford property or Boxford at my sister's home, including school nights. In other words, the judge knew I did not violate his order precluding relocation.

*Either I resided in the prior marital home with the children in Hampstead or I failed to maintain the children's residence in Hampstead; not both. How can I reside in the Hampstead home with the children and fail to maintain the children's residence in Hampstead at the same time? The judge essentially admitted he caused the conflict between me and the child, stated the matter is finally decided, admits harm and therefore knows he caused harm, yet refused to do anything about it, continued to blame me despite being asked by me in multiple pleadings to consider the best interest of the children.*

Instead, the judge ruled there was clear and convincing evidence of mental and emotional harm to the child by remaining in the environment that was presently afforded when residing with me. This is the environment ordered by the judge. The GAL and the child's counselor as reported by the GAL were extremely concerned about the child not having a good relationship with his mother and noted it will take substantial work and time for trust between us to be rebuilt. It appeared as though the plan was to keep us in court for a long time.

*Substantial work and time with court oversight. The judge created his own compelling interest. The judge has the power to create circumstances to justify a punishment or create a circumstance from which he and officers of the court will benefit.*

The judge awarded the parent he found as fact was unable to understand what the children want and need sole decision-making for the child. The harm this judge imposed upon our children and me, the finances of both parties and my financial plan is pernicious, virulent, and reprehensible. It is hard to fathom a judge causing someone harm, admitting it, stating the harm caused is clear and convincing, blaming the victim, punishing the victim and their offspring and do nothing to mitigate the damage even when a remedy is put right in front of their face. At this point their court time was hard to take seriously. It felt like a scam and I refused to fall for it.

The blaze continued as the father filed a motion for contempt for my unpaid child support after his unilateral decision to stop paying his own child support. According to the motion I did not made a single payment for eight months and I was in arrears for a whopping \$400.00 in back child support. In retrospect, it probably cost him more than

\$400.00 to file the motion. The truth is I was busted flat broke. The father cut off child support without a court order allowing him to do so, all my rental properties were vacant, I had no source of income nor was I afforded the stability I needed to return to the workforce and continue restructuring my interests in accordance with my financial plan. The father requested the judge order me to pay my child support arrearage forthwith or a show cause hearing scheduled to show why I should not be incarcerated. Once again, the father had his hand out for attorney fees alleging it was my fault he was incurring the fees due to what he believed was my contemptuous blatant disregard of the court's order to pay child support.

A review hearing was conducted during February of 2010 and the judge accurately stated there was no progress despite the counselor's invitations to me in September, October, November and December of 2009 and January of 2010, noting I declined to attend. The judge also noted my attorney represented I was planning to attend the session in February 2010 which had to be rescheduled due to a conflict the child had with the date. The judge further went on to find me in contempt for nonpayment of child support because as of the date of the pleading I did not pay any child support under his order dated November 30, 2009 which stated I was to pay \$50 a month retroactive to July 2009. I was further ordered to pay \$300 in attorney's fees in connection with the motion for contempt. I informed the judge I was unable to pay and his remedy to my inability to pay was to assess me with the father's legal fees.

*This was extremely bizarre. The father stopped paying child support, no court order, unilaterally on his own and I was the one in contempt. Something was really*

*wrong here and needed to be investigated. The father was being rewarded for patronizing the system at the expense of me and our children. I called the New Hampshire Bar Association and learned the going rate for attorneys was \$150 an hour. When I informed them that I was ordered to pay fees and the attorney billed out at \$275 an hour they informed me the hourly rate was highly unusual and I should look into that.*

The judge found I had two masters' degrees, was able to work, and decided I had time to work because of the shared residential responsibilities for one of our children. He also noted I presented my application to attend Nova Southeastern University to pursue a Ph.D. in Conflict Analysis and Resolution. The judge acknowledged I presented case law indicating a parent may be entitled to a reduced child support obligation when the parent has voluntarily reduced his or her income to attend school. The judge noted the case provided the applicable child support statute *may* allow such a result but does not *require* it. The case set the precedent I would qualify for reduced child support while attending school but the judge reduced the case to a mere proposition I *may* be entitled to a reduced child support obligation. Case law is irrelevant if the judge wants it to be.

The judge ruled evidence presented in the hearing resulting in the November 30, 2009 order establishing \$40,000 per year of imputed income would be a reasonable amount based on my work and education history. During the hearing, the father asked the judge to impute me with \$40,000 worth of income alleging I chose not to be employed, testifying the \$40,000 figure was based on his girlfriend's income noting she only had a high school education and was earning \$40,000 a year. The judge imputed

one half of that amount he said I could earn but I did not, stating I voluntarily chose not to be employed and chose not to use reasonable efforts to seek employment.

*The judge impeded my return to the workforce, blamed me for being voluntarily unemployed, forced the depletion of my resources, and now he is pretending I make money. This is the part where I use my fictitious salary and imaginary money to pay child support to a man who earned in excess of \$120,000 a year, after he precluded me from doing what it took to earn an actual salary that generated cash funds so I could support myself and the children. Therefore, because the judge would not let me be self-supporting I am now granted the privilege of giving the father that which I do not have and incidentally he did not need. I wonder why the judge thinks it is in the best interest of the children to impoverish their mother, particularly in light of the fact I was and had been the only stability the children had.*

*The judge did not acknowledge our country was in the midst of a recession and seasoned professionals were unable to get jobs. That notwithstanding, I was in no position to get a job although it did not matter. I was not about getting a 'job' I was about creating them. Instead, my days were consumed with everything surrounding this case and trying to hold what little of our life was left together. I still had rental property to tend to and I was still burdened with the former marital home, which was consuming an exorbitant amount of time and money to maintain. Perhaps I had part-time residential responsibility but I did not have five consecutive days from nine to five each week to devote to the "job" the judge wanted me to get. Moreover, even if I got the job the judge wanted me to get I would not have earned the money that was needed given the structure*

*of my financial interests at that point in time. I would have needed to file bankruptcy even though I was working with my financial plan that did not call for a bankruptcy filing but the judge was pushing me that way. I got the feeling he was not going to quit until I did. I was still trying to restructure and manage my financial interests to free myself up so I could move on with my career but the judge made it harder and harder for us to exist and function with every passing day. I lacked the credentials and earning potential, which were required to maintain the status quo hence the reason I needed to downsize and relocate. The judge would not allow me to downsize and relocate. Instead, I was trapped in an untenable situation the judge would not let me out of, the whole time the judge was blaming me for not being out of it. This was another double bind imposed upon us by the judge which was stunting my growth and the growth of our children as we were not allowed to move on.*

*We were traumatized after being stalked in the Hampstead house and the judge's order requiring us to sleep there or within a 15 mile radius only served to traumatize us even more. Looking back, I still cannot get my head on a human treating another human so inhumanely and find it hard to fathom we tolerated it at all. It was beyond abuse, it seemed deranged.*

On March 12, 2010 I applied for unemployment benefits and was denied the application on the grounds I did not have sufficient base earnings. The base period was from January through December 2009. The department's records showed I earned \$2000 in the first quarter of 2009 but no earnings during the next three quarters. The earnings



for the first quarter were derived from teaching a class at Southern New Hampshire University during that timeframe.

*I tried to return to the workforce and in fact I did, teaching a course half a mile from the Gilford house at Southern New Hampshire University. The opportunity did not work out because I was not allowed to relocate, though at least I did in fact do what I said I would do, wanted to do and needed to do. It was devastating to not be allowed to position myself and our children so I could continue pursuing my career in support of our family.*

Given the denial of unemployment benefits and all things considered I decided to appeal the decision to deny unemployment benefits. The decision of the appeal Tribunal stated I was a Displaced Homemaker as defined in RSA 275–A and the tribunal directed me to the state agency with jurisdiction over the issue. The GAL submitted another statement for \$467.00, which was approved by the judge, and an order approving the GAL fees was issued. Motions to reconsider all of the orders were filed. All the orders were appealed to the New Hampshire Supreme Court, which declined to accept them. The systemic violence prevailed, again.

### **Systemic Violence**

**Judicial power.** Systemic violence persisted during the court ordered alienation of a mother and child. In accordance with NH RSA 639:3 Endangering Welfare of Child or Incompetent.:

I., A person is guilty of endangering the welfare of a child or incompetent if he knowingly endangers the welfare of a child under 18 years of age or of an

incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.

Ninety days after the hearing the judge issued an eleven page order suspending my parenting time with our child, cutoff the child from the mother's family, the father's paternal family, extended family and friends. The judge *knowingly* violated his duty of care and protection by putting the child in the sole care of the father whom he found as fact is unable to understand what the children want and need. The judge further violated his duty of care by violating his duty of support when undermining my ability to provide for our children. Previous GAL reports indicated the child's safety would be endangered in the care of the father. Judicial power legitimized the judge's decisions, negatively affecting parents, children, and culture. The judge violated the law, NH RSA 639:3, Endangering the Welfare of a Child or Incompetent. New Hampshire judges are required to abide by the law yet they have the discretionary power to violate the law without repercussion.

**Injustice.** The judge took a fit parent away from a child contrary to state law and United States Supreme Court case law. A child lost a mother because the state took her away from the child. The judge continued the GAL's appointment despite the fact he was not certified. Apparently this is how they keep the matter going, because they can. Motions to reconsider were denied and the New Hampshire Supreme Court did not accept the appeals. Judicial abuse caused harm to both parents and children, which resulted from structural, cultural, and direct violence.

**Public Policy**

**Judicial discretion.** In the New Hampshire family court the judge is not bound by the rules of evidence and the trial court has broad discretion. While laws and case law exist, broad discretion and waiving rules of evidence ensures there are no specific rules or a standard by which parents are judged. This results in the infringement upon the rights of citizens. The level of scrutiny required for a family court to infringe upon fundamental rights of either parent is strict scrutiny, which requires the court to show that the infringement serves a compelling state interest and there is no constitutionally less offensive way for the state to satisfy this compelling interest.

The judge ignored all constitutional due process by denying a fit parent the right to physical and legal custody of the child, which is a right every other fit parent has. To deny a parental right requires constitutional due process which proves the parent is either unfit or a clear danger to their children, proven with clear and convincing evidence. The judge also knowingly put the child in a position where the risk of future harm was high. The judge decided the evidence taken as a whole was clear and convincing that the child was a mature minor who had the ability to make a judgment regarding with which parent he chose to reside. Judicial discretion enabled the state to forbid a child from having a mother due to someone's value judgment about the condition of his or her relationship. Judicial discretion is a substantial leverage point, particularly in light of the fact the condition of the relationship between the parent and child was clearly and convincingly created by the judge through acts of oppression, dominance, and control.

## **Impact on Parents, Children, and Culture**

**Adverse childhood experiences.** The dominance and control the problem solvers had over the relationship between my child and me deprived our family, and jeopardized the welfare of our children. It was very confusing for a child to have their mother removed from their life. I was not the only one removed from the child's life. Grandparents, aunts, uncles, cousins, extended family, and friends were totally alienated from the child's life. Summers at the lake, gone. Christmas, Thanksgiving, and birthdays, gone. The child missed an extended family member's wedding in North Carolina. The judge's order also removed the child's paternal great grandmother from his life as the father and his family disowned her and I was the one to maintain the familial bond with her.

The children struggled emotionally due to the problems the "problem solvers" caused us. We became marginalized members of society as our children started calling me a lawbreaker for bringing them to the town of Gilford, NH. They believed it was illegal for me to bring them to Gilford because of the court. The direct violence applied through the judge's orders harmed our children; the judge ordered counseling to help the children cope with the abuse he was imposing. The children did not need counseling until the multiple ethical problems in the case surfaced and persisted. The court battle (facilitated by those who benefitted from prolonging it) was causing the child stress and anxiety according to the judge's order. Per the child's counselor, the conflict was causing the child's distress. Not the mother.

*Christmas approached, a Christmas when I would see our child though only for 10 brief minutes while gifts were opened in my SUV in front of the father's condominium. I should have been really mad; at the time I was thankful to see him, more for him than for me. My presence (and presents!) showed the child I would be there, no matter what.*

**Denied reality.** The pain and agony of replaying the judge's infliction of violence upon us replayed in my head many times a day, day after day and is beyond the likes of which many can fathom. After being dismissed from three counselors unable to help me stating it is not me it is the judge, I wondered how and why our society tolerates such judicial abuse. Our reality was denied, a false reality with double binds was created, a reality that made did not make sense. The judge denied reality and my request to release the children and me.

**Socioeconomic disadvantage.** Ultimately, the judge ordered me to be under employed, then caused me to become unemployed, which guaranteed our family economic deprivation and devastation. Neither the New Hampshire Legislature nor the founding fathers of this country intended for events such as these to occur. This violence reduced my potential for performance, putting us in a situation of socioeconomic disadvantage. It was as if the judge was not listening to me, did not hear me, and did not care about the harm he was causing our children. It seemed like whatever it took to keep the money flowing was all that mattered. We were not free; we were oppressed and battered by the judge on the bench.

While I wanted to be self-supporting, the judge did everything in his power to undermine my efforts, which put me our children and me at a socioeconomic

disadvantage. I could no longer afford an attorney and began losing time with family due to the demands of legal work I had to assume in this matter. The judge's orders substantially affected our family. This matter was about my right and responsibility to continue as a highly functioning mother, member of the community and entrepreneur to provide basic needs of food, clothing, shelter, security and love the best way I knew how and a judge with power and control over me and no accountability for the results and consequences of his actions. It was about a judge who refused to acknowledge and believe the truth even when the damage and the harm was right in front of him, caused by his actions, clearly and convincingly causing harm which he acknowledged and admitted in his own orders. The impact of the judge's orders on our family was devastating and imposed socioeconomic disadvantage upon our family.

### **Ethical Issues and Questionable Practices**

**Process delays and uncertainty.** During the fall of 2008, I attended Bill Eddy's seminar in Atlanta, Georgia regarding high conflict people in legal disputes. The program he created, New Ways for Families was being integrated into some courts in California and other states. When I told him about my case he stressed and made it abundantly clear it was imperative to demonstrate the high conflict person's enduring pattern of behavior directed at attacking and blaming his target, me. Eddy (2008) told me it was important to make sure the record is accurate and to set it straight when distorted thinking and emotional facts are presented to the court under the guise of actual facts. I told him I did and the judge was not listening. I told him I tried everything he suggested. It was at that moment he informed me if I did all that then there must be something *else*

going on with my case. His facial expressions and tone of voice affirmed my worst fears; my case was in fact hijacked. This epiphany shed light on the process delays and uncertainty in this matter.

The fact both the GAL and the child's counselor needed to agree when parenting time would resume was suspicious and disconcerting. The judge wrote the GAL reported the counselor believed there were complex issues undermining the trust between my child and me. He noted the counselor believed those issues would need to be resolved so the relationship between my child and me could improve. The judge's orders left the child without his mother due to relationship problems, which were caused by the judge due to his deprivation of our home and lifestyle. More court time appeared to be the goal, which encompassed process delays, more uncertainty, stagnated growth, and unexpressed potential for parents, children, and culture. The judge's order suspending my parenting time with the child was carefully crafted to keep us in court indefinitely.

The GAL threw fuel onto the fire. Blaming the father and me for the conflict, through his own projection the GAL created the illusion there was conflict between the father and me. More billable hours for all as the healthy parent would remain in court to do whatever it takes, fighting to ensure the safety of the children. It was a perfect storm complete with a guarantee of more conflict and judicial intervention.

**Maladministration.** The "divorce conflict" causing the child's stress was the court-induced conflict, specifically the stress imposed upon the child by the mother's compliance with the judge's orders. This was no longer conflict between parents; this was conflict being induced by the judge. This was family conflict, condoned, widened,

and escalated by the government. The judge blamed a parent for the family conflict he in fact caused, paid for by tax dollars.

The judge ruled the harm likely to be caused the by the change in environment could include seeing his sister less often but the harm far outweighed the likely harm to be caused by the change of the child's residence. The judge's discretionary removal of a mother from a child's life based on their relationship leads to questions of maladministration. The judge punished our child for the detrimental environment the judge himself created. Judicial discretion is intended for judges to right wrongs, not wrong rights.

**Domestic violence facilitation.** My ex-husband asked the judge to order me not to spend nights when our daughter was with me at locations outside of a 10-mile radius from the town of Hampstead. My ex-husband wanted to control where we slept and the judge thought it was a great idea. A child was in jeopardy of losing her mother because of where they occasionally slept. The judge agreed with the father's dominance and control, thereby facilitating domestic violence.

Some judges will not allow domestic violence to continue through the court but due to the structural violence present in the family law system domestic violence can go viral through the court when an uneducated or unscrupulous judge allows, enables, or causes the behavior to continue, creating what superficially appears to be intractable conflict between the parents. Although laws can be enacted to solve some of the problems domestic violence presents to the court, the issue of direct violence imposed by judges in the court will not be eliminated without a lot of work because the underlying



issue is power and control. In some cases, intractable conflict between the parties serves as a ruse for the people within the system who depend on it for their livelihood to serve and retain their diminishing 'customer base' since the very successful alternative dispute resolution process has threatened their income and existence within the system.

The New Hampshire family court's facilitation of domestic violence enabled us to go from a child losing a mother based on a value judgment of the relationship during transition to taking a mother away from a child based on where we slept. Through his legislation from the bench the judge's order made it a punishable offense for us to sleep anywhere other than Hampstead, NH. The court's facilitation of domestic violence is harmful to parents, children, and culture. Facilitating domestic violence is beneficial to people working within the system.

**Ethical issues.** The judge appointed a GAL whose practice was in the same town where the judge lived and practiced estate planning. The judge repeatedly approved the GAL's requested payments and motions to exceed the cap on GAL fees. The judge imposed a 15 mile sleeping radius thereby imposing a devastating change in lifestyle that was not conducive to promoting growth and development for the child or the parent. Ironically, the result of the judge's order is in violation of New Hampshire's Best Interest statute, NH RSA 461-A:6. Imposing restrictions on where we slept was unconstitutional, in violation of my right to travel. I remember my attorney told me the judge did not like me and I had better get a job, even if it was selling shoes or he would take my children away from me. She was right.

Two classmates from the mediation training class urged me to attend GAL training because they thought I would be a great GAL. Initially I declined although I later enrolled because I thought it would help me understand how court works. Instead, I learned how the court is supposed to work, realizing something was amiss in our case. There is a *huge* gap between what the state of New Hampshire teaches in GAL and mediator certification training classes and my first-hand experience in the New Hampshire family court.

**Patronizer favoritism.** The judge dictated where the child slept with me, with no restrictions on where the child slept when she was with her father. It began to appear as though the judge was biased against women, especially pro se women. The judge ordered me to pay child support based on imputed income to my ex-husband who earned in excess of \$120,000 a year after he blocked my return to the workforce. Yet I was identified as the largest source of the conflict for blaming the father for the financial, living and overall situation ‘I’ had put ‘myself’ into, making myself effectively homeless. It appeared as though the judge was favoring the father in his orders, which is an ethical issue and questionable practice.

*By the time it was over, the GAL destroyed the relationship between me and my child by alienating us in what appeared to be a ruse as he attempted to cover up the previous damage the judge inflicted by creating chronic crisis, displacing us from three of our homes and causing us substantial harm. This was projection at its finest. This judge clearly and convincingly harmed our child by ordering a detrimental environment and knowingly putting the child in a position where the risk of future harm was high.*

## Child Support

### Background

On December 14, 2009, I filed a motion for contempt due to my ex-husband's failure to pay child support. He was ordered to pay \$657.00 weekly and he stopped paying during July of 2009. In the motion, I stated it appeared as if the father thought he was entitled to stop supporting his children without an order from the court to do so upon the conclusion of the custody proceedings. It appeared as if the father assumed the elimination of his child support obligation was a foregone conclusion.

To investigate other options I met with an attorney licensed to practice in state and federal court whose suggestion was to file a complaint with the judicial conduct committee, referencing the code on bias while making it clear the proceeding was over as I called out the prejudice. He thought the judge needed to disqualify himself or they may have the judge removed from the case. He also suggested filing a Bill of Redress against the judge under the New Hampshire State Constitution Part II and going back to the legislature regarding stalking to emphasize there is no legitimate reason to stalk as it causes pain to the person stalked and there are (or should be) no benefits to the stalker. The meeting concluded with him telling me they really got me; that I was "gunned down good". When asked about my recourse I was told my remedy was to appeal the orders to the New Hampshire Supreme Court. The New Hampshire Supreme Court did not accept my appeals. Therefore, I had no remedy.

*On July 22, 2010, with my resources depleted and no ability to pay child support or legal fees ordered by the court I gave up my own housing in Hampstead, NH.*

*Essentially, at this point I was homeless. By some miracle, I owned two houses and a garden style condominium for a total of four units. In an attempt to comply with court orders and save everything I rented out the remainder of my home in Hampstead, moved the rest of the belongings to the basement of my home in Gilford that the court would not allow me to live in. I also had an investment condominium in northern Massachusetts which was not an option as it was out-of-state. So there I was, with four potential residential units I could live in, with little or no equity and none of them were good enough for the father or the judge. By this time I was seeing someone in Gilford New Hampshire who suggested I stay there and I did.*

During November of 2010, I called the Child and Family Law committee member again to let her know I called the Administrative Office of the Courts and the Department of Labor to inform them about what was going on in my court case and see if there was anything they could do. A woman at the Administrative Office told me the judge is and was per diem, or part time from 2007-2010 and the judge in charge of the Administrative Office assigns him to courts. I was also told no one will interfere with a fact finder. When asked about recourse I was told my remedy is to appeal orders to the New Hampshire Supreme Court. The New Hampshire Supreme Court did not accept my appeals; once again, I had no remedy.

The commissioner of New Hampshire employment security explained how the displaced homemaker funding is administered. The Department of Labor was a pass-through to the Workforce Opportunity Council. I was informed the funds go to the Department of economic resources and development, then to work force opportunity

counsel and then finally to community action program agencies. I was told the NH RSA 275–D Displaced Homemaker law is still on the books, but not administered as written in the statute. When I told the commissioner my understanding that the statute took into account and was to build upon the skills and experience of the displaced homemaker, I was referred to the local unemployment office to go through the assessment process for job training, job search and skills assessment. I went through the process at the local unemployment office. There were no funds for me to be retrained in accordance with my skills and experience to complete the Ph.D. program. I was qualified to teach in many of the programs they offered. Alternatively, I could retrain to become a Licensed Nursing Assistant, enter a Practical Nursing program, become a Cosmetician or get a Bachelor's degree at some of the state's colleges. Another option offered was to attend Southern New Hampshire University's main campus in Manchester, NH for an Associate Degree in Computer Information Technology, Accounting, Culinary Arts or a Bachelor of Science in Business Administration (already have one), Justice Studies, Bachelor of Arts in Elementary Education or Early Childhood Education. Or, perhaps even a Human Resource or Graduate Certificate in Accounting. The programs offered were not conducive to achieving my goals and there were parameters for entering any programs I may qualify for:

1. I have to qualify for this retraining, which includes receiving TANF, food stamps or unemployment benefits.
2. They provide up to \$4000.00 in training assistance.
3. The pay scale for these jobs is approximately \$12-\$15 per hour.

4. I may be able to get in under the Displaced Homemaker statute but it is easier under number one.

I sent a note to the representative at the department of employment security thanking her for all her assistance while noting it was unfortunate the retraining options did not take into account and build upon my skills and experience and fulfill the parameters established for me by the court. The parameters were to make enough money to remain living in or near Hampstead, as a teacher or property manager in Southern New Hampshire despite the lack of actual demand for those positions, my lack of certifications and the fact the pay would not support the cost of adequate housing for me and the children if I was hired. I included the necessary documents regarding the Ph.D. program in Conflict Analysis and Resolution I was accepted into at Nova Southeastern University. I told her that her efforts to obtain assistance with funding for the program which built upon my skills and experience would allow me to satisfy the parameters for being a parent to my children established by the court and her assistance with the matter would be greatly appreciated. That was the end of that.

On December 1, 2010, I called the Office of the Ombudsman at the NH Department of Health and Human Services. Surely they would want to know about the harm being imposed upon our family by a judge and that something was amiss in the system. I was wrong. They told me it was a legal problem. I then called the Division of Child Support services for assistance obtaining counsel for the child support matter, as I was unable to comply with a court order that was based on fictitious income. Though I qualified for a minimal amount of food stamps and received an invitation to the local

food pantry the division of child support services was unable to help me with legal counsel because I was not receiving Temporary Assistance for Needy Families (TANF) or cash assistance. I then contacted a member of the Child and Family Law committee at the New Hampshire House of Representatives that was potentially being disbanded, putting the committee under the Judiciary committee. I was advised to write 'the book', maybe an article and notify the newspaper and the press to get them (those involved in our case, the judge, opposing counsel, the GAL and anyone else involved in any wrongdoing in our case) to stop. I was also advised to contact several other legislators and I reached out to the Senator again, he was thankful I called.

Given all the dysfunctional results in my case, I decided I needed to make a difference in the lives of others. The staggering financial and emotional damage was too excessive for one family to endure and walk away. Just the time and cost of being in the system was hundreds of thousands of dollars between both parents. This does not include the depletion of my assets and reserves to manage and operate my real estate holdings to hold on in the declining market, nor does it include nearly a decade of lost earnings as I fought with the judge to live my life, raise, and provide for my children the best way I knew how. The losses are in the millions, I could not in good conscience walk away without doing what it takes to make a difference for others. It was at this point I began to address the issues in the system legislatively. Convinced that changing laws would prevent other families from what ours endured, I headed to the statehouse in Concord, NH to meet with legislators to formulate legislation in support of parents and children in New Hampshire. All this because I tried to return to the workforce.

In an email from one of my attorneys, the individual noted they did not feel as though their advocacy for me in the Brentwood Family Division was effective. The attorney was completely and totally disregarded and believed the family division was disregarding the law and its own family division rules and protocols. The attorney did not know whether it was related to her or the facts of the case and thought that perhaps other cases she was working on may have spilled over into these judicial circles. She went so far as to suggest a male attorney might be needed to adequately represent me.

On January 25, 2011, the Senator called me to get an update on my case. I told him I was unable to pay child support and needed to go back to court. I informed him they were trying to have me incarcerated over the minimum \$50 child support payment. I explained I cannot afford an attorney as a displaced homemaker under NH RSA 275-D and while the displaced homemaker statute supports assistance with legal problems, there was no mechanism in place to make it happen. I informed him I was told to contact the media. Fearing for what would happen to our children I did not contact the media.

The child support enforcement officer called and lectured me about my responsibility and obligation to provide my children with financial support in accordance with the law. He told me to get a job at Walmart, speaking down to me as if I was unwilling or unable to support my children. I lectured him back about systemic violence, malfunctioning social systems and the likelihood of one having actual money as the result of a court order derived and issued based on fictitious income, the likelihood of generating imaginary money versus the prospect of the fictitious income generating actual money with which one could pay. By the time it was over, I wrote a letter



reporting the employee's conduct to his supervisor and on May 5, 2011, I filed a petition to change the order relative to child support. I was petitioning the court to eliminate or reduce child support payments to \$50 monthly retroactive to May 2010 when I was declared a Displaced Homemaker under NH RSA 275-D. I had to file the Petition because child support enforcement was going to take action against me if I did not file the petition and upon learning the details of this matter informed me I needed to file the petition to avert further action on their part.

In the petition, I asked the court to order both parties to submit three years of complete tax returns or IRS proof of extension from 2008 until the present if the hearing was scheduled. The petition form requires the petitioner to list each reason separately and I stated the previous litigation caused Displaced Homemaker status under NH RSA 275-D, retraining was required to obtain employment considering my skills and experience, the previous child support order was based on imputed income and was not sustainable. I further stated a Ph.D. was needed for me to obtain employment required by the court and I was enrolled at Nova Southeastern University for the same, 100% student loans and I was still trying to obtain work and a graduate assistantship.

Shortly thereafter on May 17, 2011 I met with the Senator again, only this time to explain what was happening in this chapter, child support. He was not surprised about what was transpiring in my case. It was not the first he heard of such a thing. As it turns out, he spends a lot of time working issues such as this one. He called the Division of Child Support Services, explained the situation, and provided me with a contact for follow up. He seemed aghast at the malfunctioning system but not surprised.

On September 7, 2011, four months after I already petitioned the court due to my inability to pay the child support the father decided to file a motion for contempt for nonpayment of child support and requested the motion be added to a hearing scheduled for September 22, 2011. In the motion, he states I basically admit I did not attempt to find employment and made a baseless argument about needing a Ph.D. to reenter the workforce and obtain employment for \$20,000.00 per year. I was imputed with income which was neither possible for me to earn nor adequate to meet my financial obligations.

*I tried to comply with the unrealistic order which was not based on actual facts and reality and did the best I could. Upon learning the facts in this case and the reasons I was unable to pay child support I was advised by the division of child support services to file the Petition to get the order changed in light of the circumstances. It was not my idea to file and given the legal climate I was in I had no desire to file. I was unable to pay the father child support which was based on pretend income because I did not have any 'imaginary' money to pay him. There was no bad faith or ill intent here; I was doing what I was advised to do by Division of Child Support Services to solve the fictitious income and accompanying imaginary money problem the personnel at the division of child support services in fact understood.*

During September of 2011 there was a crisis incident involving the father and one of the children in the father's home, causing the child harm. My attorney previously informed the judge in a motion to reconsider that the child would most likely suffer harm if placed in the full time care of the father. A phone call from a guidance counselor to the Division of Children, Youth and Families (DCYF) was placed and the result was the

father's sudden and abrupt change of residential responsibility from the father to me. By this time I lived in Gilford NH, albeit staying with someone and living out of my suitcase, not in my own home. So guess where the children were going to live? Yes, in Gilford, NH only four years later than planned. Judicial decision-making proved to be fiscally irresponsible, grossly negligent and downright reckless. My parental decision making right and responsibility was unlawfully seized without a finding or even an accusation of abuse or incompetence.

On October 21, 2011, I met the father at the Brentwood Family Division (the court) to sign and submit two agreed-upon parenting plans to the court for approval. One parenting plan was for our son and the other parenting plan pertained to our daughter. We submitted the plans to court for approval as a change of a prior final parenting plan or a prior final order. There were two other options on the form. One was final, the other was temporary, we checked the box stating we were changing a prior final parenting plan or a prior final custody/visitation order.

The plans closely resembled the original orders of custody and visitation from the divorce in which our daughter was to be with her father every other weekend. It was written so that our son would use his own discretion to determine when he would spend time with his father. The father did not care if there was a weeknight visit in the plan as it was when we were divorced so we left it out; he did not want any vacation time so we left it out. We had joint decision-making and the children were to reside primarily with me. According to the plan, the children shall attend school in the school district where the parent with sole or primary residential responsibility resides. Under the plan that

parent was me. He also agreed I could relocate within a 100-mile radius of Hampstead, New Hampshire. He even gave me primary decision-making responsibility in the event of dispute pertaining to the child's education. After good faith discussion I was to make the final major and minor decisions for middle school and high school and be solely responsible for the financial cost of the decisions. He wanted jurisdiction of the case to remain with the 10<sup>th</sup> Circuit Family Division in Brentwood so that clause was added as well.

On November 7, 2011, the court issued a notice of decision relative to both parenting plans. There was to be a hearing on December 29, 2011 as a result of the pending child support matter and for some unknown reason the parenting plans we submitted "Changing a prior final parenting plan or a prior final custody/visitation order" were mysteriously issued by the court with a different box checked. "Temporary. The completed paragraphs apply until the case is concluded. If you are requesting a temporary order on parenting issues, you should include as many of these parenting plan topics as you will need to carry your family through until all parenting issues are resolved." (Index 303 and 304)

*Why did the judge issue our agreed-upon parenting plans as temporary? We both signed and submitted them to the court, agreed-upon. Why were those parenting plans put on for hearing in December? Neither one of us requested a hearing on the parenting plans. The hearing in December was relative to my Petition on child support! It is especially interesting to note that a marital master's stamped name was on the plans dated October 29, 2011 and the judge signed and issued the plans on November 1, 2011.*

On December 9, 2011, the father's attorney filed an appearance form at the court. This form notifies the court, parties and opposing counsel of representation. The father through his attorney immediately filed an objection to the motion for amendment of my petition to change the court order. The father had no objection to my motion for amendment from a procedural standpoint:

However, the father submits that in the event that the primary residential responsibility of the children is changed from the father to the mother at the hearing scheduled on December 29, 2011 that if the court thereafter enters any child support orders in favor of the mother that the court should credit the father dollar for dollar all sums now owed by the mother to the father for back child support will back attorney fees previously ordered. The father further submits that if he is not given a credit and/or offset against any future child support he may be ordered to pay the mother, then the mother will never pay what has been court ordered and he will never collect on the court ordered entitlements he was previously awarded. (Index 308)

On December 13, 2011, the court issued a notice of hearing stating the final hearing was scheduled for December 29, 2011 and all pending motions would be heard at said hearing.

*December 2011: It is Christmas. I just averted foreclosure by liquidating the remains of my retirement fund. One year into my Ph.D. program, now being funded with loans when five years ago it could have been paid for with cash had I been 'allowed by the government' to downsize and relocate. According to my finances, government*

*decision making has proven to be fiscally irresponsible, grossly negligent and downright reckless. Yes, my decision making right and responsibility was seized without a finding or even an accusation of abuse or incompetence. At one point I pondered asking the court to appoint a GAL to advocate for my best interests.*

*The lines of credit were maxed out, the credit card limits lowered to within five hundred dollars, savings was gone, and the IRA and 401K just depleted this month. Fortunately, until this point the properties were rented. I was at the end. I depleted all my resources, the quarter share was still for sale and there I was with NO income, NO child support and NO more credit at all. The Gilford unit became vacant, the Hampstead tenant bought a house and the other Hampstead tenant left because the family upstairs left. Then, my tenant of twelve years in the Massachusetts condominium unexpectedly passed away. Yes, all in the same month. However, there were two happy children in Gilford.*

*I was experiencing financial strangulation. I could not pay mortgages, condominium fees, taxes, insurance, and life insurance nor could I pay for our son's contact lenses, buy groceries, children's clothes or medicine. Why? This was killing me, in mind, body and spirit. I could not make a financial decision, plan, pay creditors, or tell them when I could pay. It was like being frozen in time. With no other alternatives, I applied for and was approved to receive food stamps although I never took the food stamps. I started with a credit score in the eight hundreds and now I was applying for food stamps? Attorneys and others told me waiting almost four months for a child support order was unconscionable.*

On April 20, 2012, the judge issued an order that was mailed by the court on April 24, 2012. It took 113 days for the court to issue an order entitled “ORDER DENYING MOTHERS PETITION TO CHANGE COURT ORDER AND GRANTING FATHER’S MOTION FOR CONTEMPT”.

*How could this be? At this point, the children were with me for six months and I received no child support from the father. I was involuntarily impoverished and my resources were depleted. The children qualified for reduced lunch at school and my mother loaned me her Social Security money to support our children, secured by my fourteen-year-old boat I received as part of the property settlement from the divorce.*

The order came with a Uniform Support Order that required the father to pay me \$798.00 every other week. The judge reiterated the child support would begin after the father was credited the \$3660.00 arrearage I owed him. The judge further ordered the father would pay 20% of his bonuses received each year on or before April 1 starting in April 2013 for the previous year. The parenting plan also stated the Brentwood Family Division shall retain jurisdiction of this case. The judge’s order in its entirety continued my five-year struggle with the judge to downsize, restructure finances, relocate, determine housing requirements, return to the workforce and most importantly provide for our children.

The judge also overlooked RSA 275-D:1 Purpose., which states among other things that:

Displaced Homemakers have a greatly reduced income, high rate of unemployment due to age, lack of paid work experience and discrimination, and

limited opportunities to collect funds of assistance from Social Security, unemployment compensation, Medicaid and other health insurance benefits or pension plans of the spouse. The problems require the establishment of programs to assist displaced homemakers.

The judge ignored the fact that the programs were established to assist Displaced Homemakers because they are a necessary prerequisite for Displaced Homemakers to become gainfully employed and because lack of this intervention has precluded Displaced Homemakers from actually becoming employed. The purpose makes it clear the statute was created because Displaced Homemakers are unlikely and unable to be employed. The judge's order overlooked Section 275-D:2:

Definitions. I. "Displaced Homemaker" (a) worked in the home for a substantial number of years providing unpaid household services for family members; (b) is not gainfully employed and (d) was dependent on the income of another family member but is no longer supported by such income, or was dependent on government assistance but is no longer eligible for such assistance and also overlooked RSA 275-D:3 (c) Provide Displaced Homemakers with the necessary counseling, training, skills and referral services to become gainfully employed, healthy and independent,

The statute makes it clear the programs were established because Displaced Homemakers are not gainfully employable, and negates the judge's statement that my unemployment was voluntary. Therefore, imputing a Displaced Homemaker with income was contrary



to RSA 275-D:1-3 and 6, Purpose, Definitions, Programs Established and Securing Employment.

The judge misapprehended the fact that by virtue of definition, as a Displaced Homemaker I was precluded from being gainfully employed and hence no reasonable person would conclude that a person who is unable to become employed without intervention and training would be able to pay child support based on an imputed income of \$40,000 yearly when in fact she had no actual income and hence no real money. The judge also overlooked that I did not become voluntarily unemployed or underemployed (RSA 458-C: IV. (a)); was not employed because Displaced Homemakers need to be enabled to be employed (RSA-275-D:3 I.) by the programs established (RSA-275-D:3). I was also unemployed because the judge himself precluded me from becoming employed, denouncing my return to the workforce by denying my relocation.

*It seemed like I was fighting with all my might not to be **involuntarily unemployed**. The TRUTH was through excessive dominance, control and oppression I was NOT ALLOWED to be employed in a manner consistent with my experience, career goals, financial plan and a manner in which I could help our children to thrive. In retrospect, there was a batterer on the bench.*

An appeal was filed because the judge did not apply or follow New Hampshire law, case law or United States Supreme Court case law, which required me to explain in greater detail, supported by law and case law in a motion to reconsider. The New Hampshire Supreme Court declined the appeal without explanation and my only alternative was to expand upon and specify everything they overlooked because by

declining the appeal it appeared as though the New Hampshire Supreme Court overlooked everything. Overlooking what occurs in the lower court allows the cycle of systemic violence to continue and promotes injustice.

### **Systemic Violence**

Despite the built-in potential for systemic violence the New Hampshire family court is condoned by culture. Judicial power is accepted as part of our justice system and culture. The data in this case indicates judicial power is a problem of social concern due to the harm and injustice that prevailed in our matter. Judicial power is accompanied by direct violence and judicial abuse, which is a recurrent theme throughout the data negatively affecting parents, children, their relationships, and our culture. “Judicial child abuse” is present in this matter and the phenomenon is best described by this term. Judicial child abuse in this matter consisted of the judge’s infliction of direct violence in his orders, which enabled, promoted, and resulted in physical and emotional harm. Judicial child abuse deprived our children of their basic needs when they were with me. The accomplices to the judicial child abuse included a guardian ad litem and an attorney.

### **Public Policy**

**Leverage points.** The attorney who advised me to look into filing a Bill of Redress against the judge later wrote an opinion to the legislature as legislative counsel stating the redress process is effectively inapplicable. In pursuit of answers and in an attempt to address the judicial abuses we endured I visited the House of Representatives Clerk’s office. Upon inquiry, I was directed to a file cabinet that contained a folder with Petitions for Redress of Grievance, none of which were remedied. As a matter of public

policy, the state is authorized to assign responsibility to citizens through court orders with no reality testing and without accountability. This is a leverage point in need of intervention.

The judge did not apply the law in some instances, even when the law states the court ‘*shall*’. The child support order was inequitable, unfair, and unreasonable because it maximized the negative economic consequences to the children and guaranteed them reduced living standards. This result was in direct violation of RSA 458-C:5 I. (b) due to the significantly high income of the obligor and the significantly low income of the obligee and RSA 458-C:5 I. (b)(1) because in accordance with the statute the court SHALL (emphasis added) consider “taking into account the style of living to which the child or children have become accustomed or will experience in either parties home”. The judge did not. An administrator at the Administrative Office of the court told me the judge is and was per diem, or part time from 2007-2010 and that the judge in charge of the Administrative Office assigns him to courts. When informed of my evidence ignored and double bind orders I was told no one will interfere with a fact finder. Judicial discretion is a leverage point inherent in the data that needs to be addressed as a matter of public policy.

The confiscatory child support order negatively affected children in this case, despite the existence of public policy to prevent negative outcomes. I sought assistance from the state under NH RSA 275-D, the Displaced Homemaker statute, to no avail. Judicial power and independence with a lack of accountability enables dysfunctional results and the New Hampshire family court’s generation of unintended consequences.

With my New Hampshire Supreme Court appeals declined and no further options, I began to address structural violence issues within the system legislatively.

### **Impact on Parents, Children, and Culture**

**Jeopardized welfare.** The staggering financial and emotional damage was too excessive for one family to endure and walkaway. Our welfare was jeopardized during the judicial decision-making process and the negative implications will span throughout our lives. New Hampshire family court judges with wide discretion are able to place constraints on parents and children consisting of unequal access to resources, employment, education, health care and basic necessities required for social functioning. During the process of marginalization, the judge ordered me into the position of displaced homemaker status forcing me to flee three homes with our children, abandon three careers and become homeless per New Hampshire Health and Human Services guidelines.

Waiting for a child support order, not knowing when it may arrive or what it might state is not conducive to daily living and financial security. At one point I was not able to pay mortgages, condominium fees, taxes, and insurance nor could I pay for our child's contact lenses, medicine, and at times, groceries. The judicial decision-making process proved detrimental to the well-being of the children, not the specific issues in dispute. The judge's orders created a disheveled, unsettling, and disorganized lifestyle, which stagnated our growth and was detrimental to the children and me.

## **Ethical Issues and Questionable Practices**

**Jeopardized integrity.** My pursuit of legislative remedies to address the ongoing ethical issues and questionable practices endured. The questionable practices in our matter were so egregious I was advised by members of the Child and Family law committee to go public via the media to get them to stop. I was also advised to contact several other legislators. The integrity of the judicial decision-making process was in jeopardy and being advised to go to the media to get them to stop was less than reassuring because it was an indication the system was not functioning properly and legislation would not solve the problems with our matter. The fact the legislators thought going to the media would make them stop provided little comfort or relief. I was beginning to realize that shaming those responsible for the negative outcomes in our case into ethical behavior was a longshot so I refrained due to fear of further repercussion.

**Domestic violence facilitation.** The judge continuously rewarded the father's bad behavior by assessing me with the father's legal fees under the guise I was the one behaving badly. The father no longer needed to batter me; he could pay his lawyer to have the judge do it for him. I was feeling the father needed to be charged with interference with freedom, interference with residential responsibility and harassment while the judge was facilitating and validating the father's bad behavior. Throughout the data, it was common for the judge to blame the victim.

**Patronizer favoritism.** Rewarding the father for supporting the system by assessing me with the father's legal fees encouraged the father to keep using the system. The judge issued an order that was mailed by the court on April 24, 2012. It took 113

days, almost four months for the court to issue an order denying my petition to change the child support order and grant the father's motion for contempt. The judge displaced me and was once again in denial about the reality he created. The judge ruled my change in circumstances warranted a hearing, but my requested relief was denied and ruled not a substantial change of circumstances, after he allowed the matter to proceed. Why did the judge allow the matter to move forward based on the change of circumstances if he did not intend to acknowledge the change of circumstances and rule accordingly? Why did the judge assess me with the father's legal fees, again? Why did the judge apply the law that contained the word 'shall' in some instances and not in others? The judge granted the father's motion for contempt he filed months after I already notified the court of the impossibility of my payment of child support.

The judge stated the court previously accepted the parenting plans as temporary orders (although we did not file them as temporary) and they shall continue in place as temporary orders pending further order of the court because the father only agreed to a temporary change in residential responsibility. The judge also stated I failed to plead or demonstrate any of the factors provided under RSA 461-A:11 for a modification of parental rights. Both parties submitted the agreed upon parenting plans to the court. The plans should have been signed by the court and they were not. The matter should have been closed, it was not. The judge ordered the clerk was to schedule a further review hearing on the parenting plans in 12 months unless requested sooner by either of the parties.

A review hearing in 12 months meant I was to live in limbo for another year, unable to make any decisions regarding housing, employment, or finances. I did not know if I would be imputed with income or what amount, despite my own income, which was below the mandated self-support child support guidelines. The judge's insistence upon ongoing interference in our lives is a questionable practice.

**Process delays.** The purpose of Chapter 458-C:1 clearly states: "to establish a uniform system to be used in the determination of the amount of child support, to minimize the economic consequences to children. RSA 458-C:1 II. clearly states, "The children in an obligor's initial family are entitled to a standard of living equal to that of the obligor's subsequent families". The judge's order substantially deviated from RSA 458-C in its entirety. The judge erred in creating a perplexing and bewildering paradox that children were in dire need, I pleaded for guideline deviation to increase support due to special circumstances (RSA 458-C:5) and instead the father was granted relief with downward adjustment and the application of the future (new) statute which he did not even request. The judge did not consider RSA 458-C:5 Adjustments to the Application of Guidelines Under Special Circumstances and overlooked the best interest of the children in violation of RSA 461-A:6 despite the fact that RSA 458-C:5 I. clearly states the court SHALL (emphasis added) consider the best interest of the child.

RSA 458-C:5 II. clearly states, "The party relying on the provisions of this section SHALL (emphasis added) demonstrate special circumstances by a preponderance of the evidence". The judge also ignored the fact I did not become voluntarily unemployed or underemployed (RSA 458-C: IV. (a) and that I was not employed because Displaced

Homemakers need to be enabled to be employed (RSA-275-D:3 I.) by the programs established (RSA-275-D:3). I was also unemployed because the judge himself precluded me from becoming employed, denouncing my return to the workforce by denying my relocation. The judge disregarded the fact I exhausted all financial resources, credit, savings and retirement accounts to include breaking up housekeeping and giving up my own housing to comply with his orders, which compounded with loss of rental income left me unable to comply with the child support order. After further delays, the judge favored the father, again.

The judge consumed 355 days to resolve the child support matter that entered the court May 5, 2011. Then, the judge waited four months following the December 2011 hearing to issue a child support order at the end of April 2012 despite my pleas at the December hearing stating the urgency of the matter in relation to the children's needs, only to issue a confiscatory child support order. Once again and as usual, opposing counsel's documents submitted were signed by the judge and issued by the court. Issuing the order as temporary opened the door for more court time, which is exactly what the judge and opposing counsel want. There appears to be a pattern of court orders carefully crafted to promote more conflict and court time in this matter. This is all starting to make sense now as ethical concerns abound.

**Ethical questions.** My attorney withdrew from the matter, believing her representation was ineffective; fact it was completely and totally disregarded. The attorney noted the family division was disregarding the law and its own family division rules and protocols. The attorney suggested a male attorney might be needed to



adequately represent me. Rockingham County is noted for the good ole boy network and she was by no means a good ole boy.

An anonymous caller tried to help by calling the Administrative Office of the Court on our behalf. She would not give them any personal information due to fear of further repercussion although the court personnel wanted to help. It was revealed the judge was responsible for reporting his own aging cases to the clerk of the court. Apparently we were not on the report. I wondered why we were not on the report. Was the judge was hiding something?

The parenting plans issued by the court stated the Brentwood Family Division shall retain jurisdiction of this case. The judge continuously ordered more court time. Moving the case to another jurisdiction, particularly Belknap County where I resided would make it difficult for the problem solvers to churn motions and they may be exposed if a judge in another court reviewed the case. The judge ordered more court time in the Brentwood Family Division to ensure we remained in the Brentwood Family Division. While the attorney's withdrawal was based on her belief there was gender bias in this case, it appeared as though the judge was going to do whatever it took to keep the matter in court. This meant the matter would remain in court as long as the judge ruled in favor of the patronizing parent. The judge ordered the matter to remain in his jurisdiction. Maintaining jurisdiction of the case meant the judge was able to ensure his own compelling interest was met.

**Patronizer favoritism.** Once again the judge financially punished and economically abused me after I went to court for financial relief for the children. The

judge decided the child support matter in favor of father to the detriment and relative deprivation of the children who were without father's child support for over six months. The judge's order overlooked reality by disregarding my actual income and retraining expenses and obligations per RSA 458-C:2 as no reasonable person could expect me to pay child support based on fictitious income which is not legal tender with which I can pay. Imputing a Displaced Homemaker with income was contrary to RSA 275-D:1-3 and 6, Purpose, Definitions, Programs Established and Securing Employment. The order was also contrary to the following NH RSA 458-C:1, C:2 I-a., IV., IV (a), V., VI., IX – XI, RSA 458-C:3 I – V., C:3-a, C:4, I, II & IV., C:5 I & II and C:7 I-II and seemed preferential towards the father. Once again, my evidence, law, and case law were irrelevant. No reasonable person could believe a person who needs assistance per RSA 275-D in the context of the overall statutory scheme who is currently retraining to qualify for employment per the statute is voluntarily not working. No reasonable person could believe a judge would cause a citizen to become a displaced homemaker and then impute her with income after blocking and diverting her return to the workforce. No reasonable person could believe a Displaced Homemaker, retraining and court ordered into circumstances that resulted in negative cash flow would choose to be in such a position. The judge's order implied a vested interest in ensuring the father retained as much disposable income as possible.

I appealed the judge's cruel and abusive order to the New Hampshire Supreme Court, which refused to consider the facts and truth in this matter, without explanation, which I describe as a severe case of "judicial economic abuse". The child support matter

was brought forward by me due to my inability to pay, yet I was found in contempt, assessed the father's legal fees, and ordered to pay despite the fact the matter was about my inability to pay. The father's arrearage was never paid. While some believe judges favor fathers, others believe judges favor mothers. Patronizer favoritism abounds in this matter and it is an area of social concern that needs to be investigated.

## **Custody Battle**

### **Background**

After unsuccessfully appealing the judge's orders to the New Hampshire Supreme Court by filing twelve appeals which the justices declined to accept and review, I met with the late Representative Robert Luther of Laconia, New Hampshire regarding the filing of a Petition for Redress of Grievance against the judge. I worked with Representative Luther to prepare the petition that was filed at the New Hampshire State House on September 17, 2012. Once the petition was filed, I sent a letter to the GAL requesting a copy of the GAL file, asking him to include the contents of the entire file. I asked the GAL to itemize any confidential items if any exist, informing him our son was willing to sign a written release and thanked him for his cooperation. I learned of the GAL's response to my request for our own records when I received a copy of the motion for instructions he filed at the New Hampshire family court on October 18, 2012. The GAL attached my letter of request to the pleading. He asked the judge to schedule a hearing, to specifically instruct him on how to proceed and what information he was allowed to disclose. He also asked the judge to let him know what costs or fees he was

entitled to be reimbursed for in connection with my request. At this point in the matter, the GAL's response to my letter was predictable; *more court time*.

I filed a motion objecting to the GAL's motion for instructions and wrote a letter to the GAL board because it appeared as though the GAL was looking for clarification or a change of the confidentiality rules or guidelines from the judge long after the matter was closed. This was disconcerting because the GAL's stipulations filed with the court at the beginning of the GAL's appointment addressed confidentiality. It appeared as though the GAL was trying to get some more court time, which translates into billable hours. In my letter to the GAL board I explained the counterproductive nature of the New Hampshire family court for our family for over five years, stating I did not want to engage in court decision making. I noted court time promotes and escalates conflict rather than resolving it and informed the board it is now proven to be detrimental and contrary to the best interest of our children. I informed the board the simple request could be handled administratively without court intervention. The GAL's motion was questionable because the case was closed and there were no changes regarding confidentiality filed with the court. To the best of my knowledge and belief, the terms were not altered on the record.

On October 31, 2012, I received a response from the GAL board stating they received my letters and attachments. The board informed me they cannot compel the GAL to provide my file because they had no jurisdiction over court cases. They stated if I believed the GAL violated an administrative rule I would have to file a complaint form and they directed me to their website for the form. They stated they would keep my letter

and attachments on file should I choose to file an official complaint. A complaint against the GAL was filed at the GAL board on December 12, 2012.

The judge ordered the scheduling of a hearing on the GAL's motion for instructions. This prompted me to withdraw my letter requesting the non-confidential contents of the file because I could not afford to pay for the information in the event the judge ordered costs and fees to the GAL. The hearing proceeded as scheduled, despite the withdrawal of my request. The needless commotion triggered by the GAL prompted the father to come out of hiding and launch custody battle number five in as many years, which he requested be put on the docket for the hearing I subsequently requested the court cancel as moot. The father decided it was time for our daughter to return to live with him as the primary residential parent. His motion was laden with the usual inaccuracies and he used the mature minor argument, again.

The father asked the court to enter an order modifying the temporary parenting plan to award him primary residential responsibility for our daughter. In the father's motion he requested the judge order that I shall have parenting time with her moving forward at times I worked out directly with her. The father also wanted the same GAL from the previous matter to be re-appointed given his long-standing involvement in this matter and familiarity with the family if the judge determined a GAL was necessary. The father also wanted child support adjusted in light of his request to change of residential responsibility.

*My domestic violence advocate knew this was coming and told me this is what batterers do; they continue to taunt and stalk their victims through the court. She noted*

*the motive was to punish me by taking whatever he can away from me and there were only two things left to take; our daughter and money.*

The father's well documented history of wanting and then not wanting his children flipped and flopped over the last five years as evidenced by the record. The judge's own orders state children need consistency and the father's actions in court repeatedly and successfully undermined their consistency. In my objection, I also stated the violent incident between the father and child that resulted in the father's loss of a son and the son's loss of a father, which continues to this day, should have been and could have been prevented, but was not because the children were put in the care of the father by the judge. Therefore, I requested the judge make the existing parenting plan permanent to continue my primary residential responsibility under which the children flourished for over a year, with the father having such parenting time with his daughter consistent with the arrangements which worked well during the past fourteen months as was alluded to in the father's own motion.

The father's request to change residential responsibility was perplexing in light of the previous DCYF investigation during which the father abruptly prepared parenting plans initiating the change of residential responsibility immediately following his conversation with a caseworker from DCYF. The DCYF investigation expanded to an inquiry of incidents at the father's home involving both children, which was foreseen, on the record. Although the investigation was ultimately closed as unfounded, the evidence supported the environment at the father's house on a full time parenting basis was detrimental to both children. The unfortunate events that occurred and should have been

prevented for the sake of the children and their father were foreseen on the record and documented as Findings of Fact granted in the court file. The incidents could have been and should have been prevented if the judge considered his own rulings based on the Findings of Fact *he* granted.

Fortunately, the day after the GAL complaint was filed the GAL copied me on a letter he sent to the court stating his GAL certification expired on December 11, 2012 and he could not serve as GAL for future parenting matters in this case as requested by opposing counsel in his recent motion. As the result of the GAL's inability to serve in our matter, the judge appointed a different GAL. Shortly thereafter, the GAL board issued a decision stating there was no evidence to support any violation was made and therefore there would be no further investigation. I appealed the decision of the GAL board, testified at hearing with my domestic violence advocate. Ultimately, the appeal was denied and the complaint file was closed.

The father's child support arrearage in excess of \$6000.00 remained unpaid despite this judge's granting upon motion for reconsideration without pleading the father's request to pay the arrearage at the rate of \$50 weekly. While I was at a required Residential Institute at Nova Southeastern University, the division of child support services sent a letter to inform me of an impending lien on my bank account for back child support owed when in fact my ex-husband owed me more than I owed him. The letter stated the division of child support services was going to attach my income tax refund for unpaid child support and put a lien on a bank account for which I am the trustee. The lien was for child support I did not owe, which was based on imputed

income and made me homeless. Upon returning home, I went to the bank with my documentation to explain the situation and do some damage control. I called a state Senator who connected me with the person who could halt the impending lien. It was 'removed' and the child support enforcement officer agreed verbally to write a letter of explanation to the bank stating the lien was placed in error. Within a couple of days I received the letter, addressed only to me from child support enforcement stating the lien was released with no mention of the bank. Come to find out, the state never did put a lien on my account. I was told the state sends these letters as a scare tactic. Despite the father's arrearage payable at \$50 weekly, ordered six months ago in April, there was still no payment on the arrearage and no response from him regarding when he would pay it.

Due to the previous filing of the Petition for Redress of Grievance, I filed a motion for judicial recusal. The petition informed the legislature of the ways in which the judge's decisions repeatedly harmed our children and me. Given the circumstances of the judge's inability or unwillingness to remain impartial in this matter, the rationale was having him on the case might not be in anyone's best interest; certainly not the children's, mine, his or the system's integrity which was about to become a matter of public interest due to my filing of the Petition. I also filed an interlocutory appeal statement at the New Hampshire Supreme Court pertinent to the recusal of the judge. The purpose of the appeal was to obtain direction from the New Hampshire Supreme Court regarding whether or not the judge was in a position to determine his own recusal and whether or not the judge should be recused.



The judge failed to consider admitted evidence and testimony warranting upward child support deviation per NH RSA 458-C:5 in an unbelievable unsustainable exercise of discretion. The Uniform Support Order mistakenly stated the order complied with the Child Support Guidelines. Ordering bonus payment annually modified our Permanent Stipulations, which provided for monthly bonus payments, favored the father, and deprived the children exponentially. My school roommates were stunned at yet the latest fiasco I had to endure. They could see how emotionally and physically draining it was. Unfortunately, usually when they saw me I was trying to endure battle or weather some fallout from a sick system that allows a batterer to sit on the bench.

The final hearing was conducted on February 11, 2014. Once again, the father launched a custody battle, only to change his mind when the GAL did not agree he was a prime candidate to have primary residential responsibility for our child. On March 25, 2014, the court issued a notice of decision. In its entirety, the judge's order appeared favorable to the father and it did not seem to be impartial; the decisions appeared to be retaliatory against me. The judge issued a confiscatory child support order which was lower than the child support guidelines even though I pled our special circumstances. My income was below the minimum self-support reserve, I was a displaced homemaker under NH RSA 275-D and the father's income justified and warranted an upward deviation. The father previously canceled my health insurance without notice or notification of COBRA coverage contrary to and in contempt of our divorce decree and the judge overlooked the father's behavior. Perhaps the judge was not happy because I filed a Petition for Redress of Grievance against him at the Legislature, but the judge

overlooked as an abuse of discretion that his order was in fact retaliatory against the children.

Representative Luther requested a file review be conducted at Administrative Office of the Court. The file review was supposed to be a meeting to explain the multiple ethical, process, and decisional issues surrounding the case. Instead, the file review was a document summarizing the inaccurate court file and accompanying decisions.

Representative Luther and I reconvened and decided to file individual bills to address the issues legislatively. He setup another meeting with additional legislators where we explained the injustices to no avail. Our next stop was to be a meeting with the chief justice of the New Hampshire Supreme Court. Representative Luther passed away unexpectedly and the meeting never occurred. Despite our filing of legislative service requests, the legislation did not pass.

Fortunately, the new GAL recommended leaving the parenting plan as it was. The father agreed at the hearing, concurring with the GAL after all he put the child through and after all the money he spent to launch and sustain a fifth costly custody battle. The parenting plan stated I shall not relocate out of the State of New Hampshire. The judge crossed off the part about the Brentwood Family Division shall have jurisdiction of this case. The judge issued the parenting plan as a final parenting plan modifying a prior final parenting plan. Reconsideration of the court's March 27, 2014 order was denied on April 25, 2014, Notice of Appeal filed at the New Hampshire Supreme Court and later declined during October of 2014.

The father refused to comply with the judge's prior order to reimburse me for our son's college expenses so I filed a motion for contempt. The judge's previous order was under appeal at the New Hampshire Supreme Court and therefore I was unsure about the protocol for filing the motion so prior to filing I called the circuit court service center. I was informed orders of the court must be followed until new orders are issued if an appeal is filed. The judge denied the motion for contempt and ordered me to pay the father's legal fees because I was seeking enforcement of an order that was not final and therefore unenforceable. The judge further stated I knew or should have known the order was not enforceable because I filed the appeal and filed numerous appeals in the past. On July 30, 2014, opposing counsel filed his affidavit of fees in connection with the motion for contempt for \$356.25 at the rate of \$285.00 per hour for 1¼ hours. The judge found the fees reasonable and on August 14, 2014 ordered the amount of \$356.25 to be paid within sixty days of issuance of the order.

### **Systemic Violence**

The latest wave of systemic violence was particularly disturbing because nothing was pending in court. The GAL filed a frivolous motion, which became moot and the father's attorney jumped on the opportunity for more court time to initiate another custody battle. The custody battle was launched despite repeated letters from the child's counselor over the last five years clearly stating court action is contraindicated due to concerns for the child which since came to fruition and caused both children harm. The judge conducted the hearing despite my objections. Judicial power was facilitating

repetitious injustice, negatively influencing familial relationships and undermining our family culture.

The father's objection to my motion for judicial recusal necessitated my filing of a response. In the response, I refuted inaccuracies and noted the latest wave of systemic violence was disturbing because nothing was pending in court. The GAL's seemingly frivolous motion was moot and the father's attorney jumped on the opportunity for more court time to initiate another custody battle in direct opposition to the recommendations of the child's counselor. My motion explained how and why the father's objection to my motion for judicial recusal in its entirety highlighted violence against children that is built into the system. Due to systemic violence, nothing was done to stop the violence.

### **Public Policy**

The Petition for Redress of Grievance was filed as an act of nonviolent direct action in an attempt to get the violence to stop. There were inherent risks in taking such bold action but the risk reward analysis indicated the petition needed to be filed. Through a process of multiple abuses of discretion, the judge dominated and controlled us to the extreme of oppression so by then there was not much to lose. While no remedial action was taken by the legislature as a result of the filing, it was anticipated the actions of the problem solvers in the public spotlight may help to squelch some of the ethical problems associated with the case.

The filing of the GAL complaint was another form of nonviolent direct action aimed at getting the violence to stop. The fact the GAL was appointed after the previous GAL withdrew due to multiple ethical problems with the case and the ethical problems

intensified is noteworthy. The GAL's initiation of court action prompted me to withdraw my letter requesting the non-confidential contents of the file because I could not afford to pay for the information in the event the judge ordered costs and fees to the GAL. Our oppressed condition blocked access to our own information due to fears the cost of obtaining it from the GAL would be prohibitive, and that was *if* the judge instructed the GAL to provide the file, which by law the GAL needed to provide. The lack of parental access to their personal information without the risk of suffering financial harm is an issue of social concern.

### **Impact on Parents, Children, and Culture**

The repetitious custody battles condoned by the judge presiding over this matter negatively affected parents and children the system was intended to protect. By virtue of the fact it is possible to go to the court and launch an attack that transforms into a war, the negative impact of judicial decision-making on parents and children is not surprising. The system by its very nature promotes conflict, yet the system is intended to solve problems. Solving problems becomes a complex process when the environment established for conflict resolution in fact promotes conflict escalation. Therefore, negative impact of judicial decision-making on parents, children and our culture is explainable.

**Socioeconomic disadvantage.** During the custody battle phase the family was put at a socioeconomic disadvantage, again. The father incurred substantial legal fees while trying to change residential responsibility and obtain a court order requiring me to pay him child support. In the end, the father spent money on legal fees only to lose and

be ordered to continue paying child support. The judge's confiscatory child support order less than the child support guidelines continued the pattern of depriving the children and me. To minimize the socioeconomic fallout I needed to fight for the right to do what I needed to do to provide for the children and me. This required substantial hours of legal work and nonviolent direct action, which furthered the socioeconomic disadvantage, as time spent on the efforts to extricate us from the system would have been better spent resuming my plans and goals, returning to my career outside of the system.

None of this accounts for the money I lost being precluded from managing my own finances, being withheld from resuming my career and being forced to act in a fiscally irresponsible manner to comply with the judge's custom designed plans for me that failed reality testing. My life functioned as if I was an impaired person. We were late for family events, missed many and lacked the financial means to arrive and participate within socially acceptable protocol. The stagnation of my growth caused by judicial decision-making furthered the socioeconomic disadvantage to our family. At one point, I spent all day every day doing legal work because I could not afford an attorney. I missed holidays and other important life events because I was busy writing useless motions, objections, responses, and other documents required within the New Hampshire family court process. I have written over one thousand pages, which have not mattered because if the court solved problems those in the system would not be paid. The judicial decision-making process deprived our children of my time, money and attention as the conflict continued to escalate.

**Conflict escalation.** The conflict widened and escalated during the final custody battle. I intentionally widened the conflict through nonviolent direct action and while it was risky, there was no other alternative. Widening the conflict was safer during this custody battle than in the past because both children were with me, safe and thriving despite the negative consequences the judicial decision-making process imposed upon them. The outcome in the matter was better than in previous matters although the amount of anguish the children endured was detrimental to their well-being. During this phase, the problem solvers would be exposed if they continued acting unethically and while the outcome was better than in previous segments of the case, the end result was less than ideal.

**Adverse childhood experiences.** The judicial decision-making process was an emotional rollercoaster for our family. The uncertainty imposed by the process during the fifth custody battle in as many years negatively affected the children leaving both of them uncertain about their futures. This caused great anxiety and reluctance to attach to their home and school environments contrary to what was needed to promote their growth and development. The continued conflict and related escalation caused financial damage that jeopardized the children socioeconomically and deprived them of the ability to live in their own home. By surviving this through their painstaking experience, the children learned what ‘not’ to do.

### **Ethical Issues and Questionable Practices**

Our case was replete with maladministration, ethical issues, and questionable practices. After the first GAL withdrew, the judge appointed another GAL known to

favor fathers whose practice was in the same town as his own. This was an early indication the ethical problems were just beginning and in the end, my prediction was accurate. The case was hijacked and the outcomes of the hearings were predictable. More billable hours, additional time in court and rewards to the father were foreseeable as the judge repeatedly ordered me to contribute to the father's patronization of the court by paying portions of his legal fees.

**Domestic violence facilitation.** The wealthy father purposely and knowingly deprived his children of *all* financial support for over six months from October of 2011 until May of 2012 after the judge issued a child support order, despite my pleading for expedited action during hearing of December 2012. My income was below the minimum self-support reserve, I was retraining full time due to my past and present displaced homemaker status, all my rental units were vacant, and all my cash and resources were exhausted. This was caused by the father who convinced the judge not to allow my necessary relocation to return to the workforce in accordance with my Financial Plan during 2007. The judge assisted the father to financially abuse the children and me.

To make matters worse, the father's child support arrearage, which was in excess of \$6000.00, remained unpaid despite this judge's granting upon motion for reconsideration without pleading, the father's request to pay the arrearage at the rate of \$50 weekly. The wealthy father refused the court's gifts, further depriving his children of support while the mother's arrearage was ordered paid in full, up front and immediately despite her special circumstances, which further deprived the children who were already deprived. The judge continued to facilitate the father's financial abuse by allowing the



father to ration his payments, which should have already been paid on an ongoing basis. Despite my pleading and later pleadings the judge refused to enforce his own child support order, giving the wealthy father a vacation of many months of child support contrary to the state's child support statutes. The father never did comply with the order to pay his arrearage.

**Questionable practices.** The GAL's stipulations specifically addressed confidentiality in accordance with the judge's order on appointment and no other orders pertinent to this type of confidentiality needed to be entered because I was not requesting confidential information. The GAL in his motion asked the judge for specific instructions regarding how it wished him to proceed and what information he was permitted to disclose, yet as stated in his own motion for instruction paragraph three, he stated "The parties previously signed a stipulation with the guardian ad litem which designated that certain portions of the guardian ad litem would be confidential".

The GAL made the confidentiality aspects of the matter very clear to the parties in his own stipulation so the fact he was requesting instructions from the judge was perplexing. In his motion, the GAL notified the court we previously signed a stipulation with him that designated "certain portions of the guardian ad litem would be confidential." [sic] This statement in the GAL's motion for instructions appears to be a Freudian slip. What information about the GAL would be confidential? The GAL noted he made the confidentiality aspects of the case clear to the parties in his motion but at the same time did not seem to know what was confidential. The GAL was seeking

instructions regarding what is confidential from the court, after the matter ended and our son signed a release.

The GAL's motion raised serious questions regarding the necessity of using the court for a routine, clearly specified request in relation to the appropriate use of the process and its integrity. There did not appear to be any legitimate basis for court intervention because the GAL was also a lawyer, bound by State and Federal law. Therefore, he knew or should have known the law pertinent to what is confidential and what is not confidential and especially how that relates to his own stipulations and service as a GAL. In front of a witness this same GAL stated he would not review the court file, previous GAL reports and Findings of Fact granted in the court file; this is highly questionable. Additionally, the GAL's lack of certification was acceptable in the previous matter and now unacceptable in the subsequent matter. There were more practices in this case that are questionable than there are answers.

**Patronizer favoritism.** The father refused to comply with the judge's order to reimburse me for our son's college expenses so I filed a motion for contempt. I was assessed the father's legal fees because the order was under appeal and the judge penalized me for filing a motion for contempt on an order which was not final. The father did not comply with the order and the judge refused to enforce his own order. The father did not comply with the judge's order and I was punished for bringing it forward; the judge ordered me to pay the father's legal fees. When I appealed the judge's previous orders, they were enforceable and went into effect despite the appeals. In a subsequent

motion the father informed the New Hampshire Supreme Court neither parent could afford to pay for college after he spent \$200,000 in legal fees.

Patronizer favoritism was also an issue with the child support order. Despite the well-documented special circumstances, the judge issued an order favorable to the father. It appears as if there was some vested interest in ensuring the father paid me as little money as possible. Was this to ensure his lawyer was paid? In its entirety, the judge's order issued on March 27, 2014 appeared favorable to the father and it did not appear to be impartial. The decisions appeared to be retaliatory against me, perhaps because I filed a Petition for Redress of Grievance against the judge at the Legislature. The judge overlooked his lack of impartiality as an abuse of discretion and in fact his order was retaliatory against the children. The judge's own orders state children need consistency and the father's actions in court repeatedly and successfully undermined their consistency through the judge's orders.

The extent to which a parent would fight the other parent to deprive their own children, to the extreme of spending more money to deprive them than it would cost to provide for them is difficult to comprehend. The judge's order punished the children and rewarded the father for depriving and abusing his children while patronizing the court. The questionable practices and ethical issues in this matter pose challenges for parents, children, and our culture. These issues are of significant social concern. Discussions and action are needed to rectify the issues to eliminate structural violence from the New Hampshire family court. Patronizer favoritism, judicial child abuse and judicial economic abuse need to be investigated and remediated.

## **Conclusion**

Throughout the matter, I thought justice would prevail because I did not think doing what I needed to do to provide for my children was against the law. Doing what I needed to do was not against the law, it was incompatible with the court orders written by the judge, legislated from the bench. I struggled daily to understand justice being delayed, only to find out justice was denied. The findings in this matter indicate structural violence and public policy are major contributing factors to negative New Hampshire family court outcomes for parents and children that need to be addressed. The findings further indicate questionable practices and ethical issues leading to adverse outcomes for parents and children embroiled in the judicial decision-making process need to be investigated to alleviate the negative impact of judicial decision-making on parents, children and our culture.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Discussion**

The objectives of this research provide a basis for the examination of structural violence in the New Hampshire family court. This discussion in the context of the research objectives is intended to provide insight regarding judicial decision-making and the impact of the New Hampshire family court process on parents, children, and culture. The findings of the study document the manner in which the New Hampshire family court's judicial decision-making process can preclude parents from meeting their basic needs and providing for their children. The findings of this study also indicate other ways in which parents, children, and culture can be negatively impacted by judicial decision-making in the New Hampshire family court.

#### **Factors Contributing to Intractable New Hampshire Family Court Conflict**

**System design.** The first research objective is to identify factors contributing to intractable family court conflict in New Hampshire. An in depth documentary of my experience in the New Hampshire family court and corroborating evidence was utilized in an inductive process to meet this research objective. The factors contributing to intractable family court conflict in New Hampshire include structural violence, public policy, ethical issues, and questionable practices. New Hampshire judges have broad discretion in family court matters, which enables ongoing conflict in family matters if one, or both parents choose not to engage in alternative dispute resolution methods. The system is designed to promote conflict as parents are encouraged to attack and blame each other throughout the litigation process.

**Revised statutes.** During 2005, RSA 461-A, legislation governing Parental Rights and Responsibilities in New Hampshire was enacted. This statute changed the process of divorce as the presumption of this legislation is that children do best when both parents are involved in their lives. The legislation also changed the divorce process as parties filing for divorce or parenting rights are usually sent to mediation unless there is domestic violence in the matter. The legislation was beneficial to many parents and children presented with the option of mediation instead of entering the courtroom. This same legislation economically impacted the divorce industry as divorce lawyers were no longer needed to guide litigants through the court process. The new scarcity of divorce clients provided an incentive for those in the system to do what it takes to maintain the status quo, which is consistent with the literature review findings.

It is important to note this case involves a matter that was repeatedly before the court. The majority of parents file their intentions administratively at the court and many of those parents are not subject to judicial discretion at the micro level. From a public policy perspective, the laws work for the majority of parents; those who are unable or unwilling to resolve their differences in alternative dispute resolution forums are negatively impacted by judicial discretion. The current laws appear to be working for those who do not enter the courtroom; those entering the courtroom need something different from what the current system provides.

In New Hampshire, part time district and probate court judges are compensated based on their caseloads in accordance with RSA 491-A, Judicial Salaries. Annual judicial salaries are calculated on the basis of weighted case values relating to the time

required for particular types of cases. The Administrative Office of the Courts calculates the number of weighted case units to determine the annual salary of part time judges. Judicial compensation based on caseload provides an incentive to retain cases, not dispose of cases and is a potential leverage point. Providing judges with an incentive to retain cases is likely a factor contributing to intractable conflict in the New Hampshire family court.

**More court time.** The pattern of judicial decisions promoting more court time emerged as this case progressed and is a contributing factor to intractable family court conflict in this New Hampshire matter. As the pattern of judicial decisions promoting more court time progressed it was becoming clear the conflict was about fighting with a judge, the State of New Hampshire (not the father), to continue being the healthy parent for our children. By putting a parent in the position of having to fight earn a living and provide for their basic needs, intractable family court conflict was created in this New Hampshire case. Structural violence within the system promoted costly trips to court from which the judge and court affiliates profited.

### **Impact of Judicial Decision-Making on Culture**

**Undesirable outcomes.** The second research objective is to evaluate the impact of judicial decision-making on culture through the evaluation of texts for a case prolonged for over eight years. The themes within each category revealed the impact of judicial decision-making on culture. This case demonstrated judicial decision-making is harmful to parents, children, and culture because the decisions marginalized our family through the imposition of socioeconomic disadvantage and deprivation. Judicial

decision-making in this matter jeopardized the welfare of parents and children, which negatively affects culture by causing adverse childhood experiences, which lead to undesirable societal outcomes for children. At times the New Hampshire family court system's performance and outcomes are in direct opposition to the laws governing the family court which is an undesirable outcome of the judicial decision-making process on culture. The judicial decision-making process promotes conflict escalation at a time when conflict is most in need of de-escalation and resolution which leads to financial damage due to prolonged exposure to the judicial decision-making process.

**Jeopardized welfare of citizens and integrity of the system.** Excessive dominance and control was prevalent in this matter, leading to oppression and negatively impacting both parents and children in this case. The growth of parents and children became stagnated leading to unexpressed potential. The dominance and control in this matter is due to the New Hampshire family court's facilitation of domestic violence as the judge enabled the father to use the family court as a forum to dominate and control our children and me. In this matter judicial discretion in the decision making process proved to be harmful. Judicial power and authority without accountability leaves culture vulnerable to arbitrary application of the law and jeopardizes the integrity of the legal system relied upon by our culture.

### **Identification of Patterns**

**Structural violence prevails.** The third research objective is to perform text and case analysis to determine the existence of patterns in judicial decisions that influence outcomes to formulate a tentative hypothesis based on the findings. The



predominant pattern that emerged in this study is the existence of structural violence within the New Hampshire family court system that enables those within the system to act in the best interests of themselves and those employed by the system. This inherent systemic flaw enabled ethical issues and questionable practices to prevail repeatedly despite negative outcomes harming our family. Patterns of judicial decisions inflicting harm emerged as the case progressed over time.

**Predictable orders.** As the case was prolonged, it became easy to predict the outcome of the judge's orders, independent of the content of his orders. The judge's orders would repeatedly and predictably promote additional time in court. More court time translates into billable hours for court affiliates and a secure caseload for the judge. Regardless of the issues decided in the orders, the ongoing orders became structured to keep our family embroiled in the court process.

**Patronizer favoritism.** The second pattern of predictability is patronizer favoritism. Based on the judge's orders there could be an inclination to conclude the judge is biased against women. While judicial bias against women may be observable in some aspects of this matter, the results of this study are more conclusive when looked at in the context of the judge rewarding the father for patronizing the system. This is evident through orders favoring the father and reinforcing the father's negative behaviors by awarding him legal fees throughout the matter. Awarding the father legal fees, no matter how small the amount, sends the message to the father he is right and I am wrong, further encouraging the father to return to court for additional psychological reassurance

and validation with the added benefit of attacking me, blaming me and having the judge punish me.

Patronizer favoritism contributes to intractable New Hampshire family court conflict in this matter. Over time, the outcome of the judge's orders became predictable. More time in court and rewards to the father for patronizing the system was likely to and in fact did occur throughout the matter. It is easy for patronizer favoritism to remain undiscovered because when outcomes are undesirable litigants and others may believe the issue is gender bias. Unfortunately, this perception of bias enables patronizer favoritism to hide in plain sight.

### **Hypothesis**

Upon documentation, identification and analysis of texts the fourth research objective is to propose a preliminary hypothesis in relation to observations of the cultural phenomenon. Patterns in the judicial decisions resulting in negative outcomes consist of ethical issues and questionable practices. The ethical issues and questionable practices occur as the result of structural violence and matters of public policy. Based on personal observations of judicial decision-making which revealed patterns in this matter, the following hypothesis is suggested:

*Structural violence and judicial discretion in the New Hampshire family court promote intractable conflict, which prevents parents from meeting basic needs for their families, causing them harm.*

## **Leverage Points**

**Judicial discretion.** The fifth research objective is to identify leverage points within the system to be targeted as catalysts for systemic reform to ensure positive outcomes from the social conflict management system designed to protect parents, children, and society. There are places in the system where small changes have the potential to result in substantial change and improved outcomes. Some leverage points of potential intervention include opportunities to minimize process delays and uncertainty, halt the facilitation of domestic violence, minimize structural violence, judicial discretion, and patronizer favoritism. Judicial power, discretion, and decision-making are the most significant leverage points because judicial power, discretion, and decision-making are the root cause of the themes identified in this research. This study reveals ethical issues and questionable practices jeopardizing the integrity of the judicial making process providing further justification for a close examination of judicial power and decision making in New Hampshire family court matters.

**Legislation.** Legislative intervention may seem like an option as a leverage point and although legislative action was taken, it was ineffective throughout the matter. Proposed legislation to revise the laws enabling the negative outcomes was voted ‘inexpedient to legislate’ and no action was taken on the Petition for Redress of Grievance (See Appendix F). Regardless, laws are irrelevant if judges are not required to apply and abide by them. Legislative service requests for revisions to New Hampshire statutes may serve a purpose as an act of nonviolent direct action. Filing legislative service requests to change laws made many publicly question the reasons the change was

needed and promoted public awareness regarding what was transpiring in the New Hampshire family court. The filing of legislative requests to change the statutes served as acts of nonviolent direct action and may be responsible for less court conflict escalation within section five, the last Custody Battle. However, this finding cannot be deemed conclusive because the father changed his mind about the change of custody he requested when the GAL did not recommend the change in accordance with the father's pleadings.

### **Call to Action**

**More literature.** The sixth objective of this research is to initiate a call to action, encourage and establish literature so there can be reciprocity and others can analyze the findings to evaluate the need for an improved conflict management system for unmarried parents and children. This autoethnography is to encourage and establish literature for others to review. It is intended through reciprocity others can analyze and evaluate the findings of this research to take action in support of an improved conflict management system for unmarried parents and children. Additional autoethnographies related to structural violence in the New Hampshire or other family courts would be ideal. Due to the sparse presence of literature, the call to action includes a call for more literature regarding the impact of judicial decision-making on parents, children, and our culture.

**Activism group consolidation.** While larger sample sizes of data would be helpful, it must be noted people enduring the pain and negative outcomes of structural violence inherent in the New Hampshire family court are rarely able or willing to report their experiences due to fear of repercussion. People enduring the judicial decision-

making process are not typically in a position to write in such great detail about their experiences. This is understandable; the damage control required in the aftermath is phenomenal. Groups dedicated to family court injustice have arisen since I started researching this topic over the last 10 years. Many of the groups arose on social media and the emergence of related groups continues to rise. Ideally, a call to action includes the formation of one group, which consolidates all the groups. There is a movement in the making and greater organization under one agency would have more power to raise awareness, achieve critical mass, and promote positive change.

**Change.** Initiating a call to action is a call for change. Change is not to be confused with reform. Reform implies the current system need to be changed. The New Hampshire family court system needs to be re-formed in the context of being recreated or formed again. An improved conflict management system implies change with the consideration of a process to replace the current process, which may be entirely different from what is now known as the New Hampshire family court.

### **Interpretation of Findings and Meaning of Results**

The findings of this study are significant due to the potential for widespread change. The negative outcomes of the judicial decision-making process in this matter are documented and include the cause of the negative outcomes, primarily judicial discretion. This research highlights structural violence within the New Hampshire family court and specifies the reasons the violence continues. Judicial discretion is part of the system's structure. Cultural violence enables the cycle of harm to continue because our cultural norm is to use the New Hampshire family court for matters of divorce and parenting.

While culture assumes the court accomplishes its mission, this research demonstrates while cultural beliefs include faith in the system, in practice the outcomes are less than optimal. Cultural violence condones structural violence with the underlying belief the New Hampshire family court does what it is supposed to do. Judicial discretion in this matter gave the judge carte blanche to impose direct violence upon our family with the full power and authority to impose harm upon our family without any accountability.

Broad judicial discretion in this research is violence within the judicial decision-making process which harms people and prevents them from meeting their basic needs. The findings of this study have the potential to have a positive impact on change. While the details of this matter are disturbing, at times grueling to read and difficult to fathom, perhaps the publication of the findings will raise awareness regarding what goes on behind the court's closed doors, even though the court file is public information. This perplexing cultural phenomenon is hiding in plain sight and it is anticipated this study will expose the inadequacies of the current system, leading to a better default conflict management system for parents and children in New Hampshire and other states.

### **Results Compared to Literature**

The multidisciplinary literature review for this research includes literature from various fields including family law, judicial independence, peace and conflict studies, public policy, and domestic violence. The literature review also encompasses theoretical frameworks from which the results can be reviewed. The results of this study are consistent with the literature review to the extent the multidisciplinary literature includes literature related to this study. The literature does not contain any autoethnographies

about structural violence in the New Hampshire family court so it is not possible to compare the results in their entirety to the existing literature.

This research provides an example of how structural violence can widen and escalate conflict, causing harm, which is consistent with the review of literature. This study does not reveal any findings contrary to the findings in the literature review. Instead, this study affirms the findings of the literature review via the documented narrative. The documented narrative provides an in-depth view of the New Hampshire family court outcomes from the lens of the researcher, a perspective that is not prevalent within the literature. The impact of structural violence on unmarried parents and children is potentially widespread and this research may have a substantial impact on society once the research objectives are fully met. This autoethnography is important because it documents and identifies issues within the New Hampshire family court system in the context of a conflict resolution system.

### **Contributions to the Field of Conflict Resolution**

**Documentation of inaccessible text.** This study offers several contributions to the field of conflict resolution. The primary contribution of this study to the field of Conflict Resolution is filling the gap in the literature. The contribution of this literature detailing the events of family court matters is not usually readily available or accessible. Access to participants is difficult to obtain and even if access is obtained, some are unable or unwilling to tell their stories due to their oppressed conditions within the family court system. If the stories are obtained by a researcher they are then re-presented which does not always portray the participant's experience as lived by the participant. This

autoethnography is a starting point in the literature, documenting the researcher's lived experience and is intended to encourage other researchers to review this literature, critique it and submit or solicit other similar literary contributions.

**Change justification.** This literary contribution is also beneficial to the field of Conflict Resolution because the documented narrative that is usually inaccessible can be used to justify the need for change. In addition to providing justification for long overdue change, this research promotes awareness that may promote change in the New Hampshire family court and also family courts in other states. This research also provides a starting point for the current system so alternatives can be generated and solutions can be implemented in support of change efforts. The documented narrative provides the literature with a basis for observing and analyzing the New Hampshire family court system's impact on culture to further inform change efforts.

**Analysis and reciprocity.** This study provides the field of Conflict Resolution opportunities to analyze the ways in which conflict unfolds in the family court system as designed. While the family court system was designed to solve problems, this study can be utilized within the field of Conflict Resolution to demonstrate how a system designed to solve problems can actually create more problems, which actually escalate conflict, causing more problems. The documentation of this case can be used to analyze conflict between parents, conflict in the family court process, and conflict with and between the problem solvers. This research provides the field with multidimensional conflicts, which can be beneficial when a new system is designed because the autoethnography highlights



the issues that need to be addressed. In addition to contributions to the field of Conflict Resolution, there are implications for the broader academic community.

### **Implications for the Broader Academic Community**

**Informs public policy.** In addition to the contributions of this literature to the field of Conflict Resolution, this study advances knowledge within the broader academic community. Documenting the narrative is also useful for the broader academic community because the autoethnography contains multidisciplinary findings indicating broader issues need to be addressed. From a public policy standpoint in New Hampshire, systemic violence, judicial power, judicial discretion, family court injustice, accountability, high rates of harm and the judicial abuse of parents and children need to be addressed and remediated. There are opportunities to end the cycle of judicial oppression, dominance and control in addition to the marginalization and socioeconomic disadvantage imposed upon parents and children through the unethical and questionable practices imposed upon them by members of the New Hampshire judiciary. Judicial discretion in New Hampshire is rooted in the state's constitution and many people from different disciplines are needed to make the necessary change happen. The movement needs to gain momentum.

**Examination of judicial decision-making authority.** There are other implications for the broader academic community because mental health professionals, domestic violence advocates, court affiliates, and members of our society are needed to help generate alternatives to the New Hampshire family court. An alternative to the current family court system in New Hampshire may be considered, potentially

eliminating judicial discretion and decision-making. Without judicial discretion or decision-making, the possibility of preventing parents and children from having their own stories to contribute to the literature is encouraging. If it is determined judges will no longer have power and control over parents and children in transition then members of the broader academic community will be needed to assist with the process of defining a system that resolves conflict rather than causing and promoting it.

**Researchers.** This study is beneficial to researchers because it provides access to participant data, which is difficult to obtain. The narrative and findings in this case highlight the need for additional multidisciplinary literature in response to the cultural phenomena created by the New Hampshire family court. The study identifies some specific categories contributing to intractable family conflict in the New Hampshire family court which need to be addressed, including structural violence, public policy, the impact on parents, children and culture, questionable practices and ethical issues. Researchers need to focus on these categories of findings to provide additional literature for peer review, consideration, and action.

**Practitioners.** This study informs practitioners about the New Hampshire family court and its impact on parents, children, and culture. This autoethnography is very beneficial to practitioners as it demonstrates the impact of judicial decisions on parents, children, and culture, which is important as practitioners need to know the implications of their decisions and actions. This research can also inform practitioners about ways in which patterns of questionable practices emerge which will help them to avoid such pitfalls so they can best serve their clients. It is important for practitioners to consider the

consequences of their actions and this research raises awareness about the importance of reality testing any ideas, solutions, or orders imposed upon those they serve.

**Teachers and trainers.** Teachers and trainers also benefit from this research because it serves as an example for others to critique and review. The documentation of this case can be used by teachers and trainers to demonstrate what constitutes sound practice while showing students some practices, which are unlikely to yield positive outcomes for parents, children, and society. This research can also be used as a multidisciplinary case study in the areas of family law, political science, marriage and family therapy, judicial training, guardian ad litem training, and others involved with parents and children in the judicial making process. While this research answers several questions, additional questions are raised, providing opportunities for conversations about the impact of judicial decision-making on culture and how to influence change.

### **Limitations of the Findings**

One perceived limitation of this study is bias inherent within the data. The data is presented from the perspective of the researcher in the context of the researcher's own experience, offering a unique glimpse within the life of a marginalized, oppressed parent and her children as they move through the New Hampshire family court system. This perceived limitation is intentional by design and actually a major strength of the research because it addresses lived experiences that the majority of people in this predicament would be unable or unwilling to share due to their oppressed condition that includes feelings of inferiority and fear of repercussion. Narratives documenting people experiencing the cultural phenomenon experienced by this researcher are rarely found in

the literature so while this research may seem to be limited by bias, the research in fact reveals data that is usually not readily available and rarely obtainable. If the data could be obtained from participants it would be limited by that which the participant is willing to share, then interpreted and re-presented by the researcher. This study presents raw data in the form of first-hand experience lived by the researcher and while bias may appear to be a limiting factor, any perceived bias is in fact the strength and purpose of the research.

**Sample size.** Contrarily, a limiting factor is the data collection process relies on the experience of one researcher. While parents and children dissatisfied with their New Hampshire family court experiences are starting to emerge via social and self-published media, there is not a large sample size to which the researcher's experience can be compared to check for similarities, differences, patterns, and trends. This limiting factor is addressed in part through a comparison of the findings to a review of the literature. The findings of this study coincide with the literature review indicating the experience of the researcher is consistent with the existing knowledge base.

**Implications.** Writing this account of my first hand experiences with the New Hampshire family court enables my voice to be heard in a forum where I am able to represent myself in a manner truly representative of the experience, not after interpretation by the a researcher after filtering my responses and reporting what another person believes is important to report. The fact this research provides data that is otherwise unavailable is a factor mitigating bias and criticism surrounding this autoethnography. Obtaining data such as the data found in this study is neither practical

nor feasible due to the limited access to subjects and the amount of time required gaining an introspective, thorough understanding of how the experience in the New Hampshire family court affects parents, children, and our society.

**Time, space, and ethics.** Time, space, and ethical considerations are limiting factors relating to this study. Incorporating many years of lived experience into a single document poses challenges. While the exorbitant amount of data in this research gave me plenty of opportunities to zoom in and zoom out, the challenge of what to leave in and what to leave out is ongoing. The process of determining data relevancy endured throughout the process and it was challenging to accurately report the experience given the limited amount of space and time available to fill it. Within the task of determining relevance to accurately report the findings, ethical considerations influenced the manner in which the story was told for the protection of individuals involved with the experience. While the court file is a matter of public record, every effort possible was made to respect the privacy of parties involved in the case as was checking and re-checking to assure accurate conveyance of the actions and words of those involved with the matter.

The findings are limited to the experience of one researcher. The utilization of established analysis and interpretation strategies in conjunction with other autoethnography evaluation methods is intended to mitigate the limitations and provide the highest possible quality of data and related analysis. The data collection, management, and analysis processes were conducted to ensure accurate, reliable results. The potential benefits of the study outweigh the costs and implications of imitations of the study.

### **Practice Related Contributions**

The results of the study will be useful for informing practice in various disciplines. The study informs mental health professionals about the harms we experienced and may empower them to assist clients during the process of change. Perhaps this autoethnography will inspire a mental health professional or one of their clients to engage in similar research. This research may inform professionals in other disciplines regarding leverage points in the system and the importance of their own roles in resolving this problem of social concern.

**Informing practice.** Focusing on how this autoethnography contributes to informing practice it is important to emphasize the relevance regarding the meaning provided by the study. As this study fills a gap in the literature, it provides insight regarding the lived experience of a parent in the New Hampshire family court system while highlighting the unintended consequences of the system. An understanding of the issues in this matter and awareness is promoted because the study provides literature specific to the abuse of parents and children by judges, lawyers, and court affiliates resulting in injustices, unintended consequences, and negative outcomes. This understanding will help to inform practice in various disciplines and help the broader academic community to determine the change initiatives needed to improve New Hampshire family court system outcomes, perhaps through pre-employment screening for judges or other means. The strong presence of systemic violence indicates there are many opportunities for intervention and the implementation of practice related contributions.

## **Conclusions**

This research provides a basis for a theoretical analysis of the issues contributing to intractable family court conflict in New Hampshire. The areas of family court dynamics, public policy, and nonviolent direct action to eliminate systemic violence in New Hampshire are explored. This documented experience of the researcher is through the lens of a domestic and structural violence survivor for review and scrutiny by other researchers in the field to raise awareness and facilitate change to prevent other parents and children from being victimized by structural violence moving forward. This research is a starting point for the creation of a better social system of conflict management for parents and children.

The system as designed is inadequate for the needs of transitioning parents and children. The New Hampshire family court puts people in a position where they have all they can do to take care of themselves, unable to do for others and in need of others to do for them. Our culture inadvertently condones New Hampshire family court conflict, which even facilitates and promotes conflict about the process, within the process. The New Hampshire family court system is not what parents and children need while their families are in transition and the system is not designed to meet their needs. Within the New Hampshire family court process parents are encouraged to work together when in reality they are in court because they cannot work together. Further complicating matters, parents are supposed to work together in a court system which pulls them apart while requiring them to attack and blame one another during the litigation process (See

Appendix G). This conflicted judicial decision-making process is inconsistent with and in opposition to the needs of parents and children in transition.

While there are issues with the system, there are also issues with the judge in this case. After all the mental anguish, commotion, chaos and harm imposed by the judge children ended up living with me in Gilford, NH, attending school and thriving in Gilford, NH. This was after the judge knowingly and intentionally put one of the children in harm's way, causing physical and emotional harm that severed the parent/child relationship for over six years, which continues to this day. Judicial decision-making buttressed by judicial discretion in this matter was detrimental to both parents and children. Growth was stagnated, leading to unexpressed potential and the integrity of the New Hampshire family court system is now being challenged in light of the facts in this matter. Nine years in court later, we ended up living in our Gilford, NH home. I returned to Southern New Hampshire University as an online instructor, became a Team Lead and now I am an Associate Dean of Faculty. All is well, I proved my case.

### **Recommendations for the Future**

**Awareness.** Nonviolent direct action is needed to publicize systemic violence and promote widespread awareness of the need for change. A social conflict management system for parents and children that is productive and leads to positive outcomes is needed to mitigate the harm generated by the status quo. Moving forward there is an opportunity to eliminate systemic violence through the decentralization of the decision making process. A new conflict management system is required to meet the



needs of transitioning families and public policy reforms will be necessary to facilitate the process.

**Education.** Education is an integral component of campaigns to raise awareness regarding the impact of judicial decision-making on parents and children in family court matters. Parents need to have knowledge and understanding of judicial decision-making in the family court prior to involvement within the process because once parents become litigants it is usually too late as the court's facilitation of conflict escalation gets underway very quickly once the court process starts. Preventing parental litigation is important and needs to begin before adulthood as we begin to shift from the cultural norm of judicial decision-making in family matters toward a model of parental autonomy and collaboration. Family court education can begin as part of the social studies curriculum, introduced when students learn about the United States court system. There are also opportunities to raise awareness through community, religious, civic groups, and organizations. Public service announcements and social media campaigns can also be beneficial for raising awareness about the importance of resolving differences collaboratively. Educating children in youth groups by equipping them with conflict resolution skills would also be helpful because it would give them the skills they need to resolve conflict, thereby minimizing the chances a judge would need to make their parenting decisions for them when they become parents.

**Eliminate judicial decision-making.** The new conflict management system for parents in dispute needs to eliminate judicial dominance and control. Power imbalances between the parties also need to be addressed with a new system focusing on

collaboration and equality. The antiquated system of power and control must be phased out in favor of a system promoting shared responsibility that provides intervention only when parents are unable to agree. Parents need a forum supportive of their needs including trained professionals available to assist them with the issues precluding them from thinking flexibly. A new system is needed to help them work together to minimize adverse childhood experiences resulting from exposure to judicially imposed trauma which is known to cause harm.

**Investigation.** An investigation into the structural violence, ethical and questionable practices in the New Hampshire family court and this case needs to be conducted. The evaluation of other cases involving the judge, opposing counsel and GAL in this matter needs to occur to determine whether my experience is isolated or if there is a pattern of unethical practices across this judge's caseload. The judge's caseload needs to be reviewed for patterns within his decisions and also to determine if there is favoritism of specific attorneys, pro se men, pro se women or favorable outcomes for specific attorneys. This would be a difficult task due to the tendency to taint the record in justification of their misconduct, as was the case in our matter.

The integrity of the process needs to be restored moving forward. One potential solution would be to have an ombudsman to investigate complaints when there are suspicions or allegations of maladministration. The ombudsman would serve the public interest by addressing complaints and rights violations. This role would need to be filled by an independent, impartial observer to have a positive impact on the judicial decision-making process.

The established patterns of more court time and patronizer favoritism open the door for further investigation. Are the established patterns only present in this case, some or all of this judge's cases? Perhaps investigating the relationships between the judge, opposing counsel, and the GAL would shed light on the legal climate influencing this case. Perhaps reporting the case to the FBI for color of law, public corruption, and potentially organized crime or racketeering would highlight the injustices in this matter so future injustices can be prevented.

**Collaborative law.** Requiring parties to participate in collaborative law may help them to avoid entering the courtroom as they would work with their attorneys and other professionals to resolve their differences. Engaging in a collaborative law process may help some parents settle their cases and create a post divorce parenting plan that would be better suited to their new family structure than a plan ordered by a judge. Working collaboratively with the assistance of professionals can also help parents construct agreements that will work for them and be perceived as fair due to their own input and buy in throughout the process. Resolving differences in a collaborative law forum is more cost efficient than participating in the litigation process and provides a viable alternative to litigation.

In New Hampshire, potential litigants are required to attend an educational first meeting to learn about the divorce and parenting plan process prior to attending mediation. Introducing collaborative law after mediation and prior to entering the courtroom is another way to potentially minimize intractable conflict. Requiring litigants to participate in collaborative law after unsuccessfully mediating may help them come to

an agreement on some or all of their issues. Working with collaborative law professionals has the potential to help parents resolve their differences without participating in the judicial decision-making process. Participation in the collaborative law process can save time and money while minimizing emotional trauma.

Moving forward, the potential for collaborative decision making by a team of professionals rather than a single judge may yield more positive outcomes than our current judicial decision-making process where one person decides the matter, issuing orders for parents and children. Pre-employment screening for judges may be helpful if it is determined judges will remain on the bench in family matters. Regardless of the chosen course of action, members of the public need to be made aware of New Hampshire family court injustices, voices need to be heard and power imbalances need to be exposed and eliminated. Further research to determine the impact of judicial decision-making on other parents and children is needed. While additional research is needed, above all, action is needed now.

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## Appendix B: Data Collection

Location (Page of Autoethnography)
When Event Occurred
When Data Was Collected
Who Collected
Who Are the Actors? (Researcher, Father, Judge, GAL, Counsel, Opposing Counsel, Advocate, Counselor)
What (Text/Topic)
Where (Self-Reflection, Observation, Recollection, Journal, Email, Court File)
Where Collected (Location of Data)
Research Question One, Y or N
Research Question Two, Y or N
Research Question Three, Y or N
Structural Violence, Y or N
Cultural Violence, Y or N
Direct Violence, Y or N
Domestic Violence, Y or N
Judicial Abuse, Y or N
Parent Abuse, Father or Judge (F, J or FJ)
Child Abuse, Father or Judge (F, J or FJ)
Harm, Y or N
Emotion
Phenomenon
Leverage Point, Y or N
Also – Other Observations
Cultural Impact / Result, Research Question Three
Judicial Discretion, Y or N
Time, Y or N
Public Policy, Y or N
Injustice, Y or N
Oppression, Y or N
Corruption, Y or N
Nonviolent Direct Action, Y or N
Nonviolent Resistance, Y or N
Power, Y or N

## Appendix C: Themes

**Theme 1.** Structural, cultural and direct violence is prevalent throughout the majority of the data, emerging as the number one theme.

**Theme 2.** Judicial power maintains a strong presence throughout the data, including a negative impact on parents, children, their relationships and culture.

**Theme 3.** High rates of harm and injustice are present throughout the majority of the data followed by judicial abuse.

**Theme 4.** The instances where judicial discretion is applied are closely related to the instances of oppression, dominance and control throughout the data.

**Theme 5.** The occurrences of judicial discretion within the data closely align with leverage points which were identified throughout the data.

**Theme 6.** Marginalization, socioeconomic disadvantage, deprivation, jeopardized welfare of parents and children exist within the data, negatively impacting parents, children and culture.

**Theme 7.** Conflict escalates and continues in proximity to the denial of reality, reality denied and financial damage.

**Theme 8.** Adverse childhood experiences due to judicial decision-making in the New Hampshire family court negatively impact children, parents and culture.

**Theme 9.** The New Hampshire family court provides a forum for and facilitates domestic violence.

**Theme 10.** Delays in the process lead to uncertainty, stagnated growth and unexpressed potential for parents and children.

**Theme 11.** Jeopardized integrity of the judicial decision-making process due to questionable practices and maladministration raises ethical questions regarding patronizer favoritism.



## Appendix D: Self-Grouped Categories and Themes

<b>SYSTEMIC VIOLENCE</b>
RESEARCH QUESTION 3
RESEARCH QUESTION 1
STRUCTURAL
POWER
CULTURAL
HARM
INJUSTICE
RESEARCH QUESTION 2
CHILD ABUSE, Father or Judge
PARENT ABUSE, Father or Judge
DIRECT
JUDICIAL ABUSE
<b>PUBLIC POLICY</b>
DISCRETION
OPPRESSION
LEVERAGE POINT
DOMINATION/CONTROL
<b>IMPACT ON PARENTS, CHILDREN AND CULTURE</b>
MARGINALIZED
CONFLICT ESCALATED/CONTINUED
SOCIOECONOMIC DISADVANTAGE
DEPRIVATION
ACE
JEOPARDIZED WELFARE PARENTS CHILDREN
REALITY DENIED
FINANCIAL
<b>ETHICAL ISSUES AND QUESTIONABLE PRACTICES</b>
DOMESTIC VIOLENCE FACILITATION
ETHICAL ISSUES
JEOPARDIZED INTEGRITY OF PROCESS
MALADMINISTRATION
STAGNATED GROWTH / UNESPRESSED POTENTIAL
UNCERTAINTY
DOMESTIC VIOLENCE FACILITATION
DELAYS
PATRONIZER FAVORITISM

## Appendix E: Motion By the GAL to Withdraw

**State Of New Hampshire**  
**Judicial Branch -Family Division Brentwood**

Case #2002-M\_0206 In the Matter of John Moynihan and Anne Marie Moynihan

**Motion By the GAL toWithdraw**


This motion is to request the court to allow this GAL to withdraw from the above entitled case.

Due to multiple ethical problems during the course of this case, this GAL does not wish to be further associated with this case as it poses insurmountable problems for this GAL from a professional perspective.

Perhaps a successor GAL may be able to better advise the court in this case.

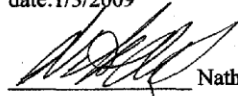
Wherefore, the GAL, Nathan Weeks, asks that the court allow the withdrawal of this GAL in the above entitled case.

Respectfully Submitted,



Nathan Weeks,  
Guardian ad Litem  
1/3/2009

I certify that copies of this motion were sent to all parties of record on this date: 1/3/2009



Nathan Weeks, GAL

COPY

## Appendix F: Petition for Redress of Grievance

15-0231.0  
01/04

**TO:** The Honorable House of Representatives

**FROM:** Petitioner Representative Robert Luther, Belknap 3

**DATE:** November 25, 2014

**SUBJECT:** Grievance of Ann Marie Moynihan

Your Petitioner, Representative Luther, on behalf of Ann Marie Moynihan, hereinafter presents the following summary of her grievances involving the 10<sup>th</sup> Circuit Court Family Division in Brentwood and invokes the constitutional authority and duty of the Honorable House of Representatives pursuant to said Articles 31 and 32 to bring about redress:

Grievance involving the 10th Circuit Court Family Division for failing to act in the best interest of the children and causing financial devastation by issuing an order that the children were to remain in Hampstead, thereby denying the mother the right to relocate in order to return to work and restructure her finances although the relocation would not change the amount of time the children spent with their father; causing the mother to become a displaced homemaker under RSA 275-D, holding the mother in contempt for spending the summer in Gilford despite an email from her explaining the temporary nature of their stay and on the basis of where she and the children slept on specific nights; failing to recuse himself so her certified financial planner, the Judge's own business associate in private practice could testify; failing to recuse himself after granting the Guardian ad Litem's motion to withdraw due to "multiple ethical problems during the course of this case"; by finding of contempt denying the mother the ability to make day-to-day decisions that met the needs of the children and were neither in the best interest of the children nor in accordance with her financial plan; dismissing a stalking order against the father. after the father admitted stalking, on the grounds that he was creating evidence for a contempt hearing; ordering shared parenting as a sanction for perceived (not actual) contempt despite opposition by the Guardian ad Litem and contrary to the Judge's own findings of fact granted; endangering the welfare of the children; issuing an order suspending the mother's parenting time with her son based on evidence that did not meet the requisite burden of proof; causing the mother and her son to be wrongfully and illegally estranged for 2 years causing harm to the son that has left the father and son estranged; requiring the mother to pay child support based on imputed income and finding a displaced homemaker voluntarily unemployed after denying her the opportunity to return to the workforce and displacing her and the children despite her income below the minimum self-support reserve; finding of contempt for non-payment of child support after he displaced her, imputed her with income and after she exhausted all her resources to remain in compliance with his orders, gave up her own housing to comply and all her rental units went vacant prohibiting her from restructuring her finances so she could continue to invest in real estate, resume and develop her career in accordance with her financial plan in a matter prolonged for over 6 years which forced her and the children to flee 3 homes and causing substantial financial harm.

**Wherefore**, your Petitioner prays that the House of Representatives consider the proposed remedy:

- I. Determine whether there was maladministration on the part of Judge David G. LeFrancois and the 10th Circuit Court Family Division in Brentwood.
- II. Investigate to determine the cause of this matter and determine whether disciplinary action or impeachment proceedings should be initiated against Judge David G. LeFrancois.
- III. Propose legislation to require pre-employment screening for Judges.
- IV. Amend RSA 275-D, 'Displaced Homemakers' to establish that Displaced Homemakers are not voluntarily unemployed.

V. Amend RSA 458-C, 'Child Support Guidelines' to prohibit the imputation of Displaced Homemakers with income and to prohibit orders requiring Displaced Homemakers to pay child support hence eliminating the occurrence of a Displaced Homemaker being found in contempt for non-payment of child support.

VI. Amend RSA 461-A:11, 'Modification of Parental Rights and Responsibilities' to prohibit the Court from scheduling a hearing for Modification of Parental Rights and Responsibilities when parties submit agreed upon parenting plans to the Court unless both parties request a hearing.

VII. Amend RSA 461-A:12, 'Relocation of a Residence of a Child' to include a radius and application of the "real advantage" test.

VIII. Review RSA 491-A, 'Judicial Salaries ' for the potential elimination of Judge's pay incentives based on caseloads.

IX. Amend RSA 633:3-a, 'Stalking' to prohibit the stalker from determining legitimate purpose.

X. Establish a legislative committee to propose legislation that establishes a new default conflict management and resolution system for parents and children.

XI. As deemed reasonable and just, propose legislation to provide redress for the Petitioner and the children, for losses and financial damages incurred due to detrimental orders issued by any Circuit Court Family Division.

**Respectfully submitted by Petitioner Representative Luther on Behalf of Ann Marie Moynihan.**

## Appendix G: The Court Process Versus Family Needs

<b>The Court Process Versus Family Needs</b>	
<b><i>Court Process</i></b>	<b><i>Family Needs</i></b>
Attack	Acknowledgment and respect
Assign Blame	Consensus
Punishes	Education and encouragement to take responsibility
Bureaucracy	Streamlined process
Obstacles	Quick results
Time Delays	Immediate resolution
Adversarial	Collaboration
Winners win based on technicalities	Mutually beneficial solutions
Losers lives damaged	Forgiveness and reconciliation
Designed to contain and control conflict	Needs to resolve or transform conflict
Escalates conflict	De-escalation of conflict
Designed to end disagreements	Learn from disagreements
Emotions irrelevant	Emotional expression
Settle cases	Search for and resolve underlying issues
Third party decisions	Facilitation to achieve consensus
Court superior, litigants inferior	Guidance to maintain autonomy
Apathetic	Empathy
Coercive	Acceptance
Rigid process	Flexibility
Opressive	Freedom to make decisions
Harmful	Helpful
Limits information and fact sharing	Openness
Misperceptions, distortion of facts	Truth
War	Peace
Trauma	Healing
	(Cloke, 2001; Eddy, 2006;)

Compiled by:

Ann Marie Moynihan, PhD Candidate, January 18, 2016

## Appendix H: Contact Information

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