Leslie Cumiford's Story

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I was a mother of two beautiful girls and member of the Engineering Faculty at a major university. It was the height of my career. I was traveling and speaking internationally, teaching and managing a large research laboratory, and fighting for women's rights in a locale in the Deep South. However, I had to get permission from my husband of eleven years, who was in graduate school, to buy a pair of shoes. After finding two stock certificates in the mail evidencing my husband's systematic removal of money from our joint account to make investments in his name only (the state was not a common law state), I moved out and eventually divorced. That's the good part of the story.

During the sadness and loss that ultimately accompanies the end of a long-term marriage, I made the classic mistake. I got involved with a man that I did not know very well, a fellow reviewer of proposals at the National Science Foundation in Washington, D.C. He seemed nice enough at first – sending me beautiful flowers every week and taking me to fabulous locales and restaurants all over the world. I had never known someone so artistic, so romantic, so talented. I later found out that he was still married while he was dating me long distance. Nearly a year into our relationship, he would not talk about or introduce me to his family or personal friends or allow me to visit his home in Alexandria, VA. I began to get suspicious, but by then I was deeply involved in a highly codependent, abusive relationship. I eventually became pregnant while waiting out a snowstorm in Cambridge, MA after giving a talk at MIT. The relationship was sexually abusive, and in the middle of the pregnancy I decided to stop seeing this man for fear that the unborn child within me would be hurt. The father was very angry that I would not abort this child, and constantly heaped blame on me for ruining his life. I was very embarrassed to be a victim of sexual abuse with my stature at the university, particularly since I was an advocate for women's rights. I never told anyone, and never made any type of criminal complaint. I carefully hid the signs of abuse, calling in sick when I needed to do so. My gynecologist was a fellow faculty member. I never went to see him when my symptoms were obvious, but even so he sent me out for tests and knew that something unusual was going on. He tried to pull me aside a couple of times to discuss suspicious symptoms, but I made excuses and refused to discuss the real issues. I was so ashamed!

My son was born in November 1994. A female friend of mine was my childbirth coach. My mother stayed with me to help with the girls and the baby just after the birth. The baby's father would not help with expenses, refused to participate in selecting a name, refused to sign his name on our son's birth certificate, and refused to be present at the birth. He showed up a day after our son was born and only stayed for a few hours. I cried alone in the hospital room, and asked God to help me to be enough for my three children as I faced the decades ahead a single mom.

Prior to and just after my son's birth, I retained an attorney, a southern gentleman who came from a long line of gentlemanly attorneys in the South. He filed a paternity suit, but

the father consistently avoided service of notice after first demanding that a paternity test be conducted. The test was positive. My attorney tried to take a more aggressive stance because he believed that the father should be made to take some financial responsibility for our child, but I would not let him press it. Still the victim on the inside, I was afraid. After some thought, I decided to drop the claim because it would be better for all of us not to have to interact with such a sick person and I could afford to care for my son by myself. I changed jobs and moved to Albuquerque, NM with my three children when my son was three months old.

The first year in Albuquerque was difficult. Although I used my savings to pay for a nanny, the days were long and the nights longer. I found a supportive church, however, and that made all the difference. I was keenly aware at the time of all the parents that were going it alone without the education and resources that I had, and at times I wondered how one survives in such circumstances. My mother come to visit, and just before she arrived my son's father called "to see how I was doing". I was surprised to hear from him. I had healed quite a bit by then, throwing away all signs of our time together, even expensive jewelry and gifts. Spiritually, emotionally and physically, I was fit, healthy and doing well. So were the children. We laughed and played, learned to ski together, did the "soccer thing", and enjoyed occasional weekend trips.

One day there was a knock at the door. It was a process server. The father was suing me for joint custody! Our son was nearly a year old, and his father had only seen him once for a few hours since birth. He had consistently refused to pay any child support, and had never even sent a small gift for his son. His "friendly call" was to find out when I would be in town so that he wouldn't waste any money serving me process. As a former victim, I was devastated to have to deal with this issue arriving at my door from my former abuser. But I was much stronger, and not a victim any more. I retained an attorney, Karen Vandiver Rioux, and filed a countersuit. My attorney talked me into doing a custody evaluation. I was sure that this was a good thing. A professional with any sense would be able to see that the father had not played a part in our son's life and that he had severe psychological problems. Wouldn't they?

Dr. Janeane Snow, a soft-spoken, older woman, performed the evaluation. We underwent a full battery of psychological testing. At the conclusion of the study, Dr. Snow met with me alone and said, "Honey, whatever you do, don't ever consider reconciling or getting back together with the father. He is severely emotionally damaged, and even if he went through therapy for the rest of his life, in my opinion he will never be able to bond with a woman." I was relieved that a professional understood what kind of a person this man was. But in her next breath she said, "However, I think he will make a fine father and I'm going to recommend joint custody." This moment was the first of many times I experienced the deep sense of shock, the dissonance, that comes from hearing such words from a professional. I could not believe my ears. She consoled me by saying, "Don't worry. I'm going to make out a schedule that requires him to really work at being a father. When he doesn't fulfill it, your worries will be over." She also stated that she would not write anything about his emotional or psychological condition in the report. I

was too naïve back then. How I wish I had known to subpoena her notes and grill her in deposition at that time.

There was only one hearing in the case (DR 95-2675, Second Judicial District, Bernalillo County, NM) in the 1990's. The judge was making a very quick decision on a minor issue. I began to speak. It was my first time in the courtroom. My attorney quickly "shh-ed" me. She vehemently told me under her breath, "You are not allowed to speak!" How true that statement became over the years!

Shortly thereafter, and after the so-called "custody evaluation" was completed, my attorney tried to convince me that I had no choice but to allow the father free rein over my home while I was at work, to allow him to visit our son and the nanny in my home without me there. I stayed awake all night that night and wrestled with this issue. I was significantly healed as a victim, and could not endure allowing the father to violate me any more by wandering freely through my home, my sanctum, when I was not there. I thought about giving up our son. But I quickly realized that was not the answer. The next day, I visited my attorney's office, stated that I no longer needed her services, and asked for the legal file and the electronic copy of a settlement she was working with the father's attorney, David Kelsey. The office worker was nervous and upset. She asked, "Is there any particular reason why you don't want to continue with Ms. Vandiver Rioux?" I answered, "I saved up a down payment on a home for my children and I had to use it on paying legal bills instead. It's gone now, so I need my legal file." The worker seemed relieved. I thought it was odd behavior.

I visited Child Support Enforcement Services and asked them if they could help me with the case. After waiting a long time for an opportunity to speak with a CSED employee, I was taken back to an office. I explained the situation and asked for help. The man said, "You are a well-educated woman. You don't need an attorney to do this. Call the opposing attorney and work out a deal." He asked me what I did for my employer, a large national research laboratory. I grinned sheepishly and said, "Negotiate large contracts with outside funding sources for technical research." He assured me that I had the skills needed to handle this job.

I contacted the offices of Atkinson and Kelsey and set up an appointment. On my Friday off, wearing jeans and a T-shirt, I marched into their posh offices on the top floor of one of the nicer office buildings in Albuquerque. I asked to speak to David Kelsey, shook his hand, and proceeded to go through the settlement document with him, telling him what I wanted. He accepted all my suggested changes, initialed every page of the settlement agreement, and said that he would file the settlement document. He seemed nervous, and did not want to be in the same room with me. He insisted that a paralegal stay in the room with us at all times. More odd behavior. But I was relieved. That was so easy. Over the subsequent six months or so, the father regularly threatened to take me back to court for a wide variety of inconsequential things. Each time I occurred, I met with David Kelsey and showed him the email threat. He worked the issue with me and there was no more court action. He was exercising what I later came to know as "client control", and in this particular case it was a great service since the father could not let go of his sick focus on

me as the object of his conflict. Although the visitation schedule called for twice a month visits by the father to Albuquerque, who lived in Oklahoma by that time, he seldom followed through. Several years later our son began visiting his father in Oklahoma a few times a year.

Everything was fine until 2002, when the father retained the services of Sandra Morgan Little, an aggressive, unscrupulous attorney who only takes a handful of wealthy clients and milks the cases for all the billable hours she can get. Once again I was served by a process server with no advanced notice. The case docket file, which only accumulated about half an inch of documents in the entire seven years prior to Sandra's entry in the case, grew to over seven volumes (a stack of about five feet) from the summer of 2002 to the fall of 2004. It is still very active, with three appeals.

I describe this period in summary form, mainly because the story would go on for pages and because some of the case information can be found elsewhere on the site. Under Judge Deborah Davis Walker, a Guardian ad Litem, Frank Spring, was assigned at the first hearing with no mediation or any attempt to keep the case out of court. Three back-to-back custody evaluations were performed over the course of the next nine months, with the first report completely contradicted by the second two. During a one-on-one interview with the custody evaluator, he asked questions about my high-techology company. Was I the sole owner, or did I have partners? What was the company worth? Who were the potential customers? When would the product be completed, and what was it, anyway? I politely refused to answer the questions, asking, "What does this have to do with my ability to parent?" Immediately after the meeting, I faxed an account of the experience to my attorney. (He asked to withdraw from the case shortly thereafter when I refused to agree to go to counseling "to learn how to get along with men". He tried to convince me that if I would go to the counseling the Guardian would allow me to keep my son. It felt like a setup. I had primarily worked with men all my life, and got along with them just fine. I had been remarried for four years and my marriage was doing very well. Later as I learned more about New Mexico case law I discovered that one of the major reasons custody was permanently removed from a parent was an inability to get along with the children's other parent. It WAS a setup, and thankfully I trusted my own instincts enough not to fall for it.)

During this time, our son was returning from visits with his father and having nightmares – a lot of them. Then he began curling up in a ball during daylight hours, crying and insisting that he stay in the same room with me at all times. I was concerned, particularly given the history of his father's behavior with me. I contacted the Guardian and told him that I wanted to give him an account of my experiences with the father, expressing my concern about my son's behavior. We set up a meeting, and I met with him alone, expecting the meeting to last about half an hour. The meeting stretched into three hours, during which the Guardian asked for every lurid detail of my sexual history with the father. It was well past dark when I emerged from his office, exhausted and bewildered about why that kind of detail was necessary. I also met with the custody evaluator and had the same experience, although the meeting was somewhat shorter. My therapist called the evaluator and emphasized that there was no doubt in her mind that I had been

through an abusive experience with the father. Within a couple of days the Guardian called me and said that he had "spoken with a buddy of his" and that there was no reason for alarm. He even said that since the father was doing all of his "kinky stuff" outside of the home it would not affect my son! The Guardian's bill showed that he spent exactly six minutes on the telephone with his "buddy" about this problem. Later a local television station did a series of reports on the owner of a bordello in town that was eventually shut down. During each clip of coverage of the bordello owner, Frank Spring, my son's Guardian, was shown walking beside him. He was not the bordello owner's lawyer; he was his buddy! I often wonder if this was the "buddy" with whom Frank Spring really enjoyed sharing the details of my experiences of sexual abuse. All of the painful disclosure of the past bought me only one thing – a public claim in the courtroom by the Guardian (and later the evaluator) that I had falsely accused the father of being a pedophile! This was one of the main accusations that was used to remove my son from our home.

The first evaluator's report stated that our son should remain in primary custody with me. But shortly thereafter, my high-technology company was awarded a grant at a very public ceremony with many attorneys, financial partners, and bankers in attendance. My company was deemed the next up-and-coming success in the New Mexico business arena. The family court system smelled money. The Guardian called for a second evaluation six weeks after the first one was completed. The second report was never ordered by the court, but it resulted in an emergency hearing in which I was not allowed to testify or provide evidence and my attorney was given only five minutes out of an hour and a half to cross examine Gayle Zieman, the evaluator who spent most of the time testifying about me. The Court removed my son from school in the middle of the day, ordered court officials and his father into my home while I was ordered to stay out of my neighborhood, took belongings from my home at will, and summarily moved my son out of New Mexico, away from me, his sisters, his stepfather of the last four years, his school, and his friends, to Oklahoma to live with a father he had never been in the same state with for more than a few weeks. The reason? I was toxic because I had claimed father was abusive to me, I joined a karate class, I had not allowed our son adequate telephone communication with his father (phone records were refused by the judge as evidence to refute this claim), and I had been "obstructive" during the evaluation because I had major surgery, caught a hospital infection, and took seven weeks to recover during which time I had asked the evaluator to wait until I was recovered to visit my home. Custody was completely removed from me and given solely to the father. But the order was a "temporary" order that could not be appealed. Judge Walker admonished me in the hearing that she had taken this action to "get my attention" and that she wanted me to "listen to the Guardian". She threatened that if I did not start listening to him and doing what he said, she would make the change of custody permanent. All three evaluation reports said that I was narcissistic, pathological, and other unseemly characteristics while father had the model family. (He was on his third marriage by then and had only been married for a short time.)

During the three months our son was in Oklahoma, I was not allowed to visit my son at all or spontaneously call him. An egg timer was used to restrict my son's time with me on

the telephone to five minutes. All calls were recorded and provided to the GAL. My son was told not to refer to Albuquerque as his home any longer, and I was admonished publicly during court hearings that it was terrible parenting on my part to tell him that I was going to "get him home". The GAL repeatedly posted threatening information on the door of my home claiming that I was going to lose even more rights to my son, and the custody evaluator in his final recommendation stated that I should only be allowed one week a year with my son, and that the visitation needed to be supervised at all times to avoid any "toxic" effects on the part of my son.

Our son, on the other hand, was taken to a doctor and completely reimmunized, even though father had his past medical records and he needed no immunizations. He was taken to a dentist, a relative of his new stepmom, to have two "cavities" replaced with fillings, even though he had had dental X-rays just weeks before he left Albuquerque showing no problems with his teeth at all. The trial was scheduled for August, and my son spent the entire time from May until then, except for three days of completely supervised visitation at a cost of hundreds of dollars to us, with his father. School began the week before trial, and he started school in Oklahoma.

That summer, the Center for Family Justice was born. From the start, the organization made the legal community nervous. The former head of the family court, Anne Kass, inserted herself as settlement facilitator in my case. During one-on-one conversations without my attorney present in settlement, she strongly suggested that if I got my son back there was no need for "my organization". I resisted her pressure. The trial was filmed by a local television crew. The telephone records were finally submitted, along with an account of the spotty visitation record of father's over the last seven years. Ample evidence was admitted showing email communication between the GAL and the custody evaluator that was not appropriate, and email communication from father to me that was very abusive. For example the evaluator stated that he was frustrated by my "attempts at obstructing and delaying the process" (my surgery). The GAL replied that he would make sure I spent even less time with my son in response. Two psychological experts testified that my psychological test scores did not back any of the evaluator's claims regarding my emotional/psychological state, and that I was perfectly normal except that I was clearly undergoing a great deal of stress. My seventeen-year-old daughter testified that the evaluator lied about her statements in his report and she told the judge in testimony that "it was not right" for Gayle Zieman to lie, resulting in her losing her relationship with her little brother. The GAL withdrew from the case during trial. The evaluator was removed. My son was returned to Albuquerque. But the judge ordered the GAL to be paid from child support, and ordered each party to pay his/her own costs. We had incurred over $90,000 in costs and fees in a little over a year, even though for four months of that time I was Pro Se.

During the third back-to-back custody evaluation I provided the evaluator with a copy of my gynecological records from the time period when I was sexually abused by the father. The records indicated, at a minimum, that some very unusual symptoms were showing up, one explanation for which could have been sexual abuse. Much later as a Pro Se litigant, I cross-examined the evaluator and asked him if he ever contacted a gynecologist

or any related professional regarding the records. He stated that he did not do so because whether or not I had been sexually abused had no relevance to our son spending time with his father. The evaluator never made mention of this subject in any of his reports, except to say that I had falsely accused the father of abuse. I endured the embarrassment of talking with both of these "professional" men, the Guardian and the evaluator, even disclosing private medical records, and they simply turned it into a reason not to allow my son to have a relationship with me.

I appealed the final order and asked for a recusal of the judge. The new judge became Ernesto Romero. Since that time, I have been repeatedly yelled at, interrupted, and slandered in the courtroom during formal proceedings. I have had documents thrown at me. Court orders have been issued without hearings regarding many issues. No opportunity to argue the issues; no opportunity for rebuttal or to present evidence. Currently, I cannot file any document in this case without prior approval from a judge. I have had mail with harsh judgments delivered to my mailbox on Christmas when no postal service was available. I have been told on the record that I do not deserve to have expenses reimbursed because I am an engineer. I have been ordered to take the college account that I alone saved for my son since he was one year old and sign it over to a local bank outside of the state, in the town where his father lives, and add his father's name to the account. I have uncovered a major real estate conflict of interest between the GAL and opposing counsel and submitted it as evidence to the district and appellate courts. The district court denied it without a hearing, claiming that I should have been diligent enough to notice it earlier, and the appellate court has to date provided no response. I have uncovered evidence that the custody evaluator (by his own admission twice under oath) was under the influence of 30 mg a day of Temazepam (a very high amount of a valium-type substance – he should not have been driving, much less conducting evaluations) for three to four years including the entire time he was the evaluator on my case and submitted that information to both the district and appellate courts. I paid a high-level forensic psychologist to testify about the effects of this drug, along with the fact that the evaluator lied about my psychological test scores and systematically suppressed material evidence regarding institutionalization-level MMPI scores on the part of father. The judge called my evidence "frivolous", and ordered me to pay more fees to the evaluator for work that was never ordered by the Court, including his time for the hearing.

After asking Gayle Zieman a direct question on the stand and finding that father's MMPI t-scale score for hysteria was a whopping 93, I have requested that the rest of his psychological test scores be provided to my expert for examination. Many experts believe that a score of 93 on this scale can be an indicator that a person needs major therapy and even institutionalization. To date, Janeanne Snow (who shredded her files when we asked for them) and Gayle Zieman know for sure just how much risk is involved in my son staying with his father, clearly a psychologically disturbed and abusive person. The judge quashed the first subpoena for the records, even though an earlier order existed to provide the scores that was never followed. He denied the second request without a hearing. A Motion to Reconsider has been filed but no hearing has been set for this issue yet.

Most recently, father, a university professor, has elected to do some extra consulting in France for the summer. His attorney has filed an emergency motion asking the Court for an order providing a passport to our son (bypassing my permission although I am a custodial parent) to leave the country for three months. After three recusals and two excusals, there is currently no judge on the case. But the last judge on the case, although he has been legally excused from the case, faithfully writes "OK to file" with his initials in the corner of my pleadings so that the clerks will endorse them and put them in the docket file. Otherwise, they refuse to accept any of my pleadings.

My high-technology business was put on hold at the cusp of success. I told investors I couldn't make it work. I turned down an opportunity for my company to be featured in the New Mexico business weekly, and let the employees go. My company had at that point already had to spend money defending internal corporate business information several times because of the family case, and my time was swallowed up in defending myself Pro Se. I could no longer insure the ability to meet company milestones. Today, I am the proud owner of two family law cases, three appeals, and I'm the defendant in a civil fees case in which one of the attorneys sued for an additional $12,000 after I paid her $24,000 for twelve weeks of work. (I wrote most of the pleadings filed while she was retained and she signed them.) I have received threatening telephone calls such as one in which there was a man holding a gun on another man with a child in the room screaming (deemed authentic by the FBI), been accused of threatening to murder my son's father (the case was dismissed at the first hearing), received tax bills in the mail for property I do not own, been accused of (and investigated for) misuse of federal equipment (no wrongdoing was found), and had to let a whole cadre of shady individuals into my home that, had I not been ordered to do so by a court, I would never have even let onto my property. I am saner, more together, and stronger in faith than every court official and professional I have worked with in this system. But the same cannot be said of the parents with whom I have worked. Over the last two years, we at the Center for Family Justice have formed a tight-knit, supportive network that is very strong. I have had the privilege of working with some of the most exceptional individuals I've ever known, from all walks of life. Together, we devote our lives to ending this horrible situation. With God's help, we will prevail. It's just a matter of time.

We will take back their lovely homes, their expensive European vacations, their Mercedes, their boats, their properties – all the assets that the individuals in this system have obtained on the dollars earned by the labor of parents and paid out for the sake of their children. But that's just money. There will never be a way to take back or repair the massive untold damage that has been done to our children. What kind of a state will this be (what kind of country, for that matter) when this generation of children with no college accounts, no stable homes, and with the fear of losing their parents and siblings constantly hanging over their heads, grows up? A generation with the notion from a young age that this is a country that takes from them everything that is dear. They have watched for years while their primary parents have been helpless in the face of a massive attack, a rape of everything of value from their homes. That's what they've experienced at the hands of the judicial arm of our government. And the other branches have simply watched – it's not their problem. We wonder how situations like the Abu Gharaib prison

scandal can occur, how American young folks can do those kinds of things to other human beings. It will get a lot worse than that if we don't fix this problem. . .