



BE SURE IN UNCERTAIN TIMES.  GET HELP NOW  844-334-0729

Home ▾ **Science** ▾ Family ▸ Connecticut courts impose outrageous costs on disabled families

Speaking of Family

# Connecticut courts impose outrageous costs on disabled families

Life Family

by **Anne Stevenson** - Mar 11, 2014

 23  2823



*Special crib designed by engineering students at SMU/ SMU.edu*

0Reddit 0Stumble 0Email 0Share 0Share 0Share 0Tweet



[Republish](#)

**CONNECTICUT**, March 11, 2014 —The US Department of Justice’s Civil Rights Division confirmed in January 2014 that it has opened up an investigation into whether Connecticut judges are unfairly singling out and punishing disabled litigants caught in the State’s divorce courts. The announcement came in response to **parents who complained** that if the family courts even suspected a family member suffered from an impairment, judges denied them equal access to due process, took away their children, and imposed **outrageous costs and fees** on their families that drove them into bankruptcy and financial ruin.

---

**READ ALSO:** [Connecticut Task Force hears accounts of victimization by family court](#)

---

“The costs courts routinely impose on families with special needs are not only outrageous, but the services are often questionable, unbeneficial, or just outright harmful the litigants ordered to pay for them,” says **Peter Szymonek**, a Glastonbury father with an autistic child who is also an administrator for UnitedHealthcare.

Last January, Szymonik and roughly 80 other parents testified before the **Connecticut Legislative Task Force**

on **Child Custody** to voice their concerns about the misuse of mental health evaluations and legal service providers and demand meaningful changes to the way the courts do business. Parents complained the courts failed to consider whether their families wanted or could afford these services, but also appointed questionable professionals onto their cases for frivolous reasons, then failed to properly oversee them. Some said that although they were never diagnosed with an impairment, they still ended up childless and in bankruptcy court due to financially devastating orders requiring them to pay so many questionable professionals in order to see their children.

Litchfield mother **Susan Skipp** told the **task force** how the court repeatedly ignored her treating doctor's testimony, then cited it's own perception that she had an undiagnosed (and unspecified) mental health condition as a reason why it decided to effectively sever her access to the her children and award her ex-husband sole custody in 2012 without finding her dangerous or unfit to parent them.

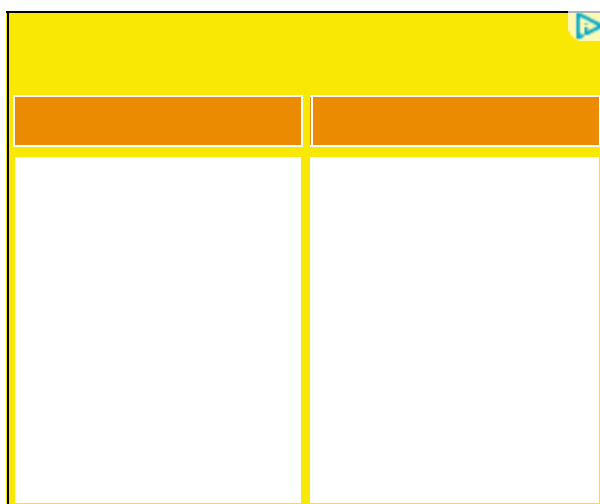
Skipp **testified** that she was ordered to pay \$2,700 per month in fees and spend several hours per week commuting to purchase a few supervised hours of time per week with her children, an arrangement she called "extortion." Skipp said that the orders effectively severed her parenting rights and relationship with her children in 2012 when she was unable to afford to purchase parenting time from the vendors specified in the court's orders.

---

**READ ALSO:** [CT task force spars with parents over billing fraud in family court](#)

---

Recently, Skipp received **a letter** from the DOJ confirming the agency had opened an investigation into the court's handling of her custody case.



### **COURTS ADMIT SINGLING OUT CASES INVOLVING IMPAIRED**

Whether or not the protocols implemented by the Connecticut courts explicitly name the disabled as target group for singling out, the methods the Judicial Branch is utilizing in the family courts are effectively screening out the disabled on the basis of their disability.

Judicial Branch **protocols** explain that the courts have a special process for screening out and handling “high conflict” divorce cases like Skipp’s, which are sent to the Regional Family Trial Docket (RFTD) where guardian ad litem, mental health and legal professionals intervene to attempt to resolve the case. The Branch says this is necessary because unlike most cases which settle out of court, resolution of these highly contested cases tend to require a more resource intensive approach. Studies conducted by the Association of Family and Conciliation Courts show approximately **10%** of the divorce cases filed in Connecticut meet this criterion.

The benefits (if any) for troubled family court litigants who are ordered to spend their life savings to subsidize adversarial public debates about their mental health evaluations, diagnosis, and treatment plans are debatable. In the family court, refusal to “cooperate” or participate adversarial therapeutic services court **can result** in the loss of a litigant’s children, property, and freedom.

---

**READ ALSO:** [Connecticut family destroyed by immunity granted to Guardian Ad Litem](#)

---

“The family courts mislabeled my family ‘high conflict’ then took everything from us, but fighting for my rights under the Americans with Disabilities Act took the rest” says Henry Martocchio, a disabled father with an autistic son whose family court case has been open since 2006. “In a nut shell, you have no ADA rights in the Connecticut because judges will not let the ADA rights into court even to argue ADA rights.”

To understand why the court’s practices can often result in a disabled party’s exclusion or disadvantage, one first has to understand what a “high conflict” case is. The term “high conflict” refers to litigation that courts find to be persistent and contentious, but there is no standard definition. A **2007 study** published in the Pepperdine Dispute Resolution Law Journal on court mediation programs explains the components of a high conflict case:

*“Several conditions appear to be quite common among high conflict couples and may cause custody disputes to escalate. While the presence of these characteristics will not automatically trigger high conflict behavior, at least one member of a high conflict couple is likely to lack basic psychological skills, be a victim or perpetrator of domestic violence, child abuse, or child neglect, have a history of substance abuse, or struggle with a mental disorder.”*

The same study also cites the fact that psychiatric evaluations conducted on parents engaged in “high conflict” divorces often showed that at least one parent has had a psychiatric disorder such as borderline personality, depression, narcissism, paranoid schizophrenia, co-dependency, or sociopathy.

---

**READ ALSO:** [Dying for custody \(Part 1\): DOJ announces investigation into Connecticut court program](#)

---

The **Americans with Disabilities Act (ADA) and other federal laws** prohibit “places of public accommodation,” such as courts, government agencies, and businesses from discriminating against people on account of their

disabilities. The ADA extends not only to those who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.

In other words, “high conflict” litigants are the same persons Congress intended to protect under the ADA, regardless of whether they asked for accommodations or not.

Although the law does not provide “special rights” or an advantage to the disabled, it does require courts to provide disabled persons with the “reasonable accommodations” necessary to achieve equal access to any programs and services offered to the public, such as due process of law.

Although the Connecticut Judicial Branch has adopted **protocols and procedures** to accommodate litigants with disabilities, parents say the investigation is long overdue.

“The court ignored my doctors and denied my requests for simple accommodations,” says Skipp. “Not only was the process unnecessarily degrading and humiliating to me, it gave my ex an unfair advantage.”

**Studies** cited by the **National Council on Disability** show the family courts often ignore the law and discriminate against disabled parents when it comes to child custody cases. According to NCD, the courts remove children from the care of disabled parents as much as 80% of the time (depending on the type of impairment the parent has.) Those with psychiatric disorders are particularly at risk of losing custody with removal rates as high as 70-80%. **Other studies** have also found that mothers, particularly domestic violence victims, who sought mental health treatment for their impairments, were most likely to lose custody as a consequence.

These recent statistics are disturbing in light of the fact that Congress explicitly stated that it passed the **ADA Amendments Act of 2008** to prevent *the courts themselves* from engaging in discrimination. Quoting Iowa **Senator Tom Harkin**:

*“People with serious health conditions who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find that they are no longer protected by the ADA . . . . On the other hand, if they stop their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won’t be qualified for the job.”*

In other words, the court’s refusal to protect disabled parents rights actually discourages dangerous criminals who need help from getting it, sometimes with **deadly results**. But even when litigants do show up for such court ordered therapy, it may only benefit their adversary by effectively moving the legal deposition process behind closed doors and off the record.

## **DANGEROUSLY INEFFECTIVE, EXPENSIVE PROTOCOLS IMPOSED ON DISABLED FAMILIES**

It appears that Connecticut's family courts have subjected litigants with disabilities to irregular, expensive, and unnecessary barriers to due process that unimpaired litigants are not subjected to. Do the current protocols have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the court's programs with regards to the disabled? Are these discrimination based programs falsely discrediting fraud victims?

Many parents told the task force that the mere unfounded suspicion of a mental health impairment was enough for many family court judges to appoint a plethora of expensive family court industry professionals onto their cases to evaluate and debate their private health conditions on the public record, such as guardian ad litem, custody evaluators, therapists, attorneys, and visitation supervisors who couldn't agree with each other dragged their cases out for years on end for profit.

Skipp also says one of the reasons she lost custody was that the court relied on questionable testimony from controversial psychologist Dr. Sidney Horowitz, who was also referenced in the testimony of at least a half-dozen other parents at the same hearing.

"The court refused to address my concerns about professional misconduct and fraud on my case because I have a disability," says Skipp.

Last year, the CT Department of Public Health confirmed it has opened an investigation into Dr. Sidney Horowitz in response to [a complaint](#) Skipp filed alleging that Horowitz had engaged in insurance fraud, discrimination, and other types of professional misconduct during his appointment onto her custody case.

Throughout the task force hearings, Connecticut parents [have insisted](#) that a culture of cronyism, fraud and corruption is to blame for the irregular outcomes in their family court cases. Few, if any, financial incentives exist to rescue these families from situations that sometimes [turn deadly](#).

Perhaps the only value such "therapy" holds is for crooked professionals and litigants trying to manipulate judges by imposing threat therapy on their families, as not a single parent testified that their mental health had improved and were glad that the court ordered them to liquidate their retirement accounts, their life saving, lost their homes, their families, and even gone to jail to pay for the treatment. They all said they missed their kids.

Over a year later after DPH opened the investigation, Skipp's case against Horowitz remains open and Horowitz continues to ply his trade without restrictions. The Department of Justice has thus far declined to publicly acknowledge whether there is a criminal investigation into these alleged false billing scams.

"Disabled parents shouldn't have to pay millions of dollars to get divorced" says Skipp. "There's no excuse for it."



FOR MORE INFORMATION:

Live video of the hearing:

<http://www.ct-n.com/ctnplayer.asp?odID=9782>

Written testimony:

<http://www.cga.ct.gov/jud/ldcc/Testimony.asp>

Read more at <http://www.commdiginews.com/life/dying-for-custody-part-1-doj-announces-investigation-into-connecticut-court-programs-4659/#9LjvRdLIFvcveFIC.99>



[Click here for reuse options!](#)

Copyright 2014 Communities Digital News

*This article is the copyrighted property of the writer and Communities Digital News, LLC. Written permission must be obtained before reprint in online or print media. REPRINTING CONTENT WITHOUT PERMISSION AND/OR PAYMENT IS THEFT AND PUNISHABLE BY LAW.*

*Correspondingly, Communities Digital News, LLC uses its best efforts to operate in accordance with the Fair Use Doctrine under US Copyright Law and always tries to provide proper attribution. If you have reason to believe that any written material or image has been innocently infringed, please bring it to the immediate attention of CDN via the e-mail address or phone number listed on the Contact page so that it can be resolved expeditiously.*

TAGS

CONNECTICUT

COURT

DISABILITY

DIVORCE

LAW

MENTAL HEALTH

< PREVIOUS ARTICLE

American Apparel: Mocking the Prophet for profit

NEXT ARTICLE >

EU's fight with the extreme right: The juice is worth the squeeze



Anne Stevenson