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A process where everyone loses

Relying on other people for what's best for kids

By **Judy Masterson**

STAFF WRITER

Second in a series

GURNEE — Karol Magistrelli is crazy, according to the 19th Judicial Circuit Court, too crazy to raise her two daughters, who since 1998 have been in the sole custody of their father.

But Magistrelli, a Libertyville resident who works as a registered nurse, said she has had numerous psychological profiles done by medical experts who insist she does not have the delusional disorder that court-appointed psychologist Dr. Sol Rappaport diagnosed during a bitter divorce and custody battle.

It was a battle the then stay-at-home mother lost, one that sent her packing, with few of her belongings into a strange and lonely new life, one in which she sees her girls for just four hours a week during supervised visitation — a privilege that costs her \$650 per month.

Magistrelli is among a growing number of women who are speaking out on what they see as a pervasive sexism in Illinois family courts they say champion fathers — those with money anyway — abuse mothers, and neglect evidence in favor of testimony by experts.

"We have been fighting a corrupt system in which attorney after attorney continues to write orders that the judges did not rule on, use intimidation, threats, harassment, embarrassment, slander, libel, defamation of character and other various and sundry means to totally annihilate the female counterpart of the divorce," said Magistrelli, who claims she has been mocked and sneered at by both attorneys and judges.

While Rappaport declined to discuss Magistrelli's case, he admitted that custody evaluations are no panacea.

"Everyone who goes through an evaluation loses," Rappaport said. "Even if you get what you want you have to go through a process that's no fun. But when there's such a level of conflict between parents, they have to rely on other people for what's best for their kids. It's unfortunate it occurs."

Sex abuse charges

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Magistrelli lost her children, in part, because she said she raised the suspicion that her girls were being molested by their father.

"I am being punished because I am a mandated reporter and I followed a federal law that states I must report the suspicion of child sexual abuse," Magistrelli said. "I was never accused of coaching the girls and I had never brought up sexual abuse to my girls; they brought it up to me."

Allegations of sexual abuse have become a lightning rod issue in child custody cases, because they are both difficult to prove and difficult to overlook.

Amy Neustein, Ph.D and co-author of *From Madness to Mutiny: Why Mothers are Running from the Family Courts*, said that mothers who raise allegations of sexual abuse are often punished with the loss of custody — even when there is no proof that the abuse charges were fabricated or that they did anything to harm their children's welfare.

"Bringing up such charges causes such discomfort on the part of judges they often make the mistake of over-reliance on court auxiliaries such as mental health experts, guardians and social caseworkers," Neustein said. "So we see a rash of mothers losing custody and, in some cases, even visitation. Mothers are often expunged from the life of the child. Even if the mother committed murder, she wouldn't be expunged. She'd see her kids in jail. But judges try to put closure on the issue and try to stamp out the abuse charge, because it's so vexing, so troublesome.

"They go into overdrive to eliminate the charge," Neustein added. "How? They eliminate the accuser."

Expert questions process

Neustein, who lives in New Jersey, said that the loss of visitation in effect circumvents the prospect of recurring complaints and clears troublesome cases from courtrooms.

Annette Zender, a licensed foster parent from Woodstock, lost custody of her only daughter after raising concerns of possible sexual abuse by the girl's father. After the sobbing child talked of recurring problems with her father in supervised visits with her mother — conversations that were recorded by a paid supervisor, Zender was limited to telephone visitation on the urging of the child's court-appointed guardian ad litem.

Neustein raises another concern over how women are treated in family court.

"I studied 20 years of custody litigation, including cases in Illinois and I was absolutely stunned that no psychiatrist, no judge, ever asked about nurturing," Neustein said. "That role is completely eclipsed by mother as litigant — her behavior toward guardians, her attitudes toward social workers, whether she displays hostility in court."

Women like Magistrelli and Zender admit they have struggled with depression after losing their children. Zender said she could barely get out of bed for two years after she lost her daughter in 2001. She found healing, she said, once she

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decided to fight back.

"It's like you've been in a train wreck," said Zender, who like Magistrelli, borrowed heavily from her parents to pay attorney fees and other legal fees assessed by the court. "When you finally come to, you're in a daze, your picking through the rubble, looking for other survivors."

Both women continue to face litigation brought by the fathers of their children, who want even stricter limits on — or no visitation.

"None of us have been accused of any crimes," Zender said. "But we're labeled delusional, crazy alienators. What we are is perfectly stable mothers who have lost our children to wealthy, abusive fathers."

Both women, along with dozens of other mothers who have lost custody based on expert opinions, have filed complaints with various local and state reporting agencies. Magistrelli has formed Mothers Without Custody, a not-for-profit group aimed at providing information and support for women in custody litigation.

"I will speak to any group, anywhere, anytime on this topic," Magistrelli said. "The world needs to hear what is going on in these courts. We need to prepare women so they will not lose their kids."

tail Coming Tuesday: Three mothers who lost custody in the 19th Judicial Circuit Court file a \$15 million discrimination suit.

5/9/05

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