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Barbara Morrissey, with sign at left, and Mo Terese Hannah join a protest in Troy involving the custody of 5-year-old Dylan Chase. (Luanne M. Ferris / Times Union)

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Custody ruling protested

Mother, supporters decry judicial system amid battle over child's fate

By **MICHELE MORGAN BOLTON**, Staff writer

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TROY -- Amid chants of "Hey, hey, ho, ho, Judge Hummel has to go," two dozen protesters marched to the Rensselaer County Courthouse on Tuesday, opposing a controversial order to grant a father temporary custody of his son.

The boy's mother, Kristin Chase; her mother, Frances Fernandez, and other marchers were met at the corner of Congress and Second streets by nine city, county and state law enforcement officers, two of whom brought police dogs.

Chase went on the run two weeks ago with 5-year-old Dylan, but she handed him over on Friday.

She fled after Surrogate's Court Judge Christian Hummel granted temporary custody to her estranged husband, John T. Chase, whom the boy alleged had sexually abused him.

An arrest warrant was issued after Kristin Chase missed a mandatory court appearance on Oct. 13. Not only has John Chase denied the allegations, Hummel ruled after an 11-day trial there was no credible evidence molestation had occurred.

Kristin Chase's supporters describe that decision as a textbook case of the justice system gone wrong. They say that Hummel ignored the testimony of a detective, social worker, psychologist and doctors who support the child's allegations. They said this violated the boy's rights and put him in danger.

"Judges must be held accountable for their decisions," said Mo Therese Hannah, chairwoman of the Battered Mothers Custody Conference. Hannah, a Siena College professor, helped arrange the protest with Marcia Pappas, president of the New York chapter of the National Organization for Women.

Tuesday's demonstration was peaceful until Fernandez took the microphone. "I am Dylan Chase's grandmother, and I had to hand him over to a perpetrator," she said.

From the crowd, local attorney Pam Joern shouted: "That's a lie. ... There are 45 pages of a decision, if anyone would bother to read it."

The two women quickly went nose-to-nose until Joern backed off. Joern then took photos of the protesters from across the street.

Some national women's advocates said they were stunned at Hummel's actions, including Amy Neustein, co-author of "From Madness to Mutiny: Why Mothers Are Running from the Family Courts -- And What Can Be Done about It."

"Is removal of custody an appropriate punitive response to failure to show (up for a court hearing)?" Neustein asked in a phone interview. "Of course

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not. What you have here is a reactionary system that goes against New York statutes and case law."

"Who will Judge Hummel protect?" asked Eileen King of Justice for Children, of Washington, D.C. "Does the voice of a child stand a chance in this court?"

State Office of Court Administration spokesman David Bookstaver said there is "no easy Solomon-like decision" in matters like the Chase case, "where parties are disseminating misleading or misinformation."

"The judge makes the best possible decision," Bookstaver said. "Just because people disagree, doesn't mean that he's wrong."

Chase's attorney, Michael Varble, said his client maintains his innocence and intends to ask Hummel Friday to make his temporary custody of Dylan permanent. He also said he wouldn't be surprised if Hummel jailed Kristin Chase for ignoring a gag order not to speak about the allegations.

Dylan is glad to be with his father, he said: "Everything I've heard is that he's as happy as can be. John's working on getting him enrolled in school. And he saw his siblings the other day for the first time in two years."

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