

Procedurally Defeated: Law Without Laws

By Terri Lynn Tersak

Everyday brings a new ream of tragic stories of fathers being wrongfully torn from their children's lives. This is usually attributed to the agenda of groups supporting radical ideologies. But I felt there had to be more to the story than just that since it is happening to mothers too, although not as often as to fathers. The answer is, follow the money.

Recently our organization had both the pleasure and misfortune of getting some [national exposure](#) on some of the surveys and interviews that we have been conducting. The surveys and interviews were dealing with various abuses of our legal system, most notably false allegations of domestic violence.



Through our in person surveys of plaintiffs in domestic violence cases we have discovered a significant level of premeditated false claims of domestic violence. Subsequently, current Family Court Judges have corroborated our survey findings. They acknowledge pervasive levels of false claims not only exist, but law firms, including [Legal Services Corporation](#) (LSC) grant recipients, are knowing participants that are scripting statements for their clients in these cases. They also expressed concern over the reluctance of their county's District Attorney's Office to prosecute these false claims.

Within hours of the article's release victims of legal system abuses requesting assistance and to have their cases included in our research inundated our offices with contacts. In the following two weeks, we received the details of over four-thousand cases of blatant gender based discrimination against men and other civil rights violations against both men and women.

Since our debut was made in an article concerning issues with LSC, it should have been no surprise to find that everyone of these cases came from the defendant of a case handled by one of the recipient law firms of LSC funding. Among other requirements of the funding they receive, these firms are required to "self-police" their operations guarding against false claims of domestic violence and other offenses. This is whom the defendants are referred to if they must file complaints.

After an exhausting review of the cases, several common themes were noticed. However, there was one horrifying commonality among all of them. In each of these cases, the defendant had complained to the LSC grant recipient law firm that was representing the plaintiff in their case about corruption they were aware of or false allegations of domestic violence made by their client against them.

Within days of making, their complaints they faced an ex-parte claim filed on behalf of their minor children and have never seen or heard from their children again. In many of these cases it has been years since their last contact with their children.

Ultimately, the result of these new claims was the destruction of any custody rights and visitation they had with their children. Beyond the emotional devastation this has on them, it eliminates their future standing in the courts on any matters related to their children, other than to revisit custody.

From this point forward, any effort they make to resolve related matters can also quickly be claimed to be "custody" related issues and quickly dismissed. Including

the false claims of domestic violence and the participation, any professional had in the creation of the false claim. This carries through all the way to the United States Supreme Court as seen in the case of Dr. Michael Newdow's "Pledge of Allegiance" case. Dr. Newdow's case was discharged not on the subject matter of his case, but on his lack of custody rights of his child.

These parents are now second-class citizens because of legal actions that were in direct violation of their right to equal protection under the law and offered not even the pretense of due process of law.

Therefore, it does appear that the elimination of a parent's custody provides the participants of false claims of domestic violence with an impenetrable barrier against all efforts in the wronged defendants' quest for our constitutionally guaranteed redress.

How and why do these abuses keep happening with great predictability?

The complaints the law firms hear from the defendants are not tracked, organized, or maintained in any manner. This process, which in of itself begs to question its ethical basis, creates a sort of ex-parte communication between the defendant and the plaintiff's law firm absent of the presence of a Judge. In a few rare cases that alone was the reasoning for dismissing the defendants' complaint.

We have personally called several of the LSC grant recipients asking to file a complaint of false claims of domestic violence. They made every effort to discourage us from sending a written complaint by telling us there is not anything they can do. This matches the testimony of all of the legal abuse victims that have contacted us to date.

Through all of this, we need to ask where the defendant's attorney was and why they are not filing civil rights violations claims. Upon interviewing several dozen "Family Law" attorneys throughout the country, we came to the astounding revelation that they do not actually practice law. They are merely "processors" within a system of very constrictive procedural guidelines.

Our states' family law statutes are not designed to dispense justice or operate in "the best interest of the child." Rather to ensure the operations of their family courts leverage the maximum return from a vast array of federal grant sources.

Within many of the states' judicial systems are committees that produce and manage guidelines, rules and procedures that govern the day-to-day operation of the state's family courts and that of the attorneys practicing within them.

Since these guidelines, rules and procedures the parent's own attorney work within have nothing to do with actual laws nor have any mechanisms for protecting someone's civil rights, these parents never stood a chance against a false claim to begin with. Their defeat is due to the practice of law without laws.

The funding to LSC must require them to establish a more rigorous system of oversight of its grant recipients. Along with the creation of a system for lodging complaints that is completely independent from their grant recipients that provides protection instead of additional punishment for filing a complaint.

Our experience handling the enormous level of complaints shows there is a lack of a sufficiently staffed operation within all of LSC's grant recipients combined to deal with the level of abuses currently taking place.

Without these changes, today's parents are "procedurally defeated" before any claim was ever filed against them. This, sadly, is by design.