

No. 17-613

IN THE
SUPREME COURT OF THE UNITED STATES

—oOo—

..... Linda Shao,
Petitioner,
vs.
Tsan-Kuen Wang
Respondent.
—oOo—

On Petition For A Writ Of Certiorari
To California Court of Appeal Sixth Appellate
District (H040395) based on California Supreme
Court's Denial of July 19, 2017 (S242475)
[**Related Petitions pending with this
Court: No. 17-82 and No. 17-256**]

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF OF MOTHERS
OF LOST CHILDREN**

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**MOTION FOR LEAVE TO FILE AMICUS
CURIAE BRIEF**

Pursuant to this Court's Rule 37.2, counsel for Petitioners and Respondents were timely notified Amicus Curiae Mothers of Lost Children's intent to file this *amicus* brief. Petitioner consented but Respondents had rejected to stipulate to filing of the Amicus Curiae Brief.

WHEREFOR, *amicus* respectfully moves this Court to grant filing of the Amicus Curiae Brief as stated below.

Dated: November 14, 2017; **December 9, 2017 e-filing date.**

Respectfully submitted,

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INTEREST OF AMICUS CURIAE¹

Amicus curiae MOTHERS OF LOST CHILDREN is a grassroots organization with a mission to raise awareness about child abuse and create a social justice movement to ensure children are placed with the safe parent when the other parent is an abuser.

Many mothers have learned through painful experiences that the court system is often not friendly to women and children who have been victimized. Over the last two decades, the courts have become biased in favor of abusive men who seek custody. This is disturbing news. As said by Cheyenne Proverb, “A nation is not conquered until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors, nor how strong their weapons.”

Our organization has been in contact with over 3,000 safe nurturing mothers whose children have been taken from them and given to abusive fathers.

¹ Pursuant to this Court’s Rule 37.6, *amicus* affirms that no counsel for a party authored this brief in whole or in part, that no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief, and that no person other than *amicus* and its counsel made such a monetary contribution. Pursuant to this Court’s Rule 37.2, counsel of record for Petitioner and Respondents were timely notified of the filing of this *amicus* brief. Petitioner consented but Respondents’ counsel did not consent.

SCIENTIFIC STUDIES SHOW THAT MOTHERS ARE SYSTEMATICALLY FORCED TO ACCEPT PLACEMENT OF THEIR CHILDREN WITH ABUSIVE SPOUSES.

Research by Geraldine Stahly, Ph.D. on 399 national protective mother cases, of which 40% were from California, shows a chilling pattern²:

- 90% of mothers reported being victims of domestic violence but were advised not to raise issues of domestic violence or abuse in court even though 82% of the cases had evidence of child abuse. Half of these fathers had criminal histories.
- Allegations of physical and sexual child abuse arose in nearly all cases. In 75% of cases, children positively identified fathers as perpetrators. The children had serious symptoms, including sleep disorders, rage, regression, fears/phobias, pain, depression, dissociation, sexual acting out, suicide attempt, constipation/diarrhea, learning disability, and eating disorders.
- After mothers brought child abuse, child support, domestic violence, violation of court

² California Protective Parents Association commissioned the study which was led by researcher Geraldine Stahly, Ph.D., which is pending publication.

order, criminal conduct, substance abuse, move away, or spousal support to the attention of the court, judges ignored or minimized evidence of abuse and changed custody to the fathers in three quarters of cases.

- 67% of mothers lost parenting rights based on an evaluator's recommendation and 44% lost custody due to a mediator's report. Attorneys for children zealously advocated for their clients in only 9% of cases.
- **Nationally, only 17% of mothers (75%) had primary custody after court proceedings.** In California, 85% of mothers in California lost custody after bringing issues of violence and abuse to the attention of the family (divorce) court.
- Over half of mothers attempting to protect their children were restricted from all contact with their children, and nearly half were put on supervised visitation, at some point in the proceedings.
- **98% of the fathers were represented by an attorney while the mother had no attorney.**
- Over half of hearings were held without a court reporter present, thus precluding an appeal.

- Most mothers believed there was unethical communication among court professionals, and between the fathers and court professionals.
- 27% of mothers filed for bankruptcy after spending a modal average of \$100,000 on litigation, and 78% of the cases were still in progress.
- **Two thirds of the children continued to report abuse.** 86% of mothers believe their children were still being abused yet believe they cannot protect their children. Over half of mothers stopped reporting abuse for fear their contact with their children would be terminated.

It is clear from these data that children are being taken from their primary caregiving mothers and placed with fathers whom the children identified as abusive. The family court is not responding well to the plight of abused children.

As medical research shows, these children will have far-reaching negative outcomes in adulthood. It is incumbent upon family court to prevent such outcomes by keeping children safe and nurtured.

Evaluators, mediators, children's attorneys and judges ignored or suppressed the evidence. Instead of

protecting the children, courts changed custody to the identified abuser. In over 60% of the cases, custody was changed in ex parte hearings which are intended to protect, not endanger, children.³

Why are abused children of divorce not protected? There are two main reasons.

The first factor is money.

Divorce is the outcome of about 50% of marriages in California. In middle and upper-income divorces, child custody has become a huge money-making enterprise.

- Attorneys and mental health professionals make a handsome living from custody litigation. The longer it goes on, the more money they make.
- Judges receive job security, and retired judges “moonlight” by hearing overflow cases.
- In a 1999 Washington Times Insight Magazine article “Is Justice for Sale in LA?”, reporter Kelly Patricia O’Meara described other income in the form of payoffs to judges through a slush fund in Los Angeles. See,

³ See footnote 2. The statistics were provided by Dr. Stahl, commissioned by California Protective Parents Association, and is pending publication.

Insight Magazine, on the news online, Vol. 15, No. 16 - May 3, 1999

- When one litigant can afford an attorney while the other cannot, this financial imbalance places the self-represented litigant at a distinct disadvantage in court.

Large contributions to judicial campaign funds are a vehicle for potentially influencing judges, and in at least one jurisdiction, direct bribes were used. New York Judge Gerald Garson was convicted and imprisoned in 2007 for accepting bribes to manipulate the outcomes of divorce proceedings. See, *Betra v. Wolfe* (March 14, 2008) 0116059/2004, Motion Seq. No. 001, Supreme Court of the State of New York, New York County, 2008 NY Slip Op 30821, 2008 N.Y. Misc. LEXIS 1933

Judges and court-appointed professionals are rarely disciplined or held accountable for decisions that endanger children.

- Appeals are prohibitively expensive
- Appeals judges rarely reverse lower court rulings.
- Judges and court appointees have immunity.
- The California oversight agency, the Commission for Judicial Performance, spends over \$3 million dollars per year. However,

no judges were removed from the bench in a three-year period.

Yi Tai Shao aka Linda Shao and her daughter fit this pattern. Their case is typical of cases in which abusers, not children, are protected by family courts. Her case is so egregious that an expert on child abuse, Meera Fox, Esq. found the child's lengthy parental deprivation was caused by the courts' conspiracy with her prior attorney. *Linda Shao v. Tsan-Kuen Wang*, H040395, filed on May 10, 2017. See a copy at <http://shaochronology.blogspot.com/2017/04/evidence-of-conspiracy-and-judicial.html>.

As citizens, children are having their constitutional rights to liberty and the pursuit of happiness violated, along with their human right to safety. In 2011, the Inter-American Commission on Human Rights found in the Gonzales (Lenahan) case that the United States was committing human rights violations by not protecting women and girls. See IACHR, 0 EA/Ser/LIV /II. 128, Doc. 19, July 24, 2007. This mother and child exemplify the IACHR findings.

In 2009, at a National Summit on the Intersection of Domestic Violence and Child Mistreatment, prior

Attorney General Eric Holder urged the judges to consider the following issues⁴:

- Why are mothers who are the victims of domestic violence losing custody of their children to the courts and to the child protection system?
- Why are children of color over-represented in the child protection system?
- Do children need a relationship with their fathers even when their fathers have been abusive to them and their mothers in the past? If so, what does that relationship look like?

“Protecting our children is one of the most important things we can do for society,” Congressman Ted Poe stated in announcing House Resolution 150 to end the court ordered abuse in September 2016. The harsh realities of child abuse are real.

Ms. Shao’s case is a good example of court ordered abuse of a child and mother. The court, child’s

⁴ See US Department of Justice, Justice News: “Attorney General Eric Holder via Video to the National Summit on the Intersection of Domestic Violence and Child Maltreatment” Tuesday, June 2, 2009; see also <https://www.justice.gov/opa/speech/attorney-general-eric-holder-video-national-summit-intersection-domestic-violence-and>

attorney and professionals jointly suppressed her ex-husband's dangerous mental illness, and refused to recuse themselves when there have been direct conflicts of interest.

California Protective Parents Association, wrote an Amicus Curiae letter for Linda Shao regarding the court-ordered abuse which was sent to the Chief Justice of California Supreme Court on July 2, 2014.

Resolution 150 has been reintroduced as H. Con. Res. 72 in the 115 Congress. This Petition for Writ of Certiorari is in line with the goals of the Resolution.

CONCLUSION

For the foregoing reasons, Amicus request that Linda Shao's Petition be granted.

Dated: November 14, 2017; December 9, 2017 e-filing date.

Respectfully submitted,

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