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New York State Standing Committee on Judiciary Senate standing committee on Children & Families  
Senate hearing room  
250 Broadway, 19<sup>th</sup> fl  
New York, NY

10/31/2023

RE: Testimony on Joint Public Hearing on New York State Family Court 11/1/23 at 10am

To Whom it May Concern;

I am writing to you today to tell you about the harrowing experience I had in Yonkers Family courts. While I understand I am not an attorney, that does not mean I do not possess the ability to research and comprehend the rules, regulations, laws and higher court decisions of the 9<sup>th</sup> Judicial District.

For a little background, I am unfortunately the victim of Domestic Violence, and with that came domestic violence against my son as well. While the psychical DV issues had subsided, parental alienation and emotional abuse towards my son remained. He was groomed to side with his father with no help from anyone. I have gone to multiple outlets in the past (police, CPS and family court) to no avail. However, this last instance on or around June 2020 has taken the cake. While my son was remote schooling I found out that his father was picking him up on my time and taking him away from when he was supposed to be in class. I naturally put an end to it, and as retaliation, he filed an Order to Show Cause (herein referred to as OTSC) in family court, through his attorney, Joan Iacono. The case was assigned to Rachel Hahn as the judge. I was assigned counsel which the court never notified me of prior to the court date, I found out when I called the AFC regarding the case (he told me he could not speak to me about it because I had counsel). I made contact with my attorney, Brad Smith, and he informed me that the OTSC was going to be held at an attorney only conference. I told him I was not comfortable with that and that I wanted to be present. He told me I had no choice (I later learned he cannot represent me in my absence without my consent). I should also note I did not know he needed consent to represent me, and I did not give it to him. He filed nothing in my defense. At the OTSC my custody arrangement that was in place since 2012 was changed and the hearing was off the record. I spoke to the social worker who disagreed with the judges decision and told me her court ordered investigation was neutral. There was a temporary arrangement placed that was supposed to last for the summer.

During the first conference I attended I had previously filed an Affidavit in Opposition after the decision was made myself and got rid of my attorney. I became a pro se litigant. The judge noted that if she had this information that she would not have made the decision she did, however refused to change anything. We had 8 conferences over 6 months. During those conferences against what the Rules and Procedures of Family Court say, nothing was prepared for trial, which is the purpose of a conference. The AFC and opposing counsel slandered me, knowingly

committed perjury, had ex-parte communication with the court, that was not turned over to me as well as I was not allowed to access my family court file as a pro se litigant. It should also be noted The judge just kept pacifying me- wait for trial, it's only for the summer (until the summer passed), the child doesn't drive the bus he has a voice not a decision, etc. I have filed countless times referencing violations of the order, violations of Policy and Procedure, Domestic Relations laws and citing Appellate Division cases where the instances were applicable and overturned on appeal.

After I asked the judge to recuse themselves the first time, I was given a legal advisor, Karen Jansen, to help me navigate the court system and view the forensic evaluation "whether I choose to use them or not", per the judge. This legal advisor was invited to court against my wishes and refused to help me file an appeal. Karen Jansen, Joan Iacono, David Peck and Amanda Zane (Judge Rachel Hahns Court Attorney) all communicated ex-parte prior to her invite. I found out by an error on an email. I requested to ALL of them to turn it over, which they ignored- Karen blatantly told me over the phone "she won't". I finally got Rachel Hahn to recuse herself in March 2021, after I had filed twice for her to do so, right before trial (after she told me I had to ask for a trial during her second recusal conference). It should also be noted that opposing counsel spoke to my sons therapist, who was somehow absent during the forensic evaluation, as well as the forensic evaluator in more than an administrative compacity.

The next Judge assigned was Judge Maryann Scarettico Naber. She never familiarized herself with the case. I caught the AFC, David Peck making a claim that my sons therapist said to cut contact with me, I however refuted and had an email stating the opposite from him. When I brought that to the judges attention her response was I worked with him for over 15 years. I was also never allowed a copy of the forensic but opposing counsel and the AFC was. She had them return it one week before trial. I was still not allowed to access my file. I then filed asking for the removal of opposing counsel, the AFC, and the judge. She responded a month later at 5 PM the day before trial. I felt the trial was rigged, and unfortunately my emotion got the better of me and I did not show. It should be noted that the court did not contact me to make sure I was coming or any efforts made, which they would have and I have seen them do had I been an attorney.

I have in vain countlessly tried to obtain justice. I went to the FBI, Judiciary Committee, Grievance Committee, the nys court misconduct unit, FBI, 9<sup>th</sup> judicial district in Westchester County, 9<sup>th</sup> Judicial district in Albany, Chief judges of nys family court, I have requested a meeting with Janet DiFiore, I even went to my elected officials. I was IGNORED- not denied ignored. The closest I got was an Article 78 lawyer who was willing to take my case but after we talked he did a conflict check and went to high school with Judge Scarettico Nabers son. There is no recourse or a way to initiate an investigation. This is beyond parent vs parent. There are so many violations of policy, procedure, laws, civil rights, code of conduct, and the precedence set by the Appellate division, and most importantly- THERE IS NO RECOURSE. These judges think they're invincible because there is no one or any organization within family court to regulate them. The organizations and committees put in place to monitor justice do not care. No one wants to touch family court with a ten foot pole because it's emotional, but that does not mean the highest bidder should win. That is not how the law system is supposed to work. That is not justice. That is not fairness. That is not the principles the system was founded on that is still (supposed to be) upheld today. To be perfectly blunt, it's not acceptable!!

I urge the Senate to conduct an investigation. I am not the only person. I have bonded with other parents on the unfortunate corruption in Yonkers Family Court (and it is not limited to Yonkers). My file number is 109349.

As for an update with my son, he is currently unhappy at his fathers. He wants to come back with me but he cannot without repercussions. He has been kicked out of his fathers house several times for things such as: yelling at the TV or not answering the phone when his father calls. He will however be 18 soon, but I am unsure if he can break away as in a typical domestic violence relationship.

I urge the Senate to take action- spot check cases, send out surveys, allow anonymous tips- even from attorneys that get taken seriously and most importantly PLEASE INVESTIGATE YONKERS FAMILY COURT.

Thank you for giving me a voice and an opportunity to be heard. I will happily answer any questions and provide tangible evidence to support my allegations.

Respectfully Yours,  
Jessica M. Sarfaty