

Victim Statement

It's been over three years since this ordeal started and it has been a nightmare. Justice has not been swift, though I have faith in our legal system and hope that your honor will do right by our son Liam, the one who truly matters in this case. I realize fathers have rights but a child's safety is preeminent and I have watched as my husband continued his post-spousal abuse via our family courts, filing frivolous motions, being deceptive about his financials, alcoholism and psychiatric evaluations, failing to pay child support, financially bankrupting us and often even refusing to comply. I only wonder what would have happened had I not had such a loving and supporting family that could help bear the costs of these legal proceedings.

I watched as my husband and his family perjured themselves and humiliated me for 5 full days. It was like being abused over and over again. Kerry and Janet did exactly what they had done in the past, covering up things to protect John to the detriment of our innocent child. I, on the other hand, answered each question as honestly as I could, being forced to relive my nightmares. I watched as John's continued pattern of violence and substance abuse was downplayed, as if abuse of Liam, myself, Rocky, or my family, simply did not matter. I was told that I was to blame, and that I provoked the violence. What people fail to understand is this is not 2 people fighting and simply having marital spats, this is post-spousal abuse. A game John must win at all costs.

John once told me that if I left, he would destroy me. That no one would believe me. He knew the legal system better than anyone, even me, and that he would do whatever he could to file fake restraining orders, and do whatever he needed, and that he would just disappear with our son, and I would never see him again. So I sat there silently every time I went to feed Liam and got attacked and I documented and documented and documented, praying that one day I would be able to safely leave and have enough time to implement the safety plan that everyone spoke about.

There came a point where I had to leave, initially with just the clothes on my back, but no matter how much you plan and prepare, it's hard to realize that your child's future safety may be out of your control. I was told by the police that when the violence got to a point that I could no longer be in control that I had no other choice but to get out or I would be seen as an unfit mom, and Liam could be taken away. What I wasn't told was that I was now safe, but my child may not be. Is he safe with John? How can we ignore the fact that not only did he abuse me, our dog, but the baby as well. At one point, he even held him physically down, trying to prevent him from walking as the baby hysterically cried. Let's also not ignore the link between animal abuse and violence and spousal abuse and abuse of children. Liam was also a victim of Domestic violence, and this must not be taken lightly. Who will protect Liam now that I cannot take the brunt of the abuse?

Even John's expert psychiatrist Dr. Kaliebe in his report indicated that John would be a danger to Liam if he were drinking or not sleeping properly. Dr. Kaliebe further stated in his report that "if serious questions are raised about new onset substance abuse problems, it would be reasonable for the courts to intervene through forced treatment and/or monitoring, as these would be in the best interest of the child." Nerven's testimony was strong evidence he has as recently as March of 2019, very serious alcohol abuse and insomnia issues just like in the past, making it clear John is not in remission. This was reaffirmed by my sister Risa's testimony about his going to Walgreens at 3 in the morning during our super bowl trip and waking up screaming during the middle of the night for no reason. Dr. Kaliebe also stated that John has so far had very low stress parenting responsibilities. These parenting circumstances will change to include more responsibilities and if other aspects of his life become unstable, it is unclear

how he will respond. So how can we follow the law, but still keep this innocent child safe? We need to err on the side of safety to protect Liam.

Most importantly, John McCarthy has yet to admit he has a problem. In fact, he has told the courts over 5 days, that he is not only not an alcoholic, but never had an alcohol problem despite going to alcoholics anonymous for over 5 years and having multiple sponsors! He even denied violating the restraining order ignoring the video proof on the condominiums cameras as viewed and testified to by Nervin. The first thing you must do in order to overcome a serious problem is admit you have a problem. Dr. Archer testified, after John took the 4-hour online anger management course, that John had not complied because he had not accepted he had a problem. Dr. Kaliebe indicated John may be "extremely dangerous due to behavior that he has displayed towards Robyn, and apprehension is warranted regarding how he would respond to a disobedient, disruptive, or defiant child." Imagine, someone who already flies off the handle with little or no provocation, having no sleep, because Liam still does not sleep through the night, having to deal with a 4 year old who is constantly testing the limits, and doing everything in his power to get under one's skin. It's hard enough for a stable person not to lose it. Pair that with John's insomnia and his substance abuse and the consequences can be fatal, especially if we just send a loose cannon out there without being stabilized.

John took a 4-hour anger management course. While I commend John for taking a baby step, no 4 hour online course is going to cure this significant of a problem. John's dire need for treatment has been obscured by his habitual lying. He has lied to each expert. There are numerous inconsistencies in what he told Dehmer, Kaliebe, and Archer. He told Dr. Kaliebe he didn't think he needed additional treatment from Jamie Young and that in any event he couldn't afford it. This is not what was said in court. He had cleared treatment per Dr. Archer. Dr. Kaliebe stated John must give his therapist all the information about his condition so that they could treat him properly. Yet Jamie Young's records indicate they talked about his difficulty adjusting to his divorce not his alcohol and psychiatric problems. Furthermore Jami Young is not even licensed to provide anger management. John needs a therapist that specializes in border-line personality disorders and he needs to provide them with the facts about his problem not gloss over them or no one can help him. My goal is to help John become the best dad he can be, but still have Liam be safe.

We are here today to do what is best for Liam. Liam's safety must prevail over our rights as a parent! You have heard significant warning signs that simply cannot be ignored. As Liam's mother, I am going to advocate for him. I do not want my son to be a statistic or a news headline.

I do not believe unsupervised time-sharing can start immediately as we have serious and significant dangers present that must be addressed. Out of all the testimony you heard, Liam and I were the only people who lived with John and truly experienced what really was going on. He has not gotten real help and, most importantly, has not admitted to any of his problems. He may have briefly gone through the motions, but at the end of the day, there are still significant problems with substance abuse, anger, poor judgment, impulsivity, and insomnia. I have no issue with increasing the supervised visitation to 2x -3x a week for 6 months. I believe Dr. Lieberman's recommendations truly encompass the real issues. They allow us to follow the law but also ensure the safety of Liam. I would recommend he be ordered to see a therapist who is a psychiatrist, before he is granted unsupervised visits.

When and if John admits he has a problem and gets qualified professional help, unsupervised visitation can be scheduled. As Dr. Lieberman and Dr. Meller recommended, John needs to do the following:

When Liam reaches 7-8 years of age, unsupervised visitation can be revisited, if John has accomplished the following:

1. At least 3 years of weekly sessions (50-60 minutes each) of individual psychotherapy with a board certified psychiatrist-including random drug & alcohol testing, in person.
2. Compliance with any medication regimen recommended by this psychiatrist.
3. Full day of complete psychiatric evaluation (including psychological testing) at the time John requests unsupervised visitation (that is, after Liam has reached age 7 or 8), which conclude that unsupervised visitation by John no longer puts Liam at risk.
4. Anger management and batterer's course, and parenting courses, for at least 1 more year each, of at least weekly sessions, in person.

Dr. Meller treated John for 5 months and is the only treating physician with sustained contact with him. It resulted in John threatening and abusing Dr. Meller and his wife, who was his receptionist, scaring them greatly.

I am also proposing sole time-sharing. Communication with John has been impossible and I need to be able to make decisions with Liam's best interest in mind. For example, John has missed numerous visits with Liam for various reasons including lack of available supervisors. Each time I contacted him and asked him to select a makeup time. Only 2 times out of 63 did he actually take me up on the offer. When I asked to visit my sister for a vacation and therefore miss one single visit he said no and I had to go to court to be able to see my sister one time in a year for the Jewish Holidays and to celebrate my 40th birthday. Liam should be allowed access to therapy and/or therapists if/when needed. John has said no to this in the past. Also John shows a lack of response to all my queries, and/or says no all the time, or does the opposite of what I say we can do. Trying to work anything out with him is impossible. Case in point, he refused to even meet with me per your request to sit down to try to work this parenting agreement out. That is not to say that I will not continue to keep John informed of any issues that arise, but as Liam's mother, I need to do what's best for him, and the patterns have been shown that I cannot do that if John can block every request.

The communication issues are especially a problem in terms of Liam's medical issues and education. Regarding medical, when Liam required surgery to remove his adenoids, I reached out to John for over a year and a half, and John continually ignored me until I had to make the decision myself as our son was unable to sleep. This is unacceptable. Liam ended up having 80% blockage of his airway from the swollen adenoids. Regarding education, as he gets older, school acceptance becomes competitive and for every school deadlines need to be respected and costs need to be met. John cannot be counted on to even answer most queries, and is likely to disagree with all my decisions and has yet to pay significant child support. I have had to make all the decisions for the past 4 years without the help of John, and this needs to continue in the best interest of our child. My other extreme concern is John's failure to report injuries that seem to happen very frequently with him. This is extremely concerning as I cannot trust John to keep me informed, nor can I get Liam the appropriate medical treatment he requires. Liam is still not fully able to tell me what happened or express himself clearly enough, which is problematic.

My hope is that when Liam is older, he will be more verbal and can describe what occurs with his father more clearly. Also, when Liam is attending school full-time, there will be additional supervision, so that any abuse (emotional, physical, or by neglect) will be spotted, and will be more likely to be stopped.

Your honor, you asked what I could live with as a mother, and if the law states we eventually have to do unsupervised visitation, then at least postpone these visits until John gets real help and Liam is 3-4 yearsolder and better able to protect himself and/or report, unlike at age 4. This, reluctantly, is what I can live with. Not every case should be immediately forced into a step up plan.

In addition, I am not sure how this will even work as John works from 5 am-9am, Liam is in school then from 8:30 am until 3:30 and then Johns works from 4:30/5-9 pm, Monday through Friday. John also works ½ day on Saturday. He has yet to even attempt to see Liam 3x a week; his actions simply do not match his words.

I honestly don't know what I'd tell another woman asking how or if they should leave an abusive marriage, based on my experiences. I still question if leaving was the right decision given that I feel so helpless and possibly unable to protect my child. I hope that you will adopt my proposal and show me that justice does exist for my innocent baby, and that we can follow the law but still keep Liam safe, and that leaving was the right decision. Because right now, in good conscience, I'm not so sure based on how awful this experience has been for my family.

Sincerely,

Robyn Jessica McCarthy