

MAIN

FC Passion-Project

Background

Project Premise

The purpose of this project is to use logic, the scientific method, and values instilled by my elementary and middle school, Q300 (inclusion, inquiry, responsibility) and my high school, Stuyvesant (“For Knowledge and Wisdom”, civic engagement, civic virtue, honesty, development of a moral compass) to engage my community and to prove that the US Family Court system is highly flawed in many aspects and hurts children due to these flaws. This project will also seek to propose a set of improvements that can minimize or nullify said flaws.

Organization

- **“Tree of Inquiry”**: This tree is divided into three “layers”, with the first being **supports**: pieces of evidence taken from primary or secondary sources. These supports can then be combined in a logical manner to arrive at **small claims**; the interpretation of supports, as well as their validity, are open to debate. In this way, by restricting debate to only a specific topic / small claim, disparities in debate skill and emotional bias that can undermine rationality are reduced, so that the true purpose of debate (the collective arrival at a truth) is maintained. These small claims can then be logically tied into a larger **conclusion**, which will form the basis for a **proposal** that will seek to alleviate the injustices found during this logical tree-building process.
- **Physical Website**: The “Tree of Inquiry” will be hosted on a website, along with general information about the project, information about me, and the research paper (see below). This website will allow more people to not only become informed about this project and the injustices present in Family Court, but also to actively engage with the Tree of Inquiry.
- **Research Paper**: Once the Tree of Inquiry is completed, I seek to use the methods learned in my Social Science Regeneron class to take a deeper dive into a single topic, proving, both with primary and secondary evidence, that flaws / corruption / injustice definitively exists in the system.
 - *This will likely be specific to a single topic (for example, the systemic flaws in Child Attorneys.)*
- **Proposal for Improvement**: Building on the injustices revealed in the Paper and the Tree of Inquiry, I plan to propose improvements / reforms to the existing systems.
- **Outreach and Publicization / “Follow-Up”**: I plan to share my research with others (using the Website as publicity for the Paper and the Tree of Inquiry), and I also plan to send my proposal to government officials in hopes of reforming the system.

The Tree of Inquiry

1. **Claim**: The FC system does not want to attract attention from the public.
2. **Claim**: The FC system presents itself as “serving the people / the community”, performatively presenting itself as a system that fosters positivity, whereas in reality, the act of separating families is inherently negative.
 - a. There exists banners on the Kings County FC website (<https://www.nycourts.gov/courts/2nd-judicial-district/kings-county-family-court>), showing parents smiling whilst in the courtroom
 - b. Anecdote from Father: whilst in FC, he never saw positivity nearly to the extent of the people shown in the banner
3. **Claim**: FC claims that people choose, out of their own will, to come to FC when they can’t resolve their own issues; in reality, FC forces people to participate in their system.
 - a. IDV (Integrated Domestic Violence) Court within the larger FC system → Father was forced to participate in the system as his child was taken away
4. **Claim**: The FC system has no checks and balances / external “watchdogs” to prevent corruption.
 - a. There do exist appeal courts, but this exists as part of the same system as FC.
5. **Claim**: Family Court takes on cases for its own necessity / to justify its existence, rather than helping the community.

- a. When one judge (Judge Henry) retired, the other judge did not take over her unfinished work → FC judges, here, are trying to fulfill a quota (to justify its existence) instead of genuinely helping the community, which FC claims it does.
6. **Claim:** FC makes life-defining decisions for a child with limited evidence; thus, its decisions cannot possibly be correct.
7. **Claim:** FC's unjust rulings compel parents to break the law for the best interest of the child.
8. **Claim:** FC has tremendous bias in all of its employees; the system has low cultural tolerance → no diversity in ideology (Mostly liberal)
 - a. Not compatible with the majority of New Yorkers
 - b. Most judges are women
9. **Claim:** FC's lawyers, including child attorneys, are not free to properly represent their client. "Child attorneys have a boss."
 - a. Court-appointed attorneys have an incentive to "swear fealty" to the greater FC system, which might be at odds with what the client wants
 - b. Children's Law Center is the only agency that FC uses for child attorneys
 - c. Child attorneys have an incentive to have good relations with the judge
 - d. Child attorneys have to abide by their agency's procedures.
10. **Claim:** FC's system undermines the dignity of members of the child's family by undermining the bond between the child and its family members.
11. **Claim:** FC does not properly utilize risk-and-benefit analysis in all its actions, only following protocol.
 - a. FC supports moving children from a safe, stable environment to
12. **Claim:** The concept of a "winner" and "loser" in the FC system makes the "loser" parent feel like less of a parent compared to the other, demotivating them from loving their child and giving it their all
13. **Claim:** By using their own "discretion", FC judges put their own subjective biases into their rulings.
14. **Claim:** The concept of full custody creates a system where one parent is superior than the other in terms of the decision-making for their child
15. **Claim:** Having one home is inherently more stable than having two homes – it's the optimal condition for living. By consistently favoring two homes over one, it shows that FC cares more about the convenience of the parent than the interest of the child.
16. **Claim:** FC does not take into account the safety and health of the child above all else (as per the Maslow pyramid), as it should.
17. **Claim:** FC will not admit their mistakes / restore justice after harm is done
 - a. FC did not vacate its case after finding out lies were told / based on unfounded evidence → consistently undermined relationship between both parties (???) - Every time my two parents went to family court, their relationship became sour due to their perception of each other as adversaries → *The case / each court appearance serves to perpetuate division and undermine natural reconciliation.*
 - b. FC goes "all the way in" even after the premise of the case in the first place is proven to be false
18. **Claim:** IDV Court of FC has jurisdiction over criminal and civil cases; their criminal cases do not meet the standards of regular criminal court.
 - a. FC's standards for criminals are more loose; *are guilty until proven innocent* → in regular criminal court, Father's case would be thrown out in the first day, but prosecutor allowed to prosecute without evidence (!)
 - b. No investigation
 - c. Invites prosecutors to do criminal cases within IDV court (easier to win!)
19. **Claim:** It is impossible for FC to make the best decision for the child, as they cannot possibly have enough information about each parent and about the child to make good decisions
 - a. A hundred interviews will not suffice to give a good picture on the parent (?) → without information, you cannot make good decisions
20. **Claim:** FC needs to resolve cases within certain timeframes for fresh new cases to come in
 - a. New cases justify funding → need certain volume of cases per year
 - b. Taking up spot for potential new cases
21. **Claim:** Forcibly "solving" problems by picking a winner or loser deters natural reconciliation
22. **Claim:** No one in FC claims that they have faith in the FC system
23. **Claim:** Agents affiliated with FC encourage members of certain ethnicities to file complaints against their spouse

- a. Claimed that Hispanics were more likely to abuse spouse?
- 24. **Claim:** Social workers hired by companies like Safe Horizon might be more prone to encouraging people to file abuse charges against their spouse
- 25. **Claim:** Certain FC policies will not be accepted in another country; thus, it cannot be completely right
- 26. **Claim:** FC wastes taxpayer dollars which could have gone to benefit children further.
- 27. **Claim:** The FC system entices people of certain racial groups to report their spouse
 - a. Safe Horizons' website has a page stating that Hispanics are more prone to commit domestic violence
 - b. The overwhelming majority of FC cases belong to Black and Hispanic households; therefore, if these two groups didn't exist, FC caseloads would be a fraction of their current amount
- 28. **Claim:** FC's policies incentivize people to file claims
- 29. **Claim:** FC (unintentionally or intentionally) uses social pressure for customers to comply with its procedures
 - a. Customers are surrounded by people who don't complain → social pressure causes less tendency to be skeptical → **"feeling of normalcy"**
- 30. **Claim:** FC's child attorneys are not open to sharing their own beliefs with parents
 - a. Did not consent to an interview from Father: "I don't do mutual interviews"
- 31. **Claim:** The fear of their children being taken away from them forever causes parents to accommodate the rules and policies of FC, even if it goes against the best interests of the child
- 32. **Claim:** FC forces parents to make a deal → making a deal reinforces the existing policies of FC
- 33. **Claim:** FC cannot answer the question "to whom does it benefit"
- 34. **Claim:** Some of the laws of FC are unconstitutional to a US citizen.
- 35. **Claim:** FC incentivizes the breaking-up of families.
- 36. **Claim:** Most children don't realize they've been screwed by FC → blame it on themselves
- 37. **Claim:** FC designs a system where the repercussions of the decision are purposely ambiguous → can't be pinned down for FC (can't be pinned down whether or not the decision was good or bad)
- 38. **Claim:** FC is not "transparent" → doesn't want other people to know about them
- 39. **Claim:** If each individual case was done in a separate courtroom, the result would be more reasonable
 - a. Watching other people's cases has an impact on the psychology of people
- 40. **Claim:** FC doesn't take into account other family members besides the main parents
- 41. **Claim:** FC violates the "first do no harm" principle
- 42. **Claim:** FC doesn't ask for the plan for the child to grow
- 43. **Claim:** Since FC is changing, the policies of FC cannot possibly be perfect → decisions made by the judge cannot possibly be the best for the child
- 44. **Claim:** The bureaucracy of FC is inflexible, which prevents it from solving problems in a human way: "Machine trying to solve people's problems"
 - a. Doesn't vacate case even though criminal case has been dropped, parents have gotten back together
- 45. **Claim:** FC supports an adversarial approach over a cooperative approach
- 46. **Claim:** People who don't work in the system don't work there. People who work in the system work there. Over more and more time, the policies of FC become more and more radical → echo chamber? → trends towards radicalization
- 47. **Claim:** Child attorney's interview of the child is meaningless for young children because young children do not know what's in their best interest
- 48. **Claim:** Child attorney did not conduct initial investigation
 - a. Took two months before they saw Father
- 49. **Claim:** FC has incentive for self-preservation, which works against the best interest of the child
- 50. **Claim:** Dismissing the father's case after missing a court day hurts the child → collective punishment
- 51. **Claim:** FC uses cloudy, vague terms such as "abuse", not being specific → violates legal doctrine of law?
- 52. **Claim:** Precedent of unreasonableness causes MORE division in society as a whole

Website Plan

Pages on the website:



Tab 1

FC Passion-Project

Introduction / Preamble

- The purpose of this project is to use logic, the scientific method, and values instilled by my elementary and middle school, Q300 (inclusion, inquiry, responsibility) and my high school, Stuyvesant (“For Knowledge and Wisdom”, civic engagement, civic virtue, honesty, development of a moral compass) to engage my community and to prove that the US Family Court system is highly flawed in many aspects and hurts children due to these flaws. This project will also seek to propose a set of improvements that can minimize or nullify said flaws.
- To arrive at a truth by proving each individual “support”. If all supports are true, the conductive truth has to be true; this is done by input + debate.
- To eliminate skill in debate by focusing on small claims → if the question remains small, the true purpose of debate - the arrival at the truth - is clearer.
 - Eliminate personal emotional ties to a specific claim → prioritization of rational, logic-based debate over emotional, values-based debate
- Have debaters present arguments for both sides → eliminates skill in debate + reduces emotion-based reasoning
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Conclusion: Family Court does not act in the best interests of the child.

Evidence: On the order, it states that this order is in the best interest of the child.

Tenets → Facts

- Family Court, due to its own internal ideology, regularly assigns an order splitting the child’s time between two homes.
- For some children (especially children with special needs), living in two homes might detract from stability and safety, and is thus not in their best interest.
- On the transcript, I have evidence that the judge has assigned “two homes” to Leon. The judge justifies this using his “discretion”.
- **Thus, the judge’s discretion can be, and is often, wrong.**
- Leon’s child attorney (McSwain) was aware that Leon had spent his early childhood in his home.
- She also admitted Leon has special needs, specifically mentioning autism.
- Autistic children have a tendency to crave routine, and disruption from said routine would harm them psychologically and emotionally, especially at such an early, formative stage (as Leon was 7).
- Removing Leon from the stability and safety of his home would harm him, but McSwain refused to advocate for Leon when the court ordered his custody be split between two parents.
- **The child attorney does not accurately represent the child’s best needs.**
- Ms. Siegel (Leon’s child attorney) did not interview him or his father for two months after the beginning of the court case.
- Ms. Siegel promised Leon’s father that she would meet with Leon’s father “as soon as possible”.
- Ms. Siegel works for Children’s Law Center (CLC), a non-profit organization that is funded by the government.
- Ms. Siegel has shown up for all other court cases in the family court.
- CLC has an incentive to cooperate with the family court’s judge, which often creates a conflict of interest that is not in the best interest of the child.
- **Thus, the child attorney often does not faithfully represent their client.**
- Leon’s mother filed a police report two days after she arrived in Safe Horizons.
- **Safe Horizons most likely encouraged her to file said police report.**

- Incentives were given to victims, giving them free rent, furniture, housing, and a free attorney in Family Court to get full custody of the child.
- No men; only women. (Why?)
- Shelter was in a very poor neighborhood (ENY).
- Organization creates incentives for people to lie.
- Criminal case was dismissed.
- By physically separating the child from its home, the parent is creating a precedent of normalcy of the child living in the new home, allowing the question of the child's "home" to be disputed.
- **Custody was given to one parent without a trial.**
- Even after the mother returned to the home, the Court still continued the case.
- The Court forced an *external solution* for an *internal problem*.
- Every week before a court case, the relationship between mother and father was compromised.
- Social workers in places like women's shelters likely have a strong bias against men.
- Courts are financially incentivized to create new cases.
- Vacating a case does not justify funding.

Systemic Issue → Since everyone is doing their job correctly and families are still being broken apart
 Mother is a mentally weak person → Tempted to take action and gave her the tools necessary to break up family

No trial = No due process

Case does NOT build the family (!) → only destroys

- Yet, family court slogan: "We have served millions of families"

Does not erase the fact that the BS case was dismissed → very fact means that original complaint filed with police to have arrested was fake (!)

Final order awarded to one parent (full custody) → if there is a change of circumstance, then the order can be adjusted to fit the new situation.

Attorney did not take action when father missed court → win by default would be detrimental to the child, as the child is a third party

- The court did not have the sufficient information to determine custody
- Child attorney goes along (!) with the judge → not truly representing the child due to conflict of interest: wants to appease the court

When Safe Horizon took Leon in, they did not assign him an attorney.
They did not give Mother a psychological evaluation → only wanted a case.

The mother and father should have EQUAL SAY in the child's decisions

Maslow diagram of needs:

- **Physiological**
- **Safety**

These are universal, regardless of race → therefore, it is mandatory that these needs must be applied to every child
 NONE were applied in this case. Fundamental levels are uniform for all children

- Family court claims to prioritize safety

Both parents have access 24/7 to the child → encourages both parents to do their best (!)

Flaws

Claim: Child attorneys do not represent the best interests of the child.

- Did not object Judge Henry's default order granting custody to one parent, simply because one parent was absent from court one day
 - Appealing the default order would have been in the best interest of the child, as an order without evidence would not be

The elimination of conflict of interest in the child attorney *would be necessary* under normal circumstances; with the existing flaws pointed out in the Family Court system, it is even more imperative that the child attorney's independence is maintained.

- **A child attorney must be funded outside of the Family Court system.**
 - Federal government?