

Snowfall

An account of the FIA, the courts, and others assigned the task of protecting children doing everything but.

Please note - the Family Independence Agency officially changed its title to the Department of Human Services on March 15th, 2005.

Lunch break was just about over. Several people were standing around outside my place of employment in Dearborn dreading having to go back in and get back to our software development, script writing, user administration, and a myriad of other tasks that waited just about any IT professional returning from lunch.

The weather outside was pleasant. It was early spring in southeastern Michigan. The temperature was in the sixties and we were taking it all in before marching back to our cubicles to finish off the work day. One of my co-workers commented that snow was surely done for the season now. He had recently moved to Michigan from China, and was unfamiliar with the climate and the sometimes crazy Michigan weather.

Another co-worker (a native Michigander) made the silly remark that he didn't remember it snowing this late in the year for quite a while.

I smiled. It wasn't a happy smile; it was one of a bittersweet satisfaction. I knew for a fact he was wrong, but the reason I knew was nothing that could possibly make me happy.

"Two years ago today it was snowing" I said. Everyone sensed the sudden mood change in my voice. About half of the group gathered outside knew the reason for my sudden mellowing. The other half were relatively new hires, and just sensed that it was now time to go from everyone else.

The date was March 25th, 2004. True, it was a nice day out, and after experiencing a day like that, one would think that spring was in full effect and snow for the season was nothing but a memory until late fall. Being from Michigan though, one knows better.

It wasn't so much the snow I remember from two years prior. It was the sense of shock and surrender as I stared out of the back of my father-in-law's SUV while being stuck in a traffic jam on southbound I-75. My wife was next to me, staring out the other window with exactly the same expression. The fact that it was snowing simply added a Capra-esque veil of helplessness over an already incomprehensible day.

We were on our way back from the Lincoln Hall of Juvenile Justice in Detroit, Michigan. It was March 25th, 2002. Three days earlier a Child Protective Services (CPS) worker by the name of Grace Nalepa had taken our youngest son, Mark Alan Valenti II, into state custody and placed him in foster care in the custody of my wife's sister. On this day she dropped the other shoe and working in conjunction with Assistant Attorney General (AAG) Sheryl Little-Fletcher who represented the FIA and Lawyer-Guardian ad litem (LGAL) William Elliot Ladd who "represented" our children, Nalepa had the rest of our children removed from their and our home.

Snow covered everything that day. A blanket of white. The color of surrender.

July of 1997 is when I first met Gina. I thought she was the most beautiful thing I had ever seen. We were at a 4th of July party of a mutual friend. Gina had her two children with her, Ryan (6) and Todd (4). They had such personalities, not to mention the inherited attractiveness of their mother.

Almost immediately we hit it off. At the time I was a mechanical engineer in Dearborn. I had just graduated from Michigan Technological University two years earlier. Gina was a manager at a major grocery store chain in Southgate. A few years prior she had moved back down from mid-Michigan after her husband (and biological father of Ryan and Todd) was killed in an automobile accident.

Gina's husband, Todd, died of head injuries. They were all in the car at the time. Gina was asleep in the passenger seat and pregnant with Todd II, Ryan was buckled up in his car seat in the back. Todd went to change lanes and ended up in a head-on collision with a car in the oncoming lane. Todd died instantly. Gina suffered several fractures and a punctured lung. She was in a comatose state for two weeks afterward.

Ryan appeared to be alright. He showed signs of post-traumatic stress syndrome after having his father laying on top of him for the approximate 30 minutes it took for EMS to arrive. In the weeks and months to follow it was clear there was something further with Ryan. He sustained a closed-head injury that has set back some of his basic skills drastically.

When I had met them they had recovered and were coping. Todd was born just five months after the car accident. Gina had some surface scars and suffered from arthritis at the age of 28 but was otherwise fine save the occasional breathing problem from her lung. Ryan was a year behind in school. His speech was not as far along as it should be, and he had problems coping with others. Aside from that he was a very witty child who would have been considered quite intelligent if not for his speech deficiency.

I myself had an unremarkable past. I was a high school and (somewhat) college athlete. I was in the midst of studying my 4th martial art and almost a black belt in Hapkido. I loved computers and could easily have been considered a techno-geek. I also loved engineering. I had all of the partying out of my system by that time (I was 26), and I was ready for a family.

We fell in love relatively fast. Within 8 months we were living together and planning on getting married. We married in June of 1998. After that we moved into a house in Wyandotte and William (Willy) was born in 1999. Mark (Moo) was born the next year.

Our family was complete. We were financially stable and starting to enjoy life the way a family should. Gina quit her job shortly after we moved in together so that she could stay at home and take care of Todd and Ryan. My income was more than enough for us to live comfortably on. We made a conscious decision for her to quit, and we agreed that she would not get another job until after the youngest was in school full-time. I had moved on from being a mechanical engineer to take a job as a software engineer for one of the more recognizable automobile companies headquartered in Dearborn.

As it turned out, Moo was a full-time job himself. He constantly tested his boundaries and the world around him. To him, nothing was off-limits. He developed

much more quickly than Willy did, and according to Gina, faster than Ryan and Todd also.

2001 was a year of discovery and milestones for Moo. He was crawling at 7 months and walking along furniture at 8 months. It seemed each day he learned some new trick that would take us completely by surprise.

At 9 months he even crawled up onto a chair and grabbed a bottle of furniture oil out of a basket on our dining room table. He was able to get the lid off himself and almost drank some before I saw what he was up to. Until that time we had no idea he could climb a thing.

Of course to be safe, we took him to the hospital. They did x-rays to be sure that his lungs weren't filling up with fluid from the vapors. When they did, they discovered that he had a healing rib fracture. This took my wife and I by surprise. We were frantic, we had no idea that our little Moo had been hurt for a month or two. He showed no signs of discomfort. We mulled over and over how it could have happened. We realized that about a month and a half earlier, Moo had crawled up behind a vacuum cleaner and pulled the foot-release. The full weight of the vacuum cleaner hit him in the back, leaving a bruise in the exact spot where the x-rays revealed the broken rib. He cried pretty loudly at the time, but after a few minutes calmed down and showed no more signs of discomfort. Gina and I both had suffered broken ribs in the past, so neither of us thought he could possibly have a broken rib without being in constant pain.

A few months later Gina was playing with Moo on Todd's bed. When she went to lift him off, he screamed. Gina hadn't realized that Moo's foot had become wedged between the bed frame and mattress. Afterward, Moo wouldn't walk without a limp. I decided to take him to the hospital for x-rays. The hospital didn't find anything and told me it was a sprained ankle, and to schedule a follow-up visit with our pediatrician in 7-10 days if he wasn't better.

Being a former athlete, I've had more than my fair share of sprained ankles. I knew Moo's ankle was more than sprained. So did Gina. That next day Gina took Moo to our pediatrician, who ordered a second set of x-rays. He was able to find a hairline tibia fracture in his left leg. Our doctor admitted that there medically was nothing that could be done for this fracture, but knowing our son decided to have it cast up anyway. When Gina took him to the bone specialist later that day to get the cast put on, he said that was the third child with that type of fracture already that week. It was Monday.

Moo, in the typical trooper fashion he always exhibited, learned quickly to walk with his new cast. He hobbled around everywhere almost right away. In a matter of days he was even able to run with his cast on.

It broke our hearts to see him in that cast, but it also made me feel good to see how he adapted. It was clear that Moo would never let any excuse slow him down. No obstacle was too big for Moo when he made up his mind. In the short time he'd been on Earth, I'd learned a lot from that little boy.

2002 was looking to be the most exciting year in any of our lives. I was getting back into wrestling, and was registered to wrestle at the Folkstyle World Championships at the Pontiac Silverdome in March along with my brother-in-law Jesse (Gina's sister's husband). In April, Thomas the Tank Engine (a favorite of Todd and Willy's) was coming to Greenfield Village for the first time and our family was invited to an exclusive dinner at the Toledo Zoo. Gina and I had tickets to see the Kids in the Hall on tour in

May. But most exciting of all, we were taking our children to Disney World in the middle of April. None of our boys had ever been there, and Gina and I were very young the last time each of us was there. Personally I did not remember much of Disney World, but I did remember that it was magical.

We had been planning that trip for months. We had been saving up for it and we were ready to seal the deal by buying the tickets. Somehow we were able to keep from sharing our excitement with the kids, but each day it got harder and harder. Initially we wanted to keep it a complete secret until we actually drove down there and they could discover it with their own eyes. But we couldn't wait.

Early March we ordered a Disney vacation planning video. On March 15th it arrived. My wife and I discussed what to do. The next day we were going to be taking our boys to Southland Mall to get their picture taken with our nephew, Vinnie. There was a Disney store at the mall that sold tickets to Disney World. We decided to tell the children the morning of the 16th, right before the picture and subsequently the purchase of the tickets.

That morning we got up and I made a special breakfast for the entire family (I pride myself on my eggs and omelets). Unfortunately I'm the only one in my family that likes eggs, so my eggstravaganza was reduced to flipping pancakes as usual.

After everyone had a chance to digest their breakfast we pulled out the video and put it in without saying a word. Our children were captivated by it. You could see the wonder and amazement in their eyes as their jaws hung open and the endless parade of all things Disney hypnotized them. They were mystified much like I remember being when I went as a child. It almost brought tears to our eyes.

After about 10 minutes of watching came the inevitable: "Mom! Dad! Can we go???"

We hmm'd and hawww'd about it without answering them. For the next half hour or so my wife and I tortured ourselves with our secret while they watched the rest of the video.

Finally, the video was over. Gina and I stood up. Gina spoke: "Kids, your father has something to tell you."

4 pairs of big, bright eyes stared up at me.

"In a few weeks we're going to Disney World."

Moo didn't quite understand what I was saying, but the rest did quite easily. I was quickly tackled by the most happy children in the universe, and then Gina was leveled with just as much love. We couldn't have been happier at that moment.

The day went quickly after that. Ryan and Todd received even more good news when Angela (my sister-in-law a.k.a. CeCe) called and invited the two older ones to stay over that Saturday night.

We packed up the kids and headed to Southland. The photo session went well. I think it was the first photo we had professionally taken in which all of our children were smiling. Even Vinnie was smiling. It wasn't hard, they were all excited about the news.

When the sitting was over we all made the trek across the mall to the Disney store. You could see the excitement emanating from their little bodies as we bought the tickets.

After several hugs, kisses, and thank-you's, Ryan and Todd headed off with CeCe and Uncle Jesse. We took Willy and Moo home and had a quiet Saturday night. Willy and Moo slept in our bed, in our arms, exhausted from all the excitement of the day.

Life was very, *very* good.

The next day, March 17th, 2002, is the day that started our family down a path from which we will never truly recover.

I look back on it now and swear that if I could, I would gladly sacrifice my life if it would spare the rest of my family the suffering that started on that day.

That Sunday morning I went to church by myself to meet Angela, Ryan, and Todd. Gina stayed home with Willy and Moo (church was quite a chore with either or both of them). The four of us sat through mass together. It was St. Patrick's Day, and our priest was fanatically Irish. He also wasn't one to shun alcohol, and on this Sunday morning he moved just a little slower than at the typical mass. He definitely enjoyed his heritage.

After mass was over, I packed the kids in the car, said goodbye to Angela and headed to Target. I had some running around to do, and the car need some maintenance, so I decided to take the oldest two along with me while I ran some errands. We stopped by Murray's Auto Parts on the way back home to pick up some fluids I needed.

When we arrived home it was business as usual. Gina was going to get her cleaning under way, the older boys immediately started on their chores, and I was going to work on the car.

This is when events were set into motion that would disrupt so many lives for so long. The next few moments would turn out to cause almost unimaginable pain for an innocent family.

Todd had finished loading up and running the dishwasher, one of his daily chores. He was meticulous about everything he did, making sure he did it right. But on this day one detail slipped past him. Unbeknownst to him, he didn't push the snap-on lid firmly enough onto the bucket that we held the dishwasher detergent in. The detergent was the only chemical we kept below the sink, so we didn't have a lock on the cabinet doors.

At the same time I was in the living room preparing to work on the Excursion while Gina was upstairs directing the other children to pick up their toys. Through some miscommunication, which, by its very nature we will never know exactly how, I thought Gina was watching Moo and Gina thought I was watching Moo. Being the magnet for trouble that Moo is, he ended up in the one place he shouldn't have been, in the kitchen right by the cabinet.

I heard Moo cough in the kitchen. This surprised me because I believed he was upstairs, so I immediately went to check on him. I saw him standing there holding the dishwasher detergent scoop in one hand and surrounded by a dusting of detergent on the floor. I figured he was dumping it out, thinking it to be like his play sand. I took the scoop from him and put it back in the bucket, snapping the lid back down. As I did this, he coughed again. Initially I hadn't thought anything of it, he'd had a cold the previous week.

This cough sounded different. Most others probably wouldn't have picked up on it, but a parent knows.

He coughed one or two more times, and the sound sent chills down my spine. I began patting him on the back, trying to free whatever was causing the cough. After about ten seconds of patting, Moo vomited. White syrup came out his mouth and landed on the floor in front of him. It looked much like the consistency of what he used to vomit as a newborn, but he hadn't done that in a while, and it was formula for the most part that caused that. Moo hadn't had formula for months, probably a year.

Anyone who is a parent will know that when circumstances dictate, there's nothing you won't do to ensure the safety of your children. Nothing is too big, too long, too far, too scary, too difficult, or too gross if it presents an obstacle to your child's well-being. Without a second of hesitation I put two fingers into the substance on the floor and brought some up to my nose. It smelled like it could have been soap. I then tasted it. I knew instantly that Moo had swallowed some of the detergent.

I screamed for Gina. As she came running down the stairs, I continued patting him on the back and once again he vomited more detergent. Gina met me in the kitchen and was visibly shaken. There's not much on this earth that can rile me up, and when she heard the panic in my voice she knew something had to be wrong.

Moo on the other hand seemed just fine. He seemed glad to have vomited that awful-tasting stuff up, but otherwise was wriggling to get out of my arms and into the next bit of trouble.

From the time I settled into the living room to prepare to work on the car to when Gina went upstairs and Toddy finished the dishes, less than one minute had transpired. In that one minute Moo got into the one place in the house he shouldn't have been and did the one thing he shouldn't have done. He always kept us on our toes.

Gina and I wondered what to do next. We were both standing there looking at each other. Moo was in my arms as Gina was cleaning the vomit off of him and we both discussed taking him to the hospital.

Both Gina and I agreed that Moo would probably be fine. We had a fun day planned of going to the park and having a picnic, and that would all be lost now if we took him to the hospital for something that would probably turn out to be nothing. But this was our son's life, and we quickly pushed all other priorities aside. In seconds we decided "better safe than sorry", and I took him to the nearest hospital.

As it turns out, the cliché is wrong. You can be safe *and* sorry.

I walked Moo into the Wyandotte Henry Ford hospital emergency room. Since he was a baby, they took us immediately. The doctors examined him, blood was drawn, and vitals were checked. Moo appeared to be just fine. They asked me some questions about Moo and his behavior and any past medical history. I told them everything.

Gina called and gave the hospital the information from the detergent company instructions, including the company's contact information. The doctors wanted to double-check with the company before releasing him.

The process of getting the information from the company was taking some time. Moo doesn't like to be confined to any one place for too long, especially not a bed. One of the attending nurses noticed my predicament with Moo. She shot me a smile and said "Hold on". She was a girl that I went to high-school with who had graduated a year before me, but I couldn't remember her name.

In a minute or two she came back with a cleverly made toy. She had put several small, plastic tips of some sort into a plastic jar and taped the lid shut. It made a perfect

noisemaker for Moo, and kept him entertained until he fell asleep. I ended up laying my head down on the bed next to him with my arms wrapped around him. While I waited, I also fell asleep. Although we were in a hospital, it was kind-of nice. I never really got a chance to sleep with Moo much, and he had always been such a little cuddle-bug.

After some time the nurse that I kind-of knew woke me up. She told me that the company recommended having an esophageal scan done. An esophageal scan is essentially sticking a camera down an esophagus to look for trouble. In this case they would be looking for burns.

The good news was that medically all of Moo's vitals were a good indicator that there was no poisoning. He seemed fine too. The bad news was that Henry Ford Wyandotte did not have the facilities to perform an esophageal scan. Moo would have to be transferred to Henry Ford Detroit. They needed my permission to do it. Without hesitation I agreed.

They brought the forms for me to sign to acknowledge I consented to the transfer. If I didn't sign, Moo would be released and we would simply go home.

Looking back on it now, I would have rather had my hand lopped off in a wood-chipper accident than sign that piece of paper. I had no idea that by putting my signature on that form I was inadvertently giving my consent for my family to be destroyed.

Moo was taken by ambulance. I had to ride in the front passenger seat. I brought along his car seat so that whoever picked us up from Henry Ford Detroit could get there quickly without having to worry about getting a seat for Moo.

The person that would carry the car seat out of the hospital days later is one of, if not, the worst person I have ever met.

During the ambulance ride Moo was a good sport, smiling and winning the heart of the EMT, as he did just about everyone else he came in contact with. After about thirty or so minutes we pulled into Henry Ford Detroit.

I was familiar with the hospital, having been there for friends and relatives several times in the past. I never cared too much for the place though. The neighborhood was less than inviting, and it was in general just a dirty place.

A nurse met Moo, the EMT's, and I at a door and we were escorted up to a room. Moo and I had the room to ourselves even though it was a double. I hoped we would be getting too acquainted with the room as I was sure the scan was going to come back negative and we would be on our way in a few hours. By this time it was about 2:30 pm.

Sunday, Monday - 3-17/18

Dr. Harry Yuan walked into the room at about 3:30 pm that day. He explained to me that the scan was scheduled for 8:00 pm that night and that if it came back negative we could go when Moo's anesthesia wore off. Up till that point I didn't realize he needed to be put under a general anesthetic, but realizing what the procedure entailed didn't have too much objection.

There was another doctor, a younger female by the name of Dr. Eke with him. She had what sounded to be a strong African accent, possibly Nigerian. She seemed much more compassionate about her patient than Yuan did. There's not one specific moment or incident I can point to in order to validate that statement, just a general sense, intuition one could say.

Yuan asked me Moo's medical history. As I had done several times in the past, and once already that day, I recounted the entire spiel to Yuan and Dr. Eke. As the "talk" continued, I noticed that Yuan's questions were becoming much more targeted. At first I didn't think a thing of it. But I caught on pretty quickly. He was rooting around in issues that had nothing to do with the situation at hand. Somehow he began to come to a conclusion. The implications of which were so absurd that I refused to believe it. Besides, I knew instantly once he did his physical examination of Moo he would see that he himself was being ridiculous in his line of questioning.

Pretty much everything that could be said, was, so Yuan and Dr. Eke conducted a physical examination of Moo, to which Moo did not take too kindly.

Yuan went over him with a figurative fine-toothed comb. I knew at that point any screwy thought he had rattling around in his intern head would be put to rest. Dr. Eke seemed satisfied with what she saw, and they both left the room. Food was brought in for Moo, and we sat and watched TV for a while waiting for him to go into the procedure so we could go home.

At about 5:00 Yuan came into the room to inform us that the procedure was going to be put off until 10:00 am the following morning because of scheduling issues. I was of course flustered by this, but determined to do whatever I had to in order to ensure that Moo would be fine. I called Gina and told her. She was just as flustered, but we were pretty much stuck. We weren't going to take a chance with our child's health. He also told me he wanted to do some x-rays. Remembering what happened the last time Moo tried to drink something he shouldn't have, I readily agreed.

That night I slept with Moo in my arms on the recliner provided in the room. In actuality I only slept for about 1 hour of that night. Again, it was bittersweet, but nice. When Monday morning rolled around a nurse brought in a menu for me to select Moo's breakfast from. Moo would eat just about anything, but only what he had a taste for at the moment. I ordered quite a bit for him. I figured maybe I could have some of what Moo didn't want, but I wasn't hungry. I didn't feel good about having to miss work for at minimum half of a day, and I didn't like having Moo in the hospital overnight when he didn't need to be.

Breakfast came, Moo ate, people called our room to check on him, and we watched Playhouse Disney on TV. A new nurse came in to tell me about the playroom just down the hall. I wasn't sure it was a good idea, because Moo still had an IV bag inserted into his arm that was placed there the day before, and I was afraid it would get caught on something and possibly hurt him. The nurse assured me he'd be fine, so I took him down to the play room.

Several children were already in there, and Moo as usual, wouldn't let anything slow him down, including the IV. He immediately ran up to a few children and began playing with them as if they were old friends he'd expected to see there. I sat and played with Moo and talked with the mothers there for a while.

Yuan entered the room. It was about 9:30 am. He asked to talk to me in the hallway. I was afraid that the procedure was going to be put off again even later. I was right. But he also had one more little tidbit of information that I didn't expect.

He looked me in the eye and told me that he was filing a child abuse complaint with protective services against me...

Many, many times in the past while I was talking with friends I would boast as to how I would react in a given situation or criticize the behavior of others when confronted with difficult situations themselves. Everybody's done it at one time or another.

This was one of those situations people talk about like that.

I looked back at Yuan in amazement and said: "This is a joke, right?"

I couldn't believe that a doctor who had examined my little Mark with his own eyes and hands could possibly think he was an abused child.

I walked back into the play room and picked up Moo. I gently took the hospital toys out of his hands and set them down with the other children. As I was walking back to my room Yuan stopped me again and asked me if I was OK. I looked at him as he looked in every direction but mine and said "I don't need to put up with this shit, and neither does he", referring to my son.

I went back to our room, closed the door, turned off the lights, and sat down with Moo in the same recliner we had just slept in.

The world had just changed. It was a permanent change, and it would only become more pronounced with each new development, each new minute as to how drastic the change actually was.

Instantly a morning of playing with my son and checking in with my wife became a morning of wondering if the phone was tapped and second-guessing everything I said the day before. I became instantly paranoid.

We'd all heard the social services horror stories that happened to a friend's cousin or someone that worked at your job before you got there... But were those stories really real? Could it get that bad? This is the United States of America after all.

I knew I was over-reacting and that this would all be cleared up soon enough, but having my parenting questioned to such a degree was unfathomable. Worse yet, someone looking at Moo, and not just someone, but a doctor, and thinking that anyone would be capable of abusing such a beautiful and sweet little boy was sickening.

Harry Yuan went ahead and filled out the referral and faxed it to the Taylor-Ecorse FIA office. Something that Harry Yuan put in the referral would come back to haunt him, and Henry Ford Hospital. *(In section 22 (X-Rays), Yuan claims that current x-rays show a healed 8th posterior rib fracture. Below that, he goes on to claim that Moo had a history with the rib fracture per previous radiology documents. This not only indicates, but virtually states that the x-rays that were performed on Moo the day before showed the 8th healed posterior rib fracture. Keep that in mind as this tale unfolds)*

I had to call Gina and tell her. It was the hardest phone call I have ever or hopefully will ever make.

Gina's reaction was less than pleasant, as expected.

She had been investigated by CPS once before.

In the years before Gina and I met she was living in Lincoln Park with Ryan and Todd. Her next-door neighbor was less than an ideal housekeeper and landscaper to put it mildly. The neighbor also was rather lackadaisical about watching her children.

One summer day the mother left her four children, the oldest of which was in first grade, alone for approximately 4 hours. Normally Gina would not have gotten involved, but this was just too irresponsible for her to overlook. She called the hotline for reporting abuse/neglect and gave what information she had.

The next day an FIA car pulled up next door. The car was there for a while. After the car left, Gina was outside working in her backyard. The neighbor came out on a cordless phone and was wailing to one of her confidants about what had just happened, and she was hysterical. She also said, out loud, "I know it was that bitch next door, and I'm going to get her back".

As expected, that next day another FIA car pulled up - in Gina's driveway. Apparently someone had made an anonymous tip that Todd had been playing in the street and had said Gina yanked him inside by his hair. The FIA investigator asked to come in and look around, and to ask Todd some questions, who was 3 years old at the time. Gina invited her and her companion inside. The CPS worker looked around and sat Todd down. She ran her fingers through Todd's hair and asked if anyone ever pulled his hair. Todd replied: "My mom does when she cuts it. Like my haircut?"

The CPS worker laughed and told Gina that there was nothing more to see. Gina then made a comment about what a coincidence this was, since she had just called CPS on the lady next door a few days earlier. It seemed to the CPS workers to be the final piece of a puzzle as they both shook their heads and acknowledged what a mess the house next door looked to be. The CPS worker said that it was clear to her that this was a spite call, and that it was over.

This entire incident embarrassed Gina thoroughly, as one of the things she prides herself on is being a mother. All of her neighbors, most of which she had known for years, being that was the house she grew up in, could've seen a CPS car pull up in her driveway.

Days later, the FIA contacted Gina to tell her the results of the investigation conducted as a result of her report. The complaint was substantiated, but the woman would not lose her children (which is not what Gina wanted anyway). Unlike the neighbor, Gina did not make an anonymous report. She spoke with the person she had made the report to initially and relayed to him what just took place. He said that they were required to investigate all calls, even anonymous ones (which in point of fact is not true, that decision is left up to the intake worker to make a judgment call on). Gina was a bit disturbed that the state would allow itself to be used as a tool for revenge like that, and with so much at stake it was actually kind of scary. She wondered what would have happened had she gotten a CPS worker with something to prove.

As fate would have it, Gina wouldn't be wondering forever.

I was humiliated in having to tell her. I knew it was my big mouth that had led to this. Even though I knew our children were among the most loved and well-cared for, I did realize that his medical history could be construed as suspicious. I never thought it would come to a CPS investigation though. I had always thought that a competent doctor would be able to tell an abused child when he saw one. Likely, a competent doctor can.

I was still positive that everything would be OK, but I felt horrible for putting Gina through the disgrace of another CPS visit to her home. Having a CPS car pull up would be humiliating. Our relationship with our current neighbor to the east was strained at best (he had a tendency to tell us what outside lights we should have on at what times, what trees we should keep, which ones to cut, etc.), and having him see something like that would be a huge embarrassment. We chose our neighborhood very carefully

(particularly because of the previous neighbor Gina had), and now it would appear that *we* were the problem in the neighborhood.

After I got off the phone with her, constantly reassuring her everything would be fine, I sat and held Moo, door closed, lights off. I rocked Moo too sleep. I myself wouldn't sleep again for almost a week.

Gina called the local CPS office to discuss the issue. She explained that she had been called on before, and wanted to discuss the current charges. After some runaround and a few calls back, she got in touch with section manager John Lievense. He initially seemed a reasonable enough man. He explained to Gina that an investigation would have to be done because the accusation had been made, but if there was nothing to find, we had nothing to worry about.

Gina then requested that the investigator come in an unmarked car. We didn't need the embarrassment of a CPS investigation held over our head by our neighbor, and we didn't need the rest of the neighborhood thinking we beat our kids. Our neighbors wouldn't know that the CPS worker didn't find anything, they'd think we were another family in the system, and as most people believe, *"if they're in the system, they must have done something wrong."*

My wife then called the hospital to talk to Yuan. From all accounts, the conversation did not go well. My wife was outraged that Yuan had done all that he did without even consulting our pediatrician. Yuan then became defensive and told her that he sees abused children day in and day out, and since she wasn't a doctor that her opinion didn't matter. My wife fired back with the comment that if he saw abused children every day then how good of a doctor could he be not to realize that Moo wasn't abused. Afterward Gina called me and told me what happened.

I decided to "go for a walk" with Moo, knowing that there were likely phone conversations going on in earshot of the main hallway that pertained to my family. Sure enough, I overheard Yuan talking to what I believe was someone at the FIA, possibly the investigator. He told the person on the other end of the phone that the "mother was irate and unreasonable". I then overheard the medical findings being reported to this person, everything came back negative. Not wanting Yuan to know I heard him, I picked up Moo and went back to the room to try to keep him entertained as best I could in the hospital setting.

After about an hour of sitting quietly with Moo, the hospital social worker came in. Her name was Heather Cassagrande. She in fact was not the regular social worker, but a trainee. She seemed decent enough, and was very compassionate and sensitive to the situation. We discussed the next steps, which a CPS worker would come, talk to me, and see Moo. The CPS worker would then go to see Gina, our other boys, and our home. I of course had no problem with any of that. I was anxious to talk to the CPS worker and put this behind us.

Heather left, followed shortly thereafter by two nurses and a female doctor, Annamarie Church. She was an older woman, in her early 50's by the looks of her. Even before I had a reason to dislike her, she appeared "mousy" to me.

At this point I hadn't eaten in almost 24 hours, hadn't had a shower since the day before, and had slept one hour. I wasn't in the best of shape, and my appearance showed it.

Church introduced herself to me. I felt uneasy immediately. I can't pinpoint what exactly it was, but just in the first few words she said, I got the sense that she looked down on me, as if she were superior in some way. Then her formal introduction cemented it;

"I'm the child abuse doctor."

My first reaction was to ask her if that was the best job title they could come up with for her position, knowing full well that it wasn't her official title. She was a forensic pediatrician. Her bio states that she "talks to parents in a way they can understand". Take that however you want, but I read it as "The issues I deal with are far too complex and comprehensive for the average person to grasp, so I must temper how I convey my knowledge when dealing with those of inferior intellects." Later on in my story I'll validate that interpretation.

She asked me to recount Moo's medical history, which I did, same as I did twice the day before. She then started in with her questions, conspicuously using small words.

She asked me about the vacuum cleaner cord. I told her I didn't remember where the cord was, if it was rolled up or lying on the floor. She asked me to elaborate on a few other points, which I did. She then started with a few comments, the only one of which I remember was that it disturbed her that I took Moo to 2 different hospitals for the emergency room visits.

I knew what she was getting at, and I was insulted by this. I explained to her why we did that, and I got a little shot in at the same time. I explained that the time we thought Moo drank the furniture oil I took him to Henry Ford Wyandotte, which was the closest hospital. Our insurance dictates that we must go to Oakwood Seaway in Trenton (about 10 miles away) if the emergency is not life threatening. If the emergency is potentially life-threatening, we can go to the nearest hospital, which happened to be Henry Ford Wyandotte (about 1 mile away).

I took Moo to Wyandotte with the furniture oil because I knew nothing about how serious it could be.

When Moo broke his leg, I took him to Oakwood Seaway (a sprained or broken leg is hardly life threatening). I also told her I like Oakwood doctors and facilities much better.

That one seemed to roll off without an effect. I believe she thought me incapable of a subtle insult.

After a few more minutes of an uncomfortable accusatory conversation, Church took her leave. It could not have been soon enough in my opinion. After that I felt even worse about the whole situation. It was clear she was trying to punch holes in the events. I guess I didn't really fault her for that, even for talking to me like I was an idiot. Truth be told, I was in horrible shape at that point. I was missing work, food, a shower, and sleep. I still felt uneasy at the assumptions she made about me from the beginning though.

Something struck me as odd when she left. She never examined Moo.

Minutes after Church left, *another* doctor came in with his complement of nurses. This one was Hiram Stephen Williams. I had no idea what he could possibly be there for. I had already recounted the events 3 times to 3 different doctors and a social worker.

Unbelievably, Williams wanted me to tell him. I went through it again.

His questions started, and when they did, my shields went up. Fear gripped me with his first question:

“So when did Mark pull on the vacuum cleaner cord?”

I knew the hospital didn’t believe what I had told them. Worse yet, they were screwing up the events among themselves. I explained to him that I had no idea what he was talking about, that I had never mentioned the vacuum cleaner cord until Church asked me about it, and that I told her I didn’t remember where the cord was.

I then looked at him very seriously;

“...and I never once said he pulled on it.”

William’s next statement was one of the coldest things anyone’s ever said to me, and instantly imparted the gravity of the situation on me.

“What you’ve described seems a little unbelievable for a child of that age to pull off. That’s why I’m having a hard time swallowing your story.”

With as calm a voice as I could muster, I told him that it wasn’t a “story”, it was a recollection of what happened.

At this point I couldn’t wait for the CPS worker to get here to straighten this whole mess up (I can’t even *type* that sentence with a straight face now).

Williams stayed on and asked a few more questions, but I had said all that I felt like saying to him. I asked him to leave. He then went on about the potential of Moo having osteogenesis imperfecta (brittle-bone disease). I knew he wasn’t looking for signs of brittle-bone disease when mentioning more x-rays, so I declined to allow them to happen.

Yet one more person came to see Moo and I. This time it was the regular hospital social worker, Cynthia Butler. She was young, couldn’t have been more than a year or two out of college. My first thought was that this was going to be yet another recollection of the events, followed by some very pointed, probing questions trying to get me to contradict myself. Instead, she never asked me to recount anything. She asked me a few questions that she wanted some clarification on, and then proceeded to walk me through what was going on. CPS would be coming to the hospital on Tuesday to meet with Moo and I (or Gina if she was there), and would likely want to go to my home. After her meeting she would make a decision and we would either know if we were in for trouble or if the case was closed. Either way, in 24 hours Moo would be out of here. I had no doubt as to what the outcome was going to be.

Cynthia and I talked for a while. She was a very compassionate person, and the only one at the hospital that didn’t make me feel like I was concealing something. She seemed confident that this would be just fine, and put my mind at ease somewhat.

She also informed me that the results of the x-rays taken on Sunday were negative.

Cynthia, along with several other nurses and even people within the FIA had told us not to get a lawyer yet, that doing so would only make us look guilty. I’m sure Cynthia naively believed that, but the others had different motives in mind.

I talked to Gina a few times more throughout the day, and we told each other what was going on. She was understandably upset with me, as I was with myself. I have always been very open with my personal life, to a fault. When it came to the topic of the boys’ medical history, Gina had warned me time and time again of what I reveal to whom. I never believed anything bad could come of being open and honest, I had always

felt that the opposite were true. Gina's experience with CPS had left her feeling very guarded and secretive about revealing too much.

I on the other hand felt that concealing things could lead to trouble. Had I not been forthcoming about Moo's medical history, we would not have been in the situation we were. I had heard the CPS horror stories, and been outraged by them, but I felt that I was immune. I felt that to be involved in a situation where a false accusation could lead to losing children would have meant either the circumstances would have been so extraordinary that even the average person would suspect a problem or that in a majority of the cases that the parents had a few skeletons that came tumbling out of the closet.

We were the Brady's. We were immune to a false accusation. Gina knew better. I didn't.

At 5:00pm Moo went up for his endoscopy. I went with him. They put me in a wheelchair while I held Moo. I made sure to bring his favorite toy with us, a green stuffed frog. We were rolled up to the examination room. A nurse placed a plastic cup over his mouth with the general anesthetic. It broke my heart as he lay there on the table and became drowsy. I could feel his grip on my hand loosen as he went under. He wasn't frightened going under, but I was terrified.

As he fell asleep, they escorted me out of the room. I was left by myself in the lobby. For what seemed to be an eternity which was in actuality about 30 minutes, I paced back and forth, gripping my Moo's frog. With each minute I became more and more anxious. I could just picture him waking up surrounded by strangers, not feeling right and being scared without me there to comfort him.

Somewhere around 5:45 the doctor came out. He had pictures of Moo's esophagus. I felt odd looking at them, but the news was good. There were no burns. The dishwasher detergent did him no harm. Had we just kept him home he would have been fine, and we wouldn't be in this mess.

Dr. Pillai told me that as soon as he woke up and was examined after the anesthesia wore off that he was medically releasing him. We still wouldn't be allowed to go home because of the pending CPS investigation, but Moo was medically in the clear.

Down at the recovery room I sat by Moo's side with his little limp hand placed firmly in mine. I had put his frog in his other arm. As soon as he started to stir I called for a nurse. A young man came over, checked his vitals, and told me everything looked good. I knew from talking to Gina about her past experiences with a general anesthetic that his throat would be sore and he would want something to drink, so I asked the nurse to bring some juice and a straw.

Sure enough, the first thing Moo asked for in a raspy voice was a "dink". I held his head up and placed the straw in his mouth. A good portion ended up on his gown, but he got down what he needed without a problem. In just minutes he was back to himself, only a little more groggy than usual.

We were rolled back down to our room. It was about 6:30pm. Right after we got back Dr. Pillai stopped by again to check on him and release him. I thanked Dr. Pillai and he left. I called Gina and told her the good news, that everything was fine. We agreed that she was going to come to the hospital to stay the night with him. She hadn't seen him in more than 30 hours, and I hadn't seen the other boys in just as long.

They finally unhooked the IV, but they wouldn't remove the board nor the insert into his vein. They said it was a cautionary measure, but I contended that since he was

medically released under normal circumstances he would be on his way home without an IV in his arm. The nurse refused.

At about 8:00 pm I was on the phone with Gina again when two men walked into the room. They wanted to do a retinal check on him. I asked why and they mentioned that they were looking for negative effects of the anesthesia. The first person checked his eyes out thoroughly, and asked the second to verify his findings. They took notes and left.

Gina and my father-in-law John arrived shortly afterward. We all spent some time together and then John drove me home. Almost immediately after I left, Moo was taken for a second set of x-rays, this time a full-body scan.

I spent that night with Ryan, Todd, and Willy. We laid in mine and Gina's bed watching Scooby Doo until all three were asleep. For the rest of the night I lay there with them in my arms, wide-awake.

Tuesday, 3-19

Gina called me at 1:00 am Tuesday morning. She had just been informed that Moo could go home, but only after the CPS worker visited with all of us and saw our home. This was great news, and I could not wait to get the next day over with.

When morning rolled around, I got Ryan and Todd up and off to school. Willy stayed with me. I came back and did what I could to make sure the house was spotless. The CPS worker would be coming to our home today.

I spoke with Gina and we agreed to trade places for the CPS worker visit. She would be home with the boys, and I would be at the hospital with Moo.

John came and picked Willy and I up for the drive to Henry Ford Detroit. When we got there I left John and Willy in the car while I went up to get Gina. I wasn't about to expose another child to those people, even though Willy desperately wanted to see Moo.

Gina was holding our sleeping baby in her arms when I got to the room, and we now had a roommate, a little girl about 8 years old and her mother.

Gina seemed flustered. A nurse had just told her that the results of the ophthalmological exam the night before were negative. When Moo's eyes were checked out the night before it wasn't to look for a reaction to the anesthesia, it was to look for retinal hemorrhages. The presence of hemorrhages is virtually a smoking gun for shaken-baby syndrome.

The technicians/doctors/nurses/whoever they were had lied to me. Not that it mattered, if they had told me what they were looking for and why I could have easily told them it was a lost cause. But it seemed the hospital seemed bent on finding out just how wrong they were themselves, or so we thought.

Gina left with John and Willy. At this point she had still not met Yuan.

Somewhere around this time our pediatrician called the hospital and got Yuan on the phone. He tried to tell Yuan that he was making a mistake, but Yuan would have no part of it. I was unfortunately not privy to the contents of the conversation, but I can only hope that he was able to convey his frustration adequately to Yuan.

Moo continued to sleep, and I continued to hold him. Cynthia came in again to visit and check on us. She told me that the CPS worker would be coming by shortly, and not to worry, just answer her questions and everything would be fine.

Almost as if he were laying in wait, as soon as Cynthia left Yuan stepped into the room accompanied by a nurse. He first wanted to report that the x-ray results from the night before were negative. There were no signs of current or even previous fractures.

Yuan then wanted to question me again. He asked me to recount everything that happened, again. As I had 4 times already, I recounted the events exactly as they happened. Several times Yuan interrupted me to tell me that I was changing something or other from before. All I could do was look him in the eye, deadly serious, and say that I was not. This seemed to frustrate him. It's almost as if he wanted me to have abused Moo.

It was 11:00 am. Cynthia came into the room to tell me that the CPS worker was here. She introduced us.

Grace Nalepa was in her late 40's, heavysset, and had a very assertive air about her. My first impression of her was that she was experienced, competent, and serious. She seemed friendly enough to me. I figured this was just the type of person to put an end to this.

She extended her hand and introduced herself to me. I shook her hand, and said that I was glad to meet her. She gave me a business card, which I quickly pocketed. I introduced her to Moo.

Nalepa wanted to get down to business quickly, which suited me just fine. She told me she wanted to talk to me in the waiting room across the hall. I could understand because even though I had nothing to hide, the mother and daughter in the room may have been uncomfortable hearing the meeting. I gathered up Moo's things and picked him up to go.

She stopped me.

The CPS worker who was investigating me for potentially not supervising my child and possibly abusing him, told me I had to leave Moo in the room while she interviewed me. I just looked at her. I couldn't believe that I had actually heard her say that. Just to make sure I had it right, I asked: "I have to leave him here?"

Nalepa confirmed. The only person to watch over my son was a complete stranger. I talked to the mother briefly, apologized to her for the inconvenience, and she agreed to watch Moo for me.

I set up the crib for Moo, put some snacks, toys, and his sippy cup in with him, and put a movie on for him to watch. It didn't work. Moo began wailing when he saw that I was leaving him. I didn't have a choice but to turn my back and go with the CPS worker.

She sat down and informed me that I was being investigated for abuse and neglect. She then started reading off the complaint to me. She hadn't been speaking a minute before I had to stop her. She was reading from a document, the referral I assumed. The referral stated that when we brought Moo into the hospital on Sunday, the doctors discovered a broken rib and an old femur fracture.

I told her that they discovered nothing when he was brought in this time, that I self-reported all of Moo's medical history, and that Moo did not have a femur fracture, but a tibia fracture the previous year. I insisted on those points being corrected, and I also insisted that the fact that no evidence of current or even previous fractures had been

found in two separate sets of x-rays. She wrote a few notes and continued. The rest of the statement she read off was more less accurate, so I didn't contest anything further.

Nalepa then asked me to recount Moo's medical history. For the sixth time in three days, I spent the half hour to 45 minutes explaining everything in excruciating detail, as I had done each and every time. I told her she would need to speak to our children's pediatrician for the exact dates, times, and medical terminology. She then started asking specific questions about the layout of the house and about the bunk bed. I told her it was difficult to describe, that she could see it when she went to my home. Instead she started drawing diagrams and asking me to elaborate. I again and again had to reiterate that it would only confuse the situation, and that she'd need to see it for herself. She finally relented when she realized I wouldn't waver.

Nalepa then informed me that the rest of my children would need to be x-rayed to look for fractures and healed injuries. Although I felt that this was entirely uncalled for and invasion of not only my wife and I but our boys, I didn't contest the point. I knew any x-rays would come back negative, so there really was no reason to deny her, aside from the personal affront I felt.

At that point I got up, left the room, and checked on Moo. He was a mess. According to the mother in the room, he hadn't stopped wailing since I left. He reached for me through the bars of his crib. I comforted him for as long as I could before heading back.

When I returned, Nalepa asked me about all of the other children. I described Willy and Todd, mentioned how they were two peas in a pod... both intelligent, witty, and as close as two brothers could be.

I then went on to explain Ryan, and how he sustained the closed head injury, and all the extra lessons, tutors, training, and medical attention he requires and we provide for him.

At this point I started to feel uncomfortable revealing all of these intimate details about my family to a complete stranger, but I knew it was necessary. Moments later, the mother who was watching Moo knocked on the door. I opened it and she said that my son needed me.

I ran to the room and Moo was crying even louder. I checked him over, and his foot had become wedged in a toy. I looked around for a doctor or nurse, but realizing that if his foot stayed in the toy longer than it had to there would be problems. I first tried to see if it would slide off of his foot, and it became readily apparent that it wouldn't. I took my hands and tore it into two pieces. He had stepped in a Thomas the Tank Engine bridge toy, one of his favorites.

I picked Moo up, held him in my arms to calm him, and thanked the mother. After Moo had settled, I looked at the mother with the two halves of my son's toy in my hands and commented:

"This is ironic. I'm in there talking to Child Protective Services, and they're forcing me to neglect my son."

I took all the toys out of the crib that could possibly have lead to the same situation and went back to finish the meeting with Nalepa. I informed her of what had just happened. She sat there with a blank stare on her face, and immediately moved on. I continued answering her obtrusive questions for some time. During that remaining few

minutes I got the sense that she was just going through the motions. I mistakenly took that as a good sign.

Nalepa then wanted to see me interact with Moo. I went to get him, and noticed that my father-in-law was just arriving. I gathered Moo and asked her if John could come in to the meeting, to which she agreed.

Moo was in typical fashion, running head first into me for the tackle, getting up, running around, smiling, then tackling me again all the while giggling uncontrollably. Nalepa then thanked me and excused me from the room. I took Moo and waited until she was done talking to John.

After they were through Nalepa came into the room one last time to tell me that she was leaving straight for lunch and then to my home. She said goodbye and left. I did happen to notice that when she left, she made a right-turn out of the room. The exit was to the left. I never saw her walk back, and I kept my eyes on the door for a good 15 minutes. She went to talk to the doctors. Not unexpected or even inappropriate, but it was just another little lie that added up.

Even though I knew better, I had to believe that it would all be over tonight. I couldn't believe someone who had apparently been a CPS worker for all those years could find my family or I suspicious. I mustered up my confident attitude and called Gina. I wanted to set her at ease so she wouldn't be worked up.

I told her Grace seemed nice enough, which she did. I didn't mention that I didn't like her all the same though. I still felt that she knew what she was doing and would stop this waste of hers and the State's time.

Sometime around 2:00 pm Nalepa called my home. Gina answered anxiously. Nalepa told her she'd be there shortly, and she wanted to meet with Ryan and Todd.. We had already arranged for my mother-in-law to pick the two older boys up from school and drive them back to the house, so Gina called her mother to let her know it was time.

Within minutes, Nalepa pulled up, in a clearly marked Family Independence Agency car. Gina was shamed.

Nalepa walked up and introduced herself, and Gina invited her in. She offered her something to drink, but Nalepa declined. The CPS worker walked directly to our living room couch and sat down.

Gina was compelled to mention that she requested any who comes to the house come in an unmarked car. Nalepa said she hadn't talked to the intake officer, and even if she had, she would have come in an FIA vehicle regardless, as it provided some measure of protection and represented authority.

The meeting began. Nalepa handed Gina a business card and made the chilling statement: "Just so you know, if I take one, I take them all." It was clear that this was going to be adversarial from that point on.

There were file folders on the dining room table for each boy. Gina had made it practice to save every document that could be of significance for the boys and keep them in one place. This started because of the troubles Ryan had before he was diagnosed, and we just carried it over to the rest of the boys. Of course Ryan's file dwarfed the other three, but just about anything would need to know about the boys, their birth certificates, Social Security cards, medical records, grades, everything, were in those files. An offer

was extended to Nalepa to view the files and make copies of anything she wanted from them. Nalepa declined to even cursorily leaf through them.

The first thing Nalepa brought up was the detergent. She asked Gina what had happened, and Gina explained. One of Todd's chores was to load the dishwasher and, after they were clean, put the dishes away. He really wanted to start putting the detergent into the washer and running it too, something we had never let him do. After weeks of his pleading we finally allowed him to do it. It had been maybe three weeks after we granted Todd permission to use the detergent that Moo had gotten into it. Todd had always been careful to replace the lid, but he was only 8 at the time, and not as meticulous about the details as adults. We will never know exactly what happened, but we believe Todd didn't ensure that the entire lid was snapped down.

Gina explained that she and I each thought the other was watching Moo, and how the rest of the events transpired. Nothing she said contradicted a thing that I said. If Gina didn't know an answer to a specific question she told Nalepa to ask me, or simply informed her that she didn't know.

As Nalepa sat on our couch, she asked that Gina bring the bucket of dishwasher detergent that Moo had gotten into to her. The bucket was heavy, about 25 lbs. Gina is not a weakling, but she's a small woman, and pulling the 25 lb bucket (about ¼ of Gina's weight) out from below the sink was not a very easy thing for her to do. Despite not wanting to carry the bucket to her, Gina felt that in order for Nalepa to do a proper investigation, she would need to see where the incident happened.

There was quite a bit of encouragement on Gina's part to get Nalepa off of our couch and into the kitchen. They finally walked into the kitchen and Gina showed her the cabinet and the bucket. By that point we had placed a lock on the cabinet, but Gina admitted that we did not have a lock there two days ago. We didn't believe we needed one since the only chemical below the sink was the detergent, which had a sealing lid.

Gina then asked if she wanted to view the basement, where the vacuum cleaner had fallen on Moo, to which she was flatly refused.

Both Gina and Nalepa went back into the living room where the CPS worker resumed her position on the couch. She then brought up the bunk bed. Nalepa asked Gina to describe the bunk bed to her, which Gina thought was ridiculous to do. My wife insisted on showing her. This again led to a mini-debate until Nalepa again agreed to go upstairs.

Gina showed her the babies' room and the Ryan and Todd's room, where the bunk beds are. Once Nalepa saw the bed she exclaimed "Oh, I understand now", which is what both my wife and I had been telling her all along. Gina also explained that she had recently had abdominal surgery at the time of the problem with Moo's leg, which is why she had a hard time lifting him off of the bed, and which may have contributed to the problem.

After everything that could be seen upstairs they went back down, Gina to her chair and Nalepa back on our couch. Gina proceeded to explain how we are involved in our community and our school, and how our boys are in several extracurricular activities, such as soccer, hockey, wrestling, martial arts, and classes at the YMCA. Gina then encouraged Nalepa to talk to others in the community. She had even prepared a list of names, titles, and contact information. This list included our pediatrician, Ryan's psychologist, all our boys' teachers and instructors, the director of Special Education of

Wyandotte Schools, and the Principal of Taft Elementary. Both Gina and I felt that if there was any question that the people on this list could set things straight, and all of those who were on the list were anxious to assist.

Nalepa accepted the list from her.

After that, Nalepa asked to see Gina and Willy interact. As expected, everything went well and Nalepa acknowledged that Willy seemed happy and the interaction was positive. Then Gina's mother pulled up with the boys. When they came in, Nalepa wanted to talk to each individually. Gina specifically asked her if her mother could sit in on the meeting, to which Nalepa said no.

Ryan was interviewed first. From Nalepa's report it was clear that she didn't have much patience with him, and had a very difficult time understanding him. She only talked to him for a few minutes when she called for Todd.

Her interview with Todd was slightly longer and apparently more in-depth. Todd still reported the same as Ryan, that he wasn't afraid to remain with us, that he was happy at home, that he was well treated and cared for, and above all, loved.

When she was done meeting with Todd she called for Gina (during the duration of speaking to the older two, the rest present were required to wait upstairs). Everyone came down and Nalepa concluded and left. Before departing she said that she would have her decision shortly.

Once she was gone, Florence (Gina's mother) asked Gina how it went. Gina told her "either she's (Nalepa) upset that her time was wasted coming out here or she's already got us convicted".

Todd then chimed in: "I don't like that woman."

This bothered Gina. She asked him why, but Todd just stood there silently. Gina had to encourage him to talk and told him that everything was OK. Todd then said something that shocked us both:

"She (Nalepa) said it was my fault. She said it was the fault of the person who did the dishes."

Gina was flabbergasted. She didn't believe him. Had I been there, I wouldn't have believed him either. Neither I nor Gina could comprehend that an adult would blame something like this on a child, especially not an impartial, objective, State-trained investigator. Much to her later shame, Gina dismissed what Todd had told her for the moment.

Immediately after the interview, Gina called me at the hospital to tell me how it went. She relayed to me what had happened and how. She told me she didn't know what was coming next. I told her to relax, that Nalepa would likely be calling the hospital in a few minutes and OK Moo's release. I had been told repeatedly by employees at Henry Ford that Moo could go home after the interviews.

One thing that I was told by an employee though still lingered in the back of my head. To this day I don't remember who it was, or exactly when it was said, but I was told that if Moo was not released by Tuesday night that not only he, but the rest of my children also would be taken into State custody. I didn't give much weight to the comment at the time, as I knew it wouldn't come to that.

The minutes ticked by as I sat with Moo in the hospital room and talked to the mother of the girl next to me. We had plenty to discuss, as her child attended Wyandotte

Consolidated Catholic Schools, which was hosted by the church my family attended (St Joseph's). During our entire chat I kept my eye on the clock.

It was about 5:00pm and there was no word.

I sat and played with Moo some more. I ordered him dinner from the hospital menu, which he sparingly ate. Again, as I had requested several times since his medical release, I pleaded with the nurses and doctors to remove the IV board from Moo's arm. It was beginning to cause him significant discomfort.

At 7:00pm there was still no word from the FIA. Yuan came to talk to me again. He informed me that Moo would need a third set of x-rays, this time targeting his ribs again. I immediately protested. Moo had been x-rayed targeting his ribs once already, and then had a full-body scan done after that, results across the board negative. At that point Yuan had an expression come over his face that I can only describe as desperate. I knew that as the events were unfolding it was beginning to look embarrassing for him, and maybe even the hospital. The reason for Yuan's desperation, unbeknownst to me, was that in the complaint Yuan had filed, he'd claimed one of the x-rays came back positive for a rib fracture. He was panicking now.

Yuan was insistent. I told him that he could talk to my wife if he needed any affirmation as to how much we were untied against any more x-rays. He did, only to come back to me frustrated as ever. He asked me yet again, to which I refused.

I talked with my wife again on the phone. She had been busy. There was a certain person we knew in law enforcement that she had just got off of the phone with. He had told Gina that the hospital had no grounds to keep Moo any longer, and that I should just leave. I had no way to leave of course, but Gina's father was on his way at the moment.

I was hesitant. Fear of looking bad in the eyes of the FIA paralyzed me, but I still had the thought that if Moo didn't go home tonight, all our boys would be gone. I didn't know much about the law at the time either. Had I known the laws, the next few events would have had quite a different outcome.

Gina informed me what she was told needed to be said. I should go to Yuan and asked for anything in writing stating that Moo could not leave the hospital. When she mentioned that to me, I felt like an idiot. Moo was stuck here simply on their word alone. I had believed what they had told me knowing full well that they were willing to (and had) lie to me. If the hospital couldn't produce a document, then there was nothing keeping us there.

I asked her if she was sure it was the right thing to do. She was convinced it was.

We got off the phone. I picked Moo up and asked him: "Are you ready for this buddy? I'm not", and then we headed towards Yuan's station together.

Dr. Harry Yuan was sitting down going over paperwork when I appeared. He looked startled and annoyed. That's when it all started.

"I need to see some documentation stating that my son can't leave, or we are leaving" I said to him as matter-of-factly as possible. He began stumbling over his words, saying that he didn't have anything and he wasn't sure he could get anything at the moment.

"That's not my problem" was my response, and I walked back to the room.

A nurse came in moments after we returned to find me preparing Moo and packing our things. She asked me what I was doing. I looked at her and requested that

she remove the IV board from his arm. She stood there speechless. I did feel bad for her because I knew she was sent in by Yuan to act as a diversion, and she was really just caught in the middle. I decided to take the pressure off of her, because this particular nurse had been very kind and compassionate during our stay.

“I know you probably need permission to do that, so go and get it”. You could see the relief in her eyes as she turned to leave.

I held Moo in one arm as I went about preparing. I wasn’t about to let him out of my reach, and Moo was also becoming frightened at all the activity.

As I continued to pack, three more nurses and Yuan came into the room. Yuan told me that he did not have anything close to what I was asking for, and that he could likely not get anything from the FIA this late at night because the offices were closed.

“If they are messing with people’s lives, they’d better be doing it 24 hours a day. If you can’t get a hold of them it’s not my problem” was my response.

With every word I said and every new person I talked to I became more and more rattled. I tried to put on a brave face, but things were starting to show through. I began trembling. It was only slight, but it was still noticeable. My eyes were beginning to well up too, and my voice wasn’t as commanding as it had been. I was terrified.

Yuan came by one more time and asked me that if I was going to leave, could I sign a release so that he could get Moo’s records from Oakwood. I agreed knowing full well that I wouldn’t sign another document at that hospital even if I were being tortured.

No nurse had yet come in to remove Moo’s IV. I continued packing as nurses were trying to talk me out of it. They kept on saying that this would only make us look bad. For the most part I ignored them, but to one I responded:

“I don’t care. I apparently already look bad and my only concern is for my son.”

Then Williams walked in with another person, Dr. Hassani, and a few more nurses. I noticed security guards in the hallway. I hadn’t noticed how they had quietly shuffled the family that we were sharing a room with into the waiting lobby where Nalepa had interviewed me.

Williams started telling me I couldn’t leave. I told him that I could and I was going to.

“If you won’t let me leave I’m calling the police.”

This garnered an immediate response. One of the nurses moved the phone out of my reach. With a glance Williams appeared to direct another nurse to stand by the phone jack in the wall, my guess would be to rip it out if I got to the phone. I reached in my pocket and pulled out my cell phone, held it up in the air, and said: “You’re not going to stop me from calling the police”.

That’s when things changed. The rest of the nurses and doctors continued to talk, but I couldn’t hear a word they said. Instead my eyes locked on the security guards. They were armed. I had no desire to get into a physical conflict, especially not with Moo in my arms, but I knew that if push came to shove they couldn’t stop me and I could still keep my son safe. But the guns brought the situation to a whole new level. I couldn’t possibly have one of them draw a firearm on me while I was holding Moo. I wouldn’t risk him being hurt, or worse.

I looked out in the hallway and interrupted whoever was talking.

“I see those guards in the hallway. If I try to leave, are they going to stop me?”

A nurse replied. Yes, they would stop me and remove me from the hospital, leaving Moo by himself. I wrapped my arms around Moo, began to cry, and sat down. "I'm not leaving my son."

I was beat. There was nothing I could do. My choice was clear, give up or potentially risk Moo's life. To me it was a no-brainer.

John arrived. He walked in and was shocked at what was going on. Gina called at about the same time. I quickly told her what had happened and got off the phone. I still had a confrontation to attend to with Williams.

Williams was insistent on getting the x-rays. I was adamant about not consenting to them. I still demanded to see something, anything on paper stating that Moo had to stay. I should have been insisting on a court order, but being uneducated about the law and terrified to boot, I did not know any better.

Finally they brought in a document. It was an internal memo written by Cynthia Butler that stated Moo was not to leave the hospital until cleared by CPS ([memo](#)).

Williams continued to insist on the third set of x-rays. I was worn down to the point of surrender. Even John was suggesting I let the hospital do one more set of x-rays.

My reason for refusing them had nothing to do with hiding anything. I knew for a fact that the x-rays would come back negative. My concern was that Moo had been exposed to so much radiation over such a short period of time. I was reassured again and again that the radiation wouldn't bother him. My thought was that they would say anything and even risk Moo's life to get him back on the table in order to attempt to find something, anything that justified their actions other than the hunch of an overzealous intern trying to make name for himself and the amateur statistical analysis of a "child abuse doctor" who had a superiority complex.

Despite that I finally relented. I couldn't do it any more. I did tell Williams at point blank range that if any harm were ever to come to my son because of these x-rays that I was holding him and Yuan personally responsible. I did tell them that there would be no more, and that the police would be getting involved if they even asked again. You could see the relief in their faces. They knew they would find what they were looking for. I knew they wouldn't. The x-rays were scheduled for the next morning.

John grabbed Moo and told me to go for a walk. I didn't argue with him. I trusted him with Moo completely, and I needed to get some air. As I left the room I saw in the waiting room across from me the little girl that the staff scurried out along with her family. This poor girl had been taken from her bed, still with the oxygen tubes in her nose and IV in her arm, and forced to sit in a waiting room, all because of me. I apologized quite sincerely to the entire family. The mother had such a compassionate look on her face when she replied: "It's not your fault", and then glared at the rest of the staff as they left the room. That was the last time I saw any of that family as either the little girl was released or moved to another room.

I went outside and cried. I wanted to get him out of that hospital so badly and back to his home, back to his bed, back to his Winnie the Pooh room that took my wife and I 6 months to complete. Back to our family.

After about 15 minutes of standing outside in the darkness with tears streaming down my face, I pulled myself together and headed back to my son. When I got back to the pediatric floor, John was walking toward the elevator with Moo and a male nurse. I

asked what was going on. John told me that the x-rays had been bumped up to tonight. I didn't have a problem with that, the sooner, the better.

We went through the motions, took the x-rays, and came back up. I knew that it was just a matter of time until Yuan and Williams came back begging for more tests. John left, Gina and I talked some more on the phone that night, and I talked to the rest of the boys before they went to bed. The night ended rather peacefully considering...

Moo fell to sleep in my arms right away. I stayed awake all night, standing as sentry against whatever would be coming through that door next.

Wednesday, 3-20

That next morning Gina was dropped off at the hospital by John. We both were going to stay with Moo for the day.

Up till that point, Gina and Yuan had never met. Yuan decided to make an introduction. He was notified by a nurse that Gina had arrived and walked up to the doorway of the room. Gina looked at me and I simply said "Yuan".

She rushed up to the doorway before he could finish walking through the threshold and held her hand up to his face. He tried to speak but Gina silenced him immediately:

"You need to leave" she said quite sternly. Yuan again tried to speak but Gina reiterated her wishes, with maybe a little less subtlety the second time as Yuan seemed not to understand her first statement. I decided to step in between them because I could see that Gina was just getting more and more irate with the fact that Yuan couldn't take a "hint."

Yuan still tried to speak but I turned my back to him and faced Gina and told her that this wasn't going to lead anywhere good. To this day I still slightly regret doing that because it was really the only time, save a brief moment later in the day, that any one of us squared off with Yuan. I should not have stopped Gina, but at that time I figured the more we remained calm the quicker this would all end. Neither I nor Gina had a clue that our family's fate had already been decided at that point.

Yuan left when he finally realized he was no longer welcome in our presence.

Of the remaining nurses we asked several times if a decision had been reached by CPS and when Moo was going to be released. No one had any answers.

We finally cleared the room of people. Gina and I sat and caught up, it had been a while since we had had any real time together. We discussed our next steps. One of the many people Gina had talked to over the past few days had brought up the question of who was paying for the x-rays and the hospital stay, especially since Moo's medical release. The suggestion was put forth that we preemptively contact our insurance provider and inform them that we are not claiming responsibility for the charges being incurred, which we went ahead and did.

The three of us spent the next few hours together. Instead of staying holed up in our room we decided to take Moo for walks through the pediatric ward. We wanted the people who worked there to see just how he was. We also knew that it would start to make some of the players, namely Williams and Yuan feel uncomfortable. Neither really wanted anything to do with us any more, and they had to believe we might try to run. We walked the length of the ward several times, and Moo didn't fail to impress.

He was a charmer. He had no fear of anyone. Several times he drew smiles and laughter by running up to complete strangers and shooting off his lethally adorable smile. He also ran head first into doors and desks several times, and just about every five feet, he would trip over the hospital gown he was forced to wear, only to get back up and continue running as if he'd never fallen. He was tough and fearless, just as we'd been claiming, and just as these people were starting to see.

We did take quite a bit of pleasure in walking right up to the exit doors of the ward. That made the desk nurse nervous each and every time. We'd pause, look out the windows, quietly exchange a few words, and then walk back.

After we had walked for quite a while I went back to gathering information. No one had given us any news, and it appeared to us (and we were tragically correct) that no one was making any effort to get us out of there any sooner. Henry Ford Hospital (I'm not sure if it was Yuan, Williams, or Church) wanted to view the x-rays and reports from Seaway hospital pertaining to Moo's broken leg, and we were told by hospital staff that the x-rays and other records were going to be overnighted to Henry Ford Detroit. We knew by now that CPS surely would have obtained the medical records from Seaway and Henry Ford Wyandotte (at least we hoped), but probably wouldn't share any more information with the hospital. As we had nothing to hide, we wanted everyone to see everything that they could. It would only become clearer and clearer to anyone who cared to know the truth that we took excellent care of our children and Moo just took us by surprise with his development.

John came later that day to spend some time with us, as did my parents. My father-in-law seemed to be getting even more anxious than we were about the progress (or lack thereof) of the CPS investigation and was willing to do whatever it would take to speed things up. He offered to go pick up the x-rays himself and deliver them to the hospital. After determining what documentation and permissions he would need, he headed off to Seaway and Wyandotte.

Cynthia Butler came by to talk to Gina and I. The first thing I did was apologize to her for the night before. I knew that had to have caused her a headache when she heard about it, and the last person at that hospital I wanted to cause problems for was Cynthia, not because I was afraid of her, but because I respected her. I apologized for being out of control. She chuckled and said that I did nothing of the kind, and said that she and I obviously had different definitions of the term "out of control". Unfortunately she had no new information for us. We sat and discussed the situation for several minutes, during which I recounted the entire interview with Nalepa to Cynthia. I informed her that the information that CPS had was incorrect about when, how, and who "discovered" the injuries. Cynthia assured me she would see to it that the facts were set straight. She seemed greatly annoyed with the confusion. I could tell that she was starting to take our situation to heart, and that her faith in CPS and her own hospital was starting to waiver, although she never said so or gave any overt signs of her feelings.

At that time I had to leave to pick up some food for Gina and I (neither of us had eaten since this started) and I desperately needed a shower and a new set of clothes, so I went home while Gina and my parents stayed with Moo. Todd and Ryan were at school and Willy was at Angel's house. I figured it best just to get done what I need to do and get back. I couldn't really pull the kids out of school, and Willy would only want to stay with me, causing more heartache than I could deal with at the moment.

While I was gone Gina, my parents, Moo, and a nurse (I believe Lisa was her name, she was one of the few who we not only tolerated, but actually liked) were in the waiting room in the pediatric ward visiting when Cynthia walked in. Unfortunately I wasn't there to witness this, but I heard the same thing from four different people.

Cynthia appeared fed up and triumphant all at the same time. She started off to apologizing to my wife and parents for what was happening. She then explained that mistakes had been made, one of them being that too many doctors became involved in the case. She said that yes, the stories were inconsistent about what exactly happened to my children (as the CPS worker had been told by Church and Yuan), but the inconsistencies weren't from my wife and I, they were among the doctors interpreting events in their own particular way and putting their own spin on the events, either inadvertently or not. Again Cynthia assured us that everything would be straightened out on the hospital's end, and that she had greatly reduced the amount of people involved. But still, our fate was now in CPS hands. CPS had remained conspicuously uncommunicative with everyone though.

While this was going on, John went to both hospitals to get the documents and x-rays. While he was there he inquired if anyone had made an attempt to get the records he was collecting. Both Seaway and Wyandotte told him that no one had.

The remainder of the day was uneventful. Gina and I let the food I bought for us that Moo didn't eat go bad. Neither of us had an appetite. Gina left for the night. After she left, another hospital staff worker came in to tell me that Moo would be released tomorrow. I knew better at this point than to get excited.

No one had given me the x-ray results from the day before.

Thursday, 3-21

The next morning Dr. Hassani and another doctor whose name I never asked both assured me that Moo would be going home today. This time I let my hopes get up, because Dr. Hassani was the only doctor there I respected.

I inquired about the x-ray results, but neither doctor knew anything about them.

Gina stayed at home to take care of the shopping, cleaning, and general housekeeping that we hadn't been doing since this all started, so I was on my own for the next few hours, which was just as well. Even given the situation, I still enjoyed the time with Moo.

During the day I kept inquiring about the x-ray results. I wanted someone to tell me that they were negative. I knew by the way it was taking so long that there was some type of problem, but I didn't understand the complete scope of the depth of the problem, and wouldn't until two years later.

Finally I demanded to see Yuan. After fifteen or so minutes he came to the room, quickly looking around to make sure my wife wasn't there, and walked in. I confronted him immediately about the x-ray results. He again said they weren't back yet. To illustrate exactly how ridiculous his statement was I meticulously laid out the timeline of when the x-rays were performed and that it had been two days now. He said he expected the results to be back in the next hour, but he had an appointment that he would be occupied with for the next few hours. I asked him if he could get another doctor to review the results when received and let me know. Yuan's reply literally dropped my jaw:

“Technically he’s my patient.”

I don’t know if it was my expression or my body language, or a combination of the two, but Yuan instantly looked uncomfortable:

“Actually, he’s MY son” I retorted.

Yuan shifted his stance in a fidgety manner and dismissed himself declaring that he was going to be late. I stood there as he left me with Moo in my arms, wanting to cry and throttle Yuan both at the same time.

I sat back in the room for a while simply holding Moo. After what was probably an hour a nurse came in and finally removed the IV board from Moo’s arm. I was elated, because I could finally give my baby a bath without risking an infection. I called Gina and then my parents and worked out getting some of Moo’s regular clothes to the hospital.

When the IV board was finally removed, I was disgusted to see what the tape had done to his arm. He had a large rash, and it appeared to me some skin was missing.

Some time around 1pm my parents came to visit with me and bring a new change of clothes for Moo and also for myself. My mother had stopped by my house on the way to the hospital, and Gina gave her some clothes for me to change into, since I was still wearing the same clothes I started out with that previous Sunday.

I looked at the clothing that Gina had given my mother. I was a little agitated because the jeans Gina gave to my mother hadn’t fit me in months. In the years prior I had a hyperactive thyroid which caused me to lose quite a bit of weight. I had it treated by radioactive iodine, which essentially killed my thyroid, and as a result I had recently put on about 20 pounds.

I sat and visited with my parents for a while, then decided to take a bath with Moo. The bathroom was a typical, sterile, uninviting hospital bathroom, but it was going to be great to get the both of us cleaned up for the first time in nearly a week. I got Moo undressed and set him in the bathtub. I then took my shirt off. I looked around to see if there were any cameras. It hit me: If anyone at Henry Ford realizes I took a bath with my son they could then accuse me of sexual abuse too.

Immediately I put my shirt back on and opened the door to the bathroom. I poked my head out and told my parents that if any nurses asked to tell them that I was *giving* Moo a bath, NOT taking one with him.

Moo relished in the bath. He always loved bath time, and could play for hours without getting the slightest bit bored if the laws of biology and physiology didn’t dictate that he’d turn into a prune. When I was finally done bathing him he felt like a different boy. You could see he was clearly happy to be clean, and his skin smelled like a baby again, instead of like a hospital gown. I put his own clothes back on him. It was a nice site to see.

After handing off Moo to the temporary care of my parents, I took my turn, a hot shower. I tried to clean myself of everything dirty and underhanded that had happened to my family during the past week. I wanted to spend at least an hour in the shower, but I didn’t like Moo out of the sight of my wife or I. It’s not that I didn’t trust my parents, but I just felt the most comfortable when Gina or I were with him.

I stepped out of the shower after about 5 minutes and dried myself off. I looked at the clothes I had just taken off, and the clothes that Gina had given my parents. I did not want to put on those uncomfortable jeans, but I also didn’t want to put on the dirty ones

that actually stank. I gave in and put on the tight jeans, grateful that Gina had given me a large shirt.

The jeans fit perfectly. That's when I began to realize just what a toll this was taking on me. I hadn't eaten since Sunday. I hadn't slept since Sunday. It was Thursday. I'm sure Gina was just as bad off, if not worse.

Both cleaned up and in new clothing, Moo and I nestled back into the chair and continued the visit with my parents. After some time, as he usually does, Moo became restless. I handed moo to my mother and got up to put one of his movies into the portable DVD player we brought along. While I was up, the phone rang. It was Gina.

Nalepa had just called my home to ask for the phone number and address of Angie and Jesse.

Gina was starting to get frantic. She had told Nalepa that she should already have that information, it had been given to her twice at that point. Nalepa retorted with the fact that she was conducting an investigation and did not have to account for her actions. My wife questioned how the investigation was going, since Nalepa hadn't contacted the school, any of our boys' teachers, the principal, Ryan's psychologist, the Special Education director, and friends, family, or neighbors, not even our pediatrician (as it turns out she had just contacted the pediatrician via phone just before calling Gina, but obviously disregarded anything that he had to say).

Gina finally relented and gave her Angie and Jesse's information a third time.

When Gina finished telling me I tried playing it cool for Gina's sake. She was alone at home with Willy, Ryan and Todd were both at school still. I didn't want to shake her up when she had no one to turn to, but I knew damn well what the significance of the phone call was.

We said our good-byes and I hung up the phone. I dropped to my knees and began bawling. I was exhausted, starved, fatigued, terrified, and fed up. I had had enough and I couldn't take it anymore. For whatever her motives or intentions were, Nalepa had been stringing us along, and it broke me at that point. I sobbed for close to a minute before I could explain to my parents, who were understandably rattled, what had just happened.

I knew that she was taking Moo, and probably the rest of my boys too. That inappropriate phone call was just her way of turning the screws in our side. Maybe she was trying to get us to run. Maybe she just wanted to hurt us. Maybe she was just stupid. Regardless, we knew at that point we were losing at least one boy.

I gathered myself and asked my parents to leave. They didn't want to go, but I felt that I would be best left alone.

When my parents left, I walked with Moo down to the nurses' station and demanded to talk to someone in charge, then walked back to the cell we had been kept in for five days now and waited to see who they would send.

A lady who identified herself as the head nurse came in. I told her in no uncertain terms that I would not stand for any more speculation. We had been on a roller coaster ride the past week, but it was my entire family that was being taken for a ride, and I wanted it stopped. She seemed sympathetic enough, but at that point it wouldn't have made a difference to me if she came in breathing fire. I was cold and curt to her. I wanted the entire hospital to know that I was through with them. She seemed to be a good place to start.

Williams came in moments later. He began to talk, but I casually turned my head in his direction and began to speak:

“What are the x-ray results?”

As expected, Williams claimed they weren’t back yet.

“That’s all.”

Williams seemed offended by my dismissal, and continued talking but I simply went about entertaining my son. He spoke for a minute or two more, what he said I will never know. He finally took his leave.

At around 5pm Cynthia Butler came back to visit. Seeing her was both good and bad. I wasn’t about to disrespect her, because she was one of the few at that hospital who actually cared about the patients. I asked her if the third set of x-ray results had come back yet. She cocked her head back and to the side in a gesture of surprise:

“Third set?” she asked.

Cindy wasn’t aware of the third set of x-rays. Apparently she had never been told about them. I went over the events with her. She assured me she would get me the results.

We then started talking about the hard issues. I knew that I was losing my son, probably all of them, and I wanted to know what to expect. Cindy told me that if the decision had been made to give my boys to relatives, then the FIA would simply take them and deliver them to the relative placement. If my boys were to go to other foster homes, then a court hearing would have to happen first. Cindy seemed to like the idea of us going to court. She believed that in court the truth would come out, and our nightmare would end. She was very young. I don’t want to call her naïve, but rather inexperienced or optimistic. Her faith in the courts would be found to be grossly misplaced.

About the time that Cindy and I sat down to talk, Gina and her father were leaving our home to relieve me at the hospital. Just as they got onto I-75 from Southfield, John’s cell phone rang. It was Angela. She wanted them to come over to her house before going to the hospital, but would not say why. John and Angela debated the wisdom of that, but Angie was insistent.

When my wife arrived at her sister’s house the news was broke: Moo was being given to my in-laws. Nalepa had indeed asked for Angie and Jesse’s phone number to call them and inform them she was placing Moo in their care.

I can only imagine how the trip to the hospital must have been for her after hearing that news.

Eight o’clock they arrived. Gina walked into the room stone-faced. She looked at me:

“Do you know?” she asked.

“No” I said, which wasn’t altogether true.

“She’s taking Moo.”

Neither one of us remember the next few minutes of the conversation. All I remember is the feeling. Defeat. Uncertainty. Anguish. Terror.

How would we get him back? Would Moo be alright after this was all done? Would they try to take the rest of the boys too? When would we be vindicated and see this woman and these doctors publicly humiliated? HOW IN THE HELL COULD THIS HAVE HAPPENED?

I then asked where John was. Gina said he went to talk to the doctor.

I left the room to find John with a desperate look on his face talking to several nurses and one very rattled-looking Harry Yuan. John wasn't really accomplishing anything, he was just asking questions that should have been easy to answer but we knew never would be:

"How could it have come to this? Do you really believe he's abused? How could you have done this?"

I stopped him. I said that Gina needed to see him. When he left I turned on Yuan. I couldn't let them know that I was aware of the decision; it could lead to problems later. Angela had been threatened by Nalepa not to tell Gina or I, or Moo would be placed with strangers.

I said I wanted the x-ray results. The humbled doctor's only word was "Negative."

I then went on a tirade guilt-trip trying to see if I could find any humanity behind his eyes. To my shock, Yuan had something to say.

"Mark, knowing what I know now, I never would have filed that report."

I looked around at the several nurses who heard that. I focused on Yuan:

"Would you say that exact same thing on the stand?"

Yuan paused, but eventually sputtered out a "Yes", which I instantly knew was a lie.

With nothing more to say I went back to the room and hugged Gina and Moo.

John and I left for Angie's house. The rest of the boys were there, and it had been what seemed like weeks since I had seen them. When we got there I took Angie to the side and with tears starting to stream down my face I said:

"You take good care of my Moo."

She hugged me and I cried until Willy walked up. I then turned around, rubbing my eye as if I had a piece of dust in it and picked him up. I gathered Ryan and Todd, not letting on to any of them that I knew what was coming.

We got back to our home. The boys were beat. They fell asleep on mine and Gina's bed, watching Scooby Doo on Cartoon Network. I stared at the ceiling the rest of the night with most of my boys lying in my arms.

Friday, 3-22

At 7am I woke the boys, got them dressed, and took Ryan and Todd to school. I sat and talked with the school principal, and let her know what was going on. She began to cry and wanted to console me, but I didn't have the time.

Willy and I went back home to wait for John, who would be taking Willy to Angie's house while I went to Henry Ford.

I made it to the hospital at 9:00am. Nalepa had just called Gina at around 8:30am and told her the "shocking" news. Gina played it cool, not breaking down, not pleading with her, not even cracking her voice. Gina simply replied "OK".

My wife's response must have set Nalepa off. She told my wife she would be at the hospital within 45 minutes. She then told my wife:

"Now, go be a mother."

Gina simply hung up the phone on her.

Upon my arrival I did my best to act shocked. Cindy was waiting for me. She peppered me with apologies and condolences, and supposedly new information. I told

her that she wasn't the one who needed to apologize for anything. She did say that there would be a court hearing the next day, and that was a good thing because then some knowledgeable people would be looking at all the facts and the truth would finally come out.

I got to my boy's room. Many of the staff were waiting to talk to us, but I simply closed the door behind me and spent the time we had with my wife and Moo.

Angie and Jessie arrived at about 10:30am. They said Nalepa had just called them a half-hour before and told them to go to the hospital. Perhaps Nalepa's watch was broke.

About the same time Angie and Jesse arrived, new roommates were assigned to us. They had come from a shelter because the lady's baby boy had taken a turn for the worse in some fashion. The mother kept inquiring about getting food for herself and about calling the shelter so she wouldn't lose her bed. I was trying not to be judgmental, but I just thought it was funny that I knew my son was perfectly healthy and yet I was unable to eat (or sleep) for an entire week out of concern for him.

The five of us moved into the waiting room across the hall because Williams was in talking to the mother next to us, and neither Gina nor I wanted to be near him. We gathered all of our stuff and moved out of the room for the last time.

As I was moving the last few belongings into the waiting room, Dr. Hassani stopped me. You could see the empathy in his face. He wanted so much to comfort me. He took my hand in both of his and looked at me and wished me luck. I could see the tears welling up in his eyes and knew he would rather not display that emotion in current company, so I told him that everything would be fine, thanked him, and moved on.

We all spent our time in the waiting room, talking and playing with Moo. Sometime after 11:00am Nalepa arrived with a female co-worker whom she failed to introduce.

I would not look at Nalepa. It wasn't that I was intimidated by her, not at all. I was afraid of what she could do though, and I was afraid of what my reaction would be if she shot me a demeaning look, so I decided to avoid the possibility entirely.

Surprisingly she did not have much to say. She did mention that the court date would be on Monday, two days away, instead of on Saturday. She was kind enough to take the time to write out the date, time, and directions to the courthouse on loose-leaf paper for us. That was the only thing we ever received from her, save two business cards.

I asked if Angie could come over and pick up clothes and toys for him. Nalepa glanced at her partner, who nodded. She then confidently said: "Of course."

Due to my inexperience with and ignorance of the law, I did not think to ask for a court order. At that point I thought my only option was compliance or violent resistance. Since I still had a misguided belief in our justice system, I felt compliance was the best course of action. I should have asked for the court order....

Nalepa then relished in telling us that we would only have one hour of visitation with Moo over the weekend, and that we had to establish when the time would be right then and there. She was gracious enough to allow the visit to be at Angie and Jesse's home. I chose the arbitrary time of 3:00pm on Saturday.

Gina and I were then instructed to leave. We said our tearful goodbyes to Moo. I handed him over to Jesse with one last instruction:

"Don't let her (Nalepa) touch him."

Jesse looked back at me.

“Never” he said.

Gina and I walked arm in arm down the length of the hallway. We cried the entire time with all eyes on us. I turned around once to see Nalepa’s partner making sure we left. The unnamed woman did seem to be somewhat human though, she did not seem to enjoy the exchange the way Nalepa did.

I had to support Gina in the elevator to the entrance lobby. As soon as we had gotten out of Nalepa’s sight Gina almost collapsed. I sat her down and told her to wait there while I got the truck.

Again, Nalepa’s complete lack of comprehension of logistics shined as just moments after I walked out, Angie, Jesse, Moo, the mystery partner, and Nalepa walked through the lobby while all Gina could do was sit there and let it happen.

I pulled out of the parking structure to see Gina running toward me in tears.

It was over, our boy was gone for the moment, and we were leaving that hospital behind.

Immediately when we got home we started gathering clothes, toys, sippy cups, and snacks for Moo to have at Angie’s. We only collected a weekend’s worth of items because we would be getting him back on Monday. We would show everybody who was right in court. But still, the fact that we couldn’t hug and kiss one of our sons was intolerable. Ryan, Todd, and Willy hadn’t seen Moo for a week.

John was at our house watching Willy while Nalepa kidnapped Moo, and Ryan and Todd were still in school.

Angie came over about an hour after we arrived home. We loaded up her car (yes, it was only a weekend’s worth of clothing and necessities, but it had been so long since he had been home we over-did it on the toys).

After Angie left I went to the school to pick up the older two. I told them what had happened, and that everything was just about over, but Moo would be staying with Cece (that’s how Gina’s family refers to Aunts) for the weekend.

The rest of the day we were in shock for the most part. Friends and family were calling us and expressing their sympathy, but much more, their disbelief. Not for one second though did anyone doubt our innocence.

Gina and I, while going over our options, thought of getting testimonials from people we knew. We would ask them to write about how we were with our children. We wanted to get people who would be likely to be listened to, like our boys’ teachers, the school principal, the director of Special Education of Wyandotte, people from our church, our boys’ pediatrician, and our friends who included a county commissioner, a police officer, and others. The two of us got on the phone, Gina on our home phone, and me on my cell phone. We called everybody, and virtually everyone (except for a select few who were afraid of the FIA) agreed to write letters of testament on our behalf.

I also called Cindy again to discuss what our next steps should be with her. Earlier I had mentioned what Yuan had said the night before. She told me that Yuan had denied saying that, as I had supposed he would. Quickly I rattled off that there were several nurses and another doctor on duty at the time who heard him say that, but I knew it would be to no end.

Cindy mentioned that what we were doing was a good idea, but didn't have any other advice for me. She mentioned that the evidence would speak for itself in court, and that we would be fine.

The rest of the night we spent with our boys, discussing how we were going to sue the eyeballs out of Henry Ford and the FIA to make sure our boys were taken care of forever, they had already been through so much even though only Moo was taken.

According to Angie, Vinnie and Moo had quite a good time taking a bath together that night. It was really the first time that Vinnie had a "sleepover".

Angie also mentioned Nalepa's demeanor when arriving at their home for the placement. Nalepa had laid down the rules in no uncertain terms, and stressed that Gina and I were only allowed to see our son for one hour on Saturday. She threatened many times that Moo would be removed from her home if Angie or Jesse violated any of her rules.

Nalepa also imparted the FIA's version of properly disciplining a child. She told Angela that physical punishment was acceptable as long as it didn't leave a mark.

Now, Gina and I are not the type of radical parents spouting that nothing but peace, love, and freedom are the keys to raising a child properly, and we certainly won't condemn parents for spanking their children, but spanking and physical punishment is something that we just do not do, it simply doesn't work for our family and is just too heartbreaking for us to consider.

The FIA, the organization currently claiming that we abused our children, has standards lower than ours when it comes to physically punishing children. In this case in particular Nalepa was telling Angie and Jesse that it was acceptable to physically punish a 19 month old baby.

We had a restless night, but we finally slept. We still had three of our boys in our home, and we knew that Moo was safe with Angela and Jesse.

On an interesting note, Henry Ford never charged our insurance for the week-long stay.

Saturday and Sunday, 3-23,24

I woke up early and paged Yuan immediately. He called my cell phone. I asked him if he would write a letter of testament in light of what he had told me Thursday night, subtly challenging him to deny it.

He said he had spoke with Church about speaking on our behalf. According to Yuan, neither he nor Church felt that would be a benefit to our cause. I stood there with my mouth agape for a few seconds, not believing that he thought I was actually dumb enough to buy his B.S.

I then said:

"You don't think that the doctor who filed the initial complaint against my family speaking on our behalf would have any influence?"

I hung up. I couldn't bear to listen to him stutter through an answer.

Still amazed I left to get doughnuts for the family. Upon my return we did our typical Saturday morning routine of house cleaning. Gina and I got back on the phone and called more people, and everyone was agreeable to writing on our behalf.

At 2:30 we packed the family up and went to visit Moo. We arrived at approximately 2:45. Our entire family was so paranoid about breaking the rules that we

sat in our SUV up the street for 15 minutes until 3:00 rolled around. We didn't know if we were being watched.

When we walked up Moo met us at the door. He was so excited to see his brothers, and they to see him. It had been a week since they had seen each other. For the first 10 minutes Willy and Moo would not stop hugging. Gina and I took our turns coddling him as we visited with everyone. It was a wonderful visit, but far too short, and almost as it started, it was over. At 4:00 we left to Moo wailing, although Gina and I did our best to act as if was the normal course of events, Moo still wanted to come with us. It broke our hearts.

We went to church that Saturday night and prayed that common sense would start to enter the equation. Perhaps God had earmuffs on that night.

That night before bed, I decided to contact an old college girlfriend of mine. She and I were quite serious for a few years, and we had both planned on getting married as soon as I graduated. Our relationship went south as these things sometimes tend to, and we went our separate ways.

When we broke up she was a social worker. She had once been involved in removing children from a home toward the end of our relationship. This was a bone of contention between her and I, and had a role in our eventual separation. I couldn't accept her career path and it drastically affected our relationship. Despite our differences, I would still trust her with my life, so I contacted her via an email address that I found. I had also found her phone number, but thought that was a little too forward.

I didn't hear back from her before the preliminary hearing.

It was another restless night, but Gina and I did get more sleep simply from sheer exhaustion. Sunday was the day we really went to work. I got on the phone with everyone who had agreed to write a letter to confirm that I could pick it up. I spent most of the day on the road going from house to house collecting the promised letters. I checked in with Gina quite often to see if anything new had happened and to see how Moo was doing.

Everyone who said they would came through. Even from Colorado and Washington D.C., some close friends of mine had emailed their letters to us and even FedEx'd overnight signed copies. They offered to come to Michigan to help. I thanked them but turned them down saying that there was no need.

Most of the letters had been collected, and Gina had spent the entire day on the phone looking for help and information. She hadn't prepared anything for dinner, so she asked me to pick up Chinese food. During her day on the phone she captured all the information she gathered on a piece of paper, along with the order for Chinese food. In the midst of all the note-taking and order-making she scribbled a likeness of our stolen son on that paper with the phrase above it:

"He's my Moo - Mommy's Moo"

When I saw that, for some reason it broke my heart. I still have it to this day.

Monday, 3-25

This day was to be our day of reckoning. The day that we shoved all of Nalepa's assumptions and prejudices down her throat, the day we beat Yuan and Church and Williams into oblivion with their own incompetence, and the day where we would be able to wash our hands of these horrible people forever.

It was overcast and cold, but not a flake of snow on the ground, although the forecast called for it. We got Bubba and Todd up to go to school, and got Willy dressed to stay with Angie during the hearing. It had been 11 days since I'd been to work, but they were thankfully letting me slide. I assured them that I would be in on Tuesday when it was all over.

Ryan was nervous, it showed in his actions, and in the way he followed us around like a lost dog. Just as John pulled up to Willy off to Angie's I gave Ryan a hug, lightly turned his head toward me by his chin and said:

"Don't worry, it ends today. No one is going to be taking you away. I promise."

John shuffled Willy into his SUV and told us to hold tight, he'd be back to take us. I took Todd and Ryan to school, spoke with the principal one last time, and collected a few remaining letters from teachers. Everyone wished us luck.

We had arranged with the school principal that Ryan and Todd could stay at the school if our court hearing went past the time school went out. We really didn't know what to expect.

After returning home it was an eternity until John pulled up to take us. We sat quietly, not saying a word, letters in hand. When John did arrive we had to restrain ourselves from running out to his vehicle. We both just so desperately wanted this done with and the FIA out of our family.

The ride to the Lincoln Hall of Juvenile Justice took about 30 minutes. The hall was in the middle of a typical Detroit neighborhood, a place that one could tell was once beautiful, but over the years had fallen into disrepair. The hall itself was a dirty place. We walked in through metal detectors onto bland, rarely cleaned tile flooring. The interior was lined with an impersonal clay-colored brick. The typical mass-produced orange bench seats were in the waiting area.

There to greet Gina, John, Florence and I were two of Gina's aunts, her grandfather and his lady-friend, and my parents. I sent my family on to the seating area while I checked in at the front desk.

As I waited in line, I paid attention to what was going on around me. My family and I stuck out like sore thumbs. All of us were well-dressed and well groomed. Most of the people in the hall had worn jeans or torn clothing. Many that were dressed up looked quite uncomfortable in their new clothing. A lot of words were being exchanged between people in the hall and the waiting area, forcing security to intervene several times.

I figured this would only bode well for us. If these were the kind of people a judge was familiar with seeing then we should be a slam-dunk closed case. Maybe I was prejudice at the time, maybe I was seeing what I wanted to see. Maybe I was just plain naïve.

After a brief exchange with the stereotypical apathetic government-employed clerk I was able to determine that we would be in courtroom 1-J before Referee Richard Smart. I had no idea what a referee was at that time, but it didn't concern me. The courts knew what they were doing.

We waited and waited. I looked constantly for Nalepa to come through the door, but she never did. We waited patiently for an attorney to come out and talk to us, but none ever did. We watched as family after family was called into courtroom after courtroom. Some walked away cheering, smiling, thanking god. Most left in tears.

Gina and I had decided to go with a court-appointed attorney. We were told by someone who had experience in these matters that it was best to go with the court-appointed attorneys. They said that the entire juvenile justice system was a big buddy's network that ran smoothly and correctly when everybody knew each other, and that one of the worst things a parent could do was to hire some bulldog know-it-all attorney that would only make the judges/referees/CPS workers upset.

The seating area was clearing out and there was still no sign of a lawyer or Nalepa.

Finally our names were called to room 1-J. This was it.

The courtroom door was closed when we got there, and people were lining up outside the door. I couldn't believe all of these people whom I had no idea who they were, were going to attend our hearing. Still no sign of Nalepa.

A pretty middle-aged woman walked up to my wife and I and confirmed that we were Mr. and Mrs. Valenti. We acknowledged her and she said that she would be representing us in court. Unfortunately I never wrote down her name.

Instantly my wife and I started flooding her with information, because we knew we had only minutes to convey to her how much had gone wrong. We gave her copies of the testaments we had gathered over the weekend. We explained to her that no investigation had been done. We tried to fit a novel's worth of material into a paragraph, but before we knew it, we were called into the court to begin.

The court was a tiny room. There was the referee bench along the back wall and directly in front were fold-out tables and chairs for the attorneys, plaintiffs and defendants to sit. Lining the walls were more plastic and metal chairs. It appeared to me that this wasn't really a court, but a place where children would go to "play court". I had no idea how insightful that observation was at the time.

Our spot was the at the folding tables right by the door.

Nalepa's spot was at the far end of the folding tables, where she was sitting with two other people. My eyes fixed on her, but I didn't let them linger, I knew it wouldn't look good in front of the referee.

Sitting with her were two people, and they were obviously in the middle of an in-depth discussion, and had been for some time. This struck me as quite unfair. The first person was a tall, professional-looking woman named Sheryl Little-Fletcher. She was the Assistant Attorney General (AAG) representing the FIA. On the other side of Nalepa was an older man. He was very rough-looking. He had unkempt hair and a stained suit on. His hair appeared grayish-white. I remember him as being overweight with a worn-looking, wrinkled face. My memory of his appearance may be tainted because of his actions that would follow. His name was William Elliot Ladd. This was the person that was to represent Moo in court. His official title was a Lawyer-Guardian ad litem, or LGAL. He worked for a non-profit organization called Legal Aid and Defender's Association of Detroit, known as LADA.

Everyone filed into the courtroom and found a seat. I had already told our attorney everything I could. Our friend who had advised us to go with the court-appointed attorney also advised us to request a pre-trial if the charges weren't immediately dropped. We relayed this to our attorney. Gina continued to talk to her while I started listening to the others in the room. The female attorney said something to the effect of "we want to disrupt the children's lives as little as possible". Nalepa then

said something about a “mistake” (I couldn’t hear clearly as they were trying to keep the talk amongst themselves).

That’s when I heard Ladd’s first words, and that’s when this man made an enemy of me for life.

“The only mistake made here was that the rest of the children were left in the home” he boomed from his jowls. It aggravated me that court was not yet in session and that I knew his comment would not be captured on the court record.

I just stared at him. This man was not only “representing” Moo, he was “representing” the rest of my children. And he was destroying the foundation of their stability with what he would refer to later as his “...obligation to provide aggressive representation for the children...”

One thing stuck me as odd about this man: Everyone in the courtroom seemed to either fear or respect him for some odd reason. Here he was, clearly not having the slightest idea as to what he was talking about, yet you could see by other’s reactions, especially Little-Fletcher’s, that they were almost subservient to him. My family was terrified at what they were hearing. I was outright enraged. I made up my mind in that instant to never fear this man, no matter what happened. I never have, and despite being warned even to this day by numerous people, I never will.

My attorney then took the stack of testaments over to Little-Fletcher, Nalepa, and Ladd. She showed them the letters from our pediatrician, the county commissioner, Ryan’s psychologist (who formerly produced profiles for CPS), and a few others. Little-Fletcher cursorily glanced at them and handed them past Nalepa to Ladd. He thumbed through two or three of them stopping on none for any longer than a second or two, and then tossed the papers onto the table in front of him sending the top few letters onto the floor while loudly proclaiming, again off the court record; “This is crap!”

I could not believe this man. He was taking whatever lies Nalepa had fed him and swallowing them like a fish - hook, line, and sinker, and worse yet, acting on it. He hadn’t even met my children, yet he’s there making a scene as if it’s his duty to protect our children from us. He was completely clueless as to what was going on yet making himself appear to be Moses on the mountain bringing down the knowledge and wisdom of god. And everybody except my family appeared to be buying it.

As they continued to chatter I heard Ladd instruct the AAG to take the rest of my children, to which the AAG obediently agreed. I then mouthed to my family and my wife:

“They’re going to try to take all the kids”

No one seemed to understand me. I think they understood perfectly well. I think they didn’t believe me. Referee Richard Smart walked into the room, and court was in session. When court was called to order, Little-Fletcher uttered “Game on!”

Under my breath came the reply:

“This is no game.”

A cell phone started ringing. Smart threatened to throw the owner out of the courtroom if they didn’t stop the phone immediately. Everyone was looking around to see who it was. After a few seconds, John realized it was his. He was amazed because no one ever called his cell phone. He turned it off and we continued.

Immediately our lawyer asked for a probable cause hearing, which would be scheduled for April 3rd. I was shocked, I couldn’t believe that she wasn’t trying to stuff

these charges down the FIA's and Ladd's throats (granted, we had only met her 5 minutes before, she couldn't possibly know anything she needed to know in order to make an educated decision).

I thought of the date. That was over a week away! Jesse and I would both miss wrestling in the World Championships. If it took that long to get Moo back, what would we do? We could still make it to Disney of course, but the thought of him being away for that long was heartbreaking...

Our lawyer couldn't make that date. We were to be immediately assigned another attorney from what is called emergency house counsel, which, according to The Guardian ([Volume 24, Number 1, Winter 2002](#)), Ladd himself feels Emergency House Counsel is "inadequate because the substitute attorney (does not have) time to prepare" (in reference to [In re AMB](#), Ladd's crowning achievement appeal in which he was able to get a court ruling by Richard Smart overturned for his client, albeit slightly ex post facto).

As we waited for our second attorney, the trio on the other end of the folding tables resumed chattering amongst themselves, continuing to work on their game plan while we anguished with no one to listen to us. My mother later said that she could see the desperation written all over my face.

A second attorney appeared. He wasn't there long enough for me to get his name though, as he couldn't make the April 3rd date either. I almost broke down in tears at that point, and my wife wasn't far off either.

All the while, Ladd, Nalepa, and Little-Fletcher continued to solidify exactly what they were going to do to us.

Denise McNulty then walked into the courtroom to represent us, and thankfully, she could make the date. Amazingly, we weren't given any time at all to familiarize her with our situation, the hearing just rolled right on.

Little-Fletcher made a motion to take the rest of my children, to which Ladd of course agreed (as if it weren't his doing). Smart looked at McNulty who threw her hands out to her sides, shook her head back and forth, and simply made a motion to keep our other children at home.

Just like that, Smart took my other three boys while McNulty sat there with her deer-in-the-headlights look.

The issue of visitation came up next. The AAG was thoughtful enough to suggest monthly visits with our children, the first of which to be at an FIA facility, afterward, at the FIA's discretion, to be at their placement (which all were gracious enough to agree that Angie and Jesse could take them). Ladd objected to this. His stance was that "the (FIA) was not able to make a well-informed decision" and "could not properly exercise its discretion" when determining if we would be allowed to visit our children. I was wondering if he was listening to his own words. He was taking a drastic action solely on the word of an organization who he himself was claiming could not possibly make informed decisions. Amazing. Astounding. Appalling.

Fortunately, Smart ruled that the FIA could use its discretion, something that was still not much comfort to us, given the level of competence they had exhibited thus far.

And just like that, my children were gone, and court was adjourned. No one saw proof of anything, simply an allegation was laid out on the table. The FIA didn't even need to lie. All they had to do was say they wanted my children, and the court ripped them from us. What was I going to tell Ryan?

Ladd stood up. Someone said something to him. In his smug demeanor he raised his fist in the air and bellowed:

“There’s only one way a baby can get a broken rib, that baby was punched”, accentuating the last word by shoving his fist higher in the air. An enemy for life. No going back. And no forgiveness.... ever.

Again, his outburst was timed conveniently after the stenographer had stopped typing.

Here was the man who was responsible for taking all of my children, thus fueling Nalepa’s flames of ignorance and incompetence, setting her on a path that would lead to her ultimate humiliation, and my family on a path of suffering that would never end.

He stood there, old, overweight, unkempt, and out-of-shape. It took every ounce of restraint I had to keep my 20+ years of martial arts, wrestling and weight training at bay. Right before me was the man who kidnapped my children, and I couldn’t touch him. In any other circumstance, be it on the street, in a mall, or at a park, I could do whatever was necessary to a man trying to abduct my children with no repercussions. But this man, this William E. Ladd, was able to do it; nice, clean, and legal. And I had no choice but to take it if I ever wanted a chance to see my boys again.

Outside the courtroom was chaos. Gina and I walked out simply too shocked to speak. My family had descended on Little-Fletcher, Nalepa, and Ladd trying to tell them that they had just made a huge mistake. McNulty disappeared.

For what seemed quite some time I wandered around the outside hall trying to make sense of what just happened. Slowly I started noticing things going on around me. I caught Ladd out of the corner of my eye. Gina’s aunt was talking to him, and you could see the intensity of what she was saying on her face, even though I didn’t hear. Then Ladd did it again:

“As I said, the only way a baby can get a broken rib is by being punched.”

Again, he drove his point home with a raised fist, but this time stuck it in Gina’s aunt’s face. I just looked away.

Off in a different part of the hallway I saw my parents talking to Grace. I was determined to put a stop to that. I marched up to hear Grace and my mother talking about my Native American heritage. Grace was telling my mother that we needed to establish proof of my heritage so that this mess could be moved to tribal court.

I stepped in between my mother and Grace, with my back to the woman who just took my kids.

“What are you doing?” I pleaded with my mother.

“She’s trying to help.” My mother replied. You could tell my mother was just grasping for straws.

“She’s helped enough, don’t you think?”

I couldn’t bear to stand in such close proximity to Nalepa. I stormed away. I was walking toward Gina. She was facing me, but looking at something over my shoulder, I could only assume it was Nalepa. Apparently Nalepa had followed behind me back toward the courtroom. Gina walked up next to me with her face as cold as chiseled stone and said to her:

“I get the feeling you have no idea what you’re doing. You haven’t been doing this long, have you?” Again, I wedged myself in between Gina and Nalepa, again, my

back to the CPS worker. I picked up Gina by the arms and physically moved her. A verbal confrontation with one of the three perpetrators in the courtroom was going to lead nowhere good.

Family were coming up to us consoling us. We were trying to make sense of what had just happened, but it was hopeless. Again I caught site of Nalepa talking to someone. I just stared. Everything blocked out except her face. In an instant my attention was broken when my mother slapped me across the face.

She took my head in her hands and directed me to look at her.

“Everything you want to do to that woman is written on your face.” My mother was right, I realized I needed to calm down.

Finally people started to disperse. We caught sight of McNulty. We both chased after her. We needed her to straighten this out. Nalepa was off to the side, but still within earshot.

Gina and I started telling her that a huge injustice had just happened in there, and I said as loudly as I possibly could while still being subtle:

“She hasn’t investigated anything!”

McNulty took us to the side and asked us a few questions about why this came about. We told her we were innocent. She looked at me and said: “I need to know everything; I can’t defend you from any surprises I don’t know about”.

I allowed her that shot, I’m sure she’d seen her share of parents that weren’t quite truthful with her. But I wasn’t going to put up with too much more from her after her dismal performance in court just now.

My wife asked what was going to happen next. McNulty’s next words were the reason we fired her.

“Now you will have up to a year to comply with the FIA’s reunification plan. Whether you want to comply or not is something the two of you will have to sit down and decide.”

Our own lawyer had us convicted already.

With every turn of events, with every person I talked to, things just seemed more and more insane. I couldn’t believe this was happening. I thought at any minute I would wake up out of this nightmare or that Alan Funt would come bursting out of a broom closet.

McNulty had a few more words to say, which I heard as “Blah blah blah blah”. She handed us her business card and left. That was the last time I would have anything to do with her. I would represent myself if I had to.

We were getting ready to leave ourselves when Nalepa again walked up to Gina and I. She said she needed to get some more information from us. John joined us and we went off to an unoccupied waiting area. John, Gina, and I sat facing Nalepa. She started off by asking where Moo was.

There was a moment of silence.

Seeming agitated, Nalepa restated her question. We couldn’t believe she was asking it. Gina said the only thing that could be said:

“You should know, you’re the one that took him from us.”

A nasty look was shot from Nalepa to Gina and back.

“At Angela and Jesse’s house” I said. Nalepa and Gina’s eyes were locked on each other. You could clearly see there would never be any love lost between these two.

She jotted some notes down in her book. I half expected Nalepa to ask for their phone number and address again.

She then asked where Willy was, to which I gave the obvious answer, Angie and Jesse's. She then asked about Ryan and Todd. We told her they were at the elementary school in the library with the principal.

She asked us how we wanted to handle this. I was honest with her. I told her that I wanted to pick them up and drop them off at Angela's house so that I could explain to them what was going on.

Nalepa sat back and cocked her head. She had a ridiculous expression on her face as if I were being unreasonable.

"Now come on!" she garbled.

"You asked me how I wanted to handle it" I said.

John said that he would drop my wife and I off at our house then deliver Ryan and Todd to Angela's. That apparently was reasonable to Nalepa because her neck uncocked.

Nalepa then said that she needed to get copies of all the boys' Social Security cards and birth certificates. Gina was great:

"I offered those to you last week and you didn't want anything to do with them."

"Well, I need them now. I'm going to have to come over to your house to pick them up" replied Nalepa.

"You should have gotten them last week" Gina shot back, obviously feeling the same way I did.

Over my dead body would she step foot back in my home.

Both Gina and I were getting pushed to the edge by her commanding attitude, especially in light of what she had just done to us in court.

I asked her if she had an email address that we could send her the information or copies she wanted. She started shaking her head back and forth and waving her hand, and it's then that Gina snapped:

"Just give us a list of what you need so we can get out of here."

You could see the surprise on Nalepa's face. You could see the insult. You could see the disbelief that someone had the gall to confront her directly and act as if she weren't the most important thing in their universe.

Her face went blank and her eyes appeared to become glossy. She raised her right hand, palm facing my wife and I, and said:

"We will discuss this on my terms. We're through here."

On that note I instantly stood up and grabbed Gina's hand. My sudden movement had the unintended but highly enjoyable effect of making Nalepa flinch.

We walked out of the Lincoln Hall of Juvenile Justice. We went back to John's Explorer where both Gina and I sat in the back. No one said a word. We got on to I-75 for the trip back to our now empty home. We did not know if or when we would ever see our boys again. Neither one of us could talk. Neither one of wanted to talk. Myself, I just wanted to die. I failed my boys. I couldn't do a thing to defend them just now, and I lost them all.

I-75 was at a standstill. The reason was obvious. Snowfall.

John dropped us off at our house and left for Taft Elementary to pick up our oldest two.

Gina and I still didn't talk. Neither one of us wanted to even move. We walked into our empty house without even bothering to turn any lights on. We went into separate rooms and simply sat down.

After some time I got my cell phone out, and then Nalepa's business card. I called her. There was no answer, so I waited for the voice mail to kick in. To this day I regret what I said, it must have stroked her ego to hear it.

I was crying, and I apologized for my behavior after court. I then told her that she couldn't believe those horrible things Ladd said. I then pleaded with her to let us see our boys as often and as long and as soon as possible. I thanked her for her time and hung up. It was pretty pathetic.

At about the time that I was begging Nalepa's answering machine for mercy, John arrived at Taft. He told the principal what had happened. She couldn't believe it. He broke the news to the boys, who didn't take it all that well, but still handled it respectably. But they were scared.

Our boys arrived to find a devastated Angie and Jesse. Nalepa was also there at their home. Ryan and Todd were sat down and Nalepa explained to them what had happened. Neither boy had anything to say to her.

A few parting threats were made to Angie and Jesse by Nalepa ("If you do anything to violate my rules, these boys are outta here") and it was over.

Earlier in the day, sometime before the trial started, Nalepa had called Angie to ask if it was OK to place the rest of our boys with her. Angela of course agreed. She then tried calling John on his cell phone (hence the ringing cell phone in court). Apparently Ladd and Nalepa had been plotting their little schemes before they even got into room 1-J.

We called our boys and spoke with them, trying to be brave on the phone, acting as if nothing were wrong. We also arranged for John to come back and pick up a bunch of their clothes and toys.

Each thing we packed for them drove another nail into each of our hearts. I have never done anything so emotionally and even physically painful in my life.

The rest of that day was a haze to me. I called the phone number I had for my ex up in the U.P. and she answered. We talked for about an hour about what had happened, how it came about, and how she was sure it would all end very quickly. She was surprised at what transpired though. There was never any doubt in her mind that my wife and I were innocent.

I can't write too much for the rest of that day. Nothing made sense and all time seemed to stop. I know I did get some sleep that night. We both fell from exhaustion finally. Even though our family was in the worst situation we had ever been in, at least the first part was over, and we knew where we stood, we had identified the enemies, and we knew what we had to do. The legal system was useless, the truth inconsequential. We had to make these people see that they did not want to win this case. We had to pull out all the stops and make them realize what was really at stake here. Children's best interests, everybody's favorite catch phrase, meant nothing. It was their interests we had to show were at stake.

Tuesday to Thursday, 3-26,27,28

We drove over to Angie's house. There were our four boys waiting for us on the porch, all smiles and ecstatic to see us. As we pulled up in her driveway, Jesse had to restrain Willy from running off to our car. Once our car came to a stop we both excitedly rushed out of the car, toys in hand, and ran to our boys. We each took turns hugging two at a time.

I was just finishing strapping Moo in the car when I woke up.

Reality rushed in with the alarm clock.

This wasn't a nightmare I would wake up from. My life was a nightmare I woke up to. Not only was my temporary reprieve from hell over with, I had to go to work on top of it. It had been 10 days since I was last there, and I had to march into work, where by now everybody would have known what happened, and put on a brave face and deal with everyone as if it were business as usual.

I had to perform password resets, troubleshoot account issues with users, and even investigate people for possible wrongdoing. I honestly didn't think that would be a duty assigned to me for quite a while.

That morning I called over to Angie and Jesse's to talk to my boys, which I was not allowed to see by court order, all in the boys' best interests as determined by a malicious and incompetent CPS worker, a referee who didn't have clue one to a single fact, and an LGAL who I can only classify as either evil or the dumbest person to ever pass the bar.

I was brave for them, I didn't cry. I just hoped their school day wouldn't be as difficult as my work day.

I drove by the school my two oldest were at, and the home my two youngest were at on the way into work that day. It was some consolation just to be that close to them.

My workday was difficult, and everyone was appalled as I recounted what happened. My coworkers were completely supportive, and it meant a lot.

But honestly, I really don't remember one specific event until Wednesday afternoon when my wife received a phone call from a woman at the FIA named Ruth Barrese. Barrese was Nalepa's supervisor. I was at work when the call came.

Barrese called to tell us that she had arranged a meeting with our children for us. We were going to be able to see them on Good Friday at 11:00 am. The meeting would take place at the Western Wayne Child and Family Services building on Ecorse Road in Taylor. We would have one hour. Barrese warned my wife sternly that we were not to become too emotional, she was concerned about our children (I have a hard time typing that in without breaking out into laughter). She warned Gina; "If you do one thing wrong I will instantly terminate your visit". Between her sobs, Gina assured her that we would not cause any problems.

We prepared Easter Baskets and loaded them up with hard-boiled eggs and toys to give to them on Friday. Since we weren't allowed to see our children outside of the FIA, we wouldn't be able to do our traditional Easter morning. The Easter-egg hunt was something I really enjoyed as a child, and something I looked forward to putting on for my children every year. This year it wouldn't be, simply because we were caught up in a system that appeared to process families as if they were cattle.

Those three days were a huge conglomeration of sorrow and shock. Neither my wife nor I had any sense of what was real any more. Neither one of us had really been in trouble with the law, and our few brief times each that we had any dealings with courts, we saw that they were fair. Nothing like what was going on now. It was hard to believe that we were still in the USA. Both Gina and I grew up during the cold war, and we'd been exposed to all of the anti-communist propaganda. We were convinced that our court system was fair and just, and that things like this happened in other countries where the people didn't have a voice.

Thursday we met with an attorney, Edward Homeier. We knew we couldn't keep McNulty, she was not only apathetic, she struck me as incompetent. Again, I do not remember many specific details of that first visit. I do remember both Gina and I breaking down into tears a few times as we recounted what happened.

However one piece I do remember from that day was Ed telling me about Ladd. Apparently Ladd had a history of courtroom theatrics and had little regard for the truth. A U of M grad living in Ann Arbor, Ladd had turned "representing" children into a profitable little venture for himself.

Ed seemed nice enough, and even knowledgeable. He personally knew many of the players in this "game". He knew Barrese and had known her husband before he collapsed on a racquetball court and died. He knew Lievense, and had nothing but nice things to say about him. Ed felt that Referee Smart was a fair man. He refrained from saying anything negative about anyone, but from his comments you could get a feel for the general aggressiveness, intelligence, and overall competency of many of the people we discussed. He had never heard of Nalepa.

He did strike me as the typical lawyer though, saying what he needed to say, being honest when he had to. Even though he was trying to sell himself to us, he did have the guts to tell us things we didn't want to hear. He told us we were in for the long haul, and this wasn't ending anytime soon. He did act like he knew we were innocent, something he could not have known from our brief contact. It was almost as if he was patronizing us, but he was the first person in this entire issue that had been on our side aside from Cynthia Butler and a few select nurses, in spite the fact that he was being paid to be on our side.

Before we left he told us that in all the years he had been doing this, he never had any parents come into his office prepared to fight the way we were. We brought him all the documents he would typically be scrounging to find, the court records, hospital records, school records, etc.

We had to pay him a hefty retainer, and we would be wiping out our Disney fund and going into debt to do it, but at that point I would have sold my soul to get my boys back.

Friday, 3-29

Gina and I were both up and out of bed by 4:00 am. I can't imagine either of us had gotten much sleep, but we finally gave in to our insomnia and went about preparing for our visit with our boys. Unfortunately we had already prepared everything the night before, so for the next 6 hours Gina and I sat in silence broken only by occasional brief exchanges.

At 10:00 am we left for the Western Wayne CFS (also known as the Taylor-Ecorse FIA). The facility was a ways off from where we lived, and we lived relatively close to Angie and Jesse. I was aware of this, and I knew we'd be taking virtually the same route to get there, so I left early to hopefully avoid seeing them on the road.

Not early enough.

Almost immediately upon getting on to Northline road we saw Angie and our boys. Angie saw us too. I sped ahead as Gina burst into tears, and Angie almost intuitively turned off to put distance between our vehicles. She took our boys on a round-about detour to avoid seeing us on the road again.

After what seemed like hours we arrived at the FIA office. It was a non descript building in a tan color. It looked drab and dreary from the outside. We parked in the front lot. Our boys weren't there yet. We were a half-hour early.

We got out of our Excursion and gathered the baskets, my wife and I carrying two each. We wanted to get in and set up our baskets for the boys so they would be ready when they arrived.

The waiting room was even more drab than the outside appeared. There was a beige tile floor and beige, dirty walls. It was apparent that this building had been around back in the days when workers were still allowed to smoke in their offices, and hadn't been properly cleaned since. The florescent lighting only served to bring out the callous, cold nature of the place. Across from the entrance doors was the reception desk, staffed by a single woman. To our left was a hallway lined with several closed doors opposite each other on both sides. Shades of the re-education rooms in Orwell's 1984 crossed my mind. Next to the hallway entrances was podium with a security guard sitting behind it. The security guard was a frail older man who provided little in the way of actual physical security.

We walked up to the receptionist who greeted us in a mechanical, but seemingly annoyed fashion. We introduced ourselves and asked to see Ruth Barrese, or whoever we were to see that day. The receptionist gave us an icy order to sit down and she would call the appropriate person.

As we sat down Angie walked in with our boys. This was the first time we'd seen each other in almost a week. They ran to us. The receptionist and security reacted in a way that I can only describe as "freaking out". The security guard approached me with his hands outstretched as if to pull Willy off my leg where he was clinging, and the receptionist started wailing from behind her desk that we were not allowed any contact with our children.

Gina clung to Moo, while Ryan and Todd kept their distance after viewing the reactions of the employees, and Angie was at a complete loss for what to do.

Before the security guard could lay a hand on Willy I stuck my own hand, palm out, towards the guard. No one in the employ of the FIA would be touching any of my sons in my presence. The guard, being no younger than his mid sixties, sensed that it would be more trouble than it was worth for him to proceed and walked back behind his podium.

Regardless, we wanted to comply with the FIA's rules, we didn't want it to appear as if we were troublemakers, or worse yet, had any disdain for the FIA, so as hard as it was, we peeled our youngest off of us and handed them off to Ryan and Todd and Angie.

When they had Moo and Willy under control, the receptionist told us *we couldn't even look at them!* She called back into the offices for someone to come. Ryan and Todd kept trying to talk to us, and Willy and Moo were screaming for us, while we were forced to stand with our backs to them and not acknowledge them. In an effort to ease the tension, Gina asked the guard if we could at least give them their baskets to keep them occupied until someone came out. With a smug sense of superiority, the guard refused our request.

It was probably two minutes until someone came out, but it felt like hours.

Colleen Nusbaum came out of a door behind the receptionist desk and walked towards us. She quickly saw what was going on. The expression on her face was in between amusement and disgust, which I initially misinterpreted as just another FIA worker having to deal with an irrational family. To this point no one in the FIA gave me any reason to respect or even trust them.

"I think you're taking this a little too literally" she said to my wife and I. We looked at each other, then at the guard and receptionist, who seemed embarrassed by Colleen's comment.

"That's what we were told to do" Gina replied.

Colleen shot looks around at the two employees in the lobby and shook her head.

"Come with me."

We grabbed our boys and took turns hugging each one, maybe a little too tight. Both I and my wife exercised great restraint and acted like there was nothing unusual in seeing them (we held our tears at bay, Ruth's threats fresh in our minds).

We followed Colleen down the hallway past the Orwellian rooms and into what appeared to be a cafeteria. The room had a higher ceiling, and was decorated to look much like a kindergarten or even pre-school classroom. There were several boxes of toys, ride-in vehicles, and even playhouses. As pleased as the two little ones were to see us, they were just as pleased to see a whole bunch of new toys to play with. Willy tried dragging me in one direction towards a playhouse, and Moo was trying to get Gina to play with some blocks with him. As I saw what was going on I thought to myself "We only have one hour". If I was supposed to divide my time between them like this then I couldn't get any kind of a visit with any of them. I could see from Gina's reaction that she was thinking the same thing. Ryan and Todd were left standing with Angie while Gina and I were trying to rein the little ones in.

"This is no good" I said out loud.

"How are we supposed to visit with our boys in this room?" I added.

Colleen offered that we could go back down the hallway to one of the small rooms, but that it would be crowded and she would have to be in there with us the whole time. We readily agreed. At least we would have our boys all around us instead of scattered around playing with toys that weren't theirs.

We all walked back to one of the small rooms. It was going to be very cramped, but that suited us fine. Angie requested to stay in the lobby, and Colleen agreed.

We hugged some more and then gave the boys their Easter baskets. For a very brief time, all our pains, worries, and nightmares went away. We were with our boys again, which is the only place we ever wanted to be. We focused on them, played with them, talked with them. It was almost as if everything were back to normal. Almost.

The whole visit we knew it would be coming to an end, but both Gina and I tried to ignore the time.

We put together their Lego toys. We talked about school. We played with them. Gina and I took turns breaking apart candy for Moo so that he wouldn't choke on it. Things were normal again for a short while. I had to scold Ryan for putting his feet up on the couch. Gina had to break up a dispute between Todd and Willy over a toy they both wanted. And we both had to keep a constant eye on Moo. They were still the same boys, albeit with a touch of melancholy in their personality now, but still the same boys.

Then the inevitable happened.

"We have to wrap it up" Colleen said.

With as brave an air as we could muster, we stood up and announced to our children it was time for them to go. We were met with instant wailing and the clinging of our children. Both Gina and I went to work calming them, reassuring them everything was OK, and dressing them in their winter coats and boots. They asked us to take them home, and we told them "soon".

My feet seemed to weigh 100 pounds each as I walked the boys toward the door of the tiny little room, and then gained weight with each step down the cold hallway toward the front lobby. Angela stood up as she saw us and hurried her own coat on.

I walked the boys to the door and Gina and Angela took them out to the car. I just couldn't bring myself to do that. I stood there in the breezeway watching Gina struggle with Willy to get him in the car while he continually tried to wrap his arms around her neck. I felt guilty and selfish that I would make her endure that alone, and went out to help. Somehow, before I got there she managed to get them all in the car and buckled up. She met me halfway.

We walked back into the lobby, and Colleen led us to a room just down the hall from where we had just visited with our children. She told us to wait there while she prepared, and left for the back offices.

The room was about twice the size of the room we met with our children in. Instead of couches there was a large table in the center, surrounded by four chairs. On the wall to the left as we walked in there was a "mirror". It was large, about four feet by eight feet, with the long edge parallel to the floor. The mirror was elevated about four feet off of the floor itself. It was plainly obvious this was a one-way mirror, and not a very good one at that. We could see the chairs in the observation room on the other side.

I took a chair on one side of the table, and Gina took the one opposite me. I reached my hand across the table and she grabbed it. We sat there in absolute silence for what seemed to be no less than a half hour, the actual duration of which I will never be able to accurately estimate.

Colleen walked in and sat down on the end of the table. Neither Gina nor myself wanted to participate in any discussion with another FIA employee. Too many things we'd already said had been twisted and writhed into half-truths and outright lies. No observations I'd made of Colleen gave me any reason to expect anything different. Luckily we remained objective, if somewhat silently prejudiced.

With all the emotions we were enduring at the moment, having to have just moments earlier say goodbye to our children whom we hadn't seen in a week, it's hard to remember exactly how the conversation started. We let her do all the talking at the start. She started by telling us that everything would be OK.

I couldn't help but mentally roll my eyes. I didn't dare actually roll them. The last thing I needed was another worker perceiving (albeit accurately) my disdain for them.

Gina sat silent.

"I want to start by letting you know that I'll be granting daily visitation in the foster home."

I looked at Gina. Gina looked at me.

"I'm sorry?" I stammered.

Colleen repeated herself.

"Can we see them today, after we leave?" Gina asked.

"Of course" Colleen replied with an understanding smile.

Gina looked, as must have I, dumbfounded. We were in what we perceived to be the "belly of the beast", an FIA facility, and were actually receiving good news.

Tears welled up in both our eyes immediately and we both started to cry, despite our bravest efforts to restrain ourselves. Two weeks of dark clouds gathering over our heads had worn us to the bone, and we had just received the first ray of light to pierce through them.

From that moment on we told Colleen everything. She had to get our family background, and we answered her questions without hesitation. We then began to talk about each of our boys in turn, Moo first. We told her how Moo was the fearless marauder. We told her of a fishing trip Ryan and I took with my father-in-law, where we had to tell Ryan that the fish we caught were going to a pond because he was scolding us for not practicing "catch and release".

Next was Todd and his inexhaustible ability to talk and talk and talk. Then was Willy and his sense of empathy and concern for others.

We talked about our lives, about our families, about everything.

To be honest, I only remember bits and pieces from the moment Colleen gave us the news. I do remember wanting desperately to get up and go see my boys, but wanting to stay too in order to help Colleen find the truth that passively eluded Nalepa. I also wanted to find out who she was and why she was doing what she did. We had felt as if everyone else we talked to, from doctors, to social workers, to referees and lawyers, had been holding shotguns to our faces as we dealt with them. But this lady seemed to actually care about what was going on. That took us completely by surprise.

When it was over with approximately an hour and a half had passed. In one respect it felt like an eternity, because we wanted to see our boys. In the other though, the time almost seemed to fly by because we genuinely enjoyed talking to her.

We said our goodbyes and got her information. She would not be at the probable cause hearing on the coming Monday for some reason that we didn't garner.

As the car started up, Gina was on the cell phone to Angie telling her what had happened and that we were coming over. I couldn't drive fast enough. I even cut off a few cars turning left onto Ecorse out of the Western Wayne CFS parking lot because the traffic was relentlessly persistent.

And before we knew it we walked into Angela and Jesse's house to see our boys again, for only the second time in a week.

The visit itself was wonderful. We sat with our boys, changed Willy and Moo's diapers, and in general just tried to act like a normal family. A normal family that wasn't

allowed to be together in their own home. At lease we were allowed to be together, and that's what mattered at that moment.

Then the inevitable came. We weren't allowed to stay the night, and we obviously couldn't take them back home with us. We had to leave. That night the first performance in an increasingly intense and emotional production that would last 3 months was played out. The boys, especially the youngest two, didn't want us to leave. Ryan and Todd were able to understand and accept that we would be back tomorrow, and besides, Angela was going to let them play Playstation. But we had no way of communicating that to Willy and Moo, who desperately wanted to leave with us.

After about a half hour, Angela and Jesse each had to hold a screaming child as we left.

When we returned our house was dark, and we didn't turn any but the dining room light on. There was no need.

We went to bed, to dream. However when we would wake up the next morning our nightmare life was just slightly less terrifying.

Saturday, 3-30 to Tuesday, 4-2

On Saturday we visited with our children for hours. But, I was anxious to get home. Not that I wanted to spend any less time with the boys, but know my mind was finally freed up to think about other things instead of wallowing in misery. Knowing that I could hop in the car and see my boys at any time was a great relief, and it allowed me to start turning my gears.

We got home at about 8pm that night. I went to work.

The internet is a wonderful tool. I remember when I first stumbled across it back at Michigan Tech when it was still in its infancy. Long before the World Wide Web, there was FTP and GOPHER. They held a wealth of information. Then when the WWW came along it opened up so many possibilities. I feared that its potential would never be realized because back at that time in the early nineties, home computers were still the exception and not the rule.

But now, in 2002, that potential was being realized, and I put it to use.

I had never known that all the laws of the state of Michigan were available for the viewing. Along with the laws there were many other things on line such as the CPS Manuals, the Forensic Interviewing Protocol, all the contact information for every elected official you could hope to reach, and much, much more.

I began studying. I read the laws pertaining to child protection forward and backward. I memorized entire sections of the CPS manual. I printed out everything that I could get my hands on that might help. I researched newspaper articles about Referee Smart, William Ladd, and about cases in general.

It turns out that I was not alone. There were entire online communities dedicated to CPS reform and support for innocent parents.

There were also pitfalls.

We tried contacting groups such as Victims of Child Abuse Laws (VOCAL) and the American Family Rights Association (AFRA). Their claims seemed outrageous at first, but with what we were going through I was willing to believe the worst.

My wife called someone from the Michigan chapter of VOCAL. They seemed a little odd to her at first. I was with her when she made the call, and the expression on her face went from desperation, to concern, to bewilderment, to surprise, and finally to amusement. I could tell from the end of the conversation that I was privy to that this wasn't a group we wanted to deal with. On the off chance my wife hadn't already drawn the correct conclusion, I indicated to her not to give them any of our contact information.

When Gina got off the phone she was almost in tears with laughter. The VOCAL representative she had spoken with had told her that CPS was a gigantic Gay, Lesbian, and Jewish conspiracy to remove children from proper Christian heterosexual homes and have them placed with Jewish and homosexual parents. That was our first and consequently last contact with anyone from VOCAL.

AFRA seemed a little better, but the language and tactics they used were too emotionally driven and although well researched, immature at best. In my opinion AFRA can do quite a bit of good if the leadership sees its way clear to stop using cases such as Elian Gonzales as their rallying cry.

The real help came from michiganlegislature.org and michigan.gov. I found so many instances of where laws and policies were violated that with each revelation my stomach turned (I'll be discussing those later). But, with everything I read, I was sure that we would soon have the upper hand in dealing with CPS. They didn't have a leg to stand on legally in our case, as there was no proof to back up their claims. As a matter of fact, the FIA hadn't made any actual specific claims, just that our one child had been abused, but not how or when.

I also started gathering information to return fire after our case was closed. I found media contacts, elected official contacts, grievance websites, and most importantly a department in Michigan called the Office of the Children's Ombudsman. The Ombudsman's office had no real authority (at that time), but could cause problems for the FIA if they started investigating. We didn't want to give the FIA any more reason to attack us, so I decided to put the Ombudsman contact information in a safe place until a later date.

There were also newsgroups, Yahoo! Groups, and mailing lists to join. While looking for information on Ladd, I came across meeting minutes for a group called the Child Law Section (CLS). This is an organization open to virtually anyone that has anything to do with Child Law in the State of Michigan. One of the board members whose term was expiring in 2004 was Ladd. Another one whose term was up soon was McNulty. They had a mailing list that people had to apply to get on to. I figured it couldn't hurt to try. Without making any false claims or misrepresenting myself in any way, I applied. Shockingly, within minutes I was accepted.

I started receiving emails from people who posted to the list. Although this didn't directly help me out with my case, in the time I've been subscribed I have seen many interesting things come across that list. Some good, some bad. More on that later.

With all the information I was gathering, I was more and more confident that the FIA couldn't hurt us any further. According to law, from this point on the FIA was required to have proof. In point of fact, the FIA was supposed to have proof already, but I chalked that up to an oversight on Referee Smart's part which he should be more than happy to remedy. In the State of Michigan, to have a petition validated in family court, the burden of proof is on the petitioner. That little fact seemed to get past Smart, but he

struck me as an honest and fair enough person, and Ed seemed to think that he was a decent referee.

By the time I was done printing on the first night alone I had gone through two reams of paper and a new black ink cartridge.

Completely exhausted I went to bed where Gina was mercifully asleep. It was approximately 3:00am.

Sunday was the day that I was being baptized and confirmed at St. Joseph's in Wyandotte. I had been attending RCIA classes for months at this point, and the Easter Mass was the day that RCIA students become full-fledged members of the Catholic Church. Weeks before we made the acquaintance of Yuan, Nalepa, Ladd and the rest of the crew I was asked to choose a confirmation name. I ironically chose Michael, the protector of children. I chose that name specifically for its meaning.

Colleen had told us that our children could attend my confirmation. Of course, we would not be able to drive them ourselves, but they would at least be allowed to be at the church with us.

We got up early that morning. The traditional Easter Egg hunt couldn't happen, at least not at the home of my family. We had to get to Angie and Jesse's early, before the kids rose for the day. I was physically exhausted, but the prospect of hiding the eggs for the hunt had me excited and wide-awake none the less.

By the time we got there, the kids were already up and Angie had conducted a makeshift hunt for them.

Just one more thing the FIA stole from us.

The rest of the day was pleasant however. It was warming up, and we barely needed coats. We ordered pizza and spent no time worrying about the turmoil of daily life, much less the corner the FIA had us backed into. It was a good day.

Mass went as expected, we sat with Ryan and Todd between us (Willy and Moo stayed back with Jesse). Afterward we all met up back at Angie and Jesse's to say our goodnights to the boys. That night was the first night an event was played out that would only grow more intense and heartbreaking as the months lingered on. The night before when we left, the boys had been sleeping. But tonight they were up and about.

Ryan and Todd weren't a problem. They were able to intellectually grasp the situation and that we would be back. Besides, Nintendo took their minds off the problem. But Willy and Moo were a different story. Willy cried for us not to leave, and then cried for us to take him with us. Moo was just as bad.

Angie and Jesse each had to grab and hold a younger one as we walked out the door. As we pulled away we could see their tear-streaked faces through the living room window, their hands pressing on the glass, trying to get out, screaming for Gina and I not to leave.

At that moment I hated Nalepa and Ladd more than I had ever hated anyone in my entire life.

Over the next few days we visited with our boys, and I "hit the books" on the internet absorbing all the information I could. I also made the first of many visits by myself back to the dreadful Taylor-Ecorse FIA offices. I dropped off a request in writing for Nalepa's investigation report.

Gina and I talked about all aspects of the case over those days.

Gina was convinced that this was a big misunderstanding. She was sure Ladd would see what happened and atone for his actions at the next hearing. I on the other hand had met too many people of his mold during my life. I knew that he would never back down or admit a mistake. I knew that we would be fighting him to the bitter end.

As for Nalepa, we both agreed that she was a fumbling moron, but posed little threat beyond what she'd already done to us. She couldn't possibly do any worse. On April 3rd we found out that we were wrong (about the "possibly doing any worse" bit, fumbling moron theory still very much in tact).

Wednesday, 4/3

We arrived at the courthouse early, anxious to get the hearing underway. We knew we wouldn't be getting our boys back, but we also knew this would put us one step closer to that goal. It was also the day we were officially firing McNulty.

Our contingent of friends and family showed up for support. Colleen had told us already that she would be unable to make the date, but wasn't concerned. After obtaining the location of our hearing from the same apathetic clerk as the week before, we marched upstairs to wait outside Referee Quinn's courtroom. Everyone was seated except me. I kept walking back and forth looking for any sign of Nalepa or Ladd. I wanted either/both of them to look me in the face. I caught a glimpse of McNulty, who tried making herself cordial to me. I walked past her as if she didn't exist.

At about that time I caught a glimpse of Nalepa. She was at the opposite end of the hallway sitting by herself in a nook that was offset from the rest of the hallway, completely out of view where Gina, my family, and friends were sitting. I doubt that was a coincidence. She wouldn't look up from her folder, which was closed. She knew I was there. Just to antagonize her I kept strolling back and forth, hoping, praying it was making her more uncomfortable each time I came into view.

Ed arrived and greeted us. He didn't have any earth shattering revelations for us. He did however advise us to waive the Probable Cause hearing, a move that in retrospect I believe was not wise. I am convinced Ed did this because he thought his clients may be guilty of the charges and wanted to save us an embarrassing day in court.

When the time came we were ushered into the courtroom. This one was significantly larger than Smart's room. There was still a hearing going on, in which Quinn, a woman who looked to be in her mid-forties, was chastising a lawyer for trying to tell her what to do in her own courtroom. Quinn didn't seem like a happy-go-lucky referee.

When the tongue-lashing was done the humbled attorney was dismissed and we were called forward. Ed, Gina, and I sat directly across from Nalepa and a new AAG. This AAG was younger, looked to be no more than 24. Her name was Jennifer Rosen (now Gordon-Rosen). She was giggling talking to another person of approximately the same age about how much fun she'd had out with friends the night or two before. I couldn't help but feel that this was entirely inappropriate considering that the lives of our children were on the line.

Ladd was nowhere to be seen. Quinn asked to have him paged. Within a minute we heard Ladd being summoned to the courtroom we were waiting for him at. Over the next few minutes he was called for over the PA system two more times.

Ed got up, made a gesture to me not to worry, and left the room. Almost as suddenly he returned, with another young female attorney in tow. I never got her name, but I do know that she was a LADA attorney.

Quinn called the court to order. The first order of business was having McNulty replaced. At least something went how we wanted it. We were then all asked to swear in (Gina and I along with Nalepa), which we did.

Ed started everything off by informing Quinn that we were waiving our probable cause hearing. Quinn agreed and continued the hearing in order to set the pre-trial.

Nalepa was asked what the current situation was with our children. She replied to the referee that the children were all placed with the maternal aunt and that visitation was limited to once a week at the FIA. Gina and I looked at each other. Nalepa didn't even know what was going on with her own case!

Ed stood up and started talking over Nalepa to inform the court as to what the situation actually was. For some reason Nalepa didn't seem to be surprised by this. The whole situation seemed surreal.

Quinn then asked Nalepa what efforts she made to keep our children in the home. Nalepa's answer was: "The children are now the maternal aunt and...."

"What effort did you make to keep the children in the home" interrupted Quinn, impatience ringing in her voice.

"The father tried to remove the youngest child from...." Nalepa regurgitated from some notes.

"Did you make any effort to keep from removing these children?" reiterated Quinn, this time with a raised voice and visibly irritated with Nalepa's inability to answer a question directly.

Nalepa sat there silently, folded her hands, and looked down at them as if an answer were going to seep out from between her intertwined fingers.

"I'll take your lack of response as a 'No'" smirked Quinn.

Rosen sat there with her mouth agape. The expression on her face said that there was no way she was going to put up with her client being embarrassed twice in a row without retaliating.

"We will be filing for termination of parental rights" Rosen blurted out as fast as she could. This hit both Gina and I like a bullet, but we somehow miraculously did not react at all. The gasps from our friends and family filled the room however.

"You can file whatever you want to" snapped back Quinn. It was obvious she didn't like either Nalepa or Rosen, or even both.

Without missing a beat Quinn directed the questioning at me.

"There is some question as to whether or not you have Native American heritage Mr. Valenti."

"It turns out that it was a tall-tale my grandfather told" I answered. I knew Nalepa was going to try to use that to bail herself out of the mess she'd created by dumping this off onto tribal court, and I wasn't about to let her.

Quinn then confirmed with Gina that she had no Native American heritage, and went directly into setting the date for the pretrial, which would be April 10th. Rosen, feeling she had lost this round despite the shock of TPR felt like going down swinging.

"What about visitation?" she prodded, hoping to turn the screws.

“Have there been any reported problems?” Quinn inquired. Checkmate. Neither Nalepa nor Rosen could answer that question in anything but our favor. To do so would be perjury, after already claiming ignorance as to the actual visitation arrangement. Besides that, there *were no* problems to report.

Again, Nalepa and Rosen sat there with eyes wide open, mouths agape, speechless.

“Then I see no reason to alter the current arrangement.” Quinn concluded.

The initial petition was authorized simply because we had waived our probable cause hearing.

Court was adjourned. The attorney there to “represent” our children in Ladd’s place finally spoke: “It just got worse, didn’t it?” she asked of Ed.

“Yep.”

We all filed out of the courtroom. I began talking to Ed when to my shock and horror, Nalepa stepped in front of me and began talking.

“Mr. Valenti, I’ve received your request for my investigation report. I will deliver it when it is complete. When you get your copy the names of certain people and parties will be crossed out with a black magic marker because you’re not allowed to know who reported you and who gave me information.”

I didn’t even acknowledge her. I already knew everything she was telling me anyway, I had the CPS manual memorized, along with much of the compiled laws. I was however a little disturbed that she was able to take my children out of our home and file for termination of parental rights without even having her report done!

After she walked away Gina and I resumed talking with Ed. I kept my eye on Nalepa still, and noticed she had turned back toward us as if to add something. Ed noticed it too and said: “We need some privacy.”

He escorted Gina and I into the stairwell to talk. Just as he started, Nalepa’s face peered through the window of the stairwell door. She saw the three of us standing there and began to open the door. Ed saw what was happening and issued one instruction with which I was happy to comply.

“Close that door.”

I placed one hand on the door and even though Nalepa was in the process of opening it I was able to shut the door and back her out with ease. She gave up her effort after that and turned and walked away.

Ed told us that this had become very serious, as if we needed the enlightenment. He told us not to worry however, and it was actually to our benefit what had just transpired. I didn’t possibly see how this could be a good thing, after all the stakes were just raised, and if we lost our children would be adopted away. I deferred to Ed’s judgment and didn’t question him.

We arranged another meeting later in the week with him and went back out in the hallway to our family and friends. He did add though that this case was going to go the distance, and there would be no quick return of our children.

After the hearing I took Gina home and went back to work. My co-workers were anxious to hear what happened. I was happy to tell them. We finally seemed to have struck a nerve with the FIA, even though they retaliated with the biggest gun they had, TPR.

Thursday, 3/4 to Tuesday, 3/9

Over the next few days I started writing senators, representatives, commissioners, the Attorney General (who at the time was Jennifer Granholm), even President Bush. I refrained from contacting the Attorney Grievance Commission and the Office of the Children's Ombudsman however, I didn't want to give these people an excuse to have a personal vendetta against me. Yet.

In the State of Michigan there is a neat little database called the Central Registry. This is a list that people hiring day care workers, teachers, coaches, etc. or anyone that can claim to have a need for that matter can garner access to. If a potential candidate is on this list, they likely will not be hired. The Central Registry is a list of all the people in Michigan who have been found responsible (not in a court of law, but in the mind of a CPS worker) for abusing and/or neglecting a child. Parents are placed on this list with no questions asked, the FIA is only required to notify the "perpetrators" when placing them on this list. We received the notification via registered mail.

To top it all off, there was an additional slip of paper which we were to sign and return, acknowledging that we were aware. We never bothered sending them back.

We talked to Ed extensively. He was talking about hiring a doctor who would refute that Moo ever had broken bones. Neither I nor Gina wanted to go that route, since it wasn't the truth anyway. Moo did have two broken bones at different times, whether the healed fractures were showing up on x-rays or not. We never denied the fractures. It was up to the state to prove that those bones were broken because of abuse, which we knew they couldn't prove. We told Ed not to waste our money on the doctor. He did however give us another bill which would effectively double the price of what we were paying him.

We also talked to Colleen, who seconded Ed's claim that the TPR filing (which at this point had not been actually done yet) was a good thing. With the filing of TPR, it became an all or nothing gamble on the FIA's part. They would either win or lose, and Colleen had no doubt in her mind we would win.

Colleen wanted to conduct a visit to our home. She also wanted to bring her supervisor, Gerene Janestko. We were more than happy to agree. The visit was set to happen before the next hearing.

I mentioned to Colleen about what had happened in court, with Nalepa not knowing the current status of visitation. She was confused by this as both Barrese and Nalepa had been informed face to face about the status of visitation. What Gina and I had previously chalked up to incompetence no appeared to be perjury. We could see no reason for that other than a veiled attempt to bias the court against my wife and I.

One other thing that struck me as odd. I had reviewed the laws and policies extensively, and in order for the FIA to do what they were doing to us, we had obviously been labeled as a Category I family, one in which the children were in sever danger in our presence. According to state law, namely the Binsfeld legislation (named after former Lieutenant Governor Connie Binsfeld), a well meaning piece, but poorly thought out and far too generalized, the FIA was to have referred our case to the Wayne County Prosecuting Attorney and the Wyandotte Police within 24 hours of determining we were a Category I family. After all, beating someone badly enough to break bones was a criminal offense. We continually contacted the Wyandotte PD, but no report had been

filed with them. We decided to let the Wayne County Prosecutor contact us if he had anything to hit us with, which he never did.

We continued our visits with our boys, which is what kept us alive. Even so, every night became harder and harder. Willy was the worst. He was too young to reason with and reassure, but old enough to pick up subtle signs, such as when we would be preparing to leave. Ryan and Todd were fine with it, knowing we would see each other again the next day. But Willy was a different story.

It began when Willy ran to the door as we were leaving, struggling to put his coat and shoes on so that he could leave with us. Moo was still too young to realize all that was happening and would just sit and cry.

Each night Willy got a little more clever in trying to trick us. I broke down into tears one night as I walked to the door and saw Willy dressed and ready to leave. Not only was he ready to go, he had walked Moo over to the door, had put his coat on him, and was struggling to get shoes on his feet. Willy had just turned three a few months earlier, and was dressing his little brother hoping that we would let him come home after seeing how hard he worked to get ready to leave. Each night we tried to explain to Willy that we couldn't take him home and that we still loved him as much as we ever did. It was no consolation to our little 3-year-old.

Over the course of that week we heard back from a few elected officials who were all too happy to tell us there was nothing they could do and wish us luck. Nothing came of any of our other inquiries.

We also made repeated calls to John Lievense. He was on vacation.

Before April 10th arrived, Colleen and Gerene conducted their home visit. Gerene seemed to be a pleasant person, but we still had our guard up with her. We showed them around the house, explaining what happened where, and talking about the boys in general. After the tour was over we sat down and opened up the baby books for each of our boys to them. We talked and laughed and cried.

At that point we were able to see that Gerene had a grasp of what was really going on. Her tone changed, and she started telling us that we needed to take care of ourselves. Colleen had mentioned to her that she noticed both Gina and I had lost weight since the last time she had seen us, which had been days earlier during one of her visits to our children.

Gerene went on to explain what would be happening next. She explained that there would be an adjudication hearing, a trial. That would be what determined would happen to our family. Gerene thought we would be able to fend off TPR, but felt that we would still have FIA involvement in our family after that. She told us that there was a chance that we would win completely in court, but realistically was aware that the FIA never backed off that quickly once dragging a family to this point.

We were told that once the TPR petition was filed, we would be cut off from any visitation until the pre-trial hearing at which time the subject of visitation would be revisited. Nalepa had not filed the TPR petition yet.

Colleen told us that Ladd was no longer on the case. She seemed to have respect for Ladd though, which I could not comprehend. She said Ladd was one of the few attorneys who would actually visit the children. My research had uncovered a law on the books stating that LGAL's were required to meet with their clients before each and every hearing, conduct their own independent investigation, interview the biological and acting

foster parents, and if unable to attend a hearing, receive court permission first. At this point he was batting 0.000 in compliance with the law. I believe Ladd was able to put on a good face for Colleen and the rest of the FIA, a face that it was rough to see past from any but an innocent parent's perspective.

Before they left we began to talk about documents they should have seen, such as the notes from Church about sending Moo home and the glowing report from Cynthia Butler. Gerene and Colleen looked at each other, then at me.

"Can we see them?" they asked. I pulled out copies of what I had and handed the papers to them. They each took turns reading the pages, and traded when they were done. Then they both said almost simultaneously: "I've never seen these". They asked for copies, I told them they took take what they had in their hands.

The visit concluded, and we were left alone in the house. As usual we both just sat there in silence. It was too painful to even talk.

On April 9th, while I was at work, Nalepa filed the TPR petition. I was not allowed to see my boys that night.

Wednesday, 3/10

Today was the day we were supposed to be leaving for Walt Disney World.

It was becoming almost routine. We showed up early, I dealt with the wonderful clerk to find out where we would be at, and we waited. At one point I realized I had forgotten some paperwork out at the car, so I left the building to retrieve it. Upon my return I had to go through the metal detectors again, which always triggered for some reason when I walked through. My work badge was hanging from my belt as the alarm tripped. Surprisingly a guard asked to see my badge and pointed to my waist. I flashed it at him and he passed me through with no further screening. He thought I was a social worker or some other state employee. The odd thing was, my badge was clearly marked with my employer's name and colors, and looked nothing like the state ID's issued. I let it go.

As I again stood waiting Rosen walked past me. Our eyes briefly met and she smiled. She apparently had no idea who we were. To her we were just another set of parents to throw the book at and move on, nothing worth remembering. I couldn't possibly remember the names of all the people whose accounts I had created or whose passwords I reset at work, it was simply my job. I guess her job was basically similar, but instead of creating an account her duty was to do to a family whatever the FIA requested.

Nalepa finally showed about 10 minutes before the hearing, walked past us, and disappeared down a hallway.

Our name was called over the almost inaudible PA system. We would be gathering in Smart's courtroom again.

We filed into the tiny room again. This time Colleen was with us. Nalepa was already sitting down in between two new attorneys I had never seen before. I kept looking at the three of them, but none of them would meet my eyes.

The hearing began, this time much more smoothly than our previous appearance before Smart. The purpose of this hearing was to validate the petition and to set the dates that the trial was to happen.

The parties were asked to introduce themselves. Representing the FIA today from the Attorney General's office was an older, balding man in his 50's, Gerald Miller. And the person who would be "representing" our boys was an entirely new person, Reginald Thomas from LADA. I was amazed that the courts would allow such a game of musical lawyers when children's lives were on the line.

No time was wasted. Instantly the petition was validated. We were now officially fighting to keep our children from being adopted.

Next Smart turned to the issue of trial dates.

"It is my understanding that this trial will likely take several days." I looked at Ed and he nodded. He had obviously talked to Smart at some point before the hearing began.

"We need to schedule the dates now while I have room available in my schedule." Instantly all three lawyers, Colleen, Nalepa, and Smart opened up their datebooks. The date was irrelevant to Gina and I, we would be there no matter when the trial was scheduled.

The dates of May 31st, June 5th, June 7th, and June 30th were scheduled. We were reeling. Both my wife and I had not only hoped, but assumed that the trial would be taking place in the next few weeks. Now we had to wait until June 30th to get a decision. Our boys' summer would be half over when (if) we won them back. But neither Gina nor I showed any reaction. We just sat there and when asked, agreed that we would make the dates.

Miller started putting his materials away, as did Nalepa. They were anxious to get out of the courtroom. Ed wouldn't allow it. Just as Smart appeared to be about to adjourn, Ed stood up and addressed the court.

"The issue of visitation still has to be addressed."

A look of frustration swept across Miller's face.

"The petition for termination has been validated, and in such cases parents aren't allowed to see the children until the conclusion of the trial."

Smart responded: "And the burden of proof is on the parents to show that they are not a danger to their children. We will afford them that chance. Sit down."

Ed called Colleen up to the stand. She was sworn in and took a seat in the chair next to Smart. Ed asked a few questions about how she felt about Gina and I as parents, the overall risk to the children, and the ability of Angie and Jesse to safely supervise our visits. For the first time aside from the introduction Thomas spoke up. He objected to every question, citing that Colleen was not a medical expert and couldn't answer many of the questions. He was repeatedly overruled. After the third or fourth objection, Smart stopped and addressed Thomas directly. Smart then asked Thomas if he had met with his clients, a question I found quite comedic. Now who would think to involve the children in decisions to determine their future when it was their "best interests" that were the number one priority. Thomas admitted he hadn't. Smart suggested he do so.

"I am aware that Mrs. Nusbaum is not a medical expert. I am relying on her professional opinion as a foster care worker. There is no further need for objections from you, I will take your objections as a given and overrule them."

Thomas threw his hands up in the air and shook his head.

Ed wrapped up his questioning for Colleen. He turned her over to Miller.

"It is clear whose side you're on in this issue" he started.

“How can you guarantee their safety?”

“The house is small enough to where the parents really can’t be alone with the children at any point in time” Colleen answered.

“How does it benefit the children to have visitation?” he inquired.

Nalepa was leaning over whispering something to him.

“The children love their parents, and Ryan, the oldest, needs structure.” was Colleen’s reply.

More hushed advice was whispered into Miller’s ear by Nalepa.

“Why is it so important for Ryan?” Miller inquired.

“Because of his closed head injury.”

At this point Nalepa tugged on Miller’s arm and he proceeded to nod his head. His expression became quite smug.

“And how exactly did Ryan sustain this closed head injury” a wry smile came to his face.

“In the automobile accident that killed his biological father when he was almost 2 years old.”

The smirk disappeared off his face as if it wiped off. Nalepa gave some more advice. With each question Miller asked and Colleen answered, the FIA dug themselves a deeper hole. Miller was becoming visibly agitated, especially with Nalepa, who appeared to have no idea what Colleen’s answers were going to be, even though all this information was given to her in her interviews of Gina and I.

As Nalepa tried to communicate another piece of advice and tug on Miller’s arm he turned toward her, shot her quite a nasty look and pulled his arm free.

He put his hands up in the air, each palm facing out.

“We will trust the judgment of the court” he conceded.

Thomas sat silently through the entire exchange. Colleen was turned over to Thomas for questioning, which he declined.

At that, Smart made his decision. We would be allowed 2 hours of visitation a day at Angie and Jesse’s.

The look on Nalepa’s face was astonishment. When a TPR petition is filed, that is usually the last the parents ever see their children.

I imagine her expression must have been quite similar to the looks on our faces back at the first hearing on March 25th. This time she was the one being railroaded, and it was no one’s fault but her own. She had walked into the courtroom expecting a lopsided victory, just not expecting us to be the victors. Her complete and total ignorance of the facts of the case was starting to show. She never stood a chance once Colleen took the stand.

Court was adjourned. Instantly as if it were a magician’s trick, Nalepa was nowhere to be seen.

We filed out of the courtroom, and all I could do was shake Ed’s hand.

“Not that I had any doubts about your ability before, but today I couldn’t be happier about our decision to go with you” I praised him.

The Waiting Begins

We began to settle into a routine. After work I would straight to Angie and Jesse’s house and we’d spend a few hours with our boys. After struggling to keep Willy

calm, we'd go back to our empty house, all except for our dog, who had taken to wailing since the boys had been gone. Once arriving home Gina would start making phone calls and I'd hit the internet looking for any information that could help, or I would start writing letters, or anything else that might speed this up and get our boys home.

That's how we had been operating for a few weeks now, and it would likely be like that until the trial. Enter Bob Martin.

Martin, a *new* AAG assigned to the case had made a phone call to Colleen on Thursday, April 11th. Colleen wasn't there, so he left a voice mail for her. He instructed her not to let Gina and I see the boys. Colleen didn't get the message until Friday morning.

At about noon on April 12th I got a panicked call at work from my wife. Colleen had just called her and told her what Martin had instructed her to do. Colleen was trying to get in touch with Martin to no avail.

I went through the roof. After I got off of the phone with Gina I had to go for a walk. I was gone about an hour. I didn't know what to do, or who to call. It seemed like Nalepa was still trying to win this last hearing after the fact. I had no idea what had transpired, but I knew someone was still up to no good.

When I returned to my desk, I called Ed and told him what had happened. He immediately called Martin, only to be forced to leave a message. This had to be straightened out quickly, as it was nearing the end of the day on Friday. I already knew that attorneys and CPS workers kept bankers hours, and we were looking at best at not being able to see the boys the entire weekend.

I called Ed back, determined to get this straightened out. Out of the blue I said to him: "Martin has essentially overruled what the court has decided. Wouldn't that be contempt of court?"

"You know Mark, I'd say you're right. Let me make a phone call" Ed ended.

Fifteen minutes later Gina called me back. She had been contacted by Colleen who had been contacted by Martin who had been contacted by Ed (whom I'd just contacted). 'Never mind'. We were allowed to see the boys. We'd heard that Martin fumbled around an excuse for what he told Colleen the day before, but when taken to task on contempt of court, buckled.

In the days afterward I started hearing back from more people and groups I had written to. The ACLU wouldn't help. None of the representatives or senators who responded would help. No one would touch us. The mere accusation alone meant guilt in many eyes.

I kept up with my research. I found many things went awry. In the petitions to the court the FIA was to have explicitly outlined what we were to have supposedly done to our children. Instead the petitions were simply filled with facts that we didn't contest (Moo had two broken bones at different points in his life, Moo had tried to drink furniture oil, and had ingested dishwasher detergent, I had tried to take Moo out of the hospital, although it didn't mention that it was actually illegal for Henry Ford to stop me at that point).

The petition was woefully inadequate.

The fact that we were able to see our boys every day kept us going. In spite of the fact that Willy and Moo made leaving more and more difficult each night, it was still what kept us alive.

Days passed and we hadn't received the investigation report. The FIA had taken all of our children and filed to terminate our parental rights, but still Nalepa had not completed her investigation report. It seemed backward to me. But then again, nothing seemed to make sense out of the entire situation. Nalepa had until March 17th (by law) to complete her investigation report or file an extension.

While reading more and more, I found out that Lievense, Nalepa's and Barrese's line supervisor, had the authority to call an emergency hearing and dismiss all of the charges. It had been done before (although I don't know if he had personally).

April 15th was Lievense's first day back from vacation. We acted then. Gina called him just before I arrived home from work. When I came home Gina was in the basement, where we used to spend hours with our children playing. She was on the phone, and visibly rattled. From the end of the conversation I could hear, I was able to deduce she was still talking to Lievense. She was trying to get him to call an emergency hearing to dismiss the charges. We knew at that point that they even had to know we were innocent.

Lievense's answer was simple:

"For whatever reason you're in the system now. The courts will have to decide in due time."

Gina pleaded with him some more, only to become more and more frustrated and desperate. She eventually hung up on him and sat crying in my arms.

It was at that point we decided to not only fight to keep our kids. We decided to fight back.

Gina and I talked about the Ombudsman. We decided to call. Gina was the one who called. She made the call in less than 10 minutes after getting off the phone with Lievense and his flippant attitude.

There was no one available to talk to, but Gina formally registered the complaint on April 15th. They promised they would call back the next day.

And the next day they did. Gina told them everything. She told them about how they never investigated anything, about how Nalepa apparently lied in court, about how Yuan said he never would have filed the report, about how the court order said we voluntarily relinquished our rights. She told them about how Nalepa repeatedly threatened us and Angie and Jesse. She told about the school and doctors and everyone else who tried to contact Nalepa, only to be summarily ignored. She told them about how we were railroaded in court without even getting a chance to speak and the FIA never having to present evidence. She told them everything.

The person on the other end of the phone seemed concerned and promised to follow up.

On April 17th the Ombudsman's Office did just that. That's when they contacted the Taylor-Ecorse FIA. On that day the FIA started to realize that we were not going to stand by and be pushed around. They were not going to get our children without a fight, and we would exhaust every possibility before we were through.

I knew that would most likely be the day they first heard of our Ombudsman call, and I wanted to let them know I meant business. I delivered, in person, another request for the investigation report. I also included that I knew the report was to be finished on that day.

About a week later we received two documents in the mail. The first was a letter from the Ombudsman confirming that they were picking up our case for an investigation. The Ombudsman doesn't investigate a high percentage of the complaints made, so this was big. The second was Nalepa's investigation report. Dated April 18th, 2002, one day after the deadline and after the Ombudsman contacted them. Apparently the mention of the Ombudsman got her motivated to at least make it seem as if she were following the rules.

The Investigation Report

Before we sat down to read the report, we already knew that she hadn't contacted anyone except our pediatrician, and that meeting did not go well. We were dying to see what her "investigation" consisted of. A complete copy of the investigation report (with our response) is available online at <http://ivalenti.com/familybond/snowfall/images/fia/cps/inv/fullreport2.pdf>, complete with warnings not to show it to anyone.

The report started off with a series of checkboxes indicating that we had been referred to the Prosecuting Attorney a/o law enforcement (of which we had not received any word from), and stating that the explanation of the injuries was suspicious. Another checkbox accused us of serious physical abuse.

Then came the Law Enforcement Information Network (LEIN) search. For both Gina and I there were no hits. Not content to let that keep her from finding anything Nalepa stuck gold with my driving record. Every traffic ticket I had ever had was listed on there, including a notice that I had been involved in two automobile accidents. Nalepa neglected to mention that in both accidents I was rear-ended while waiting to make a left hand turn.

The next page was a list of all the contacts she made (names blanked out, as Nalepa instructed me she would). Despite the attempts to conceal the identities, it was painfully obvious who the participants were. It was a who's who of Henry Ford Detroit employees.

The rest of the report, to sum it up, was a joke. There wasn't a single item in it to indicate that we were lying about how Moo was hurt, and there wasn't a negative thing about us in it, despite Nalepa's odd recollection of her exchange with Gina. She did claim several times that our "stories" were inconsistent, but was never once able to cite what the inconsistencies were.

Nalepa did leave out key facts however. She didn't mention that she had blamed Todd for the entire situation during his "forensic interview". She also never mentioned the fact that Gina had given her a huge list of collateral contacts, likely because there was no mention of any interaction with the collateral contacts, which we know never occurred.

The entire report, despite being virtually benign in nature, was full of misleading statements, half-truths, and strategically missing information.

I wasn't satisfied to stop with the investigation report.

The Risk and Needs Assessments

Copies of the Risk and Needs Assessments can be found online.

Risk Assessment:

<http://www.ivalenti.com/familybond/snowfall/images/fia/cps/risk.jpg>

Needs Assessment:

<http://www.ivalenti.com/familybond/snowfall/images/fia/cps/needs.jpg>

When the Binsfeld legislation passed, a method was put in place to ensure “accurate” and “consistent” results for CPS investigations across the state. This wonderful tool is called the Structured Decision Making (SDM) system. It consists of checklists in which parents can be quickly categorized and then the results plugged into a formula, the product of which is the path that the FIA takes against parents.

The primary checklist is the Risk Assessment. The Risk Assessment has a series of multiple choice questions and answers. Each answer is assigned a numerical value. The higher the numerical value, the more risk parents pose. Once all the questions are answered, the numerical values are totaled and compared to a chart at the bottom. The chart translates the answers into a risk level. The levels are Low, Moderate, High, and Intensive. Any conclusion can then be overridden manually if the investigator or supervisor has reason to believe it should be higher than the scientific formula dictates.

Many of the questions on the Risk Assessment are objective at best, and in truth should only be answered by qualified professionals (questions about their mental stability). There are questions in this assessment that have little or no bearing on abuse, yet parents can get penalized for them.

Example: A happily married couple (where one of the two were abused as a child) who love their children dearly (and one of the children has ADD or is autistic) face a false accusation of abuse. By their situation alone, with no findings whatsoever, they are automatically placed in the middle of the moderate risk of abuse category. If any of the other objective questions go against them, they would easily be labeled as a high risk family.

Additionally, if the CPS worker feels that the parent “views the situation less seriously than the investigator”, then there is hell to pay.

In our case the Risk Assessment was a testament to how much Nalepa actually hated us. She marked us as “apathetic or hopeless”, “lacks parenting skills”, “motivated but unrealistic”, stated that Gina was a “domineering parent”, and we were both labeled as “viewing the situation less seriously than the investigator” and that we “failed to cooperate satisfactorily”. Never once did she back up any of her findings with a justification.

The Needs Assessment was the most telling of her lack of experience and irrational bias against us. In this assessment both Gina and I were labeled as suffering from “chronic depression, low esteem, emotional problems” and that we practiced “destructive/abusive parenting”. Despite that Nalepa claimed that Gina and I had a “supportive relationship” and a “strong support system”. Nalepa found that I had appropriate interpersonal skills, but found Gina to be “hostile/destructive”.

The kicker was the financial questions. Nalepa claimed we had “adequate housing” and “strong money management skills”. We had told her that my income as a software engineer enabled Gina to stay home and take care of the children. But... I was labeled as “employed”, a good thing in the eyes of the FIA. However Gina, instead of

being listed as “unemployed, no need” was listed as “unemployed, not interested”, which was devastating to the overall score. This was clearly and undeniably an intentional malicious act on Nalepa’s part, and for what reason we do not know.

My best guess is Nalepa knew what scores she needed to attain before she even began to fill them out, and didn’t stop until she got those scores.

The original Risk Assessment done also penalized us for having a “prior assigned abuse complaint”, citing the incident with Gina’s former neighbor. However, when we would question Lievense or Barrese or Nalepa about it directly, they would admit there was no record of it and their only knowledge of the event was strictly from what we told them. Eventually the Ombudsman would make them change this (to the Risk Assessment that I have posted the link for previously). This change effectively dropped our risk of abuse score into the moderate range. However, Barrese felt compelled to manually override the conclusion of the Risk Assessment to Intensive. She cited that this was because of “non-accidental serious physical injury”. Never once was anyone able to produce what the FIA believed the “non-accidental” methods were, or any proof to suggest that our recollections of the events were inaccurate, other than one claim by Church, who was unable to support her statement that our “stories” were “inconsistent”.

We talked with the Ombudsman investigator assigned to our case, Brooke Adams, extensively. Every communication we had with the FIA, Brooke received a copy. We included her in every aspect of what went on.

We obviously had issues with the investigation report, and we voiced our concerns to Brooke. She told us that we had the right to ask for amendments, and if denied, we had the right to include our own supplement to the report.

I took the report apart with a fine-toothed comb. I found many, many inaccuracies, omissions, and even lies in it. For each problem I found, I made a note of it, and included the correct information. When I was done, there were 74 points I had addressed. So much was inaccurate in the report it was as if the report were written by a third party.

I drafted a letter, included a copy of the report with the issues highlighted, and included the notes corresponding to each numbered problem. I wanted to turn it into the FIA immediately, but as a matter of procedure before each time we contacted the FIA, we ran it past Ed.

Ed handed it back to us a few days later. He had crossed out several issues that he told me not to even bother mentioning. His reasoning was that if we overwhelmed them with issues then it would simply appear as if we were nitpicking. He pared it down to the most important points and told us to submit those. Of the original 74 issues I had, only 28 survived Ed’s scrutiny.

I re-wrote the letter and sent it on its way. I included in there some other issues that weren’t in the report, such as the collateral contacts Gina had given Nalepa, the hospital’s recommendations, and the fact that Church never examined Moo.

We never heard a word from the FIA about it.

In mid-April we got a hold of the FIA’s witness list. These were people the FIA planned on calling to testify against my wife and I. Strangely enough, every single

person on that list was also on our list. We needed the testimony of those people to exonerate us.

Nalepa was on the list. Being that when put under pressure she was unable to complete a sentence, that testimony would be a piece of cake.

Church was on their list. I can only assume that Nalepa never read Colleen's report. Although Church told Colleen that we weren't "the brightest bulbs in the candelabra" (note: candelabras employ flames as their light source, hence the name *candelabra*), she essentially scolded Colleen and the FIA as a whole for removing our children.

Cynthia Butler was on the list, as was Heather Cassagrande, the two social workers from Henry Ford Detroit. Why they were included was entirely beyond me. They would have nothing to say to support the FIA's position.

Williams was on the list. Ed would make quick time tearing his story apart.

Yuan was on the list. I was anxious to see him up on the stand. He had already denied to Cynthia that he had said he regretted filing the complaint, and I wanted him to say that under oath. If he did that I would track down all of the nurses who heard him say it and he could then be tried for perjury.

And then Gina and I were on the list. The testimony of either one of us would blow Nalepa's case wide open.

Most shockingly, Colleen was on their list. I can't even begin to rationalize that choice other than they may have thought how bad it would look if they were afraid to call their own employees.

In truth, everyone on the FIA's witness list was also on our witness list. We also included a police officer and a County Commissioner, both of which I was lifelong friends with. There were friends, family, and co-workers on our list too.

Most telling though was that our pediatrician was on our list, not theirs.

After seeing their witness list I was able to breathe a sigh of relief. The FIA was in over their heads with us, they just didn't know it yet.

Todd's Birthday came on April 29th. He wasn't allowed to celebrate it at home. We had to do it at Angie and Jesse's house. Oddly enough there was no gift or even card from the FIA. Or his lawyer.

Mother's day came and went. I don't think I need to go into detail how painfully ironic that day was.

Our home had a two-car garage when we purchased it. The garage was in horrible shape to say the least, and it eventually would need to be torn down. We decided that the best time to do it was now, while the children were gone. We wouldn't have to worry about them getting hurt, and it would be a wonderful way to vent frustration for myself. I set about tearing the garage down at the beginning of May. Each day after work Gina and I would visit with the boys, then go home and work on the garage. I didn't have any real equipment to aid me, so much of the tearing down was done literally by hand.

Over the next few weeks slowly but surely the garage came down. Cleanup was a nightmare, but we knew the boys would love having all that extra space to play in the

back yard. We also built a garden shed that contained a little surprise for the boys. The top of the garden shed was loft. We had a ladder leading up to the top, and railing preventing them from falling. I even put a window in for them and installed a bucket with a pulley so that they could easily lift toys, snacks, etc. up to the loft. Gina decorated and installed lights.

During this time Gina had also started a vegetable garden for the boys. The boys wouldn't be able to see the floral surprise we had planned for them months before however. Todd's favorite flower is a tulip, and the previous fall I had planted over 100 tulip bulbs without telling any of the boys. We wanted to surprise them in the spring. The tulips started sprouting and blooming in April. By May they were in full force.

Meanwhile I continued my research and efforts. Unbelievably our then senator, Christopher Dingell, contacted us. Actually it was someone from his office, but we would take what we could get. We relayed our entire story to Senator Dingell's office. They said they would be contacting the Taylor Ecorse FIA. Whether or not they did we do not know, as nothing ever came of our contact, but at least it was a legitimate acknowledgement of our conflict.

About two weeks before the trial on a Saturday morning Reginald Thomas showed up at Angie and Jesse's house to visit with and meet his clients, for the first time. My father-in-law was there when he arrived. He met with Angie and Jesse briefly, who of course had nothing but good things to say about our entire family. He then visited with the boys while John sat with them. Ryan didn't have much to say, and quickly left the room. Todd however, never short on things to say, talked his head off. When Thomas asked Todd what he wanted to do pertaining to our family, he said:

"I'd like to go home on May 31st, if not, sooner."

That's my Todd.

Thomas then observed Willy and Moo who played in the living room as John sat and talked with him. John asked Thomas if he knew what this case was about. Thomas was under the impression that we hadn't sought medical attention soon enough for one of our boys.

This was two weeks before the trial, and the person with the sole responsibility of representing the best interests of our children wasn't even familiar with the case. John sternly suggested that he familiarize himself with the facts.

Thomas was then asked if our children looked abused, to which he agreed they didn't.

The next thing he told John was very interesting. He said he'd never seen a case like ours. John asked what that meant, and Thomas explained that typically CPS and Foster Care have essentially the same stories to tell. In our case however, there was quite a divide between the two. CPS was adamant that our parental rights be terminated, while Foster Care was insisting that our children be returned and the case closed.

The visit concluded and Thomas left the house. Shortly afterward we came for our visit and were told about the entire event.

In the week leading up to our trial something happened.

Colleen called Angie and Jesse's house at around 4:30 pm. Angie handed the phone to me. Colleen had news that the petition for termination of parental rights had

been pulled. It hadn't been pulled by the FIA, but by someone else. Whoever did so, I can only assume a judge, had cited that the petition had been filed incorrectly and was not valid.

Instantly it became a temporary custody trial. Even if we were to lose, we would then be subject to the foster care reunification plan, which I had already seen.

There were no steps to the reunification plan, no classes to complete, no milestones to achieve. The reunification plan was simply this: On the day the trial concluded, if we were "found guilty", our children were to be returned to us and our case closed.

Nalepa could file another termination petition, but was being told not to by the new AAG Bob Martin. Apparently he had been doing his reading (or lack thereof, as Nalepa had nothing of substance to present to him to make a case against us).

It was a week before the trial even started, and we had won. I couldn't understand why we couldn't get our children back, but I could see the light at the end of the tunnel, finally.

The news still didn't seem real to us though. We still weren't taking our children home to their beds that night. We still had to sneak out of the house so as not to upset Willy and Moo. Todd and Ryan would still not be able to play in the loft we had built for them.

The last week seemed to drag on forever. The Ombudsman investigator Brooke was repeatedly assuring us that the trial, scheduled for 4 days, would end on the first day. We hoped that to be true, because if we used all four trial days we would still be separated from our boys until the end of June.

I looked forward to seeing Ed eviscerate Nalepa on the stand. I'd hoped that maybe even Barrese and Lievense would show up.

I was useless at work. I couldn't do anything around the house (well, it was all done already, and without 4 rambunctious boys to chase around, our house didn't require too much maintenance). I couldn't do anything but sit and wait. Gina and I waited together.

I scheduled the week after May 31st as vacation. We were going to spend time with our boys. I just hoped it ended that day. For a brief second I even contemplated pleading "no contest" to end it immediately, thus making us subject to the foster care reunification plan, and taking our boys home that night.

It was only for a brief second though. I would never concede defeat to them. What the FIA had done and attempted to do was a major injustice. Had the FIA been able to succeed, they would have visited what has been called the "family law equivalent of the death penalty" on us.

Besides, Brooke was positive it would be over that day. She was going to be there in person to see that it was.

Friday, May 31st, the Trial

Maybe a total of 45 minutes of sleep came my way that night. Gina was in bed all night long, but I don't know if she slept or not. I doubt it.

The night before I had gathered all of our papers and documents, which included hundreds of pages of the Michigan Compiled Laws, the entire CPS Manual, the Forensic

Interviewing Protocol, ALL the records from Henry Ford Detroit and Wyandotte, all the records from Seaway, all the court documents and petitions, and everything I could get my hands on from the CPS file. All told, there were two large binders and two stuffed manila envelopes.

I knew the reams of documentation would be useless, other than to intimidate Nalepa, but it was all I could do to keep sane that night. It was like cramming before a test or weightlifting right before an athletic competition. If we hadn't prepared earlier, no amount of last-minute effort was going to do the trick.

I know we had nothing really to worry about. We would be getting our children back after all, no matter what. But if we were to lose, we would have a judgment against us in family court, and that could be used against us again if any of our other children ever had another accident.

That and the fact that neither Gina nor I could stand being convicted of abusing our children (even though it was in family court, where the sentence was served by children). We just couldn't lose. Too much was still at stake.

At 4:00 am we were both officially up for the day. We were showered, shaved, groomed, and dressed by 5. The trial didn't start until 10.

We sat together and talked. Ryan was in a play later today, and God willing, we would be able to go see him. We weren't allowed in their elementary school while they were there, but our sights were set on beating them quickly and being able to make Ryan's play. We were both looking forward to seeing it.

We talked about what we would be doing the coming weekend with the boys. We were going to take them to the Toledo Zoo and Greenfield Village. We'd take them to Chuck E. Cheeses and the movies. We'd take them almost anywhere they wanted to go.... except Disney World. We could no longer afford the lodging or the significant expense of visiting the parks with 4 boys was sure to bring.

We also talked about what we would do afterward. We would contact Channels 2, 4, and 7. We would contact the Detroit News, the Free Press, NBC News, 20/20, 60 minutes, CNN, everyone. This would be big news. Children taken from a loving and innocent home and the state attempts to adopt them away without having even the flimsiest piece of evidence, only the word of the conditions in the home of a doctor who has never met the family or ever been to the home. Oh yeah, this would be big news.

We thought, anyway.

The time seemed to pass by so very slowly. But sunlight began to trickle slowly through the windows and curtains. The time was coming.

By now the boys were up and getting ready for school. We called them to tell them we loved them. I wasn't about to make any promises after being burned the last time. Todd was overly anxious for me to tell him we'd be picking him up, but I wouldn't do it. I simply said:

"I'll see you tonight."

The time was drawing nearer to leave. Gina's cousin was going to be going with us to the trial. It had almost become a spectator sport for our family. No one could believe how insane these people's actions were until they saw it for themselves, and the trial promised to be the biggest event of all. Seeing Nalepa up on the stand, answering questions to which she couldn't possibly give a reasonable answer.

Gina's cousin arrived at approximately 9, and we left for the Lincoln Hall of Juvenile Justice shortly afterward. It was a nice, warm, sunny day out. We didn't need jackets, and I drove with my window down, until we hit Detroit, at which time my olfactory senses demanded that I roll up the window.

We pulled up and parked along one of the streets. Gina, her cousin, and I walked up toward the entrance. Gina and I were weighed down with all of the documents I was bringing into court. We walked into the front entrance, where we routinely were stopped and checked by the guards, shuffled through a metal detector, and the contents of our belongings x-rayed. This time however the guards tried to wave us through. We stopped and said we needed to be checked. One of the guards said:

"You're social workers, go on through."

Almost appalled at the idea of being mistaken for a social worker, I responded that we were parents and we needed to be checked.

Amazingly, the guard questioned me again:

"Are you sure you're not social workers?"

I wasn't confident of how I should answer that question, as I had never imagined being posed with it. My expression must have conveyed the answer, as we were walked through the metal detector and our binders x-rayed.

We got past the guards and into the waiting area. Our family and friends had taken up the first three rows of seats. Instantly when they saw us seats cleared, everyone wanted to offer theirs. Gina took a seat, but I wanted to stand. And we waited.

Colleen walked up to us and wished us luck. She stayed and talked with us about irrelevant things such as Star Wars and computers (both geeky traits that I and her husband had in common).

A woman walked up to Colleen and cut off our conversation. She was an older woman, and seemed quite unpleasant. Colleen talked with her, but it was obviously out of politeness. You could see by her expressions and body language that she was plainly uncomfortable talking to her.

Now I knew what Ruth Barrese looked like. I was pacing slowly back and forth. One way my back was to Colleen and Barrese. On the way back I was facing them directly. Each time I turned around after walking away, I would catch a quick glimpse of Barrese as she would turn away. She wanted to check Gina and I out, see the horrible parents that Nalepa had been telling her about for the past three months. But she wouldn't look me in the eyes.

After a few minutes of this little game, Barrese left and went to whichever room people of her type go to at Lincoln Hall. Colleen walked back to us and confirmed that the woman was in fact Barrese. She said Barrese had come to offer support for Nalepa and to ensure everything went smoothly. We happened to know that supervisors rarely ever went to court, and this was simply for Barrese to satisfy her curiosity.

It was about this time that a friend of ours who happened to work at the Taylor-Ecorse FIA was pulled aside and given some information about our case.

Colleen had some other business to attend to. We were back to waiting. Gina and our family and friends were talking amongst themselves. I continued to pace. I didn't feel like talking to anyone.

As time went on, I recognized faces in the crowd. I saw Rosen and Miller. Little-Fletcher walked past me without any sign of recognition. I kept looking for Ladd, but never saw him.

At about that time Church was walking through the metal detector. I motioned to everyone that was there with us and told them who she was. Up to this point I was the only one who knew what she looked like.

As she walked by our “section” she was visibly shaken. I had no issue with that.

Cynthia Butler walked by the outside window, and I watched her walk past us. I kept out of her sight; I didn’t want anyone on the prosecution seeing her and I talking. If she took the stand I wanted her support of my family to blindsides them the way Colleen’s did at the last hearing.

It seemed as if four hours had passed. We couldn’t get into the courtroom fast enough.

Finally we were called into the Smart’s courtroom. Already sitting were Nalepa, Colleen, Thomas, and the AAG Bob Martin. This was the first time I had seen him. He appeared a reasonable looking man, but I knew better after what he pulled immediately after the last hearing.

The rest of the people flowed in after Gina, Ed, and I were seated. Church, Butler, Barrese, and a few others filed in and sat down. I knew one of them was Brooke, but I wanted to wait for the right time to introduce myself to the lady I believed to be her, and right now wasn’t it.

Noticeably absent were Yuan and Williams. Heather Cassagrande did not show up either. Had the FIA not planned to call them today?

Smart started the hearing, and the prosecution didn’t waste any time. They called Church to the stand. She was sworn in and Martin started in with the questioning. He started with the basics (“Who are you”, “What’s your title”, “When did you meet Mr. Valenti”, etc.). That part went as predicted.

Then an odd thing happened.

Martin starting trying to get to the truth, something that no one had attempted yet in court (that we weren’t paying significantly to do so). He asked Church to clarify the femur/tibia fracture issue. Church confirmed it was Moo’s tibia that was fractured months earlier, that it was a common fracture in children Moo’s age, and that Henry Ford Hospital did not discover it (or any sign that there had ever been a fracture). He asked about Moo’s rib, and Church again admitted that the healed fracture did not show up on the x-rays.

The topic of possible osteogenesis imperfecta came up. Church confirmed that Moo did not suffer from that disease.

As the line of questioning went on I was more and more surprised. The questions he was asking Church were the questions that I expected Ed to ask Church.

The whole while Nalepa sat in her chair, hands folded, head bowed.

Then came the shocker. Martin asked Church that if an investigation of the family turned up no red flags of child abuse, would she have a problem consenting to the return of the children. Church said she would feel confident returning the children.

I leaned over and asked Ed:

“Do I have to pay him now too?”

Ed chuckled and told me to hold tight.

Martin then asked a series of questions which in essence put Church and Henry Ford Hospital on the spot. He asked about why they stopped me from leaving, and she said they were just following CPS orders. Martin inquired about the IV board being left in Moo's arm for so long, and Church gave the safe answer that it was left in just in case he needed it again so they would not have to re-puncture a baby's arm.

His last question put everything into perspective. Martin asked why Church did not examine Moo.

Instantly I knew Martin had been doing his homework, and the issues Gina and I raised with the investigation report did not go unnoticed.

Church replied that Moo had already been through several physical and other types of examinations, and she did not want to subject him to another one. Her answer simply covered up an inadequacy of how she handled the case, but it was a safe answer for her, and a benign answer to us.

Martin concluded and handed the witness off to Thomas, who had no questions.

Thomas turned the line of questioning over to Ed.

Our attorney asked one question:

"Would you feel confident that the children could be safely returned *today*?"

"Yes."

Everything came into focus. The decision had already been made. This 'trial' was just a formality that they had to follow through with.

Ed had no further questions.

Martin asked if he could ask the witness one last question.

"Is it safe to assume if one child is abused that all the children are being abused?"

"Yes" Church answered.

That was a cover-your-ass question if I had ever heard one.

Martin concluded, and then asked for a few minutes to collect his thoughts.

Church took her seat behind Thomas.

The courtroom went dead silent. Martin sat there running his fingers through his beard and then folded his hands and appeared to be meditating. All eyes were on him, except Nalepa's whose eyes were fixed firmly on her folded hands.

Barrese pretended to read a book. She had been on the same page the entire trial, I had been watching.

Martin began shuffling his papers. The sound of papers shuffling was deafening.

After he had sorted through them all and organized them into two neat piles he spoke.

"We would like to withdraw the petition for permanent custody" he proclaimed. This didn't have the intended effect on us that they had hoped. We already knew they weren't withdrawing it, the petition had been yanked out from under them a week earlier. I calmly went through my papers and put my copy of that petition off to the side.

Smart polled the rest of the parties (Thomas and Ed) who did not take issue.

I was dying to hear Martin's next words.

"We would also like to withdraw the petition for temporary custody".

That was it. Gina began to cry. Everyone there to support us exhaled all at once. I pretended that it didn't faze me and placed my copy of the temporary custody petition off to the side. I sat there as if someone had told me something as trivial as how long

frozen burritos had to be microwaved. I didn't want anyone in the FIA to see that I had expected anything else.

A sudden insane thought popped into my head. If the petition was withdrawn and no one objected, then Nalepa wouldn't be taking the stand, and the subsequent beating on the stand that would have been sure to come. For a brief instant I wanted to object.

But only a brief instant. Having my children back today was far more important than humiliating Nalepa.

With that a few legal phrases were exchanged between the attorneys and Smart, and court was adjourned. Smart told us to enjoy our children, stood up, and left the room.

Everyone stood up and rushed us. I shook Ed's hand vigorously, then grabbed Gina. We stood there in an embrace for quite a while. Gina was crying into my shoulder saying "It's over, it's over."

The way the room and tables were set up, the prosecution had to walk down a walkway barely wide enough for 1 person past the defense to get to the door. Gina and I were blocking the entire pathway, and Nalepa was trying to get by. Unaware of what was going on, Gina continued to cry in my arms. I turned my back to Nalepa and purposely blocked the walkway. I wanted her to anguish in this moment. We had won. Despite all of her incompetence, deceit, and outright lies we had won.

Nalepa pushed a table out of the way to get around us and out of the courtroom as fast as possible.

We have not seen her since.

Our friend who worked at the Taylor-Ecorse FIA was pulled aside earlier to be told that the charges were being dropped. The FIA timed it so that she would not be able to call us to give us the news before the trial.

We all shuffled out of the courtroom and gathered in the hall. Everyone took turns congratulating us, and we repeatedly thanked everyone for their support. Cynthia Butler came up to me and with a fiery look in her eyes told me it was about time and that we did a good thing by calling the Ombudsman.

Brooke Adams introduced herself to us, and we showered her with thanks and gratitude.

With each person that came up to us it was getting harder and harder for me to put on the tough guy act. When Gina's mother hugged me I finally broke down and started crying myself. Three months of frustration and terror came spilling out. I wasn't blubbing or wailing, but the tears wouldn't stop.

After I composed myself enough, I got on the phone to call co-workers and friends who were anxious to hear what had happened. My first call was to my ex-girlfriend whom I had contacted at the beginning of the case. I told her what had happened and broke down all over again. I then called a few more friends and had a rough time getting the words out to them too, so I decided to wait on the phone calls.

Our friends and family left one by one. And we again thanked each for all they had done.

Colleen was waiting outside the courtroom for the signed court document, and we were not about to leave without proof in our hands that we had won. Typically, even when parents win it can take several days, even longer, to get their children back. We wanted to be sure we did it right, we didn't want to give the FIA any ammunition to use against us after seeing all the damage they could do simply firing blanks over the past three months.

We sat and talked with her as we waited. We told her about all that we had planned to do with our boys. Gina's cousin was still with us and discussing all that happened with Colleen and Gina and I.

After about an hour and a half Colleen told us to go. She said she would not be leaving the courthouse without the signed order returning our children, and that she would drop it off at our home.

We almost ran to our car.

I tore down I-75 at a speed that I'm sure could have gotten me in serious trouble had a police officer been handy. We got to our home simply to drop Gina's cousin off, and then made a B-line for Angie and Jesse's house. When we got there Moo and Willy met us. We grabbed them up in our arms and wouldn't let them go. We told them they were going home.

"To my Pooh room?" Willy asked.

"To your Pooh room" I answered.

We packed some basics up in the car and then strapped Moo and Willy into their car seats. It was an awkward feeling. For nearly three months we as parents were not appropriate to be alone with our children, but now we were suddenly appropriate. As we pulled away from Angie and Jesse's house I could not help but feel that there was something wrong, even though nothing could have been more right. I almost felt as if I'd forgotten to care for my own children.

As we pulled away I felt as if we were taking a risk. It had been three months since I'd been allowed to drive my children anywhere. Gina voiced the same uneasy feeling.

It just made me more angry. After all we'd been through, now we felt uneasy simply driving our children around.

The anger quickly faded as we drove farther down the street though. Our family was reunited, and I wasn't going to let anything stop me from enjoying our boys.

We pulled up to the school. We unbuckled Moo and Willy and led them by the hand through the front doors and made our way toward the gym where Ryan's play was going to be held. Before we made it to the gym entrance, some of the school staff saw us. They looked from Gina and I to Moo and Willy and back again. One of the ladies clapped her hand over her mouth and tears welled up in her eyes. They hurried to us and hugged and congratulated both Gina and I. We asked them not to tell Ryan or Todd if they saw them, we wanted to be the ones to tell them they were finally coming home.

After the emotional exchange we made our way to the gym where students were already filing in. Todd's class hadn't been seated yet, so we went to the back and patiently waited. Willy and Moo sat on our laps. In the past when we would be in such a situation, the two of them would be squirming to get out and go play. But today they just sat and held us.

The third grade classes started filing in. We scanned each young face intently, waiting to see Todd. He was about the tenth student to walk through the gym doors. He was looking for us as anxiously as we were looking for him.

Gina and I stood up holding the young ones in our arms. Todd saw us almost immediately. His signature ear to ear grin made its way across his face. He took a few steps toward us then stopped and looked back at the teacher for permission. She smiled at him, then at us, and waved him free of his class. He ran.

“Did we win? Am I going home?” he asked.

“Yes” Gina and I answered simultaneously. We held on to him for an eternity.

Then Ryan’s play started. It wasn’t so much a play as a choir. There were bleachers on the stage and students were being directed where to stand. Ryan, being one of the taller ones, would be placed in the back.

We saw him walk out onto the stage and was directed to the last row of the bleachers. Once he climbed up and took his place he began scanning the Gym for us. We were still standing and he found us easily. Excitedly we waved and smiled at us, and we waved back. I gave him the thumbs-up, a little code I had worked out with him the day before during our last-ever supervised visit. I told him that would mean we won. I didn’t mention to him that we wouldn’t be there if we didn’t.

The play started and the children began singing off tune and out of tempo, as these things usually go. Throughout the duration of the play teachers, staff, and the principal all stopped by to congratulate us, tears in all of their eyes.

After the play was over, Ryan ran off the stage and straight into our waiting arms. There we stood, the six of us all locked in one huge embrace.

Our family had woken up from the nightmare.

We took our children back home. It was the first time Moo had seen his home since March 17th, and the rest since March 25th. They ran to the door and I opened it. They spilled in, looking around, becoming reacquainted with a place they should never have been removed from. They ran to their rooms, they ran to the basement, they ran to the kitchen, and even the bathrooms. Our dog started howling and jumping on the boys. She hadn’t seen any of them since March 25th.

I began unloading their things and putting them in the living room. Their beds were still at Angie and Jesse’s house, along with most of their clothes and toys, so I made a couple of hurried trips back and forth to get what we needed. Everything was unloaded into the living room, and for the first time in months we had a mess in our house again. We went about putting everything away where it belonged. We were talking to the boys the whole time. Todd wouldn’t stop asking questions about what happened, and we answered them for him as best we could. We were frequently interrupted (not that we minded) with hugs and kisses from the boys.

After about an hour of trying to settle the boys back in, there was a knock at our door. Prepared for almost anything, I walked to it and opened it up.

Colleen was standing there with a paper in her hand and a smile on her face. She handed over the piece of paper. It was the order officially releasing the boys to our custody. I invited her in, and we chatted for a few moments. It was slightly embarrassing, the house was a mess from the flurry of activity with putting all the children’s belongings where they actually belonged.

After a while Colleen left and night fell. We finished cleaning up the mess from moving the boys back in. Together as a family we sat down in the living room on the couches and the floor, and watched Disney movies and ate popcorn.

The weekend however did not go exactly as we'd planned. We were going to take the kids to all these fun places, but the kids didn't want to go. They wanted to stay home. We gladly obliged.

Fighting Back

We spent a few days doing nothing but being with our children and being completely swept up in them. But we had work to do.

I sent a letter to the Taylor-Ecorse FIA demanding that Gina and I be removed from the Central Registry. In the letter I made them aware that I was fully versed on their escalation procedures. We were removed immediately.

I tried to arrange a meeting with the director of the Taylor-Ecorse FIA, Lynn Neavill. After several calls with no response, I contacted the zone manager, Margaret Warner and asked to arrange a meeting with her. Low and behold, the next day Neavill returned my call.

Days afterward we finally met with Neavill and told her everything that went wrong. I strongly suggested to her that someone else review all of the cases that Nalepa was working on, because she had botched ours so badly. I wanted to help other families that may have been getting hammered by Nalepa's total incompetence.

The rest of our meeting really was more therapeutic than anything else. We just said a lot of things we wanted to get off of our chest, and hoped it had an impact.

We began talking to Steve Yager from the Office of the Family Advocate. Steve seemed like a genuinely honest and caring person. We had talked with him a few times during our case, but there was really nothing he was able to do (that we were aware of). We knew that if Nalepa, Barrese, or Lievense were to face any disciplinary action, likely it would begin with Steve's office.

But it was June 17th that was going to be our day of reckoning. We had held off from contacting the media because we didn't want to bias Smart against us. The last thing we wanted was a media circus. Now it's all we wanted. I wanted to expose the FIA for what they'd done, and I wanted to make sure people knew who William Ladd was and what he was capable of.

So we wrote a letter. It only touched on some of the 'highlights' of our case, but in my opinion it was socking enough. We sent it to everyone. Nalepa received a copy, so did Barrese and Lievense. Colleen got one, Neavill got one, and Warner got one. We sent the letter to Ladd and those of authority at LADA. Copies also went to the doctors involved and the Henry Ford Hospital administration. We sent the letter to Douglas Howard, the director of the FIA, Jennifer Granholm, the Attorney General, and Governor Engler. We sent it to our representatives and senators, even he President.

We sent copies to the Detroit News, the Free Press, and the News Herald. We sent copies to WXYZ, WDIV, WJBK, and WWJ. We even sent it to ABC, NBC, and CBS News.

This was going to be big, and we were going to spill everything.

The night of June 17th, 2002 I took all of the envelopes, drove to the Southgate Post Office, and sent them on their way. It was only a matter of time until the FIA would realize how much trouble they were going to be in.

The next few days were tense. We waited for the first phone call or media visit. We waited for someone from Henry Ford or the FIA to threaten us with lawsuits, or beg us to keep quiet. It wouldn't be long.

And we waited. And waited. Days went by. Nothing. Weeks. Nothing.

It began to hit us; nobody cares.

My family, friends, co-workers, and acquaintances (school, doctors, etc.) were all appalled at what happened to us, but it apparently wasn't a newsworthy issue.

About that time Granholm was making her bid for Governor of Michigan. I was aware of Granholm's history. Her political rise to power began in the Lincoln Hall of Juvenile Justice, prosecuting parents for the FIA as an Assistant Attorney General. She then worked her way up through the ranks and was elected Attorney General for Michigan.

At about this time we saw a campaign add of hers. It was on Channel 4. I went through the roof when one of the points she was touting was how she has helped 25,000 children in the State of Michigan. Time and time again our pleas for help fell on deaf ears. I guess she felt that 25,000 children were enough to help, that 25,004 wouldn't make a difference.

I called Channel 4 directly to try and tell them our story. The screener was less than polite and essentially told me to go away.

Gina was furious. If Channel 4 didn't want the story, then Channel 7 would.

Gina made that call. For almost half an hour she begged and pleaded with the screener to listen. The screener had enough and decided to tell Gina what credo they we're operating under:

"If none of your children died, it's not news" the screener callously blurted out.

Gina sat there astonished at what she had just heard until she came to her senses and hung up the phone.

Our story would never be getting out.

I then came across a writer for the Free Press who had been nationally recognized for crusading for children's issues, Jack Kresnak. He was our last, best chance.

I tried contacting him directly, and miraculously he answered. We started going back and forth about the specifics of my family's case, and I ended up sending him copies of the more telling documents I had.

And then nothing.

From time to time a letter I send to the News or Free Press will be published in their letters to the editor section, but that's becoming less frequent these days.

I realized that if I wanted to accomplish anything, it would be out of the public eye.

I contacted the Attorney Grievance Commission regarding Ladd and Rosen. I contacted the appropriate organization to complain about Henry Ford Hospital, which, unfortunately, is the Attorney General. I contacted the Judicial Tenure Commission about Judge Sheila Gibson-Manning's literal rubber-stamping of every petition, even the one that stated we had voluntarily agreed to relinquish Moo to CPS custody.

The Judicial Tenure Commission and The Attorney General's Office did nothing except to send me a letter telling me I was SOL.

However, the Attorney Grievance Commission did something. Not much, but something. For Rosen they told me to 'go away', but they did forward my grievance to Ladd, to which he was required to respond. He responded, but with such a watered-down conveniently sparse version of what happened that it amazes me he was recounting the same hearing we attended.

The AGC closed the case without further investigation.

I knew that Ladd had violated the law, but didn't spell it out in my initial complaint to the AGC. So I filed another more complete complaint.

According to Michigan Law, LGALs are required to meet their clients before each and every hearing (no provision or exception is made in the law for a preliminary hearing), conduct their own independent investigation, interview the biological and foster parents, and work toward a conclusion.

Ladd claimed that he was not assigned to our case before the preliminary hearing, which he may or may not have been. Regardless, he should have called for a continuance to be given the time to meet his clients and try to do some actual work of his own. Instead he railroaded us in the first hearing.

As for the second hearing, Ladd claimed that the preliminary hearing was the sole involvement he had with the case, which is technically true. Ladd was still assigned to "represent" my children at the probable cause hearing, but failed to show. Before that hearing he was required by law to have met my children, but neglected his duty.

My second complaint was sent to Ladd also, to which he patronized me in his response:

"Some further explanation of court practice and procedure would also be appropriate in response to Mr. Valenti's most recent letter."

He then went on to cover already well-covered ground.

The AGC, although they did help me turn the screws on Ladd a little bit, was useless.

I then wrote Ladd a letter directly. In it I pulled no punches, and told him exactly what I thought of him. He never responded to that one.

We were going to have the FIA and Henry Ford Hospital pay for our children's education. After what they put those boys through, they owed it to them. We were going to sue them until it hurt.

I contacted a few local attorneys. None of them had the guts to take on the FIA. I then started going after some of the bigger names. No hits. I then contacted Geoffrey Feiger's office. Nothing. No one had the guts (or saw the monetary potential they required) to take our case. When all was said and done, I had contacted over 80 different attorneys or law offices. No one even wanted a follow-up.

We were really becoming frustrated until we received a call from Gina's aunt, who was friends with a state representative. Gina's aunt had arranged a meeting with Ruth-Ann Jamnick, ourselves, and an attorney named Marian Faupel.

Marian Faupel had a brief stint in the spotlight after winning the Baby Jessica case in which a natural birth family won back the little girl they had originally allowed to be adopted. I didn't necessarily agree with the verdict in that case, or Faupel's position,

but she was the only attorney who would even talk to us. So we went through with the meeting.

After about 2 ½ hours of discussion, Marian agreed to pick up our case on a contingency basis. We were thrilled.

About that time Brooke Adams had finished her report for the Ombudsman's Office and Steve Yager responded to it. We finally got our hands on it in November (the report will be at the end of this book).

The report found that "Western-Wayne County FIA did not act in compliance with the law and CPS policy." There were several issues the Ombudsman Office found, including the improper use of a 'voluntary' placement order, that CPS did not have all the facts, that Moo was held at Henry Ford Hospital illegally without a court order, and to sum it up, that Nalepa didn't know what she was doing, namely with the Risk and Needs Assessments.

Interestingly, In Yager's response to the OCO's recommendation of training for Nalepa, he mentioned that she would receive the proper training "upon return to duty".

We were never made privy to why she was on leave.

We felt this would be all the ammunition we needed to bury them.

But the months dragged on and on. Faupel drafted a complaint, and sent it to Henry Ford and the FIA. They threatened to sue.

But when push came to shove, Faupel would no longer represent us on a contingency basis. She felt that Henry Ford Hospital didn't have a leg to stand on legally, and we would have no problem winning a judgment against them, but the amount of the judgment likely wouldn't be worth her time. As for the FIA, qualified immunity is quite an insurmountable obstacle. The FIA is very well protected from having to atone for any sins.

We graciously bowed out. It was over. We would never recoup the thousands we lost to win children back who should have never been removed, and the FIA would never have to pay for the damage they caused to my boys, especially Todd.

Instead of trying to fight back I took a different tact. I began fighting for reform. There is so much left to the judgment of people who are not qualified to make decisions, and there are so many laws the essentially enable the system to go awry that someone needed to fight.

I joined several groups, one of which was Michigan Victims of CPS. This group was compromised of many Michiganders who have been through the CPS wringer and wanted to change the system too. Many still had cases going on, and this group also supported and fought for them.

Through this group I made several contacts. I also became aware of State Representative Fulton Sheen's efforts from Allegan County. The bills he has introduced are a great first step in true reform to make the system equitable and fair. I, along with many others have appeared before the Children and Family Services Subcommittee, of which he is a member, to support his bills (for reference the bills I personally spoke for were HB5589 of 2004 and HB 4038 of 2005).

Each time the opposition (the FIA) has put forth impassioned but weak arguments. Even at these hearings the FIA representatives cannot answer direct questions. Ron Hicks, speaking for the FIA was asked by the committee:

“If interviews were taped, do you believe all parties should be able to have access to them?”

“That is a very good question” replied Hicks.

I am working with my own representative, Representative Barbara Farrah to help get changes made. I know she is aware of the flaws in the system, and is genuinely concerned with what she has seen.

Now I am no longer fighting back. I am fighting forward. Our troubles are over. But one day our boys will be fathers. I don’t want them to fear taking their child to the hospital if he or she falls. I don’t want them to face an erroneous accusation of child abuse and know that even if they couldn’t be more innocent than their children, our grandchildren, would still be in danger.

But still, we may have accomplished something. Barrese took the earlier retirement incentives offered to reduce headcount in the FIA.

On March 18th, 2003, one year to the day that Nalepa received our case, her email address was removed from the employee search system. There are no official disciplinary actions on file for her, but she’s no longer employed by the state. I can only hope as to the circumstances behind her departure.

The Aftermath

This has affected our family in no small way. We are terrified to ever bring any of our children to the hospital, and our children are terrified of going.

We don’t discuss these issues in front of our children, but Ryan and Todd still remember everything quite clearly.

In 2003 we refinanced our home to take advantage of the low rates. Part of the process included a home appraisal. We told the children they had to have their rooms completely cleaned because someone was coming over to look at our house. You could see the terror in their eyes. When we realized how they had interpreted that we did our best to assure them that this was nothing like the FIA. They seemed to be calmed by our reassurances, but the next day when the appraiser arrived, they hid from him.

One of Ryan’s bad habits was picking his skin. He had been doing it since the age of 4 or 5. By the time he was 11 we had just about finally solved the problem. His scabs were healed and he wasn’t picking any more. It all started up again when the FIA began their shenanigans, and has continued to this day, setting us back years.

Ryan also knows that we were accused of abusing him and his brothers. Because of this, his definition of abuse has been quite skewed. He now believes that taking his TV privileges away is abuse. He believes that when I pull him away from his brothers when they start pushing and shoving that that is abuse. He believes not letting him eat snacks is abuse. And being a teenager now, he tells us so, essentially threatening us that he will contact CPS. He’s never directly said that, because even he is aware that if he were to do so, he’d lose pretty much every privilege he has for at least a week, but he’s definitely alluded to it multiple times.

Todd bore the brunt of the emotional trauma however.

Todd had always been a loving child and very patient with his brothers. He was never rude to an adult. His grades were outstanding, and he was a model of citizenship at school.

When the 'forensic interview' by Nalepa took place, Todd changed instantly, literally that day. He drew inward and was no longer as outgoing or open. His grades fell, he was no longer making the honor roll. He would talk back to teachers now and again. He also started getting into fights at school, one of which he was suspended for.

Because of his steadily increasing problems we took him to a psychiatrist, and began regular visits. The diagnosis only added that much more resentment. He was diagnosed with separation anxiety due to the actions of the FIA.

The toll has also been drastic on Gina and I. My work performance fell significantly during and after FIA intervention. I was nearly released by my company. I would spend whole days on the internet, doing research and accomplishing nothing. I honestly deserved to be fired, but mercifully there were those that supported me and believed I would pull out of it.

Gina loses entire days from time to time too. She can't help but be overwhelmed with fear and guilt. She and I together have spent money on the boys we probably shouldn't have in an effort to apologize for not being able to protect them from CPS.

At first we wouldn't even let our boys act like boys. We wouldn't let them climb trees, because what would happen if one fell and broke an arm? We wouldn't let them run around the back yard. What if they hit their head while running and needed stitches?

We've loosened up and relaxed as time goes on, but not out of realization that it won't happen again, but out of realization that we can't punish our boys by not letting them play like boys just because the FIA couldn't do their job.

Willy and Moo likely won't remember a thing. But they did not go unharmed. One night Gina and I went to a Haunted Tour at the Henry Ford Museum right around Halloween. The tour took place on a weeknight. Since Gina and I almost never go out, this was a big deal for us. We took the boys over to Angie and Jesse's to watch them while we were there. Willy was inconsolable when we tried to leave without him. He kept on asking us over and over again if we would be coming back. It hurt so much that we very nearly cancelled our 'date'. We were all able to calm and reassure him (after about a half-hour), and were able to leave without Willy panicking.

On another day while I was at work and Ryan, Todd, and Willy in school, Gina had to drop off Moo with Jesse while she went to a doctor's appointment. Jesse met them on the porch and Gina hurried off. For the three hours that Gina was gone, Moo would not go into their house and insisted that he and Jesse wait on the porch together. Moo cried the entire time. He was afraid that if he went into their house that he wouldn't be going home.

Our community was also affected. One of our children's teachers had a son that suffered a cut on his head. With our family ever present in her mind, she refused to take her son to the hospital for an entire day. When she could wait no longer, she found out he needed stitches.

And our Disney trip. We lost that, and we were never sure we would be able to make it again. But we made a promise to our children, one we intended to keep.

In February of 2004, we made good on that promise. We spoiled them rotten on that long-delayed trip, but it was worth it. We cried while they screamed with joy as we drove under the arch of the Disney World entrance.

To some extent all of us will be suffering from this for the rest of our lives.

But we have begun to heal.

On October 19th, 2003, John James Valenti was born. Our fifth and last son. He will never know the agony the rest of our boys endured, and he has helped us to put the FIA behind us, at least the trauma the FIA has caused.

I however will never put it completely behind me. I will continue to work for true reform for the rest of my life, and I will continue to advocate for families that I know are innocent. And I will do everything in my power to see that what has happened to us never happens again. I know that is an impossible task, but it's one I feel I need to take on so that my family's suffering was not in vain.

What went wrong?

Many people claim that CPS is part of a giant money-making machine that intentionally goes out to kidnap children. Many also claim that they are in league with the LGALS, hospitals, therapists, and the courts in an epidemic-proportioned conspiracy. Even more fantastic are the claims that it's all part of a Gay and Lesbian/Jewish conspiracy to kidnap heterosexual Christian Children.

There is no conspiracy (at least wide-ranging conspiracy). I do believe that it could accurately be called epidemic, but there is no coordinated and organized conspiracy. The true cause of the failures in the system is apathy. Everyone else assumes someone else has done or will their job so they won't have to.

To many of these people a day of tearing a family apart, either necessarily or unjustly, is just another days pay. And the pay isn't that good.

Wayne County LGALs are among the lowest paid in the country. They are not paid adequately to fulfill their obligations to their clients. And they are overloaded with cases. People are not clamoring for these positions. As a result the people that take these positions are not among the best and brightest, and many times, not even among the mediocre. As the old saying goes: You get what you pay for.

The same applies to CPS workers.

Many CPS workers start off as idealistic college graduates out to save the world, with no practical family experience as parents. Those that are worthy to hold the position quickly become frustrated after seeing how the system really operates. Workers are told to perform actions that they feel are inappropriate by their supervisors, or unable to do what they need to because their hands are tied by inadequate laws or policies. Consequently, many of these people end up leaving. The ones that typically do not leave in disgust are not disgusted by what they see, which makes them either naïve, ignorant, or simply cruel.

Others 'land' in the position of CPS worker, as Nalepa did at the age of 48. Prior to that she had been working with troubled teens until her position was eliminated. Those that end up as CPS workers typically don't have the luxury of being able to leave on a whim for moral or ethical reasons, and likely have been a state employee so long that they are unsympathetic to much of the pain caused by the agency they work for.

The root of it is total apathy. It started with Connie Binsfeld who sponsored the legislation. She wanted to appear as if she was doing something for children, so she commissioned her staff to develop the Binsfeld Legislation with a few basic guidelines. Her staff simply expanded on those guidelines with no credible research, assuming that Binsfeld must have known what she was doing. Legislators passed her legislation, assuming she knew what she was doing.

In our case, Harry Yuan, being a mandated reporter felt that under law (even though he admittedly believed us to be innocent) that the legislators must have known what they were doing.

Nalepa, either unwilling or unable to do a proper investigation took Yuan and Church at their word, assuming they knew what they were doing. Ladd and Little-Fletcher were spoon-fed and swallowed Nalepa's claims, assuming she knew what she was doing. Smart went along with Ladd and Little-Fletcher, assuming they knew what they were doing.

No one cared to do their job.

If Colleen had been one of the people who was just there for the paycheck, I firmly believe we would have lost our children permanently.

There are laws on the books to act as safeguards against this sort of thing, but they are not enforced. When the laws are violated, if an inquiry is even made (which is a slim chance), any punishment dealt out is no worse than the proverbial hand-slap if any wrongdoing is found (which is an even slimmer chance).

Much needs to change.

Who went wrong?

- **Grace Nalepa** – Her inexperience and failure to be objective contributed a great deal to what happened. Her personality also played a significant role. She felt that no one had the right to question her authority. When we showed the slightest bit of resistance to her she decided to make us pay. Additionally, she felt that we had disrespected her authority by trying to take Moo out of the hospital against her orders (which held no legal weight). She was able to use and twist that event to her own ends to nearly destroy my family.
- **Ruth Barrese** – Nalepa's Supervisor. Her blind and unquestioning support of Nalepa was almost as criminally negligent as Nalepa's investigation.
- **John Lievense** – I have heard from many, many people that Lievense is a fair, caring, and just man, and that his concerns are genuinely for the children. I can't say I've seen that side of him, as his total and complete apathy for what his direct and indirect reports were doing is what damaged and nearly destroyed my family.
- **William Ladd** – This man has a history. Rehab and Ahmed Amer. A Dearborn family who tragically lost their son when he fell in the tub and died of a skull fracture. It was later proven to be osteogenesis imperfecta, or, brittle-bone disease. The Amers lost the rest of their children to the then Department of Social Services, their parental rights were terminated and their children were adopted away. However another judge had found the injustice and brought it to light, but the DSS and the LGAL, despite indisputable proof of their innocence, refused to return the children, citing the emotional trauma it would cause. Their children's LGAL was William Ladd. Ladd tends to believe that parents are incapable of taking responsibility for their own children. In an editorial published in the Detroit Free Press, "Who Failed Miracle Jackson", Ladd blames everyone under the sun for the tragic death of a little girl, except for the people responsible for her. It was the court's and the FIA's fault, because in his mind they are the ones who should be caring for the children, and not the parents. In our case Ladd has tried to minimize his role and claim he was simply doing his job by "aggressively

representing” our children. He was tasked with their best interests, and HE failed miserably. Despite that fact that he was only at one hearing, he was the only LGAL who had any impact whatsoever on our children. He hurt them. He hurt the Amer children. I know he’s done it to others, and I’m sure he’ll do it again. He has no regards for what children’s interests are, only his own image. In the CLS he shows one side of himself, that of a true advocate, a crusader for children who will stop at nothing and sacrifice everything for them. Those who have seen him in action know quite differently from his flat-out lies to his intimidation tactics.

What needs to change?

- CPS workers complain endlessly about their overwhelming caseloads. We heard that gripe while our children were in state custody. One solution is to hire more caseworkers, which in my opinion is analogous to putting out a fire with gasoline. No, to really make an impact on caseloads one of the major areas that must be eliminated is anonymous reporting. According to CPS, most of the complaints they investigate are unsubstantiated, and a good percentage of these are initiated by anonymous reports. If the reporters identification was required to be verified (via a 911-type tracing system) before a complaint can be acted upon. This would hold the callers responsible for false accusations, and the overzealous reporting would grind to a halt. I however in no way believe that the reporters identity should be revealed to the accused (unless found to be a false report).
- Another major stumbling block is qualified immunity. CPS workers know that they are free to do whatever suits them with no concern for repercussions. Granted, I firmly believe that very few take qualified immunity and use its protection to commit malicious acts against families, but this immunity keeps them from being as diligent as they should be when dealing with the life-altering situations of others.
- Electronic recording. Each and every interview should be videotaped. The state complains that this would cost far too much money, but when the parents offer to donate their own video recorders for that purpose the workers eyes become wide as saucers and they flatly refuse.
- In lieu of electronic recording, a third party could be allowed to sit in. At the moment, by law an accused parent can have a support person present during their own interview, but the FIA has no obligation to inform the parent of this right. And there is no recourse for providing a support person for the child, whether it’s the parent or the child making the request.
- Confidentiality. When the FIA is questioned about specific cases, they can hide behind confidentiality. CPS records are not subject to Freedom of Information Act requests, and it is a misdemeanor to dispense information from a case file. They are allowed to operate in total secrecy.
- Family Court. In criminal court, proof beyond a reasonable doubt is required to prove that someone was, let’s say, assaulting someone. In family court, only a preponderance of the evidence is required to prove that a parent is beating a child. From my personal experience, a preponderance of the evidence is to A) Have a child and B) A mandated reporter (with no regards to competence or experience)

claims that child to be abused. Child abuse is a crime, and should be dealt with as such. Someone who abuses a child needs to serve time in prison. That would protect the child. Many people, mothers in abusive relationships especially, have their parental rights terminated for failure to protect. If the person who was actually responsible for the crime was held responsible, then there would be no need to punish the mother for being an additional victim.

- Better training and higher standards for employees. In Michigan, CPS workers do not have to be licensed social workers. This is done to protect CPS workers and keep the numbers up. It is not an easy task to get a social work license, and one must be dedicated to do it. Additionally, although qualified immunity protects CPS workers from criminal and civil prosecution, it would be rather easy to get a social work license revoked if one could prove wrongdoing. If CPS workers were required to be licensed, losing their license would essentially take them out of the CPS workforce. This is too big a risk for the state to take.
- Elimination of the SDM. Families are not equations that can be crunched. Each one is unique. Trying to standardize families is like trying to catalogue snowflakes. Each family needs to be approached individually, and more important, objectively. The SDM had ready-made answers and formulas for determining how appropriate a family is. Such an arbitrary, intangible issue cannot be approached mathematically, but the SDM tries to, and fails miserably at that.
- Better education for families. Many, many children removed from their homes are done so needlessly. To be a CPS worker, one is required to hold a bachelor's degree from an accredited university. Because of this, many workers are entirely out-of-touch with the people they are judging. Not to say to eliminate the degree requirement, but many of these CPS workers need to understand that their way of looking at life differs greatly from many of their 'clients'. Many parents may not even be aware that they are abusing or neglecting their children. There are programs like Families First and the like, but those are employed in the same fashion as everything else, arbitrarily.

Afterward

Much of what I have said may be unbelievable. I can back up everything with either documentation or witnesses. There are even things I haven't included in this story either because I can't prove them yet, or considerations I will not mention. And those are some of the most telling aspects of why things happened the way they did (if in fact true).

I do not believe anyone came at our family with the intention to destroy us, but a combination of shortsightedness, arrogance, ignorance, apathy, and ego helped to make our case, and many, many others the fiascos they have become. There is only one person in particular I believe to have had hostile intentions toward my family from the start, but others joined in over time.

Many more people have suffered. We've heard that Colleen did not have an easy time of it at the office in the months following our case, that she'd been ostracized. I firmly believe that Nalepa's leaving was not of her own volition.

Nothing good came of this case, other than our fifth son, Johnny, who I doubt we would have had if not for what happened to us. My family will be forever scarred from this, as will those that know us, and even some of those who opposed us.

I will continue to fight till the day I die for the genuine best interests of children. I will not hide behind that phrase to support actions that are dubious, nor will I use it as an excuse for anything I do. I am determined to make my family's suffering serve a purpose, and if that purpose is to spare other innocent families of our agony, then I believe it is a noble one.

Now all is said and done. My story is out there, at least as out as it's likely to get, and my family can close this chapter of our lives.

But there is always one thing I will remember sadly about March 25th, 2002 aside from the course laid out and executed against our family. I will always remember the snowfall.

Mark A. Valenti
March 25th, 2005



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF CHILDREN'S OMBUDSMAN
LANSING

R. ROBERT GEAKE, Ph.D.
DIRECTOR

November 14, 2002

Mrs. Gina Valenti
313 North Drive
Wyandotte, MI 48192

Re: **Ryan Hamilton** (d.o.b. 02/23/91)
 Todd Hamilton (d.o.b. 04/29/93)
 William Valenti (d.o.b. 01/16/99)
 Mark Valenti (d.o.b. 08/15/00)

Dear Mrs. Valenti:

Thank you for contacting the Office of Children's Ombudsman (OCO) regarding Ryan, Todd, William, and Mark. The OCO is responsible for reviewing cases handled by the Family Independence Agency (FIA), adoption agencies, and private child-placing agencies that have contracts with FIA. Our investigations consist of reviewing cases that involve children's protective services (CPS), foster care (FC), and adoption. You specifically requested that our office investigate the handling of a protective service complaint that concluded with the removal of the children.

The law requires the Ombudsman to notify the complainant of the recommendations made by the OCO and any action taken by the FIA or private child-placing agency. Our investigation included, among other things, a review of the CPS and FC case file material from Western-Wayne County FIA and interviews with workers, supervisors and various collateral contacts. We have completed our review of the case involving Ryan, Todd, William, and Mark and have concluded that Western-Wayne County FIA did not act in compliance with law and CPS policy while handling this CPS case.

The recommendations issued by the OCO to Western-Wayne County FIA are listed below along with the agency's response.

Recommendation 1: The OCO recommends FIA review this case and determine how the CPS worker, supervisor, and section manager concluded that the evidence documented was sufficient to find that a preponderance of evidence existed that Mark had been abused and neglected by his parents.

FIA Response: Agree. Western-Wayne County FIA reviewed this case and determined that the facts and evidence obtained at the onset of the investigation supported the decision to petition the court. There was evidence of serious physical injuries to a young child, which the medical community initially could not rule out as abuse. At the point that CPS petitioned the court, the child was facing an imminent return to the parental home, the home where the alleged abuse

occurred and CPS could not ensure the child's safety without first completing a thorough investigation.

However, CPS failed to follow through in fully assessing all information and evidence prior to reaching the disposition. It appears the CPS worker did not follow through and seek updated medical information via case consultation after the petition was filed, as the foster care worker did. Additional information could have assured appropriate safety interventions, which might have included returning the child home more quickly, as opposed to being placed with relatives for approximately 70 days. Specifically, information obtained as a result of the physician's testimony at the 05/31/02 adjudication hearing, as well as information provided by the foster care worker, supported a change in the original disposition. Therefore, the original disposition has been amended to accurately reflect the facts of this case.

Recommendation 2: The OCO recommends FIA review the actions of the CPS worker in this case to identify the steps necessary to ensure compliance with the Child Protection Law, MCL 722.626 sec. 6(1) which states *"The person in charge may detain the child in temporary protective custody until the next regular business day of the probate court, at which time the probate court shall order the child detained in the hospital or in some other suitable place pending a preliminary hearing...."*

FIA Response: Disagree, as applied to this case. FIA has no authority over hospitals. The OCO's recommendation cites statute directed to, and binding upon hospitals, not CPS.

Recommendation 3: The OCO recommends FIA review the use of placement orders. A voluntary relinquishment order should only be used after discussion with the parent(s) regarding the process. A copy of the placement order should always be given to the parents. Informing the parent that a child is being placed in FC without getting consent from the parent to take the child requires a WRIT. Consideration should be given to creating a signoff form indicating that the parent agrees to the placement when a voluntary order is being utilized.

FIA Response: Agree in part. In this case, CPS utilized a voluntary placement order appropriately. Appropriate discussion occurred with the caretakers, who did not object to the child's placement. The caretakers were provided appropriate information regarding the court process and the parents were present at court hearings.

Nevertheless, Western-Wayne County FIA will review the process for using voluntary placement orders and will consider developing a form to document parental consent.

Recommendation 4: The OCO recommends FIA:

- a) Review this case with the Assistant Attorney General's office and determine why the petitions filed did not document how the child's injuries were the result of abuse and neglect by the parents.
- b) Cross reference CPS policy CFP 714-1, pg. 9, (#8) into the CPS policy 715-3 governing Family Court Action.
- c) The CPS worker should receive training on elements to be included in petitions.

FIA Response: Agree in part. The FIA disagrees with the OCO regarding the legal sufficiency of the original petition. The Assistant Attorney General reviewed the petition and authorized the same. The court reviewed the initial petition, received testimony and determined that probable cause existed to warrant placement of the child. The court process is in place to ensure that the children are protected while safeguarding the rights of parents. Ultimately, the court process worked. The petition was dismissed and the children were returned home.

However, the FIA concurs that CPS policy should be cross-referenced as recommended. CPS Program Office will add a link from CFP 714-1 to CFP 715-3 in the next policy release scheduled for May 2003.

Recommendation 5: The OCO recommends FIA thoroughly review this case and determine, utilizing all sources of information available, what the correct scores should be for the Risk and Needs Assessments and amend the SWSS forms. The OCO further recommends FIA complete the FIA-153 or alternate document addressing the scores for the Risk and Needs Assessments and provide the amended documentation to the family. Again, training should be provided to all involved FIA employees to assure appropriate application of SDM assessments.

FIA Response: Agree. Western Wayne County FIA will complete the FIA-153 as required and, as such, will document support for the assessment scores. Additionally, inaccurate assessment scores will be corrected based on current information. Training will be provided to the involved worker upon return to duty to ensure appropriate application of SDM assessments.

This concludes our review of the case involving the Hamilton and Valenti children. If you have any further questions or concerns, please contact our office at (517) 373-3077 or (800) 642-4326.

Sincerely,



R. Robert Geake, Ph.D.
Children's Ombudsman

RRG/ba

c: Douglas Howard, FIA Director
Wayne County FIA, Director

The name of the complainant and all other identifying information has been deleted from the copy of this correspondence that is sent to FIA and the private agency as required by PA 204 Section 9.