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# Empty Home for the Holidays: Mothers Who Can't See Their Children Blame Broken Family Court System

12/14/2021 by [AMY POLACKO](#)

**“If you think you and your children will be protected in our family court system, you’re wrong.”**

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In 1,137 cases where mothers alleged domestic violence, courts believed the women in only 517—less than half—of them. ([The Owl Feed](#) / [Creative Commons](#))

*“Last March, the world as we knew it came to an end and I could not get home to you. Your father kidnapped you without penalty in Connecticut. I moved to a remote village in a ... country a lifetime away from everything I’ve ever known. The only constant is that I think of you every day. In the silence of this place, my thoughts are loud. My grief is tangible. I am on the run. But hope is never lost because I am still fighting for justice. One day, the truth will prevail.”*

—“A Love Letter to my Children,” by Cobie Jane

It’s been years since Cobie Jane has spent the holidays with her two boys—and this year will be no different.

Most who read Jane’s social media posts—letters to her sons on their birthdays and other milestones—can’t fathom what made a mother move half a world away. People who don’t understand [the world of family court](#), that is.

“It feels like the whole system is stacked against us and many of us end up homeless on public assistance,” Jane told me from a

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after spending my last cent on my court battle. I hope to reduce my expenses, pay off legal debts and continue to fight for my children.”

In 2015, in New Canaan, Conn., police arrested Jane’s ex-husband for disorderly conduct after he allegedly pushed their son to the floor. But mentioning any kind of abuse can work *against* women in divorce custody cases. Some lawyers tell clients, “If you want to keep your kids do not say the ‘a-word.’” A groundbreaking study proves it.

Funded by the National Institute of Justice, “[Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations](#)” was released in 2019. In it, George Washington University Law Professor Joan Meier found that in 1,137 cases where mothers alleged domestic violence, courts believed the women in only 517—less than half—of them. In a sampling of 200 where mothers accused fathers of child sexual abuse, family courts sided with moms in only 15 percent of cases.

“These findings,” the report stated, “support protective parents’ complaints that courts are not protecting at-risk children from future abuse.”

The Leadership Council on Child Abuse and Interpersonal Violence estimates more than 58,000 children are ordered into unsupervised contact with physically or sexually abusive parents after divorce every year.

The double whammy? Domestic abuse survivors, unlike accused criminals, don’t get a free attorney and there’s no organization to fund women to level the legal playing field in high conflict divorce cases. So, some men clearly use the courts as a weapon to drain women of resources, causing them to lose savings, jobs and in some cases their children.

Tina Swithin, whose own custody fight prompted her to found

the group's website addressed to Family Court Judges from Mothers Everywhere reads:

*"I understand that you are frustrated by what you deem to be a 'high-conflict' case. Please know that it only takes one person to create a high-conflict situation. I am not creating conflict. I just want peace. **I also want to protect my children.**"*

"The available research and statistics are undeniable," Swithin said. "This is a social justice issue and it's a world-wide crisis. The failings of the family court system are a problem that belongs to all of us, regardless of whether someone is directly affected by the family court system or not."

Actually, taxpayers foot the bill for a myriad of ripple effects from these epic court battles. The strain of living "in a war zone" affects these women's emotional and physical health, which hampers their ability to earn a living. Who picks up the costs for women who need public assistance, medical care and food—plus all the court resources devoted to these litigious clashes? We all do. Plus, children caught in the middle process the trauma for years to come, often suffering mental health and educational challenges.

"If you think you and your children will be protected in our family court system, you're wrong," said Betsy Keller of Connecticut and New York Protective Moms. She started the organization to support herself and women like Jane who are caught in costly, emotionally devastating legal wars. Keller said at least a dozen of her groups' moms have lost custody—after fathers manipulated the court system.

How exactly did it happen to Cobie Jane?

restraining order request to family court where they think it's posturing for a custody case," Jane said. "I agreed to shared custody, but my ex filed for sole custody. The court-ordered parenting plan which I was forced to mediate due to my inability to finance a custody trial, offered a path to shared custody in three phases but it expired without my ex achieving even one of the required goals."

Jane said he testified at trial that in 2016 he vacationed to Italy, Aspen, Tahoe, Scottsdale, Nantucket and Burlington in spite of his lower income. But, as his lifestyle got more expensive, she was forced to move to a smaller rental every year.

She was living in a small apartment and avoided treatment for a medical condition since she didn't want to be away from her boys. But when she finally needed emergency surgery in March 2018 and her ex cared for the children, Jane said he never gave them back—and she can't get anyone to enforce her legal right to see them.

"This is kidnapping," she told me. "I haven't had my court ordered parenting time since 2018 and haven't been paid alimony since 2019."

The couple lived in the same tiny Connecticut town as Jennifer Dulos, the mom of five who disappeared in 2019 during a contentious divorce battle—and Jane saw Dulos in court regularly. The still-missing woman's estranged husband killed himself.

Jane said the same behaviorist from the Dulos case used to supervise the children's visits with her ex-husband. When Jane became homeless and could not afford to stay in New Canaan, she took a job opportunity overseas in a desperate attempt to earn money for her legal fight while awaiting her next hearing.



Catherine Kassenoff (left) and Cobie Jane are both trapped in expensive legal battles for parental rights and custody after accusing their former partners of abuse. "I do believe the only way out is to fight it," Kassenoff said.

Catherine Kassenoff lost custody of her three daughters too—and even though she lived in the same Westchester County, N.Y., town, a judge ruled she couldn't be within a one-mile radius of them. How does this happen in America? Kassenoff is an attorney—a special counsel to Governor Kathy Hochul of New York in fact—and calls it "the twilight zone." She said her husband, a litigator, is manipulating the system after two of her daughters reported their father for physical abuse of one of them.

Even though Kassenoff was granted a temporary order of protection and her husband was removed from their home, that was quickly reversed. She blamed forensic custody evaluator Dr. Marc T. Abrams who was appointed by the court to work in the "best interest of the children" but was later [removed from the Judicial Department's Mental Health Professionals Panel](#) after complaints about his conduct.

"My husband made an ex parte motion to evict me from my home and a judge signed it," she told me. "He argued that I have a mental illness, I'm a liar and I put my children up to making

though a detective testified that my daughters were extremely credible.”

She was required to pay for third party “therapeutic supervisors” for visits with her girls, and was even monitored on Zoom calls, which cost over \$70,000. The breast cancer survivor who is immunosuppressed had to live out of her car and crash on friends’ couches. Kassenoff told me the worst part is the impact on her girls who have been diagnosed with passive suicidal ideation and post-traumatic stress disorder.

“I think it’s pretty clear that when you’re the monied party, you rule the roost,” Kassenoff said. “If you’re willing to spend \$2 million on this divorce case, which my husband has admitted he has so far—and that money benefits the attorney for the child, my husband’s attorney who sponsors election dinners for judges, the therapists who were handpicked by the attorney for the children and the parent coordinators—all of these people are making money from the high-conflict litigant who’s the cash cow.”

A few states are recognizing litigation abuse as part of new coercive control laws—[like Connecticut’s new Jennifers’ Law](#) which took effect October 1. The legislation is named for two women who lost their lives to domestic violence—Jennifer Dulos and Jennifer Magnano. It makes “coercive control,” a form of emotional abuse that can include vexatious litigation, a factor in family court.

Like Cobie Jane, Catherine Kassenoff is out of money. The working attorney has spent over \$600,000 on her divorce battle in an effort to see her girls. She said the tragic part is most women can’t afford even a fraction of that—so often they give up and never see their children again.

“I do believe the only way out is to fight it,” Kassenoff said, speaking for the moms across the country who have lost

one day we can actually celebrate the holidays—and every other important milestone—with them.”

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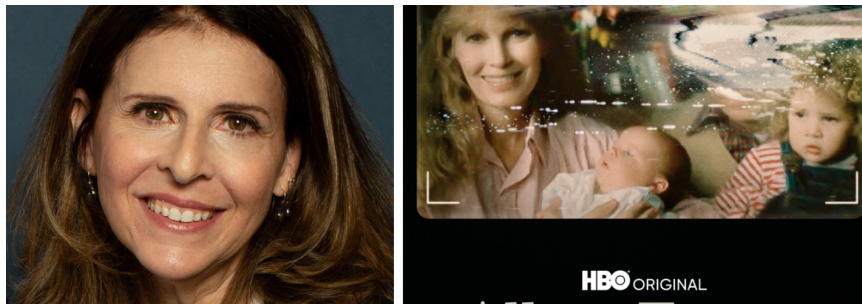
## Rise in Pandemic Divorce Sounds Alarm to Address Gender Inequities at Home

Being quarantined led to a devastating hit on U.S. marriages. By June 2020—just three months into the pandemic—there had been a 34 percent increase in couples contemplating divorce compared to 2019.

While financial stressors and health worries contribute to the breakdown of partnerships, in many heterosexual partnerships, it is the massive disparity in who does household labor, including childcare, that matters most.

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We've grown accustomed to the premise underpinning the HBO Max series 'Allen v. Farrow,' directed by Amy Ziering and Kirby Dick. Yet another heralded male celebrity, this time Woody Allen, is exposed by accusations of sexual assault. Yet, what's most disturbing about the details uncovered by the investigative work in 'Allen v. Farrow' is just how much hid in plain sight—for nearly 30 years.

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## How the Big Business of Divorce Benefits Men

Divorce is a \$28 billion a year industry that affects 50 percent of the people involved in marriage. Between 70 and 80 percent of divorces are initiated by women. Among college-educated women, that number jumps to 90 percent. But even though women overwhelmingly are the ones who want divorce, men somehow benefit disproportionately. Why?

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### ABOUT AMY POLACKO

Amy Polacko is a divorce coach and journalist who worked on the Pulitzer Prize winning team covering

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