

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

Bijoy Raghavan,

Petitioner,

vs.

File No. 70-FA-15-22094

VOLUME II

Smeeta Antony,

Respondent.

The above-entitled matter came before the Court, the Honorable Diane M. Hanson, in District Courtroom No. 4 of the Scott County Government Center, Shakopee, Minnesota, on October 19, 2016, and the following proceedings were had:

TRANSCRIPT OF PROCEEDINGS

HAD UPON COURT TRIAL

A P P E A R A N C E S

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241515
34 and 35121121

1 THE COURT: Good morning, everyone.

2 So we are back on the record here in the dissolution
3 trial concerning Bijoy Raghavan and Smeeta Antony. Both
4 parties are present. Ms. Miller is here on behalf of the
5 Petitioner.

6 We recessed around 4:00 o'clock yesterday, after hearing
7 testimony from Mr. Raghavan. And I believe the Petitioner
8 has two more witnesses who are planning to testify today.

9 I'll just turn to you, Ms. Miller.

10 MS. MILLER: That's correct, Your Honor. Ms.
11 Cheney-Hatcher is in the hall waiting for us, and she would
12 be the first witness.

13 THE COURT: Good morning. Are you Ms.
14 Cheney-Hatcher?

15 THE WITNESS: I am.

16 THE COURT: And I believe you use both names; is
17 that correct?

18 THE WITNESS: I do.

19 THE COURT: Thank you. I'm going to have you take
20 an oath, and then you may take the witness stand.

21 EVA CHENEY-HATCHER,
22 after having been first duly sworn, was examined and
23 testified as follows:

24 THE WITNESS: I do.

25 Your Honor, I just want to let you know I have had

1 laryngitis for several days, so I have kind of a croaky voice
2 and I have a cough drop in my mouth.

3 THE COURT: That's fine. Just take your time. We
4 have water available there for you.

5 THE WITNESS: If I cough, it's not intentionally.

6 THE COURT: If you need to take a recess at some
7 point, we can certainly do that, if necessary.

8 THE WITNESS: I shouldn't need a recess, but I'm
9 just saying I sound like Typhoid Mary, but I am not.

10 THE COURT: And I'm just going to ask you to state
11 your name and spell your last name or names for the record.

12 THE WITNESS: My name is Eva Cheney-Hatcher. It's
13 a hyphenated name. Eva is E-V-A, Cheney is C-H-E-N-E-Y,
14 hyphen, H-A-T-C-H-E-R.

15 THE COURT: Thank you. And, Ms. Miller.

16 DIRECT EXAMINATION

17 BY MS. MILLER:

18 Q Ms. Hatcher, what is your professional address?

19 A 14800 Galaxy Avenue, Suite 301, Apple Valley, Minnesota.

20 Q What is your occupation?

21 A I am a licensed attorney and a qualified Rule 114 neutral.

22 Q And how long have you been a licensed attorney?

23 A I've been a licensed attorney since 1991.

24 Q And the Rule 14 (sic) training, that came about how many
25 years ago then?

1 A Well, I was -- my original ADR training occurred in 1995. I
2 was practicing law in South Dakota. And they have a
3 different qualification system, so I became a qualified Rule
4 114 neutral when I moved to Minnesota and submitted that
5 application here, and that would have been probably in 2002
6 or 2003.

7 Q So you have been active as an attorney and as a -- what --
8 explain Rule 114. Maybe that would be a good idea.

9 A Sure. A qualified Rule 114 neutral -- to qualify for that,
10 you have to have, at the very least, the 40-hour family
11 training. It's a one-week long training, and it covers all
12 the different aspects. It teaches you mediation skills; it
13 teaches you about the various issues in family law dispute,
14 all the way from custody and parenting time to financial
15 issues. It includes a section on domestic abuse. It's
16 pretty comprehensive. It's a week-long course. That is the
17 minimum that you need to qualify.

18 Since that original training in '95, I've obtained every
19 other certification, all those lumped under 114. I'm a
20 qualified -- I took adjudicated training, so I'm qualified to
21 do private judging. I'm qualified to do consensual special
22 magistrate work. I'm qualified to do arbitration. I'm
23 qualified to do early neutral evaluation. I'm qualified to
24 do mediations. I'm qualified to do civil arbitration, civil
25 mediation.

1 I have experience in neutral work in both the family law
2 arenas and then the civil arena, in like business and
3 employment and real estate, and areas like that.

4 My primary focus since 2001 has been primarily family
5 law. And, since 2009, I shifted from work in the family law
6 litigation arena, where I represented people, typically with
7 either complex custody cases or complex financial cases, or
8 both. And I shifted from work in litigation to focusing
9 primarily on work as a neutral in about September of 2009.

10 And for the last two years, I've only done neutral work.
11 But since 2009, primarily neutral work. You know, you always
12 have some of those cases, you know, that you need to finish
13 up before you can be completely done.

14 But that is my history.

15 Q And you put the performance of custody evaluations in the
16 category of neutral work that you do as a result of your
17 education, training and experience; is that correct?

18 A Yes, I only do neutral work.

19 One thing I forgot to say that -- I've done so much
20 training in the neutral arena, I've also had additional
21 training specifically focused on custody evaluations,
22 investigations and reports. And that, too, was a week-long
23 training that focused specifically on the, you know, family
24 dynamics, child development, statutory factors, writing a
25 report. Again, very comprehensive. It was a week-long

1 program, and I think I took that about four years ago.

2 Q So approximately how many custody evaluations do you complete
3 annually each year?

4 A Well, I can say that this year I probably have six. I try to
5 limit the number of evaluations that I do because they are
6 time consuming. And to have a turn-around time of
7 approximately three months, if there aren't extenuating
8 circumstances, I really need to limit the number that I do.
9 I think this past year I have done six.

10 Q Approximately how many times have you appeared as a witness
11 in a trial, say, in the last four years? Is that a number
12 you could --

13 A Twice, I think. Twice.

14 Q And under what circumstances were you engaged to do -- under
15 what circumstances are you, in general, engaged to do a
16 custody evaluation?

17 A I only do neutral custody evaluations. And I'm always
18 appointed by the Court. I only take cases if the Court
19 appointed me to conduct a neutral custody evaluation. More
20 times than not, the attorneys or the parties on the case
21 select the evaluator, and then have the Court appoint them.

22 I'm not quite sure how it came about in this case. I
23 just know that there was an order appointing me to conduct
24 the custody evaluation, and then we follow up from that point
25 and contact the parties and move forward with the case.

1 Q And do you charge a fee for custody evaluations?

2 A I do.

3 Q Do you recall what the fee was in this case?

4 A Yes, I believe the fee in this case was \$6,000, a flat fee of
5 \$6,000, and that included the investigation and writing the
6 report.

7 Q Who paid that fee?

8 A Mr. Raghavan has paid that.

9 Q And is there a fee for your testimony today?

10 A Yes, there is.

11 Q How much is that?

12 A \$1500.

13 Q And who has paid that fee?

14 A Mr. Raghavan.

15 Q When you are engaged to do a custody evaluation, do -- are
16 there specific steps you take in the process to perform that
17 task?

18 A Yes, there are. The first and biggest part of my
19 investigation is gathering information. And there are
20 several ways that I do that.

21 I do interviews with family members. In this case, I
22 met with dad and I met with mom, and I met with this them
23 individually. I met with dad twice because there was some
24 miscommunication. He thought it was an hour appointment, and
25 he had to get back to work, so I had him come back again for

1 another hour. So I met with both parents for about two
2 hours.

3 I met with the children, as well. Again, that was a
4 separate interview. I do home visits. I go to the home and
5 I see the children in the environment with their parents.

6 In this case, mom is living in the family home, so I met
7 with mom and the children there. And dad had moved into an
8 apartment, so I met with dad and the children at the
9 apartment.

10 I also ask each of the parents to provide me with some
11 names of collateral contacts. And, in this case, dad gave me
12 two contacts; and mom gave me two contacts, as well. I think
13 mom gave me a third one, but I wasn't able to reach that
14 person.

15 In this case -- and it's not uncommon to have
16 psychological evaluations done, as well. And this case was a
17 case where the Court had actually ordered psychological
18 evaluations, and I also believed that they were necessary as
19 part of the investigation. So I had Dr. Harrington conduct
20 psychological evaluations. So she and her report are also
21 collateral references.

22 I also review the case pleadings, particularly, because
23 the parents in this case, as well as other cases, there is
24 oftentimes affidavits where, you know, people are telling
25 their story. So it's good for me to review what people have

1 written, so I can see what information is contained therein.

2 As I'm going through this process, you know, I'm looking
3 for consistency. I'm looking for information that seems to
4 be consistent. I look for information that either
5 corroborates or discredits, always balancing that
6 information. I -- so I review all the pleadings. I review
7 -- there were just voluminous documents in this case. And I
8 was going to make a long list and I didn't because it would
9 have taken probably an hour and a half just to make an
10 itemized list of everything that I did. But I reviewed
11 voluminous documents, a lot of articles. I reviewed some
12 police reports. Again, anything that the parties provided to
13 me.

14 Client questionnaires, I always have parents fill out a
15 questionnaire. So I reviewed those.

16 I also -- I also do a -- I always do a criminal history
17 check on parents because people don't always volunteer
18 whether they have had any incidents with law enforcement.

19 I've learned by experience when people check no -- not in
20 this case, but in other cases, I have found it was important
21 for me to do that. So I also check the MNCIS records.

22 Q When you have a psychological assessment done as part of your
23 custody evaluation, what is your training and experience, in
24 terms of kind of the -- you're putting together and using
25 that information that is completed by an independent psych

1 eval?

2 A Well, it's one of the collateral resources. There is no one
3 resource that I would rely on. I look at everything together
4 and, again, the psychological evaluations are -- you know,
5 I'm looking to see, well, has there been a diagnosis? What
6 does the report say? Again, looking for those consistencies,
7 looking for information within that report that's either
8 going to confirm or not confirm concerns raised by either
9 parent.

10 Q Do you have an opportunity to talk to Dr. Harrington directly
11 about her process and the results?

12 A Yeah.

13 Q Do you have a familiarity with the traditional tests that
14 might be recommended in cases like this?

15 A Yes. I was -- I have been practicing law since 1991. And I
16 have been doing family law cases since 1991. And I have been
17 doing custody cases probably since 1992, and have been using
18 psychological reports for most of that career. I think I had
19 about three years where I was practicing in Pennsylvania and
20 I didn't do family law. But I have read more psychological
21 evaluations than I can even count. I have worked with
22 psychologists more than I can count over the years.

23 The testing that is used in psychological assessments,
24 the standard testing, everyone that I have do psychological
25 evaluations use this same testing that Dr. Harrington used.

1 I have professional experience with Dr. Harrington. She's --
2 there are like three psychologists that I use for
3 psychological assessments because I think they are very
4 thorough and take a lot of time with the clients, and they do
5 very thorough and detailed reports. Dr. Harrington is on my
6 very short list. I think she just does a really good job. I
7 have had experience with her for many years, reading her
8 reports, utilizing her reports.

9 Q I have just one other question. In preparing your reports,
10 do you avail yourself of the best interest factors?

11 A Absolutely. Those are the factors that -- I gather all the
12 information. That's the first big chunk of a report. And
13 then taking that information and applying it, sifting it
14 through the best-interest factors, and, you know, that is
15 what it's really about. What are the children's needs? What
16 are the parents' abilities to meet those needs?

17 So I take all of that information and that is the focus.

18 MS. MILLER: Your Honor, if I can approach the
19 witness?

20 THE COURT: You may.

21 BY MS. MILLER:

22 Q I'm going to show you, Ms. Cheney-Hatcher, a copy of a
23 document that has been marked for identification as Number
24 24. Do you recognize that?

25 A Yes, I do. This is my custody evaluation report.

1 Q Okay. And the date on that report is?

2 A September 19th, 2016.

3 Q And you told me this morning that you noticed, when you were
4 reviewing that report, that there were a couple of typos that
5 need correcting; is that correct?

6 A Yes. This was a very long report, and when I went through
7 and did my final draft, there were a couple of things. I
8 think in here I say that I attached the psychological
9 evaluations, and they are not attached because, when I
10 finalized this, I thought, no, wait, I don't think I can
11 attach those. And I forgot to correct that in here.

12 I think in another place I reference an itemized list
13 because, originally, I was going to do an itemized list and,
14 in the final version, I had decided not to do that, and I
15 forgot to correct that in the report.

16 Since I have done this report -- when I interviewed the
17 children, they were nine years old. They have since had a
18 birthday. By the time I wrote the report, they were actually
19 ten.

20 This morning I noticed that I said the kids were in
21 second grade, and they can't be in second grade if they're 10
22 years old. And they are actually in fifth grade; they were
23 in fourth grade when I interviewed them. So they would be in
24 fifth grade now. So I hit the wrong key when I was typing
25 the grade. They're definitely not in second grade. These

1 are very bright children, and, if anything, grade wise, they
2 probably test much higher than their actual grade.

3 I think those are the only -- I think those are the only
4 things that I noticed in here. In case you find anything
5 else, those are the ones I noticed.

6 MS. MILLER: So, Your Honor, I believe you have a
7 copy of this in the original record, but I would offer
8 Exhibit Number 24.

9 THE COURT: That's correct.

10 Ms. Antony, do you have any legal objection to this
11 exhibit?

12 MS. ANTONY: No, I don't.

13 THE COURT: Okay. Exhibit 24 is received.

14 MS. MILLER: With the corrections that have been
15 made on the record.

16 BY MS. MILLER:

17 Q Ms. Cheney-Hatcher, briefly, as you went through the steps,
18 what particular observations did you make, or what
19 conclusions did you reach, based on your family history
20 interview with -- let's start with Ms. Antony.

21 A Okay. Well, first of all, I don't make any conclusions until
22 I get to the best interest factor section of my report. But
23 mom's history starts at page three.

24 Is that what you're asking me about, that she was born
25 in Bombay?

1 Q I'm wondering if you could just highlight -- I mean, the
2 entire history is now a matter of the record. But, perhaps,
3 from the standpoint of now having drawn some conclusions,
4 perhaps you could explain what facts were significant to you
5 that kind of led you to your conclusions? Could I ask you to
6 testify backwards like that?

7 A It might be difficult. It might be better to just start with
8 the factors.

9 Q Start with the 17 factors?

10 A Yeah, because I'm not really clear on what you're asking me
11 specifically.

12 Q Okay. Well, let's do that then.

13 A Well --

14 Q That would represent the conclusions of your report, correct?

15 A Yes, but I think there were some things that stood out to me
16 that might not necessarily be reflected that I should
17 probably talk a little bit about.

18 Q That is exactly what I'm asking. What stood out?

19 A Well, it's important to me when -- I thought that, you know,
20 each parent came and talked to me, and they presented their
21 background, their histories, their concerns about the other
22 parent. And in my interviews with the parents, the things
23 that stuck out to me was dad was very focused on the children
24 and was very focused on what they need and meeting those
25 needs, and being concerned about their safety and their

1 well-being, and mom's mental -- his concerns about mom's
2 mental health as it impacted the children. And that stood
3 out.

4 Also, dad's demeanor was very gentle, very nurturing,
5 almost passive demeanor. And it appeared to me that he had
6 struggled with this idea of divorce, but it was because of
7 the children that he made that judgment call. So that was a
8 consistent theme, as I interviewed dad, the home visits, read
9 the psychological report, and as I talked to collateral
10 contacts.

11 And I talked to mom. Mom is very smart and very
12 articulate. My -- what stood out for me with mom was that
13 her conversations -- the emphasis or focus during my
14 interview with her, reviewing the information that she
15 provided to me, was focused more on her victim of organized
16 -- that she was a victim of organized stalking. And I'm
17 drawing a blank for what the term was, and maybe she can help
18 me when she questions me, this organized stalking and
19 harassment, and wanting to talk about how her mental health
20 commitment in 2012 was not -- was not appropriate because she
21 didn't have effective counsel, she wasn't allowed to
22 cross-examine people. And I can understand where she may
23 have taken issue with that process, but everything we talked
24 about was -- not everything, but her focus was on what
25 appeared to be -- I think I -- let me -- I'm struggling for

1 words, but I think I have it.

2 On page 14, I talk a little bit. She described herself
3 as the victim of harassment and bias by the system, and
4 claims that she continues to be judged. She believes that
5 the police harass her and stalk her, and that was a very
6 consistent theme.

7 I reviewed videos that she had given me of her in her
8 car, and it would be like five to ten-minute videos, and,
9 occasionally, a police car would pull onto the street or she
10 would pass them going on a highway. I didn't see anything
11 that I wouldn't see from time to time.

12 There was one video where a police officer did stop her,
13 and, when he approached the window and asked her if she knew
14 why he had stopped her, her response was totally
15 nonresponsive. She started talking about a packet of
16 information that she had provided to the Sheriff's Office.
17 There was a real disconnect in that conversation. I observed
18 the law enforcement officer to be handling that situation
19 very respectfully, but just a very unconnected conversation.

20 She believes that there is community harassment. So
21 there is a lot of harassment. She's a victim of stalking and
22 harassment on many levels, all the way from organized
23 stalking to police, to community, and she believes that that
24 is because of her husband's manipulation. That was a
25 constant theme and that was her focus.

1 The only thing that she really talked about with regard
2 to the children was their education. And so that stood out
3 to me as important because the focus of my job is to talk to
4 the parents, learn about the children, look at child
5 development, look at the parents' ability to parent and meet
6 the children's needs, identify the children's need.

7 And children, developmentally, have many needs other
8 than just education. And my impression, based on all the
9 information, that there was just a real disconnect there.

10 So those are things that, when I started writing -- when
11 I started going through the best interest factors, they are
12 not reflected in the best interest factors. At some point,
13 this got to be too lengthy.

14 But the other thing that I look to was collateral
15 contacts. Because, you know, I don't want to just have a
16 he said/she said kind of scenario. So I start looking at
17 those collateral contacts and seeing if there is any
18 consistency.

19 Dad's two collateral contacts had known both of these
20 parties for many, many, many years. One was a next door
21 neighbor, and other one, I don't know where they live, but
22 might have been in the same community. One had known the
23 family for 17 years; the other family I think has known them
24 since 2002, and were able to speak clearly about both
25 parents. And, in speaking with mom -- in speaking about mom,

1 they're relying on their own observations, not what dad told
2 them.

3 A couple of important things that came out in those
4 conversations was that mom worked very hard with the
5 children's education, and she was very rigid about that and
6 very, very good about taking care of their educational needs
7 to the exclusion of everything else. Activities -- education
8 and activities. But when it came to the children having a
9 social life, dad was the one that would take the children --
10 he and the children would go to different social events in
11 the community and mom wouldn't come, mom would stay home.
12 The children weren't able to go play with the other kids in
13 the neighborhood. The kids didn't feel comfortable having
14 the children come to their house. In the kids' words, "It
15 was a risk."

16 So those collateral contacts were able to confirm the
17 information that I was receiving from the children, and from
18 dad, and from Dr. Harrington's report, when it came to mom's
19 behavior.

20 And then, lastly, mom's collateral contacts were her two
21 parents. And I think I noted in my report, mom described her
22 relationship with her family as -- I guess I would use the
23 word estranged. She really hasn't had a relationship with
24 her family or her husband since 2010. She describes her
25 relationship with husband as being separated since 2010, and

1 her parents, as well. Although her parents came and visited
2 in 2012 and 2014, she described that she is polite to them,
3 but she really has no relationship with them. And those were
4 the two people she gave me as collateral references.

5 So it became very clear to me that mom is fairly
6 isolated. She will do parties for the children, but other
7 than that, she is very, very isolated.

8 Those were some of the things that stuck out. Mom was
9 just very focused and very obsessed on the harassment,
10 stalking, not even specifically to dad, but to all of these
11 other entities. And the children just got lost in that. So
12 those were kind of some broad impressions that I had during
13 my investigation.

14 Q Let me just quietly check off all the questions you've
15 answered in that response, Ms. Cheney-Hatcher, and I will
16 catch up here.

17 A Sorry.

18 Q Did you independently interview the children in this matter?

19 A I did.

20 Q Are you comfortable describing that interaction?

21 A Yeah.

22 Q Or was there something that stood out to you in that
23 particular step of the process?

24 A Well, I did interview the children. And my practice is that,
25 when I interview children, I have -- whichever parent brings

1 them, I have them drop them off and then I have that parent
2 leave because I want the children to feel comfortable
3 speaking with me.

4 These two girls are very bright. I would say they have
5 a level of maturity probably greater than what I typically
6 see with nine year olds. They were nine, almost ten, when I
7 met with them. And they were very clear in their -- in what
8 I would say is their understanding of the situation. They're
9 very clear about their observations of mom, and that they're
10 tired, and that they are happy where they are with dad.

11 I talked more about my interview with them in the
12 report, but those were my general impressions of the girls.

13 Q Did you get the idea, and I'm sure you weigh this, that these
14 children had been coached in any way?

15 A No, I did not get that impression.

16 Q Did you see them both together?

17 A I did.

18 Q And I imagine that was a conscious choice, as well?

19 A Yes, I typically start out my interview with children
20 together, so we can form a comfort level, then I'll speak
21 with them individually. It just kind of worked out, where
22 one would talk and then the other would talk, and they are
23 coloring pictures. It was such a natural flow, as they are
24 talking and they're working, that I just let that go. I just
25 let them progress that way.

1 And they were each talking about independent things.
2 And so I just kept -- I just didn't break them up and
3 interview them individually because the information was
4 coming so easily in that dynamic that I just -- I felt
5 confident in the information that I was receiving.

6 Q It didn't -- it didn't appear to you as though either one of
7 them were feeling restrained or restricted about what they
8 individually wanted to express?

9 A They were each very easily able to articulate what they
10 wanted to articulate. The reason I typically separate kids
11 is one child will follow what the other one is saying and
12 kind echo or parrot, or one speaks up or the other is more
13 quiet.

14 In my interview with these two girls, it's clear one is
15 more talkative and one is less talkative, but when it came to
16 talking about their situation and their life, they were
17 equally able to just speak up and talk. So I didn't --
18 again, it was just very organic the way it was happening, and
19 I kind of went outside my normal process because they were so
20 able to independently express what they wanted to express
21 without -- I didn't see anyone being overshadowed by the
22 other or kind of following along the path of the other.

23 Q You mention that you reviewed quite a quantity of information
24 that was provided to you by the parents. Does anything stand
25 out that you think about the documentation and the materials

1 that each parent asked you to review?

2 A Well, dad's information was pretty standard. I asked for the
3 pleadings, and both parents provided me with pleadings. And
4 those pleadings included police reports and Child Protection
5 reports, and I think those were all kind of in the pleadings.
6 And then each person provided me with questionnaires.

7 But mom provided me with a lot of information on a lot
8 of stuff, and it's -- I couldn't even begin to tell you
9 everything that I reviewed. And that's what impressed me --
10 I mean, just the tons of information I reviewed that mom gave
11 me, news articles and mixed websites and videos, and such.

12 Q Videos of her own interactions?

13 A Right.

14 Q You said there was a video of her being stopped by the
15 police?

16 A Uh-huh, yes.

17 Q Videos of her being on the road, and police cars being --

18 A Yes.

19 Q And articles from the web -- from the internet about targeted
20 individuals, stalking and harassment?

21 A Yes, yes.

22 And mom also provided me, in her questionnaire, like
23 logs and chronological logs of events and activities to
24 support her claim of harassment and stalking.

25 Q Was it your conclusion that these -- this information

1 provided my mother -- were you able to concluded there was
2 stalking going on?

3 A Well, you know, I tried to explain to mom, in my initial
4 interview with her, that I have been tasked with doing a
5 custody evaluation, and I need to be focusing on the children
6 and what the children's needs are and how best to meet the
7 needs of the children. So it was -- I was reading all this
8 empirical information, but, to me, there was never a
9 connection between what mom was claiming -- I mean, I was
10 reading all this empirical information, trying to figure out
11 how that connected.

12 And it came to a point where I just had to realize that
13 that really didn't have anything to do with anything. There
14 is no evidence of the police stalking and harassing her. The
15 -- it wasn't my job to look at federal statutes and determine
16 if those had been violated. It wasn't my job to go back and
17 read through the commitment proceeding documents that she
18 gave me from 2012 and see if that had been a legitimate
19 commitment. I read all that stuff but it just had nothing to
20 do with the scope of my authority or the direction that I was
21 supposed to be doing.

22 I read all that stuff. I even went to mom's blog and
23 read mom's blog. It all has to do with organized crime and
24 stalking. And, you know, police officers out on the
25 highways, that's where they are. I just -- I read all that

1 stuff and it just had no connection to this custody
2 evaluation.

3 Mom wanted me to consider, I think it was, radiation
4 exposure, I think that is what it was, and the evidence of
5 that. She showed pictures of bruising. But it's not helpful
6 unless I have a medical report from a doctor, saying, "Yes,
7 that's" -- so you can have that empirical information about
8 that stuff can happen, but I didn't have anything tying that
9 to Ms. Antony. There was no doctor's report; there was no
10 medical report; there was no police report that showed the
11 police harassing her. Being stopped for speeding in the
12 neighborhood, I mean, the members of the community were
13 calling the police asking them to do something about that.

14 I didn't see anything that made me consider that there
15 was any kind of harassment or stalking going on by the police
16 or the community. I know one of the collateral contacts for
17 Mr. Raghavan was a member of the home owner's association,
18 and said that so many people were complaining to them about
19 mom speeding through the neighborhood, and that one of the
20 members of the HOA tried to talk to her. So I didn't see
21 that police stopping her for speeding as something that was
22 the police stalking or harassing her. I just saw it as she
23 is speeding and the police are stopping her. I have been
24 stopped for speeding and that happens.

25 So I read tons and tons and tons of information that

1 really didn't have a connection to this case or to mom.

2 Does that answer your question?

3 Q It does. Thank you.

4 Did either Ms. Antony or Mr. Raghavan propose to you
5 what they believed would be in the best interests of the
6 children?

7 A Yes. Mom wanted to have sole legal and sole physical
8 custody, with dad having weekend parenting time. And dad
9 wanted to have sole legal and sole physical custody, as well.
10 In the questionnaire, when I asked what schedule he
11 preferred, he answered by talking about the daily schedule
12 for the children. So I don't really have information about
13 what his proposed schedule -- parenting time schedule would
14 be, but I do know he was asking for sole physical custody.

15 Q So when it came time to look at the factors, in relation to
16 the children's physical, emotional, cultural, spiritual and
17 other needs and the effect of the proposed arrangements on
18 the child's needs and development, what conclusions did you
19 reach?

20 A Well, that is on page 32 of my report. Both parents were
21 able to -- I always ask parents to describe their children.
22 I want to know -- it's a way of me knowing whether parents
23 are plugged into their children and can identify what their
24 needs are. And, you know, to be an effective parent, you
25 need to know where your children are at developmentally, what

1 their needs are at various stages in their life, what a child
2 needs, as a whole, to be a healthy, well rounded individual.
3 And they were both able to describe their children fairly
4 accurately.

5 But it was also clear to me, and I talk a little bit
6 about it, that mom's mental health issues have negatively
7 impacted her ability to parent. I talked about it a little
8 already, in that it's very, very important to her that the
9 children have the equivalent of a private education, where
10 they have very good academics and they're also exposed to
11 several activities, so they have a well rounded educational
12 development. But she appeared to be completely disconnected
13 to other things that are really important to children, which
14 is having that emotional connection with their parents. I
15 just really didn't see that emotional connection between mom
16 and the kids, and I did see it between dad and the kids.

17 She never really articulated the need for -- I don't --
18 I don't even know if she realizes the need the children have
19 to have a social life with other children, where they learn
20 how to have relationships, they learn how to make
21 compromises, they learn how to engage with other people and
22 interact with other people, most importantly with their
23 peers.

24 Mom is very isolated socially. She doesn't do things
25 with the children other than take them to their activities,

1 but, again, they're in an activity; they're not socializing
2 as a family.

3 And mom's -- mom isn't self aware. Mom isn't aware of
4 how her behaviors affect the children. And the children were
5 very clear. The information was very clear. Mom has some
6 behaviors that are very consistently reported by various
7 sources, and it was -- the mental illness was supported by
8 the psychological evaluations. Mom has no self awareness in
9 that regard, and that prevents her from being able to
10 acknowledge the children's needs.

11 The children need a close bond and a close emotional
12 attachment with their parents. They need to be engaged
13 socially, outside of the home with parents and their peers,
14 just them as a whole. She doesn't get that. It didn't
15 appear to me that she got that.

16 Q So I think you comment that, in terms of any special medical,
17 mental health or educational needs of the children that would
18 require some sort of special parenting arrangement, you
19 didn't find that the children have any particular special
20 needs?

21 A No. The children don't have any mental health issues. I
22 know that they probably receive some counseling from the
23 school, but I believe that they need some additional
24 education and counseling for this particular situation, which
25 is, you know, understanding and coping with the effects of a

1 parent with mental health issues.

2 Q Based on your investigation, how long would you say the
3 children have been exposed to and responding to and dealing
4 with the mental health issues that their mother -- that their
5 mother -- that effects from the behavior of their mother?

6 A Well, her initial commitment was in 2012. And I know there
7 was a period when she was receiving medications, where dad
8 describes it as being a very good time. But then she stopped
9 her medication and the behaviors came back. So she's
10 essentially had an untreated mental health condition since
11 2012. And that would have affected the children, with the
12 exception of the time she was on medication and dad described
13 that as being an okay time.

14 Q So that would be approximately -- the children were born in
15 2006?

16 A Yes.

17 Q So from the time they were approximately six until now?

18 A Yes.

19 Q Did the children -- and I'm moving on to factor number three.
20 Did the children -- A, do you believe the children are
21 capable of talking about a reasonable preference in this
22 case?

23 A In this case, I do. I would have to say that, typically,
24 with children who are nine, ten years old, I give some
25 weight, but not a lot of weight, to what they are telling me.

1 But, again, these are -- these are -- these are -- it's my
2 impression that these are two girls that have been living
3 with this for a long time, and they know that their mom is
4 not well and they've coped with that for a long time. I
5 think that has brought about a certain level of maturity and
6 understanding that most kids aren't forced to develop by this
7 age. And so I gave their preference consideration.

8 I wouldn't say that they would get to decide or what
9 they said dictated, but I certainly gave it weight in this
10 case because I felt they were able to articulate a reasonable
11 preference. I thought that their preference -- they had very
12 specific reasons, and I could tell from my -- their
13 conversations with me and my conversation with them, I could
14 tell that this is the stuff that had been bothering them for
15 a long time. They had wanted this for a long time, and that
16 was my impression.

17 Q When you say they wanted this for a long time, what did they
18 want for a long time?

19 A They want to be away from mom's behaviors. They want mom to
20 get well. And in my report I talk -- a couple of things that
21 struck me was that riding in the car and mom having the
22 window down and it was wintertime and they were freezing
23 cold; having the radio up very loudly.

24 And they've learned to cope. They describe having their
25 earphones in just to cover the noise. They talked about all

1 these activities, and I don't remember which one saying, "Why
2 are we in diving, really?"

3 They just had such a mature way -- I can -- I could just
4 tell from my conversation, that they had to process through a
5 lot of this in order to cope with this, knowing that they
6 didn't really have a lot of choice in their situation and how
7 can they cope with this. So I think that is why they have
8 the level of maturity that they do, being able to talk about
9 their preference, and that they had wanted to be away from
10 that for quite awhile.

11 Q Factor number four has to do with whether domestic abuse, as
12 defined in 518B.01, has occurred in the parents -- in either
13 parents' household or relationship. And you were asked to
14 make some conclusions about that. What did you conclude?

15 A Well, I just -- mom claimed that there had been physical
16 abuse. I just didn't find anything that substantiated that.
17 The police reports -- I mean, the one police report that mom
18 had made was, I believe, back in 2012, when she thought --
19 they weren't related to dad. They were related to her
20 thoughts that she was being -- there was surveillance,
21 electronic surveillance, I think. There was just no police
22 report of her calling for assistance.

23 There was -- it wasn't consistent with the demeanor of
24 dad, both experienced by myself, the psychological evaluator,
25 collateral contacts. It's contrary to dad's nature, as

1 expressed by collateral contacts, the psychological evaluator
2 and my interviews with him. It just wasn't consistent with
3 the information that I gleaned.

4 And, also, Ms. Antony's own description of the marriage
5 was over in 2010. She decided that. They lived separately.
6 She would walk away from him. She would not engage with him.
7 She really described two people who were living -- by her
8 choice, living completely separate lives under the same roof.
9 And so there just weren't the dynamics that are present when
10 there's domestic abuse.

11 Even to the extent of financial coercion, she talked
12 about that. With financial coercion, we typically see a
13 spouse who is economically powerless. They don't have the
14 educational skills or the work experience. They're kind of
15 trapped economically because they are not able to support
16 themselves financially, and then the other person uses
17 financial coercion to control them. They cut off money.

18 In this case, the information that was contraindicative
19 of that was that mom is very highly -- I mean, she is really
20 smart. She is highly educated, very bright. She was the
21 higher wage earner in the family. So she is not financially
22 powerless or economically powerless, in that, in my
23 estimation, she would probably be able to go back out and
24 earn a living again, or, historically, she volunteered to
25 leave the work environment. It wasn't her husband saying,

1 "You can't work anymore," and cutting her off from that. The
2 social isolation, the cutting off, those were mom's choices.

3 And mom articulated that those were her choices.

4 So none of the things that we see in domestic abuse or
5 financial coercion was present in this case, in my opinion,
6 based on reviewing all the information.

7 Q And you make the statement that -- in this section that you
8 believe that Ms. Antony's claims are reflective of her mental
9 health rather than any behavior on the part of Mr. Raghavan;
10 is that correct?

11 A That's correct. I felt that way, and that was also Dr.
12 Harrington's belief, as well.

13 And, again, just because of that big disconnect between
14 all the information that she gave me was related to a bigger
15 picture and not specifically to her husband.

16 Q Factor five refers to physical, mental or chemical health
17 issues of a parent, and you already have been quite clear, in
18 terms of how -- the conclusions you reached in that matter.
19 Is there anything in addition to your particular verbiage
20 about factor five that you'd like to add at this point?

21 A Well, I just need to note that it's not just dad's great. We
22 had psychological testing done to see if there's a mental
23 health issue there, and the result of those psychological
24 evaluations was that mom is -- has paranoid ideation and
25 schizoaffective disorder.

1 And another thing I forgot to note. I was reading
2 through this this morning, it's previously in my report under
3 the collateral contacts, mom also has obsessive compulsive
4 disorder, and that would be under the collateral references.
5 Dr. Harrington's -- the results of her testing. And I forgot
6 to put that in here, but these were the two that were --
7 these were found; these were diagnosed by Dr. Harrington,
8 and they are not being treated. And untreated mental health,
9 especially, with the behavior that goes along with this,
10 these mental health issues are definitely going to impact the
11 children, and has. I discussed it extensively.

12 Q Is there anything regarding the history and nature of the
13 parent's participation in providing care for the children?
14 Was that -- did that -- was there something outstanding, in
15 terms of this case?

16 A Nothing that I haven't talked about already. Mom, you know,
17 from the time she left the work force, she pretty much
18 maintained the home and was responsible for meals and getting
19 the kids to activities and to school and their education.
20 Dad was more the nurturing, take them out for the weekend,
21 socialize them with the community. So they both did
22 participate.

23 Q You mentioned both kids had a nanny until the kids were about
24 four, correct?

25 A Yes, they both worked full time -- they both worked full

1 time.

2 Q Factor number seven asks about the willingness and ability of
3 each parent to provide ongoing care for the children. The
4 factor is about meeting the children's ongoing developmental,
5 emotional, spiritual and cultural needs, and to maintain
6 consistency and follow through with parenting time. Your
7 statement with this factor is relatively short.

8 A Well, it's relatively short because I talked about it quite a
9 bit in the first factor. So, I mean, I just was saying the
10 same thing over and over and over again. And the -- you
11 know, mom is not able to meet their needs, or even provide
12 for their safety at this point, because she lacks self
13 awareness.

14 And I discussed it in the first factor, where it talked
15 about the parents' ability, and we are talking about it here
16 again. So this is more of a conclusory statement based on
17 everything else in this report, but it's the same thing I
18 have been saying already, over and over again. I probably
19 could have done it again. You're right, it's short. It is a
20 conclusion.

21 Q With respect to factor eight, by the time you saw the
22 children, they already had had a few months in the apartment
23 with their father; is that correct?

24 A No. I think they had only moved into the apartment -- I
25 think maybe they had been there three weeks, maybe four. I

1 can't remember for sure.

2 Q I may be confusing the dates in which you saw the children.

3 A Well, I don't remember when I saw them. Let's see. Yeah, I
4 met -- I went to dad's home March 22nd, 2016.

5 Q That's right. I was confused.

6 A They had been there a few weeks, and, yeah, that was my
7 recollection.

8 Q But their discussion with you at that time allowed you to
9 reach the conclusion that they had adjusted well to that
10 environment; is that correct?

11 A Well, it's twofold. I mean, the environment was that they
12 had been living primarily with dad. I think they were
13 staying with family friends before then, I'm not quite sure.

14 But they had adjusted to a couple of things. They
15 adjusted to being with dad primarily, and his environment,
16 wherever that was. And the home environment, the apartment,
17 I was looking at that to make sure -- I mean, part of home
18 visits is to observe the children with the parent and how
19 they're doing in the current situation. So that was one
20 aspect of it.

21 And the other aspect is to make sure the parent has
22 appropriate accommodations for the children. Do they have a
23 room for the children? Is there furniture in the house? You
24 know, is this place set up to meet the children's needs?

25 And so they had been in the apartment long enough for me

1 to see that they had set it up. The furnishings were sparse,
2 but they were the ones that are required, functional ones, a
3 kitchen table and chairs, a couch to sit on, beds in the
4 bedroom, a desk for dad. So it was adequately furnished and
5 met their needs, at that time, and I would imagine that they
6 will be adding more things as they're able to eventually
7 bring stuff from home. But they were very happy with the
8 apartment. They loved it, they loved all the space. The
9 girls, I should say.

10 Q You're also -- moving to factor nine, the consideration is of
11 the children's ability to maintain any ongoing relationships
12 with significant people in their lives, correct?

13 A Yes, yep.

14 Q And it is part of your recommendation that the children's
15 time with their mother be supervised?

16 A Yes.

17 Q Would you -- how -- what factors -- what information did you
18 gather that led to this conclusion?

19 A Well, there were a couple. For children's relationships with
20 their parents to deepen and grow, and I'm talking about
21 emotional attachment, emotional bonding, because these
22 children need that, all children need that, but young
23 children absolutely need that, children need to feel safe and
24 secure in their environment and in their relationship with
25 their parent in order to let down their guard and be able to

1 just be open to that emotional attachment and bonding.

2 It's -- when they are not in a supervised environment
3 because mom isn't self aware because she is just not aware of
4 how her behavior impacts the children, they have no
5 protection from that. When dad lived in the home, they had
6 some protection. But when they are with mom alone, they have
7 no protection, at least on an emotional level. And that
8 inhibits their ability to have that relationship with their
9 mom, that emotional attachment and bond. They need it.

10 So, to me, it's more productive to create a safe -- an
11 environment where the children feel emotionally safe. And
12 part of being emotionally safe is feeling physically safe,
13 even if that means they feel safe from, you know, riding in
14 the cars with windows down, and not having to cope with mom's
15 behavior. They can just relax and enjoy mom's time and
16 interact on that emotional level. They need that to develop
17 a bond with mom. And that is part of why I'm thinking a
18 supervising parenting time is important because I want that
19 for the children and for mom to have an emotional connection.

20 But also important, Dr. Harrington, when I read her
21 report, and she talked about the impact on the children that
22 really was kind of -- that confirmed my own feelings, and
23 she's an expert. And I take that comment -- or that
24 observation with a lot of weight, if she is recommending
25 that. And she has worked with children; she's got a lot of

1 experience in this area. She is the one that did the
2 psychological testing, and she's better able to talk about
3 the impact of mom's mental health on the children. And so I
4 had to rely on her expertise in that area, but confirmed my
5 own thoughts.

6 And, again, it's -- developmentally, the kids need that
7 and it's more likely to happen in an emotionally safe
8 environment for them.

9 Q Again, that idea of creating emotionally safe, as well as a
10 physically safe, setting for the children, does that factor
11 in when you talk about number 10, the benefit to the
12 children, when you talk about maximizing parenting time with
13 both parents?

14 A Yes, it definitely does. You know, the kids need to be able
15 to have time with mom. Every child needs the opportunity to
16 have a relationship with their parent. And, again, the kids
17 understand. I didn't sense a lot of -- the kids aren't angry
18 at mom; they are angry at her behavior. They seem to be able
19 to separate those two out, and they want nothing more to do
20 with the behavior. Okay? And -- but they -- but they want
21 their mom.

22 So, again, I just -- their ability to separate those two
23 things out amazes me, quite frankly, when I talk about the
24 level of maturity of these girls. It's because -- I think
25 it's because of -- a result of them having to cope with all

1 of this. They had to do the sorting out in their brain. But
2 they are still two girls that they absolutely don't want
3 anything more to do with the behavior, absolutely don't. But
4 they do have that need to have a bond and attachment with
5 their mom.

6 And, again, Dr. Harrington can speak more to that, but
7 it's important that she have parenting time with them so that
8 they can develop that aspect of their relationship with mom.

9 Q In factor 11, it's basically a discussion of which parent is
10 going to support the relationship with the other parent. Do
11 you have any concerns here about -- should the recommendation
12 -- whatever the recommendation is concerning mother's time
13 with the children, that it wouldn't be supported?

14 A I think that -- well, first, I can say that dad supports the
15 girls' relationship with mom. It just needs to be safe. I
16 don't even think he wanted to remove himself and the girls
17 from the situation. He only did so because the girls
18 couldn't take it anymore, and he was getting so many calls
19 from work. Honestly, I just think that the girls' safety is
20 the most important thing to him, but I didn't sense any
21 animosity toward mom.

22 He didn't speak ill of her. His concerns were more
23 about addressing the mental health. And talking about her,
24 he spoke highly of her.

25 Mom, I think it's the result of her -- part of her

1 mental health is that she -- dad, I think, is going to get
2 glommed in with this whole aspect of stalking and harassing
3 -- or harassment. And I think it will be hard for her -- I
4 think it will be hard for mom to be discussing dad in a
5 positive way, or presenting him in a positive way, to the
6 girls because of how she views dad in with all of the
7 harassment and stalking from all of these entities, as a
8 whole, if that makes sense.

9 Q Her sense of being a victim?

10 A Her mental health, her paranoia, and seeing herself as a
11 victim of harassment and stalking, and dad as being a part of
12 that, manipulating law enforcement and creating a bias. If
13 the girls are with mom primarily, that would bleed over and
14 possibly affect their relationship with dad.

15 But beyond that, I just don't know. I just don't know
16 how her mental health issues would get in the way of that.

17 Q And, in factor 12, when you talk about the parents
18 cooperating, again, you talk about how mom's mental illness
19 puts a barrier on that?

20 A Yes.

21 And, again, there is just so many aspects of her mental
22 health issues. But I guess, in more detail, back from 2010
23 or 2012, she's described not having anything to do with dad.
24 If he approaches her, she shuts him down. She wants nothing
25 to do with them. Dad describes only communicating by e-mail.

1 Just the impression I had from listening to both of them
2 was that they were both little islands. Dad with the girls
3 here, and mom with the girls here. They are all under one
4 roof, but they were not even co-parenting in the same home.
5 Mom did her thing with the girls; dad did his thing with the
6 girls. And there was not really co-parenting, in the sense
7 that mom was pretty much the driving force between the
8 education and activities; dad didn't want them in as many
9 activities. There wasn't co-parenting going on there. They
10 were parallel parenting.

11 There is no history of communication between these two
12 when it came to the children. And I just -- and with mom's
13 mental health issues, I don't see there being any way to have
14 effective communication and decision making when it comes to
15 the children, again, as long as mom's mental health is
16 untreated because that is behind a lot of that.

17 I think if she can address her mental health issues,
18 then it might be something that should be revisited, but it's
19 an unknown to me at this point.

20 Q So you made some recommendations, then, on page 36. And I
21 think, from what you've said about the way -- you know, the
22 way you highlighted what was going on with each of the
23 factors, these recommendations flow pretty clearly from the
24 findings that you made on the factors; is that correct?

25 A They do. I can say that with regard to sole legal and sole

1 physical custody, they do. When it comes to the -- as far as
2 the supervising parenting, they do.

3 When it comes to number three and number four, I looked
4 to Dr. Harrington because she did the psychological
5 evaluations and she is in a better position to recommend what
6 mom should do before that supervised parenting begins. And I
7 understand she is going to testify. She can probably speak
8 to that more fully, but because she has that expertise, I
9 looked to her. I gave credit to what she was saying and gave
10 that a lot of weight. And so I can say that number three and
11 number four are based entirely on Dr. Harrington's
12 recommendations that those have to occur before supervised
13 parenting occurs.

14 Q Until the supervised parenting occurs or until an updated
15 psychiatric assessment occurs, is it your recommendation that
16 the children are not in the presence of their mother?

17 A Again, I'm going to rely on Dr. Harrington's recommendation
18 for that.

19 Q And that was Dr. Harrington's recommendation?

20 A Yes. Number three and number four are -- if you note number
21 five, it says that three and four have to be completed.
22 Supervised parenting time with the children will occur after
23 those have been completed. That was Dr. Harrington's
24 recommendation, and I gave a lot of weight to that because
25 she is in a better position to be able to assess the effect

1 of mom's mental health on the girls.

2 Q So contact is suspended until number three and number four
3 are --

4 A Completed.

5 Q -- accomplished. And, after that time, then the supervised
6 parenting time can begin?

7 A Yes.

8 Q You make a finding, at number eight, that she should have
9 supervised parenting time at Christmas and Easter. Are you
10 cutting out a special exception for these holidays?

11 A I absolutely am.

12 Q Okay. You want to talk about how you see that then?

13 A Christmas and Easter have been significant holidays for the
14 girls with their mom. And that's a very big part of the
15 girls' traditions and history, and it's really important for
16 them to maintain those connections. And I just think that
17 that is very important, and those should happen regardless.

18 Q Easter, Christmas and the children's birthdays?

19 A Yes.

20 Q The children's birthday, actually?

21 A Birthday, yes.

22 MS. MILLER: Your Honor, I don't believe I have any
23 further questions for Ms. Cheney-Hatcher.

24 THE COURT: Thank you. Because it's almost 10:30,
25 this is probably a good time to take our morning recess.

1 Let's do that for about 15 minutes, or so. We will plan to
2 reconvene at about a quarter of 11:00, give or take a few
3 minutes, for cross-examination.

4 MS. MILLER: Thank you, Your Honor.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Court is in recess.

7 (WHEREUPON, a recess was had,
8 after which the following
9 proceedings were had:)

10 THE COURT: So we are back in the courtroom on the
11 record in the trial concerning Petitioner, Mr. Raghavan, and
12 Respondent, Ms. Antony.

13 We've just heard from the custody evaluator, Ms.
14 Cheney-Hatcher, on direct examination, so I will turn to you,
15 Ms. Antony, for any questions on cross-examination.

16 MS. ANTONY: Sure.

17 CROSS-EXAMINATION

18 BY MS. ANTONY:

19 Q Would it be fair to state, based on your report, that your
20 recommendation is based on the psychological evaluation, two
21 testimonies from two best friends of the defendant, right,
22 taken at face value, and the children's testimony, and my
23 parents' testimony? Would that be fair to state?

24 A No. It was based on a lot more information than that.

25 I did interviews with both parents. So it's based on

1 all the information I collected from all sources.

2 Q Which is the two hour interviews between the two of us?

3 A Yes.

4 Q Two testimonies from two best friends, the children's
5 testimony and --

6 THE COURT: And, Ms. Antony, I'm going to ask if
7 you could move a little closer to the microphone. You're
8 talking very softly. It's hard for me to hear and probably
9 for my reporter.

10 MS. ANTONY: Okay.

11 THE WITNESS: So my recommendations are based on
12 all the information that I collected. And I gathered the
13 information from interviews with the parents, interviews with
14 the children, interviews with collateral contacts, two of
15 whom were friends of -- they know both of you, they consider
16 themselves friends with both of you, your parents, the
17 psychological evaluation, my review of all of the pleadings,
18 the police reports, reviewed all the information you gave me,
19 home visits. I think that covers it. All of that.

20 And I don't take testimony. I do interviews. So with
21 the collateral contacts and with each of you, and with the
22 children, they are interviews that I conduct. No, I don't --
23 like the collateral contacts, I don't put them under oath.
24 I'm just having -- taking information from them.

25 BY MS. ANTONY:

1 Q Okay. Would you be familiar with this document?

2 A I think that you -- I think that is one of the documents that
3 you provided to me. I have to be honest, you gave me like
4 several charts like this, and I don't recall this one off the
5 top of my head.

6 Q I know we keep saying that I provided several and I know,
7 unfortunately, we don't have a list in front of us to know
8 what several means.

9 Would you recall me stating that the two key documents
10 would be this log that calls out every date that I've been
11 present at, whether it be school, whether volunteer
12 activities, whether it be classes, whether it be, you know,
13 repairs of cars, whether it be doctor appointments, whether
14 it be puppy grooming appointments, whether it be, you know,
15 e-mail interactions or social interactions?

16 THE COURT: So I'm going stop you. I'm going to
17 intervene and stop you, Ms. Antony. This is no longer a
18 question. You must ask specific questions of the witness
19 about her testimony.

20 BY MS. ANTONY:

21 Q Yeah, the testimony is several documents.) So do you recall
22 me calling out two key documents, one being the log of every
23 event that I've been at?

24 A First, I want to just finish looking through this document.

25 Q Sure.

1 A Because I want to answer your question accurately.

2 Q Sure.

3 A I'm just thinking that this is one of the -- you provided
4 some documents to me very close to the end of my report, and
5 I think this was one of them because there is some contacts
6 and references in here that I don't recognize as being in
7 documents that were provided to me.

8 Q Do you recognize contacts in the table for every one of the
9 classes that you could reach out to if you needed to?

10 A If you say that you provided it to me, you provided it to me.

11 Q Okay.

12 A Because I had voluminous documents, I cannot remember every
13 one of them. I remember the chronology of -- there were some
14 other tables that I remember better.

15 Q So you recall voluminous, but you don't recall me saying the
16 two key documents that provide all the information are these
17 two?

18 A I don't recall that.

19 Q Do you recall a 25-page document, which was just a bullet
20 list of all the events that have happened in our lives? I'm
21 so sorry, I should be slower. My apologies. Just the facts
22 of my case, just a bulleted list?

23 A Yes, I do remember this one.

24 Q Okay.

25 A And that is why I'm saying, you had several things that were

1 chronologicalized, I don't know if that is a word, but this
2 one I remember very well. That one, I don't remember so
3 well.

4 Q Okay. So a 25-page document of just bulleted facts.

5 THE COURT: So, Ms. Antony, I have a question for
6 you. Because we have limited time and we need to proceed
7 efficiently, the most efficient way to do the type of
8 cross-examination your attempting here would be to simply
9 provide a list of documents or the documents, themselves, to
10 the witness and ask if she reviewed them as part of her
11 evaluation. We are not going to be able to spend a lot of
12 time while you search through computer files.

13 MS. ANTONY: Oh, my apologies.

14 THE COURT: We need to move on. If you have
15 questions of the witness, please ask them. We need to move
16 on.

17 MS. ANTONY: It will be really quick. It's just a
18 simple listing.

19 BY MS. ANTONY:

20 Q You mentioned that the blog was too voluminous. Does this
21 kind of ring right to the video of law enforcement tailing --
22 law enforcement drones around the house, and just kind of a
23 list of events?

24 MS. MILLER: Your Honor, the witness has testified
25 that she reviewed all the material --

1 MS. ANTONY: It addresses voluminous. That's all
2 it's addressing.

3 THE COURT: Well, as I said, Ms. Anthony, you can
4 ask her if she reviewed various documents, but you must do it
5 as efficiently as possible.

6 MS. ANTONY: I'm trying to.

7 THE COURT: So I will give you only a little bit of
8 leeway here. If we can't speed up with this process then
9 you'll just have to move on.

10 MS. ANTONY: Okay.

11 BY MS. ANTONY:

12 Q Again, with this blog, is it pretty much a simple one pager?

13 A Well, I want to clarify. I said all -- the documents that I
14 received were so voluminous that it would have taken too long
15 to make an itemized list. I didn't say that the blog was
16 voluminous. It was all the documents.

17 Q Can you comment on how many you potentially received?

18 A I can tell you that I have a three or four ring -- a big like
19 four-inch binder that is full of printed documents because
20 some of the things you hand delivered to me were printed, and
21 some of them were on a flash drive.

22 So the printed documents, I can tell you that there is a
23 probably a four-inch binder full of just documents, and then
24 the flash drive had articles and videos and, you know,
25 several things on the flash drive. So when I'm talking about

1 voluminous, there was a lot of information to review.

2 So I typically don't have a four-inch notebook with
3 documents provided by -- from people to review in a custody
4 evaluation, unless it's like medical records, and things like
5 that. So when I say voluminous, I meant just the number and
6 the length. There was a lot of information you provided.
7 That is what I mean by voluminous. The blog was just one
8 part of that voluminous information.

9 Does that answer your question?

10 Q Sure. I just recall specifically stating that there were
11 three documents to look at to get the bulk of information,
12 and the articles that were provided to you were to
13 corroborate the arguments that were presented to you as part
14 of the custody evaluation.

15 Would you agree the basis of the evaluation is that I'm
16 an unfit mother and that I have delusions of being stalked; I
17 have delusions of being stolen of every sense; I have
18 delusions of domestic abuse; I have delusions of financial
19 abuse; I have delusions of emotional abuse; I have delusions,
20 in terms of lack of insight into my mental illness because I
21 ask the same question over and over? Just like you stated, I
22 can state this a million times --

23 THE COURT: Again, Ms. Antony, I'm going intervene
24 and stop you. This is no longer a question. You are
25 testifying. You must ask specific questions.

1 MS. ANTONY: I am. This is the basis of the case.

2 THE COURT: Get to the question.

3 BY MS. ANTONY:

4 Q Would you agree that this is the basis of the case?

5 A No, I wouldn't agree. Because the factors -- the statutory
6 factors that we look through are really focused on the
7 children, and what the children's needs are, and the parents'
8 ability to identify those needs and meet those needs.

9 What I will agree with is that your mental health
10 diagnosis and your mental health -- the behavior associated
11 with your mental health impacts your ability to meet the
12 needs of your children?

13 I don't think I made a conclusion about fitness or
14 unfitness, but I very definitely will say the untreated
15 mental health issues impact your ability to identify your
16 children's needs and meet those needs.

17 Q Would you say untreated mental health issues, the basis for
18 that is the fact that I'm profane and I'm abusive and I ask
19 the same question over and over, as to why I'm not profane
20 and abusive outside the house, and that is lack of insight
21 into my illness? Would you agree to that?

22 A No. The basis for me concluding you have a mental health
23 diagnosis is because we had psychological evaluations done in
24 this case by Dr. Harrington and, based on her testing, she
25 identified the mental health disorders that she believes that

1 you are not treating -- not identifying or treating.

2 So I am not an expert. And so when -- and I'm not just
3 going to take someone's word for it. If the Court hadn't
4 ordered psychological evaluations, I would have ordered
5 psychological evaluations because I don't just take people's
6 words for it. Again, I'm not going to say someone has a
7 mental health issue just because someone else is alleging it.
8 But when we have psychological evaluations and we have
9 someone who that is their field of expertise doing the
10 testing and reporting that we have mental health issues, then
11 I have to pay attention to that.

12 So that is what that is based on, is the results of the
13 psychological evaluation, itself, as far as whether there is
14 a mental health disorder.

15 Q Okay. Let's move on I guess.

16 So as per this behavior log --

17 A I'm sorry, what?

18 Q As per the behavior log that calls out all the activities --
19 I know you mentioned that you reviewed mental health records;
20 you reviewed Beth Harrington's psychological report; you
21 reviewed police reports; is that true?

22 A I did not review medical records because you wouldn't provide
23 authorization. I believe that Beth Harrington --

24 Q I did not drop off 2012 mental health reports for you?

25 A No. You dropped off something to do with the commitment

1 hearing. But when I requested an authorization to get the
2 medical records from the hospital that treated you in 2012 --
3 I didn't have those, but you did provide those to Dr.
4 Harrington, and she reviewed them. Then that history was in
5 her report.

6 But I did review the psychological evaluation and I did
7 review the police reports, but not medical records.

8 Q Okay. So what you're saying is I didn't -- you said you got
9 something with regard to the commitment. What did you get
10 from me then?

11 A The information that you provided me, you provided me with a
12 memorandum, I think, from your attorney in that case, stating
13 the case law for what had to be proven in a Jarvis hearing, I
14 believe is what you gave me.

15 Q Okay.

16 A But no medical records.

17 Q Okay. Based on this log, do you get a sense for every place
18 that I have been at, since you reviewed this log?

19 A I would need to see a copy of the log again.

20 Q The log that is sitting in front of you?

21 A That one, I don't remember very well. The other log that I
22 remember is the one you had up on the screen, the one, kind
23 of, going by year, the different, kind of, time line of
24 events.

25 Q Okay.

1 A That one I remember. This one, I'm sorry, I just don't
2 remember, but that's not to say you didn't give it to me.

3 I'm just saying I don't remember it. But the other one I
4 remember very well.

5 Q You came to the conclusion that I'm socially isolated. How
6 did you come to that conclusion when you have this much
7 activity in the community going on?

8 A Well, on a couple of things. I believe that -- let me find
9 it here. When I talked to you and I asked -- let's see,
10 social contact. You have a lot of activities where you're
11 going and doing things. But socially isolated means, do you
12 have friends; do you have a support network; are you going
13 and having coffee with individuals? It's not about being out
14 in the -- you know, taking the kids to activities, going out
15 to different things. It's about do you have -- are you
16 socially isolated in the sense, you know, that you have
17 friends that you interact with, and have those relations?
18 That is what I mean by socially isolated.

19 In speaking with you, I had that impression. You're
20 isolated from your parents; your isolated from your husband;
21 when there are family events or social events, you stay home
22 and the family attends. The collateral contacts both know
23 you and wanted to be engaged with you; you didn't interact
24 with them, one is the next door neighbor. And that was
25 different from about 2012 forward. People really would like

1 to be engaged with you, but this common theme of you
2 isolating yourself, not needing that.

3 And I think Dr. Harrington had mentioned that, as well.
4 And, on page 24, I think I reference it there, regarding
5 social contact. She said none, either in person or by phone.
6 When asked who was in her social network, you replied you
7 really don't use one, chose to do the opposite since 2010.

8 So it's just -- even in your collateral contacts, it was
9 -- you didn't provide anyone other than your parents, who, by
10 your own definition, you're estranged from. That is what I
11 mean when I'm talking about socially isolated. I'm talking
12 in regards to relationships with other people, not being out
13 in the -- doing activities.

14 Q Were you provided, on a flash drive, a list of pictures of
15 all the parties that I have in the house when there is big
16 group events? Do you define those as social interactions?

17 A I define those as social events. Again, being involved in
18 activities is different than being --

19 Q Social celebrations?

20 A I would agree that those are activities and, again, you're
21 involved in the activities, but that doesn't mean that you're
22 engaged in relationships with people. There can be a lot of
23 people around. I don't know if you've heard that expression,
24 island in a crowd, but you can be inside of an activity
25 without engaging in relationships with people.

1 So I saw a lot of activities and I saw photographs of
2 that at your home, but I still think that you are socially
3 isolated.

4 Q Do you -- on that log, I think on page 26, did I also state
5 that I have a list of invitations from people through the
6 year that I go to? Did you see that at all?

7 A I don't recall seeing that.

8 Q Okay.

9 A I recall -- you know, my interview with --

10 Q Okay. So your impression of that is based on a next door
11 neighbor's opinion that honestly, yes, I -- she is not a
12 person I relate to very well and so, no, I don't go to her
13 house very often. The lack of social interaction is truly
14 based on that.

15 A No.

16 Q If you think of a person -- well, if you think of a person --

17 THE COURT: I'm going to intervene again. Once
18 again, you're testifying. You need to ask the question you
19 want to ask.

20 BY MS. ANTONY:

21 Q You said it's a social island in a crowd. How do you come to
22 that conclusion when a person, through the day, is dropping
23 her kids off at school; is handling everything in the house;
24 is meeting with the accountants; is taking them to doctor
25 appointments; is handling, you know, whatever the dogs need,

1 in terms of doctor appointments and grooming; is taking them
2 to the activities in the evening? Those are every-day kind
3 of people's lives.

4 There are routines and there are, you know, standard
5 celebrations that every family typically tends to hold, which
6 is kind of what is going on in the house. There are --

7 THE COURT: Again, Ms. Antony, I'm going to
8 intervene. You are not asking a question. You are
9 testifying. You must ask a question.

10 BY MS. ANTONY:

11 Q The question is, again, the opinion of social isolation is
12 based on two people's testimony?

13 A No.

14 MS. MILLER: Objection, Your Honor. This question
15 has been asked and answered.

16 THE COURT: Sustained. It has been asked and
17 answered, and the question misstates the testimony.

18 We need to move on.

19 MS. ANTONY: It does not misstate the testimony.
20 She -- there is no -- there is no data that supports --

21 THE COURT: We need to move on. I have sustained
22 the objection. Move on.

23 BY MS. ANTONY:

24 Q Is there data that supports that she is a social island in a
25 crowd?

1 A I came to that conclusion based on reviewing all the
2 information that I gathered.

3 It was not based on two collateral contacts. It was
4 based on my interview with you and statements you made to me;
5 my interview with your husband; my interview with your
6 parents; your own accounting to me of not really having
7 people outside the home that you have a network of friends
8 with. I saw no evidence of that. There was nothing provided
9 to me.

10 Typically, when I have -- I want parents to give me some
11 collateral contacts from people who know them and give me a
12 picture of them, and you weren't able to do that. You
13 provided two people who, by your own accounting, you had very
14 little to do with since 2010. Based on all of that, I mean,
15 it was very clear to me, and I made the conclusion, that
16 you're socially isolated, in the sense that you don't have --
17 I'm defining that as not having intimate relationships with
18 people, a support network, people that you can confide in.
19 Even your parents say you don't confide in other people, you
20 really don't look to other people. You know, you talk to
21 yourself.

22 So I had a lot of information from a lot of resources,
23 including yourself, that led me to that conclusion that
24 you're socially isolated. And I'm not describing that as
25 being out in the community doing things. I mean that in the

1 sense that, having relationships with other people.

2 Q With regard to the custody evaluation, since the allegations
3 primarily revolved around my mental health, did I kind of
4 state, as part of my interview, that it truly is the
5 defendant's burden of proof to provide why she is incapable
6 of rendering duties as a mother? Would that be true?

7 A You may have stated that.

8 Q Okay. Did I also state that the reason why I would provide
9 two parents' testimony -- or two parents as collaterals, even
10 though I don't have any contact with them, is that the issue
11 at hand is truly my parenting ability. Friends kind of see
12 me at parties; friends kind of see me at social interactions.
13 There are instructors in the community that see me work with
14 my children and other children, that you could reach out to,
15 if needed. But if you're asking to look to who has actually
16 seen me inside of the house --

17 THE COURT: Ms. Antony, I'm going to intervene,
18 once again. You are not asking a question; you are
19 testifying. If you have a question --

20 MS. ANTONY: I'm getting there, Your Honor.

21 THE COURT: -- please ask it. Get there now.

22 MS. ANTONY: I'm getting there.

23 BY MS. ANTONY:

24 Q If you're asking about who has actually seen me inside of the
25 house do my job as a mother, that would only be people that

1 would be living with me. In that regard, two parents'
2 testimony makes the most sense. Would that be a true
3 statement?

4 A I would disagree with that under these circumstances because
5 your contact with your parents has been limited since 2010,
6 and they've only made two visits -- they made a visit here, I
7 think, in 2011, 2012, when you were going through your
8 hospitalization, and then again in 2014. So they -- in the
9 last several years, they haven't had very much time viewing
10 you in the home.

11 I can only use the collateral contacts that parents give
12 me. If they want me to talk to instructors, that is who I
13 will talk to. If they want me to talk to a doctor, I will
14 talk to a doctor. But I'm going to use the people that the
15 parents give me.

16 Q Did you know -- are you aware that my parents have lived
17 inside of the house for like two to three months at a
18 stretch?

19 A Yes, I do know that.

20 Q So that is a long period?

21 A Yes.

22 Q And friends kind of see you for an hour or two, celebrations,
23 see you interact with children an hour or two, correct?

24 A I don't -- okay. I'm going to try to answer the question
25 because I don't know what friends -- I don't know your

1 friends and what they would have seen or not seen because you
2 didn't give them to me as collateral contacts.

3 Q Yes. It's his burden of proof, so I kind of tried to stay
4 within that bucket.

5 You said you reviewed the police reports. Based on the
6 police reports, would it be a factual statement that there
7 are only two episodes of profanity in the community in 2015?

8 A I can't answer that question without reviewing the police
9 reports. It's been awhile since I looked at them, and didn't
10 read -- I kind of read them as a whole, and not to whether
11 they were talking about profanity or not. So I can't answer
12 that question.

13 Q You have two intake reports that report concern, they're
14 calling concerned about my ability to parent. Is it true
15 that those are the only two reports that you have from 2010
16 onwards?

17 MS. MILLER: Objection, Your Honor. That question
18 has been asked and it has been answered.

19 MS. ANTONY: Not to Ms. Hatcher, it has not been.

20 THE COURT: What was your question exactly?

21 THE WITNESS: I was going to say, I don't
22 understand the question. I'm sorry.

23 THE COURT: I don't understand your question
24 either. Can you repeat it, please, so that I can rule on the
25 objection?

1 MS. ANTONY: My question was that she stated -- Ms.
2 Hatcher stated that she has reviewed the police reports.
3 Would it be a true and fair statement to state that, from
4 2010 onwards, there have been only two intake reports that
5 call out Ms. Antony's profanity that you read?

6 THE COURT: So I'm going to sustain the objection.
7 You just asked that question, and she answered, "I can't
8 answer that question." So she -- you asked the question; she
9 answered it.

10 The objection is sustained. Move on to your next
11 question.

12 MS. ANTONY: Why can't she answer that question,
13 Your Honor?

14 THE COURT: That was her answer. She answered the
15 question. Move on.

16 BY MS. ANTONY:

17 Q There are no observations in the community, for the record,
18 besides the two --

19 THE COURT: That is not a question. That's
20 testimony.

21 MS. ANTONY: I agree.

22 THE COURT: That statement is stricken from the
23 record.

24 MS. ANTONY: That is all we have in the reports.

25 BY MS. ANTONY:

1 Q You stated that I provided you evidence for the fact that I'm
2 exposed to radiation and that --

3 A (Coughing) I'm sorry, go ahead.

4 Q You stated that I've provided you evidence of the fact that
5 I'm exposed to radiation, but that you couldn't really factor
6 that in because it's not really a medical report or a medical
7 doctor's report. In your opinion, would you know of doctors
8 that can actually test you for exposures to radiation, or
9 would it be forensic labs?

10 A I think I need to answer my question by saying that there is
11 a difference between information and evidence. And I've
12 reviewed a lot of information and pictures, but I didn't --
13 you're right, I did not review any -- there were no medical
14 records to concluded whether you are -- whether you have been
15 exposed to that.

16 That is also not my field of expertise. So I wouldn't
17 know who would do that or who to refer you to for that.

18 MS. MILLER: Your Honor, it appears that Ms. Antony
19 is preparing to provide a piece of recorded information. I
20 would object to this.

21 THE COURT: Ms. Antony, what evidence are you
22 seeking to offer here?

23 (WHEREUPON, an audio recording is
24 playing in the background.)

25 MS. ANTONY: The fact that I'm exposed to

1 radiation. It's a forensic lab call.

2 THE COURT: I'm sorry, ma'am, no, the objection is
3 sustained. You may not present evidence at this time. It is
4 hearsay. It is not relevant. It is not proper
5 cross-examination.

6 MS. ANTONY: When do I present evidence?

7 THE COURT: Please stop the audio recording.

8 (WHEREUPON, recording is stopped.)

9 MS. ANTONY: When does evidence get presented, Your
10 Honor?

11 THE COURT: You would present evidence during your
12 case. You cannot present evidence, hearsay evidence, through
13 the witness who is currently on the witness stand, unless she
14 can authenticate the evidence herself. She cannot, therefore
15 this improper cross-examination.

16 You can ask questions about her testimony and her
17 report, but not about extraneous materials that she did not
18 create, which she did not generate, and with which she has no
19 familiarity. Move on.

20 MS. ANTONY: She has seen it.

21 THE COURT: When you asked her if she had reviewed
22 it, she's already answered that question multiple times and
23 testified about her assessment of the evidence. If you wish
24 to follow up on that, you may, but you may not represent
25 evidence, itself, at this time.

1 BY MS. ANTONY:

2 Q Do you agree that the caller reflects that I was exposed to
3 radiation?

4 A I can't agree to that because, in my work, I would need -- I
5 would need to see a medical record from a doctor. And I
6 don't recall that this was a medical doctor that you were
7 talking to. So I didn't give it any weight.

8 Q Did you see pictures of swelling, facial swelling, of
9 bruises, swelling, tissue enlargement? Did you see any of
10 that?

11 A I saw pictures, and I know that that is why you submitted
12 those to me. Some of the pictures, I was able to see some of
13 that. Some of the pictures, I wasn't. It was just hard to
14 tell from the pictures. I don't know -- I didn't really draw
15 any conclusions from them because that is not my field of
16 expertise.

17 Q Was -- did I present articles that kind of show that typical
18 side effects from radiation tend to be facial swelling and
19 tissue swelling? And I know you can't agree, but did I
20 present articles?

21 A Yeah, you presented a lot of articles on a lot of different
22 topics, but, again, without medical records or diagnoses, I
23 couldn't give them any weight because there was no connection
24 between that information and you.

25 Q Did you see this particular article?

1 A I believe this is one of them that I saw, yes.

2 Q Does it especially call out on a page side effects to
3 radiation can be excitability and tissue -- can cause
4 psychosis?

5 A Yes, I reviewed that information.

6 Q Great. Thank you.

7 Does she also state that, "I could provide you," and I
8 know you don't like to call it evidence, but "I could provide
9 you information kind of showing you that I have about 25 to
10 30 average social interaction e-mails that I receive from the
11 community through the" --

12 A Here is what I want to make clear, and I don't know if this
13 will answer your question or not. You provided me a lot of
14 information. It could very well have included activities out
15 in the community.

16 Here is what I know. There is a psychological
17 evaluation that assesses you with a mental health issue,
18 psychological testing by an experienced psychologist. And
19 that's more reliable information to me, and I give that more
20 weight than articles about other things that might be causing
21 your behavior. But even if your behavior was due to
22 radiation or something else, it's still acknowledges that
23 there is behavior that is harmful to the children. And my
24 focus throughout all of this has been on the children.

25 So I gave weight to the psychological evaluation. I did

1 not give weight to articles and audio recordings because that
2 is not reliable, factual information to me. But even when
3 you were offering those to me as reasons for why you might
4 have some of these different behaviors, it still goes to the
5 fact that those behaviors are happening and they are
6 affecting the children. And whatever the cause, I happen to
7 think it's probably mental health issues because that is what
8 the psychological testing said, so whatever the reason, there
9 are behaviors that are negatively impacting your children.

10 So that is -- I don't know if that answers your
11 question, but I did, I looked at all that stuff. And I have
12 to rely on known standards of testing and diagnosis, and not
13 articles that provide me with information.

14 Q Is it fair to state that a psychological evaluation is not in
15 a position to judge why I don't have psychosis in the
16 community and that I do only in the house, and that it would
17 probably require some inpatient evaluation because it is a
18 puzzle to kind of see -- it is kind of a puzzle, in terms of
19 the fact that she is so profanely ill inside of the house,
20 but there are no observations in the community?

21 A I'm sorry, I don't understand the question. What was the
22 very first part of the question?

23 Q Does the psychological evaluation very specifically call out
24 -- does Dr. Harrington's report very specifically call out
25 that, "She seems to be socially isolated since the divorce

1 proceeding. She does state that she's at court for more than
2 half the day, taking in trials. It does" -- "it's in line
3 with a schizoid profile that can be socialized" -- "socially
4 isolated."

5 She's not a position to judge as to why I'm so
6 psychotically ill inside of the house, but not outside of
7 house. And that it probably will take a psychiatrist to
8 determine that, probably inpatient care, because it is a bit
9 of a puzzle.

10 A I don't remember seeing that in her report. She relied on
11 testing; she relied on I think six hours of interviews with
12 each of you. So I would say that I don't recall what you're
13 saying in her report, but, again, I'm not sure I understood
14 the question.

15 I don't remember her talking about your behavior inside
16 the home as opposed to your behavior outside the home. I
17 never really made that distinction either because people can
18 be one way in the home and one way outside the home. I look
19 at more than just that.

20 Q Okay. In the next door neighbor's testimony, she states that
21 the girls look so lost and they kind of want to come out and
22 play. The kids all play together in the neighborhood, and
23 the girls are not allowed to play with them. In your
24 interview with her, did you ask her as to what kids in the
25 neighborhood she's referring to, and which kids did the girls

1 express a desire to play with?

2 A No, I didn't ask her which specific children. I just took
3 down her comments to me. I just interview; I don't
4 interrogate. This was the information that she provided to
5 me. Her observation -- let me find it here in my report,
6 just a minute.

7 It was her observation -- she observed the girls would
8 stand on their deck and look at all the kids playing next
9 door at her house. It looked like they wanted to come play,
10 but they would just stay at the house. Is that what you're
11 referring to?

12 Q Yes.

13 A That was her observation and that is what she was providing
14 to me. I didn't ask for a list of the names of kids in the
15 neighborhood. That wouldn't have been --

16 Q It could have been, probably, a social celebration at the
17 house that the girls were watching, or something?

18 A No.

19 Q Did the defendant provide you with which kids were in the
20 neighborhood that the girls expressed a desire to play with?

21 THE COURT: I'm going to intervene, Ms. Antony.
22 You just asked this question, and the witness answered it.
23 Her answer stands. So let's move on.

24 MS. ANTONY: It stands as you kind of took down
25 what she stated, but there are no kids in the neighborhood

1 that are of their age. Let's move on.

2 BY MS. ANTONY:

3 Q There is another person's testimony, which is the defendant's
4 best friend, again. Ms. Shasery (phonetic). "Her emotional
5 ties got lost in the mix somehow, and she doesn't feel the
6 need to connect with the children."

7 A Can you -- I'm trying to find that in my report here.

8 Okay. I found that. Yes, I see that. What is your
9 question?

10 Q She stated that, "Her emotional ties have gotten lost in the
11 mix somehow, and doesn't feel the need to connect with the
12 children." Is that what she stated? Is that true?

13 A Yes, if that is what's in my report, then that is what she
14 stated.

15 Q For the Court's -- well, is there a temporary order in effect
16 today that only allows me 96 hours of connection time with
17 the children?

18 A Yes, I believe your parenting time is alternating weekends.
19 I don't know that I'm aware of any limitations on your
20 ability to call them or contact them in between.

21 Q The order doesn't state that. The order states every
22 alternate weekend.

23 A Yes, I was aware that that was the parenting time order.

24 Q Would you state -- would you be comfortable stating that I've
25 been in compliance with the order -- the 96 hours? I've

1 always had them over and never really tried to bail out of
2 the 96 hours with them in any way?

3 A I didn't have any information to the contrary.

4 Q Would you be comfortable expressing an opinion on the fact
5 that when it is a contentious divorce proceeding, and when
6 there are two parents separated, and there is an order in
7 place for the 96 hours, that it's best when both parties
8 comply with the order and try not to make it contentious and
9 try not to step into each other's islands?

10 A I would agree that it's best for parents to do what they can
11 to minimize conflict between the two of them.

12 Q You state that there are no emotional bonds between the
13 mother and the children.

14 A Can I interrupt? Can you point me to, in my report, where
15 you are looking, specifically?

16 Q Your testimony this morning is that the mother is not
17 emotionally connected to the children, and that there seems
18 to be a little bit of an emotional starvation and an
19 emotional bond -- a lack of emotional bond between the mother
20 and the children.

21 So, in your opinion, what do typical mothers do during
22 the day?

23 A It's not about --

24 MS. MILLER: Objection, relevance.

25 MS. ANTONY: Relevance is toward emotional bonding.

1 THE COURT: I'm going to sustain the objection.
2 The question is simply vague. You will need to rephrase your
3 question to make it more specific so that the witness can
4 answer.

5 BY MS. ANTONY:

6 Q What does lack of emotional bonding mean to you?

7 A There needs to be an emotional connection.

8 Q How do you determine emotional connections?

9 A Well, I interviewed you. I interviewed the children. I
10 observed you and the children together. I factored in the
11 effect of the behavior associated with the mental health
12 issues and the impact that that has on the children. Based
13 on all of that, my conclusion was that their emotional
14 connection, their emotional attachment to you, is limited by
15 the behavior associated with your mental health diagnoses.

16 And based on my -- and I also observed that when I was
17 at the home visit. Almost -- you're all in the same space,
18 but there's not any real interaction. It almost like
19 co-existing, like parallel.

20 So some of this is observation. It's not necessarily
21 just definition, it's observation. You can see when people
22 are connecting and when they're engaged, and when they're not
23 connected and they're not engaged. It's something that you
24 can see. It's not about just being around each other.
25 People can be around each other all day, but they're not

1 emotionally engaged.

2 Q How long was your home study at my place?

3 A I was at your home, I believe, about four minutes.

4 Q Thirty to forty minutes?

5 A Uh-huh.

6 Q What do you do in that 30 to 40 minutes?

7 A Let me get to that point. I do talk about that in my report.

8 On page -- on page 16, I talk about that in my report.

9 So I came to the house, and sat with you and the girls for a
10 moment, and had some conversation. And then we went on a
11 tour of the house, so I could see the house and what the
12 accommodations were for the children. The dogs were kind of
13 barking and the girls would play with them. So I remember
14 you put the dogs in one of the rooms, so we could continue.
15 And then I remember going downstairs. And so we were all
16 kind of moving throughout the house. And rather than -- you
17 were kind of showing me the house, and the girls were kind of
18 following.

19 There was no -- compared to dad's house, where there was
20 a constant talking, dad and the girls, and them and me, and
21 there was this constant engagement, the girls were showing,
22 the girls were talking, dad was talking, there was a
23 conversation among everyone. In your house, it was not that
24 way. It was more, the girls were there and they were
25 present, and they would speak if spoken to, but there wasn't

1 the normal chatter and engagement that I see between parent
2 and child.

3 So we went through the house, and then we looked at
4 photographs. You wanted to show me the photographs of the
5 activities. As we were going through the house, when we were
6 in the playroom, you were kind of talking to me about that's
7 where you have the parties and describing the parties.

8 And then, at one point, you wanted to talk to me about
9 the legal case, and I said that we couldn't do that. But it
10 felt more -- the meeting was for me to observe you with the
11 children and see the interaction between the two of you. It
12 was really hard for me to -- it was more of engaging in
13 conversation with me and you, and that is not how a typical
14 home visit goes.

15 So I just observed the girls. If you were all standing
16 together, it is just there is still this separation there.
17 There is not that connection.

18 So I hope that answers your question. That is the best
19 I can do.

20 Q Would a parent leave it up to an evaluator to guide the
21 context of what should happen inside of the house, in that I
22 would look to you and I'd have a conversation with you? And
23 whatever you needed for the children to do, the parent would
24 look to you to kind of guide that and facilitate that?

25 A When I do home visits, I don't facilitate, other than saying

1 show me --

2 Q I have never done a home visit, so I wouldn't know either.
3 But okay.

4 As part of --

5 A I want to finish answering the question. I don't tell either
6 parent, other than saying that I'm going to show up, and I
7 try to show up at the same time of day. Typically, in a
8 normal family routine, the children and the parents are going
9 about their normal family routine. And I just let that
10 happen, and ask to see the house. And I just kind of work my
11 way into what they are already doing. That wasn't the case
12 when I came to your house.

13 I don't give people instructions on how I'm going to do
14 home visits. I'm there to observe and to see the home. So I
15 -- that is typically how a home visit goes for me. There is
16 that natural, we're doing homework, or we're getting supper
17 ready. Normally, a family is engaged in some activity at
18 that time of the day. That is why I choose 5:30 or, in your
19 case, it was 6:30 at night. That is why I choose that time
20 of day because, just by virtue of a normal routine, families
21 have to be engaged in some activity, whether it's homework or
22 getting meals prepared, and that's what I want to see.

23 Q Did you state that?

24 A I don't tell people ahead of time that that's what I'm
25 looking for because I don't want -- I want to find people

1 doing what they are doing naturally. I don't want people to
2 prepare for home visits. I want to see them in their natural
3 environment with their children, doing their natural
4 activities. So I don't coach people and I don't prepare
5 people for home visits.

6 Q So basically it kind of amounted to that we chose a time that
7 I was not necessarily engaged in activity, because we kind of
8 went around the house, we took a tour of house, we looked at
9 pictures --

10 MS. MILLER: Objection, Your Honor. This is an
11 argument with the witness.

12 THE COURT: Sustained. This is not a question.
13 You asked the question; she answered the question.

14 MS. ANTONY: Yeah, the lack of interaction wasn't
15 clear, so.

16 BY MS. ANTONY:

17 Q Are you aware that, as per my schedule at home, or as per my
18 statement to you, as an every day kind of mother, I kind of
19 wake up in the morning; I kind of make breakfast for them; I
20 take them to school; I'm at home; I'm cooking; I'm cleaning;
21 I'm, you know, taking care of everything at home, laundry,
22 chores, accounting, whatever -- grocery shopping, whatever
23 needs to happen, pick them up to school; take them to their
24 activities; work with them on their homework; bring them
25 back; have their dinner; their bath; put them to bed --

1 THE COURT: Again, Ms. Antony, I'm going to
2 intervene --

3 MS. ANTONY: Is there anything --

4 THE COURT: Ms. Antony, you're not asking a
5 question. You are testifying. Ask a question.

6 BY MS. ANTONY:

7 Q Is there anything else an every-day kind of mother does, in
8 terms of having an emotional bond with the child?

9 A I don't make -- to answer that question, I would have to make
10 the same connection that you do with activities equating to
11 emotional connection, and I don't. So I can't answer your
12 question because I don't agree with that assumption.

13 Q The girls are at school all day, what is their emotional
14 connection? A mother takes care of everything, what is the
15 emotional connection?

16 A Your question is probably the best answer that I have. That
17 you're not able to understand that, I would say, demonstrates
18 even further to me that you don't understand that need that
19 the children have. You're not able to identify that need,
20 and you're not able to meet that need because you don't
21 understand that emotional connection is different than
22 physically providing for your child or being regimented about
23 your education. Sometimes those can be counterproductive --
24 those activities sometimes can be counterproductive and
25 interfere with developing an emotional attachment.

1 And that's one of my concerns about you, is that you
2 don't see that. You don't see what emotional connection is.
3 You don't understand that need that the children have, and,
4 quite frankly, that a parent needs to have with their child
5 if they're going to parent them. It's a basic developmental
6 need that a child has. If you don't know what that is or
7 what that looks like, you are not going to be able to meet
8 that.

9 Q What specific examples do you have of me not being able to
10 provide that? Specific examples.

11 A I don't have examples of you not. I have an absence of any
12 information showing that you do.

13 Q What specific examples do you have of that absence? A mother
14 takes care of everything for the day. What specific examples
15 do you have?

16 A I'm sorry, I've answered that question the best I can. There
17 is nothing -- it's an absence. I don't see --

18 Q It's a statement. What's a specific example behind that
19 statement?

20 THE COURT: I'm going to intervene here. You asked
21 this question three times. The witness has indicated --

22 MS. ANTONY: All I've heard the witness say is that
23 I don't recognize --

24 THE COURT: Ms. Antony --

25 MS. ANTONY: -- that there is a lack of

1 emotional --

2 THE COURT: Ms. Anthony, don't interrupt me and
3 don't talk over me. I am intervening here and I'm telling
4 you to move on. You have asked this question and she has
5 answered it repeatedly. Move on.

6 MS. ANTONY: She made a statement and not any
7 examples that go with it.

8 BY MS. ANTONY:

9 Q Do you have any data from the defendant where he took time
10 off between 2010 and 2015 to take care of everything inside
11 of the house?

12 A No, I don't have any data showing he took time off from work
13 to take care of everything in the house.

14 Q Okay. Children's testimony, "Mom talks to herself. She also
15 yells, but not always to them. She goes to shower in one
16 bathroom, and then goes to the other bathroom and dries her
17 hair. She's screaming and yelling while drying her hair."
18 The children kind of testified that this is a routine every
19 morning.

20 A Can you tell me what page? I'm trying to find it. Just a
21 minute, so I can find it. I'm trying to find the children's
22 interviews.

23 MS. MILLER: Seventeen. Is it page 17?

24 THE WITNESS: I have all the pages mixed up. I'm
25 looking frantically for 17. I may have to look at the report

1 because I just had it here, but my pages are a little bit out
2 of order.

3 THE COURT: I believe the exhibit has already been
4 received. It should be complete.

5 THE WITNESS: I had it here, they're just out of
6 order. So if you have one.

7 MS. MILLER: Should we just use the exhibit that's
8 been --

9 THE COURT: The exhibit that has been received by
10 the Court is the evidence in this case, and that is what the
11 witness should use.

12 MS. MILLER: It's on 17.

13 THE WITNESS: Okay. I do have it now in front of
14 me. Do you want to tell me again which part you want me to
15 look at?

16 BY MS. ANTONY:

17 Q The children's testimony.

18 A Okay.

19 Q "Mom talks to herself. She also yells, but not always to
20 them. She goes to the shower in one bathroom, and then goes
21 to the other bathroom and dries her hair. She is
22 screaming" --

23 THE COURT: I'm going to stop you, Ms. Antony,
24 again. You are testifying. You're reading from the report.
25 It is not a question. You must ask a question.

1 MS. ANTONY: I'm trying to give Ms. Hatcher a
2 context for the question.

3 BY MS. ANTONY:

4 Q So did the children testify as this is an every-day
5 occurrence in the morning, kind of like a routine?

6 A Again, this was just them talking in conversations. I don't
7 really interrogate people and ask them for specifics,
8 especially children. I let children just talk. And I didn't
9 ask them if it occurred every day. They were more talking to
10 me about different examples of times that -- of this
11 behavior. And I didn't ask them if it was every day. It
12 seemed to me like these are the things that reoccur and
13 bother them.

14 They also talked about being in the car and the window
15 down. They talked about a lot of different things.

16 Q Has the defendant talked about a safety plan?

17 THE COURT: Ms. Antony, I'm going to interrupt at
18 this point because this has happened multiple times now.

19 Mr. Raghavan is not a defendant in this case. He is the
20 Petitioner. You are the Respondent. I don't want the record
21 to be confused here. This is not a criminal proceeding, and
22 he is not a defendant. Please use the proper legal terms.

23 Thank you.

24 BY MS. ANTONY:

25 Q Has the Petitioner in this case, then -- has the Petitioner,

1 then, in this case put a safety plan in place or addressed
2 this particular issue in his interview with you, and talked
3 about what he does when I walk into -- when I walk into the
4 bathroom in the morning and take my shower, and I'm screaming
5 and yelling and there are children around?

6 A He did not provide me with a safety plan. I do remember that
7 the Child Protection reports stated that they did not remove
8 the children from the home because he had a safety plan in
9 place should your behavior escalate. That is the only
10 reference that I had in my review of information that
11 mentioned the safety plan, and basically he had a safety
12 plan. They were confident that he had a safety plan in
13 place.

14 So beyond reviewing that in the Child Protection
15 reports, I did not receive any information from him.

16 Q Did the children state any kind of screaming and yelling and
17 laughter when I'm at classes with them every day for an hour
18 -- every day for an hour at school between 2010 and 2015?

19 A Again, I didn't ask them specific questions. Just the
20 interview with the children that I have described in page 17
21 forward, those are basically straight from my notes that I
22 take with the children.

23 So if it's not in those notes, then they didn't talk
24 about it.

25 Q Okay. Children's testimony, "Mom swore 148 times a day."

1 Does that -- is there a context for that? Is there an
2 example, or did the children just say she swore 148 times a
3 day?

4 A I'm trying to find that here. I remember that. I don't
5 remember if that was in my interview with them. Do you know
6 where that is in my report?

7 Q No. It's in the children's testimony section.

8 THE COURT: Ms. Antony, when you ask a question of
9 the witness about her report, you have to give her a
10 reference point, a page number, so that she can answer your
11 question.

12 BY MS. ANTONY:

13 Q It's in the children's testimony section.

14 A (No response)

15 Q It's okay. You don't recall hearing a context, though?

16 A Oh, I remember. I just don't remember if the children told
17 me that or if dad said -- I think the children told me. I
18 just want to be accurate in my testimony.

19 MS. MILLER: It occurs on page 13. I apologize for
20 the interruption.

21 THE WITNESS: Thanks. Let me turn there. I want
22 to be accurate in my response.

23 Counsel, can you tell me where on page 13?

24 MS. MILLER: Right at the top, down about six or
25 seven lines on page 13?

1 THE WITNESS: Oh, I do remember. The children were
2 scared -- it was dad reporting that the children had called
3 him at work and told him that mommy swore 148 times that day.
4 So that actually came from dad saying that the children
5 reported that to him. The children didn't report that to me.

6 BY MS. ANTONY:

7 Q Okay.

8 A That is why I wanted to make sure. It didn't come directly
9 from the kids. Dad told me the kids told him that. That is
10 why I wanted to be clear on that.

11 Q So you kind of write it down. Does asking any other
12 questions, is that part of the process, or is taking down the
13 statement kind of more the essence of a report?

14 A Again, all I'm doing is interviewing people. Okay?
15 Especially with children, I'm very careful when I interview
16 children not to interrogate and not to cross-examine them
17 because that is not why they are there.

18 Q It could be delicately asked, but in this case it's dad's
19 statement.

20 A When I interveiw --

21 THE COURT: Again, Ms. Antony, you are
22 editorializing and testifying and commenting, and you're not
23 asking questions.

24 MS. ANTONY: I did ask a question.

25 THE COURT: If you're not willing to follow my

1 directions and ask appropriate questions for
2 cross-examination, we are going to terminate
3 cross-examination. So you have been advised.

4 And we will be recessing in just about two minutes for
5 our lunch break, so be aware of that, as well.

6 BY MS. ANTONY:

7 Q You said the children stated that when kids come over for
8 parties that they are at risk. Are you aware, based on the
9 log and all the pictures, that it is a every year occurrence
10 for all their friends to come over to their house at least
11 four to five times a year for all the large-scale parties?

12 A First of all, I didn't say they are at risk. The girls
13 characterize it as a risk to have friends over, a risk
14 because they don't know what your behavior is going to be.
15 So I want to clarify that.

16 And, yes, they did talk about those parties, which is
17 why -- and I think those parties are important. And that is
18 why I have, in my recommendations, at least for Christmas and
19 Easter, those are big events, and those are important to the
20 girls. But that doesn't mean that -- in their minds, it's a
21 risk to them about what their friends will see. They feel
22 it's a risk, that your behavior is not predictable. Even
23 though they are engaging in these activities and having fun,
24 inside, this is my interpretation of what they are saying,
25 it's a risk for them because they don't know if you will --

1 any of those behaviors will come out during the party.

2 Q They are invited five times a year, every year, every single
3 year. Would parents send children over every single year if
4 I'm exploding at parties? Would parents not be concerned
5 about their children?

6 A I don't know that you are exploding at parties. I only know
7 that the children worry when they have friends over. They
8 worry about what will happen. That is all I know. I don't
9 have information that you exploded at parties.

10 THE COURT: So we are going to recess now for
11 lunch. So I have a meeting starting at noon. So I need a
12 couple of minutes to get there. We will plan to resume
13 testimony at 1:30.

14 I want to make sure everyone is clear.
15 Cross-examination is meant to test the reliability,
16 credibility, thoroughness, clarity, of a witness' testimony.
17 So the Court is going to strictly limit any ongoing
18 cross-examination to that framework. So please be aware of
19 that. We have other witnesses scheduled to testify this
20 afternoon, and have to move forward in an efficient manner.
21 So please be aware of that.

22 Court is in recess. Thank you.

23 MS. MILLER: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 (WHEREUPON, a recess was had,

1 after which the following
2 proceedings were had:)

3 THE COURT: When we recessed, Ms. Cheney-Hatcher
4 was on the witness stand. Turning back to Ms. Antony, do you
5 have further questions for Ms. Cheney-Hatcher?

6 MS. ANTONY: I do.

7 BY MS. ANTONY:

8 Q Page 34 of your report, you state, "There is no evidence of
9 domestic abuse." Would you be comfortable expressing an
10 opinion as to why you thought that there was no evidence of
11 domestic abuse, even though there are police reports that
12 call out domestic abuse?

13 A I didn't see domestic abuse called out in the police reports,
14 and I didn't see any other evidence of domestic abuse. I
15 didn't see the dynamics of domestic abuse. It didn't --
16 based on all the information I had to review, I just did not
17 see any evidence of domestic abuse.

18 Q In your opinion, what do you mean when you say you did not
19 see dynamics of domestic abuse?

20 A With domestic abuse, you see a lot of -- the abuser -- you
21 will see a wheel. You'll see a honeymoon phase, where the
22 abuser is engaging the victim. We call it a honeymoon stage
23 because they're showering them with love and affection and
24 attention; and then gradually that becomes control; and then
25 it eventually leads up to an incident of physical abuse; and

1 then, after the incident, then it repeats again, the
2 honeymoon phase again. And the circle keeps going around and
3 around.

4 It's also very common to see a real power imbalance. So
5 I didn't see -- first of all, I didn't see that cycle. I
6 didn't see -- I saw no interaction, from either of your
7 accounts, between the two of you. You two lived kind of
8 separate, but under the same roof. There was no interaction,
9 there was no information provided to me, that fit within that
10 wheel of domestic abuse. So that was absent.

11 I didn't really see a power imbalance. I see you both
12 as very strong individuals. I see you both as smart
13 individuals. I see you both as very capable individuals.
14 From the information that I had, you're a very bright, well
15 educated person, and you were actually the higher wage
16 earner. So I didn't see any evidence that would support
17 someone who was economically trapped in a relationship.

18 And I didn't see -- I didn't see husband isolating wife
19 and cutting her off from her support network. I saw you
20 cutting yourself off, you know, withdrawing.

21 So I didn't see those typical things that I would be
22 looking for that would be red flags to me or indicative of
23 abuse.

24 Also, Mr. Raghavan's psychological evaluation and
25 assessment and my interviews with him, his nature is more

1 passive. He doesn't have that strong personality that we
2 would see or that I would expect to see. And so there was
3 just nothing consistent with domestic abuse. There was
4 nothing that indicated that he was someone that presented
5 that he either had physically harmed you or presented
6 circumstances that would create imminent fear of physical
7 harm. I just didn't see any of that.

8 Q Did you see a statement from me, in my reports to the police,
9 about being slapped and shoved and pushed around and pushed
10 down? Did you see any of that?

11 A In the police reports?

12 Q Uh-huh.

13 A I don't recall that.

14 Q Did you see sworn testimony from my parents attesting to the
15 fact that he was goading me, and following me around the
16 house, and banging on the doors, and forcing himself into the
17 bedroom, and forcing himself on me? Did you see any of that?

18 A I reviewed information from your parents, and they described
19 an incident that I think preceded the police coming. And so
20 I don't know if all of that information was in there. I
21 think it was an affidavit, I'm not quite sure, but, yes, I
22 did read the affidavit.

23 Q Okay. Here is a signed, sworn testimony from them, a sworn
24 affidavit.

25 A Yes, I remember seeing this.

1 MS. ANTONY: Your Honor, may I admit this into
2 evidence now or later? We did number those. Just in the
3 interest of keeping it going?

4 THE COURT: Well, you can mark it and offer it,
5 but, on cross-examination, if you're impeaching a witness
6 about, for example, the witness' basis for offering an
7 opinion, you can certainly ask the witness if she reviewed
8 certain documents, but that would pretty much be the end of
9 the inquiry.

10 In order to offer that document into evidence, you would
11 need to have that person here to authenticate it.

12 So you may mark it and offer it, if you wish. I'm just
13 advising you that it may not be admissible at this time.

14 MS. ANTONY: Okay. As per the Rules of Evidence,
15 is a court sworn testimony admissible?

16 THE COURT: In a trial situation, a witness must
17 testify personally under oath and be subject to
18 cross-examination. A sworn affidavit is typically not
19 admissible in place of or in lieu of witness testimony. It
20 would be called hearsay under the Rules of Evidence.

21 I'm not saying you can't mark it and offer it. I'm just
22 advising you that it may not be admissible at this time
23 through this witness.

24 BY MS. ANTONY:

25 Q Were you aware that between 2010 -- were you aware between

1 2010 and, I guess, 2013 that I managed all the finances in
2 the house?

3 A You had told me that.

4 Q Do you recall seeing a register report, as this, which kind
5 of documents all the transactions of the household?

6 MS. MILLER: Your Honor, the question has been
7 asked and answered. I do not understand the necessity of
8 further documentation?

9 MS. ANTONY: You talked about no financial abuse,
10 so we are getting there.

11 THE COURT: Excuse me, we have an objection that's
12 been made here, and the objection is based on?

13 MS. MILLER: It's based on the question has been
14 asked and answered, did Ms. Cheney-Hatcher consider certain
15 information? She said, yes, she has.

16 THE COURT: Thank you. On that basis, I'm going to
17 sustain the objection.

18 BY MS. ANTONY:

19 Q Did I hear a yes, though, that you are aware that I managed
20 the accounts?

21 A You told me that you did, Uh-huh.

22 Q And did I produce documentation to the effect that showed you
23 that?

24 A You provided me with a lot of financial information. It
25 didn't really tell me who managed the accounts, necessarily.

1 Q Did you see a statement of 40 grand before I was committed?

2 MS. MILLER: Objection, Your Honor, relevance.

3 THE COURT: I'm going to sustain the objection.
4 The question is simply ambiguous. If you can clarify,
5 please.

6 MS. ANTONY: The clarification is the power and
7 control imbalance.

8 THE COURT: You need to ask a question that the
9 witness can understand and answer. Again, I sustained the
10 objection because the question you asked is unclear. It is
11 ambiguous.

12 BY MS. ANTONY:

13 Q Were you aware that all financial decisions were taken over
14 by Mr. Raghavan after 2013, and that I had no access into any
15 of the accounts?

16 A My impression -- because remember there was a lot of
17 information. My impression was that, and based on what you
18 told me was that, you managed the finances and then, at some
19 point, and I believe it was after the commitment, that
20 changed.

21 And from that point on, I don't know if he was giving
22 you a certain amount of money, but, yes, it changed. I do
23 know that it changed, where he had moved in and was
24 controlling the finances, paying the bills, as well, as
25 opposed to just you paying the bills. I am aware of that.

1 Q So it was joint at one point, and then the sole control went
2 over to him?

3 A I don't know whether it was sole control because I know that
4 you told me you would buy the children clothing. And so I
5 know that it shifted over to him paying the bills, but I
6 never had the sense that you didn't have money because you
7 were buying the children's clothes, and you would submit
8 receipts to him, and he would pay some of the receipts, not
9 all the receipts. So I knew that there was money going back
10 and forth.

11 But, again, my focus of this was the children.
12 Financial control doesn't mean financial coercion. So I saw
13 that dynamic shift. I thought, in my mind, there were
14 reasons for that because you had just been through a
15 hospitalization and your were treating for a mental health
16 issue, so, to me, it was common sense that he would have
17 assumed those responsibilities and started paying attention
18 to paying bills.

19 Q I'm kind of ill since 2010, and there is no misuse of any
20 accounts until I'm institutionalized. Why is it common sense
21 for him to take sole control and that I have to go to him for
22 -- everything is transparent --

23 THE COURT: So I'm going to intervene, Ms. Antony,
24 and stop you here. Once again, you are testifying. It is
25 not a question. And, if it is a question, it has been asked

1 and answered.

2 The witness has addressed this issue. You raised it;
3 she has given her response. We need to move on.

4 BY MS. ANTONY:

5 Q The power did shift to Mr. Raghavan?

6 A I would not use the word power. I use the word
7 responsibilities. He assumed responsibility for paying the
8 bills. Beyond that -- that is how it appeared to me.

9 Q You do not have any evidence of the fact as to what kind of
10 claims --

11 MS. MILLER: Objection, Your Honor, that is not a
12 question.

13 BY MS. ANTONY:

14 Q Is there any evidence on the table as to what claims I made
15 to Mr. Raghavan, and that I actually shopped and that he
16 actually paid?

17 A You provided me with receipts to him for reimbursement.

18 Q I provided you with receipts or all credit card statements,
19 which doesn't necessarily mean that he paid my credit cards.

20 A Beyond what you provided me, I don't -- you provided me with
21 a lot of information. And you may have wanted to tell a
22 story. But when I'm just looking at financial information,
23 my role was not to do a forensic accounting or make a
24 forensic determination.

25 What you presented to me was that he took control of the

1 money and started paying all of the bills. Previously, you
2 had done that and that, in your mind, that was financial
3 coercion. I define financial coercion differently.

4 There is a difference between shifting responsibilities
5 and being responsible and cutting people off. Financial
6 coercion also requires that there be some element that the
7 victim is economically trapped, that the victim has no
8 resources other than the abuser. In my mind, you don't fit
9 into that category because you are not economically trapped
10 because you are able to work and provide for yourself because
11 you're very well educated, you're very experienced, and, at
12 one time, you earned more money than your husband. So that
13 sets you out of, in my mind, out of the dynamic that we would
14 have for financial coercion to occur.

15 Q How do you know that I'm equipped to handle a job when I'm not
16 equipped to handle children? And when I'm mentally ill, how
17 do you know that I can find a job?

18 A You told me that you voluntarily left work to stay at home --
19 Q The contract was completed out.

20 A You had you told me that you left employment so that you
21 could stay home with the children. And so --

22 Q Yes, between 2010 and 2012.

23 THE COURT: So, Ms. Antony, you're asking
24 questions, but you're not allowing the witness to answer.
25 You're interrupting her, and that is not appropriate. You

1 may ask a question, but you must allow her to answer.

2 And I also want to let you know that you've now been --
3 had the opportunity to cross-examine this witness for about
4 one and one half hours. Her testimony on direct examination
5 only lasted for about 70 minutes. So, based on my advisory
6 to you before the noon recess, I'm going to put a time limit
7 in place here. I am going to give you about 15 more minutes
8 to finish your cross-examination.

9 I'm concerned that many of the questions you have asked
10 of the witness on cross-examination are inappropriate and not
11 relevant to this proceeding.

12 We have a limited amount of time in which to conduct
13 this trial. The parties here agreed and/or were advised that
14 this would be a three-day trial. At this point, I'm going to
15 exercise some control over time limits in this case, to make
16 sure that relevant evidence can be offered and received.

17 So, at this point, I'm going to give you about 15 more
18 minutes, and advise you to make good use of that time.

19 Please proceed.

20 BY MS. ANTONY:

21 Q Were maids let go in the house?

22 A You told me that they were.

23 Q Were accounts shut down, like grocery common accounts for
24 which I never received joint cards?

25 A You told me that they were.

1 Q Were channels shutdown that I would watch occasionally at
2 home because Mr. Raghavan didn't have the resources to pay?

3 A Again, you told me these things. I have no -- I mean, I
4 can't determine whether those are factual. I just can say
5 that, yes, you provided me with that information.

6 Q Were dogs acquired and not trained?

7 A You told me that. I know you acquired dogs because you have
8 them in your home. Whether they were trained or not, I don't
9 know, but you told me they weren't.

10 Q Were you provided pictures of the amount of poop and pee and
11 puke I cleaned?

12 A I was provided pictures, yes.

13 Q Is that difficult for a mentally ill -- you don't see that
14 support for an individual that managed everything so
15 beautifully, the responsibility shifts, maids get let go,
16 accounts get shut down, dogs don't get trained, I stayed
17 cleaning?

18 A I'm sorry, I don't understand your question.

19 Q Okay. Let's move on.

20 When you spoke with my parents, what was their
21 impression of my parenting style in the house?

22 A Let me go to my -- they stated that you put a lot of effort
23 into your parenting; that you take the children to skate and
24 swimming and music and diving and dance; you're very
25 particular for taking them to their classes and church; you

1 provide fresh food every day, and then you sit at the table
2 with them to make sure they eat it; they have a very hectic
3 schedule and that you are particular that the children do
4 everything well; that you have the best clothes for them, and
5 that you keep those clothes clean and ironed; that they
6 believe you're a beautiful mother.

7 Does that answer your question?

8 Q Yeah.

9 Did you inquire about my parents' qualifications, or
10 what they do?

11 A Oh, your parents are both very highly educated individuals.

12 I think they are both retired, if I'm not mistaken.

13 Q Yes, as of now.

14 A But they were very highly successful individuals. I think
15 your dad was a CEO of an international company, and I think
16 your mother was in a marketing company.

17 Q Correct.

18 A And they were very high earners and very successful business
19 people.

20 Q Did they tell you how I was raised?

21 A No. I mean, I really asked them, more specifically,
22 questions about -- my questions to my collateral contacts are
23 all kind of the same. I want to ask the same questions and
24 be consistent. But I always ask them to describe you as a
25 person, and describe you as a parent, and then sometimes

1 people know both parents and they will talk about both
2 parents. So I didn't ask them about your upbringing, no.

3 Q Okay. Did you hear, by any chance, from them just through
4 conversation, that I was raised in private schools, shop in
5 driven cars, maids at school, that's th kind of upbringing I
6 have?

7 A No, they didn't provide that information and you didn't
8 either. I just knew that you came from a higher economic
9 standard of living and your husband from a lesser economic
10 standard of living.

11 Q Given their exposure and given my upbringing, was there any
12 concern about the lack of attorney representation during my
13 committal from them?

14 THE COURT: I'm going to intervene here. As we
15 discussed yesterday, this is not relevant. The commitment
16 proceeding happened. The Court made a decision. It was not
17 appealed. We are not here to challenge the decision made in
18 that case or to re-litigate it. This witness has no personal
19 knowledge about the circumstances of that case.

20 Please move on.

21 BY MS. ANTONY:

22 Q It is paperwork that is reviewed though, right? Let's move
23 on.

24 Was there any concern from them that responsibility
25 shifted to Mr. Raghavan at all?

1 A No.

2 Q Were you provided a copy of letters of repeated attempts of
3 Mr. Raghavan trying to reconnect the marriage after the
4 marriage ended in 2010, and my very polite, civil responses,
5 nothing viscous, nothing wild in my writing?

6 A Off the top of my head, I think I recall an e-mail. I don't
7 know that I recall, specifically, a letter.

8 Q Okay.

9 A Sorry. I do know that -- I can tell you that my impression
10 of that time period is that, from 2010 forward, there really
11 wasn't communication between the two of you except by e-mail,
12 and that I don't recall any high conflict communications or
13 anything. You just tried to take care of your side of the
14 equation, and him his.

15 So I can tell you I don't remember any communications
16 that were hostile, but, beyond that, I can't recall.

17 Q You talked about a power and control wheel. Is it also
18 common for physical abuse and emotional abuse to kind of
19 intensify when couples separate if someone is trying to
20 reconnect and trying to gain control and reconnect a
21 relationship? Does literature produced by the United States
22 Department of Justice typical guidelines --

23 MS. MILLER: Excuse me, Your Honor. I would
24 object. If this is an offer of a hypothetical, that
25 information is not in evidence.

1 MS. ANTONY: We spoke about a power and control
2 wheel.

3 THE COURT: Ms. Antony, I don't understand your
4 question. Perhaps you could reask it in a clearer fashion.

5 If you're asking the witness to comment about other
6 literature regarding domestic abuse, that is not relevant.
7 If you're asking her to clarify her position on that issue in
8 your case, that is arguably relevant. You will need to
9 clarify your question.

10 BY MS. ANTONY:

11 Q For the power and control wheel, what kind of guidelines do
12 you follow and refer to?

13 A I already explained to you what we call the wheel of domestic
14 violence. That is my description, the honeymoon phase, the
15 gradual deterioration into an incident of physical abuse, and
16 then repeating with the honeymoon phase. That is my
17 description. I'm not sure how I can answer that further.

18 Q Power and control wheels, there are many models. Would it be
19 like the Minnesota Duluth model, United States Department of
20 Justice guidelines?

21 A Ms. Antony, I have taken so many trainings on domestic abuse
22 and, honestly, we have these presented and I don't remember
23 the citations because I've been practicing for 25 years and,
24 almost from the beginning, I have had education and training
25 on domestic abuse. Which wheel they use in any given

1 training, I have no idea.

2 What I can tell you is, I understand the dynamics of
3 abuse. And in this case I didn't see evidence that would
4 meet the Minnesota statutory definition of domestic abuse.

5 Q As per the Minnesota statutory definition, would it be true
6 that physical shoving and slapping is considered abuse, and
7 that there is sworn testimony and statements attesting to
8 that? There is a takeover of finances, maids are let go,
9 accounts are shut down --

10 THE COURT: Ms. Antony, I'm going to intervene once
11 again. You are testifying. There is not a question.

12 MS. ANTONY: It is clarification of what she
13 stated.

14 THE COURT: You will need to ask a question.

15 MS. ANTONY: It can be asked as a question. It's a
16 re-clarification of what was stated. But anyways.

17 BY MS. ANTONY:

18 Q There is an allegation of irresponsible spending, in that my
19 invoices are -- way surpass Mr. Raghavan's ability to pay me
20 and take care of me.

21 MS. MILLER: Objection, Your Honor, relevance.

22 MS. ANTONY: Allegations, again, based on what the
23 evaluation is based on. I recognize it's custody evaluation
24 and just the children, however, my mental health --

25 THE COURT: This objection is sustained. This

1 particular witness was responsible for preparing a neutral
2 custody evaluation. She is not in a position to comment on
3 the division of property.

4 MS. ANTONY: She is in a position to comment on all
5 the allegations that make up her recommendation.

6 THE COURT: Do you have a question for the witness?

7 BY MS. ANTONY:

8 Q I'm alleged of irresponsible spending. Did the defendant
9 cite any specific examples about what he deemed irresponsible
10 spending?

11 A I have to tell you, he didn't raise that issue with me. I
12 didn't review that issue because he did not raise that issue
13 with me within the context of this custody evaluation. He
14 didn't make that allegation to me.

15 Q Were you -- did I make the custody evaluation aware of the
16 amount of parental responsibilities that he has and the funds
17 he has to pay on a monthly basis to support his family?

18 MS. MILLER: Objection, Your Honor, relevance.

19 THE COURT: Sustained. This is not relevant to the
20 custody evaluation.

21 BY MS. ANTONY:

22 Q Are you aware that the thousand dollars support that I was
23 granted is the same as the amount that he would spend on his
24 family every month?

25 MS. MILLER: Objection, Your Honor, relevance.

1 MS. ANTONY: Let's move on.

2 THE COURT: Sustained.

3 You have about five minutes left, Ms. Antony.

4 MS. ANTONY: Yep.

5 BY MS. ANTONY:

6 Q You state that the children were not conditioned in any way.

7 That you didn't get the sense they were coached or

8 conditioned?

9 A In my report? Are you referring --

10 Q In your testimony?

11 A Oh, my testimony. No, I did not feel that they had been
12 coached.

13 Q How do you arrive at that conclusion?

14 A Well, my observations of your girls -- first of all, I've
15 been doing this a really long time, and I have been taught
16 interviewing techniques with children.

17 What I have to say about your children, they are very
18 self aware and they are self possessed, and I don't think
19 either one of them is probably going to let anybody tell them
20 anything. That is my impression. They are just -- they
21 really -- they know their own mind. That was my impression
22 based on my time that I spent with them.

23 And, typically, when -- because sometimes children do
24 come to meet with me, and I can tell when they are being
25 coached and I watch for that. And kids tend to make

1 statements that -- they use words that kid don't use; they --
2 they are talking in sentences that adults would use, not
3 children. Children talk like kids, and adults talk like
4 adults. When children are mimicking something that their
5 parents have said or their grandparents have said, it's often
6 easy to tell.

7 In the conversation with your girls, again, they pretty
8 much know their own minds. And they can be coloring and they
9 can be talking, and it was just a very natural, easy
10 conversation.

11 Sometimes I will see kids, I have them say to me, "Oh,
12 I'm trying to remember. There was something I was supposed
13 to tell you." These things just come out. When kids have
14 been coached, it's going to come out, especially when you
15 meet with them for a half hour to an hour, it just comes out.
16 And I watched for it and I didn't see any of the things that
17 I would normally see if a child had been coached about what
18 to say.

19 Q Do they spend a lot of time with their dad?

20 A Beg your pardon?

21 Q Do you they spend a lot of time with their dad?

22 A Do the children spend a lot of time with their dad? From the
23 information that I had, it sounded like, when all in the same
24 home, you had the weekdays fairly structured for the
25 children, you had most of their time accounted for, and then,

1 for about a little bit of time in the evening, they might
2 have TV time with dad. And then on weekends they would spend
3 time with dad. When they would go to social events, they
4 would go with dad. And I kind of looked at, historically,
5 the time that they spent with each of you.

6 Does that answer your question?

7 Q Yes.

8 Do -- did they spend a lot of time with their dad this
9 last year?

10 A The only thing that I have to go on is -- I mean, I'm
11 assuming they have because of the parenting time schedule
12 that has been in place, the temporary parenting time
13 schedule.

14 Q Given passing statements over periods of months, years, do
15 they register on your mind. I mean, not coaching -- not
16 necessarily in terms of someone actually coaching, but
17 passing statements in conversation over the years that I may
18 -- I might be able to tell you that he made a statement --

19 THE COURT: Ms. Antony, it's been 15 minutes.

20 MS. ANTONY: Okay.

21 THE COURT: It's been 15 minutes. Again, you're
22 not asking a question. You are simply making comments. You
23 will have an opportunity to do that later during the trial.
24 You have had now about one hour and 45 minutes, or more, of
25 cross-examination of this witness. And we're simply -- I'm

1 simply going to terminate cross-examination.

2 MS. ANTONY: Can I have one last question, Your
3 Honor?

4 THE COURT: You may ask one last question.

5 BY MS. ANTONY:

6 Q With just passing statements over the course of months and
7 years, given how much time they spend with their dad, can
8 that have an effect on their mind?

9 A About whether the children have been coached?

10 Q Yes, just passing statements?

11 A I'm going to answer no.

12 THE COURT: Thank you. So we are going to
13 terminate cross-examination at this time.

14 Ms. Miller, do you have anything on redirect?

15 MS. MILLER: I do not, Your Honor.

16 THE COURT: Thank you.

17 Then, Ms. Cheney-Hatcher, thank you for your work on
18 this case. Thank you for your testimony. And, at this time,
19 I believe that you are excused.

20 THE WITNESS: Thank you.

21 MS. MILLER: Your Honor --

22 THE COURT: Ms. Miller, I will turn back to you for
23 your next witness.

24 MS. MILLER: I would like to call Dr. Beth
25 Harrington, Your Honor, but I have some bookkeeping issues

1 before we do.

2 In the custody evaluation that Ms. Cheney-Hatcher
3 completed, we did not receive copies of the psychological
4 evaluations, themselves.

5 THE COURT: That is correct, that was not attached.

6 MS. MILLER: And I have been at Ms.

7 Cheney-Hatcher's office and reviewed a copy of the
8 psychological evaluation. But per Ms. Cheney-Hatcher's
9 policies, was not allowed to take a copy of that
10 psychological evaluation. I believe there is a copy of the
11 psychological evaluation submitted to the Court, and you may
12 have the digital copy.

13 THE COURT: I assume your witness has that report
14 with her?

15 MS. MILLER: Exactly. What my question is, shall
16 we admit it -- shall I offer it for admission because I
17 believe there is some protective measures that would be
18 appropriate for the psych evals.

19 THE COURT: I believe the report itself will need
20 to be marked as an exhibit and offered as an exhibit. If it
21 is received by the Court, it is confidential and protected
22 information, and we have a way to ensure that it remains
23 protected. For your information, the Court has not received
24 that report or evaluation. It was not attached to the
25 custody evaluation and it was not otherwise submitted to the

1 Court.

2 So if you wish it to be part of your case, you will have
3 to offer it as an exhibit.

4 MS. MILLER: Okay. And does that mean that each of
5 the -- that a copy of the psychological evaluations will be
6 provided to Ms. Antony, as well, at this time?

7 THE COURT: I assume you're talking about her
8 evaluation?

9 MS. MILLER: Yes.

10 THE COURT: Yes.

11 MS. MILLER: Okay. I believe we --

12 THE COURT: If you're offering it as exhibit, you
13 will have provide it to the other party.

14 MS. MILLER: I believe both psych evals will be
15 offered, Your Honor.

16 THE COURT: Then you will have to provide both to
17 the other party.

18 MS. MILLER: Okay.

19 THE COURT: That's correct.

20 MS. MILLER: That is why I am thinking we will have
21 to get copies made.

22 THE COURT: Why don't I give you about five minutes
23 to get organized on this.

24 MS. MILLER: Thank you, Your Honor. I appreciate
25 it.

1 THE COURT: We'll take a brief five-minute recess,
2 not necessarily our afternoon recess, so that you can deal
3 with paperwork issues here.

4 MS. MILLER: Thank you, Your Honor. I appreciate
5 this.

6 THE COURT: Five minutes, no more.

7 (WHEREUPON, a brief recess was
8 had, after which the following
9 proceedings were had:)

10 THE COURT: Let me turn back to you, Ms. Miller.
11 Are you ready to proceed at this point?

12 MS. MILLER: I am, Your Honor. Thank you. I would
13 call Dr. Beth Harrington to the stand.

14 THE COURT: Dr. Harrington, I'm going to have you
15 come forward and take an oath, and then you may take the
16 witness stand.

17 DR. BETH HARRINGTON,
18 after having been first duly sworn, was examined and
19 testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Have a seat.

22 THE COURT: I will have you start by stating your
23 full name and spelling your last name for the record.

24 THE WITNESS: My name is Beth Painter Harrington,
25 Painter, P-A-I-N-T-E-R, Harrington, H-A-R-R-I-N-G-T-O-N.

1 THE COURT: Is that a hyphenated name?

2 THE WITNESS: It is not.

3 THE COURT: Do you use both names as your last
4 names?

5 THE WITNESS: I do.

6 THE COURT: Thank you.

7 Then I will turn to you, Ms. Miller.

8 DIRECT EXAMINATION

9 BY MS. MILLER:

10 Q Doctor, could you give your professional address, please?

11 A 2113 Cliff Drive, Eagan, Minnesota 55122.

12 Q What is your occupation?

13 A I'm a licensed psychologist in private practice.

14 Q How long have you been a licensed psychologist?

15 A In the State of Minnesota, 22 years. And prior to that, I
16 was licensed in the State of California for several years.

17 Q And what services do you provide as part of your business as
18 a licensed psychologist?

19 A My practice is virtually 100 percent family court related. I
20 work as an evaluator, custody evaluations, psychological
21 evaluations, related to family court matters. The main other
22 service that I provide is alternative dispute resolution. I

23 work as a mediator, early neutral evaluator, parenting

24 consultant, parenting time expediter. And I also consult

25 with attorneys on family court issues.

1 Q Is the educational requirement for serving as a licensed
2 psychologist -- is that -- you have a Ph.D. or equivalent?

3 A Yes. In the State of Minnesota, it didn't used to be, but it
4 is now, that you have a Ph.D. in Psychology.

5 Q And, in addition, then, to completing your Ph.D., are there
6 -- is there a requirement that you complete a number of other
7 educational credits to keep your license current?

8 A Well, in order to get your initial licensure, you have to do
9 a certain number of supervised hours. That was many years
10 ago. Once you're licensed, in order to maintain your
11 license, you have to do a certain number of continuing ed --
12 continuing education credits, like 40 credits over a two year
13 period.

14 Q And that allows you to maintain your license?

15 A Yes.

16 Q Okay. So in your training and experience, then, you are
17 qualified to do psychological assessments; is that correct?

18 A Correct.

19 Q What exactly is a psychological assessment? And I guess -- I
20 think vocabulary, a psych eval, could you help --

21 A Yeah, I will use those interchangeably.

22 Conducting an assessment of an individual usually
23 consists of taking a background history of that person;
24 administering psychological tests, depending on what the
25 referral question is; conducting interviews; and reviewing

1 relevant records, including criminal history records, mental
2 health records, educational records, and so on.

3 Q And what is the purpose, then, of the psychological
4 assessment, once you get all this information assembled?

5 A It is to give a summary statement or paragraph about the
6 person's current mental health functioning, including a
7 diagnosis, if requested. A psychological evaluation
8 assessment doesn't always include a diagnosis, but oftentimes
9 it will.

10 There is a diagnostic system that is used by mental
11 health professionals called the DSM, currently in its fifth
12 edition, so it's the DSM-V. And there is a certain system of
13 diagnosis of mental health conditions that follow certain
14 criteria that need to be present in order for a person to
15 meet a diagnostic category. So that would be included in a
16 psychological evaluation or psychological assessment.

17 Also, a statement of whether a person is receiving
18 appropriate services, or whether they need services in order
19 to treat those conditions. So those would be treatment
20 recommendations.

21 An evaluation has also got to answer whatever the
22 referral questions were. So usually there is some kind of
23 referral question that comes from whoever is referring the
24 person for assessment.

25 Q I was just going to ask you a follow-up on that. This was a

1 referral from Ms. Cheney-Hatcher, was it not?

2 A Yes.

3 Q And, in particular, do you recall, at this time, what the
4 referral questions were that Ms. Cheney-Hatcher, and perhaps
5 you, together, decided were appropriate questions for your
6 work? I'm not exactly sure about that.

7 A Well, when I am asked to do psychological evaluations as part
8 of custody evaluation, such as in this case, I always do have
9 a phone conversation with the referring person, in this case
10 Ms. Cheney-Hatcher, and ask her what were her specific
11 concerns. And what she shared with me is that she had
12 concerns, in particular, about Ms. Antony, what was her
13 current mental health status? She was aware that there had
14 been a prior -- a couple of prior psychiatric
15 hospitalizations. So she wanted assistance in understanding
16 those records and how they related to her current mental
17 health functioning and, ultimately, to the issue of how they
18 would impact parenting and the issues before the Court,
19 custody and parenting time.

20 And she also asked me to do evaluations of both parents.
21 She did not indicate specific concerns about Mr. Raghavan,
22 beyond -- they were more general in nature, and she said that
23 there had been some allegations that he had been abusive and,
24 specifically, financial coercive. So those were the
25 questions regarding the father.

1 Q And, in your 22 plus years of experience, are these issues
2 that come up often in the context of a psych eval that's
3 performed in conjunction with a custody evaluation, issues of
4 abuse or of mental health?

5 A Yes. That is exactly what they are for, especially if the
6 evaluator, the custody evaluator, is not trained as a mental
7 health professional, it's appropriate for them to refer the
8 parties to a mental health provider to get more information
9 in order for them to complete their evaluation.

10 Q Do you have any idea of how many psychological assessments,
11 such as you did in this case, that is to say in conjunction
12 with a custody evaluation, how many of those you might do in
13 a space of a year?

14 A Oh, 14 to 16, something like that.

15 I also do custody evaluations. And when I do those, I
16 include the psychological evaluation as a portion. So 15,
17 20, that would probably be a fair assessment or estimate.

18 Q And how often, say within the last four years, how often have
19 you been called upon to testify at a trial with respect to
20 the -- well, to either the custody evaluation you conducted
21 or the psychological evaluation?

22 A On average, I'd say I testify in court two to four times a
23 year. I'd say, this year, perhaps a little more. I think I
24 have testified four or five times so far, and I know I'm
25 scheduled for a couple more.

1 Q Do you charge a fee for the psychological assessment?

2 A I do.

3 Q What is that fee?

4 A Generally, it's in the \$2500 to \$3,000 range.

5 Q For each person?

6 A Yes.

7 Q Do you recall the fee in this case?

8 A I don't, actually.

9 Q Do recall who paid the fee?

10 A Mr. Raghavan, I believe for both, yes.

11 Q And you're receiving a fee for your testimony here in court
12 today; is that correct?

13 A Yes.

14 Q And what is that amount?

15 A My assistant handles this, I'm sorry. I believe it was \$1800
16 for half-day testimony, and then there was also several hours
17 of preparation. I believe the full -- I think it was 2500 or
18 2400. It was --

19 Q 2500 was the correct guess. Thank you.

20 And do you know who's paid that fee?

21 A Well, I understand there was an agreement that the two
22 parties would split the fee. I know I did not receive Ms.
23 Antony's payment in time, so I did ask for Mr. Raghavan to
24 pay the full portion, and he did.

25 Q All right. So you have identified that, as part of your

1 process, you talk over the concerns of the referring person;
2 you interview the parties that are being assessed; you
3 complete testing; and you review records and documents. Does
4 that provide a summary of the steps you follow when you're
5 doing the psychological assessment?

6 A Yes.

7 Q And how do you decide what tests to administer?

8 A It will depend, to some extent, on what the referral question
9 is. But I have a standard battery that I use, as do many of
10 my colleagues, and that includes a personality clinical
11 measure. In this case I used the MMPI-2. I think that is
12 pretty familiar to the Court, which is a long true/false
13 test.

14 I also, in this case -- I often use a symptom checklist
15 kind of a much shorter questionnaire that asks about
16 physical, mental health symptoms a person has had in the past
17 few weeks. In this case I did use that, and I used that in
18 most of my custody and psychological assessments.

19 I also administered a questionnaire called the Axis II
20 questionnaire. That is not so much a test that is scored,
21 meaning measured and a person gets a score on it. It's more
22 designed to assist my questioning of the individuals, to kind
23 of highlight certain areas that I might want to question them
24 more about.

25 Q I see you also listed the parenting stress inventory. Did

1 you administer that test in this case?

2 A Yes, I did. I usually do that for parenting assessments and
3 in custody evaluations. I sometimes will for psychological
4 evaluations, as well. So I did in this case, but I realize I
5 did not include report of that in my report.

6 MS. MILLER: If I could approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 BY MS. MILLER:

10 Q Once you collected all of this information, the testing, the
11 things that we summarized, you did prepare a psychological
12 evaluation; is that correct?

13 A A report, yes.

14 Q And I'm going to show you two documents that have been marked
15 for identification. Number 34, do you recognize that?

16 A Yes, that is the report I just gave to be copied.

17 Q And this is for the parent, Smeeta Antony; is that correct?

18 A Yes.

19 Q Exhibit 34. Okay.

20 A Yes, this is the report that I completed for Bijoy Raghavan.

21 Q Exhibit 35?

22 MS. MILLER: Ms. Antony, you have copies of these
23 documents; is that correct?

24 MS. ANTONY: That's correct, yes.

25 MS. MILLER: Your Honor, I would offer these

1 Exhibits 34 and 35.

2 THE COURT: And, Ms. Antony, do you have any legal
3 objections to these exhibits?

4 MS. ANTONY: No, I don't.

5 THE COURT: Then Exhibits 34 and 35 are received.

6 BY MS. MILLER:

7 Q Dr. Harrington, your report indicates that you had three
8 diagnostic interviews, would that be a correct way to
9 characterize them, with each --

10 A Three interviews.

11 Q -- parent.

12 And that was approximately six hours of time?

13 A Yes.

14 Q What were your observations -- and I would say, for purposes
15 of the testimony, what stood out for you, in terms of what
16 you observed in the interviews with Ms. Antony?

17 A Kind of a general question, but I'll try my best. She was --
18 her presentation, she was friendly and talkative. She
19 presented as well addressed, well groomed, that is part of
20 what an evaluator does, observe the person's appearance.

21 She -- part of what I assess, as an evaluator, is how a
22 person -- how freely they speak. And, in some areas, she
23 spoke very freely and gave a detailed accounting of the
24 questions I was asking. There were other areas in which she
25 was quite resistant to answer questions, and that was in the

1 area of her mental health, how she is doing currently, as
2 well as in the past.

3 There was a predominant theme in what she shared with me
4 during the interviews, as well as the documents that she gave
5 me to review. And that was that she felt victimized or
6 persecuted by the system, by her husband, as well as the
7 court system, law enforcement and kind of the system in
8 general. So there was a defensive quality to her
9 presentation, in terms of she felt that she wasn't being
10 treated fairly, that she was subject to bias, and that had
11 spanned over a long period of time, essentially the last six
12 years, since 2010. So that was a predominant theme in which
13 she told me.

14 She did give me a lot of documents to review. Some of
15 them were easy to follow, and I understood the pertinence to
16 the evaluation. There were others that I didn't. So those
17 were some of my basic observations.

18 Q You list, as a matter of fact, the submissions from Ms.
19 Antony on page two; is that correct?

20 A Yes.

21 Q So that was part of your preparation of this evaluation, you
22 did review these particular documents that were provided to
23 you by Ms. Antony?

24 A Yes, I did. She also provided a number of research articles,
25 some things that were from the internet, some things from

1 professional journals about psychiatric issues. And, again,
2 some of those were relevant to the questioning or the issues
3 at hand, and some of those were difficult for me to follow,
4 in terms of what she wanted me to get from them or why she
5 was presenting them to me.

6 Q So there were additional things that were submitted?

7 A No, they would be all listed here.

8 Q They are also, but they have different characterizations.

9 A Yes.

10 Q I see.

11 A There was also a lot of -- a lot of what she presented to me
12 was duplicative, meaning it was kind of the same themes
13 repeated over and over, and they were just more documents of
14 the same.

15 Q You provide, in your evaluation, a detailed account of the
16 family histories of the parties. And let's concentrate now
17 on Ms. Antony's.

18 In terms of what was relevant to the task you were
19 undertaking, that is the psychological assessment, was there
20 anything that stood out in Ms. Antony's family history?

21 A Yeah. As part of a psychological assessment, I'll always do
22 a background history, and that includes family of origin,
23 upbringing, mom, dad, siblings, early experiences, education,
24 work background, medical background, medical history, mental
25 health treatment history, chemical use, so on. Those are all

1 kind of standard areas of questioning.

2 In terms of her history, what was most striking is that
3 she asserted that she had -- her relationships with her
4 parents and sister were effectively ended as of 2010. And
5 that was something she said -- repeated to me a number of
6 times, that she no longer had a relationship with them. So
7 there was -- it wasn't that the relationships were strained,
8 it was just that they were over. So that is certainly
9 unusual in reporting I've had about a family history, that
10 there was absolutely no contact with the family.

11 And she characterized her relationship with her
12 estranged husband the same way. Essentially, had been no
13 relationship since 2010, but that she had lived in the same
14 house and they co-existed, but there was really no emotional
15 or intimate relationship with him either.

16 Q In terms of your discussion with Ms. Antony about the
17 children, was there something in particular, or things in
18 particular, that stood out as Ms. Antony talked about the
19 children?

20 A Well, that was one area of focus. I didn't spend a lot of
21 time talking about -- I asked her, as I did Mr. Raghavan,
22 about the developmental history of the children, you know,
23 the pregnancy, raising the kids, how they shared parenting
24 duties, and so on. So that we talked about.

25 What struck me, or stood out, was that she didn't show a

1 lot of concern for the children compared to most parents that
2 I evaluate, especially a parent who has very limited contact
3 with children and is fighting for more time or fighting for
4 custody.

5 There was a preoccupation with proving her case,
6 defending herself against the allegations that Mr. Raghavan
7 has alleged, has brought to the Court. And proving that
8 she's been discriminated against or biased against. So that
9 was clearly the focus and kind of -- she perseverated on that
10 theme.

11 There was not a lot of concern expressed about the kids
12 and what they were going through as a result of what has gone
13 on in the last few years.

14 For example, when I asked how were they doing, how was
15 parenting time going, she said parenting time was going
16 really well, and described some of the things that she does
17 with her daughters. But when I asked her questions about,
18 "Well, how do they feel about what is going on," or, "Are
19 they frightened of you, as Mr. Raghavan has alleged," she
20 said things to the effect, "You'd have to ask them. I don't
21 know." So it was curious. It was an unusual response.

22 There seemed to be a lack -- a detachment, is the way I
23 would put it, from kind of an emotional investment in them
24 and worrying about how they are doing, and how are they doing
25 week by week in between the time she sees them, and so on.

1 Q Since you mentioned that Ms. Antony was not particularly --
2 her information about her mental health issues -- the
3 information about Ms. Antony's mental health issues did not
4 come easily from Ms. Antony. Is that a correct
5 characterization of what you said?

6 A On one hand, she was pretty well aware of how she had been
7 described in the prior mental health order records, for
8 example, in the 2012 hospitalization. So she was able to say
9 what was said about her, in terms of that she had delusions,
10 and was observed talking to herself, and laughing
11 uncontrollably and having an agitated or manic mood. So she
12 was able to report those things. So, obviously, she had read
13 the records or she read Mr. Raghavan's court documents, in
14 which those were listed.

15 But she didn't really answer any questions about how she
16 was feeling currently or had during the hospitalization, or
17 since. There was -- she would either avoid those questions
18 or would say things, such as, "I'd like to let the facts
19 speak for themselves" or "the data speak for themselves,"
20 sort of evaded those questions. It was very similar to how
21 she was described in the 2012 and 2014 hospitalization
22 records. It was noted that she basically wouldn't answer any
23 questions about what she was thinking, what she was feeling,
24 how she was doing on a daily basis. She just wouldn't answer
25 those questions.

1 Q Is this unusual, the idea that she could describe a set of
2 circumstances, but, understanding what you're saying, not
3 relate to them at all?

4 A Well, I would characterize her as very guarded, or very
5 evasive. I mean, she obviously is a very bright individual
6 and had read documents, so could recite them, but she still
7 wasn't answering the questions that everyone had about her,
8 which were, "How are you doing," and "How are you spending
9 your days," and "What is going on with your daughters," and
10 you know, "Are you still having some of those experiences,
11 behaviors that have been raised as concerns by Mr. Raghavan
12 as well as others?"

13 Q The psychological testing is part of your protocol, as well.
14 Were any -- you administer them, hoping they would provide
15 some additional information about what might be going on with
16 the person you're working with.

17 With respect to the MMPI, were there -- were there some
18 insights or some additional information that you were able to
19 glean from Ms. Antony's performance on the MMPI?

20 A Yes. The MMPI was valid. What that means is, when a
21 psychologist looks at an MMPI profile, the first thing we
22 always look at are what is called the validity indexes, and
23 that gives an idea of how a person approached the test,
24 whether they were being honest and straight forward, or
25 whether they were probably under reporting what they were

1 experiencing, and whether they were being consistent, because
2 there are some repeated questions throughout the test, and so
3 on.

4 She did produce a valid profile. So, I mean, there was
5 some defensiveness, that means under reporting or
6 guardedness. There was some of that, which is fairly common
7 and typical in persons being evaluated as part of family
8 court matters. People want to present themselves in a
9 favorable light.

10 Despite that guardedness, there was an elevation on the
11 scale associated with suspiciousness and paranoia. So there
12 was a marked elevation on that scale, which is associated
13 with having beliefs about other people, not being trustful of
14 other people, having fixed resentments toward family members,
15 of becoming hostile or tense when they feel threatened or
16 trapped, having uneven judgment, and likely to project their
17 angry feelings onto others, meaning they don't admit their
18 own angry feelings, but see everyone else is angry towards
19 them. So those were some of the things that showed up on her
20 MMPI profile.

21 Q With respect to the other testing that was administered, were
22 those results consistent?

23 A Yes, I would say, overall, there was a high degree of
24 consistency between how they presented to me, how she
25 responded on the test, and how she was described in the -- by

1 the prior mental health professionals in 2012 and 2014, as
2 well as the report by Mr. Raghavan of her behaviors over the
3 last five or six years.

4 Q In terms of what concerns you were asked to address, what
5 were your conclusions regarding Ms. Antony's mental health
6 and the impact her mental health status would have on her
7 children?

8 A I concluded that a significant number of symptoms and
9 behaviors that were evident in 2012 and 2014 are still
10 present, though I did state in my report that, since there
11 has been no mental health treatment, there is a lot -- there
12 is a lot of unknown. But there was significant evidence that
13 the underlying mental illness or psychiatric illness was
14 still present and had not been adequately treated. And
15 though she said that she didn't feel she needed treatment nor
16 medication were helpful or of benefit, that that had really
17 not been fully tested. And that untreated, as she currently
18 is, pose certain -- raise certain concerns about her
19 parenting, in terms of her judgment.

20 Really, there is a big unknown about what actually goes
21 on during her parenting time because there's no one else
22 present. And that also was of concern, too, a red flag, was
23 that she described being completely socially isolated, that
24 essentially she had no need for relationships with either her
25 family or her friends, or anybody. So I don't -- my sense

1 was that, when she exercised her parenting time, it was just
2 her and the two girls. So there was really no other people
3 there either to, perhaps, intervene or give a report of what
4 goes on. So those were concerns.

5 And given the kinds of behavior that were related by Mr.
6 Raghavan, in terms of keeping the girls up late at night or
7 getting them up early in the morning, and having them do many
8 hours of study beyond the school, that seemed to probably
9 still be going on, based on what she told me and what Mr.
10 Raghavan reported that the girls told him. So I was
11 concerned about that.

12 Mr. Raghavan had also reported a history of her going
13 into verbal tirades, and swearing in front of the girls, and
14 certainly that would be grossly inappropriate for parenting
15 or for the children and harmful, emotionally abusive.

16 I didn't have so much concern about physical abuse of
17 the girls. I mean, I don't know. That remains an unknown.
18 But I presume that the father would be in a position to
19 monitor that.

20 But there were many concerns, as far as her parenting
21 the children alone, unsupervised, untreated, being untreated
22 for her mental health conditions.

23 Q In your section on treatment recommendations, then, on page
24 16, you recommend that Ms. Antony undergo an updated
25 psychiatric assessment. How would that differ from the work

1 that you have done with her at this point?

2 A That is a good question.

3 A psychiatric assessment would be done by a
4 psychiatrist. A psychiatrist is a medical doctor who has
5 specialty in psychiatry or mental health functions. I think,
6 given the fact that there are treatment records, prior
7 treatment records, that a psychiatrist would be in the best
8 position to provide a more definitive diagnosis. Because, as
9 I concluded in my report, we don't know exactly what her
10 diagnosis is.

11 We know that there is a component of affective or mood
12 disturbance, or there was in the past, and that means either
13 depression or elevated or manic mood. And we know there has
14 been a component of schizophrenia or psychotic, and that
15 refers to the loss of -- being out of touch with reality, the
16 loss of reality testing. So we know that there are those two
17 components. But in order to do a more definitive diagnosis,
18 really, that would require the background and skills of a
19 psychiatrist.

20 I do think, however, though, it would require some
21 period of observation because I do think that Ms. Antony is,
22 if I may put it this way, she's well put together enough that
23 she would be able to present as in possession of her
24 faculties, so to speak, and could present credibly for short
25 periods of times. In fact, the MMPI results mention that,

1 too, and I did include that in the report, that she would --
2 she's likely to say, to any person who is evaluating her,
3 that she is doing just fine, just like she did with me, but
4 we know there is a pattern of behavior where she essentially
5 doesn't respond to those questions. So that requires the
6 evaluator, the psychiatrist, to rely more on her behaviors
7 over a period of time, not just in a two-hour interview. So
8 it requires kind of a specialized assessment.

9 And that evaluator should also have access to prior
10 treatment records, as well as Mr. Raghavan, as a collateral
11 source. But it's important that family members, or people
12 who are living with the client, or patient, in which case, at
13 this point, we really don't have any, to provide additional
14 information for the evaluator.

15 Q You have suggested that parenting time be made contingent
16 upon Ms. Antony seeking the psychiatric assessment,
17 undergoing the psychiatric assessment, and following all
18 recommendations. Can you describe how that recommendation
19 was made, or what concerns you have when making that
20 recommendation?

21 A I think there needs to be some accountability. These are
22 children, and they're vulnerable. And they should have two
23 parents that are in good mental health to parent them, and
24 that that should be a prerequisite for parenting time.

25 I do think, and I would probably add this to my

1 recommendations, that supervised parenting time be instituted
2 during the time -- in the interim here. Obviously, it might
3 take some time for her to undergo an evaluation and to start
4 with a course of treatment, but it does make sense, and, you
5 know, obviously, you can ask the custody evaluator, that the
6 children not totally lose contact with their mother, but
7 there be a supervisor, whether that be in the home and
8 professional -- it should be a person with a mental health
9 background, or could be at a center. It would make more
10 sense to do it in the home and to have a professional
11 supervisor, somebody with a mental health background or
12 Guardian ad Litem background. So that, at least, there would
13 be some safety measures put into place. I think it's
14 necessary to ensure safety for these children.

15 Q Currently, Ms. Antony, as you may know, is having
16 unsupervised visits from Friday at 5:00 o'clock until Sunday
17 at 5:00 o'clock. If we are picturing supervised visitation,
18 do you have any way of -- obviously, there is expenses
19 involved and coordination of a whole lot of things involved,
20 if we're looking at supervised visits. Do you have a
21 recommendation as to what would be an appropriate interim
22 supervised schedule?

23 A I have been involved in similar cases where a professional
24 supervisor went on site, so it would be a more natural
25 setting, came to the home, went out with the parent,

1 children, as necessary, if they wanted to go out shopping or
2 do something.

3 Yeah, the expense and availability would be something to
4 overcome. But I would think something in the order of four
5 to six hours or, if that is not affordable, two to four
6 hours.

7 And I think that person, then, the -- in choosing that
8 person, it would be important that they have a mental health
9 background. Then you have a neutral in place, so you're not
10 only meeting the needs -- the protection of the children, but
11 also that you have a neutral in place that would give you
12 some idea of what is going on during the parenting time and
13 could speak to that in any future court hearings or, however,
14 this case proceeds.

15 Q I have sort of covered, in big steps, as you have noticed,
16 the psychological assessment for Ms. Antony. Is there
17 something that you believe is relevant to your work with Ms.
18 Antony that you have not had an opportunity to express?

19 A I guess, I would like to say that, by all accounts, and this
20 is by the report of Mr. Raghavan mostly, but other records
21 that I reviewed, that Ms. Antony was a very bright, high
22 functioning, highly competent professional.

23 It's unfortunate her illness -- and I think a part of
24 this that needs to be looked at is the family and cultural
25 issues here, that in the cultural, the indian culture, there

1 is probably a greater stigma about mental illness than there
2 is in ours. As we're well aware, there is a lot of stigma in
3 our culture about mental illness. I do think that that
4 contributed to the difficulties that this family has had and
5 the fact she is estranged from her family. I don't have a
6 remedy for that, but I do think it's a significant factor,
7 that there -- there's great stigma in this culture about
8 getting treatment, and that is unfortunate, and I do think
9 that the kind of illness she displays is treatable and that
10 it's unfortunate that treatment hasn't been continued to see
11 if she could be restored to her prior level of functioning
12 for these children.

13 Q If we could move briefly to Mr. Raghavan's assessment,
14 Doctor. You mentioned there were no specific concerns at the
15 time that the referral came from Ms. Cheney-Hatcher, but it
16 sounds like you were being asked to do kind of a rule-out
17 sort of assessment for Mr. Raghavan; is that accurate?

18 A Um --

19 Q With respect to mental health issues?

20 A Oh, yes. Generally, parents are referred in pairs for
21 evaluations, just because they generally feel more fairly
22 treated if it occurs that way, and that they both serve as
23 collateral reporters for the other. So it is important to
24 see both parents in these circumstances, yes.

25 Q So Ms. Antony was able to provide you collateral information

1 concerning Mr. Raghavan, right?

2 A She also had -- yeah, she had her own accounting of the
3 marital history, and parenting history, and all that has gone
4 on. She did describe him as abusive, and that was a
5 persistent theme in her report over all, that she was a
6 victim of domestic violence and that had not been taken
7 seriously by law enforcement, the family court system, and so
8 on. So that was one of the things that I was looking at.

9 Q How did you take that issue and conduct your investigation
10 about that issue?

11 A Well, mostly relying on what each of the parents shared with
12 me, as well as looking at the records that I did have, which
13 included Child Protection, some police reports,
14 hospitalizations records. It is difficult, as the Court is
15 aware, to assess allegations of domestic violence. They are
16 very common in family court custody disputes. Probably three
17 quarters of my assessments involve some allegations of
18 domestic violence. So it's difficult to pick that out, to
19 ascertain what is the risk and what is the reality.

20 What I can say is, even from Ms. Antony's report, she
21 did describe him as being physically abusive, yet she did not
22 provide any reports of incidents of physical abuse.

23 She was more fixated on financial coercion, and what she
24 described as financial abuse. She did talk quite a bit about
25 that, and provided a number of documents to prove that. It

1 was, frankly, difficult for me to evaluate that, given what
2 my role was in this case, and just difficulty following some
3 of the documents and her thinking when she was making her
4 points, but, certainly, that was something that I questioned
5 Mr. Raghavan about, too, to try to get some better
6 understanding of how that played into the marital history and
7 incidents since. I can't say I have an answer to that
8 question. Certainly, that was very prominent in her report.

9 I do understand that there was, again, some family
10 cultural issues that played into that. There was some
11 resentments Ms. Antony held about funds that were given to
12 Mr. Raghavan's family and not hers. Those are not unusual,
13 that there is resentments in families about in-laws being
14 treated differently. So that seemed to be a piece of it.

15 But there were other things that were just impossible
16 for me to investigate, such as she had reported a theft of I
17 think it was \$70,000 worth of jewelry, and I was just not
18 able to -- I'm not a private investigator. I mean, it's just
19 not something that I was able to investigate.

20 Q Did you feel competent with the information that was
21 available to you to reach a conclusion on whether or not this
22 was an abusive relationship?

23 A There was no information in the records that I reviewed that
24 Mr. Raghavan was physically abusive or verbally or
25 emotionally abusive during the course of the marriage to

1 either Ms. Antony or the children. It wasn't something that
2 was mentioned by the police, in their reports, or in the
3 Child Protection reports.

4 He came across in interviews and in the psychological
5 testing, too, as a rather kind of passive, unassuming, soft
6 spoken individual. That doesn't mean, of course, that he
7 couldn't also be abusive, but, overall, what he shared with
8 me was more being very conflict avoidant, and, actually,
9 taking quite a lot of time to actually get help for the
10 family, to get mental health treatment for the mother.

11 I mean, he was -- as he -- again, laboring under the
12 cultural -- his background, was very reticent to talk to
13 anyone about what was going on in the family. And, in fact,
14 told me there were a number of long-term acquaintances and
15 family friends that didn't even know any of this that was
16 going on. So he didn't present as somebody who was abusive.

17 Q Or trying to gain an upper hand in a fight over custody?

18 A Yes, yes, right.

19 Q You administered the same tests to Mr. Raghavan that you did
20 to Ms. Antony; is that correct?

21 A Yes.

22 Q And with respect to the MMPI, were there -- did the results
23 on this test add to your fund of information, as you were
24 trying to assess the situation?

25 A Well, he also approached the test, what we call, defensively.

1 The way I put it, he was extremely self favorable in his
2 approach to the test. Again, that is something that I see
3 fairly frequently among family court litigants.

4 Q Was this a valid test?

5 A Yes, it was valid. But when somebody presents in that way, I
6 have to consider the possibility they may have been under
7 reporting some current symptoms. Yet, even with that
8 defensive quality, the profile did show mild to moderate
9 level of anxiety and depression. So that was, again,
10 consistent with how he presented to me, what he talked about.

11 He did admit that he was anxious and he worried about
12 his daughters' welfare. And most people, when they're going
13 through family court litigation, are understandably anxious
14 and worrying. So those test results were consistent with how
15 he presented.

16 It did not appear that they were impairing his ability
17 to work or to function, but that they were notable.

18 Q Was there any other information that you gleaned from the
19 other testing that Mr. Raghavan completed?

20 A I think the only other thing that kind of completed the
21 picture for me was that the testing did show him to be very
22 conflict avoidant. That was something that stood out about
23 Mr. Raghavan, was that he -- there were just some things he
24 didn't want to know about, and that was very striking to me,
25 in terms of him talking about -- well, for both parents.

1 For example, he knew she had medical conditions when
2 they met, including fainting spells and hitting her head on
3 things, and not being able to drive, and having to have a
4 chauffeur, and yet he didn't -- he said, in fact, outright,
5 that he just didn't want to know about things. So that was
6 sort of a consistent personality trait of his, just sort of
7 not wanting to deal with things that were uncomfortable, or
8 that may require him to take action.

9 And I think what he described as dealing with the
10 increasing incidents in the household in 2011 and 2012, it
11 did take quite a bit of chiding from some of his friends to
12 get him to call the police. That was consistent with how he
13 presented and the test findings.

14 Q Did you have some treatment recommendations for Mr. Raghavan?

15 A Well, more in the order of parenting, that I thought that the
16 children and Mr. Raghavan would benefit from education about
17 mental illness. There is the NAMI, I think most people are
18 familiar with, National Alliance for Mental Illness, which is
19 an organization that does training and group support for
20 families. I thought that would be useful for him, as well as
21 finding something that would be developmentally appropriate
22 for his daughters.

23 I also recommended that, at some point, the girls be
24 seen by someone, a child psychologist. I know they had been
25 seen in school, and, overall, it seemed like they were doing

1 okay, but it would make sense that they would have questions,
2 especially as they are getting into their pre-teen years,
3 about what is going on in the family, and so on.

4 Q Is there any other information concerning Mr. Raghavan,
5 Doctor, that you believe is important -- was important to
6 you, as you assessed the situation, that you believe should
7 be part of the record in this proceeding?

8 A Well, only with a -- I think what I've stated, in terms of
9 his personality attributes, but I also got the sense,
10 overall, that he was very pained by having to bring this
11 motion before the Court. And I know that Ms. Antony saw him
12 as using the prior hospitalization history, and so on, as
13 leverage to gain advantage, but he appeared quite pained to
14 have to go through the court, and I believe didn't want this
15 to go the way that it has, and would have preferred an intact
16 family.

17 MS. MILLER: Thank you. I have no further
18 questions, Your Honor.

19 THE COURT: Thank you.

20 We do need to take another recess. The recess we took
21 earlier was just five or ten minutes to work with some
22 documents. So, at this point, it's 3:20, and I would like to
23 recess for about 15 minutes, so that we all get an
24 appropriate break, and we will plan to come back in about 15
25 minutes for cross-examination.

1 So we are in recess.

2 MS. MILLER: Thank you, Your Honor.

3 THE COURT: Let's plan to be back at about 3:35.

4 (WHEREUPON, a recess was had,

5 after which the following

6 proceedings were had:)

7 THE COURT: So we just returned from a recess, and
8 it's about 3:36 in the afternoon, and Dr. Painter Harrington
9 is on the witness stand. We just finished direct exam.

10 So I'll turn to you, Ms. Antony. Do you have questions
11 for Dr. Painter Harrington on cross-examination?

12 MS. ANTONY: Yes, I do.

13 THE COURT: Go ahead.

14 CROSS-EXAMINATION

15 BY MS. ANTONY:

16 Q Dr. Harrington, you kind of expressed that I had plenty of
17 paranoid ideations. What would those be based on?

18 A My statement that they were paranoid? Well, that there
19 wasn't a basis -- they weren't -- that your beliefs weren't
20 substantiated, that there was a theme in them, kind of a
21 persistent theme, that was repeated in many different
22 circumstances, and also the testing -- the MMPI testing also
23 showed that tendency as a personality tendency.

24 Q What beliefs were not substantiated?

25 A Well, that you were being stalked and harassed. I mean, that

1 was a consistent report that you had. And I was not aware of
2 any law enforcement findings that you were being stalked or
3 that you were -- that domestic violence had occurred in the
4 marriage with Mr. Raghavan.

5 Q When a person feels stalked, just an every-day kind of girl
6 gets up, feels stalked, how would the person make a report to
7 law enforcement, in your opinion?

8 A Well, just the feeling of something is not going to be
9 sufficient. There's going to need to be some sort of
10 evidence, of surveillance, cameras, showing a person in your
11 vicinity, or something like that.

12 Q So what provides evidence for the fact that I'm paranoid? So
13 I felt I was stalked. What provides evidence for the fact
14 that I'm paranoid?

15 A For example, in looking at my notes before I came on here, I
16 saw that you reported first starting feeling that way back in
17 2010, and you did describe it, at least in the interview with
18 me, as feeling that way, but that you didn't have any
19 evidence of that, but that you identified, at least at that
20 time, initially, as, "Wow, I'm having these feelings I
21 haven't had before," and that you did attempt to corroborate
22 them.

23 You mentioned it to other people. Other people would
24 say -- for example, I believe in the workplace that you were
25 working at that time, you felt that your key strokes were

1 being hacked or that there was some sort of surveillance, and
2 there was no evidence of that, to my knowledge, or that you
3 did not present evidence to that.

4 Q Now those are statements from him, with regard to key strokes
5 being stalked. My statements, as per the police report, was
6 the Walmart incident; is that true?

7 A I would have to look at my specific notes. But I do remember
8 you talking about the Walmart.

9 I believe, also, you felt in the work site, at that
10 time, that you were being surveiled somehow.

11 Q No statements in writing from me on that, correct?

12 A I'm not sure. I'd have to check my specific interview notes
13 for that.

14 Q If someone -- if a victim is denied representation, is it
15 appropriate for a victim to feel like a victim?

16 A Are you referring to during the 2012 commitment hearing?

17 Q Correct, yes.

18 A Yes, I do recall you talking about that, feeling that you
19 were unrepresented at the time, and you weren't notified of
20 your rights, and so on.

21 You can feel -- I'm not sure how to answer the question.
22 You can feel victimized. Does that line up with reality that
23 you were not -- I'm not aware of the specific steps you go
24 through in a commitment hearing, but my understanding -- I
25 mean, it's more in the legal realm and outside my purview,

1 but that there were certain steps taken and that you were
2 informed. I didn't look at those -- I didn't review the
3 commitment paperwork, and so on, but it seemed far-fetched
4 that you would not have been informed during the process of
5 what was going on.

6 Q You did not get an opportunity to review the paperwork. So
7 the paperwork does not call out any cross-examination or any
8 effort put in by my attorney. Would that be true?

9 A I don't know.

10 Q Was I stolen of 70 grand of jewelry? Is that factual?

11 A I don't have --

12 Q Is there a police report?

13 A -- evidence of that. I think there was. I don't recall
14 reviewing it. I know there was some claim made to insurance.
15 I remember hearing about that.

16 Q Would it be appropriate for a victim to feel victimized if
17 such a big amount got stolen?

18 A I can't imagine anyone being happy about having a theft like
19 that, so, yes, I think they may feel victimized, but I'm not
20 sure it was -- you attributed that to Mr. Raghavan, and I
21 didn't see clear and convincing evidence that was so.

22 Like I said, I'm not a private investigator. I wouldn't
23 be in position of determining that anyhow.

24 Q As a victim, would I be a in position to provide you with
25 evidence besides a statement?

1 A I think that would be better used with somebody other than
2 me, perhaps the custody evaluator or in court proceedings,
3 when you're dealing with financial matters.

4 Q As a victim of abuse, if I got slapped or shoved or pushed
5 down and I notified law enforcement of abuse, what kind of
6 evidence would law enforcement expect for me to provide?

7 A Well, evidence, physical evidence, of bodily injury, bruising
8 or cutting, or whatever it might be. That is generally what
9 they are looking for. They are generally -- my experience is
10 when -- the reports that I read, when law enforcement comes
11 out on a report of domestic violence, they will talk to the
12 parties. Usually there are two people, and one will talk to
13 one and one to the other. And then they make some sort of
14 determination of the veracity of the reports. There may not
15 always have to be a physical injury before they take some
16 sort of action.

17 Q So reports were logged in the absence of physical bodily
18 injury, which hopefully, in most cases, is sometimes hard to
19 prove unless you bruise easily.

20 Was there a sworn testimony provided as evidence for
21 bodily injury and the absence of bodily injury?

22 A You'd have to remind me of that if there was.

23 Q Okay. I'm sorry (handing).

24 A Is this something that's in evidence?

25 MS. MILLER: It's not in evidence.

1 THE WITNESS: Oh, this was the letter from your
2 parents. I do remember seeing this. Yes, I do recall that.

3 BY MS. ANTONY:

4 Q In cases of schizophrenia, do patients or individuals -- an
5 individual who is schizophrenic, is it a common symptom on
6 the checklist to perceive glances directed at them as threats
7 to them, kind of like manifestations of their mind? So you
8 could be looking at me and glancing at me and there's no
9 threat intended there, but I could perceive that as a threat.
10 Is that typical of a schizophrenic mind?

11 A Well, that would be what we call suspiciousness or distrust.
12 It could segue or go into the pyramid. It's kind of a
13 continuum.

14 Yes, I think that would be a characteristic of certain
15 types of schizophrenia, paranoid schizophrenia, more
16 specifically.

17 Q I am characterized as a paranoid schizophrenic in my
18 paperwork; is that true?

19 A There is different diagnoses in your records, but that is one
20 of the diagnoses that is given.

21 Q Is the basis for the paranoid schizophrenia, basically, my
22 reports logged to law enforcement, as me perceiving that I'm
23 being stalked, when I'm not stalked, and calling law
24 enforcement and asking them -- I feel like I'm being wire
25 tapped and that may not necessarily be true; I feel like

1 there might be bugs -- I feel like something is like kind of
2 all wrong about someone is listening onto something, and that
3 might not necessarily be true. And those are my statements
4 to law enforcement. And then you have statements from my
5 husband on the paperwork as --

6 THE COURT: So, Ms. Antony, as we've discussed
7 earlier today and yesterday, on cross-examination, you have
8 to ask a question. Right now you're not. You're just making
9 statements about evidence. You have to ask a question of the
10 witness.

11 BY MS. ANTONY:

12 Q Is it true that my diagnosis of paranoid schizophrenia is
13 based on the statements that I just made, which is my
14 stalking experiences, my experiences of wire tapping, and my
15 experiences of --

16 A I think, partly, yes. Yes, partly.

17 Q Is my diagnosis of paranoid schizophrenia based on my
18 husband's statement of the fact that I was microwaved by FBI
19 technology and that I was profane inside of the house and I
20 was paranoid inside of the house, and I felt like people
21 could see through the windows, and I would force him to turn
22 off the lights, and I would be all wild and profane and
23 hysterical and emotional and sobbing? Is that true?

24 A I do think they relied, in part, upon his report.

25 Q As a paranoid schizophrenic, given that, would it be part of

1 your symptom checklist as paranoid schizophrenic when a
2 paranoid schizophrenic perceives that threat, does it
3 manifest in themselves as anger, emotion, hysteria, kind of
4 responding to commands hallucinations of hitting themselves
5 and they just don't know what to do?

6 A Yes, I think those behaviors are -- could be part of that
7 illness, yes.

8 Q Are those behaviors reported on my reports?

9 A They are reported by others.

10 Q Okay.

11 A Some of those behaviors that you just described were reported
12 the by others.

13 Q As part of the behaviors reported by others, was responding
14 to command hallucinations, where there are statements,
15 "Smeeta, I'm going to kill you," or slapping myself, or
16 trashing objects in the house, where I'm responding to
17 commands hallucinations true?

18 A I recall, in the records, they said, I believe, that they did
19 not think you were responding to command hallucinations, but
20 that those behaviors were reported and were observed, the
21 hitting of self and destructive -- property destruction.

22 Q Is there any evidence of property destruction?

23 A I don't have evidence of it; that was the report of Mr.
24 Raghavan.

25 Q Is it also true that when a paranoid schizophrenic feels so

1 threatened and is manifesting the threat as emotion, anger,
2 hysteria, the need to relieve oneself by hitting oneself,
3 because of what one is feeling, one would feel that way
4 potentially in classes and in the school and in activities,
5 where she has about an hour FaceTime with an instructor for
6 the children?

7 A That was a long -- can you break that down a little bit for
8 me?

9 Q Sure. For a paranoid schizophrenic who is perceiving threats
10 or who is perceiving glances from people directed to her as a
11 manifestation in her mind as threats and where her brain is
12 manifesting itself as anger, emotion, hysterical laughter,
13 the need to find relief by slapping oneself, would that
14 person not be overwhelmed by those glances and paranoia when
15 she is in classes for an hour with instructors who are
16 watching her work with her children and around other
17 children?

18 A Yes. Such a person with that diagnosis might be overwhelmed
19 at certain times and behave in the ways that you just
20 described.

21 Q For five years straight, I have not behaved that way as per
22 police reports, or any kind of concern -- any kind of intake
23 report reported or called in by community members that states
24 that Smeeta behaved very bizarrely and had wild outbursts of
25 profanity or hysterical laughter in any of these classes

1 until 2015. Is that true?

2 A Are you talking about -- I'm a little unclear.

3 Are you saying that you're currently volunteering in
4 classes or in classes and you're not doing those things? I'm
5 just confused about the question. I don't know. If you can
6 break it down for me.

7 Q From 2010 to 2015, for an individual who's experiencing what
8 I'm experiencing, who is attending classes, who is having
9 FaceTime with an instructor?

10 A You're talking about your classes or the children's classes?

11 Q The children's classes. For at least an hour each day with
12 some instructor or the other, would that person not have
13 episodes of profanity, hysterical laughter, or sob, or just
14 run out of the room feeling overwhelmed? Would that person
15 not display or exhibit any of those symptoms for a paranoid
16 schizophrenic?

17 A I can't answer that. It may be possible with someone with
18 that diagnosis to behave, you know, quote unquote "normal" in
19 any given circumstance. So they wouldn't necessarily always
20 manifest those kinds of behaviors.

21 Q In your expert opinion, if I manifest those behaviors on a
22 daily basis inside of the house and not on the outside of the
23 house, what do you think would be going on in the inside of
24 the house?

25 A I don't know how to answer that question.

1 Q With regard to abuse, we agree I have not been able to
2 provide concrete evidence and clear and convincing evidence,
3 for lack of a better term, concrete, clear and convincing
4 evidence of bruises and cuts. I have, however, been able to
5 provide evidence of the fact that there was a period of time
6 where we shared joint accounts. I have been able to provide
7 evidence of the fact --

8 THE COURT: Ms. Antony, once again --

9 MS. ANTONY: Oh, I'm sorry.

10 THE COURT: -- I must intervene. You're not asking
11 a question. You are making testimonial statements. If you
12 wish to cross-examination the witness, you must ask the
13 witness questions.

14 BY MS. ANTONY:

15 Q Between 2010 and 2012, is it true that I could not provide
16 clear and convincing, concrete evidence, besides my statement
17 and sworn testimony from my parents, as to the physical
18 shoving and slapping. Would that be true?

19 A I didn't have any -- I didn't have corroborating evidence of
20 physical abuse by Mr. Raghavan.

21 Q Would it be -- would it be true -- would it be true, in terms
22 of -- with financial abuse, is it -- did the respondent
23 provide evidence for the fact that she managed the accounting
24 in the home by providing registers to the evaluation?

25 A You told me that, at one point, I think it was prior to 2010,

1 the two of you shared an S-corporation, I think it was, and
2 that you both had access to accounts. I don't recall whether
3 it was you who was mostly in charge or not, but you were both
4 involved at some point.

5 Q So to restate, it is true that the corporation was jointly
6 owned and that accounts were jointly owned until 2013?

7 A That is what you told me, yes.

8 Q Is it true that the respondent provided evidence for the fact
9 that there was a joint account of a 40 grand balance until
10 2012?

11 A That's financial information that you provided. I was not
12 able to follow sufficiently to have an opinion about what may
13 have occurred with that \$40,000.

14 Q Was there a balance of 40 grand in the joint account is all
15 I'm asking, based on a bank statement.

16 A I don't know. I would have to look at my records.

17 Q Is it true that after 2015 that the respondent provided her
18 credit card statements and her accounts, where she showed
19 that she's the sole owner, and it's not joint anymore?

20 A I do recall you telling me that following -- it was either
21 following the 2012 hospitalization or 2014, that your
22 finances changed and that Mr. Raghavan took them over. I
23 mean, that is what you reported to me. I took that to mean
24 that -- I think, in one example you gave, there was a joint
25 credit card and he canceled it and took out his own account.

1 I recall being told by you about that. I don't know
2 that I asked him about that, but I know you told me that.

3 Q Is it true that after I got out of -- after I got out of the
4 commitment period, or during the commitment period --
5 actually I will rephrase that statement.

6 From a mental health stigma standpoint, would you
7 consider the -- my behavior of being able to go back to a
8 place where I did work in the past, where I was director of
9 development, just after I got out of an institution as an
10 individual who exhibited the fear of mental health stigma?

11 A Can you restate that?

12 Q After -- is it true -- are you aware, as per the records,
13 after that --

14 A You went back to work, yes, I do recall that.

15 Q Are you aware that I went back to work to a place that I did
16 work in the past and where I was the director of development
17 at that place?

18 A Yes, I recall you telling me that you went back to work for a
19 period of six months. I recall Mr. Raghavan telling me that.
20 One of you, and I have to look at my notes to see, did say
21 that it was -- there was less pressure, less responsibility,
22 in that position.

23 Q Would it be difficult for an individual who had just been
24 committed and who felt victimized by the system to be able to
25 go back to a place where she held a key position if she was

1 suffering -- or was exhibiting the mental health stigma
2 element?

3 A Well, I believe you were -- you were taking medication at
4 that time, and that there was a period of time, it's not
5 entirely clear to me, six to nine months, following that 2012
6 hospitalization, that you did take the prescribed medication.
7 So it appeared that that was -- that you were able to work
8 because the symptoms were under management at that time.

9 Q If --

10 A As far as the stigma part, I'm not sure what you're asking.

11 Q As part of your testimony, you said mental health stigma can
12 play a big role in their culture, so maybe her resentment
13 toward her family could be a result of the mental health
14 stigma that she probably experienced. You stated that mental
15 stigma is much bigger -- probably bigger in their culture, as
16 opposed to our culture.

17 A I said that the stigma associated with mental health and
18 getting treatment was a significant factor in your family
19 situation, as exhibited by yourself, by Mr. Raghavan and
20 probably both families, extended families. But I thought it
21 played a big part in how things had played out in the last
22 six years.

23 Q Do you think that relationships were severed as a result of
24 mental health stigma?

25 A I don't know -- when you put those together, I have a little

1 trouble with it. I think relationships were severed because
2 of your mental health, your mental health issues.

3 Q "She severed it in an instant, the day after surgery, she
4 began to feel weird.". So for a woman --

5 A Are you talking about yourself?

6 Q Yes.

7 A Okay.

8 Q For a woman, as myself, where I began to feel weird after the
9 surgery, just the day after surgery, where I began to feel
10 weird and who decided to sever those relationships in an
11 instant after the trip of what I saw, is that a paramount
12 decision for me in your opinion?

13 A Paramount?

14 Q Is that a big decision for a woman to make?

15 A Yes, to sever her relationships with her parents and her
16 sister, yes.

17 Q And her husband?

18 A Yes.

19 Q That's two years prior to the committal?

20 A Yes.

21 Q So the mental health stigma would have nothing to do with
22 severing those relationships?

23 A I'm having trouble separating out what you mean by mental
24 health stigma and mental health or mental illness.

25 Q You said it played a big part in the family dynamics?

1 A Yes.

2 Q It would have nothing to do with severing those relationships
3 because they were severed two years prior?

4 A All right. Okay. I'm just trying to sort this out. I think
5 the stigma played a role for all the family members. I think
6 your mental health symptoms is what led to -- and a
7 misunderstanding of them, led to the severing of the
8 relationships. They didn't know how to help you. You didn't
9 know how to ask for help.

10 Q Do you think that I do not have an understanding, when I
11 challenge the system about why I'm not overwhelmed in the
12 community and when I'm so overwhelmed inside of the house,
13 where I'm shouting, screaming, laughing hysterically, and I
14 do not do that when outside of the house?

15 A I think you're missing a whole big piece of this. I
16 understand -- you seem very preoccupied with proving others
17 wrong because some pieces don't add up, rather than looking
18 at your own behavior and how your own behavior has brought on
19 the current circumstances. So that part shows, to me, a lack
20 of insight into your illness into your own thinking and
21 behavior.

22 Q How would you describe a person who has insight into her
23 illness? The fact she accepted it and not challenged it?
24 How would you describe a person who had insight?

25 A Okay. That is a good question. That they would say, "Hmm,

1 maybe these professionals are right about it and I ought to
2 check out getting some treatment. That it's worth having a
3 relationship with my children, maybe not with a husband, but
4 with the children, and if I can be a better parent, that
5 would be something I should do. Part of my responsibility.
6 So I will try out therapy, medication, whatever else might be
7 recommended."

8 Q Would you see a person who asked good questions as to why she
9 is ill and not fitting a profile as a person who is unable to
10 advocate for herself and, as a result thereof, needs to
11 accept what the doctor is -- was telling her because she
12 can't ask good questions?

13 A Okay. I think I got lost in that question.

14 Q Would you -- would you state that a person -- a person just
15 because she asked good questions, challenging the diagnosis,
16 is a person who did not put an effort to comprehend her
17 illness and a person who is not advocating for herself?

18 A I think -- okay. I think I understand your question. Asking
19 questions can be a good thing, a healthy thing. But taking
20 -- asking questions to the point where one is argumentative
21 or one is not complying with professional advice, shows poor
22 insight and poor judgment.

23 Q Are doctors always dead on?

24 A No, they make errors, but there is such a thing as second
25 opinions, third opinions, if necessary.

1 Q Was I given that opportunity?

2 A I think you could have -- following the recommendations that
3 came out of the 2012 hospitalization, you could have gone to
4 another professional and asked for another opinion. I'm not
5 aware that you did that.

6 Q For those nine months, was I in compliance with the order,
7 even though it was lifted in September of 2012?

8 A I think I'm missing some records from that period, but it
9 does appear, given the information that I have and
10 information from Mr. Raghavan, and so on, that you did take
11 the medication for a period of time. I think some other
12 services were also recommended, so I'm not sure if you were
13 fully compliant, but that you were partially compliant, it
14 would appear.

15 Q You do not have specifics for which area I was not compliant
16 in, though, correct?

17 A Right now, I'm remembering that you were supposed to
18 follow-up with a psychiatrist on a regular basis, possibly
19 also an individual therapist or family therapist, too. I
20 know there were a bunch of discharge recommendations.

21 Q From 2012?

22 A Yes.

23 Q I was -- was I appointed a case worker in 2012?

24 A Yes.

25 Q Did I attend all my meetings with my case worker?

1 A I don't know.

2 Q Is it the case worker's report that I was in full compliance
3 with the order?

4 A I recall reading something to the extent that you had
5 fulfilled the requirements at that time.

6 Q Did the case worker, in her report, educate me on what my
7 options were in the legal system or in the medical community?

8 A I don't know.

9 Q Did I, as per my paperwork, ask the case worker as to how I
10 can speak with a victim's advocate and receive more help?

11 A I don't know.

12 Q Did you see videos of law enforcement tailing me?

13 A I did not review any videos.

14 Q You said, to the point -- I seem to be fixated to the point
15 where I'm not recognizing my parental role. In your opinion,
16 what should a mother's role be?

17 A I think a parent, either parent, should take care of their
18 own mental and physical health, so they can provide for their
19 child.

20 Q What does providing for your child mean?

21 A Have a relationship, be able to provide parenting functions,
22 guidance, nurturing, monitoring them as needed, participating
23 with them in their activities.

24 Q With my children, what elements of a role did not come across
25 to you as a mother who did not fulfill her role?

1 A Most importantly, taking care of one's mental health. And
2 that if the Court is saying -- or concerns about your mental
3 health have been raised by the Court, one fairly simple way
4 to address those would be to get an assessment or to get the
5 treatment that is being recommended.

6 And then an evaluator, whether it's a custody evaluator
7 or an evaluator, such as myself, would say, "That person is
8 following through with recommendations. They are taking care
9 of their mental health so that they can be a parent to their
10 child."

11 Q Was the committal lifted in September of 2012?

12 A Yes.

13 Q Is there an order in place asking for me to do any of that?

14 A Not a commitment, though, I did note in the 2014 contact that
15 you had, that it was recommended that you follow up with --
16 even though the commitment was not followed or was not
17 recommended, or they didn't -- the commitment hearing was not
18 done, that there were clear recommendations that you should
19 follow through with psychiatric and psychological treatment,
20 and that you said that you would, and that part of the
21 discharge from that week-long stay was based on your
22 assurance that you would follow up with treatment.

23 Q Was the 2014 committal shut down by my case worker?

24 A The commitment process was.

25 Q Shutdown by my case worker?

1 A They did not pursue commitment. That is not the same thing
2 as saying they didn't think you needed treatment.

3 Q Is it standard process, if a person is institutionalized,
4 that they would get standard paperwork to follow through with
5 a psychiatrist and family therapist?

6 A In the commit -- as part of the commitment process, yes.

7 Q Which was shut down?

8 A Yes, but otherwise there's recommendations, like you go see
9 your doctor for any kind of medical condition, they are going
10 to say, "These are the things you should do after you leave
11 the emergency room or leave the clinic. You should come back
12 in two weeks. You should, you know, get your cholesterol
13 monitored. You should start an exercise program," for
14 example, if it was some kind of medical condition.

15 There were recommendations for you following that 2014
16 psychiatric contact.

17 Q Which are standard recommendations that one would receive,
18 but not necessarily anyone telling me that you have to, as
19 the commitment was not followed through?

20 A Yes, you were left -- the discretion was left to you.

21 Q Thank you.

22 From a mother's role standpoint, did I exhibit taking
23 care of the children as tending to all their needs at home,
24 participating in all their activities and taking care of
25 every little detail at home?

1 A I don't -- I only know what you told me. The custody
2 evaluator was the person looking at more of the parenting
3 functions. My assessment was more focused on parents' mental
4 health functioning.

5 Q And the statements that show that I do not have that ability
6 have more to do with Mr. Raghavan's statements?

7 A I don't know about what your ability is at this point. I can
8 only -- I did not go into detail around those parenting
9 functions. I presume that the custody evaluator did do that.
10 She had contact with the kids, and she did observations, home
11 visits, and so on. So I didn't have that level of
12 information that she did.

13 Q There are statements that talk about my rigid behavior with
14 the children. Would you have an opinion as to what a
15 mother's rigid behavior with the children means?

16 A In general, yes. I think it was referring to having a
17 certain -- wanting them to do certain things and not taking
18 into consideration their preferences, their wants, their
19 needs, at that particular time. And I think, if we are
20 referring to having them study and do extra school work, that
21 is what I take it to mean, is not being sensitive to the
22 time, the kids' fatigue level, where the kids are at
23 emotionally.

24 Q Is there any evidence of me staying them up to midnight?

25 A I have just what I heard from Mr. Raghavan and also what was

1 his report to Child Protection, as well. So they were --
2 those concerns were documented in his reports to Child
3 Protection.

4 Q Is there any evidence from the school or from third-party
5 objective sources that have seen me work with the children,
6 any reports from that?

7 A I didn't look at school records, so I'm not aware if there
8 were any records from the school. I am aware of one report,
9 and I believe it was in one of the Child Protection reports
10 of the neighbor or a parent of the children's friends saying
11 they were concerned, as well, about the demands being placed
12 on them.

13 Q In your opinion, when a mentally ill woman is -- has to
14 present her case and advocate her case, is she -- does she
15 better serve herself by putting what she has to state in
16 writing, to take out any discrepancies out of the equation?

17 A Are you -- I'm not sure what you're asking. Can you restate
18 that?

19 Q When a person is declared mentally ill, by the nature of the
20 fact that she is mentally ill, is there a notion that there
21 could be less credibility tied to her?

22 A Yes, if that is part of the particular mental health symptoms
23 that they have shown in the past.

24 Q Does she better serve herself, in terms of advocating for
25 herself, by putting what she needs to state to the evaluation

1 in writing and corroborating that with good research
2 articles, such as the journals of psychiatry, to show her
3 reasonings? Does that better serve her ability to show that
4 she is making a credible argument?

5 A Documentation is useful, is helpful, and can indicate that a
6 person is advocating for themselves. I think it's a matter
7 of degree, whether it makes sense or whether that's -- how
8 much effort is put into it and whether it makes sense, given
9 the circumstances.

10 Q Would you state that for a woman who has never represented
11 herself in court, would it take a considerable amount of
12 effort to learn the law and learn how to advocate for
13 herself?

14 A I'm sure it would, yes. I know that is something that I
15 questioned you about, why wouldn't you -- why would you
16 choose to represent yourself? And I wasn't entirely clear on
17 that.

18 Q That I have no finances.

19 Would you -- would you agree, then, that that doesn't
20 necessarily mean a fixation or a paranoid ideation, to the
21 point where she just refuses, she's actually putting in an
22 effort to make a credible argument? She's not just telling
23 you, "No, you're wrong"?

24 THE COURT: I'm going to stop you again. Ms.
25 Antony, this line of questioning, first of all, is

1 inappropriate. This witness is not in a position to comment
2 on your legal rights and remedies. She does not have any
3 personal knowledge about those circumstances. It is not
4 relevant to the issues in this case.

5 It is inappropriate cross-examination, and we need to
6 move forward.

7 BY MS. ANTONY:

8 Q Did you state that the documents that I put on the table were
9 voluminous, and that I am fixated, where I'm not able to
10 accept the reality of being ill?

11 A Yeah, those are two separate things. But I would say, yes,
12 you did produce a voluminous amount -- it wasn't always
13 understandable, in that it seemed obsessive in its level of
14 detail.

15 Q Would you see these two key documents which are the essence
16 of the case voluminous?

17 A Well, one of these are the list of community places and
18 contacts for each year; and the other is a genesis, kind of a
19 time line, of the last five or six years.

20 I don't see that this -- the behavior log, how that is
21 related to anything that I would be evaluating, possibly the
22 custody evaluator.

23 The genesis document, yeah, if it was the only thing
24 that was -- would have been sufficient as a similar document,
25 but I got many times this document, with basically the same

1 information.

2 Q Does the behavior log produce concrete data for the fact that
3 I'm not socially isolated and that I have contact to speak to
4 and attest that I'm out there in the community?

5 A It provides -- yes, it provides some concrete evidence that
6 you did all these various things. But without having the
7 context of who was there, what your behavior was, it doesn't
8 give me that much information.

9 And it would be excessively laborious for myself or a
10 custody evaluator to contact all of these people.

11 Q Does it give you the opportunity to pick a couple out of that
12 list and contact them, if needed?

13 A Possibly, yes.

14 Q Besides those two documents, would you agree that the
15 documents that were put on the table had to do with -- it was
16 just an example, I also -- well, did I state that you do not
17 have to process all of these documents? I simply put these
18 documents on the table to show good faith that it was done.
19 I provided you evidence for the fact that these actions took
20 place?

21 A Well, I either have to read something or not read it. To
22 just sort of have it and maybe I read it makes no sense. So
23 when I invite people or people bring me documents, you know,
24 there is a presumption that I reviewed them.

25 Q Did I state, though, that those two documents are the essence

1 of it all, and the rest is just for you to know that I'm not
2 making a blind statement, that I actually give you evidence
3 tied to the statements that I make?

4 A I do recall you saying some documents were more important
5 than others.

6 Q And I did not have an expectation for you to process. This
7 is just evidence of the fact that, "Hey, I did document
8 transactions"?

9 A I think they would have been better presented to somebody
10 else. I wasn't the appropriate person to present them to.

11 Q Okay. You state that, "She can respond negatively to
12 criticism and can become hostile, tense and agitated, to the
13 point where she would want to inflict harm on others?

14 A That was a statement from the MMPI findings.

15 Q Would it be difficult for a woman over six years to receive
16 as much criticism as she has received simply because she has
17 stated those facts that she was not represented and that she
18 is a victim because of the events that have transpired in her
19 life?

20 A I'm not sure what the question is.

21 Q Would it be difficult for a mentally ill woman to feel the
22 criticism -- well, actually, would it be difficult on the
23 mentally ill woman to have gone through what I have gone
24 through for six years, which is being told in her face that,
25 "You can not challenge me," and to say that, "You cannot say

1 that you are victim"?

2 THE COURT: Once again, Ms. Antony, this is not a
3 question. This is you making statements about your
4 circumstances. I'm going to give you 15 more minutes to wrap
5 up your cross-examination, but you must ask questions of the
6 witness about her testimony, her opinions, her report, and so
7 forth.

8 BY MS. ANTONY:

9 Q What is your definition of a victim, Dr. Harrington?

10 MS. MILLER: Excuse me, Your Honor, Mr. Raghavan
11 needs to leave the courtroom go pick up the children. He's
12 waiving his appearance for the rest of the day.

13 THE COURT: You may be excused, sir.

14 MR. RAGHAVAN: Thank you.

15 THE COURT: Go ahead, Ms. Antony.

16 BY MS. ANTONY:

17 Q What is your definition of a victim?

18 A Someone who has been the recipient of some kind of abuse or
19 injuries.

20 Q Over six years, have I not been a recipient, then, of some
21 kind of injury?

22 A I don't know.

23 Q Do you have evidence that I was stolen of everything?

24 A I don't know that. That is a criminal determination so.

25 Q Did it occur? Am I victim there?

1 A You reported it to me. I don't know whether a crime
2 occurred.

3 Q Law enforcement was over, jewelry boxes are on the floor,
4 there are pictures of it. It's stolen. Do you think I'm
5 lying?

6 A I don't know enough to comment whether it occurred. I just
7 don't have enough to say whether it was -- I don't know.

8 Q So when a person calls in a theft, what kind of evidence do
9 they provide of the theft?

10 MS. MILLER: Objection, Your Honor.

11 THE COURT: Sustained.

12 MS. ANTONY: Let's move on.

13 THE COURT: This is not an appropriate question for
14 this witness.

15 BY MS. ANTONY:

16 Q Would you consider divorce a stresser for a schizophrenic?

17 A Divorce is a stresser for anybody. For someone who has some
18 form of illness, yes.

19 Q Did she state to you that she spends half the day in
20 courtrooms, trying to understand how trial are conducted?

21 A You told me when I last saw you that you spent four hours in
22 this courtroom watching attorneys, and the judges too.

23 Q Is there any report from the courtrooms of hysterical
24 laughter or profanity?

25 A I have not received any.

1 Q You state that my attitude toward my parents is fixed, bitter
2 and unforgiving. Would it be okay for a person who was not
3 schizophrenic to, for whatever reason, just sever
4 relationships with a family and have that be normal?

5 A I said you had severed your relationship with your family. I
6 -- those adjectives you just used were actually from the
7 findings of the MMPI, that those attributes would be
8 associated with a profile that you received. First of all, I
9 wanted to clarify that.

10 In your case, it would appear that your family would be
11 a support to you. So the fact that you have essentially
12 severed your relationships with them is concerning, and part
13 of a pattern of behavior that contributes to my seeing you as
14 ill. That these are people that are -- whatever their
15 failings may be, or deficiencies, they have been supportive
16 in the past. And, by their behavior, they have continued to
17 show support. They have come over here on numerous
18 occasions, come to the United States, that is, and came here
19 in an emergency situation. So those are people that want to
20 help you, and yet you are rejecting them. So, yes, that is
21 of concern.

22 Q When you state that they are over here and want to help me,
23 what evidence, if any, have you seen in the paperwork that
24 shows their need to understand why I'm ill on the inside of
25 the house and not on the outside of the house?

1 A I'm not sure if I can answer that particular part.

2 What I am aware of is that they were used as collateral
3 sources by the staff at the hospital. And that is typical,
4 that they will look -- when a person comes in and they are in
5 an acutely psychotic state, that they have to -- they have to
6 rely on the report of people who are close. So that is the
7 reason why they came and that is the reason why they were
8 asked to provide family history and background, and so on.
9 So it was to support you, ultimately.

10 Q What evidence, if any, have you seen that show their concern
11 at the lack of representation that she received or help that
12 she received from her husband or the system in spite of their
13 education and their exposure globe trotting the entire world?

14 A I'm not sure if they are aware of some of those concerns,
15 though my guess is that you have told them of those concerns,
16 and yet they are still trying to provide support.

17 Q What evidence, if any, have you seen of them trying to
18 provide support in terms of comprehending my illness or
19 trying to work with the case worker and ask them the question
20 that I have, what brings her illness on inside of the house?

21 A I don't know their specific actions. All I know, from the
22 hospital records, that they were there during both
23 hospitalizations, and they were contacted as collateral,
24 important sources of information.

25 I'm aware from Mr. Raghavan that he continued to reach

1 out to them and let them know where things were at with you.
2 So there was an attempt to include them in a supportive role
3 for you.

4 Q I guess, probably my last and final question, was the -- was
5 I able to provide you with two years of the intense
6 electronic harassment that I have experienced on my computer
7 and devices at home?

8 A Were you able to provide evidence of that? No.

9 Q Did I share with you credit card statements that very
10 specifically calls out a change in behavior, where I needed
11 to go to FedEx multiple times and print documents for which I
12 do not have money to pay for?

13 A You did tell me about that and you did show me credit card
14 statements.

15 Q Did I share with you that I finally did solicit a contract
16 with Best Buy, and that there are numerous incident reports
17 logged of how terribly slow the computer is and the amount of
18 hacking that goes into my computer?

19 A You talked about that. That was in some of the documents you
20 provided to me. I do not have the expertise to evaluate
21 whether that is valid or not valid. That is outside my area
22 of expertise.

23 Q Sure. Understood.

24 My last and final question probably, and I know this is
25 outside your area of expertise, but did I provide you with

1 capture videos that show accounts from my computer are being
2 synced out and how there are injections going onto my
3 computer, and how I lose data after spending hours working on
4 it?

5 A You told me about that. I did not review any videos.

6 Q Did you get -- did you get an opportunity -- actually, this
7 was probably after I met with you. So my apologies.

8 I did make an offer to drop off a couple of law
9 enforcement tailing videos that I did not hear back. Would
10 you have wanted an opportunity to review those videos and
11 make an objective assessment?

12 A It's not -- it's outside my area of expertise to assess what
13 law enforcement is doing. And I don't generally accept
14 videos because I don't know the context or the conditions
15 under which they were recorded.

16 Q And this probably comes across as lack of insight again, but
17 would it be a fair statement, then, to state that my mental
18 health is predominantly based on the statements of my
19 paperwork, in the absence of any evidence in the community
20 until 2015?

21 A You will have to break that question down because I lost you
22 there in the middle.

23 Q Would it then be fair to state -- would it then be fair to
24 state that my diagnosis of mental health is purely and solely
25 based on the statements of my paperwork, in the absence of

1 any kind of evidence in the community, clear and convincing
2 evidence in the community until 2015?

3 A Essentially, why I made the recommendations I did is that
4 there needs to be a thorough assessment, in that, myself, as
5 an evaluator, the custody evaluator who is relying on my
6 findings, has to piece together from multiple sources,
7 including your prior psychiatric hospitalization, the reports
8 of the children, the reports of Mr. Raghavan, and these
9 isolated reports of what you're really experiencing at this
10 stage. So that was the basis for my main recommendation, is
11 that you have a full, current assessment by a trained
12 professional, who could answer some of these questions that
13 are before the Court.

14 Q Would it be a fair statement to state, just from a
15 common-sense perspective, that a parent or an instructor
16 would call it in right away if I expressed concerning
17 behaviors around other children?

18 A And I'm thinking that you're referring to some time you spend
19 in the classroom.

20 Q Every single day.

21 A Yes, I think there would be reports by school officials if
22 they felt there were concerning behaviors.

23 THE COURT: So I think we are done now.

24 MS. ANTONY: Can I have one last?

25 THE COURT: One more question.

1 BY MS. ANTONY:

2 Q Did she put in a request to law enforcement and the Court to
3 put in-home monitoring devices, so that there may be an
4 assessment of what stressers are bringing it on at home, so
5 they had an opportunity to see what is bringing it on at
6 home, specifically, because they are not able to see that in
7 an institution either?

8 A Yes, I am aware. You mentioned that to me and that you had
9 asked someone, I'm not sure who exactly you asked to do that,
10 and I recall telling you that that was -- it was highly
11 unlikely. I can't imagine that law enforcement would take
12 such an assignment. Unfortunately, I saw that as part of
13 your not being based in reality, that that would not be
14 something that was a realistic request that law enforcement
15 could carry out.

16 Q It's a matter of having an open mind. There is a fundamental
17 issue that is coming on at home. And to be able to see it
18 firsthand on monitoring devices and actually use that in a
19 psychiatrist's office is a huge value to the psychiatrist --

20 THE COURT: Ms. Antony, I think we are done here.

21 MS. ANTONY: Okay. I agree, Your Honor.

22 THE COURT: Again, this is not a question. This is
23 your statement.

24 MS. ANTONY: I agree, we are done.

25 THE COURT: At this point, Ms. Miller, did you have

1 questions on redirect for Ms. Painter Harrington?

2 MS. MILLER: No, Your Honor, I don't believe I do.

3 THE COURT: Then, Ms. Painter Harrington, thank you
4 for your testimony and your work on this case. And I believe
5 you are excused at this time as a witness. Thank you.

6 THE WITNESS: Thank you.

7 MS. MILLER: Your Honor, if I could ask a question
8 about the dissemination of these psychological evaluations?

9 THE COURT: You may.

10 MS. MILLER: Could I request a protective order?

11 THE COURT: Yes, you may. And typically this type
12 of evidence, including typically custody evaluations, as
13 well, is usually -- when it's placed in a court file, it's
14 placed in as a protected document, so it is not a public
15 document. These types of documents are typically not public
16 documents. And we will make sure that they are so designated
17 in this case.

18 For the time being, they are exhibits at this trial and
19 they are under the custody and control of myself, as the
20 presiding judge. They have not been scanned into the
21 computer. Typically, trial exhibits are not necessarily
22 scanned into the case file. They are received and held as
23 exhibits. And they are placed in a secure location, and we
24 will ensure that those procedures are followed here and that
25 they are protected documents.

1 MS. MILLER: Could I ask that both parties be in
2 instructed not to -- because everyone has a copy at this
3 point in time. My first request is that we turn in our
4 copies, and that they don't exist outside this courtroom and
5 outside this protected record.

6 THE COURT: I think that is a fair request. Do you
7 have any problem with that, Ms. Antony? At least for the
8 time being, until the trial is concluded?

9 MS. ANTONY: That the documents be held?

10 THE COURT: The psychological evaluation reports
11 remain here in the courtroom until the end of the trial.

12 MS. ANTONY: Oh, I do not, no.

13 THE COURT: You do not --

14 MS. ANTONY: I do not have a problem or an
15 objection to that, no.

16 THE COURT: Why don't we do that, to ensure that
17 they remain protected and confidential while the trial is
18 ongoing. I think that is a fair request, so let's do that.

19 And then we'll plan to resume testimony at 9:00 o'clock
20 tomorrow morning.

21 Ms. Miller, do you have additional witnesses?

22 MS. MILLER: I believe I will be calling Ms. Antony
23 tomorrow morning.

24 THE COURT: Okay. So Ms. Miller does have the
25 option to call you as a witness in this case, so it sounds

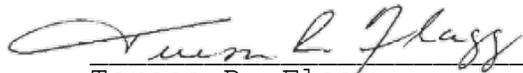
STATE OF MINNESOTA)

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COUNTY OF SCOTT)

I, Teresa R. Flagg, do hereby certify that the above and foregoing transcript consisting of the preceding 179 pages is a full, true and complete transcript of the proceedings to the best of my ability.

Dated: December 31, 2016



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