**GAL ETHICS AND PROFESSIONALISM TRAINING SCENARIO**

Onika Maraj - Child

Kimberly Jones - Child

Tramar Dillard – Child

Aubrey Graham - Father

Alecia Moore - Mother

Peter Hernandez - Judge

Stefani Gemanotta - GAL Attorney

Armando Perez - Attorney for the Parents

Shawn Carter - Director of GALP

Robyn Fenty - GAL

Ben and Tricia Haggerty - Paternal Grandparents

Katheryn Hudson - AAL

Dwayne Carter – Detective

Chris Bridges - DCF Attorney

On March 2, 2017, Onika Maraj, age 14, Kimberly Jones, age 10, and Tramar Dillard, age 3 were sheltered due to allegations of sexual abuse. Onika told a child protective investigator that her father, Aubrey Graham, had sex with her many times since she was eight years old. Onika is currently in an alternative school because she stole items from other children. On March 2, 2017, Onika made a consistent statement during a CPT forensic interview. Onika also had a medical examination which did not reveal sexual penetration. Kimberly and Tramar denied that they were ever exposed to sexual abuse. However, Tramar was asked to leave his prior daycare for touching another boy’s privates.

On March 3, 2017, the parents, Alecia Moore and Aubrey Graham, appeared at the shelter hearing represented by Armando Perez. Armando argued that Onika was a liar and that she made up the story because Aubrey would not allow her to go out on a date. Judge Peter Hernandez appointed the GAL Program to represent the best interest of the children. Stefani Gemanotta, GALP Attorney, advised the judge that the GALP could not accept the case because there was a shortage in GALs. Judge Hernandez said that he would rescind his order appointing the GAL program.

Stefani was concerned for the children and knew that the judge favored the recommendations of the GALP. Stefani was a former sexual abuse therapist for 10 years. Stefani argued that there was sufficient probable cause to shelter all of the children. The judge found probable cause to shelter the children. The children were placed with the paternal grandparents, Ben and Tricia Haggerty. The parents requested visitation with the children. Since no other party objected, the judge allowed the parents to have supervised visitation with the children supervised by the paternal grandparents.

After the parents and their attorney left the courtroom, Judge Hernandez told Stefani, that he was going to call Shawn Carter, Director of the GALP, to discuss the need for a GAL on the case. The judge asked Shawn to please find a GAL for the children. Shawn said that he would try to find a GAL. On March 7, 2017, Shawn received a call from Robyn Fenty, Volunteer GAL, saying that she heard about the case and would agree to take the case. She said that it was her first case as a GAL. (She did not say that she is close friends with the paternal grandparents. She has a Facebook page with numerous pictures of her with the paternal grandparents and the children.) On March 8, 2017, Stefani, at the request of Shawn, submitted a proposed order appointing the GALP to the case. Stefani did not provide a copy of the order to any of the other parties before sending it to the judge. Judge Hernandez signed the order.

On March 12, 2017, Robyn visited the paternal grandparents’ home. Robyn spoke to the children. Onika told Robyn that she did not want to go home to her parents. Robyn asked Onika whether the sexual abuse really happened. Robyn told Onika that she better be telling the truth because she has impacted her whole family. Onika insisted that she was telling the truth and that her mother at the last visit accused her of destroying their family. Kimberly and Tramar told Robyn that they wanted to go back home. Afterwards, Robyn wrote notes of her visit with the children. However, she only wrote, “I met with the children. Onika did not want to go home. Onika did not say anything else. Kimberly and Tramar said that they wanted to go home. I think that Onika is lying about the abuse.”

On March 13, 2017, Robyn met with Stefani and told her everything that she discussed with Onika. She mentioned that the mother made an inappropriate comment blaming the family’s situation on Onika. Stefani told Robyn that she should not be talking to Onika about such issues and that she could be arrested for witness tampering. Stefani said that she knew that everything Onika said was true based on her experience as a therapist. Robyn said that she was sorry but still felt that Onika was lying. Robyn said that she has known the Haggertys for years and that the Haggertys do not believe Onika either. Stefani responded, “Look, I am an expert in sexual abuse, and you need to believe Onika. I am making the decisions in this case.”

On March 15, 2017, Stefani attended the Onika’s interview with Detective Dwayne Carter. No other attorneys in the dependency case were present. Stefani told Onika to tell what happened or her siblings may also get abused. In the interview, Onika recanted her initial statements she made to the investigator and the forensic interviewer. The detective told Stefani that it would be very difficult to prosecute the father because Onika recanted her initial statements, there was no physical evidence, and Onika had significant behavior problems. Stefani requested the detective to arrest the father because criminal charges would help with the dependency case. Stefani said that Onika recanted because, “My crazy GAL blamed the child for her and sibling’s removal from the home.” Thereafter, Detective Carter arrested the father.

Later that day, Onika told the paternal grandmother that she took 20 pills of Tylenol because she wanted to die. The paternal grandmother called 911, and Onika was Baker Acted. The paternal grandmother told Robyn what happened and that Onika was prescribed Klonopin for anxiety. Robyn told Stefani what the paternal grandmother advised. Stefani responded, “This is your fault. You caused all of this!”

On March 31, 2017, Judge Hernandez conducted the arraignment hearing. Armando denied the allegations for the parents. Armando argued that Onika recanted and that the children should immediately be returned to the parents. Katheryn Hudson appeared and indicated that she was appearing as attorney for the children. She also argued that the children immediately be returned to the parents. Chris Bridges, DCF attorney, and Stefani objected to the return of the children to the parents. Stefani stated, “Judge, as you know, I am a former sexual abuse therapist, and recantation is a regular occurrence when sexual abuse victims have been removed from the parents.” Stefani handed the judge, without first showing the other attorneys, a law review article that Stefani wrote in law school regarding the reasons for recantation. Robyn raised her hand to speak to the judge. Stefani whispered to Robyn, “Please be quiet, or I will tell the judge and DCF how you committed witness tampering.” The judge said that he would read the article and denied the request to return the children to the parents. Stefani then advised the judge that Onika was taking psychotropic medications without a court order or parental consent. The judge asked the Chris who responded that he was never informed that Onika was taking psychotropic medications. Judge Hernandez scheduled an adjudicatory hearing for May 10, 2017 and directed that DCF file a motion to authorize psychotropic medications as soon as possible.

After the hearing, Stefani asked Katheryn how she became the attorney for the children. Katheryn said that she was contacted by Armando to represent the children. Katheryn stated that although the parents were paying her fee, she explained to the parents that she was representing the children, not the parents.

Then, Armando accused Stefani of misrepresenting the position of the GAL because he knew that Robyn thought that Onika was lying. Armando said, “I can’t wait to get blank into a deposition, I am going to rip her to pieces!” Stefani screamed loudly, “F\*\*\* that! I will do everything in my power to get a protective order against you!” A bailiff approached, and Armando left.

On April 4, 2017, Stefani received a notice of deposition and discussed the deposition with Robyn. Stefani said that she would file a motion for protective order due to Armando’s threat to Onika. Robyn said that she thought that Onika should have a deposition so Onika will state under oath that she lied about the sexual abuse. Onika responded, “You are not my client. I am filing the motion for protective order.”

On April 10, 2017, Judge Hernandez heard the motion for protective order. Stefani stated that she was calling Armando as a witness to the motion. Armando objected, but Judge Hernandez directed that Armando testify. Stefani asked, “Isn’t it true that on March 31, 2017, you told me that you could not wait to take Onika’s deposition because you were going to rip her to pieces.” Armando responded that he made the statement, but would never do anything to harm a child. After Armando testified, Armando asked to call Stefani as a witness against the motion. Armando asked Stefani whether she screamed at Armando and accused Aubrey Graham of being a child molester. Stefani responded that she did. After argument, the judge entered a protective order preventing the deposition of Onika.

On April 13, 2017, Stefani received a discovery request from Armando. Stefani sent Armando Robyn’s notes by e-mail. However, she was sent an e-mail notification that Armando’s e-mail address was no longer valid. Stefani never checks her e-mails and quickly forgot to open the e-mail notification.

On April 14, 2017, there was a case plan conference. The CPI, case manager, Chris, Stefani, Robyn, and the mother, Alecia Moore, were present. Aubrey, Armando, and Katheryn were not present. The case manager explained the purpose of a case plan conference. Alecia said that she would do whatever necessary to get the children returned to her. Stefani said, “The GAL Program recommends that the mother get the father out of the home, and then the children could be returned to the mother.” The mother responded, “I love my children, but I can’t live without my husband.” The case plan conference concluded without an agreement.

On May 10, 2017, at the adjudicatory hearing Chris took testimony from the CPI. He asked the CPI what Onika told her on the day she responded to the abuse report. Armando objected based on hearsay. Chris responded that the child’s statement was an excited utterance. Chris did not lay a foundation for admission of the statement under the child victim exception to the hearsay rule. The judge sustained the objection.

Chris then asked the CPI about a prior child abuse report regarding the family from two years before. Again, Armando objected based on hearsay, lack of personal knowledge, relevance, and lack of foundation. Chris responded that the report was relevant because the prior abuse report involved sexual abuse allegations against the father, but the report was unfounded. The judge sustained the objection.

Chris called Onika to testify. Onika said that she lied about the sexual abuse, and said that she just wanted to go home. Armando moved for a judgment of dismissal. The judge granted the motion and directed that the children be returned to the parents.