

## **Testimony of Heather Imperiale, Lived Expert**

### **Presented to the New York State Senate Standing Committee on Children and Families and Senate Standing Committee on Judiciary**

**Subject: Conducting oversight of the Family Court throughout the State, including its resources, operations, and outcomes**

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My name is Heather Imperiale. I am a parent, writer, advocate, and a graduate of JMACforFamilies' HEAL program.

I suffer from PTSD as a direct result of family court. A symptom of this illness is avoidance. I recognize that it is retraumatizing for me to think about some of what's happened to my family in court. So I haven't spent the time I feel I should have recalling the worst parts. I've left those out.

Family court has been involved in my daughter's life since the day she was born. Moments after I gave birth to her in the hospital, my doctor drug tested me without my consent. I didn't even know if my baby was a girl or boy before they drug tested me. Joy quickly turned to panic and terror when my doctor reported me to Child Protective Services (CPS).

In my first few moments with my newborn daughter, I was supposed to be focused on skin to skin bonding. I was supposed to be living in the joy that is a newborn child. Instead, I felt panicked, and I had every right to feel that way—because soon, they ripped my daughter away from me. I was supposed to be taken care of by my doctor, but instead I was targeted.

There is this false narrative that if you have nothing to hide, the family court process is harmless. However, even in these cases that they call the “best case scenario,” the family court system turns our worlds upside down.

In family court, judges are trained to believe CPS over parents. Everything you do is criticized. Everything you do is villainized, no matter what. After the court took my daughter from me, I did everything I was told. When I began checking off all of their boxes right away, they called me disingenuous. They called me overeager. They said I was “just doing these things to get my daughter back.”

There is no winning in family court. If you talk too much, you are disruptive. If you don't talk enough, you don't care. If you show too much emotion, you are aggressive. If you show no emotion, you are neglectful. In the very moments that a judge is deciding whether or not to rip away our children, we are not allowed to show our humanity.

Yet, at the same time, the judge can do whatever they want. They can flip out and terrify parents. They can shame and coerce us into giving up our rights and our families. And they can terrorize us out of advocating for ourselves.

Nowhere in the world should one person have ultimate power over the other. There should be three judges presiding over every case, or at least two to keep them accountable. Judges should have more information about those they are making life-altering decisions for, & that information should come straight from the horse's mouth. Every hearing should offer an opportunity for the impacted parties to speak directly to the judge(s).

I can't tell you how different our lives could've been if all the judges holding our future in their hands had had all the facts before calling the next case.

It's not even what they did to me (& that sucks), it's that they hurt my baby. There is a callous disregard for the well-being of our children in family court. Early on in my case, I requested that my daughter and I be able to access dyadic therapy. My daughter's attorney called this request "another attempt of Ms. Imperiale to control the case." This after my full cooperation was spun as "disingenuous" "just to get [my] daughter back."

I had been begging everyone to let me breastfeed my daughter. I offered to buy milk test strips if substance was truly a concern despite all negative drug screens. When I spoke out of turn--out of desperation--& asked the judge, she said she was not the "breastfeeding police" and that if it was okay with CPS, it was okay with her.

I never breastfed again. Ask any doctor, pediatrician, scientist--any human being--and they will tell you this decision was not in the best interest of my child. Study after study shows that the best medicine for a newborn is to be near their mother, but this doesn't matter in family court.

Instead, I had to listen to the woman who sexually abused my toddler discuss her wishes for my child's schooling with our judge in court, even after her sexual assaults came to light & my daughter was out of that foster placement & home with me. I still had to report to "family" court & bite my tongue, while this woman--the judge, still a stranger to us after years of thwarting our lives--this woman consulted with my daughter's rapist about 3K versus PreK being appropriate for her victim.

In the beginning of this case, I thanked God when our judge said she views the kids in her cases as "[her] kids." I thought it meant she would fight for my daughter's rights & she'd be home in no time. 3 years later she's still addressing my child's rapist as her mother. My child would never have been raped if the judge had protected her rights in the first place. Kids have a right to be with their parents. They have a right to be safe.

I consider myself to be a strong advocate, but I have to tell you: I was lost in family court. This system is designed to confuse & intimidate. My case finally turned around when I was able to access high-quality legal representation-- and this is why I come to you today asking that New York better fund high-quality family defense providers.

Family defense attorneys are paid nowhere near enough money for the work they do, and many attorneys will be forced to leave their jobs because the pay is so low. This is why so many of us here have worked only with inexperienced attorneys—because the more experienced attorneys leave as their pay becomes less and less sustainable. If you care so much about our families, you have to invest in the people that defend us.

In order to further protect our families, New York State must pass the Informed Consent Act to require healthcare providers to obtain informed consent before drug testing a parenting person or their newborns. If this bill had been enacted when I gave birth to my daughter, my trust might still lie in healthcare providers; they wouldn't have been able—nay, encouraged—to exploit my family at our most vulnerable and precious time. The passage of this bill could've saved my daughter and I over two years without each other, not to mention the ever-unraveling trauma from unspeakable terrors we both endured while battling to get back to one another.

Thank you.