

## SAM HEMINGWAY



# Of courts, custody and believing kids

**N**o one believed her. For five years, no one would believe Rita Phelps when she insisted that her boys were being sexually abused by their father and her ex-husband, Steven Mullin, the youths' custodial parent.

It didn't matter to whom she spoke. The police. The judges in the courtroom. The case workers at Social and Rehabilitation Services. The shrinks.

When she said her boys were telling the truth, the response was she had coached them, that she was incapable of telling truth from fiction, that she'd better put a lid on it or she'd lose her visitation rights.

"There's some serious question here whether you're proceeding in reality," Judge Alden Bryan told Phelps during a hearing on the case April 5, 1990. "There are very serious allegations being made, and there is no truth to them." Later he advised Phelps' lawyer, "Try to awaken her to give her a little reality therapy."

So at the end of summer vacation with their mother, the court would order the boys to go back to their father's home — now in Utah — for the school year. They would cry, hide, burn their airplane tickets, even attempt suicide, but ultimately they would go.

No more. After years of being treated like a crazy woman, new evidence in Chittenden Family Court indicates that everything the boys were telling her, everything the courts had ignored, is true after all.

The evidence includes a finding by a Dartmouth-Hitchcock Hospital doctor of physical sexual abuse of one of the boys so damaging Judge Amy Davenport reversed field last August and ordered that the boys not return to Utah until an expanded psychiatric evaluation could be done.

That evaluation, now completed, contends that the abuse occurred repeatedly and that Mullin is a danger to his sons and to children in general. A custody hearing in the case is scheduled for Friday.

"As far as I'm concerned, the state of Vermont, some judges, child guardians and SRS workers all ought to be tried in criminal court with Steve," Phelps said bitterly. "They all raped my kids."

Those are strong words but, if you're in Phelps' shoes, understandable. "If she's right, she should be very angry at the system," said L. Randolph Amis, the court-appointed attorney for the boys.

Consider the following:

■ The court said in 1987 that Mullin had "physically, sexually and emotionally abused" Phelps during their marriage. But it chose not to believe Phelps because she was "emotionally damaged from the marriage to the point where she has difficulty knowing the truth."

■ One of the boys walked into a Woodstock courtroom in the summer of 1990 and told a judge he and his brother had been abused by his father. The court decided Phelps had coached him and dismissed the allegation.

■ Phelps notified SRS of abuse complaints on several occasions and, at least twice, investigation by the agency and counselors confirmed the allegations. Nevertheless, the boys were ordered returned to their father because psychologists said Mullin appeared to be the "primary caregiver."

Does this make sense, any of it? Unfortunately, the answer is yes, said Alan Rosenfeld, Phelps' lawyer. "I think the court is fairly well restrained by its own rules," he said. "Once the matter has been litigated, it can't be relitigated. The court's hands are tied, unless you have evidence of new abuse."

It's not over until it's over, though. William Robinson, Mullin's lawyer, said he will introduce a report that contradicts the Dartmouth evaluation. He declined further comment.

And you know what's really chilling about all this? Rosenfeld, a national specialist, said there's one like it in every county in Vermont.

Every one.

*Sam Hemingway is the state news columnist for The Burlington Free Press.*