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Maloney Children in Germany, Separated from Father 17 Years

The family

The father, Clarence Maloney, was born in NY 23 Aug 1934, US citizen, raised in India of missionary parents, PhD in South Asian Studies and Anthropology (U of Pennsylvania), former professor in universities in USA, author of 10 books on people and cultures of South Asia, working as social scientist and project manager in international development projects with USAID, World Bank, other development organizations, and now almost retired; married to Shashi Maloney (Indian origin), with our children ages 15 and 12. Address 308 Clagett Drive, Rockville MD 20851, tel 301-315-8075, ct_maloney@hotmail.com

The mother was a German national, born in 1946; she had a psychotherapy practice. She died in February 2006.

Three children were born: a son in 1981, a daughter in 1982, and another son in 1987. I raised the children as a loving father until the divorce when the elder son was 7 ½ years old.

At their request, the names of the mother and children are not given here. However, I can provide all details and documents.

Marriage

The mother and I married in Dhaka, Bangladesh, in Jan 81, certified by the US Consulate in Dhaka. I was working in USAID there and she came as a tourist. She married me only to have children, and did not want a husband, for which evidence is: 1) letters from 4 persons who heard her say that, 2) her brother's letter to me in 1989 that she has a "**feeling against men**", and 3) her aggressive frequent beating me during the marriage, and 4) her photo album of the family, omitting all pictures of me till the last page! It is clear to me now that she married me as a foreigner knowing that according to Germany legal practice she could throw off the husband, keep the children, and forbid the father's access to them.

Actions to keep me out of Germany and away from the children

I last saw the two younger children in Germany in Dec. 1988. The elder son came to India and Bangladesh with me for Christmas, with the mother's reluctant consent, and in January 1989 I put him on the plane to Germany, as agreed. We sat in the Dhaka airport restaurant, and he said, "Daddy, promise me one thing. Will you stay and see me go up the steps into the airplane?" I said surely, and did so. I got him on the phone one month later, and he only asked, "Did you see me go up the steps into the airplane?" I said yes. Then the mother hid the children, helped by the court in Miesbach, and I lost contact with them for 5 years.

The mother issued a notice initiating divorce on 15.3.89. (despite the very difficult marriage, I would not have initiated it). I was then in USA and had no legal representation in Germany. Then I filed for divorce in Bangladesh, finalized 24.9.91. The Court stated that the mother had **absconded with the children** from the family home there. Germany recognized our marriage in Bangladesh, but would not recognize the divorce there!

On Easter, 1989, I entered Germany to try to slip into Easter church to be with the children. But the mother saw me and commanded me to **“get out of Germany and never return,”** and I could not see the children.

On 28.6.89 the Amtsgericht Miesbach, Bavaria, on the sole representation of the mother, issued an interim order (F 135/89) that the children will stay with the mother and I am **“forbidden to enter the flat”**. The court ordered that I must pay **DM 3478 per month** as child support— the mother hid the fact that she had a medical practice.

On 21.6.89 the Amtsgericht München issued a Haftbefehl (order of arrest) (München I: 2457 Js 168507/89) but I did not know it. The mother moved several times and hid the children with the help of the court and Jugendamt (youth department) as otherwise one cannot hide in Germany. In September 1989 I entered Germany by train from Switzerland to try to find the children. I was arrested at the border and put in Stadelheim prison, Munich, for 6 weeks until I could pay DM 20,000. I was accused of not paying all the money ordered, accused **falsely** of planning the children's abduction (about which the mother had made the court afraid), and by manipulation of the mother **falsely** accused of sexual activities. The mother had skillfully made many other false accusations, that I am a “criminal”, “unstable”, “deviant” in behavior, “attacking” children, etc. The Munich court **ordered me to pay the money and get out of Germany** (though I had a residential permit), failing which I would be put in prison for 18 months. In that court I had **no chance to open my mouth!**

I left Germany and took up a job with USAID in Delhi. I immediately paid DM 8000 directly to the mother through her lawyer “to establish a good relationship,” but she didn’t respond to my offer, but made more demands and false accusations.

I requested the court in Miesbach to grant joint custody. But on 15.11.89 it issued another order (F 135/89) giving custody to the mother, **forbidding my contact with the children**, and demanding that I pay DM 50,000 from sale of a house in USA in which she earlier had an interest— but this was a **false demand** as I had already returned her investment with fair appreciation and she had signed the house over to me! The pattern of lies was well established!

Within a few months the children were **totally brainwashed against me**— the mother was a strong person, former top actress in Berlin, and psychotherapist, and to live with her the children had to agree with her. She did this by the known technique of “intensive suggestive questioning” (described in S Clawer and B Rivlin, *Children Held Hostage: Dealing with Programmed and Brainwashed Children*, Chicago: American Bar Assn., 1991). I had no way to contact them. Under this influence the children (ages 8 and 6) made false accusations about me to a judge in Traunstein-- while the mother was allowed to sit there to hear it, and there was no child psychologist present. This became "evidence" to the court and Jugendamt, but I was never interviewed. So I requested the Miesbach court in my Application of 8.12.89 and again in a letter of 2.8.94 to order a full **family study** of these accusations, but it was not done. The godmother of my elder son wrote to the Miesbach court insisting that contact between me and the children must be maintained, but the court also ignored that. It was very clear to me that Judge Edler-Golla of Miesbach from the beginning only ordered all that the mother wanted. I had asked for joint custody, but this judge's first words on entering the chamber were: "There is no joint custody here" (not true).

On 18.12.89 the mother made the Miesbach court afraid that I would abduct the children— though I had requested **joint custody** as I did not want to snatch them. So that court issued another order that I should have **no contact with the children, also not through another person or organization.**

I wrote many many letters to Judge Edler-Golla in Miesbach, the Jugendamt, and others, but got no reply. A Jugendamt lady visited the mother and wrote down what she said, without contacting me or even talking to the children. What a travesty of justice!!!

The court then ordered a Gutachen (study) by Max Plank Inst. which (wisely) refused to take up such a case. The court then got a so-called “expert,” Klaus Räder, a court hack, to make it, so I wrote him a 22-page history and offered to travel to Germany or any place to personally meet him. He **did not reply**, but interviewed only the mother—not even the children-- and wrote down on 14.4.82 only her statements. What a further travesty of justice!!!

The court itself had helped the mother in hiding the children, and I could not find their location. Only after a **delay 5 years**, on 6.7.94 the Miesbach court gave its final order of divorce (F 135/89). **I believe this 5-year delay was intentional so that the children would be raised only 100% German--** in a dispute about children such delay is totally **against justice and a violation of the UN Convention on the Rights of the Child**. This order gave all rights to the mother and **refused my requests for joint custody and even for contact with the children**. It repeated some of the misleading false accusations made by the mother. It finally granted the divorce (disregarding that I had already obtained divorce in Bangladesh) and ordered that I should pay DM 3642 per month for child support (the mother had a psychiatry practice but lied that she had no income). I could not pay this amount, but tried for some months. Finally I stopped paying as I was not respected as the father. The mother knew that by this means she could **keep me out of Germany**.

In April 1995 as I was in transit through Frankfurt airport, I was again arrested and put in Stadelheim prison, for 4 weeks, till my wife in India with extreme difficulty could raise DM 20,000. The mother told the Staatsanwalt (prosecutor) lies—that I had come to abduct the children, that I had tried to contact people to help me in that, and that I was **such a dangerous man** I must stay in prison a very long time!!! (my lawyer was Wilfried Eysell, of Munich)

Meanwhile I had appealed the order of the Miesbach court. The case came up in the Oberlandesgericht (high court), Munich, while I was in Germany in prison. I was told that the judge (Schönfeld Engelhardt) would interview the children, so I gave him 3 letters with photos to put into their hands— as I had no contact with them for over 5 years and didn’t know where they were. But the judge told my lawyer that that the children did not want any contact with me and did not want to get letters from me, so **he returned the letters** to my lawyer! I later read the children's statements to the judge that they didn't want any contact with or letters from their father-- the result of total brainwashing for 5 years.

At the Oberlandesgericht hearing, the mother again made the court afraid falsely that I would snatch the children. She said openly **“I don’t want the father to have any contact with the children till they are grown, then they might want to know who he is.”** The court did not contradict this demand—which shocked me. This court (2 UF 1203/94, decision 19.5.95) upheld the order of the Miesbach court, ordered me to pay all money including even alimony, and **denied my request for contact with my children!!**

I wanted to appeal to the Constitutional Court, but was told by my lawyer that it would be no use.

Further efforts

In 1995 after 5 years of not knowing where my children were, I somehow got their address and other information. I contacted a father’s association, Väteraufbruch für Kinder in Munich, which delivered a letter to my elder son in school. But the mother complained to the court that I had tried to contact them, and said the boy tore up the letter without reading it and put it in the toilet.

The mother requested the local authorities to change the family name of the children from mine to hers. Despite my vigorous objection, the **children's names were changed**- to help them forget their father!

Then I wrote many letters to the lawyers but was informed that nothing has changed and nothing can be done. I wrote hundreds of letters to the American Consulate in Munich, judges, Jugendamt, Caritas, newspapers, former acquaintances, the children's schools, etc, but got no help, I tried intervention through the *UN Rights of the Child*, but found that individual cases are not taken up. I filed a long application with 44 attachments to the international *Covenant on Civil and Political Rights* in Geneva, but the case was not taken up. The US Consulate called the mother but was put off and made no further effort. I have a stack of documents representing my efforts nearly 1m high.

Parental alienation syndrome (PAS)

The children were totally poisoned within 8 months of separation to make false testimony against me, and in the following years have become hardened. The mother is so strong that they could only live with her by agreeing with her. After I got their address, all my efforts to contact the children by letter or another person were thwarted with a vengeance by the mother. They did not get my letters, or they refused to read them. One time through a contact I got a birthday letter with \$100 put into the elder son's hands. The mother complained to the court, and said the boy refused the money and she had sent it to my lawyer. But she lied, as the lawyer did not receive the money. Several people wrote me repeatedly about the mother's lies and deception and what she has put on the children.

However, once I got the phone number, I started phoning. When I first got the elder son, then 14, and identified myself, he just said, **"If you call me again, I will kill you!"** He repeated that 4 times, even as he turned 18. Usually on hearing my voice he just put the phone down. I got my daughter a few times, but she would never speak to me. I got the younger son a few times, and earlier we spoke nicely, but later when I would reach him, he would say "shut up," "schwein," (swine) and "aslo" (ass). When I got the mother she abused me or slammed the phone down.

In 1997 I asked a German lady acquaintance to try to meet my daughter at her high school. My daughter told the lady that she had class and would come in an hour. Then she came out with the mother! The mother shouted, "These children have no father!" and physically dominated the lady, who could make no further effort, and wrote to me of the **"massive influence"** of the mother, and her "accusations against me which she cannot prove". I have several other letters about the mother's constant lying and deception, that she gave false testimony to courts on other issues, and that she is **"raising the children in lies."**

In 2001 a lawyer in Berlin, Holger Partikel, investigated the case and after reading all the documents and many inquiries, wrote all 3 children and the mother asking if there was any reason for them to reject me as father. They did not cite any, but rather **threatened** the lawyer! He then wrote them again asking them to open up and recognize me as father. All 3 answered him only with vile abuse and threats!!

This is the most severe case of PAS (parental alienation syndrome) one can imagine.

Richard Gardner, psychiatrist, has clinically described PAS, now accepted as a defined psychological and behavioral condition, in which a child taught to unreasonably hate and fear the other parent, then takes it up as a campaign and claims that his ideas are his own. Gardner pointed out the terrible pain a loving parent endures when abused thus following the destructive brainwashing of the other parent (most often the mother), and that such children have no feeling of guilt about abuse of their own parent. Many such cases are further discussed in *Divorce Poison*, by Richard Warshak (New York: HarperCollins, 2001).

Severe PAS has profound and damaging effect, often life-long, inhibiting such victims from being able to trust and love others later in life. I fear for my children, as all that I have read about PAS points to negative effects on their lives.

Condition of the mother

The mother died in February 2006. She was a psychotherapist, but she had a severe problem herself and had been a psychotherapy patient (of Dr med Ingrid Lewandowski, Gmund, Tegernsee). Her two brothers, her step-mother, and my elder son's godmother **all broke off contact with her** because of her abusive manner, and wrote me so. She was an intelligent and striking person, but at times very manipulative and abusive.

She had been a top actress in Berlin for 8 years, and had been married but without child—her former husband wrote me at length of his terrible experiences in the marriage. She then went into medicine and psychotherapy. She had married me when she came as a tourist to Bangladesh, because she wanted children—but she never really wanted a husband, and married a non-German knowing from German custom that she could later throw off a foreign parent so the children would be raised 100% German. During the marriage she had deep depressions, sometime crying in bed all day. During the marriage, I sought psychiatric or counseling assistance for the family 3 times, but when those professionals started to work with her, she would deny that she had any problem and break off the sessions.

The children and I had a beautiful relationship. Before the divorce, when the elder son was 7 years old, she wrote me, then on a project in Indonesia, that he "**would suicide himself if you would not come in the next weeks**" and "[the daughter] is very unhappy" because I am away. But the next year she turned them aggressively against me. Her brother wrote me in 1989 that the mother "is unable to recognize anybody else than herself." After the divorce she wrote **35 long false accusing letters** to all my relatives and friends and even **professional** addresses too!!! Her intention was to "destroy your social existence" and "destroy your career" (her words!!). She even contacted my present wife to try and destroy this marriage. She would abuse whoever calls the house about the children, and badly abused me when I got her on the phone. One person wrote me: "Warum gräbt eine Ehefrau mit so tödlichen Falschaussagen ihren Mann so tief ein, sofern sie nicht selbst etwas zu vertuschen hat?" "Nimt es mit der Wahrheit nicht genau, auch dann nicht, wenn das Gegenteil leicht beweisbar ist!!" "Setzt sich über Verträge und gesetzliche Vorschriften ohne Skrupel hinweg." (Why would a wife dig so deeply with false accusation of her man, except that she herself has something to hide? She doesn't take up the truth, even when the opposite is more believable! She behaves without scruple against court decisions.)

Pattern of fathers in Germany separated from their children

It is now clear to all that Germany systematically conspires to keep foreign (divorced) parents permanently separated from their children in Germany, to make them 100% Germans. It is an international scandal. The German courts routinely deny parental access, and sometimes order the children's addresses to be kept secret, in which they are supported by the Jugendamt, the court-appointed writers of "expert" Gutachtens, and the local administration which changes the children's family names to make them forget the father. But the *UN Convention on the Rights of the Child* (ratified by Germany!) states that children have a right to their identity and name, and parents and children have right to enter and leave each other's countries to maintain family contact. This has become a substantial issue in USA, France, England, Poland, Turkey, South Africa, and other countries whose citizens have children in Germany.

Even within Germany, joint custody is seldom awarded, and about half divorced fathers find it impossible or difficult to be fathers to their children. Now some 200,000 left-behind German fathers are demanding that the authorities treat both parents equally. The Justice Ministry and the Ministry of Families has a staff of radical feminists who feel that fathers have little role in bringing up children.

I am only encouraged that there is growing international movement with vigorous internet contact. A group of fathers conducted a hunger strike over these issues in Berlin, and there was a demonstration against violation of the *UN Rights of the Child* before the International Court in Strasbourg. There are several active yahoogroup sites where issues of children in Germany are discussed and counteractions planned. There is an **international outcry** on this issue, which will increasingly embarrass Germany unless this abuse is corrected.

President Clinton took up this issue when he met with Chancellor Schroeder, and though committees were set up, there is no progress in recognizing rights of parents and children. Germany has been fined by the European Court of Human Rights 4 times in recent years for keeping fathers away from their children in German and out of the country.

Present situation

After I got my elder son's address from a father's group, we began corresponding- but it was difficult as most messages from him had some barb. Finally he agreed to visit me at my house in South India for 3 days, in 2002. When he came, he was so filled with PAS that he didn't want me to touch him, stayed in a hotel instead of in my house, didn't want me to circulate a photo of him and me together, and left after 3 days to visit an old fort. I tried to explain to him what had happened in this case, but it all rolled off him like water off a duck's back. He seems to be doing well in his university science work, but in personal relations I fear that he will have a hard time in life.

The mother died in February 2006, and he did not notify me, though I heard it from another source. We have had some correspondence, and in October 2006 he came to USA for a science conference and said he would visit me. He did meet his 2 half-brothers and 2 half-sisters, but he declined to stay in my house for more than a day. He still cannot call me Dad.

My daughter is studying medicine and now teaches nurses. She wrote me two negative letters in 2004, then was silent. After the mother died she wrote saying she went into medicine only to please her mother and it was a wrong choice. I invited her to USA to continue her studies, but then she wrote that she would rather not be in contact with me. I understand that it is very very difficult for her to deal with what has happened.

The younger son finished high school in 2006 and evidently is beginning study of science in university. I invited him to join our family in Maryland, USA, and study here, but he didn't respond. Rather, he wrote that he would inform me when he wanted me to write to him next!!

I hold the **German Ministry of Justice and the Jugendamt morally responsible. The German State, as signatory to the UN Convention on the Rights of the Child, should take responsibility** through its family services to try to correct the terrible PAS and brainwashing that the children have endured for 17 years. The US consular offices should take this up with the German Ministry of Justice. The European Court of Human Rights must persist in naming Germany for its violations of fundamental rights of parents and children. Germany should be pressured by the European Commission to abolish the Jugendamt, which was set up during the Nazi period to give the state control over children regardless of parental interests and therefore is an illegal arm of the state.

As for USA, it should ratify the UN Convention on the Rights of the Child. Every nation in the UN has signed or ratified it except USA and Somalia! Further, USA should take initiative to modify the Hague Convention on child abduction, which now simply induces legal arguments from one country/parent against another country/parent. It should be modified to establish a preference for **shared parenting** as the standard, wherever in the world parents and children live.

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