

14 January 2020

Dear Diego,

When I last reached out to your office, I was in awe at the responsive nature of your team and was glad to know you were already hard at work on a solution to “sharing tables” in elementary schools.

Therefore, I am hoping that I will be similarly pleased by you and your team once again. This time I’m writing to see if you will help fix the family code guidelines that led to the loss of my children, allowing their father to permanently move them across the country to rural Virginia.

With your background in law, I’m sure you saw custody cases labeled “high conflict.” Please know that this is the label given to our case, but not the spirit in which I sought help from the Texas Courts.

In fact, I ignored years of financial abuse and domestic abuse by proxy, and only sought help when my penultimate husband wouldn’t reconsider his decision to fly the children from San Antonio to Charlotte, North Carolina (followed by a 3-hour drive) ever first, third, and fifth weekend—a 19-hour journey for a 12-hour visit, sometimes repeating after having been here for only four days’ time in-between trips.

My kids were suffering to the point of depression/anxiety and outpatient hospitalization for my son.

I asked for help and instead was played into a circus of legal maneuvers designed to perpetuate legal income rather than help our children (see timeline of legal maneuvers prepared May 2019).

I am not writing to ask you to make this right and help my kids return to San Antonio. It’s too late for them to return to their dual language classrooms, too late to stop the trauma they’ve experienced. But I would like to see a day when other parents and children do not need to fear facing the legal horror I fought.

I have taken the following steps on my own to remedy the calamity of errors that occurred in my case, including:

1. HIPPA violation claim against Custody Evaluator, Richard Theis, III, PhD
2. State Board violation complaints against Richard Theis, III, PhD
3. Bar Complaint against Heather Tessmer/Christine Rudy for conflict of interest

The Texas family court system is deeply flawed. It needs help! Please know that I was PTA President, working from home to be flexible for my kids and have a wonderful, supportive husband (who cooks!). We have extended family that have moved to Texas to be part of our support system. I had the kids and myself in therapy to deal with the stress that was coming from the choices and actions of my penultimate husband, but I never gave up hope for true co-parenting and putting our children first.

This request is not to gain your sympathy; rather it is a plea for your help in correcting the state code.

Our case had an assigned amicus lawyer who worked with the children from January-May 2019 to assess the situation and advise the court of what he felt would be in their best interests as well as what the children were requesting.

This amicus attorney testified first when we were finally seen by Judge Norma Gonzales on May 7, 2019 (having been waiting for a judge since Monday the 6th at 9 am). Mr. Gillen (a former Navy nurse and children's psych ward nurse) testified Tuesday afternoon to his findings: that the children wanted to stay in San Antonio and that although I had made mistakes, I had been parenting under severe stress and was doing everything I could to ensure the wellness of the children in the circumstances.

Before I could put myself on the stand as a Pro Se representative, a motion for continuance was filed at 8:30 am and granted at 9:00 am for Dr. Theis to do an update on his custody evaluation. Dr. Theis has previously conducted a very biased evaluation as examined and agreed upon by fellow PhD Custody Evaluator Dina Trevino. Yet when I became Pro Se, Ms. Trevino would not testify for me. The second report was even worse than the first in terms of bias and extreme lack of consistency.

Dr. Theis spent over 10 hours with my ex-husband and no more than 45 minutes total with me (over the two reports). I kept hoping he would read and dig past the surface to see what was truly happening, but that never happened. This is in contrast to Mr. Gillen who did due diligence—getting official records and speaking with people in person (or on the phone) instead of relying on paper “interview” forms like the custody evaluator.

I want amicus attorneys to have to create and file a written report of their recommendations to the court in the same manner that custody evaluators have to do. And I want them to have equal weight under the law.

Without this report to compare side by side, it appears Judge Normal Gonzalez completely invalidated Mr. Gillen's opinion in allowing a continuance to be issued and in her final ruling removing the children from Texas.

Mr. Gillen's CONTINUOUS time on the case should have been considered and given equal value of Dr. Theis' report, but there is no evidence that the judge weighed Mr. Gillen's opinion against the two 80-page custody evaluation reports. All we had from Mr. Gillen was a detailed billing statement asking for another \$25k from each party.

During the trial that decided the fate of my children, I spent three hours cross-examining Dr. Theis to show the errors in his report, but it apparently wasn't enough. Maybe an Amicus Report wouldn't have helped, but if they are doing the same work for the court, they should be asked to produce the same work-product and they should be viewed with equal weight.

Therefore, I am asking you and your excellent staff to do what you do so well, look at the law, fix what doesn't make sense, and fix what is injuring children and families in Bexar county and beyond.

Note, while I want to focus on the attainable goal of amicus reports, the hell of my last five years has made me aware of the concept of “domestic violence by proxy”—using the courts and children to hurt a former spouse. This bill, authored by Rep. Rhett Bowers of Dallas, was not passed, but I urge you to form a coalition to fix both aspects of the code to not only allow judges to look at the full case history since divorce, but to CONSIDER the actions of both parties leading up to a hearing or trial.

The children of Texas and I thank you for your time and consideration.

Please keep the up the good work and know that your constituents are proud to have you serving us.

Sincerely,



Alexis M. Bierman

Attachments:

1. Timelines (3)
2. Travel Schedule + Calendar
3. DV Bill
4. Theis Complaint to State Board (includes HIPPA complaint)
5. Tessmer Complaint