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Chief Justice Judith Kaye
State of New York Court of Appeals
Eagle Street
Albany, New York 12207-1095

Re: Complaint by the National Parent's Rights Association, Strom v.
Lomtevas, 814 NYS2d 679 (A.D. 2 dep't 2006)

Dear Honorable Justice Kaye,

I am writing this complaint because I am appalled by the judiciary especially since you took over as Chief Justice of the Court of Appeals of the State of New York.

Please let me introduce myself. I am a Clinical Fellow of the American Association for Marriage and Family Therapy. I am a Diplomate of the American Psychotherapy Association and a Fellow of the American Orthopsychiatric Association.

I have published in the National Journal at least fifty articles in the field of mental health, child psychology and family therapy. I am on the editorial board of the American Psychotherapy Journal and on the Board of Directors of the National Psychology Association.

Besides being a Diplomate and a Fellow in my respective fields, I was also the founder of Father's Rights Metro, and I am chair of the executive committee of the National Parent's Rights Association: an association which is a non-profit corporation out of Atlanta, Georgia.

I have rendered opinions throughout the United States and Europe.

I am writing this letter because of the inherent bias of the Second Department and your inherent bias against Fathers in general. I believe I read many articles about your work and if you spent as much time advocating for fathers as you do for gays and lesbians, I believe we would have an equitable system in the Courts of New York State.

However, we do not. I am writing this complaint to advocate for Peter C. Lomtevas, Esq., one of the finest attorneys and the attorney of counsel for the National Parent's Rights Association.

He has entered at least one hundred cases with distinction and honor, and he was the recipient of the Distinguished Public Service Award for outstanding service to the community at large.

I personally witnessed his major undertakings for blacks, gays, Hispanics and others in the community here in New York City and across the country.

Prior to entering the legal profession, he was a distinguished United States military officer, and my feeling and empathy for servicemen is high and respectful. My own son, Alan, is a senior officer who has served with distinction in Iraq, and his wife is also an army officer.

While Peter Lomtevas was serving his country, his then wife, a German national, absconded with his beloved son, and hid in Germany until the age of majority of the child. Further, Peter Lomtevas had custody of his child in the Supreme Court of Queens. I am familiar with the fact that the German government does not comply with any of the mandates of the Hague Convention.

Peter Lomtevas not only lost his son, but after nearly twenty years, Corporation Counsel, which is made of insensitive bureaucrats, took action against Mr. Lomtevas in terms of forcing him to pay support for a child he has never seen.

Peter Lomtevas with distinction defended himself in front of a remarkable, fair and equitable Support Magistrate in Queens named David Kirschblum. Peter Lomtevas prevailed, however, the Second Department, an inherently biased group against fathers, ruled that Peter Lomtevas had to pay support for a son he had never seen and who was kidnapped to a foreign country.

The legal reasoning is ludicrous. The Second Department stretched the retroactive reach of the Uniform Interstate Family Support Act ("UIFSA") beyond the legislature's stated intent. UIFSA is meant to apply to court orders made under the Uniform Support of Dependents Law ("USDL"), but in Peter's case, they decided to expand UIFSA to Peter's Queens Supreme Court Order entered in 1987. This very order grants Peter custody of his child, however, in applying UIFSA, the Second Department also vacated a reservation of exclusive jurisdiction available to Peter. It was this reservation upon which Support Magistrate Kirschblum based his dismissal of Peter's case: that the absconding mother can avail herself by a personal appearance in Supreme Court rather than remain in hiding in Germany.

The subliminal message contained in the Second Department's ruling is that a German's convenience takes precedence over the nation's security: that an army officer comes last and a foreign kidnapper comes first. This subversive thinking contributed to the agony we currently face on the world scene. Instead, we should give glory to our service members, not take away their kids while they are on active duty, and not thank them for their service to their country by threatening their licenses for not paying child support.

It is egregious that a United States Army officer while serving his country has his son kidnapped, never sees his son, loses rights to his son, yet the courts which you control rule against him to pay "support" to the abducting mother. I guess it is Judith Kaye's legacy that if one is a foreign national, and the father is serving proudly in the United States Army, that if one absconds with the child, the dysfunctional Corporate Counsel will represent the abductress.

I find this egregious, disgusting, unfair and if you would put the same type of passion that you do for fighting for gay and lesbian rights for the rights of US servicemen serving their country, then I believe this would never have happened.

The Second Department living in its ivory tower is totally not cognizant as to what it means to lose one's child especially if one is serving proudly in the United States Army. Instead, the Second Department is focusing on a lawyer who is in arrears in child support. They forgot of his service: they remember of his arrears. This sets the stage for misplaced priorities and judicial tyranny. Mr. Lomtevas left the service of his country to become one of the court officer crowd who took away his son. He now understands the mechanism behind the loss of his child: that it is politically correct in your courts to demean and humiliate fathers and kidnap their children and subsequently create a fatherless society made up of single parent mothers drawing child support for their personal upkeep.

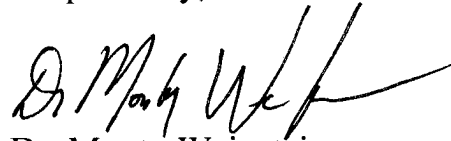
I testified before several judiciary committees on reform of the courts including several years ago the group you established in order to make this a more equitable judicial system.

I must unfortunately state that it has deteriorated to the point that if one asks ten people their opinion of what is happening, especially in the Second Department, which I have done at random as a researcher, psychologist, family therapist and author, nine out of the ten would state that the system has completely collapsed.

Please wake up and spend your energies on helping create an equitable system and please look into the inherent bias of a group of dysfunctional jurists who call themselves the Second Department.

Thank you Judith Kaye for making this a fatherless society. I guess support to your court only comes in green; it does not come in the form of the bonding, nurturing and caring that a father can provide.

Respectfully,



Dr. Monty Weinstein

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1 Encl:as

Cc:

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