

Justice For Nubia, Victor and My Children

As I have been able to personally experience, we have a very serious problem with our Family Court system, which as the panel that investigated the death of Nubia Barahona noted (Exhibit B): *“In Florida we talk about a “system,” but we are far from a real “system.” We would be much closer to a genuine system if the operating principle in the case of every child in the child welfare system was this: We will insist that every piece of relevant information to a child’s life and future is available in one, constantly updated place where everyone responsible for that child’s well-being could see that information, discuss it, assess it. And we will apply critical thinking and common sense — always. None of this happened here. For these and other reasons, Nubia died. Horribly.”*

In a “genuine system,” we would learn from our mistakes, but unfortunately this has not been the case. As my personal experience shows, the “system” does not seem to have learned from its mistakes. For instance, the courts continue to rely on and “enthrall” “professionals” such as the one in the Nubia Barahona case, namely psychologist Vanessa Archer, who as the Nubia panel pointed:

“[her] omissions made Dr. Archer’s report, at best, incomplete, and should have brought into serious question the reliability of her recommendation[s],” pointing very clearly as to the validity of her “professional” reports. For instance in my case, the system relied solely on her unprofessional and completely biased opinion to take away shared custody of my children, causing my oldest son to go from being a great student and be thriving in life (Exhibit C), to being diagnosed with Major Depression and Post Traumatic Stress Disorder (Exhibit D) almost a year after our forced separation; all of this based exclusively on the incompetent opinion of Mrs. Archer. To further make my point, the Nubia panel goes on and says: *“it seems to us, case managers and child protective investigators seemed often – and it turns out – wrongly enthralled by the psychological report [Mrs. Archer’s report]. The report, as Dr. Walter Lambert so clearly testified, was patently incorrect. [The] conclusion that change in foster parents would destroy them [was] absurd.”*

“...relying on professionals [Mrs. Archer being on top] who were either unaware of all the research in trauma-sensitive transitions or not making an effective analysis of the information available because, among other things, professionals were not listening to, or taking into account seriously enough, what the children were saying.” In my case, Mrs. Archer went as far as hiding information from the courts. Instead of reporting to the Judge pertinent information, such as the fact that my son had denied what I had been accused of, went ahead and requested to stop phone communication with my children because my son was contradicting what she had written in her report.

As it is apparent by the Nubia panel, it seems to be customary by Mrs. Archer to ignore critical information: *“The court-ordered psychological evaluation of Nubia and Victor performed on Feb. 12, 2008 by Dr. Vanessa Archer recommending adoption of Nubia and Victor by the Barahonas to be “clearly in their best interest” and “to proceed with no further delay” – failed to consider critical information presented by the children’s principal and school professionals about potential signs of abuse and neglect by the Barahonas. That omission made Dr. Archer’s report, at best, incomplete, and should have brought into serious question the reliability of her recommendation of adoption. Several professionals,...[as in my case] the judge, were, or should have been, aware of that significant omission, and yet apparently failed to take any steps to rectify that critical flaw in her report.”*

While in my case, several teachers have noticed the deterioration of my children’s behavior, as exemplified by e-mails from four different of my son’s teachers (Exhibit E), **but Mrs. Archer chose**

to ignore them, and actually provided false information in her reports; in the Nubia case, Mrs. Archer also chose to ignore the evidence, and actually provided false information as well: “In September 2007, a School Multidisciplinary Treatment Team found that Victor was demonstrating poor academic progress and would be repeating first grade; yet, in a report to the court on Feb. 22, 2008, Dr. Archer says, “while both children are in special educational classes, they are excelling academically.”” Information which was clearly false, and readily available to her, as stated in the panel’s report: “Information about the children’s academic performance is readily available online from the Miami-Dade Public School System.”

Furthermore, as it is apparently customary by Mrs. Archer, her “professional” skills are highly questionable as noted by the same panel: **“It should be noted that the panel was provided an administrative law judge’s opinion in another case in which Dr. Archer’s “acquisition of her entire factual basis for her testimony commenced 10 minutes prior to entering the hearing room. At that time, she reviewed medical notes, consulted with [department counsel] and met with the child and the foster mother, briefly.” The Administrative Law Judge on that case referred to this as a “drive-by diagnosis.””**

The panel goes on to say about Mrs. Archer’s professionalism the following: **“The delay of more than five months to perform the psychological evaluation ordered by Judge Valerie Manno-Schurr appears inexcusable in light of the fact that it was compelled by the very serious concerns raised by the principal and teacher at the children’s schools about the safety of Nubia and Victor in their foster home. In total, about 11 months lapsed...”**

As the evidence presented by the Nubia panel clearly shows, Mrs. Archer should have been reprimanded for her lack of professionalism and poor performance protecting the children of our state, but instead, was promoted to hear cases such as mine. Despite my strongest opposition to not have Mrs. Archer for a second psychological evaluation, my petition to have a more competent and unbiased psychologist was denied. The result, as expected from someone I had reported to the board of psychology for incompetence (Exhibit H), was that she retaliated with vengeance in clearly biased and unprofessional statements to belittle my faith, accomplishments, and character (Exhibits F, and G): “Mr. Jimenez has not demonstrated much creativity...[has] rigid thought pattern[s]...[his] perseverative thought processes and dogmatic behavior patterns would also explain his religious obsessions, and his repeated and continued attempts to convince others that he has been falsely accused.”

As my case clearly shows, not making Mrs. Archer accountable for her poor professionalism and performance has prevented her from learning the lessons that she should have learned from the Nubia Barahona case. This egregious mistake has caused even more havoc and destruction to innocent lives as seen with my children in my case. However, I am confident that by me bringing these facts to the light, any future mistakes will be prevented.