

Aurora Update

From Debbi Smith

12 September 2000

This is Debbie Smith, Randi Barnabee's partner. Right now Randi is up to her neck trying to prepare for another hearing in the Lipscomb case tomorrow. I know Sue Davis was at the TransFamily meeting in Cleveland last week and is going to update you on the status of the case. However, Franklin County Children's Services announced today in court that it will be seeking a gag order, so I thought I would let you know what's going on before we can't talk about it anymore.

Yesterday morning Mark Narens filed a Motion for an Emergency Shelter Care Hearing with the Court. The hearing was set for 9 am this morning. When Mark and Randi appeared in Court, FCCS announced that it had withdrawn the original complaint and filed a new one specifying both dependency and neglect charges.

The dependency charges basically assert that Aurora's parents are treating her as a girl, when in the opinion of school and Children's Services officials she does not persistently demonstrate the characteristics set forth in the DSM IV for GID in children. Children's Services has not yet acknowledged that they have documentation in their possession that indicates that Aurora was formally diagnosed with GID.

The new charges allege neglect on two grounds: first, Aurora was without her lithium for 30 days and second, that the parents have shopped around for doctors that will give the diagnosis they want. The first charge is based on a call to the pharmacy to check refill records. It turns out that due to their financial situation, Paul and Sherry had spoken to the pharmacist about giving Aurora Paul's lithium. Paul was taking the same medication, but had stopped taking it. Paul and Sherry took the pills to the pharmacist and asked if it was okay to give Aurora those pills instead of refilling Aurora's prescription. The pharmacist gave them the okay and will corroborate this.

As to the second charge, the family pediatrician will state that he has been working with the family and is aware of the various physicians that have seen Aurora and that she has been seen by so many physicians because each physician refers them to another one.

As a result of the new complaint, the hearing on the Motion filed yesterday was cancelled. It hadn't occurred to Children's Services that by dismissing their original complaint their temporary custody order terminated, so Mark Narens demanded they return custody of Aurora. I should add that the film crew from 48 Hours and a Time Magazine reporter were present for all of this and demanded access to the court room. FCCS had already stated that they were preparing a Motion for a Gag Order but were not yet ready to proceed on that topic. At this juncture FCCS was faced with the decision of returning custody temporarily to the

Lipscombs or holding a hearing on an Emergency Care Order while 48 Hours filmed the proceedings. FCCS opted to have the hearing rather than turn over custody.

The most outrageous event of the day came during the taped hearing in which the Guardian Ad Litem stated that this was clearly a case of Munchausen by Proxy Syndrome. Although it appeared that the Magistrate was considering returning custody of Aurora to the Lipscombs, in the end he continued custody by FCCS. There is another hearing on the matter set for 1:30 tomorrow (Wednesday). Mark and Randi plan to file another Motion for an Emergency Shelter Care Hearing and possibly a motion for civil penalties against the FCCS attorney who denied FCCS had any knowledge of the GID diagnosis, when a case plan prepared by FCCS in June and given to the Lipscombs discusses the diagnosis and how the Lipscombs were to handle it.

Thanks for your support, *Debbie*