

January 8, 2014

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To: Olga Roche
Department of Children and Families Commissioner
MA Department of Children and Families
600 Washington Street, 6th Floor
Boston, MA 02111

Re: Mandated Reporter complaint: Emotional & Medical Child Abuse of Justina Pelletier, inpatient adolescent psychiatry unit, Boston Children's Hospital.

Dear Ms. Roche,

Since April 23, 2013, I have been engaged with Linda, Lou and Jennifer Pelletier, the parents and eldest sister of Justina Pelletier, to facilitate Justina's discharge from Bader 5, inpatient psychiatric unit of Boston Children's Hospital, where she has been unjustly and illegally imprisoned for the past nine months.

Prior to Justina's admission to Bader 5, this fourteen year old had spent the previous two months as a ward of the state, per the decision of Judge Joseph Johnston, who deferred to the *theories* proffered by BCH clinicians **four days** after they had rushed to judgment amongst themselves, in lieu of collaborating with the physicians who prescribed the care BCH clinicians referred to as, "*medical child abuse*". On February 15, 2013 the pronouncement that shattered Justina's life was rendered by a total stranger who sentenced her to undergoing the stress of radical changes in her basic medical care, before being moved to a more secure area of BCH where contact with her family would be more severely limited and more strictly monitored.

As advocate for the family, I informed Department of Mental Health licensing director, Liz Kinkead of the breach of law regarding Justina's commitment to a locked psychiatric unit and was told that DMH was deferring to the *medical expertise* of Boston Children's Hospital". Justina has no history of "serious mental illness", nor did she exhibit behaviors that indicated she was at risk for harming herself or others. Justina continues to be held against her will on this locked psychiatric unit, licensed by the Commonwealth of Massachusetts Department of Mental Health, on the authority granted to attending psychiatrist, Dr. Colleen Ryan, *presumably* to prevent harm that would be caused to Justina by the medical care her parents would choose to pursue from board certified, licensed metabolic/genetics specialist, Dr. Mark Korson of Tufts University Medical Center, who had been treating Justina successfully for over a year. Justina was forced to accept her imprisonment to relinquish her basic human rights because it was deemed "*unsafe*" for her to have access to the medical care she expected to receive at BCH.

From the perspective of the teen whose life has been derailed, she is the ward of a state devoid of compassion and conscience, prohibited from contact with every facet of

her life that holds meaning for her. I am submitting this information, which has been made public, in the form of a complaint against Judge Joseph Johnston, Dr. Colleen Ryan and the Massachusetts Department of Children and Families for the emotional and medical abuse Justina Pelletier has suffered for nearly a year. It would be far more accurate to call the “treatment” forced on Justina by its more proper term, “torture”.

Beyond the obvious apathy and denial of reality each of these professionals has shown, that becomes more egregious as the level of formal education and trust placed in them increases, is the astounding absence of intervention by Dr. David Demaso, Chief of Psychiatry, BCH and Dr. Gordon Harper, director of child & adolescent services at the Massachusetts Department of Mental Health. At the present time, there looms the assumption that one or all of these individuals possesses either superior knowledge, or deeply secret information that would support the tragic, traumatic losses Justina is suffering. Until now, the absence of the riveting truth, or arcane explanation for Justina’s emotional pain, has been classified as the professional duty of those who have taken a precious year away from this young girl. *The information I am obligated to supply to support my complaint will substantiate, beyond any doubt, that Judge Joseph Johnston has given free reign to a small group of psychiatric clinicians whose only claim to medical expertise is their association with the name, **Boston Children’s Hospital**. The professional duty of Dr. David R. Demaso, and the public service obligation of Dr. Gordon Harper has been ignored by Judge Johnston who has given these closely affiliated psychiatrists free reign to operate as egoistic rouges, denying and defying every published guideline for psychiatric assessment of a physically ill child, and every crucial step required before making the allegation that parents are guilty of *medical child abuse*,

Any caregiver who failed to respond to their child’s complaints of pain; who chose instead to isolate and imprison their child to “force her to accept that she was not in need of medical attention”, would be accused of emotional abuse and medical neglect of their child. The Child Protection Team at BCH evoked the State powers of guardianship, which were upheld and enacted by, Judge Joseph Johnston on February 15, 2013. I strongly assert that Judge Johnston has assumed the rights and responsibilities of a “caregiver” acting as ultimate authority, with impunity—totally protected from public view and scrutiny. And like so many cases of child abuse/neglect I have seen over the past 40 years of my nursing career, this abuse was perpetrated and continues because of the shroud of secrecy all abusers demand.

Ms., Roche, I simply ask that you thoroughly examine the attachment and employ the reference provided. All information contained in support of my complaint is available to the public. This complaint will be provided for public edification to ensure that all ensuing proceedings will not be misrepresented as *confidentiality for the purpose of protecting Justina Pelletier*.

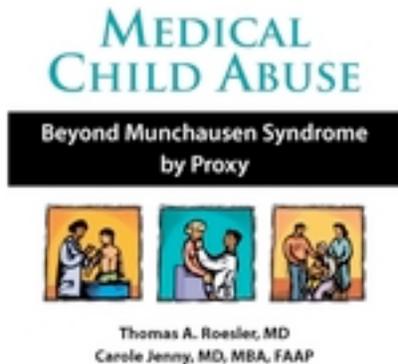
Sincerely yours,

Kathleen T. Higgins, RN

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- REFERENCE:



July 19, 2008

Medical Child Abuse

Beyond Munchausen Syndrome by Proxy: This Powerful, Comprehensive Resource: **For diagnosing and treating medical child abuse.**

Dr. Thomas A. Roesler is a pediatric and adolescent psychiatry and psychiatry provider with offices in Providence, RHODE ISLAND.

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*ATTACHMENT: Practice Parameter for the Psychiatric Assessment and Management of Physically Ill Children and Adolescents, *accepted by the American Academy of Child Adolescent Psychiatrists JULY 19, 2008*

NOTE: **Dr. David R. Demaso appears at the top of the list of psychiatrists credited as follows:

****This parameter was developed by****

cc: Boston Children's Hospital President, Sandra Fenwick, Massachusetts Attorney General, Martha Coakley, Massachusetts Governor, Deval Patrick, Lou and Linda Pelletier, Kevin Hall, CCHR