

Testimony of Kathryn Sherlock, Mother of Kayden Mancuso, OPPOSING HB1397



“We know there was a substantial history between the mother and father, an ongoing custody dispute. I don’t know all the details yet but we do know it was a very contentious relationship,” Captain John Ryan, head of homicide in Philadelphia, stated in his interview with ABC News not even an hour after my daughter, Kayden Mancuso, was found dead. The story hit breaking news on every channel, heard around the country, even internationally. Cameras arrived at my house not even hours later and the news spread like wildfire, and in almost every publication the story reported always included “the custody dispute” and “the brutal custody battle”. The headlines read “Child Killed Amongst Custody Dispute” and “Father Murders Daughter Amidst Custody Battle.” No one ever discussed the actual issues at hand, that despite his violent past and his threats he was still awarded parenting time with a little child by the courts - that he was

mentally unstable, suicidal, violent, abusive, etc. - they just mention the "custody dispute". In the initial news report, you can see them in the background bringing my daughter out in the body bag, as my father looks on in utter despair; he insisted on staying on scene until they took her out, making sure she was handled properly; you can see my husband collapsed on the ground on the other side of the house hysterical. You can see white sheets, crime scene investigators, the medical examiner van, and so on. The brutal murder of a 7 year old child, like it was a scene out of a movie, but it wasn't a movie, it was my new reality. My beautiful, full of life, amazing, gorgeous, talented, smart, spunky best friend and all around amazing daughter was brutally beaten to death by her father. He beat her over and over again in the head with a 35-pound dumbbell, not murdered with a gun as most kids are, but a dumbbell. She was found by the door with her shoes on, found by my father and husband the morning after she should have been returned home per our custody court order. She was found by the door, because she was trying to get away from the one person who should have cared for her, her own father. I had to tell her at one point during all we endured that if she ever felt scared around her dad to run, I needed her to run, and to find an adult and have them call me or the police. Run and run fast, because I knew what he was capable of. But despite my pleas, my worst nightmare came true, she was found by the door, beaten to death. He beat her and beat her and didn't stop until she couldn't fight anymore, but she did she fight for her little life. After he beat her till he thought she was dead enough for him, he flipped her over, tied a Wawa plastic bag around her head, and secured it with an iPhone charger cord, to make sure she wouldn't survive. He then washed his hands and took his time to write a two-page letter, as his daughters lifeless body laid on the floor, and threw it on her dead body. The note stated: "You all get what you deserve." No matter what I told them about how dangerous he was, the courts wouldn't believe me and they decided this person should

have unsupervised parenting time with my daughter because he was her dad and it was his “parental right”. He then went upstairs, made sure his previously written suicide note was in sight, tied a belt around his neck tied it to the door anticipating passing out from the nitrous which would make his body hang itself, took whip (the nitrous oxide), and killed himself. This happened over his custodial weekend in August after the judge awarded them to him in May of 2018, denying my request for supervised visits. This happened 18 months after court proceedings started and to what the media, and all the decision-makers including the judge himself, the court system and the police involved – coined “the contentious custody battle.” I was the defendant in the case; court was used as a way to intimidate and control, bankrupt and punish me. We spent 18 months in actual custody litigation, and many years before we made a court appearance we had privately hired lawyers attempting to handle the “dispute” ourselves outside of court. I trusted the people I hired to help me, I had faith in a system – the justice system - I had no idea about. And they all failed, they failed my daughter, and she lost her beautiful life due to it. I was accused of “Parental Alienation”, early on. I remember receiving a letter early on from his attorney, claiming that I was “alienating” – not protecting - Kayden, that I was keeping her from him on purpose to be spiteful, because I was a nasty rotten spiteful person (by “keeping her from him” he meant not willingly agreeing to 50/50 custody agreement). That is how it all started, in the early years he would show up when he wanted, when he couldn’t be bothered with actual parenting duties, and he took her when he felt like it and did what he wanted. If I said no I was harassed all day. If he couldn’t get to me he would go to my family, his family, whoever he felt was in his path. He never stopped, for years. He wanted his way and no one was going to tell him no. Not a lawyer, court, judge, nor police. He Googled the term of this bogus “alienation” theory and used it as a tactic in court to distract from what the real issues were, Kayden’s safety

and well-being, that I brought up in court. I voiced my concerns with the judge over and over again. I begged them to listen to me, I begged everyone to listen to what I was saying and to listen to what Kayden was saying. I was trying to get just one person to help me, pleading with my own attorney. I called everyone I thought I could, CPS, Police, the courts, the evaluators the psychiatrist, people at her school, family members friends, everyone. Trying to get someone to listen to me. I knew what he was capable of. I lived it. "Well he's not physically harming her, nothing we can do." It fell on deaf ears. Not agreeing to what he wanted made me "difficult" in the view of the courts. Statements released by the AOPC, said that we both had "questionable" behavior. I was and am *still* blamed for his brutal murder of my daughter, called every name in the book from people all over the world, telling me things like "Sleep in the bed you made". After Jeff murdered Kayden, the judge who had awarded him parenting time released a statement stating: "Let this toxic relationship and contentiousness be a teachable moment to all of you." A teachable moment? My child is gone, and the judge cannot even acknowledge his decision to award the murderer access to my child led to her death.

I have heard from people from all over the world, mostly moms, each one begging me to help them with their own custody issues, asking for advice, sharing stories so similar to what I went through in court, each one saying "I don't want my child to be the next Kayden." Tough words to hear. Sadly I have no advice to give them, what I did in court didn't work for me. I buried a beautiful 7 year old after spending thousands and thousands of dollars in a system I had faith in, that I thought would protect her, that should have protected her. No parent should have to bury her children, especially where it could have so easily been prevented. Parental rights supersede children's rights in our family courts, and *this is backwards*. Some people are evil and shouldn't have kids or be around kids or even humans. He wouldn't have been able to adopt and have a

dog because of his violent history, but humans were fine according to family law. Kayden's father's "parental rights" superseded her right to live. Every judge, candidate, lawyer, or court personnel, I have talked to all say the same thing: that the best interest of the child comes first. But it doesn't. In practice, it doesn't. Passing a 50/50 presumption custody bill as that of HB1397 being introduced into the House would be detrimental to the safety of kids. It would make it worse than it already is. Kids safety and *actual* best interest should be the number one priority in all custody cases. Number one priority. The end. There shouldn't even be a discussion about it - it should be the norm. Again it's not. Protective parents are viewed as "alienators". The courts take this bogus theory (written by a dead pedophile apologist, Richard Gardner), which abusers use to challenge real abuse claims or safety risks for the child, over anything else. Over the child's best interest. You hear the word "alienation" (like Jeff claimed against me, her mom trying to protect her) and all of a sudden all other information or testimony, witnesses and experts and all of that is dismissed or ignored by the courts. Claiming "alienation" works for dangerous parents. All the real evidence gets brushed over then and kids get handed over to abusive parents on silver platters. "Alienation" claims are used against protective parents, and the protectors are then punished and threatened by the courts if they keep trying to get their kids to safety. Punished, gagged, safe parent's rights are reduced or even terminated, some safe parents are thrown in jail for "civil matters" - trying to protect their kids from dangerous abuse which protectors know is happening but courts ignore or disbelieve. I don't deny that divorcing or separating parents sometimes say bad things about the other. It occurs, but the weight that it holds in family court in these custody cases is absurd and detrimental. By passing a bill like HB1397, it would only aid in making family court that much more dangerous

to our kids and their safety. Kids are *not* property. They have the right under our constitution, to be protected like any other human. Kids rights are human rights.

-Kathryn Sherlock, June 2019