

AG's office targets Sacramento family court mediator

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By Malcolm Maclachlan | 04/21/11 12:00 AM PST

The state Attorney General's office has filed legal papers seeking to revoke the license of a Sacramento family courts mediator for allegedly lying on her renewal application. The mediator, Janelle Burrill, has been at the center of numerous controversial child-custody cases.

Burrill is based in Sacramento, but works in both the Placer and Sacramento family courts. The Sacramento family courts, along with Marin, were reviewed by the Bureau of State Audits in a January audit that was critical of the standards both courts used in hiring and monitoring court-ordered specialists.

Attorney General Kamala Harris' office filed the accusation against Burrill on March 17 on behalf of Kim Madsen, executive office of the Board of Behavioral Sciences (BBS). BBS operates under the Department of Consumer Affairs (DCA) and licenses clinical social workers, among other professions. Deputy Attorney General Karen Denvir wrote the official accusation against Burrill and will prosecute the case on behalf of these agencies.

The accusation states that Burrill "committed dishonest, corrupt or fraudulent acts" when she claimed on her June, 2009, renewal application that there were no official pending complaints against her. In fact, there were two official complaints of official misconduct filed against her by family court litigants at the time. It also notes that in March, 2010, the American Board of Examiners in Clinical Social Work revoked Burrill's certification for "misrepresentation" of complaints against her.

Finally, the accusation claims that Burrill "made a false representation" in a letter to family courts judge regarding one of the BBS complaints against her. That complaint stemmed from her work as a "reunification therapist" in a custody case between Jayraj and Bindu Nair over their two sons.

In February, the Capitol Weekly published a story about Jayraj Nair, the father in this case, and his official complaints about Burrill as he sought to regain custody of his sons. We did not identify Burrill by name in that story, but an April 7 San Francisco Weekly story did.

When reached by phone in February, Burrill referred questions to her attorney, Ed Friedberg, who was quoted in the earlier story. As of press time, he had not returned two calls seeking comment for this story.

According to sources at the AG's office, Burrill has been served with the accusation and has contested the charges. The case will likely be heard in October. If she is found guilty of the charges, her case would be referred back to BBS, which would have the option of taking away her license - though Burrill could file multiple appeals. "She can drag this on forever, seven years or so, without an impact on her practice," Jayraj Nair said.

Burrill was appointed to seek reconciliation between Suraj and his mother Bindu in 2008. According to numerous official documents, Suraj had been seeking to be placed in the sole custody of his father, Jayraj. Burrill soon began clashing with both father and son, including a billing dispute with Jayraj Nair.

By early 2009, Jayraj Nair had begun filing official complaints with BBS over Burrill - one of the complaints she allegedly did not acknowledge, causing her to run afoul of licensing organizations. Burrill countered with allegations that Jayraj was intentionally seeking to alienate Suraj against his mother—something he has denied.

Burrill has also sued Jayraj Nair for defamation for comments he made on the website RightsForMothers.com. Burrill has also sued him for distributing an audio recording that Suraj Nair made of one of his sessions with Burrill. Jayraj Nair said Burrill has accused him of making the recording, even though he said he was not present. He also said he is preparing a civil rights lawsuit against Burrill, but will not be seeking damages.

"We don't want any more children and families harmed by her," he said.

In February 2009, then 12-year-old Suraj was taken from his father's Granite Bay home in handcuffs and turned over to the fulltime custody of his mother. He has reportedly run away numerous times since, and has been staying in a protective facility in Placer County since March while seeking reunification with his father.

Jayraj Nair has lost numerous rounds in court, though he alleges this is largely because he has run up against a legal system in the Placer County family courts that has circled the wagons around Burrill. This includes an order to pay \$75,000 of his ex-wife's attorneys' fees.

He recently won a round in court. On March 25, a state appeals court ruled that he was improperly barred from being able to hold an evidentiary hearing to contest the restraining order keeping him away from his son and his ex-wife. The court ordered such a hearing to take place within 60 days, opening the possibility that Nair may soon be able to see his older son. Burrill has been the subject of numerous complaints over the years. Last June, a group of parent litigants held a protest rally against Burrill outside her Sacramento offices.

In August, Betsy Vail and her daughter, Rebecca Knox, testified at a hearing of the California Commission on the Status of Women that Burrill sought to reunite Knox with her estranged father against her will and also acted in an extremely unprofessional manner. Knox and Vail eventually prevailed in that case, severing ties with the father, and have filed official complaints against Burrill with multiple state agencies - including one with BBS.

In January, the Bureau of State Audits issued a report on the Family Courts in Marin and Sacramento Counties. It did not mention Burrill or anyone else by name, but found that the Sacramento family courts did not properly vet their court-appointed specialists.

Jayraj Nair said that he hopes his case and others like it help lead to greater outside scrutiny on the courts in general and the family courts in particular. He said he especially hopes that steps are taken to remove the immunity that court-appointed witnesses have when they testify, saying this gives these specialists the freedom to "commit fraud" and get away with it.