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MOTION TO RECUSE #4

ADA VIOLATION

Mental Health and ADA Accommodations

Judge Purpura has falsely accused Ms. [REDACTED] of severe mental health issues, despite medical records and professional evaluations showing she has anxiety, managed effectively for over 20 years. Judge Purpura references an out-of-state marriage therapist who treated both parties during a "marathon boot camp" therapy in Seattle, Washington. This intense therapy, known for extreme emotional responses, is not a standard method for ongoing mental health assessment. The therapist's description of Ms. [REDACTED] as "emotionally dysregulated" was based on these unusual sessions and does not reflect her behavior in daily life or mental health status. This assessment, cited in the first court psychiatrist's report three years ago, inaccurately represents Ms. [REDACTED]'s general mental state. The out of state therapist told Dr. Siebert that her opinions were based on accounts from Mr. [REDACTED] as she did not see any of these incidents first hand.

Judge Purpura continues to assert that Ms. [REDACTED] suffers from "emotional dysregulation," often using opposing counsel's narratives to justify this claim, despite the lack of supporting evidence or medical diagnosis. This term originated from a boot camp style therapy session with a marriage therapist in Seattle who was not Ms. [REDACTED] individual therapist.

Despite these flawed assessments, Judge Purpura has used them to justify significant decisions, including awarding full custody to Mr. [REDACTED] and drastically reducing Ms. [REDACTED] visitation. These claims were also used to deny Ms. [REDACTED]'s motion to have Judge Purpura recused from the case. Judge Purpura has implied that Ms. [REDACTED]'s alleged mental health issues are a primary reason for awarding full custody to Mr. [REDACTED], despite his history of abuse and battery. She has consistently suggested that Ms. [REDACTED]'s mental health affects her ability to provide the best care for her children. However, there is no evidence to support this assertion. All professional evaluations, including Ms. [REDACTED]'s recent MMPI test, show her mental health within the normal range. Ms. [REDACTED]'s diagnoses of anxiety is well-managed and do not impact her parenting capabilities. Evaluations have not indicated that these conditions impair her ability to care for her children. Furthermore, there is no evidence that Ms. [REDACTED]'s mental health has negatively affected her children, contrasting with documented incidents of abuse and battery by Mr. [REDACTED]. Additionally, Mr. [REDACTED]'s psychological test results were unreadable and unscorable, suggesting that he either did not answer all the questions or attempted to manipulate the test. Despite this, Judge Purpura has ignored these results and continues to assert that Mr. [REDACTED] is "good" and that there is "no credible negative" information on him.

Relevant Rules

- Maryland Rule 2-522
- Maryland Rule 5-702
- *Montgomery County v. Sanders*, 38 Md. App. 406 (1977)
- *Leary v. Leary*, 97 Md. App. 26 (1993)
- *Bienenfeld v. Bennett-White*, 91 Md. App. 488 (1992)

During the May 29, 2024, hearing, Ms. [REDACTED] requested ADA accommodations for anxiety and attention deficit disorder. Judge Purpura dismissed the request, stating, "I don't see anything that would qualify as necessitating an accommodation under the Americans with Disabilities Act." She further remarked, "Lots of people are anxious, especially in courtrooms... but not everybody has those disorders to the degree that would necessitate any kind of accommodation." However, Judge Purpura has acknowledged Ms. [REDACTED]'s competence in court, saying, "You're pretty good at advocating for yourself," and, "I see people in your situation all the time, and you seem to handle it very well." These statements are contradictory. On one hand, Judge Purpura uses Ms. [REDACTED]'s mental health to restrict her parental rights, while on the other, she downplays the need for ADA accommodations by suggesting Ms. [REDACTED] manages court proceedings effectively and does not require special assistance. Under the Americans with Disabilities Act (ADA), individuals with disabilities are entitled to reasonable accommodations. Ms. [REDACTED]'s diagnosed conditions, such as anxiety and ADD, should have been considered for ADA accommodations to ensure she could participate fully and fairly in the judicial process. Judge Purpura has demonstrated a lack of impartiality and fairness by using Ms. [REDACTED]'s mental health conditions to question her fitness as a parent and restrict her parental rights, while simultaneously dismissing these same conditions when it came to providing ADA accommodations. This contradictory stance not only violates ADA principles but also undermines the fairness and integrity of the judicial

process. Legal precedents such as **EEOC v. Ranew's Management Company (2022)** and **EEOC v. Hollingsworth Richards, LLC (2022)** emphasize the importance of providing reasonable accommodations to individuals with psychiatric disabilities, and **Tennessee v. Lane, 541 U.S. 509 (2004)** affirms the necessity for courts to accommodate individuals with disabilities to ensure their fundamental right of access to the courts.

The inconsistent treatment of Ms. [REDACTED]'s mental health for different judicial purposes violates her right to equal protection under the Fourteenth Amendment, which mandates equal treatment under the law. Applying different standards to Ms. [REDACTED]'s mental health in custody decisions versus ADA accommodations indicates discrimination. Canon 3 of the Code of Judicial Conduct requires judges to act impartially and diligently. Judge Purpura's contradictory statements about Ms. [REDACTED]'s ability to advocate for herself versus her need for ADA accommodations demonstrate a lack of impartiality and fairness.