

Appendix B – Summary of Russell’s Prior Statements

As with Max, there was no discussion about respondent’s conduct during his first KidsTalk forensic interview, and her name was not mentioned during it.¹

As time went on, Russell revealed more and more about what occurred when they lived with their father and stepmother. (Ex. 26, p 28) He was forensically interviewed a second time at KidsTalk in August 2018. At this interview as well, respondent’s conduct was not the main topic of conversation,² though her name came up briefly when Russell mentioned it in relation to something unrelated to the physical abuse itself – the interviewer asked how respondent knew about the abuse.³ Russell answered that she would be present while their father was beating them: “She knew what was going on but she would never stop him or call the police or anything. She was standing in the room. She could hear us scream. She didn’t do anything.” (*Id.* at p 19) The interviewer did not ask Russell whether he told respondent about the beatings, showed her abusive marks on his body, or had makeup put on him or Max.

Respondent’s name was not mentioned during Russell’s Juvenile Court testimony, and none of the questions he was asked in that trial would logically have prompted him to mention her, or makeup, or showing his injuries to her. (Ex. 28) Similarly, at his father’s criminal trial he was

¹ Russell told the interviewer that if the boys had marks on their bodies their father would not let them leave the house. (*Id.* at p 39) He reported that every time his father finished hitting them, he said: “Everything that happens in this house stays in this house,” apparently referring to sharing information with outsiders. (Ex. 25, p 42)

Russell told the interviewer that his mother just told him to tell the truth. (*Id.* at p 42-43)

² Russell spoke about being sexually assaulted by his father, seeing his father and Katy having sex, said “a guy” did inappropriate things to Max, and said his father engaged in sexual activity with boyfriends and sometimes Katy would be involved. (Ex. 26, pp 12-22) He also reported that respondent and her husband drove drunk, that Katy made them wear long-sleeved shirts and pants, and that their father covered up a bruise with makeup. (*Id.* at pp 18, 24, 26)

³ It is unclear from the context of the interview why the interviewer asked that question. Russell had not said that respondent knew about the abuse until he answered the interviewer’s question.

not asked any questions that would have prompted him to say whether he told her about the beatings or showed her his injuries, and she was not mentioned during his testimony. (Ex. 24)

It was only after the JTC opened its investigation into whether respondent had concealed evidence of child abuse that Russell was forensically interviewed about *her* conduct for the first time. (Exs. 27, 30) During that interview he said she knew the boys were being beaten, and sometimes she would come to their house and hear them screaming. (Ex. 30, p 16) On one occasion the boys were screaming and she came upstairs. He showed her bruises on his face, arms, and legs. She did not say anything. (*Id.* at p 17) He said he told her at least two other times that his father was hitting him. (*Id.* at p 18) At another part of the interview, he reported that he told her four to five times about being hit. (*Id.* at p 28) He said respondent never reported the abuse to the police or CPS and never removed them from their father's care. (*Id.* at p 27) He said he saw a mark on his brother's face that was dark purple, circular or oval, and that this happened every time they got hit. (*Id.* at pp 27, 28) He also saw a handprint on his brother's face after he was slapped. (*Id.* at p 28)

In preparation for Russell's hearing testimony, disciplinary co-counsel met with Russell again, in the Livonia city hall on June 10, 2021. (Ex. 46) He said that on the day he and Max were removed from their father's home, he was aware that respondent was at the home but she stayed outside. (*Id.* 15:50) Max told CPS he did not want to go with her. (*Id.* at 16:04-16:15) Russell said he did not want to go with her either. He said she knew their father was hitting them because he and his brother told her every time they went over there, once or twice a month. (*Id.* at 16:18-16:46) He is certain he showed respondent marks on his body, especially on his legs. He showed her the marks four or five times and told her about the abuse five times. (*Id.* at 17:08-17:42) He

said his dad called the beatings “spankings,” and he told respondent about them. She never asked for details, (*Id.* at 39:45-40:20), and said nothing when he told about the abuse. (*Id.* 17:08 -17:56)

Russell further reported that when at respondent’s house she put makeup on him once or twice, on his face, not on his legs. Max saw this. It happened in the upstairs bathroom. She removed makeup from a cabinet and used her finger. She told him she did this so no one at school would see the marks. (*Id.* at 17:56 – 19:10) He felt sad after having makeup put on his face and said he did not want makeup on him. (*Id.* at 38:15-38:25) He said the boys never teased each other about having marks on their bodies, because there was nothing funny about it. (*Id.* at 40:50)

Russell also described how he saw his father choke Katy. She passed out and his father poured water on her, yelled, and slapped her. (*Id.* at 36:17) He said he and his brother told respondent about this. (*Id.* at 36:44-37:01)

Russell testified at this hearing on June 28, 2021, about 21 months after his first forensic interview concerning respondent’s conduct. He said he told her that his father slapped and choked Katy. (Russell, 6-28-21, pp 289/10-20 & 24-290/4) He also testified that he is certain he told her their father would slap and beat them. (*Id.* pp 310/1-6, 432/7-12) He said he had showed her bruises on his arms and legs, and Max had bruises on his face. (*Id.* pp 311/14-22, 322/10-16) He told her that his father used belts on them and that he put marks on their faces using his hand. (*Id.* pp 312/2-5, 321/17-25) His father called them “spankings,” but they were like beatings. (*Id.* p 322/3-4) He told respondent these things almost every time he went to her home, which was a few times a month. (*Id.* p 312/8-19) He heard Max tell her how he got marks on his body, and Max told her every time he did. (*Id.* p 319/11-19) He shared with her that he was afraid of his father and did not want to go with him. (*Id.* p 319/20-25)

Russell never heard respondent talk to his father about what he was doing to the boys. (*Id.* p 320/3-5) In fact, she did not do anything about it; she did not ask questions or call the police or CPS. (*Id.* p 322/14-22) One of the reasons he did not want to be placed with her after being rescued from his home is that she knew about the beatings and did nothing. (*Id.* p 434/16-20)

Russell testified he saw respondent put makeup on a handprint on Max's face. (*Id.* p 323/19-22)⁴ She also put makeup on him two to three times, but put makeup on Max more often. (*Id.* pp 312/24-313/4) She put makeup on his arm as well. (*Id.* p 313/9-13). He did not want her to put makeup on him and did not like it. (*Id.* p 319/6-10) He does not think he ever teased Max about the handprint on his face, and he never told respondent he teased Max. He never heard Max tell her that he teased him. (*Id.* p 315/2-9)

Russell testified he can't remember if he previously said respondent put makeup on his face. (*Id.* at p 439/1-9) He admitted he does not have a good recollection about the makeup. (*Id.* at p 356/5-7) He is not sure if he ever said before that respondent put makeup on his arms or legs. (*Id.* at pp 439/18-25, 440/1-2)

⁴ The first time Russell was interviewed about respondent he said he never saw her put makeup on Max, but Max told him she did.

In Russell's prior interviews, he did not say that respondent put makeup on his arm.