

Gotland District Court 2012-06-13
Christer and Annie Johansson v. Gotland Social Welfare Board
[Unofficial Translation]

COURT'S DECISION

Summary: The court dismisses CPS's action. Ruby Harrold-Claesson is to receive 148,780 SKr (72,300 for work; 29,835 for wasted time; 16,889 for reimbursements and 29,756 in sales/use tax). 30% for Annie Johansson and 70% for Christer Johansson.

[Page 2]

BACKGROUND

Annie and Christer Johansson are married and have a son together – Domenic, born September 9, 2001. Domenic has since birth been under both parents' joint custody. Annie Johansson is from and a citizen of India.

Based on a court decision on June 24, 2009, Domenic was immediately (on June 25, 2009) taken into forced custody (foster care). There was an appeal that was denied and a higher court refused to hear the case. The parents requested that the foster care would cease but this request was denied by Child Protective Services (CPS) and the courts. Domenic has therefore been in foster care since June 2009. After a short period in a temporary home, Domenic has since late summer of 2009 been placed in a foster home at the married couple Hultberg's in Väske on Gotland.

The reason for the decision of foster care was that Domenic was thought to have suffered both physical and psychological neglect. The physical neglect consisted of, according to the court's decision, the parents preparing to travel to India with Domenic without letting him get the necessary vaccinations or having an opportunity to obtain immunity against diseases common in India, that the parents had failed to ensure that Domenic had necessary dental care and that he had not been taken for health check-ups. The psychological neglect consisted of, per the court, that Domenic had been deprived of access to education including socialization with children his own age, and from obtaining knowledge. The court found that Domenic's physical health was lacking (he had cavities in several teeth) and there was a clear danger that his social, emotional and intellectual development would be damaged plus it seemed impossible to get necessary care voluntarily.

[Page 3]

It is already noted here that the decision of immediate foster care was implemented by police involvement aboard an airplane at Arlanda airport in connection with the family's (both parents and Domenic) leaving Sweden to travel to India.

It is already noted here that Domenic, who was subject to compulsory education starting fall semester of 2008, had not attended school during the 2008-09 school year even though the parents had been assigned fines if Domenic were to not attend school, and that the court had twice decided on fines. Also noted that Domenic now is in grade 3 as opposed to grade 4, where he would be if he had started school fall of 2008.

It is further noted that Christer Johansson on January 21, 2011 was charged with illegal detention and a minor narcotics violation. The illegal detention consisted of him taking Domenic with him on November 22, 2010, and keeping Domenic away from the foster home for two days. The court decided on protective custody and two months jail time; the jail time requirement was satisfied with the time Christer Johansson spent in jail during the arrest/court case (during which time he underwent psychiatric evaluation). The court decision was finalized on May 9, 2012 after an appeal asking that Christer Johansson be sent to jail.

It is further noted that CPS decided on visitation. In January 2010, the visitations were limited to one hour every five weeks with a family therapist present, plus 15 minutes of telephone conversation with someone listening in. In December 2010, all visitation was denied, the decision motivated by Christer Johansson's actions. So for the last year and a half there have been no visits allowed and Domenic has not met his parents during this time.

[Page 4]

Finally noted that the prosecutor communicated the visitation/communication ban to Christer Johansson; originally the ban was for March 8, 2011 – March 7, 2012, and then extended through September 6, 2012.

MOTIONS, ETC.

CPS in Gotland has asked the court to transfer the legal guardianship of Domenic to a specially assigned legal guardian, and has appointed the lawyer Margaretha Dufvenmark in Visby as such legal guardian.

This is a summary of the support for such request:

Annie and Christer Johansson are guilty of neglect in caring for Domenic, which puts him at permanent risk regarding his health and development. Domenic is in foster care due to a court decision regarding lack of care which has led to damages in Domenic's health and development and substantial risk for further damage if he were to stay in the parents' care. The parents have denied insufficient care and are against foster care. In a child psychiatric evaluation on October 2, 2009, it was determined that Domenic has suffered significant neglect. During the foster care, the parents have had some interactions with Domenic. This interaction has gradually had to be limited because the parents have discussed with Domenic the ongoing process plus they have shown very little interest in Domenic and instead burdened him with their own problems. Domenic has reacted negatively and not wanted to meet with his parents. Since the visits were limited to one hour every five weeks and one phone conversation every two weeks, Domenic has felt relief and has been more relaxed during the interactions.

[Page 5]

By illegally removing Domenic in November 2010, Christer Johansson removed Domenic from security and hindered further care. By the removal, Christer Johansson reduced Domenic's integrity and caused psychiatric trauma with residual worry and continuous fear to again against his will be removed from the foster home where he feels secure. CPS feels that the matter is placement during the growing up years. The parents are not able to encourage Domenic to be comfortable in and enjoy the foster home; instead they are trying to demonize the foster parents. The court said in its decision that there is certain risk that Christer Johansson will commit further crimes against Domenic or someone else who has anything to do with Domenic's care. It has been revealed that neither parent considers it criminal to remove Domenic the way it was done. Obviously there were plans to transfer Domenic from Gotland after the removal. At an earlier attempt in May 2010, the parents together with their representative Ruby Harrold-Claesson and the paternal grandparents tried to unauthorizedly get involved in the care by showing up unannounced at the boy's school and demand to see him. After that the CPS had to take various precautions to protect Domenic. As guardians, the parents have rights to partake of some case material and other information pertaining to Domenic, even items normally covered by confidentiality. CPS has noticed that some material pertaining to Domenic's personal relationship with his parents, with the help of someone has been put on the internet, both on Swedish and International webpages. The fact that the information has been made public poses a risk to Domenic's psychiatric health and personal integrity, both short and long term. Information on the internet is available "forever" and can be read by anyone, including Domenic himself. Since the foster care, there have been continually updated reports available on the internet about "the Domenic case". The parents have a right to argue their case in general terms, but by exposing Domenic on the web they show a definite lack of care regarding him. Per the CPS, there's a significant risk that new attempts will be made to get involved in his care and that either parent commit or affirm crimes against Domenic. Since the removal, it's been necessary to take certain precautions to protect Domenic. Domenic is not unaware of these precautions and this is to inhibit his development.

[Page 6]

In regards to the existing situation, it's not in Domenic's best interest in caring for his person and integrity that the parents remain as legal guardians. In regards to what the court has determined as risk for crimes toward anyone involved in Domenic's care, it's not appropriate that the foster parents are made guardians. Instead someone else needs to be assigned as legal guardian. Margaretha Dufvenmark is suited for the assignment; she has not had assignments like this before but as a lawyer (and mother to her own children) she will handle the task well. The actual care will continue in the foster home as assigned by CPS. Once a legal guardian has been assigned, it's still necessary that the care happens according to LVU to minimize the risk of unauthorized actions in the required care. The matter of ceasing the foster care is under investigation; the investigation was started based on a request from the parents in December 2011. The last semi-annual evaluation was done in May, 2012, when it was decided for the foster care to continue.

Annie and Christer Johansson have contested approval of the application. In support of this, they have asserted the following (in summary). They have not failed in the care of Domenic, but always looked after

and cared for him as good and loving parents. To the contrary, it is the Social Welfare Board which, by the brutal seizure and the subsequent decisions has harmed him. The conduct of the Social Welfare Board and administrative tribunals violates the parents' and Domenic's human rights as set forth in the European Convention on Human Rights and Fundamental Freedoms, together with the Supplementary Protocol thereto, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child. The parents have brought proceedings against Sweden at the European Court of Human Rights. The seizure is an economic exploitation of Domenic: on account of Domenic's seizure, the family had to spend large sums of money. - It is untrue that Domenic had been physically damaged: he was in good health until he was seized. It was testified that he had tooth decay, but the significance of this has been greatly exaggerated, the (parents') intent was that Domenic would receive dental care in India. He was well developed at the time of his seizure: he could speak both Swedish and English (his mother's language) and he had good knowledge also

[Page 7]

in other areas, such as counting, letters, etc. He was taught at home by his parents: they both have the training needed to give him instruction. The idea was that he would start school in India. When authorities got this clear, they stopped the penalty notices. It was not necessary to vaccinate him before leaving. - The sudden and brutal seizure, on board the aircraft, caused Domenic tremendous harm: he was traumatized. This is evidenced by his strong physical reaction immediately after his seizure. The fact that the child psychiatric report says he is not appropriately developed for his age may well be a result of the brutal treatment and separation from parents. If he still feels bad it is because of the seizure and the continuing compulsory custody, not because he has been subjected to any deficiencies in [the parents'] care. Nor can the fact that he was able to come home to them for two days in November 2010 be the cause of any malaise: Domenic had a good time during those days and got to meet his parents and grandparents. He said he did not want to return to the foster home. The only way Domenic and [his parents] can be healed now is for Domenic to come home: only when they are together again, can they work through the traumatic events. It would be unnatural for them in this situation to encourage Domenic to "enjoy your time with and enjoy" the foster home. The term "upbringing placement" that the Social Board uses is not in the law, but is used by the Board in order to mislead the Court. The goal of custodial care under LVU is rather that the custody should end as soon as possible and the child be reunited with his parents. Domenic is entitled to his parents and his people. -Both parents, and especially Annie Johansson, have been harmed significantly by the seizure and compulsory custody of their son. Annie Johansson has had a cardiac arrest and nearly died. Now, if we take custody from her and Christer Johansson, there is a real risk that she will not survive. A transfer of custody would jeopardize both parents' lives. - As a result of the seizure they live as hostages in Sweden: they cannot leave Sweden, for example to settle in Annie Johansson's home country, because it is unthinkable for them to leave the country where their only child is. Christer Johansson, furthermore, lost the employment that awaited him in India. It is quite incomprehensible that the state custody could be motivated because Domenic did not go to school, because all schools have summer vacation when the seizure took place. - It is

[Page 8]

true that there is information on Domenic's case on the Internet. The parents have not put out all the material, but they have told about what happened and got a half a million people around the world to get involved in the case.

INVESTIGATION IN THE CASE

The Court has held a main hearing in the case. At this hearing, the Social Board produced the following written evidence: *[see original Swedish document for long list of reports, court decisions, investigations, and other proceedings]*.

Annie Johansson and Christer Johansson presented as documentary evidence the [attached documents consisting of] invoices and boarding passes for the planned trip to India, the decision concerning police assistance of 24 June 2009 with documents (partially "censored") of 25 June 2009 from the Border Police, Arlanda Airport, the documents (partially "censored") relating to investigation and approval of the spouses Hultberg as a family [i.e., foster] home, the diploma of Annie Johansson, documents relating to questioning and rejection of Ruby Harrold-Claesson as public counsel, submission of 26 January 2011 from

[Page 9]

Attorney Johan Carlsson to the Kammarrätten (Administrative Court of Appeals) in Stockholm, undated letter from Bengt Nilsson (and Bengt Sprowede), statements by Trevor Archer of August 30, 2010 and 3 May 2012, child health journal (Attachment 127) and school health record (Attachment 128).

Attachments 12-18, 49 and 127-128 have been presented in closed session.

Annie Johansson and Christer Johansson also produced images in photographs.

Furthermore, extensive oral evidence has been presented. Thus, depositions were held with Annie Johansson and with Christer Johansson. Furthermore, at the Social Welfare Board's request, testimony was taken from Gunvor Allqvist, the Unit Chief at the Social Services Department. At the request of both the Social Welfare Board and Mr and Mrs Johansson testimony was taken from the Advocate Eva Ernstson, who has been Domenic's public defender and representative in the above cases in the administrative courts as well as his special representative in the criminal case. At the Johanssons' request, further testimony was taken from Trevor Archer, a professor at the University of Gothenburg, and from the relatives Rune Johansson, Mikael Johansson, Therese Johansson, Bertil Johansson, Inger Johansson and Ove Lindstedt, with the couple's friends Cornelia Adolfsson and Artur Niczko and finally with previous "personal advocate" Bengt Sprowede.

DOCUMENTARY EVIDENCE

The documentary evidence shows, beyond what is noted above under "Background," among other things, the following. The Social Services investigation began in December 2008 because Domenic did not come to school. Christer Johansson said in contacts with schools and social service staff that the parents intended to teach Domenic at home. As early as 2006, reports of concern about Domenic and his home situation had been received. Questions about parents' physical and mental health had been raised and it had been alleged

[Page 10]

that Christer Johansson used cannabis. It also emerged that the parents had missed taking Domenic for several health check-ups and the Public Dental Service check-ups. Domenic has not attended preschool, nor the so-called preschool class.

The above-mentioned child psychiatric report states, among other things, that Domenic functioned cognitively, emotionally, socially and motor like a younger child and often seemed naive and normless in behavior and interactions. He seemed to lag behind same-age peers in abilities. He seemed like a happy and spirited boy with the ability to bond with others. But his attachment patterns seemed ambivalent and there were indications of mental illness. He was not considered to exhibit social skills expected at his age. The report went on to note that it was difficult to assess his possible difficulties since he was in a disruptive situation due to the seizure and the consequent changes in his life situation.

The forensic psychiatric opinion concerning Christer Johansson was that he is not suffering from any serious mental disorder, but was diagnosed with a certain personality disorder.

THE ORAL EVIDENCE

Annie Johansson has stated in summary the following: She has a bachelor's degree in literature and in addition a master's degree in literature, marketing, leadership and IT. She had a good childhood with mother, father and siblings. She met Christer in India and they married in 2000. Domenic was born in 2001. They then lived in Hemse. Eventually, in 2009, they decided to move to India. Until then they had not been sure of where they should live. When the police walked into their home one Sunday, they started thinking about moving to India. - Both she and Christer took on the responsibility to educate Domenic and both had enough knowledge to do it. They were unsure of where Domenic should attend school. There were certain feelings of uncertainty, e.g. concerning the travels to school. Domenic socialized with a group of children. - The seizing, on the airplane, was totally traumatic. They had arranged passports and visas, bought tickets and boarded. The airplane had left the gate. Then someone came and said they were looking for Christer Johansson. They had to get off. There were a lot of police and they said they wanted to talk to Domenic briefly. Then they seized Domenic and put him on a plane to Gotland.

[Page 11]

Domenic cried and shouted “Mommy!” and she didn’t know what to do. She went into cardiac arrest and almost died. – CPS has tormented them ever since. They have turned Christer into a registered criminal for bringing Domenic home in November, 2010. Domenic only got to be home for four hours. She can’t understand how Domenic’s own father can be of danger or a threat to him or how Christer’s actions can be considered criminal. – She has cried and been to the emergency room 35 times since her son was seized. She has not been allowed to see her child since November 2010. She doesn’t believe that Domenic doesn’t want to see her and Christer. They are his parents. Domenic must be allowed to come home to them. It’s none of society’s business how they raise their child; it’s their business. According to the Bible and marriage it’s the parents’ responsibility to care for their children, not CPS’s. CPS is acting as if Domenic were a pet and not a human.

Christer Johansson has stated in summary the following: He was born and brought up on the countryside, is interested in animals and nature and spends a lot of time with his parents and siblings. He met Annie when he worked in India. They experienced both an earthquake and a robbery in India. They ended up in shock and therefore needed some assistance when they returned to Sweden in 2001. Domenic was born here in Sweden in 2001. They took it easy and were careful and all was well until 2006. Then CPS arrived unannounced at their house along with the police. There had been an anonymous tip. They were very critical seeing Domenic, who was 5 years old, sitting in Annie’s lap drinking out of a baby’s bottle and told Annie to separate herself from him. They recommended taking Domenic for a health check-up. They did that and it was found that Domenic was totally healthy. Domenic was completely well for 7 years, up until he was removed from them. The only problem was that he had bad teeth. – They had been planning to go to India since 2002. They asked for homeschooling materials to teach Domenic at home. All of a sudden the authorities decided that Domenic should attend (public) school. They wanted to meet with the Child and Education Department about it, but were not allowed to. – They decided to travel to India. They were sitting on the airplane and the whole family was doing well. It’s completely incomprehensible that CPS took Domenic. CPS said that they would take Domenic if they left Sweden. They decided to cooperate with CPS, but CPS still took Domenic. Both he and Annie broke down. Annie stopped breathing and her heart stopped beating. He gave her CPR; no one else helped Annie. Domenic started throwing up from fear and shock. Domenic was seized from them and flown to Gotland. He was put in a temporary home, which was an okay home. Then he was moved to a different home. Domenic is now completely changed; his Gotland dialect is completely gone and he has lost himself. Domenic earlier spoke with a Gotland dialect and was good at English. – Domenic has never said that he didn’t want to meet them. Their interactions have been totally controlled by CPS. – Domenic was traumatized by the seizing. He was sick for six months. He must still be suffering badly and the only way for him to heal is for him to come home to them. Then the three of them can start to process what happened. Domenic needs to come home to them and will not be well in any other home. – When he brought Domenic home in November, 2010, it took about an hour and a half for Domenic to be himself. Domenic got to meet his grandmother, grandfather, uncle Micke and all the animals. He got to see his room and all the toys and he was so happy.

[Page 12]

When the police arrived (he himself called them) there was mayhem. Domenic told him that he didn't want to go back to the foster home, which made him, Christer, very frustrated. The police came and carried Domenic away. Since then Domenic has not been allowed to see his grandmother and did not get to go to her funeral. – He and Annie have told the truth on the Internet about how they've been treated. Half a billion people have reacted. Maybe it'll take another half a billion. Nothing can be worse than being separated from your family.

Gunvor Allqvist has stated in summary the following: She is a department director for CPS. Her employee is the most closely involved and she has received information from the foster home about how Domenic reacted to the removal in November, 2010. Domenic has said that he was scared but got used to it. He has also said that he spent the first night in a barn, that he met his grandparents and that he tried to call 911. Since the incidence Domenic has been worried and scared. In May, 2011, he was still asking his foster parents if there was a chance his dad would come back. It has ceased now, but he is still worried. The removal caused Domenic's trust of adults to be damaged. He's afraid of his parents, especially the dad. – At the time of placement in 2009, it was noted that Domenic's development was delayed. He had severe social difficulties and was behind academically. He had to start in first grade although he should have been in second grade. He has mostly recovered by now, but when he gets worried he falls behind again. He has some problems concentrating at school, but things are getting better and she assumes that the school can handle his special needs. – Domenic has found information about himself on the internet; it says he was kidnapped. That made him very scared and it's a marked danger for his development that there is so much information about him available on the web. There is confidential information available. CPS can't deny the parents access to otherwise confidential information about Domenic. CPS has been forced to take certain precautions to protect Domenic; precautions based on the Social Services law, not the law about the care of young people (LVU). The interactions needed to be limited. The reason is that during interaction, the parents chose to have adult conversations on their terms; Domenic was brought into the discussion about the LVU process. This lead to Domenic not always wanting to cooperate in the interactions. – She doesn't know if CPS had read the health clinic's reports prior to the seizing. She has not read it. – It is her opinion that Domenic still is anxious due to the father's removal in November, 2010, not due to the seizing on the plane in June, 2009.

Eva Ernstson: She was Domenic's public representative in all the court proceedings. She has met Domenic 7 or 8 times. The tone of these meetings/proceedings has been very tense compared to other LVU meetings. She has been inundated with e-mails, threatened with monetary fines, police reports, etc. She is of the opinion that CPS's case is as well-supported as can be expected. She has never doubted CPS's actions or the courts' decisions; she agrees that foster care was necessary. She has also been Domenic's special representative in the criminal case. She was present during a hearing with Domenic. He was obviously affected and needed constant reassurance from the foster parents that they had everything under control.

[Page 13]

It is her opinion that his worry has continued: Domenic gets up at night and wants reassurance that his dad won't come get him. The worry has now receded. But the removal was a big step backwards. Domenic's development regressed. Domenic is attached to his foster parents; it's probably a survival instinct that a child attaches itself to its caretaker. She doesn't know how Domenic is doing today, but is under the impression that he's doing well. She's aware of him having some issues at school. – There is a campaign on the internet where information about Domenic is posted. He is completely defenseless against this. She is very worried about how it may affect him now and in the future. He is well aware of the information being available on the web. – She doesn't remember saying that Christer Johansson has hatred against authorities. However, she sometimes dramatizes, so it's not impossible that she said something along those lines.

Trevor Archer has stated in summary the following: He's a professor of psychology at the University of Gothenburg. He met and talked to the Johanssons in late summer of 2010. He has since then had some contact with them via phone and e-mail. It is his opinion that both parents were ill affected by the seizing of their son. Christer Johansson was in better physical condition. He perceived Christer Johansson as a well-meaning person with convincing education and knowledge, but with much anxiety and traumatic experiences. He can appear somewhat confused and naïve. Annie Johansson was severely ill; it was shocking to watch her. She was severely traumatized by fear and anxiety. In summary, both parents were frighteningly traumatized individuals who had lost control over their existence. Christer and Annie shared many details regarding the events that led up to the separation from their son; that they were on an airplane getting ready to travel abroad when the police came in and seized their son. He has also been informed that Annie Johansson has suffered cardiac arrest several times and is not surprised; it was to be expected. He is somewhat surprised that she is still alive because back then, in summer of 2010, he wondered how long she was going to make it. She has somatic symptoms related to PTSD. However, both parents are doing better physically than he expected: they haven't developed any serious conditions and have proved to have good resistance. Frustration was an important element in the beginning, but now it's rather helplessness that is of serious concern in their health profile. – He was informed that Christer Johansson brought Domenic home in fall, 2010. He can't express an opinion regarding how that may have affected Domenic; it totally would depend on the prior level of confidence Domenic had in his father. But he's not surprised by the reports that Domenic did not feel well afterwards. – If the legal guardianship of Domenic were to be transferred, the prognosis for the parents would be really, really bad; they would not survive. He has seen two photographs of Domenic, one taken before and one after the seizing. It's hard to believe that it's the same child in the pictures. One picture shows a happy child with large eyes who appears alert and proactive. The other shows a child with closed eyes, no longer proactive but rather reactive and apparently apathetic. It's a bit scary that it's the same child. – He doesn't know how Domenic is developing and can therefore only guess how he's doing. Because he lived with his parents for the first seven years of his life, he must have a strong bond with them.

[Page 14]

When such a bond is broken, there's extreme grief which is hard to recover from. It's hard for strangers to compensate for such grief. He suspects that Domenic lives with chronic stress and that his development

will be affected. The way the brain is constructed and functions supports that. The only solution he can see is for Domenic to be reunited with his parents.

Rune Johansson has stated: He is Christer's dad and Domenic's grandfather. He and his late wife lived together with Christer and Annie several times during several years. Christer and Annie have been like every other parent; there have been no exceptions. All went well and the parents were, for example, very careful with the food. – Domenic is intelligent and eager to learn. Domenic learned a lot about computers and he learned English. He was able to read and write. He used to go along to the store and he knew all the car brands. He was advanced for his age. When Annie and Christer decided to travel to India, there were some problems with the school. Domenic had some issues with his teeth, but that could be handled in India. – He has not been allowed to see Domenic since November, 2010. Domenic was not allowed to attend his grandmother's funeral. He does not know how Domenic is doing today or what Domenic wants today. It's very strange to not be allowed to see Domenic and that he has to grow up without his parents. – In November, 2010, Christer came home with Domenic. Domenic sat at the kitchen table, did some drawing and enjoyed being home. He was happy and excited about being home. Christer then called the police and told them where they were and then the police came and pulled Domenic away, without hat or shoes. Domenic shouted to him, Rune, that he didn't want to leave. He heard Domenic say it twice, but doesn't remember if it was after the police came or before. He understands why Christer brought Domenic home; he would probably have done the same thing himself. – He thinks Domenic should have been allowed to start school in Havdhem where he was registered.

Mikael Johansson, brother of Christer Johansson, has stated in summary the following: He is married and the father of two. His children are cousins of Domenic's. He's had a good relationship with Domenic. The last time he met Domenic was briefly in October 2011 at a coffee house in Visby. Before the seizing, his son used to play with Domenic. Since the seizing his children have not been allowed to see Domenic. They think it's strange and ask why they can't see Domenic. He's been in contact with CPS and has asked about the possibility to meet with Domenic, but the CPS employee has never gotten back to him in this matter. He has not been informed that the limits on visitation only pertains to the guardians. – He knows there was an anonymous tip to CPS about Christer not being a good father and the he and Annie were bad parents. That is not true. Everything is false. They have never been bad parents. Since CPS got involved in their lives, they have not been well and have not received any help. Today they are doing very poorly. They lost their one and only child. He's never seen Domenic treated poorly by his parents. Domenic was always well. Domenic was a happy little boy who liked animals and nature. The family had a dog, rabbit and cats. Others perceived Domenic the same way as he. Domenic was very social with relatives, friends and even others; he was curious and wanted to know their names. When Domenic came home to Alva in November, 2010, he was happy to be back and did not want to leave when it was time to go.

[Page 15]

He himself was there at Alva. The police came and got Domenic and Domenic was not even allowed to bring his clothes or shoes. Domenic did not want to leave Alva which must mean that he didn't want to go back to his foster home. – The treatment of Christer and Annie in connection with the LVU case has been

terrible. There are no grounds for the seizing and can't understand that they would lose guardianship. He can't understand how this has been dragged on for so long.

Therese Johansson has stated: She is married to Mikael Johansson, Christer's brother. She has known Christer for a very long time and Annie since her arrival on Gotland. She has known Domenic since his birth. The last time she met Domenic was the evening before they were leaving for India. That was also the last time her children met Domenic. Shortly after Domenic was seized, CPS called and spoke to her. They were not asked if they were willing to consider becoming Domenic's foster parents. Annie and Christer have been affected by this, and she and her husband have a hard time understanding why this has happened. It's been hard on everyone. She feels Annie and Christer did a good job raising Domenic. Domenic was as happy and healthy as any child. The seizing has affected her children the same way as her; they wonder why it happened. Her son has wanted to see Domenic but has not been allowed to. No one within CPS has informed her that the limits on visitation only pertained to the guardians and not the rest of the relatives. She doesn't understand why the guardianship needs to be transferred. She doesn't understand why it wasn't offered to the close relatives. She wants the court to return Domenic. She doesn't understand why things are the way they are. She has never previously expressed any concern regarding Domenic not attending school. But of course she had assumed that Domenic would attend school just like her children did.

Bertil Johansson, uncle to Christer Johansson: He has visited with Annie and Christer Johansson regularly like relatives do. They don't live that far apart. He has children Christer's age. Annie and Christer have not made any mistakes in their parenting. The last time he met Domenic was about two years ago. He has not had any contact with CPS since the seizing. He has not visited Domenic. Annie and Christer have not been well since the seizing, but are of course missing their son. If you lose your boy it affects you, of course. It has affected the whole extended family. He can't understand why Domenic was seized. He can't see why that would be right. He doesn't think there was anything unusual about Domenic's upbringing other than that he has told Annie and Christer that Domenic should attend school and meet other children, other than just his cousins. He knows that Annie, Domenic and Christer were about to leave Sweden. He doesn't think it was right to prevent them from going just for Domenic to go to school, but he can't get a handle on the question. They should have been allowed to leave.

Inger Johansson. She is Christer's aunt. They have known each other since Christer was young. Because they are related, they have kept together. She perceives Annie and Christer as calm and nice and the boy as lively and happy and such. She has children Christer's age and six grandchildren. Domenic was just like their own grandchildren. He was spontaneous and happy and enjoyed being part of things. If she had noticed that something was wrong, she thinks she would have reacted.

[Page 16]

She has never seen Domenic mistreated by Annie or Christer. She was happy for Annie and Christer to go to India. Domenic seemed happy that they were going. Rune, Christer's dad, told her that they came and seized Domenic on the plane. It's totally incredible that he was seized. Annie and Christer are hopeful

today that they will get Domenic back. She has not had any contact with CPS about getting Domenic back. She has not been informed that she has the possibility of seeing Domenic. One can't believe that they've been treated this way. She can't understand why they can't realize they should give up and return him. She can't understand why they want to remove guardianship; every child has a right to its parents. She is retired now, but worked in child care for 24 years. Domenic was just like other children; all children are not the same but Domenic was not odd. Domenic has played with her grandchildren and they got along well. She wants them reunited. She has not noticed any delay in Domenic's development. She has expressed concern that Domenic had limited social interactions with other children. She has not, as stated in CPS's report, said that Christer is obstinate and keeps his own laws. She can't remember how the questions were asked.

Ove Lindstedt has stated: He is cousins with Christer Johansson's mom. He has worked for the school as athletic trainer for children for many years. He's known Christer since he was very young and Annie since she arrived in Sweden. He has visited the family every summer. He has never noticed anything strange about Christer and Annie. Their relationship has been good. The seizing of Domenic almost came as a shock. Domenic was a happy and curious boy who wanted to participate. It never occurred to him that Domenic was not developing normally socially or educationally. But he has heard from the parents that Domenic was bullied at school and was very sad about that.

Cornelia Adolfsson: She has known Annie and Christer since she moved to Alva. They became good friends very quickly. She has even visited when they've been on Gotland (after she moved back to the mainland). Her contacts with Annie and Christer have included contact with Domenic. She has not met Domenic since the seizing. She has worked with children and perceived Annie as a fantastic mother and Christer as a wonderful dad. She cannot understand why Domenic was seized or what has transpired. It seems fuzzy. The last time she met Domenic was probably summer of 2009. She did not perceive Domenic as neglected. Annie and Christer feel really bad since the seizing. She has never seen anyone lose their joy to live the same way Annie has. She cannot understand why the guardianship needs to be transferred. She wishes with all her heart that Domenic will get to return home. Nothing indicates that Domenic was developmentally behind. Quite the opposite; there has been intellectual stimuli in his environment and he learns quickly.

Artur Niczko: He has known Annie and Christer since 2006 and knows them very well since they lived on the same farm for two years before the seizing.

[Page 17]

The last time he saw Domenic was the day before they were to leave for India. He doesn't understand why Domenic was seized, what happened or why. He experienced Domenic as well cared for, given much love, respected, given boundaries. Everything was exemplary. He played with Domenic almost every day. Sometimes they played for hours; sometimes for a few minutes during the day. Domenic was mature for his age, social and advanced when visitors came to see things like his flight simulator, and such. He perceived Domenic to have a straight-forward and uncomplicated relationship with his parents. There

were seldom conflicts, but sometimes the parents had to step in and say things. It's beyond his comprehension that Domenic was seized. It's his understanding that it started with the homeschooling. If the court or CPS would find this to be the reason for the seizing, he is strongly opposed to that. There is no reason to remove a child from its parents on those grounds. He has never seen anything arousing worry around Domenic. It's his firm opinion that it's best for Domenic to be returned to his parents.

Bengt Sprowede: He previously worked as a personal representative for people with reduced psychological functions. He had assignments for Christer Johansson, who had contacted him to help contacting authorities and coordinating this. It was primarily in regards to contacting CPS. He helped the spouses with contacts from authorities to establish themselves on Gotland. They successfully contacted the authorities but he doesn't know what happened after that. He perceived the Johansson spouses' domestic situation as normal. He experienced a personal crisis and committed a grave professional misconduct as a personal representative when he called the Johanssons. The call must have surprised the spouses. After that he resigned as personal representative.

[Pages 18-21, summary]

THE COURT'S FINDINGS

Social Services has made the case that there has been suspicions of lack of caring for Domenic by his parents and thus they have found a need to force care taking of Domenic by other parties. They state that Domenic's parents cannot put "Domenic's interests before their own" and that the parents showed apathy towards the risk of hurting Domenic through "illegally" removing him.

The court notes that forced care taking of Domenic should continue as long as it is proved necessary; however, after that it should cease. The court also notes that the Social Services must work towards a reunion of child and parents. The parents must also work with Social Services toward that goal. The court does not want to rule out reuniting Domenic and his parents. The court notes all the testimony of grandparents, uncles and aunts and other friends and family have shown there is not a lack of care on the part of Domenic's parents. The court states that the testimony of the family and friends needs to be carefully assessed. At the same time, friends and family are the ones who have been able to best note the level of care given by the parents. So the court does not see any reason to discount these witnesses. The court says a deciding factor in the reuniting of the family is a need for Domenic's continuing in school. The court does see it as a lack of care to operate a home school without proper licensing and not to bring Domenic to public school. What the parents have stated concerning moving to India does not require any judgment. But that Domenic has gingivitis in several of his teeth must be considered as a lack of care.

Annie and Christer Johansson have, as the Social Services mentioned, fought against the notion that there is any lack of care towards Domenic. They have appealed judgments and decisions that have upheld the forceful removal of Domenic from the home. They have also illegally removed their son in November 2010 and have also have discussed this case on the internet. Moreover what additionally adds to their burden is that they have not encouraged Domenic to "settle in" and enjoy his foster family.

When it comes to interference of the parent into the current care, Social Services has pointed toward the court's decision in the judgment of crime on 01-21-2011. However, assessing the risk of the parents to again interfere today is hard to do. The court is noting that there have not been any attempts to interfere since November 2010.

The parents have expressed strong anger and frustration over having Domenic removed from them. According to the court, there is no reason to assume a permanent separation of Domenic from his parents, since so doing would accelerate the feelings of frustration, desperation and pure anger. The court sees that such a decision would just increase the risk of the parents interfering and continued internet writings. This cannot be seen as in Domenic's best interest—not even if we consider the possibility of keeping certain information secret from the parents.

Considering what has been brought up, the court cannot find it in Domenic's best interest that his care taking be removed from the parents; therefore the Social Services opinion will be discounted.