

3/3/05

COMMONWEALTH OF MASSACHUSETTS

Hampshire Division

Probate & Family Court  
Docket No. 96D0228DV2

**CHERYL R. DUVAL,**  
Plaintiff

v.  
**TIMOTHY D. SYMINGTON,**  
Defendant

**AFFIDAVIT OF CHERYL R. DUVAL**

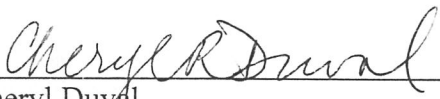
I, Cheryl R. Duval, on oath do depose and say:

1. My name is Cheryl Duval, the plaintiff in this case.
2. This affidavit is my response to the Motion for Immediate Resumption of Individual Therapy and to the Affidavit of Timothy Symington, dated February 24, 2005.
3. I have faithfully brought Connor and Jade to combined and individual therapy sessions with John Maloney.
4. Jade has continued receiving therapy from John Maloney since Lisette Lahana stopped seeing her in December of 2004.
5. I have followed the advice of John Maloney regarding the safety and welfare of myself and Connor and Jade. John escorts us to our car after the children's sessions and changes the days and times of the therapy sessions.
6. Connor and Jade are doing very well at home, at school and with friends. They both are eating and sleeping well. Neither Jade nor Connor experience nightmares and neither is bedwetting anymore. They have each been catching up on their school performance and are having success with their academics and extracurricular activities. They appear happier, healthier and more at ease than ever before.
7. As part of their therapy, Connor and Jade have been asked by me (both together and separately) on numerous occasions if they would like the opportunity to see, write to or receive letters from their father. When asked most recently, Connor, with good eye contact and a firm voice said, "No." Jade said, "I don't want to" while shaking her head and followed with "because of all the bad stuff," in a soft voice.
8. It has recently been recommended and decided that Jade should see her own therapist separately to help her talk about her father and the sexual abuse she has only briefly spoken of but been able to draw pictures of so far.

9. I have begun the process of finding a new therapist for Jade. This will be Jade's fourth therapist in one year so a careful selection must be made to ensure a lasting therapeutic relationship. The first therapist was Margaret Kierstein, who indicated that she would do an evaluation, but not see the children as their therapist. The second therapist of Jade's was Lisette Lahana who she saw her from the spring of 2004 until December, when Ms. Lahana initiated the termination of the therapy with her, but with the clear recommendation that Jade see another therapist immediately. Jade began seeing John Maloney in December and she is still in therapy with him, but he has now indicated that Jade should see her own, and preferably a female, therapist. Therefore, through no actions or intentions of mine, Jade now needs another therapist. As mentioned in past Court hearings I made 45 contacts with therapists to find professionals who were willing and able to see Connor and Jade last spring.

10. This decision to locate a new therapist for Jade and the process of doing so are not, as Timothy Symington states in his affidavit, efforts to ensure he "have no contact with our children." My first priority continues to be the safety and well-being of Connor and Jade. I will continue to focus on that priority as I do the best I can to help Jade create a new therapeutic relationship with another therapist.

Signed under the pains and penalties of perjury on this 3<sup>rd</sup> day of March, 2005.

  
Cheryl Duval

COMMONWEALTH OF MASSACHUSETTS

Hampshire Division

Probate & Family Court  
Docket No. 96D0228DV2

**CHERYL R. DUVAL,**  
Plaintiff

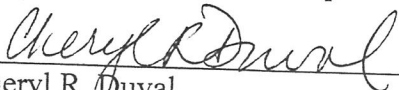
v.  
**TIMOTHY D. SYMINGTON,**  
Defendant

**AFFIDAVIT OF CHERYL R. DUVAL**

I, Cheryl R. Duval, on oath do depose and say:

1. My name is Cheryl Duval, the plaintiff in this case.
2. This affidavit is my response to the Motion for Impoundment, Motion to Admonish, and to the Affidavit of Timothy Symington dated February 24, 2005.
3. I have no knowledge of how, why or by whom these purported mailings were sent, as I explained to my attorney when I was first notified of these activities.
4. I did not cause these mailings to be sent to the alleged recipients, nor did I instruct anyone to do so.
5. I absolutely do not want the personal details of Connor and Jade's traumatic experiences with their father distributed to the public. I agree that the Court should impound this file.

Signed under the pains and penalties of perjury on this 3<sup>rd</sup> day of March, 2005.

  
Cheryl R. Duval



# Child & Family Service of Pioneer Valley, Inc.

## *Board of Directors*

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August 18, 2005

## To Whom it May Concern:

I am a Licensed, Independent, Clinical Social Worker in the Commonwealth of Massachusetts, currently employed by Child and Family Services of the Pioneer Valley, Easthampton clinic. I have been meeting with Jade Symmington for weekly, outpatient therapy since July 28, 2005. I have diagnosed Jade with an Adjustment Disorder with Mixed Disturbance Of Emotions And Conduct, and am considering the diagnosis of Post-Traumatic Stress Disorder, pending further evaluation of Jade's current symptoms. I have based my diagnosis on both her presentation in therapy and family reports of her behavior at home. Jade displays symptoms of anxiety, particularly in the drawings she has produced in session, which include images of menacing figures and animals. Mother reports she has displayed concerning behavior at home, including sexualized use of toys and household objects, and difficulties maintaining appropriate boundaries.

My work with Jade is entirely focused on the therapeutic tasks of establishing an understanding of her current difficulties and providing the appropriate interventions to assist her in managing symptoms and stressors as they arise. As such, I am not able to provide an evaluation or make recommendations for the probate court regarding visitation. I sincerely hope the court will be able to utilize the various resources at their disposal in order to make the best decisions regarding Jade's family.

Sincerely,



Jenny Miller Sechler, LICSW

*We strengthen and promote the quality of life for children, adults and families through education, counseling, and support.*





# Child & Family Service of Pioneer Valley, Inc.

September 16, 2005

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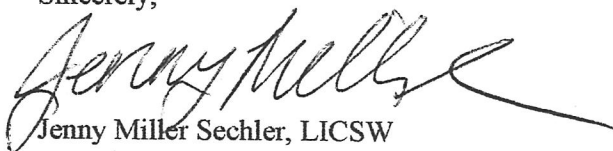
**To Whom it May Concern:**

I am a Licensed, Independent, Clinical Social Worker in the Commonwealth of Massachusetts, currently employed by Child and Family Services of the Pioneer Valley, Easthampton clinic. I have been meeting with Jade Symington for weekly, outpatient therapy since July 28, 2005. I have diagnosed Jade with an Adjustment Disorder with Mixed Disturbance of Emotions and Conduct, and am considering the diagnosis of Post-Traumatic Stress Disorder, pending further evaluation of Jade's current symptoms. I have based my diagnosis on both her presentation in therapy and family reports of her behavior at home. Jade displays symptoms of anxiety, particularly in the drawings she has produced in session, which include images of menacing figures. Mother reports she is concerned about Jade's behavior at home, stating she has nightmares, and exhibits sexualized use of toys and household objects.

On August 18, 2005, Jade reported to me that her father touched her on her private parts while she was naked. She reported that this happened on more than one occasion and that it happened in the bathroom and outside of the bathroom. She reported that she felt embarrassed when this happened. Jade also stated, "I don't want to see Tim," referring to her father, and said that she was scared of him. In addition to reporting that her father touched her private parts, she described him as "yelling" at her on more than one occasion, and frightening her. Jade did not report approximate dates for these incidents; however, Jade has not seen her father since the spring of 2004. After Jade made this disclosure, I followed up with the Department of Social Services, and made a report of abuse based on the allegations, as I am mandated to do.

My work with Jade is entirely focused on the therapeutic tasks of establishing an understanding of her current difficulties and providing the appropriate interventions to assist her in managing symptoms and stressors as they arise. As such, I am not able to provide an evaluation or make recommendations for the probate court regarding visitation. I sincerely hope the court will be able to utilize the various resources at their disposal in order to make the best decisions regarding Jade's family.

Signed under the pains and penalties of perjury  
Sincerely,



Jenny Miller Sechler, LICSW

*We strengthen and promote the quality of life for children, adults and families through education, counseling, and support.*

17 September 2005

James Smith, Esquire  
1331 Main Street  
Springfield, MA

Re: Duval vs. Symington Docket#96D0228DV2

Dear Attorney Smith:

This letter serves as an update to my April 17, 2004 Affidavit filed with the Court in the above-referenced matter.

- 1) In the spring of 2004 while driving Jade and Connor Symington to school, they were talking about Father's Day. Connor said, "I don't really remember what Dad looks like other than when he's wet." He went on to describe seeing Timothy Symington naked and wet while taking a shower. Jade immediately shouted "Yeah, and he watches me poop and I don't like it." Since that day both children have made numerous statements about Timothy Symington in my presence and displayed behaviors which I memorialize with this document.
- 2) Connor has told me that Timothy Symington would make him sleep in bed with him when Timothy Symington was only wearing underwear.
- 3) Connor has told me that one evening when sleeping with Timothy Symington, Connor felt very uncomfortable because Timothy Symington was hugging Connor and pressing his erect penis against Connor's back and buttocks. Connor said he would always try to roll away from Timothy Symington and try to sleep facing away from him so Timothy Symington "wouldn't make me into his wife."
- 4) Connor has told me "lots and lots of times" when Timothy Symington and the two children were alone with Timothy there would be nakedness on Timothy Symington's behalf and the children's behalf. Connor said one of the manners the nakedness would occur was Connor pacing in his room naked with Jade present and Timothy Symington watching.
- 5) Connor has shown me how Timothy Symington would sit on the toilet in the bathroom and remove Connor's clothes before a bath when Connor was 8 years old. He demonstrated that Timothy Symington's face would be about 3-6 inches away from Connor's groin when he would take off his clothes, socks and underpants.
- 6) Connor has told me he felt very uncomfortable having Timothy Symington undress him, wash his entire body in a bathtub and dry off his entire body at the age of 8.
- 7) Connor has told me about a "weird" night when Timothy Symington had an erection (Connor referred to it as his "privates sticking up") in bed with Connor before they were asleep and Connor lifted the covers to look at Timothy Symington's erect penis sticking out of his underpants.

- 8) Connor has told me he touched the penis of Timothy Symington while Timothy Symington was urinating prior to taking a shower. Connor told me he stayed in the bathroom the entire time Timothy Symington took his shower and while Timothy Symington was exiting the shower and drying off, Connor "rubbed and felt" Timothy Symington's penis and "touched" Timothy Symington's "hair around the penis".
- 9) Connor told me he used to show Jade his penis when they used to sleep/play in a tent set-up in Timothy Symington's apartment. Connor said he would do so by shining a flashlight on his penis for Jade to look at it. He told me he did this because he thought it was acceptable to show his penis to people since Timothy Symington showed him his penis so often.
- 10) Connor told me that his grandfather, Robert Symington, would come in the bathroom at his house in South Hadley and urinate in the toilet while Connor was in the bathtub and that Connor could see his penis. Connor told me he was "confused and embarrassed" as to why Robert Symington would do that since there are two bathrooms in the house.
- 11) Connor told me he used to enjoy having Timothy Symington take pictures of Connor when he was only wearing his underpants when he was 7 & 8.
- 12) Connor told me he saw a full frontal naked picture of Jade, wearing only sunglasses, in the bedroom of Robert Symington in South Hadley.
- 13) Connor told me that he used to encourage his dog, Molly, to lick his penis because Connor said "I like having my penis licked and having it feel wet".
- 14) Connor told me that when he was alone, he liked to be naked in his bedroom in Southampton in front of a full-length mirror and rub his penis on the mirror making believe he was "having sex with little boys and little girls".
- 15) Connor normally removed all of his clothes and underwear while sleeping in his bed. When Connor began making disclosures regarding the sexual abuse and perversion he was subjected to by Timothy Symington, a rule was passed in our house that he cannot sleep with the dog in his room and must keep his underwear on while sleeping.
- 16) Connor has described to me seeing Timothy Symington's erect penis in the bedroom, the bathroom while taking a shower and when sleeping with Connor.
- 17) Connor has told me that Timothy Symington would always be in a good mood and happy when Connor was naked.
- 18) Connor has told me Timothy Symington would yell at him when Timothy Symington "read the notebook" or had a "bad day at work".
- 19) I observed Connor masturbating under his sheets one night while I was saying good night. I asked him what he was doing. He said he was "rubbing my penis". He was told that was not appropriate.
- 20) I have observed on many occasions that Connor is incapable of lying.

- 21) Connor has told me Timothy Symington would become enraged and swear "Shit" at Connor when Connor wet his bed.
- 22) Connor has told me Timothy Symington would not allow the children to be naked, nor would Timothy Symington be naked, when his current wife, Bonnie Green (sic) or any other people were present or sleeping over.
- 23) Connor has told me he is plagued with images of penises in his head and of children having sex with each other. These intrusive thoughts are always preceded by what Connor calls "green shootings".
- 24) Connor wrote a letter to his father, Timothy Symington, after his first police interview which he showed me and is attached as an exhibit.
- 25) Connor wrote down some of his memories and feelings to bring to his therapist, John Maloney, dated 3/22/05 and 3/30/05, which he showed me and are attached as an exhibit.
- 26) Connor has shown extreme distress and cried tremendously after speaking about Timothy Symington's perversion and sexual abuse of him and cried out "Why did God let him be my father"?
- 27) Connor has told me he often saw Jade naked at Timothy Symington's apartment when she was 4 or 5.
- 28) Connor has stated he saw Jade naked at Robert Symington's house in South Hadley when she was 4 or 5. Connor told me Kenna Symington, Robert Symington and Timothy Symington were all present and could see Jade naked.
- 29) Connor has told me Timothy Symington used to question Connor incessantly about me, asking him the same questions over and over again until Connor gave in and answered.
- 30) Connor has told me Timothy Symington used to tell Connor and Jade that their mother is "stupid" at his apartment.
- 31) Connor has told me he was told by Timothy Symington not to tell his mother what occurred at his apartment, not to tell his mother Timothy and Connor slept together and that "it was okay to keep secrets" and "the rules were different at his house".
- 32) Connor told me he was afraid to speak my name in the presence of Timothy Symington because he would become enraged, yell, slam doors and angrily scream "you can only have one father". Connor told me Timothy Symington forbade Connor and Jade from saying "Paul" or "Step-Dad".
- 33) Connor has told me that he felt embarrassed having to tell the police what Timothy Symington did to him.
- 34) I observed Connor start to scream, hyperventilate and push himself into a corner when a man walked out of a shower stall naked in a men's locker room while Connor was getting ready to change into a swimsuit to swim in the hotel pool.

- 35) Since Connor stopped being sexually and emotionally abused by Timothy Symington and with the continued psychotherapy he has received as a victim of sexual abuse, I have observed Connor to have stopped pacing; he no longer flaps his arms or hands, his nightmares are very infrequent, he no longer wets his bed, his physical perseveration has all but disappeared, he no longer arches his back, he maintains good eye contact when speaking, he is much more gregarious, he has gone from the bottom quartile for his weight and age to the top quartile, he enjoys sports and extracurricular activities, he has no problem sleeping and does not need melatonin, his speech has vastly improved and now speaks with just a slight affect, and he has set his goal to completely catch up in school this year and no longer need to attend summer school.
- 36) On several occasions, Connor has expressed to me that he wants Timothy Symington to "go to jail" for "the things he did."
- 37) Jade has told me Timothy Symington used to sit on the edge of the bathtub next to the toilet and watch Jade defecate and urinate when she was 4 & 5.
- 38) Jade attempted on two occasions to rub her vagina on my leg by spreading her legs and trying to straddle one of my legs while I sat watching TV. She attempted this with a very happy mood and a big smile. I stopped her from straddling my leg. Jade explained to me she learned to do this by spreading her legs and rubbing her vagina against Timothy Symington's leg.
- 39) Jade attempted to run through the house naked and was prevented from doing so.
- 40) When Jade has explained that she does not want to see Timothy Symington because of the "bad things" he did, I have observed Jade biting her arms, pulling out her hair, dissociating, rocking herself and holding herself, and having a glazed look come across her face while rubbing and pulling at her vagina through her clothes.
- 41) I observed Jade in pajamas, with her legs spread wide, rubbing her vagina and smiling in the children's bedroom in Florida before bedtime with Connor and her mother present.
- 42) While in the truck on a highway, Jade apparently thought she saw Timothy Symington's car and screamed "I see Daddy's car" and started to cry hysterically. She reported intense nightmares for several days after that.
- 43) I have seen a picture Jade drew of Timothy Symington holding a pair of Jade's underwear in front of his face and swearing "Damn" at Jade for wetting her bed while she was crying.

- 44) I witnessed Jade say "Mommy, let me give you a raspberry". When her mother said she couldn't do that and asked had she ever done that before, Jade said that she had done that with Timothy Symington. Jade explained the "raspberry" meant she would press her lips on Timothy Symington's unclothed body "you know, down there," motioning to the pubic area, and "blow." For days afterward, Jade's drawings at school involved her being attacked by a black bush.
- 45) Jade has told me Timothy Symington used to undress her, wash her entire body and dry her entire body when she was 5 years old.
- 46) Jade has told me Timothy Symington used to yell and slam doors and that it frightened her.
- 47) I have observed Jade have numerous nightmares and numerous episodes of sleep walking.
- 48) I have been made aware by Jade and her mother that Jade frequently wets her bed.
- 49) At home and in public places with many people present, I have observed Jade frequently pull at her underwear (10-15 times an hour at times) by placing her whole hand from the back between her legs onto her vagina.
- 50) Jade has told her mother in my presence that she "likes to give" herself "wedgies" in her vagina with her underwear because "it feels good". I have observed Jade attempt to give herself "wedgies" in her vagina in the presence of her mother and Connor while sitting on a couch watching TV.
- 51) Jade has told me that Timothy Symington walked out of his bathroom naked directly in front of her watching television to answer the telephone in his apartment when she was 4 or 5.
- 52) Jade has told me that Timothy Symington walked across the living room in his apartment clad only in a towel and when it fell off, he told her "Jade, it's okay to peek" at his naked body when she was 4 or 5.
- 53) I have observed Jade pull outwardly and repeatedly at her clothed vagina with a glazed look on her face when Connor has talked about Timothy Symington.
- 54) While attempting to take a picture of Jade and Connor in a hotel room, I observed Jade turn her back to us, get on her hands and knees, pull up her skirt to expose her buttocks and gleefully ask us to take "a picture like that".
- 55) Jade has said in front of me and her mother that Timothy Symington used to touch her "privates," which she explained meant her vagina.
- 56) I received numerous phone calls at work each day for several weeks from Jade's Ryan Road School looking for her mother because of Jade.

- 57) I have observed Jade go through intense mood swings of mania and hyperactivity.
- 58) Jade has told me that she wants the "voices in her head to stop screaming".
- 59) Jade has asked me in front of her mother what I look like without a shirt and asked for me to take off my shirt.
- 60) Before Jade started making disclosures about Timothy Symington's sexual abuse of her, she asked on a couple of occasions whether or not there "is a jail for 6 year olds".

I have signed this document under the pains and penalty of perjury this 17<sup>th</sup> day of September 2005.

A handwritten signature in dark ink, appearing to read "P. Silvernail", with a large, loopy flourish extending to the right.

Paul J. Silvernail  
66 Brickyard Road Extension  
Southampton, MA 01073



Affidavit for Cheryl Duval, dated September 19<sup>th</sup>, 2005.  
Docket No. 96D0228DV2

1. I am Cheryl Duval, the mother of Connor and Jade Symington. I am the plaintiff in this matter.

2. On or around June 4<sup>th</sup>, 2005, Connor, Jade and I were driving to a friend's house for a birthday party. The direction I drove to the party brought us to the outskirts of Timothy Symington's house in Holyoke. Jade made a noise, looked all around, covered her head with her hands and shouted, "Oh no!" I asked what was wrong and Jade whispered "Tim's house is here." I reassured her that we were going to the party and not to Tim's house and that she was safe and everything is ok. Connor with a raised voice said, "We are NOT going to his house!"

3. Since that event Jade suffers from nightmares. According to Jade these nightmares have monsters, headless bodies, incidences of her being pinned down and Tim taking her away against her will from home or school. More recently these nightmares have increased.

4. When Jade wakes in the middle of the night, which has recently been 3 to 4 times a week, her behavior is often the same: eyes darting around, head twisting from side to side, crying through clenched teeth, cringing when I reach out to her, then her head jerks down, she covers the top of her head with her hands, curls up her body and says, "No, no, no." It takes between 20 minutes to 2 hours to calm Jade down and get her back to sleep.

5. Since June of this year, Jade is again displaying severe mood swings. Her behavior changes dramatically from slow-moving, dull eyes, quiet voice, easily teary or sobbing to jumping around on the furniture with big smiles, moving from one play activity to another quickly, and singing and laughing loudly; all within the same day or over periods of days at a time.

6. Jade's self-destructive behavior has resurfaced with her hair pulling, biting her arm and pulling on her vagina with her finger tips. When I asked her why she does these things she said, "Because it hurts a little."

7. Both at home and in other settings I have seen Jade repeatedly pull on her pants and underwear in an awkward manner by bringing her arm around her behind to grab at her crotch. She says she gives herself "wedgies" like this because "it feels good." I have in the past and am now currently working with her therapist to address this behavior and the ones listed above (#6).

8. I have witnessed many times Jade lying down on chairs, the couch or her bed, splaying her legs apart and rubbing her vagina through her clothes.



9. Over the past few months, Jade has said she is afraid and has exhibited heightened fear (cowering, shaking her head, crying, and running away) as she points to seemingly harmless things such as ceiling fans and cartoons.

10. During one of Jade's crying episodes she crawled into my lap and quietly said "There's still stuff inside my head. I have more to tell you." When I asked her what she wanted to tell me about she responded, "Tim." This has also occurred in the middle of the night.

11. Often when she wakes up from a nightmare crying she whispers repeatedly, "I have to tell you something...I'm scared...I can't tell you."

12. This past spring Jade admitted to me that she had been urinating while asleep in her bed in the middle of the night. She said it happens a lot but she "was afraid to tell" me. When I asked her what she was afraid of she said she was afraid I would "yell at me (her) and swear like Tim did." She then drew a picture to describe to me what happened with Tim. See attached picture (Exhibit A).

13. Jade often draws her nightmares, something she did frequently in kindergarten at Ryan Road School in the spring of 2004. One of her drawings that her teacher, Mrs. Michelle Smiarowski, gave me was drawn the day after Jade had a nightmare about a "bush." See attached pictures (Exhibit B, C, D). The prior evening Jade was standing in front of me and clasped her hands on my waistband. She started tugging the band downward. I quickly held her hands and asked her what she was doing. She said she wanted to give me a "raspberry down there like I do with Daddy (Tim)". As she said this she pointed at my crotch.

14. Early this summer I saw Jade straddle my husband's leg (Paul Silvernail) and rub and rock her pelvis on his leg. When asked why she does that she explained that she "used to do it with Tim."

15. One evening this summer Jade's face was directed toward me but her eyes were glazed over and her body was very still. She started talking in a quiet, monotone voice saying "I remember Tim touching me down there (as she pointed to her crotch) after my bath in that disgusting, gross bathroom." I asked her if she had her clothes on and, in the same tone of voice she said, "No." Another time she talked about this disclosure she cringed away from me, let her hair hang down over her face and curled her body downward in response to being asked if it hurt when Tim touched her vagina.

16. Connor has continued to describe numerous incidents with his father, Timothy Symington. When Connor talks about these things he usually behaves in the same way. His eyes dart around, he moves away from me, he cries and says, "I need to tell you something. Promise you won't get mad. I don't want to get in trouble. Will I get in trouble?" The incidents are as follows:

a) Connor told me that he, Jade and Tim "were naked in Tim's house a lot."

b) Connor described and wrote about a "weird night" when "Tim's penis was sticking up" when Tim was holding Connor in Tim's bed. He said Tim would "treat me (Connor) like a wife."

c) Connor said Tim would "bring me (Connor) into the bathroom before" he or Tim would take a shower and Connor would watch Tim pee. Connor said "He'd bring me in there to watch him pee."

d) Connor said "after Tim peed he touched his penis."

e) Connor said after Tim took a shower he touched Tim's penis with his palm (he showed me this with his hands) and touched the hair around Tim's penis.

f) Connor told me he didn't like taking baths with Tim.

17. Connor has written out his thoughts and feelings at home and school when these issues arise. Attached is a letter he wrote and a list (Exhibit E, F, G).

18. Connor began referring to his father as "Tim" after attending bible school and learning about God, our "Father". He said he didn't want to call his father "Dad" because "he doesn't act like a dad is supposed to...like God does."

19. At the time of my wedding to my husband, Paul Silvernail, Connor asked me, "Can I call Paul, 'Dad'?" I consulted with John Maloney about this right away and followed his professional instructions.

20. Connor asked to speak with me one night about something that he had been feeling guilty about. He told me he had showed his "privates to Jade." When I asked him to tell me what happened he described the he and Jade in a tent at Tim's house at night. He undressed in the tent and pointed a flashlight onto his privates. I asked why he did this. He said in a teary voice, "I thought it was ok because Tim did it to me."

21. Connor said he wanted to say he was sorry to Jade about showing his privates to her. When he began speaking about it Jade's eyes widened and she spoke in a high squeaky voice. She grabbed her feet with her hands and curled up in a ball. She began to pull her hair and pull on her vagina.

22. Connor told me he felt "embarrassed when Pa" (Robert Symington) showed him his penis and peed in the bathroom where Connor was taking a bath, with the shower curtain open. He said he didn't "understand why he did that when there was a bathroom upstairs."

23. Connor told me it bothered him when he saw "a naked picture of Jade, with sunglasses on", in Nana and Pa's bedroom (Kenna and Robert Symington).

24. When Connor and Jade were talking about wetting their beds at Tim's house, Connor said he remembered Tim would yell at Jade. Connor stood up, waved his hands toward Jade, spoke with a deep, loud voice and said Tim would act like that and yell.

25. Another night Connor asked if he could tell me about things he was seeing. He described "green shootings" that come toward him. Crying, he said the "green

shootings" are "covered by pictures of penises and vaginas" and he "can't stop the green shootings." Asked how he knows what vaginas look like he said from an encyclopedia he saw and Jade's naked picture.

26. That same night Connor admitted when he prays he imagines "being gay with Jesus." He sobbed, "I don't want to think about that. I think Tim did that."

27. At around the same time Connor told me he was having his dog, Molly, "lick his penis" because he said, "I like my penis wet when it's licked."

28. Connor said when he sees different people he imagines "them coming up to" him and "having sex" with him. He cried deeply, "What do I do about that and the green shootings...I can't stop crying!"

29. After working with John Maloney about the images (green shootings, sexualizing people) Connor began to cry more, saying what John said to do "isn't working!" I then spoke with Jenny Miller-Sechler, Jade's therapist about a referral for a therapist for Connor to deal with his difficulties. She referred me to Randy Bradbury, a colleague at Child and Family Services.

30. Jade receives treatment from Jenny Miller-Sechler, LICSW. Connor receives treatment from Randy Bradbury, MSW, LICSW. Both children go to therapy willingly and eagerly.

31. Connor has since announced that he "sees the green shootings less and less."

32. I have given Jenny Miller-Sechler and Randy Bradbury, the court orders dated June 11, 2004; November 1, 2004 and July 20, 2005, which all reference the children's therapy treatment.

Signed under the pains and penalties of perjury this 19<sup>th</sup> day of September, 2005.



Cheryl R. Duval

To Whom It May Concern:

I am Marilyn Duval, maternal grandmother of Connor and Jade Symington. I am writing this letter to be used as an affidavit for the Court for Docket number 96D0228DV2.

It was approximately two years ago (fall of 2003) when I began to see changes in Connor and Jade's behavior, specifically when I brought them to their father's house or picked them up after a visit with their father (Timothy Symington).

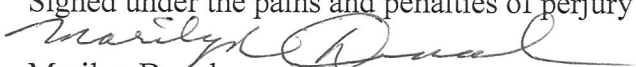
- On one occasion Connor stopped dead on the sidewalk to his father's house and I said, "Connor let's go." He looked up at me and his body became stiff. He took a step back and looked down onto the sidewalk. Jade ran off the sidewalk onto the lawn turned her head from me to the door of the house. She looked at me wide-eyed and said, "I don't want to go in there."
- I had another occasion to bring them to Tim's when Connor whined, "Do we have to go?" Jade tearfully said, "I don't want to go." Connor said they can't do anything there because Tim yells, they just watch videos and then go to bed. Jade was in tears and said "Daddy yells and scares me."

Eventually Connor and Jade began to refer to their father as, "Tim." Jade said Tim did "bad things". Connor said "He isn't like a real dad." Connor asked me not to say his last name of Symington anymore.

Jade has talked and displayed more and more behavior over time.

- One day she was getting overly noisy in the car (repeating things louder and louder) so I raised my voice to tell her to stop. She started to sob. When questioned about what was upsetting her, she said she got scared because she thought I would "keep yelling more and more like Daddy did when he read the notebook in the car."
- I've witnessed her biting her nails incessantly, pulling strands of hair from her head and biting her arm.
- There have been several times she has come over to me, held my arm and asked if she can sit in my lap. She remains quiet when she does that and I hold her.
- During an overnight visit at my home just as Jade was falling asleep she began crying and shouting. She was shaking and tossing about. Her eyes kept darting around the room. Only after a phone call to her Mom, Cheryl Duval, and much holding and comforting on my part did she calm down and fall asleep hugging her horsey.
- On another sleepover I found Jade walking about just before midnight. I met her in the hallway. She jumped with wide eyes when I said her name and immediately turned around away from me. Then she walked downstairs. When I tried to talk to her and put my hands on her shoulders she jumped again and stepped back away from me. Her eyes looked glazed and darted around the room and she began to mumble. I sat her on the couch and she began to tremble. She said she was scared and cold. My husband wrapped her in a blanket to soothe her and then I brought her back to her bed.
- Jade was recently sitting near me and began to gaze across the room almost trancelike. She talked about a dream that she keeps having that scares her. She said she thinks about this nightmare during the day sometimes and it makes her afraid. She then looked at me with teary eyes and a frown and remained quiet.
- Last week Jade had an argument with her cousin, Kayla. She was crying and rocking while holding her knees. She said in a sullen voice she wanted to "just forget it" and "I don't want to ever think about it. I don't want to talk about it."

Signed under the pains and penalties of perjury this 19<sup>th</sup> day of September, 2005.

  
Marilyn Duval

To the Hampshire Court regarding Docket 96D0228DV2.

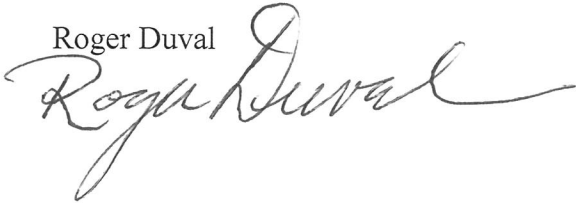
I am Roger Duval, the maternal grandfather of Connor and Jade Symington.

At the time Timothy Symington was still seeing the children I was in my car with Jade, Connor and Marilyn Duval, my wife. Jade said Paul's name referencing something they did the day before. Connor immediately interrupted and stated "Dad said we cannot say his (Paul) name". Jade's response was, "We can say the name here, we're with Memere and Pepere".

On Easter of 2004 Connor and I spent about 45 minutes together because he said, "I need to talk to you". He started to cry and asked if the two of us could speak alone. Connor said, "Why do people not believe me?" I asked him who did he mean by people and he answered, "Nana and Pa". I asked him what they did not believe and he answered, "That I'm afraid of Dad". Connor said, "I'm telling the truth and they don't believe me". Connor was twisting his hands as he was speaking and began to cry again. I told him that I believed him and the only thing he could do was to continue to tell the truth. His reply was, "I don't understand why they don't believe me".

Signed under the pains and penalties of perjury this 19<sup>th</sup> day of September, 2005.

Roger Duval

A handwritten signature in cursive script that reads "Roger Duval". The signature is written in dark ink and is positioned below the printed name "Roger Duval".

Affidavit for Docket #96D0228DV2

My name is Pamela Duval Haskins. I am Connor and Jade's maternal aunt.

I have witnessed several incidents involving Timothy Symington raising his voice and using profanity in the presence of Connor and Jade. On these occasions I have witnessed Jade and Connor's reactions to this.

I have seen Connor crying, laying in the fetal position, shaking, sweating, and displaying wide dilated eyes when talking about Mr. Symington.

I have witnessed Jade crying, shaking, sweating with wide dilated eyes and freezing her body and face when she has said she thought she saw Mr. Symington, when she has talked about him or heard others talk about him.

Repeatedly over the past few years the children have told me they did not want to see Mr. Symington.

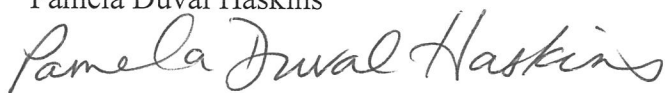
An example of this behavior occurred at 52 Longview Drive, Florence MA. Mr. Symington, Connor, Jade and I were in the house. I refused to hold a discussion with Mr. Symington in regards to Cheryl Duval, Connor and Jade. Mr. Symington used profanity and yelled at me. After that I was in a bedroom with the children when I heard a loud bang, followed by a crashing noise. I ran to the living room and saw Mr. Symington standing over a shattered framed photograph of Cheryl, Connor and Jade, which had previously hung on the wall. Mr. Symington's knuckles were cut and bloody. Jade ran to my side and I carried Connor and her outside to the front lawn. Jade cried and was shaking, her eyes were wide, grasping me tightly and she asked me, "Why did Daddy do that?"

Another example occurred at a family event. I was in the living room with Connor. He blurted out, "Nobody believes me about Tim." I said, "Of course we believe you." He said, "No, like Nana and Pa. Why can't they believe me? I don't lie." He began crying, laying on the sofa in a fetal position, shaking and sweating.

On one occasion I picked up Connor and Jade from Mr. Symington's apartment in Easthampton. During the car ride Jade began to tell me about her weekend. Connor's eyes got wide and he said, "Shh, don't say anything. Daddy told us we can't tell anyone what happens at his house. He will get mad again."

Signed under the pains and penalties of perjury this 19<sup>th</sup> day of September, 2005.

Pamela Duval Haskins

A handwritten signature in cursive script that reads "Pamela Duval Haskins". The ink is dark and the signature is fluid, with the first name "Pamela" being the most prominent part of the signature.





# Child & Family Service of Pioneer Valley, Inc.

19 September 2005

To Whom it may concern,

*Board of Directors*

Patrick Markey  
*President*

Nigel Long  
*Vice President*

Michael Conchieri  
*Treasurer*

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Matthew Leahey  
Renate Oliver  
Dean Rogeness  
Richard Samay  
Gordon Wentworth

Douglas S. Allan  
*Executive Director*

At the direct request of Mrs. Cheryl Silvernail I am writing the following letter to acknowledge that her son, Connor Symington, is in psychotherapy with myself at the Child & Family Service clinic in Easthampton, Ma. Connor was referred to me via a colleague at the clinic who treats Connor's sibling. Our initial session was on Friday 12 August 2005 to conduct the diagnostic intake. Due to vacation schedules we did not hold a second session until 9 September 2005. On 14 September I met individually with Mrs. Silvernail for a parent consultation. A third session with Connor was held on 16 September 2005; the only session to date not to include his mother.

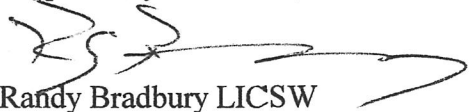
Connor had been in psychotherapy previous to the current treatment episode. The reason for the change in therapists reportedly has to do with reported sexually abusive behavior allegedly perpetrated by Connors biological father against him. The possibility of trauma, combined with Connors having previously been diagnosed with Aspergers Syndrome, presents a relatively complex diagnostic presentation. It is my understanding that the allegations of sexually abusive behavior toward Connor by his biological father are a matter of record, having been disclosed by Connor in May of 2004.

Among Connors symptoms were reports of intrusive images of a sexually explicit nature; specifically that of "penises", and that these images were upsetting and frightening for Connor. At the second session held with Connor and his mother on 9 September 2005, Connor, with support and encouragement from his mother, was able to verbalize the disclosure he had made in May of 2004 to this writer. Connor offered that he had "seen" and "touched" his father's penis and also that he had "seen 'Pa' peeing". Connor additionally reported that 'Pa' had inappropriate pictures of Connors sister. Mrs. Silvernail indicated to this writer that 'Pa' is Connors paternal grandfather.

At the 16 September 2005 session Connor mentioned that 'Tim', "took pictures of me in my underwear". As previously mentioned, Connors mother did not attend this session.

*signed under the terms  
and penalties of perjury - RB*

Respectfully submitted,

  
Randy Bradbury LICSW

*We strengthen and promote the quality of life for children, adults and families through education, counseling, and support.*



WILLIAM M. BENNETT  
DISTRICT ATTORNEY

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF HAMPDEN  
HALL OF JUSTICE

50 STATE STREET  
SPRINGFIELD, MASSACHUSETTS 01102-0559

OFFICE OF THE DISTRICT ATTORNEY

SUPERIOR COURT OFFICE  
TEL: 413-747-1000  
FAX: 413-781-4745

SPRINGFIELD DISTRICT COURT OFFICE  
TEL: 413-747-1001  
FAX: 413-747-5628

December 20, 2005

Ms. Cheryl Duval  
66 Brickyard Road Ext.  
Southampton, MA 01073

Dear Ms. Duval,

The District Attorney's Office has completed the review of the investigation from the Holyoke Police Department involving the alleged sexual assault you reported in May 2005 involving your children Connor & Jade. After a careful review by 2 prosecutors of the case and additional information received in October, it has been determined we will close the case without prosecution.

If you have any questions or concerns, please feel free to contact me at (413) 747-1038. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Maria F. Rodriguez".

Maria F. Rodriguez  
Assistant District Attorney  
Chief of the Family Protection Unit

Cc: Detective Jennifer Sattler, Holyoke Police Department