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Citizenship means nothing for a little girl torn from her mother

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Well, it's all set.

Arianna Adan, only 5 and born an American citizen, will be taken from her home in Elizabeth, removed from school, escorted to the airport by armed federal marshals -- your tax dollars at work -- and flown to Argentina.

Its government will place her in a foster home or other temporary shelter while she awaits the outcome of a custody hearing, scheduled for Nov. 24 in Buenos Aires.

"We helped set it up," says Walter Lesnevich, a Hackensack lawyer who works for Arianna's father, Ariel Adan.

Elena Mazza, her mother and also an American, with whom Arianna has lived since birth, can come if she wants. But Adan has filed criminal kidnapping charges against her in Argentina -- although he signed a separation agreement giving her custody of Arianna -- so there's a good chance Mazza will be locked up when she touches down.

Mazza also says she fears what Adan will do to her -- that's why she fled Argentina with Arianna two years ago. Adan denies abusing his ex-lover (they never married), but admits he did, in fact, recently plead guilty to violating a restraining order in an unusual, maybe spectacular, fashion.

When he was in a state court in Elizabeth to answer a prior charge, he broke away and tried to get into the room where sheriff's officers wisely keep plaintiffs in domestic violence cases away from those who might inflict violence on them.

"I did nothing but try to tell her I love Arianna," says Adan. Mazza says he tried to grab her. A sheriff's officer felt Adan belonged in handcuffs. Just in case.

All this does not seem a good outcome for Arianna, a bright, wide-eyed youngster articulate in two languages. Who lives in a home with her mother, grandmother, two aunts and a cousin, a little girl her age.

"All women," says Mazza. "I think we like it that way."

But uprooting Arianna -- stripping her of protections she would have in New Jersey courts -- is the certain outcome unless a three-judge federal appeals panel in Philadelphia overturns a district court decision ordering Arianna's deportation.

It was a decision that had to do with this country's treaty obligations to return "abducted" children (even if they were the kids of battered women) and absolutely nothing to do with Arianna's best interests.

"Why would anyone want to do that to a little girl?" asks her mother. "She is happy here. Why would her father want it?"

I asked him. Before I wrote about Arianna last week, I tried to reach Adan. His lawyer declined an interview

for him and said the Argentinian couldn't speak English well. He learns quickly, apparently, and called me to ask, in good English, for an interview after the story appeared. Mostly, he said this: "I want Arianna to come home to Argentina because I love my daughter and I am a good father." And, "Arianna should have a mother and a father."

Much of the rest of the conversation was ugly. The case is ugly with the kinds of accusations that ooze out of love turned rancid. The federal judge who decided it, William Walls, told Mazza and Adan "you both did your best" to "smear each other."

But Walls also did nothing about serious accusations of child molestation because, he said, they were not proven "clearly and convincingly." Proven or not, if those charges were made in a state court, they would trigger immediate action to protect Arianna. Even Lesnevich's wife, Madeleine Marzano-Lesnevich, a family court lawyer, admitted shrinks and other experts would have been all over the case. And the child.

In court and in depositions, Mazza accused Adan of child abuse. Adan denied it -- as he did in the interview with me. "I never abused my daughter -- I love her and miss her," he says. Walls ruled it's "a fight you will have in Argentina." No one else testified. No one asked Arianna. No one investigated.

Sorry, but that's not good enough. For any child. If American citizenship, New Jersey citizenship, means anything -- anything at all, especially for a child -- it means having the protections that will keep kids like Arianna safe.

Here, teachers and other professionals face criminal charges if they fail to report suspicions of child abuse. Child welfare agencies are often criticized for their intrusiveness when they hear accusations of molesting. Judges -- state judges, at least -- are trained to be especially sensitive to cases of domestic abuse.

So what happened here? In court -- nothing. Just send the little girl, this American citizen, to Argentina, with or without her mother. What happened in pretrial depositions when Mazza first made the charges? Nothing.

I don't know what the three appeals judges in Philadelphia will do. But in a similar New York case, federal Judge Denny Chin ordered a hearing into abuse charges, complete with expert witnesses.

Those efforts were expended for French kids. French, not American, citizens.

Judge Chin ruled the children should stay here. No matter what the French courts do to protect the kids, he said, they can't save them from a grave risk of harm. His decision was upheld by the Second Circuit Court of Appeals.

Those kids, Marie-Eline and François Blondin, were lucky. Lucky to be protected by an American judge invoking common sense and a tradition of concern for children.

Arianna Adan, an American, should be so lucky.

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