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## Victory! Peter Spitz Reunited With Son After Outrageous Family Court Injustice

August 2nd, 2011 by Glenn Sacks



Peter Spitz and ex-wife Teresa Dickey, soon after they met in 1998.

In one of the most outrageous injustices of our time, Peter Spitz (pictured right) was separated from his son and almost lost custody of him after his ex-wife shot him in the face and murdered his mother.

Fathers and Families advised Peter, helped him get legal counsel, and also publicized his case, and we are pleased to announce that Peter has now won full custody of his seven-year-old son.

Special credit and thanks goes to talented Colorado family law attorney [Brett Martin](#) (pictured below), who took on Spitz's case and won a decisive victory—the court decision is [here](#).

We also thank Fathers and Families Board Member Robert Franklin, Esq., who covered this case extensively and helped to advise Peter—his write-up of the new decision is below.

Together with you in the love of our children,  
Glenn Sacks, MA  
Executive Director,  
Fathers and Families



Talented Colorado family law attorney Brett Martin, who took on Spitz's case and won a decisive victory.

#### **From Fathers and Families Board Member Robert Franklin, Esq.:**

A Colorado probate judge has awarded Peter Spitz full custody of his son—Peter emailed me the good news.

Peter Spitz is the former Marine whose wife Teresa, in the small hours of the morning seven years ago, shot him in the face as he slept. She then went off and murdered his mother who was living with them at the time. Peter, unable to understand what had happened to him, called out to his wife for help. She responded by returning to their bedroom and shooting him two more times. Their son was under one year old at the time.

Peter survived the attack, but was left permanently blind. Teresa was arrested and charged with murder and attempted murder, but in a remarkable turn of events, Peter testified on her behalf. Her defense was that of insanity and he took the witness stand to say that she couldn't have known what she was doing. He didn't know it at the time, but he was wrong. But with his help, Teresa was acquitted by reason of insanity and committed to a mental facility in Pueblo.

It takes a brave man with a powerful moral sense to go to bat for the woman who killed his mother and tried to kill him.

As you might expect, it took Peter a long time to recover from his injuries and adjust to his blindness. During that time, a probate court judge rightly appointed guardians for his son. But astonishingly, once Peter had regained his health and adjusted to life without vision, the guardians, Donald and Sheila Reynolds refused to give up his little son. Into the bargain, they initiated proceedings to adopt him.

Meanwhile, Teresa repaid Peter's help in her fight to avoid spending her life in prison by assisting the Reynolds in keeping his son away from Peter. She's gone to bat for the Reynolds and opposes Peter's custody of his son. In what must be the strangest development of all, Teresa got supervised visitation with the boy while Peter was denied all contact.

Well, all that has now changed.

A few months back, Peter contacted Fathers and Families and I wrote two pieces about his outrageous case. Since he had pending legal matters, we were able to connect him with an excellent attorney in the area, Brett Martin, who met with Peter and took his case.

Two days ago, Probate Court Judge Timothy Fasing terminated the guardianship of Peter's son and gave full custody of the boy to Peter. That should have been done years ago, but better late than never.

According to the judge's order, Peter has full authority over the boy. He can decide with whom he has contact and whom he doesn't. That means he'll allow his son limited contact with the Reynolds and none whatsoever with his ex-wife, Teresa unless ordered to do so by a court. (At trial, Teresa admitted to attempting to drown the boy in the bathtub when he was an infant.)

Peter reports that his son, who is now seven, was scared at first when he and a friend picked the boy up to go live at Peter's house, but he soon relaxed and "became his natural chatty self."

Peter told me this about the trial proceedings:

The judge was extremely critical of both guardians and Teresa, accused them of contradictory testimony, aligning together to prevent me from fathering (my son), and was surprisingly harsh at the Reynolds by stating twice that they placed (the child) at extreme risk by allowing Teresa any contact, that it showed a terrible lack of judgment.

He also dismissed the testimony of the therapist as he said she was clearly aligned with the guardians and was not a reliable witness. He went on to say that they presented no credible witnesses.

Finally, he stated that even with the lower standard of presumption (preponderance) of evidence, they failed not only to prove their case but that he found that it was , indeed, in (the boy's) best interest to be with me.

As I said, this should have happened years ago. Peter Spitz is a fit parent; no credible claim to the contrary has ever been made. His disability certainly has no negative impact on his ability to parent, so after he recovered from his wounds, custody of his son should have been immediately returned to him.

But it wasn't. I suppose the Reynolds somehow concluded that "possession is nine points of the law," so the boy was rightly theirs. Judge Fasing apparently was intensely interested in how they spent the \$600 plus dollars the little boy receives from the Social Security Administration due to his father's disability. That suggests their interest may have been more pecuniary than parental.

Whatever the case, their outrageous act of parental hegemony, coupled with ineffective assistance of counsel for Peter, resulted in his prolonged separation from his son.

One interesting sidelight is that the therapist, whose testimony at trial Judge Fasing discounted, is employed by an organization called Aurora Mental Health. It just so happens that Don Reynolds does volunteer work at Aurora Mental Health. So apart from attempting to give testimony she was not qualified to give, there appears to be a conflict of interest in the involvement of Aurora Mental Health in this case.

That's made even clearer by the fact that Peter was convinced to take a parenting class offered by Aurora Mental Health. What goes on in those sessions is clearly privileged and not subject to disclosure absent the client's consent. But what do you think happened? Sure enough, things Peter said were reported to the attorney for the Reynolds in what looks like a violation of his confidentiality.

That's all over now. Peter Spitz has at last been reunited with his son. The only legal hurdle yet to be cleared is the family court custody matter. Peter's only opponent in that case is his ex-wife, Teresa, who killed his mother and tried to kill him. She's since spent seven years in a mental institution. Her claim to custody, if she intends to make one, would seem to be unlikely to succeed. The most I can see a judge giving her is closely supervised visitation, and if she gets that, she'll get to pay child support.

Speaking of Teresa, Peter tells me that, when he and his friend went to pick up his son two days ago, "we were told that she was 'curled up in a ball in a corner of the basement' and unable to return to the mental hospital in Pueblo, 100 miles away per doctors orders."

Peter Spitz now has his son and his son has his father. Fathers and Families is proud to have helped that happen.

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