

## **CHILD CUSTODY CASE**

# **Cuban girl's mom: Dad knew she had problems**

**The mother of the Cuban girl in the midst of a custody dispute made another startling claim in court that may support the state's case against the girl's father.**

The Miami Herald  
Sep. 05, 2007

The mother of the little girl in the center of an international custody dispute repeated claims Tuesday that she lied in court last week to help her daughter's father return to Cuba with the child.

Among her lies, Elena Perez said: telling the court that the girl's father, Rafael Izquierdo, was unaware that Perez had mental health issues when he allowed her to leave Cuba with the girl two years ago.

"Rafael knew I had problems in Cuba," she said. "He was aware of the problems and even so, he authorized the exit."

Perez, who wants the girl to return to Cuba with Izquierdo, had previously maintained he was unaware she was troubled before she left with the girl.

Perez's assertion is key to the case being made by state child-welfare attorneys, who want the girl to remain with her foster parents in Coral Gables. The state lawyers claim Izquierdo is unfit to raise the girl, in part, because he knew Perez was mentally unstable but didn't stop her from leaving Cuba with the child.

The testimony marked the latest reversal of Perez's testimony, which has whipsawed since the trial began in Miami-Dade Circuit Court last week.

Her accounts have veered from recriminations to absolutions when recounting her relationship with lawyers for Izquierdo. She maintains that one of his attorneys, Magda Montiel Davis, told her to lie about her correspondence with Izquierdo to show he kept up an interest in his child's new life in the United States.

"Now they are attacking me to make it look like I am the one who is confused," said Perez, pointing at the table where Davis sat with other attorneys, "when the root of the lie comes from over there."

## **CREDIBILITY ISSUE**

Davis vehemently denies fabricating evidence or urging Perez to lie. Izquierdo's legal team, including Davis' husband, Ira Kurzban, has called into question Perez's mental state and credibility.

"I think the problem with Elena is obvious," Kurzban said after the session ended. "From our point of view it's self-evident that she's a very troubled person."

But Alan Mishael, a lawyer for the foster family, said Perez's revised testimony has credibility, because what she is saying goes against her own stated desire that the girl return to Cuba with her father -- the only thing on which Perez has never wavered.

"If she truly wants the child to go back to Cuba with the father, she has no motivation to lie," Mishael said after the court session was over.

Steve Weinger, another attorney for Izquierdo, spent several hours Tuesday peppering Perez with questions about the details of alleged meetings with Davis, her motivation for changing her story several times -- and about her sometimes tense relations with Cuban exiles in Miami because of the case.

Perez has said in court that she grew disillusioned after arriving in Miami from Cuba and wants her daughter to return to her birthplace, the central Cuban town of Cabaiguán, with the girl's father.

The girl has been in the care of a Coral Gables couple, former sports agent Joe Cubas and his wife, Maria, since shortly after Perez tried to commit suicide and was declared an unfit mother.

The state Department of Children & Families wants the girl, whose name is being withheld by The Miami Herald to protect her privacy, to stay with the Cubas family.

The department maintains Izquierdo is unfit to raise his daughter because, among other things, he took little interest in the girl's welfare.

Izquierdo's lawyers say he kept a keen interest in the girl's health and well-being, and had given Perez fish, milk and other supplies when Perez lived in Cuba. Izquierdo, they contend, was involved in the girl's life until the toddler left Cuba with her mother and older brother.

Among the evidence they point to are letters Izquierdo supposedly sent to Perez inquiring about the girl, and photos Perez sent to relatives in Cabaiguán showing the trio as thriving in the United States.

Last week, Perez said the letters were fabricated and that photos purportedly sent to Cuba were never mailed.

She said she lied in order to help her husband's case, but decided to come clean after conversations with her lawyer.

"My attorney asked me, 'Have they ever explained what you are doing, lying, in this country is called perjury?' " Perez said.

Weinger challenged Perez on the details of her meeting with Izquierdo's legal team, noting she has changed her account several times since first lobbing accusations Thursday.

For example, Perez conceded that photos she first believed were stolen by Davis were actually left behind by Perez herself, atop a computer during a family dinner at the Kurzban-Davis house.

## **BIGGER PICTURE**

As it had many times during the past week, the specter of U.S.-Cuba relations loomed large over the hearing. Weinger questioned Perez about whether she felt swayed or pressured by the the politics of Cuban exiles.

She said she quit her job at La Carreta restaurant at Miami International Airport because of friction with co-workers who disliked her position that her daughter should return to Cuba.

Perez's Cuban-born landlord refused to allow Davis onto her property to pick up Perez, citing Davis' political ideology.

Davis has been reviled by many exiles since she was filmed in 1994 kissing Cuban leader Fidel Castro on the cheek and calling him maestro during a trip to the island.

Weinger asked Perez if her Cuban-born benefactors who helped her buy groceries and pay her rent while living in the United States despised Castro and were scornful of Cubans who remain on the island.

"I did not come to this trial to talk about Castro," Perez responded. ``Do I have to answer?"

"Yes, you do need to answer his questions," Miami-Dade Circuit Judge Jeri B. Cohen said.

"Every person's opinion is personal," Perez said. ``The only ones I can talk about are mine."