

School documents released in pending RIH nurse case

By Frank J McMahon

A municipal court judge in Waldwick has decided to release some of the documents and records that were provided to him by the Ramapo Indian Hills Regional High School District in regard to a complaint that was filed against the Indian Hills High School nurse, Nancy Wirkmaa, by the parent of a former student in the school.

The documents and records will be turned over to the prosecutor, Thomas Randall, and Timothy Smith, the defense attorney for Wirkmaa as they prepare for a trial in the matter.

Scott Frank, the parent involved, filed the complaint against Wirkmaa after his daughter was involved in physical contact with another student in class on Feb 1, 2002. His daughter was suspended from school and has not returned, although her class has since graduated, because the district required a psychological or psychiatric examination prior to her return to school and Frank refused to permit it.

Judge Dennis P. Lahiff stated during a recent case status conference that he was constrained from granting a request for a probable cause hearing because the original complaint indicated that Oakland Municipal Court Judge, Malcolm Blum, had previously found probable cause for one of the counts in the complaint.

The complaint indicated that Blum found probable cause for proceeding with Frank's complaint on Sept. 25, 2003 and sent the matter to Bergen County Prosecutor's Office which dismissed all but one of the counts in the complaint and downgraded it to a disorderly persons offence for submitting or inviting reliance on any writing which the defendant knows to be forged, altered or otherwise lacking authenticity.

Lahiff reviewed all the documents and records and said in court that he found only some of those documents could be reviewed by the attorneys in the case.

"I've looked at all the records and there are some records I think that are privileged or confidential and have absolutely nothing to do with this case," he said. However, he noted that several documents such as the accident report and the nurse's own notes could be released. "So I will order these reports released to the defense and the prosecutor has additional documents for the defense." He said, adding that the defense attorney should also turn over any pertinent documents he has to the prosecutor.

Lahiff emphasized that the records of the student involved are confidential and he did not want them released to the public or made available for public inspection.

Smith maintains that a probable cause hearing has not yet been held in this case and he criticized the complaint against his client saying, "It's a false, malicious and slanderous allegation. It's a shame that an outstanding citizen like Mrs. Wirkmaa could be dragged through

the court system on the basis of a meritless citizen's allegation that was not submitted by the police department.

"There should be a better system of reviewing citizen allegations," he continued. "Anybody can make an allegation. But I am confident if this case had a true probable cause hearing this complaint would not have been issued."

Frank disagreed with Smith. "That's an absolute lie," he said referring to Smith's claim that a probable cause hearing has not been held in this case. "He's just spinning."

Frank claims he has always liked Wirkmaa but he believes that she changed a document concerning his daughters injuring following a fight in class in order to protect Robert Onorato, the school's principal, who has claimed that his daughter went to see the school nurse after the altercation, a claim that Frank denies.

Frank maintains that Wirkmaa changed the date on an injury report of another student and provided it as if it were the medical report on his daughter. He further claims that when the police went to the school and asked to see the original document they were told that Wirkmaa did not have it.

Onorato disagrees with Frank's description of the incident in class, which led to the lawsuit. He claims that Frank's daughter assaulted another girl in class who did not fight back and that her nose was not, as Frank claims, broken as a result of this incident. Onorato claims Frank's daughter went to the nurse who found some redness on parts of her body but not a broken nose. "Her nose did not get broken here that day." Onorato insisted.

Referring to Frank, Onorato said. "He's just putting Nancy Wirkmaa through the ringer. She's top notch. She does everything right and he's just trying to find something and there's nothing there."