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In the Superior Court of the State of California
In and For the County of Contra Costa

FAMILY COURT SERVICES STATUS REPORT

Case Number: [REDACTED]

Report Date: 8/8/13

Petitioner: [REDACTED]

Court Date: 8/19/13

Department: 37

Respondent: [REDACTED]

Child: [REDACTED] (DOB [REDACTED]) years 6 months old

	<u>Father</u>	<u>Mother</u>
Attended Orientation:	7/16/13	7/2/13
Current Appointment:	7/25/13	7/25/13

- Father reported a current TRO against Mother.
- Father reported a history of domestic violence by Mother.

I. Current Parenting Plan:

In court on 7/8/13, parents stipulated to a mutual non-clefs stay away order. They also stipulated that the child would be "free to decide where she lives and how she visits with the other parent." Parents were to help choose a therapist and the therapist was to meet with the child to help the child make these decisions.

Prior to this, Father had filed for a TRO on 6/14/13 which granted him temporary custody with no visits to Mother. The TRO included move-out orders. Prior to the TRO, the parties were residing in the same household.

II. The parties' disputed issues (briefly stated):

- Physical custody of [REDACTED]

III. The parties' respective positions on the issues: The undersigned will not be documenting everything each parent said in the session; rather, this child custody recommending counselor will summarize their main points.

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Both parents have filed motions before the court. These parents were living together until very recently. Mother filed for dissolution in May 2013. Father filed for a TRO in June 2013, which included move-out orders for Mother. In court on 7/8/13, the parents stipulated to mutual stay-away orders and to allow the child to make her own decision as to where she resided, with help from a therapist. Shortly thereafter, Mother filed a motion for custody.

The child has been living with Father since the parental separation. Mother reports that she saw [REDACTED] once, about a week after the TRO and move-out order was made. Mother states that [REDACTED] came to visit her, but left after approximately 5 minutes. Mother states that she has tried to maintain contact with [REDACTED] and calls her almost daily. The last direct (phone) conversation she had with [REDACTED], the child told Mother she was driving to the top of Mt. Diablo with friends. Mother expressed concern about this activity as [REDACTED] had only recently received her driver's license. Mother reports that the child hung up on her and since then has not returned her calls or texts.

Mother acknowledges that the parents agreed in court to allow [REDACTED] to decide where she resides, with the help of a therapist. However, Mother expresses concerns over this plan. Mother reports that Father took [REDACTED] to see a therapist, Lois Gradwell, in the spring of 2013. Mother was not aware, at the time, that this had occurred. Mother explains that [REDACTED] herself later told Mother, and explains that the child allegedly told Mother that her dad told her to "keep quiet" about the therapy sessions. At the time, Mother believes [REDACTED] had met with the therapist three times. She adds that [REDACTED] told Mother she was not going to therapy anymore. However, Father has since taken [REDACTED] back to see this therapist. Mother reports that she herself recently met with the therapist and describes this meeting as "disturbing". Mother states that the therapist implied that Father had "used her" in obtaining the TRO from the court. The therapist informed Mother that [REDACTED]'s sessions were focused on issues with her friends and that the teen "didn't care" that she wasn't seeing her mother. Mother also shared with the therapist some specific worries about Father accessing pornography, and reports that the therapist appeared unconcerned regarding this.

Mother expresses concerns regarding Father's relationship with [REDACTED] and the manner in which he interacts with her. Mother describes the relationship as "peer to peer" and without parental boundaries. Mother is concerned that [REDACTED] is choosing to reside with Father because Father is letting her do whatever she wants along with making promises to her such as he will buy her a pool table. Mother reports that historically she has been the disciplinarian and the parent most involved with [REDACTED]. Prior to the parental separation, Mother reports that [REDACTED] would typically run to her room and lock the door when her father returned home so as to avoid contact with him. Just prior to Father obtaining the TRO, Mother alleges that [REDACTED] had informed her dad "I want to stay at home with Mom and visit you." Mother believes that Father was upset by this. She further adds that [REDACTED] described this to her as "I broke up with Daddy".

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Mother alleges that Father regularly views pornography on the computer, and that this often involves underage girls. She reports that Father is being investigated by local police regarding this. Mother is requesting sole custody "until Father can co-parent effectively". She agrees that [REDACTED] should be in therapy and have some limited visitation with her dad.

Father is opposed to Mother's request for sole custody. Father disagrees with Mother's description as to her being more involved with Claire and the child trying to avoid Father. Father is concerned by what he considers "emotional violence" from Mother towards [REDACTED]. Father states that prior to the parental separation, Mother had attempted to cut-off all communication between him and [REDACTED]. Father states he did not have a key to the house and Mother was extremely controlling towards both him and [REDACTED]. He states that both of them were subject to verbal abuse and name-calling from Mother. Father describes Mother as "emotionally manipulative"; an example of this was when she cancelled the auto insurance the day prior to the child taking her driver's license test.

Father confirms that he initiated therapy for [REDACTED] in April 2013. He reports that [REDACTED] herself requested to speak with someone. Father states that the child attends sessions regularly on Wednesdays. Father acknowledges that [REDACTED] did, in June, tell him she wanted to live with her mom and visit with him. He states that "something happened" the day prior to this: Mother took [REDACTED] out of school and told her or showed her something, Father is not entirely sure what, but implied it might have something to do with her accusations over him accessing pornography. He adds that Mother tried to convince [REDACTED] that he is "an awful person". Father denies that the child is exposed to pornography or that he is being investigated for this. Father states he contacted police in June after an altercation at the home with Mother; however he did not file for the TRO immediately. Father explains that [REDACTED] was facing finals and he did not wish to disrupt things for her at the time. Instead, he left the home on a trip and allowed the child to complete her finals, then returning and filing for the TRO.

Father believes that [REDACTED] is comfortable residing with him. He states he "provides her with safety and care". Father adds that he is not restricting [REDACTED]'s contact with her mom. Father thinks that family therapy would be helpful. Father acknowledges that [REDACTED] needs to have some contact with her mom. He implies that [REDACTED] is more comfortable when her older brother, Andrew, is present (Andrew works for Mother and thus is often there during the daytime). Father is also concerned that [REDACTED] has the means to leave the visitation if it is going poorly. He explains that the child left of her own accord during the "5 minute visit" referred to by Mother because Mother was yelling at the child.

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IV. Additional Information:

The Custody Counseling was conducted via audio conference per Family Code 3181.

Father provided a copy of a Contra Costa Sheriff's Department report dated 6/4/13. Father contacted police due to a verbal and physical altercation with Mother the day prior. Father told police that Mother accused him of not having a job and of talking with his boss. He states he called his boss who denied speaking with Mother. Mother punched Father in the nose. The parents took a walk together and then retreated to separate bedrooms. Father told police Mother "needs counseling." He expressed concern for his and child's safety as he believes Mother is tracking them via items planted on their phones, cars, and computers. Father reported Mother hitting him before. Father had his car checked for tracking devices but none were found. Father states Mother has accused him of viewing/owning child porn and allegedly reported this to Danville Police. Officer checked with Danville Police and was told no paperwork had been received. Officer attempted contact with Mother at the home but no one answered the door. A message was left for her to contact officer.

The undersigned reviewed records from Contra Costa Sheriff's Department as follows:

- **Report dated 7/19/13: Suspicious Circumstances.** Mother contacted police on 7/11/13 reporting that her husband had been viewing websites that contain child pornography. Mother reported that this first occurred 17 years ago, when she discovered "computer disks" that contained child porn. Mother states she contacted FBI and was sent an envelope to mail the disks to FBI. However, Mother reports that she spoke with Father and he promised he would not do it again and therefore she destroyed the disks. Mother denied any further contact with FBI. Mother states that over the following 17 years, she would periodically catch Father in possession of what she believes to be child pornography. However, she states she has no evidence to support this and never actually caught him viewing such material. Mother spoke of credit card charges linked to a pornography website and how she believed many of the women were actually minors. However, Mother did not know for sure as no ages were listed. Mother had in her possession an ipad on which she stated Father had viewed the websites. Police noted ipad screen was smashed. Mother admitted to smashing the screen after being served with a restraining order from Father. I-pad could not be turned on. Mother denied that Father had exposed their minor child to pornography. Police contacted Father regarding Mother's report. Father reported that Mother accused him of using ipad to view child pornography. He states he gave her the ipad to verify that he was not. Father reported that he did view pornography on the web which led to credit card charges, however all the photos were of adults and not child. Father expressed concern that Mother was making allegations to complicate their divorce.

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- **Report dated 3/28/13: Disturbing the Peace.** Mother contacted police due to a domestic disturbance in home. Mother reported that Father had kicked in two interior doors in the home. Investigation determined "no physical violence or threats". Father admitted to damaging the doors. Couple has a strained relationship. Father reports Mother has changed locks on the exterior and interior doors and had been removing his belongings. Father kicked in doors when he could not locate his golf clubs. Mother admitted to police she had changed locks. Mother states Father does not need copies of keys as doors will be unlocked.
- **Report dated 6/15/13: Civil Matter.** Police contacted to home. Father had signed order for Mother to vacate the family residence. Mother gathered belongings and left

The undersigned spoke directly with Lois Gradwell, MFT, who is working with [REDACTED] in individual therapy. Ms. Gradwell reports that she met three times with Claire in May 2013, and then resumed weekly sessions with her in July 2013 after the parents went to court and stipulated to [REDACTED] being able to meet with a therapist. Ms. Gradwell reports that [REDACTED] prefers to live with her father for her upcoming senior year of high school. Ms. Gradwell does not have any safety concerns regarding [REDACTED]'s relationship with her dad or his ability to care for her. Ms. Gradwell describes [REDACTED] as a good kid, very bright, clearly headed towards college, but also somewhat isolated. Ms. Gradwell is helping [REDACTED] look at her relationship with each parent, as well as working with her on increasing her peer social support and independence and being able to take control of her life in a developmentally-appropriate manner. [REDACTED] has had some struggles in her relationship with her mother and is conflicted over this. Ms. Gradwell wonders if [REDACTED] and Mother might benefit from some family therapy. This would be with a different therapist than Ms. Gradwell, as she believes it is important for [REDACTED] to retain her own private space. Family therapy could focus on helping shift Mother's and [REDACTED]'s relationship, in the event that [REDACTED] continues to reside with her dad. It would be beneficial for a therapist to help guide Mother and [REDACTED] on how to move to a young adult or "coaching" type of relationship, where Mother is not responding to [REDACTED] in terms of parental directives or rules but rather is showing interest in Claire's life, supporting her choices, and offering guidance as [REDACTED] desires it and is open to it.

The undersigned met privately with [REDACTED]. [REDACTED] presents as a thoughtful, articulate, and intelligent young woman. [REDACTED] is about to begin her senior year in high school. She is a good student who takes advanced classes. [REDACTED] is hoping to attend college on the East Coast next year. She is beginning the process of trying to sort out what colleges to apply to and what programs she might be interested in studying next year. Senior year, with the college application process, will be a very big year for [REDACTED]. Because of this, [REDACTED] feels that it would be more manageable for her to have "one main home" during the year, rather

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than moving back and forth between two homes. One main home will allow [REDACTED] to focus more on school, the choices in front of her, and her future. At present, [REDACTED] feels she has more age-appropriate independence at her father's home. She is aware of the discord swirling between her parents in their recent separation, and finds it easier to focus on what she needs to focus on when in her dad's home. [REDACTED] would like to be able to continue to meet with her counselor, as this is helpful to her in having a neutral adult to talk with. [REDACTED] is not sure what she thinks about participating in "family therapy" with her mother. Because she is currently living with her dad, it would be much easier for [REDACTED] for her Father to manage her cell phone account as opposed to her mother; however she is hopeful that her mother will "release" her phone number so that [REDACTED] does not have to give all of her friends a new number. [REDACTED] would like to have flexibility in terms of how she visits or spends time with her mother. [REDACTED] is not interested in speaking directly with the judge at this point.

V. Child Custody Recommending Counselor's Observations and Conclusions:

Review of the police records do not show any evidence that Father is being investigated for child pornography or that he has been charged with violent behavior. Rather, the police records paint a picture of significant marital discord between the parents over the last several months and raise some concerns as to Mother's actions in regards to Father. Mother admits in one report to changing the locks to the family home – both exterior and interior rooms – and refusing to provide Father with a key despite the fact that this was a family residence. Mother recently contacted local police with allegations of Father accessing child pornography for the past 17 years; her timing in contacting police with these allegations appears directly related to the parties' family law dispute.

[REDACTED] appears to be a bright young lady who is appropriately focused on her future as she begins the very important last year of high school. [REDACTED] also appears to be significantly impacted by her parents' unhealthy relationship. She is trying to understand her relationship with each of her parents and trying to separate her own experience from that of her parent's. It appears that on the one hand, the parental separation has been good for [REDACTED] because it means she is no longer exposed to conflict between her parents within the same home. However, on the other hand, it has made things very complicated for [REDACTED] in that simple interactions – like how to retrieve her dental retainer from her mom's household or who controls her cell phone – has placed [REDACTED] squarely in the middle of her parent's court battle. This child needs to be removed from this position. It is recommended that [REDACTED] reside with her father during the upcoming senior year in high school. It is recommended that [REDACTED] have input into the amount of time that she spends with her mom. **A specific schedule is not recommended at present, nor is this what the parents themselves stipulated to in court in early July 2013.** It is recommended that [REDACTED] continue to meet with a private individual therapist to address how she is feeling and to help her better understand her

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relationship with each parent. Therapy should be a protected place for [REDACTED] with parental involvement only as recommended by the therapist.

It will likely be very difficult and painful for Mother to have [REDACTED] residing with her father. Mother is going to need her own individual support regarding this. It would be easy for Mother to be blaming of Father and/or [REDACTED] however this will only do further damage to her relationship with her daughter. It would be beneficial for Mother to engage in some individual therapy in order to look at her own choices in terms of her interactions with [REDACTED]. For therapy to be most successful and not merely Mother's view of the situation – which will place blame on [REDACTED] and Father – it would be important for releases to be signed to ensure that Mother's therapist speaks with [REDACTED]'s therapist. Therapy should focus on helping Mother shift her relationship with [REDACTED] wherein Mother is not monitoring [REDACTED]'s daily interactions but rather is expressing interest in her child and letting [REDACTED] know she is available as a "coach" should her daughter desire this. These are the sorts of changes that parents often experience in their relationship with older teens as the teen leaves the family home for college. In [REDACTED]'s case, this shift will occur slightly earlier (senior year in high school) as Mother's role with her daughter will change dramatically given that [REDACTED] will likely be residing with her father instead of with Mother.

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The child custody recommending counselor recommends the Court adopt the following as orders:

VI. Recommendations for future procedures:

1. [REDACTED] shall continue in individual therapy with Lois Gradwell, MFT, with sessions occurring at the frequency recommended by the therapist. Therapy shall be a private forum for [REDACTED] with parent participation only as directed by the therapist.
2. No later than 9/15/13, Mother shall begin participating in individual therapy with a licensed mental health professional. Mother shall provide the therapist with a copy of this status report. Mother shall sign a release and request the therapist to contact [REDACTED]'s therapist. Both parents shall sign a release to allow [REDACTED]'s therapist to share limited information with Mother's therapist. Mother's therapy shall focus on assisting Mother to make positive choices in her relationship with her daughter. In the event that [REDACTED] is residing with Father, this will be to assist Mother in backing off from direct parenting of [REDACTED] and instead shifting towards a more mentor/advisor type of relationship, with a focus on showing interest in [REDACTED]'s activities in a positive manner.

VII. Recommendations for parenting plan:

3. The parents shall share joint legal custody of their child.
 - a. In exercising joint legal custody, the parents shall share in the responsibility, confer in good faith, and agree on matters concerning the health, education, and welfare of their child. The parents must confer and agree in making decisions on the following matters:
 - Enrollment in or leaving a particular private or public school or daycare center
 - The child participating in particular religious activities or institutions
 - The child beginning or ending psychiatric, psychological, or other mental health counseling or therapy
 - Selecting a doctor, dentist, or other health professional for the child (except in emergency situations)
 - The child traveling out-of-country

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In all other matters in exercising joint legal custody, either parent may act alone, as long as the action does not conflict with any orders concerning the physical custody of the child.

b. Health-care

- Each parent shall notify the other parent of the name, address, and telephone number of each health practitioner who examines or treats the child; such notification must be made within two days of the commencement of the first such treatment or examination.
- Both parents' consent is required for the administration of any prescribed medications for the child.
- Except for any current court orders intended to protect the address of either parent who is the protected party of a restraining order, each parent shall have access to all medical and school records pertaining to the child and shall be permitted to consult with any and all professionals involved with the child. Each parent shall be responsible for contacting the school(s) and medical provider(s) to receive information. Both parents shall have the right to supply information to all providers.
- Each parent is authorized to take any and all actions necessary to protect the health, safety, and welfare of the child, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment shall notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the child.

c. Emergency Contact Forms. Except for any current court orders intended to protect the address of either parent who is the protected party of a restraining order, each parent shall be designated on all of the child's emergency contact forms as a person to be contacted in the event of an emergency regarding the child.

d. Name. Neither parent shall change the last name of the child or have a different name used on the child's medical, school, or other records without the written consent of the other parent.

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4. [REDACTED] shall reside primarily with her father. Father shall provide the child's physical care when [REDACTED] is not otherwise scheduled or mutually agreed between the parents to be in Mother's physical care.
 5. [REDACTED] shall be entitled to spend time with her mother as arranged directly between Mother and [REDACTED]. Such time shall not be on a specific schedule due to [REDACTED]'s older age and in consideration of [REDACTED]'s comfort level.
 6. In the event that [REDACTED] declines to begin to spend some time with her mother (such as for a meal once a week) and assuming that a reasonable period of time has passed (such as three to six months), Mother may wish to consider initiating family therapy for herself and [REDACTED]. Mother shall first discuss these options with [REDACTED]'s individual therapist to determine the child's willingness to participate in family therapy.
 7. Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the child.
 8. The parents shall communicate directly with each other on matters concerning the child and may not use the child as messengers between them.
 9. Each parent must notify the other parent 30 days prior to any planned change in residence of the child. The notification must state, to the extent known, the planned address of the child, including the county and state of the new address. The notification must be sent certified mail, return receipt requested.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
 10. Each parent shall keep the other promptly informed of all significant information regarding the child's health, education, and welfare.
 11. Each parent must notify the other parent immediately upon any change in his or her current address, telephone number and email address.
 12. Mother shall immediately "release" [REDACTED]'s current cell phone number from her control and contract to enable Father to control the contract and to enable [REDACTED] to keep her current phone number.

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13. Each parent shall have the right to liberal surface mail, e-mail, telephone, and other available communication with the child. Each parent shall permit the child to contact the other parent any time the child expresses the wish to do so.
 14. The terms and conditions of this order may be added to or changed as the needs of the child and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.

Sue Mayo, MFT

Sue Mayo, MFT, Custody Counselor