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IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

ARWILLMAN
COMMERCIAL COURT
GREENE COUNTY, OHIO

██████████
PLAINTIFF

CASE NO. 2014 DR 0311
JUDGE HURLEY

v.

██████████
DEFENDANT

JUDGMENT ENTRY

This matter came before the Court for three days of Final Hearing on February 6, 2020; February 7, 2020; and July 14, 2020, upon multiple Motions filed by the parties. Present at all days of hearing were Plaintiff ██████████ (hereinafter Mother) represented by attorney Jared Chamberlain and Defendant ██████████ (hereinafter Father) represented by attorney David Mesaros. Guardian ad Litem Laura Pendry was present and testified on February 6, 2020.

The Motions before the Court at trial were Mother's Motion to Reallocate Parental Rights & Responsibilities; Motion for Temporary and Permanent Custody; in the Alternative, Motion for Shared Parenting, filed May 28, 2019; Father's Motion to Suspend Mother's Parenting Time, filed January 9, 2020; Father's Motion in Limine, filed February 5, 2020; and Father's Motion to Exclude Mother's Exhibits, filed February 5, 2020.

Father's February 5th Motion in Limine and February 5th Motion to Exclude Mother's Exhibits were resolved during the course of litigation. Father's Motion in Limine asked the Court to exclude any evidence or testimony regarding shared parenting as Mother failed to present a Shared Parenting Plan pursuant to O.R.C. 3109.04(G). Mother did not attempt to present any evidence or testimony regarding Shared Parenting during the three day trial, rendering Father's Motion in Limine moot. Father's Motion to Exclude Mother's Exhibits was resolved during the final day of trial on July 14th at which time the parties agreed on the admission and exclusion of exhibits. The remaining Motions before the Court are Mother's Motion to Reallocate Parental Rights & Responsibilities, and Father's Motion to Suspend Mother's Parenting Time.

MOTHER'S MOTION TO REALLOCATE PARENTAL RIGHTS & RESPONSIBILITIES; MOTION FOR TEMPORARY & PERMANENT CUSTODY; IN THE ALTERNATIVE, MOTION FOR SHARED PARENTING FILED MAY 28, 2019

In Mother's May 28, 2019, Motion for reallocation, Mother requests that she be named residential parent and legal custodian of the parties' minor children, to wit [REDACTED] (DOB: 04/03/2008) and [REDACTED] (DOB: 04/03/2008).

Pursuant to O.R.C. 3109.04(E)(1)(a), "The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the child."

Both in her pleadings and at trial Mother failed to provide any evidence or testimony supporting a finding that a change in circumstances had occurred. When pressed for circumstances that have changed since custody was last determined by the Court, Mother testified that there was instability in childcare at Father's home and that the parties' son was acting out. Mother stated that she didn't like the fact that college students were watching the minor children while at Father's home. Mother was unable to articulate what specifically was wrong with college students watching the children, only that she did not like it.

As to the parties' son acting out, Mother stated that the change in circumstances is that their son posted an inappropriate TikTok video, and began using foul language at her home. Mother also testified that the children are unhappy in general.

The GAL was initially appointed to this case approximately one month after the divorce was filed, and has been involved with the parties and their children for five years. The GAL recommended that Father remain residential parent and legal custodian of the children. The GAL felt that Mother's reasons for filing for custody were tenuous and noted that this was the third custody filing since the parties divorced five years ago. The GAL also noted in her report and her testimony that she has serious concerns that Mother is alienating the children against Father.

Based on the foregoing, Mother's request to be named residential parent and legal custodian is DENIED. Mother failed to prove that a change of circumstances has occurred. The Court declines to analyze the best interest factors as Mother has not met her statutory burden.

FATHER'S MOTION TO SUSPEND MOTHER'S PARENTING TIME FILED JANUARY 9, 2020

In Father's January 9, 2020, Motion to Suspend Mother's Parenting Time, Father alleges that Mother has engaged in severe parental alienation against Father. Father alleged that Mother has continually manipulated and interfered with the children and their relationship with Father. Father requested that the Court suspend Mother's parenting time so that Father and the children can engage in intense counseling for a period of time without Mother's influence.

On the second day of trial, February 7, 2020, Father presented Linda Gottlieb, an LISW-R who is also a licensed marriage and family therapist. Ms. Gottlieb is an expert on parental alienation and she testified extensively on the subject. Ms. Gottlieb currently runs the Turning Points program which is specifically geared towards repairing relationships between children and their alienated parents. Ms. Gottlieb did not work with the West family and did not testify as to whether parental alienation had occurred in this case. However, the Court found Ms. Gottlieb's testimony instructive and found it incredibly relevant when analyzing the facts of this case.

Ms. Gottlieb testified that parental alienation can be indicated by a clear set of signs and symptoms. First, denigration of the alienated parent: maltreatment of the alienated parent by the children without provocation by the alienated parent. Second, frivolous, trivial, or absurd reasons for the denigration of the alienated parent. Third, reflexive support of the alienating parent: the children side with the alienating parent in all issues. Fourth, borrowed scenarios: the children report incidents that they could not have firsthand knowledge, such as using language above their cognitive development. Fifth, lack of ambivalence: children engage in black and white thinking in which one parent is all good and the other parent is all bad. Sixth, lack of guilt or remorse when abusing a parent: the alienating parent doesn't correct the children's behavior and says things such as, "I tell them to stop." Seventh, independent thinker phenomenon: the children think that their feelings and thoughts about the alienated parent all are their own, not the feelings and thoughts of the alienating parent. Finally, spread of denigration to friends and family: no recollections of good things about the alienated parent, amnesia of the past, overnight rejection.

Ms. Gottlieb testified that the only two signs and symptoms that need to be present to determine that alienation has occurred are denigration of the alienated parent and trivial, frivolous reasons for same. Ms. Gottlieb also testified about seventeen alienating strategies an alienating

parent uses to alienate the children from the other parent. Importantly, Ms. Gottlieb testified that children do not alienate themselves, so you can work backwards to find the source of the alienation.

Ms. Gottlieb also testified about her Turning Points program in which she conducts therapy in order to repair relationships between alienated parents and their children. Ms. Gottlieb testified that Turning Points is a program in which the alienated parent and the children normally would travel to New York, and spend four days with her from morning to dinner. The group engages in talk therapy in the morning and spends the afternoon doing activities together. Ms. Gottlieb requires a no-contact period of ninety days between the children and the alienating parent. Ms. Gottlieb explained this no-contact period by comparing parental alienation to a virus. She stated that if you give antibiotics to an infected patient, then return them to the infected environment, the patient will be re-infected.

Ms. Gottlieb testified that if the alienating parent is unwilling to relinquish control and support the other parent, another ninety day period of no-contact may be required. Ms. Gottlieb stated that kids won't invest in the program or participate if there is contact between them and the alienating parent because they will continue to feel pressure to please the alienating parent.

Ms. Gottlieb testified that, once the four-day intensive portion of the program is over, reintegration continues with a local therapist. Ms. Gottlieb remains involved with the family by coordinating with the local therapist for the alienated parent and children, the alienating parent's therapist, and the GAL. Ms. Gottlieb recommends supervised visits for the alienating parent at first, then gradually increasing parenting time.

Ms. Gottlieb testified that her fee for the Turning Points program is significant, and prefers that the alienating parent pay the entire fee so that they "have skin in the game." Ms. Gottlieb testified that, in the 65 cases she has worked on through Turning Points, she has had a 100% success rate if her program is followed as proscribed. She states that, in the two cases where there was a failure to reconnect the family, there was surreptitious contact between the children and alienating parent.

Father has requested that he and the children be permitted to participate in the Turning Points program with Ms. Gottlieb. Father has also requested that Mother be Ordered to pay all, or a portion, of the fee. Between Ms. Gottlieb's testimony on February 7, 2020, and the third day of trial on July 14, 2020, the Coronavirus pandemic broke out in the United States. Father testified that he had spoken to Ms. Gottlieb since February about whether he and the children could still

participate in her program. Ms. Gottlieb informed him that she is able to conduct the four-day intensive remotely, and that Father and the children could still participate.

On the third day of trial, Father testified about some of the children's behaviors towards him. Father testified that the children denigrate him without provocation, and are condescending when they speak to him. Father testified that, at a doctor's appointment for [REDACTED], [REDACTED] told the doctor that Father was restricting [REDACTED] diet. In reality, Father does not let the children take food into their bedrooms, but [REDACTED] represented this to the doctor as Father restricting [REDACTED] diet instead.

Father also testified that the children look for opportunities to complain for frivolous reasons. Father testified that [REDACTED] told him he couldn't Father because Father did not charge [REDACTED] iPad while he was exercising parenting time with Mother. Father stated that [REDACTED] never asked him to charge the iPad, and that this was a trivial reason to state that he does not trust Father. Father also testified that, on a cold day, Father told [REDACTED] he had to wear his coat to school, and if he did not wear his coat, he would lose iPad time. [REDACTED] responded that this was "child abuse."

Father also testified that the children see Mother as all good and Father as all bad. Father testified that the children told Father that paternal grandparents did not care about the children because they only visited for two days but maternal grandparents visited for a week. Father testified that the children often compare what Mother would do to what Father does.

Father testified that there has been a withdrawal of affection from the children. Father said that when he tells the children that he loves them, there is often no response from the children. Father also testified about the independent thinker phenomenon. Father said the children told him that his career choice shows that he never wanted children. The children constantly refer to a three-week period when the children were one year olds and Father missed Christmas. Father testified that he did not tell the children he missed Christmas, and based on the children's age at the time, they should not have an independent memory of that holiday.

Father also testified that Mother forces the children to choose between them by scheduling things for the children during Father's time. Father testified that Mother gets the children excited for events that she schedules during Father's time which makes the children angry if Father cannot or will not take the children to the event. Father testified that there was a birthday party scheduled for [REDACTED] friend during Father's parenting time, and Father did not take her to the party.

Father testified that Mother sent [REDACTED] a picture of the party that she missed, and that [REDACTED] reacted poorly to Father.

Father testified that the children are secretive about what happens at Mother's house and do not share details of their time with Mother. Father testified that the children spent extra time getting ready at his house one night and dressed very nice before Mother arrived to take the children for parenting time. Father later found out that Mother was remarried that day and that the children went to Mother's home to celebrate the marriage. Father also testified that, in the spring of 2019 for a period of 4-5 months, the children referred to Father by his first name.

Mother denied that she has negatively influenced the children or alienated the children from Father. Mother testified that the children act up when they are at her home as well. Mother stated that she and her now-husband did not tell the children that they were getting married, so she is not sure why they happened to spend so much time getting ready at Father's house the day of her wedding. Mother testified that she does not encourage secrets from Father or bad behavior at Father's home.

As stated above, the GAL who has been on this case for five years believes that Mother is alienating the children from Father. The Court agrees. Based upon Ms. Gottlieb's testimony about the indicators of parental alienation and the testimony of the parties, the Court finds that Mother has been alienating the children from Father for a long period, and that it has become severe. The Court found Father's testimony persuasive, and finds that Father's descriptions of many incidents between himself and the children fit into Linda Gottlieb's signs of alienation. The Court did not find Mother to be a credible witness during some of her testimony, specifically, her denials about alienating the children and her testimony that she did not tell the children about her wedding until after it was over.

The Court fears that, unless there is a serious intervention done immediately, the relationship between Father and the children will be damaged beyond repair. Based upon the evidence, testimony, and record in the case, the Court hereby issues the following **ORDERS**:

1. Father and the children shall participate in the Turning Points program with Linda Gottlieb. Upon receipt of this Entry, Father shall schedule to start the program at the earliest possible date.

2. Mother shall have no contact with the children upon receipt of this Entry until the 90 day no-contact period in the Turning Points program has ended. Father shall keep Mother apprised of the details of the program as it begins and progresses.
3. Both parties shall cooperate and comply with Ms. Gottlieb's recommendations.
4. Father shall be responsible for 70% of the Turning Points program's cost; Mother shall be responsible for 30% of the program's cost. Upon payment of the program's fee, Father shall share proof of payment with Mother. Mother shall reimburse Father for her portion of the cost within six (6) months of receiving Father's proof of payment.


IT IS SO ORDERED AND DECIDED.


JUDGE STEVEN L. HURLEY

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Entry and Order (which may be a final appealable order) were entered upon the general docket and mailed to the parties as indicated below by Regular Mail, on or within three days of the time-stamped date on this order.

Jared B. Chamberlain, Attorney for Plaintiff
David P. Mesaros, Attorney for Defendant
Laura E. Pendry, GAL


Deputy Clerk 9/2/2020