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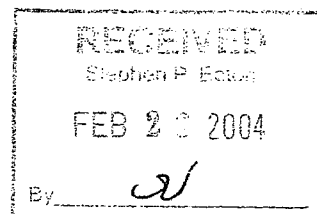
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February 25, 2004

Child Custody Evaluation and
Recommendations

No. DR [REDACTED]



This writer was appointed as the Court's Rule 11-706 expert by the Honorable Judge Angela Jewell to conduct a child custody and time sharing evaluation of the parties and their children. [REDACTED] and [REDACTED]. This evaluation has been long and protracted, with multiple allegations of physical and emotional abuse occurring during the period the evaluation was being conducted. Elements of the evaluation include many interviews with each of the parents; psychological testing of the parents; interviews and psychological testing with the children; observation of the parent-child interactions; interviews with numerous collateral sources of information; review of many letters written by family members and friends of the family; review of treatment reports; consultation with staff and review of documents from APN; consultation with John Owen, Ph.D., family therapist; review of Children, Youth and Families Department files on this family; and multiple contacts with Mary Chappelle, Esquire, Guardian ad Litem.

This case began in July, 2001 when there was an altercation between the father, [REDACTED], and [REDACTED] and [REDACTED] the mother. This altercation resulted in [REDACTED] being arrested for domestic violence and child abuse. The child abuse allegations were substantiated and the domestic violence charges resulted in probation and referral to domestic violence counseling for [REDACTED]. [REDACTED] was sent by her mother to stay with her maternal aunt and then on to other extended family before she returned home to Albuquerque. During that period of time there was a major division within [REDACTED] side of the family with several of [REDACTED] relatives coming forward to support [REDACTED] and alleging that [REDACTED] suffered from a major mood disorder. A second complaint against [REDACTED] of child abuse/bruising concerning [REDACTED] occurred in January, 2002. This complaint was also substantiated by the CYFD staff.

It is important that the Court be apprised that both parents feel the other is at fault for most of the problems in this family. [REDACTED] is convinced, if not obsessed with proving, that [REDACTED] is a violent, abusive man who should have been sent to prison for what he has done and who should never have unsupervised time with the children. [REDACTED] is convinced that [REDACTED] has an undiagnosed mental illness and has systematically poisoned the children's minds about him. The truth, in my opinion, is somewhere in the middle of these two diverse opinions of the parents.

[REDACTED] who is a former Marine drill instructor, has definite beliefs about how the children should be raised and how they should behave. At times his reaction to the children and their mother has been quite extreme. This has resulted in extreme fear of

him by [REDACTED] and some fear of him by the children. [REDACTED] has difficulty recognizing that his behavior has contributed to this ongoing problem between he and the children. [REDACTED]'s strong belief that [REDACTED] is violent, and should be punished severely, is not lost on the children. While she reports that she never says negative things about the children's father, it is my opinion based on all the evidence available to me that she has shared her beliefs about [REDACTED] with the children and that it has had a profound negative effect on them and their relationship with [REDACTED]. [REDACTED] also has clearly shared too much information with the children about court proceedings and about financial issues between the parents.

The children routinely state that they are afraid of their father and want nothing to do with him. However, all three of them have repeatedly been observed by this writer, and by others including the staff at APN, to show absolutely no fear of their father. In fact, the boys have initiated wrestling with him, and when seen alone after sitting on his lap or wrestling with him, have stated how afraid of him they are.

Both parents were administered the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), Personality Assessment Inventory (PAI), and the Rorschach Inkblots as part of the evaluation. [REDACTED]'s defensive response style rendered the MMPI-2 and PAI test results largely invalid. What is evident in her responses to these inventories is that she has a significant reservoir of anger and that this anger is likely expressed in indirect or passive aggressive ways. Her Rorschach results, which were valid, reveal that her actions tend to be guided more by how she feels than by what she thinks. In problem solving she tends to use a trial and error approach over thinking about possible alternatives. She is likely to express her feelings in an overly dramatic manner. She also is not particularly introspective and consequently has an insufficient appreciation of the impact she has on others.

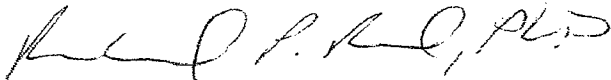
[REDACTED]'s responses to the MMPI-2 and PAI were also quite defensive. These results indicate that he also has significant anger and may have difficulty in the appropriate expression of those feelings. He also may utilize passive aggressive behavior to express his anger. He also shows signs that the stress of this court case and the abuse complaints have created significant distress for him. His Rorschach results were valid and indicate that he is uncomfortable with uncertainty and ambiguity. He likes, and does best in, situations that are clearly defined and well structured. As opposed to [REDACTED] he tends to exert more stringent control over his feelings than most others and as a result may have difficulty relaxing and showing his feelings. At times he becomes preoccupied with his own needs at the expense of the needs of others. He also tends to externalize blame and responsibility.

It is clear to this writer that the children are primarily attached to their mother. They are secondarily attached to their father, but it is an anxious attachment. The anxiety stems both from [REDACTED]'s past behavior with them and from their incorporation of their mother's fears and beliefs. The level of anxiety and anger all of this has generated for the children resulted in an elaborate fantasy/plan by [REDACTED], and to a lesser extent by [REDACTED], to poison their father and get rid of him. At the same time [REDACTED] and [REDACTED] are harboring these feelings about their father, they are playing with him and appearing to others that they are having a wonderful time.

February 25, 2004

Based on all of the information available to me I offer the following recommendations in the children's best interests.

1. Given the dynamics in this case, sole custody should not be awarded to either parent. The parents should share joint legal custody of the children. The children should primarily reside with their mother. The children should spend every other weekend with their father, from after school on Friday until they return to school on Monday. In the summer, the schedule should be nine days with their mother and five days with their father. Every other week [REDACTED] should have the children from Wednesday at noon until the following Monday at 9:00 a.m.. Each parent should have two uninterrupted weeks for an out of town vacation with the children in the summer. Notice should be given to the other parent at least thirty days prior to the anticipated vacation.
2. The parents should alternate the major holidays. In 2004, [REDACTED] should have the children for the Thanksgiving weekend, starting after school on the Wednesday before Thanksgiving day. [REDACTED] should have the children for the first half of the school winter break which will include Christmas Eve and Christmas Day. [REDACTED] will have the second half of the winter break. Spring break should be divided equally between the parents each year. Easter weekend in 2004 will be with [REDACTED]. The Thanksgiving, Christmas and Easter schedule should be alternated in subsequent years with [REDACTED] having the first half of the winter break in 2005, and [REDACTED] having the second half, Easter, and Thanksgiving weekend.
3. The children should continue with their therapy. Both parents could profit from individual psychotherapy for themselves as well.
4. A Guardian ad Litem, with arbitration authority, is an absolute necessity in this case.



Richard P. Reed, Ph.D.

RPR/jlr