

The Smith Family, Part I

George and Mary, aged 32 and 25 respectively, have been separated for two years.

They have three children, Brittany, age 4, Jeremy, age 7, and Michelle, age 11.

The separation was initiated by Mary, after a friend told her that George was having an extramarital affair, which he denied.

At the time that George learned of the separation, George lost his temper and threw a phone against the wall (in the opposite direction from where Mary was standing), breaking the phone.

The police were called. George was required to leave the home for the night but not arrested.

The children were not at home at the time of this incident, having been taken by Mary to her parents' home so that she could talk to George about the separation alone. Michelle was devastated by the separation which has complicated her relationships with her friends. Mary has told her that the family can no longer afford Michelle's violin lessons. She also states that George refuses to allow Michelle to practice when she's at George's home. Michelle wants to join the school orchestra but believes her father would never allow it. She believes that George betrayed Mary and destroyed the family home.

Michelle later asked how the phone was broken and was told that George was responsible. She later told Jeremy. None of the children witnessed the event.

CPS concluded that George did not present a danger to either child. A custody evaluation has been ordered. George has supervised visitation pending the outcome of that assessment.

At the time of the separation, Mary was still breastfeeding Brittany, who was then two years, 4 months old. She opposed any kind of overnight contact between George and either child and now requests that his contact be permanently supervised.

She alleges that, while there were no prior violent incidents, the episode with the phone reflected a pattern of controlling and intimidating behavior by George that frightened both her and the children. She also contends that he is insensitive to the needs of the children. She believes he has narcissistic personality disorder.

While the parents were living together, Mother did most of the bathing and bedtime care. George had begun to involve Jeremy in sports and was coaching his soccer team. He had been slightly less involved with Michelle's activities, believing that she preferred spending time with her friends. Following the separation, Jeremy allegedly told Mother he did not want to attend soccer anymore. When she did bring him to practice, he would cling to her and cry. George states that when he or a friend brought Jeremy to soccer, Jeremy was fine. Father states that Brittany used to enjoy playing with him but now clings to her mother and cries whenever he tries to pick her up. The parents have begun videotaping the transitions. Michelle transitions to her father when she is picked up from school but refuses to go when she transitions from home.

Dad's position is that mom is enmeshed, overprotective and infantilizing of the children and that she excluded and marginalized him as a parent. He is outraged that Jeremy and Michelle were told about the incident with the phone, and believes that is a case of Parental alienation syndrome. He also believes that Mother has Borderline Personality Disorder. He further states that she has occasionally slapped him in anger in front of the children.

Father is requesting a 50-50 parenting plan and that Brittany be immediately enrolled in preschool so that he can pick her up from there, and so that Brittany begins behaving like her agemates. He sees no reason that this plan cannot

begin immediately. Mother states that Brittany is too traumatized to attend preschool and needs to spend her time with her primary attachment figure. She states that she has asked Brittany if she wants to attend preschool and Brittany says no.

Is there a case to be made for early intervention?

What questions would you ask? What structure would you propose?

If you are a lawyer, how would you persuade your client to cooperate?

What judicial support would be needed?