

The Smith Family, Part I

George and Mary, aged 23 and 25 respectively, have been separated for two years.

They have two children, Brittany, age 4, and Jeremy, age 7.

The separation was initiated by Mary.

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.

Jeremy later asked how the phone was broken and was told that George was responsible.

CPS concluded that George did not present a danger to either child. A custody assessment 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. 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 Tiffany 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.

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 was 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 Tiffany be immediately enrolled in preschool so that he can pick her up from there, and so that Tiffany begins behaving like her agemates. He sees no reason that this plan cannot begin immediately. Mother states that Tiffany is too traumatized to attend preschool and needs to spend her time with her primary attachment figure. She states that she has asked Tiffany if she wants to attend preschool and Tiffany 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?