



SMALL GROUP CASE STUDY
September 11, 2020
AFCC-MN Half-Day Conference

CRISIS

Nov An exchange is to take place at 1:00 at father's residence. Mother arrives 90 minutes early and demands that all three children leave with her. A loud argument ensues in the front yard and police respond to a report of a domestic disturbance. The officers attempt to separate the two adults in order to gain information about the dispute. Mother calls to the middle child, who runs with her to the car. Father retreats into the home where the 4-year-old and 13-year-old remain, locking the door. Neighbors are asked to return to their homes and shelter-in-place. Police SWAT and hostage negotiators are summoned to the scene and begin to negotiate with father, who has barricaded himself and the two children inside the home. After ten hours the SWAT team receives the 13-year-old child. Four hours later, after numerous unsuccessful attempts to get father to release the 4-year-old child, the SWAT team enters the home by force. Using flash bangs and tasing the father, they retrieve the child. Father is taken into custody for violating an order for protection, terroristic threats, child endangerment and false imprisonment.

In your breakout session, focus on the events in the year preceding the above crisis. Apply what you have learned in the plenary session so far. Explore what opportunities might have exist for changing the outcome — things that the professionals involved in family court matters (even peripherally) can anticipate or react to differently.

Select a month to discuss amongst yourselves and formulate a question or comment about it for our two speakers, Linda Flanders and Deb Link.

Each breakout group has a committee member on board to help guide discussion.

- Sep Parents separate and mother files for divorce. Three children involved, ages 4, 7, and 13-years-old. Father agrees to a temporary parenting time schedule of a midweek 4 hour visit and every other weekend.
- Dec Just before the holiday, mother seeks an order for protection on behalf of herself and the children, arguing that father is emotionally abusive and sending harassing texts, causing her to be fearful for their safety. The Court signs an ex parte order on behalf of the mother only and orders supervised parenting time for father.
- Dec A hearing is held. Both parties are now represented by counsel. Father stipulates to the entrance of the OFP with no findings and the parties agree mother will be awarded temporary sole legal/physical. Father is ordered to complete an anger management class.
- Feb Father's attorney files a request for dropping the requirement for supervision and granting 50-50 parenting time. Father alleges that professional supervision is too costly and that mother has withheld the children on several occasions, causing him to miss parenting time. Supervision records submitted to the Court acknowledge that mother failed to bring the children to four sessions. Father submits a certificate of completion for an anger management class.
- Apr The Court grants father parenting time twice a week, no overnights, with supervision to be provided by paternal relatives, effective immediately.
- May The 13 year-old daughter refuses to participate in parenting time with father, stating she will kill herself if forced to go. The child sends a letter directly to the judicial officer with that information. An anonymous report is made to child protection which is screened out after a meeting with both parents and the child in question.
- Jun All three children begin individual therapy with three different providers. In meetings with the children's therapists, mother alleges that father is emotionally and physically abusive. She refuses to exchange the children or allow parenting time. Father is not in contact with any of the therapists.
- July Father's attorney submits a supernova deus tecum to each of the children's therapists, demanding release of the therapeutic files.
- Aug Father's attorney petitions the Court to enforce his parenting time. Father has not seen the oldest child since May, nor the two younger children since June. Both parents allege the other has substance abuse and mental health issues. The Court orders each to undergo a mental health and chemical dependency evaluation and appoints a Guardian ad litem. The Court sets a short review period and parenting time remains unaddressed.
- Oct At the five week review hearing, the Guardian's report summarizes one hour visits between the children and each parent. Both younger children willingly meet with father, but the relationship appears strained. With mother, both children appear comfortable and attached. The 13-year-old girl is guarded and refuses to interact with either parent or the GAL during observations. Both parents' Rule 25 assessments come back with findings that neither parent requires services. Neither parent has completed the mental health evaluation due to a backlog in county services. The Court orders parenting time to resume for the two younger children, allowing the oldest child to opt in or out as she chooses. A carve-out is made to allow for exchanges without violation of the OFP. A trial is scheduled for Jan 2020.