

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

E.M.,		:	NO. 00-20,433
	Plaintiff	:	
		:	
	vs.	:	CIVIL ACTION - LAW
		:	
R.M.,		:	Petition to Suspend Family
	Defendant	:	Counseling

**OPINION AND ORDER**

This Opinion and Order is the result of a rather unusual request to suspend family counseling. It was filed by EM, hereinafter referred to as (grandmother) on behalf of the subject child, (S). It is opposed by R.M. (mother). The hearing was held June 17, 2011, which encompassed one-half day of testimony. Because of the nature of this request and the nature of the entire case, it might be well to chronicle at least a part of its extensive history.

This custody case is now 11 years old. It is a highly contentious case involving a custody dispute between the mother of S and S’s grandmother. S, who will turn 16 this August, was placed by the court in the custody of her grandmother on June 8, 2000. S’s father, M.M., has never taken any interest in S, has not been a party to any of the proceedings in the case and his whereabouts are still unknown.

The transfer of custody in June 2000, occurred after grandmother removed S from her mother’s care in 1998 as a result of a severe substance abuse problem involving crystal methamphetamine. This use resulted in mother being committed to an in-patient drug rehabilitation facility in California.

S continued to stay with her grandmother for a relatively short period of time thereafter and was then returned to the custody of her mother. Grandmother continued to be actively involved in S’s life while she was in the custody of her mother.

In 2008, grandmother filed a petition for emergency custody alleging child abuse. The petition was granted and grandmother has had primary physical and shared legal custody ever since. Over the past three years, this court has dealt with numerous requests, principally from

mother for contempt, special relief and modification of custody. Regrettably, any semblance of a healthy relationship between mother and grandmother has disappeared. Mother has anger issues that she has difficulty controlling. She has, on a number of occasions, had outbursts in court and in court conferences when confronted by a statement with which she disagrees. It is easy to conclude that mother, in a less structured situation (than court) could be and is much more volatile.

Nevertheless, in order to attempt to restore some relationship between mother, grandmother and S, the court earlier this year ordered family counseling. That decision was the subject of further review of the June 17, 2011 hearing.

At the hearing, the court received testimony from three counselors. The most substantive testimony was received from Dr. J.N., a clinical psychologist who is S's therapist. Dr. N. has diagnosed S with moderate to severe post traumatic syndrome which, in his opinion, has occurred as a result of the child abuse S suffered at the hands of her mother. As a result of this diagnosis, Dr. N. has recommended cessation of family counseling because of the effect it has on S. His diagnosis was corroborated by N. M., a licensed clinical social worker, who engaged the parties in family counseling last year. Ms. M. indicated to the court the difficulty S encountered when confronted with counseling that involved her mother.

At the conclusion of the hearing, the undersigned interviewed S, in chambers, with all counsel present. The court broached the idea of some type of communication between S and her mother. This was met with a rather disarming reaction of her becoming visibly upset, shaking and crying. When the court suggested something as benign as mother sending S a birthday card, it was met with a similar reaction.

This reaction is in contrast to what otherwise appears to be a pleasant, high achieving, young lady. The court received testimony that S ranks 4<sup>th</sup> in her high school class, has absolutely no department problems, is polite and well-mannered and is never late or misses any school. She appears to have appropriate friends, denies any alcohol or tobacco use, and she has had no contact with law enforcement or any other issues that would concern the court.

S disclosed to the court that when confronted with the idea of contact with her mother, she has visions of an episode with her mother where she claims to have been choked and smothered by her mother shortly before her removal from her mother's care in 2008.

Ironically, she claims to love her mother and she says that she very much wants to have a normal relationship with her.

It is against this background that this court has decided to grant the suspension of family counseling. After questioning by the court, Dr. N. testified that he felt it would be healthy for S to work toward restoring a normalized relationship with her mother but that family counseling was at this point too large a step and that a more modest approach must be applied. In view of the foregoing, the court will issue the following order:

**ORDER**

And now this 24<sup>th</sup> day of June 2011, the Petition for Suspension of Family Counseling is granted. All contact between R.M. and her daughter S will be at the direction and in the form prescribed by Dr. J. N.. Dr. N.'s protocol in this matter will be controlling and all parties are expected to comply strictly with his directives. This shall continue until further Order of Court or until Dr. N. is no longer involved in S's therapy.

By the Court,

Dudley N. Anderson, Judge

cc: Rebecca Reinhardt, Esq.  
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Gary Weber, Esq.  
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