

Joan Zanard

Joan Zanard  
Of Southbury, CT 06488

I, Joan Zanard, as a Guardian Ad Litem, Recovery Support Specialist, and extensively trained in family therapy and with 2 decades of experience working with families, set forth my expert concerns about the following: Bill NO. 494, 6685 and 5524

Bill no. 494

***AN ACT CONCERNING GUARDIANS AD LITEM AND ATTORNEYS FOR MINOR CHILDREN IN FAMILY RELATIONS MATTERS.***

Every day, I receive another phone call from parents who have been falsely accused of Parental Alienation or who's inappropriately trained or educated Guardian Ad Litem did not properly know how to handle a case with a resistant child. Not every resistant child is alienated. It could be the case of a parent NOT knowing what to do. If the GAL's were properly trained, they could intercede without all the drama and high cost. They would be able to recognize proper patterns of behavior and not make as many mistakes in the children's best interests. They would be able to appropriately explain and direct a parent on how to successfully encourage visitation.

From this point forward: I will be referring to various sections of Bill No. 494.

Section 1.

Section (a) and (b) need to be reversed. Let the parent's first attempt to co-parent before others are brought in. First the parents are given the opportunity to pick a GAL, and then if they cannot agree, then the courts provide a list of 5 to choose from and then if they cannot still agree, then the judge could choose.

(a) Additional changes: While it is a good idea to have 5 GAL's to choose from, I think that it should be the parents who choose the GAL and if necessary create their own list of 5 GAL's. In fact, the list of GAL/AMC's should be made available to the parents to choose from first. This takes it completely out of the judge's hands and levels the playing field as well, there is a good chance that there will be at least one GAL on the parent's list that the other parent has.

(b) Again, Section (a) and (b) should be reversed. Additionally, no GAL should be necessary for restraining orders or for ex-parte UNLESS specifically requested by a party.

(c) (2) This is weak language. It would be more powerful if the appointment of a GAL had a specified time frame eg. 3 mos. to complete their investigation.

(c)(4) The Statute needs to add a cap to the amount a GAL can charge.

(c)(5) Who is doing the "periodic court review of the work"? I would recommend one of the many local non-profit organizations situated all over the state such as Focus on Kids, PAS Intervention/End Child Abuse. As non-profits the fees would be minimal if not free.

The periodic court review must take place every 3 months... 6 months of GAL bills can total 20K and damage to a child, or child-parent relationship. 6 mos months to a child is a lifetime.

Sec. 2. Section 46b-54

(a) Sufficient Age is an issue. Most children of high conflict divorce, are stunted in the emotional maturity starting at the age when the hostile aggressive situation began. A child would need to be evaluated and cleared by a proper professional trained in child psychology and psychological abuse. In fact, mental maturity of children is NOT an indicator of emotional maturity and nor is educational achievement.

(b) This just seems to be another way to spend the parent's money. It would be better to get the entire family into proper counseling.

Additionally: Parents with a controversy want it to be parent vs parent in front of a judge with the judge

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making a decision. A court-appointed 3rd party GAL or AMC to stand between parents and the judge is a large part of the problem. The judges need to do the job that the state of Connecticut has empowered them to do.

Sec 2 and 3: Concerned that only talking about AMC counsel for children and GALs are not mentioned.

Sec. 3. Who does is the 3rd party? Please define better. Who is being considered as 3rd party, parents' relatives? DCF?

Get rid of last sentence about giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference. Let the parents determine the best interest of the child not GALs and AMCs. If there is a conflict the judge can decide. The biggest issue here is that we are supposed to be keeping the child out of the middle. This last line brings the child into the middle of the conflict, which is what every parent is told NOT to do.

Personally, I take strong issue with third party interest. Who is this 3<sup>rd</sup> Party? Does this means anyone who is not a party to the case or who is a relative can just pop in and wreak more havoc? So for example, if a parent continuously files charges with the DCF or another child protection agency, whether the charges are substantiated or not, or minor in issue but something used to harass a parent with, this third party can now commandeer the custody of the children and all their assets in the name of the child(ren). With all the rampant issues with our child protective services and their federal financial gain for every child they place in foster case, this could be a recipe for disaster. Again, proper training and counseling could probably eliminate half the high conflict cases.

Sufficient age is relative to the child's emotional maturity. Mental maturity should NOT be mistaken for emotional maturity. This happens all the time where children are judged to be emotionally mature enough to make a decision that will affect them the rest of their lives based on the fact they are doing well or not doing well in school. This in fact would be the worst indicator because school, for most kids of high conflicted family matters, is where they escape to and is the only place they have control over their lives. In some cases, the children may feel pressured to excel for fear of not being loved or abused. They may be flunking out of anger and rage. And so on.

Sec. 4.

The language needs to be clarified to state that a single party can terminate GAL appointment upon filing a motion and getting it granted. By leaving this so broad, it opens the door for too many issues of ambiguity.

The language in this section also needs to state that there is an unlimited number of times that a parent can request the removal of a GAL especially if there are repeated issues. Also, these removals should be kept in a permanent file as well as get posted on a National GAL Abuse Registry for those that have violated rights especially. Otherwise, there is no way to track constant GAL problems related to a particular GAL.

I also have concerns about the judicial branch reviewing motions to remove GAL's. The presiding judge should not be the one determining the continuance or dismissal of the GAL appointment as this maybe a conflict of interest if the judge appointed the GAL.

Sec. 5. (a)

This section needs the words, "intervening party" removed along with the section about going after a 3<sup>rd</sup> party, such as a relative or parent's parent is unjust. The grandparents did not make this situation or the other relatives, nor new spouse, so why are we making them pay for fees related to any part of the process, unless they are the moving party in the action. We need to also leave our families' estates intact and especially the children's estates. By attaching liens or demanding liquidation of their estates, we are now putting the children back in the middle again and taking from their future because of a dysfunctional family relationship issue that is not their fault.

How is taking from the child's estate in their best interest when they have nothing to do with their parent's relationship demise; If the Attorneys, GAL's and AMC's were not charging such exorbitant amounts, we

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would not need to even touch this money. If proper education and counseling were utilized, we would not be spending this kind of crazy money on divorces either. And worse, it seems that when a GAL or AMC or even an Attorney for the parents, realizes the amount of money a family does or does not have, this is how they base how the case will be handled. The more money available, the longer the case gets dragged out. The less money, the less time involved properly handling the case. Money should NEVER enter into any of this and especially taken from the children's inheritance or estate.

We also have the issue that the judges routinely know that one parent is financially underwater already, but still orders them to pay beyond their means. How is this in the best interest of the child? No one seems to care or they have forgotten that we are human and cannot keep going in this uphill financial and emotional battle for the rest of our lives. This practice of financially devastating parents has to stop because in the end, these parents will have nothing left to live on. And this in turn, takes a huge toll on our social security system. If all a parent's assets are dissolved to pay for getting divorced and having children, leaving them nothing to retire on, then they are only left with a meager social security income that will not even keep a roof over their heads. How is this in anyone's best interest to make our parents dependent on a system that is already collapsing?

Last sentence referencing if the child has received state aid or care...paid by Public Defenders Office is excellent language and it must stay in this bill!

(b) Excellent language that protects college savings and all other accounts set up for children!  
It should not matter what the name of that college fund is or where the account lies.

(c) The language should be changed from "the court MAY order that the fees owing to such counsel or guardian ad litem be calculated on a sliding-scale basis after giving due consideration to the income and assets of the parties to the proceeding." to "**SHALL**". What the judges fail to remember is that these people still have to go on with their own lives and support themselves and their family long after their children are adults. If we bleed them dry because they tried to set up a retirement fund or have assets that were purchased to enable them to some day retire and not be living on the streets, all we are doing is perpetrating a societal breakdown of not only the middle class but an economic devastation to social security.

(d) Again this needs to say, **SHALL**. The Judicial Branch shall develop and implement a methodology for calculating, on a sliding-scale basis, the fees owing to counsel or a guardian ad litem for a minor child appointed in any proceeding under this chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to 46b-213w, inclusive, 47-14g, 51-348a and 52-362.

Sec. 6: I support this section for public information specifically for Self-Represented. I also think that more information needs to be readily available about Self-represented electronic filing sign up.

Bill #6685

***AN ACT CONCERNING THE PRESUMPTION OF SHARED CUSTODY IN DISPUTES INVOLVING THE CARE AND CUSTODY OF MINOR CHILDREN.***

This is a great start to improving family courts and I am highly supportive of this bill!  
Excellent this needs to pass through!

Bill 5524

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE LAW REVISION COMMISSION WITH RESPECT TO THE ALIMONY STATUTES.***

Lifetime alimony should not even be considered except in the case of a severely handicapped child that requires constant care. The whole point of a divorce is to make a final separation of the spouses and allow them to go on with their lives. This is impossible if one spouse is made to pay lifetime alimony. Not only is this not fair to the paying ex-spouse but the receiving spouse can never move forward emotionally, either as they are always tied to their ex-spouse. Marriage is a contract between two adults and as adults we need to be responsible for ourselves and learn how to move on in a positive way. We should not still be demanding monetary payment for the rest of their lives just because we married someone.

## Public Hearing Transcript

4-3-2013

SENATOR COLEMAN: Joan Kloth-Zanard. Good morning.

JOAN KLOTH-ZANARD: Thank you. Sorry. Again, I do project well anyways. My name is Joan Kloth-Zanard. I'm from Southbury, Connecticut. And I'm also -- run a non-profit called PAS Intervention, which is for victims of parental alienation. And I've done this for 17 years. I have over 600 members at present, between my two support groups, and that doesn't include my Connecticut -- the Connecticut chapters and the chapters in many other states. Basically, it provides support for victims. But I'm going to tell you a little bit about my husband's story and then go into some other stuff.

In 1996, my husband's second wife began impeding this relationship with the kids, he was separated for three years with generous and liberal visitation. They were in the process of getting divorced using the same attorney to save money when the ex changed attorneys without notifying him or the joint attorney. She filed a divorce without proper notification, leaving him unaware of the upcoming proceedings. At the divorce proceeding, the ex painted a horrible picture of my husband, but he was not there to object. The judge took the ex-wife's word for it, everything including child support

demands, despite there being no proof of my husband's income. The judge did, however, give him general and liberal visitation. It took over four and a half years of trying to get child support reduced and, finally, being appointed a pro bono attorney by the judge -- for the judge to finally accept the reduction in child support, but the judge refused to retro back to the original -- to when my husband originally filed the motion to have his child support changed.

Today, 17 years later, my husband is still paying arrearages. Sadly, once his wife -- ex-wife found out that he had gone on with this life and had a new girlfriend, she began to refuse him visitation of his children, and then came the false allegations of abuse, including a false restraining order. It took us eight months of Family Court evaluations to determine that the ex had lied and anything the children knew had been told to them by their mother. It was further determined that the mother refused to accept that her ex-husband had not moved on with his life. This is when I realized that something was wrong, that this wasn't okay. Refusing visitation of -- to children, along with the false allegations of abuse, was psychologically damaging to the children. I began to do Internet research, went back to school to get my master's in marriage and family therapy and that's when I stumbled upon parental alienation. But, by this time, my husband has only seen his children six times

since 1996 and has not seen them since 2006. They are 23 and 25, and to this day, still refuse to have a relationship with him.

I'm here because there are hundreds of parents that cannot be here, and I'm speaking for them. These parents come -- come broken due to the failed Family Court system. They're riddled with post traumatic stress syndrome in the form of narcissistic victim syndrome, which will be in our New? DSM. Many of these parents are good parents, not perfect, but then there is no such thing as a perfect parent, is there? Absent abuse and neglect children have the right to a healthy, happy, successful relationship with both parents. The bills you are hearing about today are indicative of the family law divorce system that in the state is broken. They show how dramatically broken, and corrupt they are. We need reforms immediately. In all three of these bills, we are introducing, we are reducing conflict, litigation, and? animosity between parents so that these children's lives will not be permanently harmed today.

In addition, we have the tools and we have the resources that the judges and the guardian ad litem can be using to stop the alienation and to help prevent it from getting worse.

In conclusion, please, anything we can do to prevent the snowball effect of custodial interference would be appreciated.

SENATOR COLEMAN: Thank you.

Are there questions for Ms. Kloth-Zanard?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

I'm just intrigued a little bit. In the beginning of your testimony you said that in your husband's situation a trial occurred without his being present. I know that courts go at great lengths to give notice. Was her husband unavailable or out-of-state, or I'm just curious how that --

JOAN KLOTH-ZANARD: No. What happened was the judge -- the sheriff served the papers upon the wrong abode. He never got the paperwork. When his attorney questioned the sheriff, he did not get it writing from the sheriff, who admitted that he served it on the wrong address. When in court, the sheriff changed his testimony and stated, Oh, no, no, I served it. Repeated from above, He never served my husband. It writing from the sheriff, who admitted that he served it on the wrong address. When in court, the sheriff changed his testimony and stated, Oh, no, no, I served it. He never served my husband. It would be -- it was -- he admitted to the sheriff -- he couldn't serve my husband because the way my husband's door is -- was at that time, it was sealed so you couldn't flip(slip) papers in and around it. He would have either had to hand it to him or stick it in the mailbox and he didn't do

either. He admitted to sticking it in the house that was in the front of his trailer where he lived.

REP. BARAM: And so this trial proceeded and when it terminated, it was only afterwards that your husband found out that all of this had happened?

JOAN KLOTH-ZANARD: When he got the divorce papers himself in the mail, that's when he found out he was divorced. And he's like, Whoa, I didn't know I was getting divorced. We tried to overturn it. In addition to the fact that she, his ex, was able to claim income with no proof of income. They hadn't been together for three years. He had been separated for three years with generous and liberal visitation until she found out that he was dating and going out and they had decided to get a divorce and he had met me. She turned around, changed attorneys without notifying anybody.

REP. BARAM: Thank you.

SENATOR COLEMAN: Are there other questions?

If not, thank you very much.

JOAN KLOTH-ZANARD: Thank you very much for your time.

### **FAMILIES ARE NOT CORPORATIONS.**

Corporations have liability insurance to cover them in the event they are sued or brought to court. Families do NOT have this. It is disgusting for a professional working in the family court system to make so much money off of one family that they can buy a house or even a condo with it. This is outrageous abuse of families and the system. They say families are dysfunctional, maybe it is the family courts that are dysfunctional.

#### 5 Recommendations:

1. I would like to suggest that we institute a pilot program based off of the many ideas and suggestions that are recommended and voted upon. This will be a voluntary program or one a judge can order. If we can start using the pilot program with new families, it will allow us to grow and tweak the program. Overtime, the families already in the system will age out, and the new pilot program will get phased in. This gives us time to make necessary implementations and changes.
2. Presumption of Shared Custody. We need it clearly defined and understood that when a separation/divorce begins, it is understood that all parents are considered equal; including their rights to a relationship; splitting of time, expenses, money, medical and education. Until such time that it can be proven beyond a shadow of a doubt that a parent is unfit, no change in this custodial arrangement should ever be made. Parents file false allegations of abuse or neglect so that they can gain total control of the children, finances and the ex spouse. We cannot allow this to continue because it takes the professionals too long to explore the allegations and the costs are astronomical.
3. No one should be allowed to work in the family court system unless they have had extensive training in Family Systems therapy, Marriage and Family Therapy, Psychology and child psychology. Well-meaning inappropriately trained professionals are making too many mistakes. They must have an extensive training in Family Systems Therapy. It is also imperative that the therapist chosen must take those families medical insurance. Too many refuse to take insurance or lie to the family stating that insurance does not cover family therapy or reunification therapy or court orders. We need a college level certification program for GALs and AMCS. In fact, I recently began a discussion with several colleagues about teaching such a program in the Universities/Colleges so that false allegations can be recognized from true. This would enable certification, continuing education and even an additional course for college students to take.
4. We need a parenting plan addendum, such as my *3 Strikes YOU'RE OUT!*, which allows the judge to put in place a penalty system for violation of court orders when there are impediments of children and parents rights. Jail does not work, unless the judge explains to the children that the parent violated the law or courts orders and the judge issued the arrest not the other parent. Otherwise, the kids only hear the jailed parents side of the story. I believe that with proper family systems therapy as explained by Linda Gottlieb and Steve Miller's Testimony on January 9<sup>th</sup>, and with penalties described in my 3

Strikes YOU'RE OUT! that we will have better results. And where a parent still insists on violating court orders, it will be more apparent that this person needs extensive counseling to deal with their anti-social behaviors. For a more detailed understanding of what Family Therapy, please contact me.

5. Lastly we need to stop the good ol' boys network from being more important than the children and their families well-being. We can no longer allow the corrupt system to destroy families. The children of these divorces are the future of this state, this country and this world. The mental health ravages caused by our dysfunctional family court system is destroying the future generations. For a list of those statistics please contact me.

Joan T. Kloth-Zanard, GAL, RSS, ABI & LC,  
320 N. George's Hill Road, Southbury, C 06488, 203-770-0318

Task Force Committee  
Legislative Office Building, 300 Capitol Ave., Hartford, CT 06106  
RE: Improving the Family Court

My hope is to not go over the 3 minutes but with almost 2 decades of experience, extensive training in Marriage and Family Therapy/Professional Counseling along with taking our state's Guardian Ad Litem program, and helping families affected by the family courts for 18 years, I have much to say.

We are here for what is in the best interest of the children. How is constantly fighting in court in their best interest? We get that one parent or both are still filled with anger, hatred and rage. But that is not for the courts to deal with. That is for therapy and a therapist to deal with. We are here for what is in the best interest of the children.

Which brings me to our Task Force Issues. There are extensive GAL problems starting with few if any new GALs being hired. Judges claim that new GAL's do not have enough experience. To this problem, I suggest that the newly trained GAL's be allowed to shadow the present GAL's. It provides them experience and the judge a chance to get to know and see how they work.

Additionally, of the approximately 1500 GAL's in CT, only 100 are State Rated. This is not because we do not like the contract, but because we were turned down to be contracted at the state rate. And those 100 are all attorneys.

With this said, I strongly believe that GAL's should NOT be attorneys. They do not have enough training or experience in psychology, marriage and family therapy and let alone child psychology. Psycho 101 does NOT qualify someone to work with families or kids at this level, nor does our State Training program with it's limited 30 hours. And they are charging outrageous amounts.

Furthermore, it is too easy for there to be a conflict of interest. When a GAL who is an attorney is involved with a case where one of the attorneys for the parents is also a GAL on the side, they may fear going against that parents attorney because that attorney when hired as a GAL on their private case might go against their client. To avoid this issue, it would be better if GAL's were not attorneys and then there can be no improprieties or chances for an accusation of it. This way, we can make sure that the GAL's are specially trained in MFT, PC, child psychology and/or have extensive experience.

Which brings me to my next point. Parents should not have to choose between paying to fight for their children's rights in court or putting food and shelter over their heads. Parents should not have to work 2 and 3 jobs just to pay for child support and legal fees or court costs that they are so exhausted, they cannot even provide quality time with their children. Family Court and being a parent should not be about affording to fight for the children's rights to have a relationship with their parent. And this is why I created a Program called 3 Strikes Your OUT!

This 12-week program gives each parent 3 chances to comply with the courts orders. It can be tailored as needed but the point is to keep the children from being dragged for years through hell and back by a parent who refuses to cooperate, co-parent, or exhibits extreme gate keeping known as parental alienation. I challenge the courts and legislature to pilot this program and see if it will help solve much of the extensive damages to the children.

The next few topics I will touch on briefly, as I feel my colleague, Linda Gottlieb and others will have more time to expound on these.

As far as shared custody issues, parents bring the children into this world together, they should put them through this world together and worse case scenario take them out of this world together. Our courts have made it such a monetary prize to have primary custody of the children, so much so that parents are being pushed out of their children's lives when the presumption should be shared joint custody, barring any true and substantiated charges of abuse or neglect.

As to counseling, it is absolutely mandatory that the entire family be in counseling. But it must be specialized counseling that involves not only individual counseling for each parent and child but also therapy with each child by himself or herself with each parent. The parent-child dynamics are essential to understanding what is really going on. Children should also not be seen together as they feed off of each other and fear being tattled on by a sibling to one of the parents. Children should also never in the beginning be put in a counseling session with both parents especially if there is alienation. This puts the child in a very dangerous situation emotionally and mentally as they must either lie or face the wrath of the aggressive parent.

And for those that claim that Medical Insurance does NOT cover counseling, this is a fallacy. Family Therapy, of any kind, is covered by most insurance, even if it is court ordered. Just like substance abuse counseling is often court ordered, and covered, so is Family Therapy.

As to psych evaluations, they are often absolutely useless when it comes to high conflict divorce. Unless the evaluator is fully knowledgeable about all the dynamics and extensively trained in psychological abuse damages from Parental Alienation. it is too easy to mistake a natural normal response of fear and paranoia as something more than it is. And worse, the aggressive parent is often narcissistic, and knows exactly how to pass these tests, thus fooling the evaluator to believe they are near perfect.

So in conclusion, as I have said to my daughter for many years, I may not condone everything you do, but I ask you to be responsible. In this case, I may not condone everything the task force proposes, what I ask is that you be responsible and willing to work with us to create a better family court system for the children and their parents and to consider the tools, charts and programs I have developed to help stop the snowball effect of extreme gate keeping and improperly trained professionals in the court system.

Regards,

Joani T. Kloth-Zanard, GAL, RSS, ABI, LC

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Dear Task Force:

I want to start off with a very profound statement.

FAMILIES ARE NOT CORPORATIONS. Corporations have liability insurance to cover them in the event they are sued or brought to court. Families do NOT have this. It is disgusting for a professional working in the family court system to make so much money off of one family that they can buy a house or even a condo with it. This is outrageous abuse of families and the system. They say families are dysfunctional, maybe it is the family courts that are dysfunctional.

As requested, you wanted at least 5 ideas and recommendations as to how to fix family court and resolve some of the many issues that are going on.

1. First, while many want to abolish the entire Family Court system. I do NOT see this as a viable because it would cause total pandemonium with no system in place that has been tried on a temporary basis. Therefore, I would like to suggest that we institute a pilot program based off of the many ideas and suggestions that are recommended and voted upon. Parents and the judges will have the option to be a part of this pilot program or not. If we can start using the pilot program, in particular, with new families coming into the family courts, it will allow us to grow and tweak the program as it goes along. Overtime, the families already in the system will age out, and as they do, the new pilot program will get phased in. This gives us time to make necessary implementations and changes over the course of the next few years or more.
  - a. What we need to also fix is how our GAL and AMC's are trained, and chosen for this important job.
  - b. What we need to do is make sure that all professionals who work in the Family Court System have extensive training in Marriage and Family Therapy, Child Psychology, and Family Structural Systems Therapy.
  - c. We need to stop this excessive cost of divorce and litigation.
  - d. We need to stop allowing the good ol' boys network to be more important than children and their family's mental and physical health.
  - e. These children affected by a dysfunctional family court are the future of this country. They will be the ones running it. And if they are so mentally destroyed, how can we expect them to be able to do a good job running this country, and for that matter, the world?
2. As to a Presumption of Shared Custody, we need it clearly defined and understood that when a separation/divorce begins, it is understood that all

parents are considered equal and thus their rights to a relationship are equal, including the splitting of time, expenses, money, medical and educational involvement. Until such time that it can be proven beyond a shadow of a doubt that a parent is unfit, no change in this custodial arrangement should ever be made. Far too often, parents file false allegations of abuse or neglect so that they can gain total control of the children, the finances and the ex spouse. We cannot allow this to continue to happen because it takes the professionals too long to explore the allegations and the costs are astronomical when we do.

3. Which brings up another issue, no one should be allowed to work in the family court system unless they have had extensive training in Family Systems therapy, Marriage and Family Therapy, Psychology and child psychology. Well-meaning professionals who are just not appropriately trained are making far too many mistakes. This must also include those professionals hired to diagnosis, treat or otherwise evaluate a family. They must have an extensive training in Family Systems Therapy as we are talking a family unit, not just individuals. It is also imperative that the therapist chosen must take those families medical insurance. Too many refuse to take insurance or lie to the family stating that insurance does not cover family therapy or reunification therapy or court orders. This is an out and out lie. And most therapists do take medical insurance of some kind, add in that with Obama care they must take insurance, I believe.
  - a. Your recent recommendations are much improved so that it will allow people like myself, who have extensive training and experience to also qualify for certification as a GAL.
  - b. In fact, I recently began a discussion with several of my colleagues about teaching a certification program in the Universities and colleges for Parental Alienation and working in the Family Courts. This would enable certification, continuing education and even an additional course for college students to take.
  - c. As to Dr. Gardner's work, though some would like to call it Junk Science, this is absurd. It is not that it is not good science, it is that it is an abused science/diagnosis. Just like a murderer can claim temporary insanity, so can an abuser claim they are being alienated.
4. And this leads us into my next point. We need a parenting plan addendum, such as my *3 Strikes YOU'RE OUT!*, which allows the judge to put in place a penalty system for violation of court orders and impediments of children and parents rights. While I understand that jail has been used, it only works if the judge explains to the children that the parent violated the law or courts orders and that the judge issued the arrest not the other parent. Otherwise, the kids only hear the jailed parents side of the story, which is biased and a lie. I believe that with proper family systems therapy as explained by Linda Gottlieb, and with penalties such as increased visitation time to the aggrieved

parent, that can culminate in lost custody of the children for the aggressive parent after three violations, that we will have better results for all. And where a parent still insists on violating court orders, it will be more apparent that this person needs extensive counseling to deal with their anti-social behaviors.

5. And now for a more detailed understanding of what Family Therapy or Reunification Therapy should look like. In collaboration and adapted from Linda Gottlieb's Work in her book, *The Parental Alienation Syndrome: A family Therapy and Collaborative Systems Approach to Amelioration* and from Chapter 11 in the book, *Working with Alienated Children and Families: A Clinical Guidebook*. Below is a simplified idea of what Family Systems Therapy should look like.

### **What Is Reunification Therapy? What Should You expect?**

By Joan T. Kloth-Zanard, GAL, RSS & LC  
November 4, 2013

Reunification therapy has many versions, and what therapeutic method is used, depends on the personalities of each participant. The key is that it must be a Family Systems Based treatment program. The therapist must work in a family group setting especially between the targeted parent and the children. The point is to see dynamics between the child(ren) and the parents and how the parents communicate and then to find ways to facilitate a new or renewed relationship between them.

The Reunification therapist cannot put up with any of the complaints or claims by the child or the other parent, but instead help them to critically think. The therapist must also put their foot down with the other parent when they claim they are trying to get the child(ren) to cooperate. Especially when in reality they are not showing the kids that they can co-parent. At the very least, the aggressive parent should be saying nice things about the other parent. This helps relieve the child of guilt for wanting to spend time with the other parent.

The present triangle between the children, the alienator/aggressive parent and the targeted parent must be disbanded and reorganized. Because there is a tendency for the children to play off each other and worry that what they say will be used against them and/or told to the aggressive parent. It is imperative that the therapist start with a meeting first with each parent to get them to work on their issues and how to adjust their responses or behavior. Then the therapist gets everyone into counseling together but in particular the targeted parent with the children to see the dynamics and help to dispel warped beliefs. The therapist must help the alienating parent to change their

communication and attitude toward the other parent, especially in front of the children. The therapist must challenge the alienator to do the right thing and provide positive feedback about the targeted parent to the children. It is important for the Therapist to also provide positive feedback to the Alienating parent about the good things they have done with the children such as the kids doing well in school etc. While in counseling the therapist may even take on the role of good cop (the targeted Parent) versus bad cop (the therapist) to help the children to start to trust and respect the targeted parent. It is also very important for there to be court orders that back up the therapists statements and threats that if the parent does NOT cooperate that the therapist will contact the court and recommend consequences when a parent refuses to cooperate. But this is only an abbreviated version of what therapy could look like.

In the end, the point of reunification therapy is to bring the child(ren) and the ousted parent's relationship back to a healthy state. It requires everyone to do some of their own introspection about their own anger, hatred, rage, actions and thoughts. For the adults it will require often going back into their own Family Of Origin or FOO to see how their personalities and behavior patterns have been learned and then to correct the inappropriate ones. Though a painful process, it is a necessary one. For the child(ren) it is about helping them to critically think about why they have no relationship and if it is really something that was horrible that happened or just an excuse for self-preservation from the alienating aggressive parent.

While this is a very simplified version of what Family Systems Therapy should look like, the point is that this is a time for everyone to learn how to move forward in a positive way. To learn to be HHSS – Happy Healthy, Successful and Spiritually Positive. We all know what Happy and Healthy look and feel like. But Success, it is NOT money but about what and where you do or go in your life that makes you feel good about being you. Spirituality is NOT about religion but about believing in you. With this kind of positive approach, we can help everyone to change the way they interact and communicate for the better.

**3 Strikes – You're Out!**  
**Summary Rough Draft/Do Not Distribute**

**Recommendations to Court to address Custodial Interference  
(alternately Relationship Estrangement and Interference)  
Consequences and Applications**

by  
**Joan Teresa Kloth-Zanard, Guardian Ad Litem, RSS, ABI, LC  
and  
Catherine MacWillie, Retired LAPD and CEO Custody Calculations**

High conflict separation/divorce between parents weighs heavily upon everyone, but is most tragic and difficult for the children. Children do not have the emotional or mental maturity to deal with this. In fact, the human brain does not stop growing until age 25, and therefore, even young adults are apt to not be able to handle the stressors of a high conflict separation/divorce between their parents. For this reason, it is imperative a cohesive parenting plan protecting the children from the anger and hostility of their parents be put in place.

Court is no place for parents to spew their hatred and anger at each other. That is what counseling and therapy is for. Instead, court is where the best interest of the child should be recognized and handled. When a parent continues to use the court system to attack and destroy the other parent, both can lose sight of what is really important, their child's mental and physical wellbeing. These parents are so overwhelmed with their own anger, hatred and rage that it is up to the court to put a stop to it and only allow what is in the best interest of the child.

Though court is no game, it seems that many parents come into the system with the attitude of winner takes all and that this is a game of who can get the most. This attitude has to stop. We are supposed to be setting a positive example for this child about sharing, caring and give and take. How is this winner take all mentality of benefit or best interest to the child? But it seems that this is the only language that some parents hear, so let's give them the stakes for this game. Mess up 3 times during this program by impeding custodial time, or relationships and you are out.

Below is a program we believe can help with this problem. We welcome suggestions and ideas to enhance this project so we can provide safe environments with parents and get the parents the help they need to stay focused and on task with what is truly important, their child's mental, emotional and physical wellbeing.

This program is to be used in combination with a therapy treatment plan, which ideally has a plan with milestones, incorporated in detail. As no one treatment plan or modality will work for all families, we recommend various modalities that can be tried, such Dr. Craig Childress's programs, Dr. Warshak's Family Bridges, or using a specific family systems style of counseling. The key to these modalities is the use of Structural Family Therapy and Systems Therapy, which are based upon the dynamics of a family. As family issues tend to be co-created off each family member, the importance of family therapy cannot be understated. In fact, if the parents are in counseling and can work through their fears and issues, the children will often NOT need counseling. Additionally, we strongly recommended therapeutic treatment utilize the following tools with the child as they have been proven to give understanding to the child as to what s/he is going through without blaming one parent or the other:

- Dr. Warshak's DVD, Welcome Back Pluto
- Amy Baker's workbook, "I Don't Want to Choose!"
- Dr. Daniel Gottlieb's Book, "Listen To Me"

This recommendation is a set of milestones based on a 12-week time frame with only 3 chances to not comply or impede the relationship between the child and the other parent. Four Progress reports will be conducted, and if necessary, each with loss of visitation consequences based on the level of interference. At the conclusion of the 12-week time frame, periodic status hearings will be held for the parents to update the court on the success or non-compliance of abiding by the court's orders between the conclusion of the 12-week program and each status hearing. The program will be considered fully closed at the time which both parents mutually agree and the court approves that the parents have successfully completed the program.

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**Summary Rough Draft/Do Not Distribute**

**Program explanation**

To ensure the best interests of the child are met and court orders are followed, the following program is accepted as part of the parenting plan. Because this family is already entrenched in the court system, it is hence forth clearly stated going forward that either parent interfering, impeding, obstructing the court order or the relationship between the child and the other parent, will suffer a reduction in “custody” (defined as parenting time with the child), incur supervised custody only or lose custody partially for a duration of time commensurate with the severity of the situation or lose custody entirely.

Only this single warning is given, no second chances. This is NOT an empty threat. Any increase in custodial time due to visitation interference will be enforced. Any action seen as a parent’s attempt to test this program will be considered a strike against the offending parent. This program and its expectations, actions and consequences will be taken seriously as this is about the best interest of the child to have a healthy relationship with both parents.

The offending parent shall be held accountable for the actions of the child while in the care of the other parent. Actions of the child for which an offending parent will be held accountable include leaving the custody of the parent without permission or knowledge, disobedience, pushing, shoving, name calling, yelling, bad language, vandalism, etc. and shall be cause for reduction in time with the child until visits occur without incident, including all types of communications.

**Additionally:**

1. During this 12-week program, all family members will participate in regularly scheduled sessions as determined by the court ordered counselor. Counselor selection will be determined from a list of 5 possible therapists initially chosen by the targeted parent. The other parent will then choose one from the selection of 5 counselors. The counselor will dictate the frequency of each member’s sessions and any combination of sessions, which are to occur. At a minimum, the child will have individual sessions weekly. Payment for services provided shall remain as ordered previously by a Judge’s Entry unless there is an offense or contempt violation of the program, then the offending parent will be liable. See *Consequences of offenses 1.* for details.
  - a) Mother will have individual sessions – throughout program; additionally if determined to be an obstructing parent
  - b) Father will have individual sessions– throughout program; additionally if determined to be an obstructing parent
  - c) Child will have individual weekly sessions as needed – throughout program; additionally if obstructing behaviors are observed or reported
  - d) Child and Mother will have weekly sessions – beginning week 3 and continuing through week 12
  - e) Child and Father will have weekly sessions – beginning week 3 and continuing through week 12
  - f) Child, Mother and Father will have weekly sessions – beginning as soon as deemed appropriate and continuing through week 12 program.
  - g) If the counselor determines, at any time during the program, either parent or child or combination of parent(s) and child should have additional sessions, the counselor’s decision will be followed.
  - h) Sessions will be scheduled at the counselor’s availability. Parents may provide preferred days and times but the counselor will have final decision on dates and times of sessions. Activities outside of the scheduled sessions are to be rescheduled. Counseling sessions are to be the parents and child’s number one priority during the program.
2. If the counselor requests a mental evaluation of either parent, that parent will immediately (within 5 calendar days of request by the counselor) schedule a mental evaluation with the evaluator selected by the requesting counselor. The mental evaluation is to be conducted as early as possible but not more than 30 days from counselor’s request.
3. Until such time the offending parent’s behavior is modified, the child and offending parent’s time together will be limited based on the number of instances of interference.

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**Program reporting and consequences**

In order to support the child’s healthy relationship with both parents, the child will be rewarded for positive visits with the target parent by receiving unrestricted visits with the offending parent and likewise, for negative behavior by the child, the consequence (punishment) is to require the child to spend more time with the target parent and less time with the offending parent.

***Reporting intervals to the Court:***

1. Start of program – First three weeks of oversight, 1-21 calendar days. At conclusion of 3-week interval, counselor or GAL will write a report to the Court to inform of progress. This report is to include input from target parent on behavior of child while visiting with the target parent. Target parent’s assessment is to provide the report writer with the child’s adaptability to the target parent.
2. 6-week interval, 21-42 calendar days – counselor or GAL will write a progress report to the Court at the conclusion of the additional interval. This report should include summary of progress of both parents and child’s counseling sessions as well as behaviors of the offending parent and child.
3. 9-week interval, 42-63 calendar days – counselor or GAL will write a progress report to the Court at the conclusion of the additional interval. This report should include summary of progress of both parents and child’s counseling sessions as well as behaviors of the offending parent and child.
4. 12-week interval, 63-84 calendar days – counselor or GAL will write a concluding progress report to the Court as this report is the end of the 12-week program. This report should include summary of progress of both parents and child’s counseling sessions as well as behaviors of the offending parent and child.

***Consequences of offenses:***

If there is any type of contempt or offense violation during the 12-week program, the offending parent is to pay 100% of all counseling sessions in advance or counselor is granted approval to garnish parent’s wages in advance to ensure proper and timely payment for counseling sessions. Counseling sessions are to be conducted for each parent and the child individually and in any combination determined to be necessary by the appointed counselor. Scheduling of the counseling sessions are at the counselor’s sole discretion and availability. Parents are to fully prioritize sessions over any other event or activity. The counselor may be provided each parent’s preferred days and times; however the counselor’s availability and discretion determines session dates and times.

1. First contempt or offense - 5 days consecutive with the targeted parent, with restricted visitation and communication with offending parent.
2. Second contempt or offense - 15 days consecutive with the targeted parent, with restricted visitation and communication with offending parent.
3. Third contempt or offense - 45 days consecutive with the targeted parent, with restricted visitation and communication with offending parent.
4. If the 12-week report shows little or no change in behavior,
  - a. Target parent is to be awarded all fees and associated costs for bringing motions and filings to the court’s attention (including but not limited to filing fees, attorney fees, court appointed official fees – parenting coordinator, GAL, counselor).
  - b. Target parent awarded temporary full-custody while the offending parent continues in the counseling program as determined by the mental health evaluator and therapist/counselor, and until such time that a panel of 3 professionals determines that the parent has done the work in counseling and modified their behavior, and then supervised or unsupervised visitation will be determined.