

STATE OF INDIANA  
ST. JOSEPH COUNTY  
ST. JOSEPH CIRCUIT COURT

**FILED**

In Re: The Marriage of

August 27, 2020

ST. JOSEPH CIRCUIT & SUPERIOR COURT  
JK

Cause No. 71C01-0310-DR-000649  
William L. Wilson, Special Judge

[REDACTED]  
Petitioner Mother,

and

[REDACTED]  
Respondent Father.

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**Memorandum and Order  
on Father's Motion to Modify Custody**

This cause came before the Court on August 25, 2020 for an evidentiary hearing on Father's motion to modify custody of Daughter, R. Due to the COVID-19 pandemic, the hearing was held via video conference. Father appeared in person and by his attorney of record. Mother appeared in person as an unrepresented litigant. At the conclusion of the evidence, the Court took the matter under advisement. Having considered the evidence, the credibility of the witnesses, the factors identified in the statute governing custody modifications, and an *in camera* interview with the parties' daughter, the Court now rules as follows.

As a preliminary matter, the circumstances of this case cause the Court to depart from its normal practice. In most cases, the Court enters specific findings of fact and conclusions of law. Doing so requires substantial time and delays the entry of a decision. Here, time is of the essence. The parties' daughter turns 18 in a matter of months (January of 2021). At that point, the Court's ability to enforce custody orders dissipates. Thus, because of the need to implement a decision sooner rather than later, the Court must enter a ruling with a brief summary of the reasons for its decision.

Father presented evidence concerning the claim of parental alienation. Mother denies that she has tried to interfere with the Father-Daughter relationship.

The Court heard testimony from Linda Gottlieb, a mental health expert in parental alienation. Ms. Gottlieb has been found to be an expert in this topic by various trial courts around the United States, including the Monroe Circuit Court 8 in Indiana. The Court concludes that Ms. Gottlieb is an expert in the field of parental alienation. Ms. Gottlieb testified that the facts in this case present a high number of indicators showing that Ms. [REDACTED] has alienated Daughter from Father. These indicators have been identified through academic research and peer-reviewed studies. Ms. Gottlieb was able to identify numerous things that fall into these indicators and leads her to the conclusion that Mother has in fact alienated Daughter from Father. The Court finds this testimony to be credible. Mother noted some errors or defects in details (such as an event occurring in the wrong month of a particular year or an academic work being omitted from the list of references) in Ms. Gottlieb's report, but even ignoring those challenged parts cannot diminish the conclusions reached by Ms. Gottlieb. While Mother has testified that she has not attempted to sabotage the Father-Daughter relationship, there is no expert testimony to challenge Ms. Gottlieb's conclusions. Mother's testimony may reflect her sincere beliefs, but the Court finds her denials to be without merit.

The Court was initially skeptical of the claim that parental alienation has occurred. The Court believed throughout this case that Father and Daughter have very different world views that led to their frequent clashes. The Court was wrong. The Court has learned much from this case, and it regrets that its realization has come so late.

Mother asks the Court to deny Father's motion to modify custody, and she has cited several reasons. In a typical case, those reasons would be persuasive. But here, Mother is asking the Court to substitute its experience and knowledge for that of an expert in the field. There is no other expert witness suggesting an alternative conclusion or solution.

The Court is persuaded that immediate and radical action is necessary to prevent further harm to Daughter. Father is therefore **granted** the immediate sole legal and physical custody of Daughter. Mother is ordered to deliver Daughter to Father at the airport in South Bend, Indiana (their usual meeting place for parenting exchanges) no later than 5:00 P.M. EDT on Friday, August 28, 2020. The Court recognizes that this may conflict with Mother's work schedule or Daughter's school schedule. The urgency of this situation requires the Court to override those two concerns. The Court is aware that Daughter may be forced to enroll and attend classes virtually in a different school, but the harm caused by that is outweighed by the harm that would result from continuing to permit the status quo to remain.

Furthermore, the Court finds that Mother's parenting time must be severely restricted in order to prevent further harm to Daughter's mental health. This finding is based on the expert testimony presented during the evidentiary hearing. Therefore, Mother shall have no physical or other contact whatsoever (in any manner or form) with Daughter for 90 days after August 27, 2020. In other words, Mother's parenting time and other communication with Daughter is suspended completely. This extreme limitation is found to be necessary. Either party may petition the Court to shorten or extend this no-contact period, but the requesting party must present evidence that any modification is necessary to prevent any harm to Daughter.


Father is **ordered** to engage the services of Ms. Gottlieb for the intensive therapy needed to begin repairing the damage. Father is further **ordered** to engage the services of a mental health provider approved by Ms. Gottlieb for Daughter and himself. If Ms. Gottlieb can identify a provider closer to Father's residence who offers the same intensive therapy Ms. Gottlieb does (i.e. someone with the same training and tools), Father may at his discretion use the more local provider so that the travel costs to Ms. Gottlieb's practice in New York can be avoided. If a local professional is identified, that local professional may offer his or her case overview and management in lieu of Ms. Gottlieb.

Mother is also **ordered** to engage the services of a mental health provider approved by Ms. Gottlieb (or her substitute) for herself. The ongoing counseling for the parties and Daughter should be aimed at restoring this family to one where Daughter shares close bonds with both parents.

Mother is also **ordered** to cooperate fully with Father in ensuring that he has prompt full access to all of Daughter's medical, dental, optical, mental health, and educational records so that providers in Michigan may take over Daughter's care and schooling. Mother is also **ordered** to cooperate fully with promptly providing Father with Daughter's current medications, personal belongings, clothing, electronic devices, and other personal property.

Father's child support obligation is **suspended** effective August 28, 2020. Father may petition the Court to establish a child support order obligating Mother. Any income withholding order is **vacated**.

*It is so ordered.*

  
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William L. Wilson  
Special Judge, St. Joseph Circuit Court

