

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT,
IN AND FOR MIAMI DADE COUNTY, FLORIDA

IN RE: THE MARRIAGE OF

Peter Pan
Petitioner/Husband,
and

CASE NO:
FAMILY DIVISION

Wendy
Respondent/Wife.

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REPORT OF GUARDIAN AD LITEM

The undersigned Guardian Ad Litem was appointed by the Order of the Court, with the purpose of representing the interest of the minor children, in connection with the proceedings pending before this Court. The undersigned files her Report as follows:

INVESTIGATION

DOCUMENTS REVIEWED:

1. Pleadings filed by both parties.
2. Emails between counsel.
3. Correspondence and emails from Counsel to the undersigned.
4. Grades for the children for 2016-2017 and the 2017-2018 school year.
5. Family Crossroads Solutions Inc. Supervised visitation reports for 2016 and 2017.
6. Text messages provided by the Mother.
7. Our Family Wizard Exchanges between the parties.
8. Case law provided by Father's counsel.
9. Drug test from Occupational Medical Center
10. Visitation Summary Reports from time sharing Supervisor.

11. Family Court Services Status Reports.
12. Text messages between the parties.
13. Text messages for the minor children.
14. Deposition Transcript for the Mother.

WITNESSES INTERVIEWED:

1. The parties.
2. The children.
3. Time Sharing Supervisor.
4. Counsels for the Parties. (the Mother previously had counsel)
5. Therapist
6. Several Therapists at Bridging families
7. Mrs. Representative from bridging families
8. Child 1's school counselor in the 2016/2017 school year
9. Child 2's teacher in the 2016/2017 school year
10. Child 1's language arts teacher in the 2017/2018 school year
11. Forensic Science teacher for both children for the 2017/2018 school year
12. Social Studies teacher for Child 2 for the 2017/2018 school year.
13. Michelle Garcia, associate at the Law Offices of Anastasia M. Garcia
14. Doctor 1, the Father's expert.
15. Therapist 1
16. Father's employer/supervisor
17. Family Court Services

18. Ms. Representative 2 from Bridging Families.

**HISTORY OF THE INVESTIGATION AND SUMMARY
OF THE ISSUES INVESTIGATED BY THE GUARDIAN**

This began as, and continues to be, a very high conflict case, as the parents still have no effective communication. Although the children currently have a timesharing schedule with the Father, there were many months where the only contact they were having with the Father was supervised and the children have virtually no timesharing with the Father, as their only timesharing is supervised. Child 1 is about to turn 13 and Child 2 is 12 years old. They both attend the same school.

The Parents

This case began with the Mother being arrested in front of the children and the children living with the Father with virtually no contact with the Mother for several weeks. The Mother then took the children from the Father and had them for a period of time where they had no contact with the Father either. Subsequent to that, for months and months, they refused to have a relationship with the Father and the Father saw them only during supervised timesharing. It later evolved where the Father then had unsupervised timesharing and evolved into the existing schedule which is: Tuesdays overnight and every other weekend from Friday through Monday. Despite the schedule, however, problems continue with timesharing and the children are very empowered.

Throughout this entire process, the parties have maintained their narrative. The Father's life has changed dramatically after the parties' separation, as he has become very involved in church and church-related activities. As a family, the parties and the children were never actively involved with their church, but the children did receive their communion. The Mother objects to the children participating in the Father's religion and the children have followed the Mother's

narrative and they refuse to partake with the Father in his religion and they refuse to participate in any social activities which involve the Father's friends from church. However, as set forth in other areas of this report, although the Father has recently stopped trying to force the children to attend service with him, etc., he is rigid in his approach to parenting and the children are resisting his style of parenting. Whether or not they would be more open to it if the Mother were more supportive, remains an open question.

The Mother has alienated the children during this process. There was a period of time, at the beginning of this case, where the Mother's alienation was very active, evidenced by the fact that the children would refuse to go with the Father for no logical reason and they would behave with him in a certain way during the supervised visits and they would dramatically change in the presence of the Mother. Although the undersigned understands that the children did suffer some trauma from seeing the Mother arrested, from being kept from her altogether for a period of time and, in general, from the dysfunction of their parent's relationship, both parents have also contributed to the existing situation, which presents itself as the Father still having timesharing issues with the children.

The Mother needs to gain insight as to how to support the children in having positive relationship with their Father. The active alienation has stopped. The Mother asks for help from the Therapist, who is presently seeing the children, and the Mother has asked the undersigned for help in how to navigate the situation. The undersigned has explained to the Mother that I am unable to give her advice. The help the Mother has asked both the Therapist and me consists of how to make the children be compliant with the Father, etc.

At the beginning of this case, during the time there was supervised visits, there were a few instances, which made it evident that the Mother's actions were not assisting the process. For

example, in several of the supervised visit reports, it was reported that once the Mother became involved in helping, the situation quickly de-escalated, leaving one to believe that the Mother had more direct control of the children than it seems. There were other instances. For example, one time the Father asked the children if he could see their teeth during one of the supervised visits. Their response was that their teeth were “going to go bad because you haven’t paid for the retainer.” (page 2 Supervised visit Report dated May 24, 2016) There was another incident, reflected in the Supervised Visitation Report of November 15, 2016, where the children attended a supervised visit in Ikea. They were not being respectful or listening to the supervisor or the Father. At one point, in the store, the children ran away. The supervisor called the Mother who was able to reach the children immediately. The Mother advised the supervisor that the children were “crying and scared.” The Mother was advised by the supervisor not to pick up the children. The Father found them with the assistance of store security and they were laughing and hiding. (page 2 of the Supervised Visitation Report dated November 25, 2016). This was an additional example of the control the Mother exercises over the children.

The Mother has expressed to the undersigned, throughout this process, that she is frustrated because the Father does not pay child support and because she believes that all of the responsibility of the children falls upon her. The Father has paid sporadic support, although he admits not having paid since March of last year and alleges that because he has been paying the full cost of the Therapist weekly visits, said amount should be credited towards child support. However, the children have made comments related to their knowledge of the financial issues between the parties including the comment as set forth above.

The Father is not blameless in this situation, as set forth in other areas of this Report. The Father has admitted to restricting the children more than they are restricted at the Mother’s house.

For example, during one of the supervised visits, the children complained to the supervisor that the Father had thrown away their elf on a shelf because it was not “Godly.” They asked the Father during the visit why he threw their elves away and he responded, as quoted by the Report, “That was based on a lie and I didn’t want to lie to you anymore.” (page 2 Supervised Visitation Report May 24, 2016.)

The Father has been very compliant throughout this investigation and he has been very patient. The Father’s counsel recently wrote to the undersigned and expressed that the Father has a constitutional right to raise his children by exposing them to a religion of his choice. He cited the case of *Pierson v. Pierson*. Whether or not the Father has that right, as set forth by his counsel, is for the Court to determine. However, there is an acknowledgment by both parties that the children were never exposed to any religion, other than the Catholic religion, during the marriage. It is unrealistic to expect that the children would welcome the Father’s chosen religion, which the Mother does not practice, and change their attitudes about basic things such as what music they listen to or what movies they watch, without any resistance. I understand that the Father argues that if the Mother were completely supportive, the children would have cooperated. However, expecting the Mother’s complete cooperation as to this issue is unrealistic as well in my view.

As time passed and the family began to work with the Therapist, things improved. At one point, as set forth below, the parties attempted to reconcile and continued to work with the Therapist. The Mother maintains that she is supportive of the children having a relationship with the Father. She pointed out that she cooperates with the timesharing, that she does not interfere with the timesharing, that she agrees that the Father take the children to reunification therapy on the Fridays of her weekend in addition to him taking them on the Fridays of his weekend, and that she picks up the children from school on the Father’s Tuesdays for him to pick up the children

from her. Despite all of this, there are still issues regarding the Mother fully supporting the Father's relationship with the children as she does not believe in his form of discipline, in the practice of the religion and in the manner in which he deals with the children. There are the issues that the Therapist continues to work with, as set forth below. An example of the continuing problem is as follows: recently, the Mother, during a text exchange she had with Child 1, instructed her to delete all their text messages during an incident where the Father had taken the child's phone as a form of discipline. Instructing the child to lie to the Father will only serve to worsen the situation.

In her deposition, which was taken March of 2017, the Mother testified that she did not know whether the children have issues with having contact with the Father (page 47 of the Mother's Deposition). the Mother also admitted during her deposition that the children have done homework and projects at the Father's Home (page 63 of the Mother's Deposition). The Mother has told the undersigned, and testified in her deposition, that she disagrees with the Father's Church teachings that if someone doesn't do certain things, they are following the devil, or that the women should obey the men. She testified that the Father has told her that those are some of the teachings of his church (page 66 of the Mother's Deposition).

There is no question that the Father has cooperated in every aspect, with the supervisor when there were supervised visits and now with Therapist.

During one hearing before General Magistrate Tenenbaum, the Father brought the Pastor of his church to testify. The Father also testified that he admitted to using drugs during their marriage but that as of February 2nd, he had "cleaned up" his life. He said their relationship was volatile, basically daily, and that both parents drank almost every day. During that hearing, when he was asked if the children were angry with him, the Father said, "I don't know."

During my initial interview with the Father in September of 2015, the Father readily admitted that he was a “disaster” until February of that year. He admitted to an addiction problem (both parties have been tested during these proceedings and the tests were clean). He said he was “delivered to the lord” and that his life changed dramatically after that. He said the children may have been aware of his drug use and the drinking of both parents. He said that the Mother would go on drinking binges and disappear for days at a time and that she would stay at her parents’ house. He said that as he became more involved with the church, she started telling him that he loved the church more than he loved her. When I asked him if he attended AA or NA, the Father said he did not need it, that he only needed church. During this intimate interview, the Father showed the undersigned a video of the children with him in his office. They seemed fine in the video.

Initially the Mother was reporting that Child 2 did not want to see the Father. (This was in 2015). Now, the youngest child seems less resistant. She said that since the children saw her get arrested and they see the Father as the cause for the arrest, they used to use that as a basis to resist a relationship with him. The children would tell her (and also reported to the undersigned) that they were not allowed to watch the Disney Channel and that the few times they had been to any church-related activities, other adults told him that the “minions” were sent by the devil. The Mother described the situation in 2015 as, “he hit me, left me, and two weeks later he found God and said he was a different person.” She said that during the marriage, the family practiced Catholicism and the children did their Communion in May of 2015.

There was always a level of caution exercised in this case due to the circumstances under which this case began and taking into consideration that the children suffered trauma as a result of those events. However, as the supervised timesharing occurred and there were therapeutic interventions, it seemed necessary to force the unsupervised, which is what the undersigned had

to do. As a result of the same, the parties began a timesharing schedule which was unsupervised and began to see the Therapist.

The Mother has, basically, since the separation, been living with her brother and his two daughters, who are of similar age of the children. This also contributes to the children wanting to spend more time at the Mother's house.

The Father reported that he has a flexible work schedule and is able to pick up the children and drop off the children for any of his timesharing. His work schedule is from 7 am. until 6 p.m. on Monday through Friday and for a half-day on alternating Saturdays. The Father also attends Church activities on Monday and Wednesday evenings, which includes a meeting for the men's group on Mondays and mid-week service on Wednesdays.

The Children

The girls are both very respectful and responsible. They love both of their parents very much. They can be difficult however and if they decide not to communicate, they shut down completely. The undersigned had an opportunity throughout this process to see the children together and individually at their school and at the office. The undersigned also saw the children with each of the parents separately and attempted one joint meeting with the parents and the children.

The children have always expressed the same, consistent reason for not wanting to be with the Father. They have stated that they don't agree with the Father's new religion and that his "church friends" scare them. They also indicate, still, that they are afraid that the Father kept them away from their Mother for an extended period of time and that they are afraid it will happen again. Although it is understandable that for some months after the Mother was arrested the children would feel that way, there has certainly been a sufficient period of time for the children to have

recovered from that. Furthermore, they have attended sufficient reunification sessions where the matter has been discussed so that the children no longer have to “fear” not seeing their Mother if they have a good relationship with their Father. At some point there were vague allegations that he “hit” the children but there was never any specific information provided as to the same.

The undersigned has had an opportunity to see the children throughout this investigation from the beginning through the present. I have observed the children with their Father, with their Mother, in their school and in an attempted joint meeting with their Mother and Father some time ago.

The children, in many aspects, present factors which exist in children who are alienated, including the fact that although it is understandable that they were angry at the Father at the inception of this case, there has been sufficient opportunity for that anger to heal. The fact that they are still presenting as angry with the Father, at times, is a sign of alienation. Another sign of alienation, is the children unable to give reasons for being angry or upset with the Father.

When I originally met the children, they had been through a traumatic event where they had been kept from the Mother for a few weeks and then had been kept from the Father all together for a few weeks. As time passed and there was an attempt to normalize things, they have always resisted a complete relationship with the Father.

Both of these girls are very bonded with the Mother and they identify with their Mother who had been, by all admissions, the nurturing parent while the parties were together. The Father by his own admission, was not involved with the family as he should have been, and this is one of the things that he believes his becoming involved with the church has changed.

Both children initially resisted any relationship with the Father because he “put mom in jail.” Later the complaints were that he hit the children (there was never any evidence of that) and

that he hit their Mother, yet they admit never having witnessed it themselves. In the same conversation, they reported that the problem with their Father is that they talk to him, but he does not listen. As time passed and they did their supervised visits, the trust seem to come back. However, there was then a period of time where they began to resist the Father again and, in my presence, were disrespectful to him and could not specifically state what they were afraid of.

It is important to note that there were two meetings with the children and the Father in my office which took place at a time where they were also doing supervised timesharing. The children's behavior during supervised timesharing at the time the meeting took place was very different than the behavior they expressed about their Father in my office. In my office they were rude to him and resistant to anything that he would offer to do. This meeting took place before they began their work with Therapist. Those meetings left me with the impression that the way they treated their Father in my presence was staged.

It appears from the very beginning that the youngest child, Child 2, was much more open to repairing the relationship with her Father. As a matter of fact, during one of our first meetings, Ashley mentioned that she would want to do therapy with her Father, so she could express her feelings. Child 1, on the other hand, was resisting any therapy.

The children, in general, complain that they don't have anything to do when they are with their Father. This from all other accounts, appears not to be true. There are detailed accounts in the supervised visit reports of all the different activities the Father wants to do with them. There are also detailed accounts by the Therapist of the Father's efforts to engage in activities, which the children like.

The recent meeting with the children was a bit troubling. Neither child wanted to share too much information and it was difficult to get them to communicate. The undersigned spoke with

the Therapist after the most recent meeting with the children and the Therapist confirmed that they often act that way with her as well. The undersigned spoke to them separately and together. The oldest child is presently very upset with the Father.

In this recent meeting, it was very difficult to get Ashely to open up. She spoke about their dog having puppies. She also said that things were her dad were “good” but when I asked her how things were with her Father and Child 1, she said she did not know. She said she was happy that he no longer asks them to go to church. There had been a recent issue in December where the children refused to go to a Christmas Gala sponsored by the Father’s church. She said that they had gone the year before and they did not want to return this year. She reported being “bored” at her Father’s house and that she likes to be at her Mother’s house to play with her cousins.

Child 1 was very emotional during this recent meeting and it was difficult to get her to open up as well. She said that when the Father gets angry he begins to scream and “hit things.” She said that the Father’s friends are “weird and they scare me.” She was angry that her Father punished her for not going to the Christmas Gala this past year.

The troubling thing is that neither of them would say anything positive about their relationship with their Father. When I asked Child 1 if she believes her Father loves her, she said “I don’t know.” She also said, again, that he “changed” when he started going to his Church, but she could not give details about how he had “changed.” She complained that he only lets her watch Christian movies at his house and that he only lets her listen to Christian music. I asked her if these things had been discussed with the Therapist and she said yes. She said the Therapist had suggested that she pick one movie she wants to watch each time she is with the Father and encouraged her to discuss these issues with the Father. Although it took a while, Child 1 ultimately admitted that it

was possible to work things out with her Father and said she understood that she needed to communicate with him.

Therapist, Time Sharing Supervisor, and the other mental health professionals who worked with the family

The Therapist is presently working with the family by seeing the children and the Father on a weekly basis. As set forth in other areas of this Report, she has also incorporated the Mother in the family therapy. Before the family was seeing the Therapist, they were first working with Bridging Families where they received co-parenting counseling and some reunification therapy with a few Therapists. There were also supervised visits through Family Court Services and a number of supervised visits with the Time-Sharing Supervisor.

The Therapist has had an opportunity to observe this family for a substantial period of time. She is presently doing the reunification therapy between the Father and the children. She has also met with the Mother alone and she has also met with the Mother and the Father jointly. The undersigned has not disclosed all information obtained by the Therapist as Florida Law permits a Guardian to maintain confidential information received during an investigation as the Guardian deems necessary. In this matter, it is in the children's best interest that the Therapist be permitted to continue to work with the family and her work will be jeopardized if she is involved in the litigation aspect of this case.

The Therapist indicates that although it is clear that both of the children love their Father, they don't cooperate with anything he tries to do for them. Putting it simply, they make everything very difficult for the Father. This observation is consistent with what is found in all of the Time

Sharing Supervisor's supervised visit reports, which detailed all of the different things the Father tried to do with the children.

Both children have admitted to the Therapist that they had a good relationship with the Father prior to the divorce litigation. The Therapist has also observed, as has the undersigned, that the children have a strong relationship with the Mother. The Mother is nurturing to them and they are very bonded with her.

The Therapist has been seeing the children every Friday, mainly with the Father, for quite some time. The Therapist has observed that although the Father has been historically rigid in his parenting approach, he is currently much more open to input. The Father applies the therapeutic input and has demonstrated significant flexibility with the children, offering them alternatives, engaging them in decision-making and dialogue, and remains patient and tolerant despite the children's resistance to his guidance and directives. The Therapist has recognized, as did the Time Sharing Supervisor when she was doing the supervised visits, that the children have exhibited signs of alienation. The Mother, as the Therapist indicated, is also open to input but she lacks the necessary discipline, consistency and verbal messaging to reinforce and actively promote the children's relationship with the Father. A main feature of this support for a better relationship with the Father, the Therapist has observed, would include supporting the Father's decision-making, attempts to encourage the children's level of responsibility, and his parental authority. The Therapist notes that when the children have a complaint about the Father's home, the Mother tends to side with the children. The Therapist has also observed that both parents historically have not consistently emphasized discipline and accountability with the children and consequently, the children believe if they don't like or agree with something, they don't have to do it. The Therapist

emphasizes the importance of both parents learning how to communicate and cooperate more effectively, so that the children have mutual respect for both parents' authority.

This past Summer, the parties attempted reconciliation and they continued to see the Therapist throughout that process. The reconciliation process was not successful. The undersigned believes, and the Therapist agrees, that this period where there was an attempt at reconciliation, caused confusion for the children because when the Mother became more open to respecting the Father's parenting decisions, the children cooperated more.

The Mother does not believe the children should be forced to go to social events promoted by the Father's church, as she has reported to Ms. Sherman. Also, the Mother often does not believe that the children should incur the consequences that the Father deems necessary in order to establish consistency, accountability and adherence to rules in the way the Father feels is necessary. For example, she did not agree recently when the Father took the children's phones away, but has difficulty offering alternatives to encourage the children's level of accountability.

The Therapist initially reported, once she began seeing the children, they were not "forthcoming" about their feelings.

An additional problem is that, presently, the children report both to the Therapist and to the undersigned, that they have attended the church-related activities, and they don't want to return. As set forth in other areas of this Report, the children use the Father's involvement in religion as a reason to resist him.

The Therapist indicates that the Father continues to make all efforts at improving his relationship with the children. For example, during the separation, the Father got a dog and the dog had puppies. The Therapist observed that the situation of the dogs and the puppies continues to serve as an excellent project for the Father to share with the children.

The Therapist recommends that the therapy continue and that she be permitted to continue to work with both the Father and the Mother. She will work with the Mother on improving her ability to encourage a good relationship and she indicates that she needs to continue to work with the Father on improving his ability to empathize with the children's need to adjust to the recent changes in his life.

The Time Sharing Supervisor was the supervisor for the Father's supervised visit during the time that the children were refusing to see him unsupervised. All the supervised visits were reported to have gone well. As a matter of fact, during that time, the undersigned was forced to intervene in order to jump start unsupervised visits as the Time Sharing Supervisor reported that despite the visits going very well, the children would resist being with the Father if the Mother was there. The Time Sharing Supervisor observed, back then, that she believed that the Mother influenced the children because just as she thought they were making progress, the children would see the Mother or speak with her, and they would change their attitude. Once the Mother was not there, they were completely different. The Time Sharing Supervisor was involved with this family before there was any therapy with the Therapist. The Time Sharing Supervisor recommended family therapy.

The Time Sharing Supervisor noted that in order for the Father's relationship with the children to improve, the perception of the children has to change. As set forth in several of the supervised visit reports, the Time Sharing Supervisor tried to work with both parties, separately and together, to attempt to assist them in their co-parenting goals.

Prior to the Time Sharing Supervisor's involvement, the parties were involved with Bridging families, through a family court services referral. For one reason or another, there were several Therapists involved with the family when they were working with Bridging Families. The

fact that they were not working with one Therapist for an extended period of time, was very detrimental to any progress in this case. The only true improvement came when they began to work with Therapist.

Mrs. Representative, from Bridging Families, attempted to schedule family therapy while the children were working with two different Therapists. Initially, there was one Therapist (Therapist 1) who saw the children three times. However, Therapist 1 had to disqualify herself because she realized the Father in this case was friends with her adult son. Therapist 1, after only seeing the children three times, noted that it “seemed as if they (the children) are on the Mother’s side.” She also noted that the children expressed some concern that if they were to have a relationship with the Father, it would be at the expense of their time with the Mother.

The following Therapist (Therapist 2), which took over for Therapist 1, was seeing the children once per week. She noted that there was a severe problem between the parent’s communication and that the children would report that he was forcing them to go to church, that he took away their phones and the TV and the Internet and that he would not let them communicate with their Mother. As of January 2017, she had seen the children 6 times and had met once with the Father. She said the children had reported to her that the Father abuses drugs, and alcohol and that he sent their Mother to jail.

The Father’s Employer

We spoke with the Husband’s current supervisor. He confirmed that the Husband’s schedule is 7:30 a.m. until 6:30 p.m. Monday through Friday and alternating Saturdays from 8 until 12. The Father has been working there since February of 2017. He said the Father’s schedule

is flexible both for pick-up and drop-off. The way that this flexibility comes about is that there are several different managers, who can cover for one another.

The children's teachers and school counselors

The undersigned attempted to speak to all of the teachers this year but was unable to. However, the teachers I did speak to expressed the same general thoughts, First, they all indicated that neither parent has reached out to them this school year. Both children are doing relatively well. However, Child 1 has had a fair number of absences this year which has affected her grades. As set forth in other areas of this Report, the alleged reason for the absences is that Child 1 indicates she is not feeling well and does not go to school. However, neither parent has recently taken her to the doctor and there is no confirmation as to whether she was ill on the days she has missed.

As to Child 2, her social studies teacher this year and was Child 1's social studies teacher in the 6th grade 2 years ago. She said Child 2 is doing well, that it is an advanced class and that she had noticed a recent lack of attendance which has put her a bit behind.

Child 1 presently has a B in the class. She is always concerned about her class work and she follows up with her teacher. She has absences but makes up her work. She is staying on top of her work, so she has not had the need to reach out to the parents, but the parents have not reached out to her to check on Child 1 and her progress.

Both children are doing very well in forensic science. They have both been absent to her a class a few times this year.

It appears that the issue with the children's attendance at school has existed as of last year. Child 1's counselor for the 2016/2017 school year reported that although she was a good student and very hard worker, she had many absences, including a few that were unexcused. She expressed

the absences of a concern and, as of the end of the school year last year, had not had any contact with either parent.

Child 2's teacher last year, also reported that she was a very good student, doing well in her class, and, also as of the end of the last school year, that she had no contact with either parent.

FLORIDA FACTORS PURSUANT TO FLA. STAT. §61.13

The undersigned considered, in making a recommendation to the Court, the factors which Florida law requires a Court consider, which factors are found in Florida Statute 61.13. The factors are summarized as follows:

(a) **The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.**

(b) **The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.**

(c) **The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.**

(d) **The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.**

(e) **The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.**

(f) **The moral fitness of the parents.**

(g) The mental and physical health of the parents. The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

(m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.

(n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.

(o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

RECOMMENDATIONS:

Based on the factors set forth above, the undersigned makes the following recommendations:

1. The parties should have equal timesharing as follows: Every Monday and Tuesday with the Father and every Wednesday and Thursday with the Mother and alternating weekends from Friday through Monday with each parent. The Father should do pick up and drop off at school on his days as he apparently has the flexibility at work to do so. Although the

Father has a Monday evening activity in Church he must choose whether he gets them at school and finds someone to take care of the children until he is done with the activity, or whether he picks them up from the Mother after he participates in his Church activity, provided that the activity is done by 8:00 p.m. Otherwise he should pick up the children after school and find someone to stay with them while he goes to church and returns home. They should, during the time he is in church, be in his home and not going somewhere back and forth as it is a school night.

2. The issue as to whether the Father can force the children participate in a religion the other parent does not agree with, is one for the Court. However, the undersigned does not believe the children should be forced to participate in a religion chosen by the Father only. However, they must respect his choice of religion and they must participate in social activities of the church with the Father if that is his chosen group of associates and friends. This will be a challenge for the Father.
3. The Father should have make-up time, as the Court deems appropriate, for the period of time that was lost during the time of the supervised timesharing where there was no appear to reason, as set forth in the Supervised Visitation Reports, for the children not to be going on unsupervised timesharing with the Father. The make-up time, however, should be done either on three-day holiday weekends, if they are not already for the Father, and the Summer or Spring Break, so as not to do a different schedule than that recommended above during the school year.
4. The parties should communicate via the Our Family Wizard mostly, absent an emergency. Neither of them should use the children as messengers, even to exchange basic information,

such as pick-up times or information about school. They are the adults and they need to exchange the information.

5. The Mother must engage in her therapy with someone recommended by Therapist who has experience in working with high conflict family cases. The Mother must learn the skills necessary to actively encourage the children's relationship with the Father. Although the Father must also learn to empathize better with his children and to be less rigid with them, I believe the Therapist is working on these issues with him as part of her overall reunification strategy.
6. The Father and the Mother must engage in co-parenting, so they can learn to jointly come up with discipline strategies for the children and parenting strategies. Whether or not the Therapist can be the one to do this co-parenting counseling, should be decided by the Therapist. If not, the undersigned can help the parties find someone to do this. Without their communication improving, matters will never be completely solved for this family.
7. The parents should equally share the holidays. If the parties are unable to agree to a holiday schedule, the undersigned is available to make a recommendation, as to the holidays. However, as holidays involve so many personal preferences, I believe it is always best to permit the parties to try to reach an agreement on the same. However, it is important to note, particularly in this case, that it is important that the sharing of the holidays be done by alternating the holiday and not sharing the day. The parents have very different lives and forcing the children to divide their holiday "day" to adjust to both parents would not be beneficial to them.

8. The parents should have shared parental responsibility. Both parents should notify the other of any appointments made regarding the minor children, including any appointment related to their medical or educational needs.

9. The children must continue to see the Therapist and the parties must both cooperate with this process even if it requires for them to attend sessions. They have done so throughout this investigation, but it is important that this continue until the family is discharged by the Therapist.

Respectfully submitted,

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By: _____



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Guardian Ad Litem