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CUSTODY EVALUATION

August 29, 2007

Hon. Judge Carl H. Taul
Ripley Circuit Court
Courthouse Square, 115 N. Main
P.O. Box 177
Versailles, IN 47042-0177**RE: Melissa Brewington****Petitioner****Vs.****Daniel Brewington****Respondent****CAUSE No.: 69C01-0701-DR-007**

Dear Judge Taul,

Pursuant to the agreed Order in the above-captioned case, we have completed our Custody Evaluation. Each principle participant was fully cooperative throughout the evaluation process, thus we were able to complete the evaluation in a timely manner. What follows is a list of contacts with each principle participant.

06/05/07	Interview with Melissa Brewington
06/15/07	Interview with Melissa Brewington
06/18/07	Interview with Dan Brewington
06/29/07	Interview and behavioral observations with Dan Brewington and the minor children, Mary and Audrey
07/02/07	Interview with Ms. Jennifer Smith, the minor children's maternal aunt

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07/03/07 Interview and behavioral observation with Melissa Brewington, the minor children, Mary and Audrey, and the maternal grandparents with whom Melissa resides

07/05/07 Interview with Dan Brewington

07/05/07 Interview and behavioral observation with Dan Brewington and the minor children, Mary and Audrey

07/09/07 Dan Brewington was scheduled for an appointment but missed the appointment. He instead arrived on 07/10 for his appointment that was not scheduled. Dan called later that day and stated to our office staff that he mistakenly read his appointment date and apologized. He was; however able to be seen on 07/10.

07/10/07 Interview with Dan Brewington

07/10/07 Interview with Melissa Brewington

07/12/07 Interview and behavioral observation with Melissa Brewington and the minor children, Mary and Audrey

07/21/07 Home visit with Melissa Brewington with the minor children present at her parents' home where she currently resides.

08/04/07 Home visit with Dan Brewington at the marital residence with the minor children present

08/07/07 Interview with Melissa Brewington

08/10/07 Interview with the maternal grandparents, Arthur and Karen Buechel

08/10/07 Attempted phone call with Mark Brewington, Dan's brother, however, the number Dan provided was disconnected. Dan provided no other number for the examiner's to contact his brother.

PROCEDURES ADMINISTERED:

As part of this evaluation, the following procedures were administered: Clinical Interview; Behavioral Observations; Custody Evaluation Background Survey; Background Conduct Survey; Child History Questionnaire; a Subjective Assessment of Parental Strengths and Areas of Needed Improvement; Parenting Awareness Skills Survey (PASS); Parent/Child Relationship Inventory (PCRI); Taylor Johnson Temperament Analysis Profile (TJTA); Millon Clinical Multiaxial Inventory-III (MCMI-III); and the Minnesota Multiphasic Personality Inventory-2 (MMPI-2).

DOCUMENTS REVIEWED:

Also, as part of this evaluation, numerous documents were reviewed; supplied primarily by Melissa Brewington. This examiner will not reiterate the content of each document as many are already available to the Court.

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- A letter dated 07/10/07 (authored by Dan Brewington) regarding the conflict about the Christmas holidays and other conflicts and a subsequent letter of 07/10/07 authored by Angela Loechel regarding the various legal matters and Ms. Laquelle's response dated 07/12/07.
- A letter (authored by Dan Brewington) dated 01/24/07 to Melissa discussing the various conflicts.
- A letter (authored by Dan Brewington) dated 03/28/07 to the Little Red Schoolhouse requesting records and their subsequent response dated 04/02/07.
- Numerous court records and bank statements indicating that Dan transferred \$510.00 into his checking account on 11/13/06. Dan stated that he did so in order to pay his expenses. *(11/13/06 - 6/2/06 had bond on 11/13/06)*
- Medical records for Mary and Audrey indicating that Melissa was the parent who took Audrey to her surgery and subsequent appointments
- Documents indicating a sharing of information from Melissa to Dan at exchanges regarding the children's routines, medications, doctor appointments, activities, etc.
- A time line of Dan's employments, authored by Melissa indicating a fairly unstable work history.
- A document dated 07/13/07 authored by Melissa expressing her concerns related to contempt citations and holiday schedules as she perceives Dan's style of communication
- An article provided by Dan to Dr. Connor entitled, "Psychopathology and Marital Satisfaction: The Importance of Evaluating Both Parents" (Journal of Consulting and Clinical Psychology, 2004, Vol. 72, num. 5, pp. 830-838)
- A packet of information compiled and authored by Dan comprising of:
 - A letter with Dan's concern regarding Melissa
 - A copy of the Petition for Contempt citation
 - Melissa's letter of 03/23/07
 - Weekend schedule given to Dan by Melissa and her attorney
 - Pictures of Melissa's "pornographic drug paraphernalia"
 - A copy of a letter provided to Melissa when he picked the girls up because he assumed that Melissa would try to hold him in contempt of court on Friday, July 13, 2007
 - A letter from Mary Jo Pollock, MSN, CNS, Melissa's counselor. The letter states that she had been seeing Melissa for counseling in 2004 for obsessive-compulsive issues. She saw her again in the fall of 2006. the letter states, "I am not aware of any reason to believe that Ms. Brewington has ever been or is presently a threat to herself or her children or anyone else. At this time she is not in need of medication and I have not prescribed any medications for her."

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- Melissa's medical file from Mary Jo Pollock and Dr. Peter Dillon were reviewed. The record reflects Melissa's struggles in the marriage and subsequent divorce and working with Dan and his ADD diagnosis.
- A letter authored by Dan dated 11/13/06 which he dropped off to Mary Jo Pollock unbeknownst to Melissa stating his concerns and some of his own history including his Attention Deficit Disorder. The letter is quite extensive and informative. When Dan was asked why he elected to provide Ms. Pollock, who was Melissa's therapist, with this letter, he responded, "I don't know why...I didn't know what Melissa was telling people." Attached also are pictures of the home when Melissa was present and the subsequent landscaping that she apparently engaged in.
- Financial records from the Little Red School House whereby Melissa testified that she had paid \$11,888.50 and Dan \$5,533.50 for daycare.
- A document indicating that Dan stopped taking the children to daycare on 03/07/07. Dan acknowledged that he did so as he intended to use his parenting time instead of taking the children to daycare.
- Melissa provided sign-in sheets from 01/02/07 through 03/26/07 indicating that Dan or his mother picked the children up from daycare and that the girls were in attendance at the Little Red Schoolhouse until Dan elected to exercise his parenting time after the provisional order was received.
- A document supplied by Melissa regarding Mary and the First Steps Early Intervention System
- Information provided by Melissa regarding the records from Cincinnati Children's Hospital whereby she apparently took Mary and Audrey for 50 out of the 54 visits. **[NOTE: When Dan was confronted on this matter, he stated that he in fact, took the children to half of all their appointments. The record, however, does not reflect such and it appears that the record is an authentic document from the Children's Hospital.]**
- The verified Petition for Contempt citation filed 03/28/07. One of the issues is that Dan will not return Melissa's phone calls for her to speak with Mary and Audrey. (Dan acknowledged that he did not return Melissa's calls in the beginning and was advised by his attorney to not return the calls.)
- Work schedules and parenting schedules
- Melissa provided resumes, transcripts, and her 2007 performance appraisal from Good Samaritan hospital.
- Documentation from Melissa prior to the Provisional Hearing and after the Provisional Hearing regarding her thoughts and concerns.
- A letter authored by Joan Sevmajers, MS, RN, FACHE Interim Manager Labor and Delivery Special Care Obstetrics Unit dated 06/04/07. The letter states that, "Ms. Brewington has been employed at Good Samaritan since 07/21/01. She has worked both full-time and part-time in this department. Her colleagues and I have found her to be the most reliable and frankly, a joy to

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work with. She is most attentive to her patients and she is always professional in her demeanor."

- A letter authored by Amy Riestenberg, RN, CTM, a colleague of Melissa's stating that Melissa is, "A very dependable and reliable co-worker. She shows up for work on time and is ready to work. She is very flexible with her schedule as well as with her work assignments. She takes very good care of the patients and is attentive to their needs. She also includes the patients' families and their care as much as possible. She is willing to take care of a low-risk patient as well as a high-risk patient without any complaints. She is also very willing to work in any area of the department as well as on our High Risk Unit when needed. Melissa is a very hard worker and has very good relationships with her co-workers and physicians. She often volunteers to help co-workers when they are in need as well as when there is an emergency. She is very responsible and uses good judgment when caring for her patients. She is very compassionate toward her patients and is respected by her co-workers."
- A receipt from Verizon Wireless whereby Melissa renewed her two year contract on Dan's mother's family plan which Dan states she did a few days "before or after she'd had enough." Dan was perplexed as to why Melissa would renew the family plan when she was attempting to distance herself from his mother.
- A story and screenplay by Dan Brewington dated 12/06/06 provided by Melissa. Melissa was concerned about the content of the story whereby Dan reported to her that it was a tragic story about a mother and child in a car accident. This examiner cannot comment on this screenplay but did ask Dan why he wrote the screenplay. Dan responded, "I have movie concepts in my head...I'm a creative writer...I use names and relationships I can relate to. She (Melissa) stretches for anything. I brought it with me today because I knew it would be an issue."
- A letter dated 07/20/07 authored by Jennifer Smith, the children's maternal aunt. Ms. Smith wrote the letter after her visit with Dr. Connor reflecting on her appointment with this examiner. One of the points Ms. Smith makes is that Dan commented to Melissa, "If you are nice to me, you can see the girls on Monday. If not, you won't see them until Tuesday," after refusing to give the girls to Melissa for their agreed upon return time. When Dan was confronted on this issue, he stated he "might have" made this statement, which of course, is highly inappropriate.
- A proposed parenting plan authored by Melissa.

PRINCIPLE PARTICIPANTS:

Biological Father: NAME: Dan Brewington; DOB: 11/16/1973; AGE: 33;
EMPLOYMENT: Brewington Solutions; LENGTH OF EMPLOYMENT: 3½

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2 YRS

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Years; POSITION: Owner; WORK HOURS: Varied. Dan stated that he is self-employed with low voltage wiring, landscaping, and security.

Biological Mother: NAME: Melissa Brewington; DOB: 03/28/1979; AGE: 28; EMPLOYMENT: Good Samaritan Hospital; LENGTH OF EMPLOYMENT: 6 Years; POSITION: RN; WORK HOURS: 7:00am to 7:00pm every Wednesday, Friday, and every third weekend, and a third Monday rotation.

Minor Child: NAME: Audrey; AGE: 18 months

Minor Child: NAME: Mary; AGE: 3½ years

For the sake of simplicity, each principle participant will be referred to by their first name.

BRIEF BACKGROUND INFORMATION:

Dan and Melissa met in April of 1999 and married in August of 2002. They separated in November of 2006 and their divorce is pending. Currently, Melissa resides with her parents in Cincinnati and has temporary sole custody of the children. Dan has the children on Wednesdays and Fridays from 6:30am to 8:00am the following morning and the third Monday when Melissa works from 6:30am until the following morning at 8:00am. The children were in daycare; however, Dan elected to keep the children with him as opposed to putting them in daycare. He stated that he did so in order to spend more time with the children after the provisional orders were released. The children were in daycare even when Dan and Melissa were together so they could work, according to both parents.

When asked why their marriage ended, Dan stated, "Because Melissa is just an unhappy person." Melissa stated that she simply could not tolerate Dan's erratic behavior and lack of attention, which caused significant conflict in the marriage. Melissa acknowledged that she can be somewhat obsessive-compulsive and in fact, has been treated for such. Dan has severe Attention Deficit Hyperactivity Disorder. The two character traits simply do not mesh well at all. It is interesting that both Dan and Melissa seem to have an understanding that their personality styles are diametrically opposed whereby Melissa tends to be more organized, sometimes to the point of compulsive, and Dan is much more erratic; thus, creating significant conflict over a prolonged period of time.

PRIMARY PARENTAL CONCERNS:

Each parent was asked to list what their primary, secondary, etc. concerns are about the other parent. The other parent was then given an opportunity to respond to these concerns. What follows is a list of these concerns in order of importance to each parent.

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*he loves me
and you love
Audrey*

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Mary (10/20)

Melissa stated that her primary concern about Dan's parenting abilities is that he does not have the children's best interest at heart. ~~For example~~, he pulled the children out of daycare after the children had been there for nearly two years when he received the provisional orders. She also stated that he manipulates Mary and will tell her, "You don't like Daddy and Daddy doesn't like you." Mary has also told Melissa that, "Daddy says that you love Mary and Daddy loves Audrey," and that, "Daddy says he doesn't like Uncle Jerry and Aunt Gin." Melissa feels that these comments are made by Dan with the intent to manipulate Mary. Dan responded that, "At the beginning it was hard for me... Mary may have asked if Mom likes me and I'd say, 'I don't know'." Dan stated that he did take the children out of daycare and it was a "tough call." He added that Melissa took the children out of daycare on Monday so he could not pick them up. With regard to the manipulative comments to the children, Dan denied that he would talk in that manner to the children; yet, he stated that, "Mary always favored me."

Accords to (M)

Melissa's next concern is Dan's Attention Deficit Disorder diagnosis. She stated that he is on 50mg of Ritalin every four hours, which is a very high dose. He also attends the Affinity Center and has been doing so since approximately the year 2000. His attention deficit causes him to be disorganized and he has difficulty maintaining stable employment. **[NOTE: During the course of the interviews with Dan, it was noted that he does have difficulty staying focused and remaining on task with normal conversation or inquiry. This is in spite of the fact that Dan is prescribed 50mg of Ritalin every four hours for his attention. Although some of his difficulty in attending to the topic at hand may be due to the anxiety provoking nature of the evaluation, it is a concern and makes it challenging to communicate effectively with Dan.]** Melissa added that Dan has had guns around the house but did not know whether there was ammunition in the gun or nearby. Melissa stated that her family gave him a gift card to buy a gun safe for Christmas of 2005 and instead he bought a muzzle loader. Dan eventually bought a gun safe two weeks before the 02/09/07 Court hearing. **[NOTE: Dr. Connor observed the gun safe in Dan's home during the home visit.]** Melissa stated that Dan also leaves his medications within reach of the children and will leave old food lying around and not provide proper hygiene for the children. He would also leave dirty and bowel soiled clothes lying around as well as dangerous tools that the children could come in contact with. **[NOTE: During the home visit, Dr. Connor observed a very messy and disorganized home with food lying on the counters. Dan acknowledged; however, that the house was not "always this clean" as his mother had assisted him in cleaning the house before Dr. Connor's arrival. Unfortunately, Dan's mother was not present during the home visit as requested so she could be interviewed by Dr. Connor.]** Dan stated that Melissa's family did give him a \$45.00 gift certificate but the safe cost \$600.00. He stated that the girls are not at home during the day when he has his

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tools, etc. out and therefore, does not feel that he places them in danger. He stated; however, that he may have had the muzzle loader under the couch but there was no ammunition for this weapon. He denied that he has ever left loaded guns around the home or ammunition close by his guns.

Melissa's next concern is Dan's inconsistencies and that he changes his stories about jobs and does not provide a dependable income for the family. She stated that he does not share his income information and believes that this decrease his ability to provide a stable environment for the children. Dan responded that he has never been fired from a job nor has he ever been reprimanded at work. He has always worked in industry or on the farm. He adamantly proclaimed that he could provide a stable environment for the children.

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3/06
Melissa's next concern is that Dan verbally abused her in front of the girls and is concerned that he will do the same to the girls. She stated that Dan would call her, "A bitch of every type...Psycho-Bitch." She also stated that Dan said when the girls were of age, he would tell the girls that, "You walked out...Nobody likes you...Take your depression meds." Melissa acknowledged that she has a history of obsessive-compulsive disorder with regard to organization and cleaning and saw Mary Jo Pollock in 01/04 until 02/05 and again in 11/06 for support every three to four weeks. She was prescribed Prozac and then eventually Zoloft for fourteen months, both of which are antidepressants. She has been off all psychotropic medication since 06/05. **[NOTE: Melissa was interviewed thoroughly regarding her diagnosis and has significant insights into her behavior, in the opinion of Dr. Connor.]** Melissa stated that she and Dan were renovating the farmhouse and had infants and there was plaster dust around the house and it was in general disarray which she found quite stressful and was irritated at times.

Dan responded that he has never joked about Melissa's medications to her because he takes psychotropic medications as well. He stated; however, that Melissa would wake him up at 12:30am and start an argument that the dishes were not done. With regard to verbal abuse, Dan stated, "When somebody pushes you to the breaking point, which she does...By saying I don't do anything or this or that...I would sometimes call her a bitch...Yet she would push and push and say, 'You're Mommy gives you this or that.' "But if my father would have been alive, he would have done the same yet that would be looked at differently and as okay." **[NOTE: Again, it is difficult sometimes to follow Dan's responses as he does have difficulty remaining focused on a topic and responding accordingly.]**

Dan stated that his primary concern about Melissa is who she will blame "when I'm not in the picture...she needs somebody to focus on whether good or bad. She doesn't take responsibility for her contribution" to conflict. Melissa responded that Dan has had plenty of opportunity to be involved with the caretaking of the

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children and that she has even notified him sometimes three months in advance about activities or responsibilities and he would not take responsibility for the childcare or general care of the family.

Dan's next concern is that although Melissa said that she has Obsessive-Compulsive Disorder, she would not allow him to talk to her counselor. He stated that, "I don't think she'd go off the deep end but I don't know as she doesn't talk to me about stuff...One time at night it was raining and she became hysterical and wanted to leave. She hit me one or two times and one time I encouraged her to hit me and she did. She blamed her depression on me." Melissa stated that she would not tell Dan about her Obsessive-Compulsive Disorder because he was not supportive and would use it against her. Melissa added that she asked Dan to not contact her therapist yet he did so via his own letter and also copied her diary and gave it to her therapist. **[NOTE: This is of course, very invasive and intrusive of Dan to copy Melissa's diary and contact her therapist when asked not to do so. His lack of respect for Melissa's boundaries in this regard is quite concerning.]** *check*

Dan's next concern is that Melissa would not allow the girls to do something that she (Melissa) doesn't like herself. For instance, he made Christmas ornaments and because Melissa did not want to do so, the girls were not allowed to do so either. He stated that Melissa has the girls in swimming, dance, and tumbling which is good, but he is concerned that the children may be "over-stimulated." Melissa responded that this is not true and that she does everything the girls want and that Mary loves her extracurricular activities. Melissa stated that she also enjoys arts and crafts.

Dan stated that Melissa grew up in a house with excessive worry about cleanliness and what her parents would think. He is concerned that Melissa will project this onto the children as well and therefore, the children would not feel comfortable going to Melissa if they had some difficulties. Melissa responded that she does not have any trouble with the girls coming to her and that they seem to feel quite comfortable in her care. Melissa also stated that her parents are very different now and that they were always clean but did have "average clutter." **[NOTE: During the home visit, with Melissa at her parents' home, the home did appear to be clean and orderly with an average amount of "clutter" but not in excess.]**

Dan reports no other concerns regarding Melissa.

PERCEPTION OF PRIMARY CARE PROVIDER:

Dan stated that he and Melissa always assisted one another with all aspects of child care. He stated that Melissa took off three months after the children were born and then went back to work on nights and he cared for the children during the day. Dan stated, "I did at least half or more" of all child care.

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08/31/07
12:55

Melissa stated that she breastfed Audrey for four weeks but not Mary. She stated that she provided all hygiene care such as baths for the children and did the majority of the nighttime care. She acknowledged that sometimes Dan would help with Mary at nighttime but that he seemed more interested in Audrey. She also stated that Dan did not attend Audrey's surgery for tubes and she did not know why.

MENTAL HEALTH HISTORY:

As noted above, Dan has attended the Affinity Center for approximately five years and is prescribed 50mg of Ritalin three to four times a day. **[NOTE: Dan was asked to provide a summary letter from the Affinity Center but as of the date of this dictation has failed to do so.]** Melissa has seen Mary Jo Pollock for Obsessive-Compulsive Disorder.

Don't let
release
7/9/07

PARENTING PHILOSOPHIES:

Dan stated that the two most important morals and values to teach the children are to "be nice...It's generic, but to be kind and not judgmental...And live life without regrets by putting work in the beginning and be honest with yourself." **[NOTE: Again, it is sometimes difficult to follow Dan's reasoning.]** He believes that the best way to achieve these goals is to teach the children and make use of opportunities to teach in everyday activities even with the use of movies and making practical analogies." Dan hopes that the children can attend Millan Elementary, which received top ratings and hopefully will attend college. He wants to support the children in what they do and to teach them to be creative. With regard to nutrition, Dan stated that Audrey will eat anything but that Mary is not as good of an eater and will eat fast foods. In the mornings he will provide them with French toast sticks. He also enjoys making barbeque chicken on the fire pit. He stated that Mary enjoys peas and Audrey will eat almost anything. Mary also enjoys cheese, broccoli, white potatoes, chili, pizza, garlic, onion, and spices. With regard to discipline, he stated that he "rarely" spansks the children but when he does so, it is on the buttocks with an open hand and their pants up. He denied any marks were left on the children. He also disallows them to watch TV or will not make dinner for them on the fire pit, which they enjoy. Dan denied having any special behavioral problems with the girls.

Melissa stated that the two most important morals and values to teach a child is self-worth and trustworthiness. She believes that self-worth will provide them with a good self-image and help them be a "good person." She believes that the best way to teach these morals and values is to praise the children for what they do well with compliments and to see the good in one another. She stated that trustworthiness can be taught by first having them learn to trust her and to be honest. Melissa hopes that the children will attend St. Ignatius Elementary and then the public school system. With regard to nutrition, Melissa described Mary as a very picky eater and that she loves cheese, various breakfast foods, strawberries, and corn, but does not like green beans or milk. Yet, she eats yogurt. She provides the children with limited

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candy and ice cream. She also stated that Mary likes ham and cheese and Hot Pockets. Melissa stated that she enjoys cooking meatloaf, beef stroganoff, and chicken on the grill. Audrey; however, will eat "anything." She provides the children with gummy vitamins. With regard to discipline, Melissa stated that she has spanked Mary on the buttocks with her pants up with an open hand. No marks have ever been left on the child. Typically; however, she will put her in a time out and Mary responds accordingly. For the most part; however, she can talk to the children and redirect their behaviors. She denied having any behavioral problems with either child.

SIBLING RELATIONSHIP:

Both parents believe that the children get along very well together and should remain together. Neither parent believes that the children should be separated.

SPECIAL NEEDS OR HANDICAPS:

Dan stated that neither child has any special needs or handicaps. Melissa; however, stated that Mary has had two sets of surgically implanted tubes in her ears for chronic ear infections. She stated that Mary has also had speech therapy and Audrey has had a "hip click" and left eyeptosis and was also jaundiced. She denied that the children have any other special needs or issues.

ADDITIONAL PARENTAL CONCERNS:

As in any custody dispute, there are numerous concerns that arise throughout the course of the evaluation. What follows are additional concerns that each parent brought to the examiner's attention.

Melissa stated that Dan was always fine with her making all decisions regarding child care; however, now she feels that he is objecting simply because he wants custody of the children. Dan responded; however, that everything was "equal" but that Melissa was always a controlling person. Dan stated that for instance, he found the Little Red School House but that Melissa checked it out. **[NOTE: Dan, in the opinion of this examiner, had difficulty in responding to this question.]**

Melissa is also concerned that Dan's mother pays for his car insurance, car payment, buys him clothes, and paid their utilities even when Melissa wanted to pay her back. She is concerned that Dan and his mother have an overly enmeshed relationship. Dan stated that he has always lived on the family farm and Melissa knew this when they married. He stated that his mother has always helped out with the family as is common with farm families.

Melissa is concerned that Dan is addicted to his Ritalin and has even got to the point of panic when he was running out of his medication and would pay over \$300.00 out of pocket because he could not wait for his insurance to cover the cost.

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Dan acknowledged that he can sense when he does not take his Ritalin but that he does not take it when he consumes alcohol. Dan acknowledged that he gets very anxious if he does not take his medication. He stated that eventually, his medication will become generic medications which will cost him \$175.00 a month.

Melissa also expressed a concern about Dan's drug history. Dan acknowledged that he tried "mushrooms" two to three times and also smoked marijuana in college. He stated that he stopped smoking marijuana approximately four to five years ago.

Melissa also expressed a concern that Dan could become physically abusive with her as he tried to put something behind her car so she could not leave and also blocked her car in with his. Dan stated that he did so because it was 2:30am and raining and Melissa was in a frenzy and wanted to take Mary with her and he felt it was not safe so he blocked her from doing so. Melissa also stated that Dan would push and shove her and would "go off" and hit walls. Dan acknowledged that one time he shoved Melissa because she would not stop nagging him. He stated that he hit the door one to two times because again, she would not stop nagging.

Melissa is also concerned that Dan will allow his mother to watch the children excessively. Dan stated that his mother does not watch the children very often and that she is sixty-years-old and furthermore, he can care for the children himself.

Melissa also expressed a concern that Dan applied for a concealed weapon permit. Dan stated that he did so on 11/06 and that he had a "goofy tenant" who sold him a .357 to hunt with.

Melissa also expressed a concern that Dan may have a Bipolar Disorder. Dr. Connor interviewed Dan thoroughly regarding bipolarity and there are no indications that he is bipolar. Dr. Connor is in agreement with Dan's existing diagnosis of Attention Deficit Disorder. In fact, Dan stated that, "My mind is like a tornado in a library, but with Ritalin all the books are in place." Dan gives no indications of phases of clinical depression or phases of mania, which would be suggestive of a Bipolar Disorder. It is also Dr. Connor's opinion, after interviewing Dan on multiple occasions, that his attention deficit is consistent over time despite being heavily medicated.

[Note: Dan was given ample opportunity to talk about his concerns and perception of this entire matter. However, he forgot to bring his papers to the office, showed up on the wrong day for his appointment, and despite being given the opportunity to talk about his concerns, he felt as though he did not have sufficient time to talk about his concerns, when in fact, he tended to reiterate many of his concerns and seemed to not recall that he had already

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informed the examiner of these concerns. He tends to ramble and jump topic to topic, which makes it difficult for effective communication.]

Dan stated that he does not understand why Melissa does not trust him with the children as she took a weekend vacation two months after Mary was born and left her with him. Melissa acknowledged that she did so and that she first made sure that the house was safe and clean before leaving. She also made sure that all dangerous items were picked up. Dan also stated that Melissa has taken five or so short vacations during their marriage and would leave the children with him. Melissa again, stated that she would do so and took approximately five or so short two day vacations over the course of five years. She stated that she will go with her friends on a weekend vacation once a year.

Dan referred to a 911 call made by Melissa whereby the police arrived and stated that they felt that she may have been using the children against their father. Melissa stated that the officer did apparently say that; however, the officer did not talk to her about the incident.

There was an incident whereby one of the children had to be taken to the pediatrician for an apparent asthma attack. Dan had the girls on that day and Melissa was off work. Melissa said that she would be there in ten minutes but feels that Dan hurried the girls to the pediatrician's so that he could sign them in. Melissa believes that this is an attempt by Dan to show his interest in having and being a primary care provider for the girls when historically, he has not done so.

Dan stated that Melissa would not take the children to daycare so that he could not pick them up from daycare. Melissa denied that she had ever done so.

Dan stated that Melissa does not allow him to have the girls for three overnights in a row. Melissa stated that she does not decide this and that their work schedules dictate this more than anything else.

PARENT-CHILD OBSERVATIONS:

Parent-Child Observation Session with Dan, Mary, and Audrey present:
At the onset of this session, when the examiner went to retrieve the family members, Dan asked for a room/bathroom where he could change Audrey's diaper. After changing her diaper, the family followed the examiner to the downstairs observation room. On the way, Audrey spontaneously reached up for her father as if to ask him to carry her, which he did. In the observation session, Dan and the children appeared relaxed, comfortable, and positive in their affect. Dan was noted to be quite tactile with Audrey in particular, though less so with Mary. He put his arm around Audrey and kissed her on the top of her head and lifted her up and held her

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several times during the session while Mary played more independently. It was difficult to determine whether this was a preference on Mary's part (to be more independent) or if Dan had a tendency to favor and focus more attention on Audrey. Dan was creative in his play with the girls, reading books to them and singing to Audrey and building a tower with blocks and showing Mary how to use them as thought they were drums. He also engaged in pretend play by making a large stuffed bear "talk" to the girls. The girls watched their father with great interest and seemed to enjoy the play activities. Dan also brought along some items for the girls to play with including balloons which he blew up using a pump. He then twisted the balloons into animal figures, which the girls again seemed to enjoy very much.

Overall, the girls were well-behaved throughout this session and there was minimal need for limit setting; however, when a limit was needed, Dan readily corrected the girls and the girls tended to be compliant with his limit setting. For example, when Mary began to write on a wallboard with crayon, Dan quickly corrected her, stating, "Stop, stop." She readily stopped drawing on the board at his instruction. He was also able to redirect Audrey when she cried and began to protest when he told her she couldn't have something she wanted. He turned her attention toward a Telly Tubby which he played with as he held Audrey on his lap. Again, Mary was across the room playing alone with a toy as she tended to do throughout the session. Overall, there were no significant concerns noted during this session other than the fact that Dan seemed to focus more time, attention, and effort on Audrey possibly because she is the younger child of the two, but it appeared there was room for more equitable balance of attention between the two girls.

Parent-Child Observation Session with Melissa, Mary, and Audrey present: Throughout this session, Melissa and the girls appeared relaxed, calm, and positive in their affect. Melissa was noted to be quite expressive both verbally and non-verbally with the girls. She was also creative in her play with them engaging in age appropriate pretend play with the children as well as playing with the large stuffed bear and making a "bear sandwich" with the girls who appeared to enjoy this a great deal. Melissa engaged in tactile exchange with the children giving them kisses and putting her arms around them at various times throughout the session. She appeared to balance her attention well between the two girls and to engage in activities with both of them at various points. She also allowed them to be independent, engaging in activities on their own at times. She used various activities as methods of teaching the girls as well, such as when she pretended to be a teacher for the Barbie dolls and taught the girls about different shapes such as a trapezoid, pentagon, and triangle. The girls listened attentively to their mother and seemed to enjoy the activities. When a limit was needed, Melissa readily and effectively instructed the girls accordingly and they seemed compliant with their mother's authority. For example, when Audrey was playing with a toy first and Mary attempted

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to take it away from her, Melissa corrected Mary and emphasized that she could play with it after Audrey was finished.

Melissa came prepared for the session with various items for the girls to play with as well as snacks for them to eat. She made good eye contact with the girls and appeared to be attuned to their various behaviors and verbal and non-verbal cues. She also allowed the girls to speak about their father without making them feel uncomfortable about doing so. For example, Audrey picked up the stuffed bear and remarked to her mother, "Me and my dad played with that." To this, Melissa responded with interest, "You and Dad played with the bear?" Melissa seemed to place an emphasis on learning with the girls and incorporated this well into the play. She used songs such as "Itsy Bitsy Spider", to teach them things and also challenged Mary with various questions asking her what a red light means, a yellow light, green light, etc. Overall there were no significant concerns noted during this session as the girls appeared to be generally well-behaved and respectful of their mother's limits and Melissa appeared effective in balancing her attention and efforts with the girls.

Household Observation Session with Dan, Mary, and Audrey present:

Once again, Dan picked Audrey up and carried her to the observation room. Also, as in the previous session, he tended to focus on Audrey more so than Mary after the family was left to play in the observation room. Mary tended to play alone with dolls and engage herself independently while Dan tended to engage with Audrey in various play activities. Audrey displayed an attachment to her father, going to him spontaneously and hugging him. He was noted to talk more with Audrey than he did with Mary and the two seemed to have a good bond. Again, it was difficult to tell whether Mary was just a more independent child; however, Mary did not tend to play quite as independently when she was with her mother in the Parent-Child Session as she did with her father. In fact, when Mary commented about a horse she was playing with two different times, Dan ignored her and did not respond to her comments which appeared to be an effort to engage her father. However, when Audrey attempted to engage her father such as when she went to him with her arms outstretched, Dan readily picked her up and talked and laughed with her.

Dan was effective in setting limits with the girls such as when Audrey tried to climb on the table. He told her not to do so and to get down, which Audrey readily did. As the session progressed, Dan did eventually engage in play with Mary with the Ken and Barbie dolls. They pretended that the two dolls were dancing and also pretended that they were at a McDonald's and that Mary was a clerk and Dan was ordering food from her. Mary seemed to enjoy this activity with her father very much as evidenced by her laughter and smiles. One way in which Dan did not set a limit with Mary was when she repeatedly made an odd, squealing noise that was rather loud and inappropriate. Dan did not correct Mary or tell her to stop this behavior and thus, she continued repeating the loud squealing noise. **[NOTE: Mary was also**

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noted to make a similar noise repeatedly during the Parent-Child Session with her mother and Melissa did not correct this behavior either.]

The girls were noted to mirror their father's behavior such as when he pretended to write a letter to Mary and she in turn, pretended to write a letter to him. Dan was quite playful and creative with the girls and they seemed very comfortable and relaxed with him overall. He also appeared nurturing such as when Audrey accidentally hit her head on something and Dan kissed her head and asked if she was okay.

Household Observation Session with Melissa, Mary, Audrey, and the maternal grandparents present: Melissa and her parents were careful with the children as they descended the stairs to the observation room at the examiner's office. They made sure that the girls held their hands and did not fall down the stairs. Mary entered the observation room and exclaimed, "Daddy's here!" She then picked up the large stuffed bear. She appeared to be referring to the fact that her father had previously been in the room and played with the bear with the girls present. Melissa readily got onto the floor on her knees and played with the girls and was noted to be very attentive and engaging with the children. The grandparents sat on the sofa but were also very focused and engaging with the children. The maternal grandmother in particular, was quite expressive and also engaged in tactile exchange such as touching Audrey's hair and Mary's arm. Overall, the girls appeared quite relaxed, comfortable, and positive in their affect as were the other family members. At one point, Mary accidentally sat down on a toy castle to which Melissa and her mother appeared to respond in what was a somewhat overly concerned manner. Melissa repeatedly asked Mary, "Are you okay...Are you okay...Are you alright...Do you need to go to the restroom?" This is despite the fact that Mary really did not appear to be in any significant distress and had only barely sat down on the castle. However, Melissa persisted in checking to see if Mary was okay, looking at the bottom and then picking her up and carrying Mary to the bathroom upstairs. The maternal grandmother followed as well, again, suggesting that the two may have been placing an over-emphasis on the degree to which Mary needed assistance as it did not appear that Mary was injured and she stated that she was okay to her mother prior to Melissa and her mother taking her upstairs.

Again during this session, Mary displayed a tendency to repeatedly make a squealing noise; however, Melissa and her parents did not set a limit or tell Mary to stop this behavior. Melissa remarked when Mary screamed, "Holy cow," but she did not instruct Mary to stop. As the session progressed, the maternal grandmother got on the floor with Melissa and the girls and they played with the Barbies and appeared to enjoy themselves a great deal. Audrey then spontaneously got up and went to the sofa where she stood near her grandfather. He then picked her up and placed her onto the couch immediately next to him. Overall, there no major concerns during this

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session other than the fact that Mary tended to again, engage in inappropriate squealing without correction and that Melissa and her mother appeared to be somewhat over-reactive to an incident in which Mary sat on the castle. The family members seemed to enjoy themselves and be relaxed interacting with one another and Melissa appeared to do a good job of balancing her attention between the two girls and was obviously prepared for the session with various items for them to play with, snacks, and drinks as well.

HOME VISITS:

Home visit with Melissa and the minor children present at the maternal grandparents' home: Melissa currently resides with her parents in a nice neighborhood with ample playing space for the children. The children seem very at ease in the home and certainly are attached to their grandparents. Melissa stated that the residence is temporary due to the uncertainty of the pending divorce and her current state of finances. The children seem to have normal interaction with Melissa and their grandparents and there are no concerns noted. The home provides ample space for this temporary living arrangement. There are no safety hazards noted or observed in this environment. The children have a large fenced in backyard with an above-ground pool and garden.

Home visit with Dan and the minor children present: Dan resides in the marital residence. Of concern, is that there is a very large barn in the backyard where the roof is obviously sinking and appeared to be quite dangerous. The rafters are sagging significantly, also presenting a potential danger if the children were to wander into that area. There were also car batteries laying in the yard and numerous buckets. Large pieces of equipment were present that were rusty with jagged corners. The kitchen was very messy with bags of food lying on the counter. The air conditioner was not working on the day of the home visit. In spite of the house's general messiness and uncleanness, Dan stated, "The reason the house is this clean now is because my mom came over to help me clean it up." He proceeded to say, "The girls and I are destructive and the house is usually a mess."

During the home visit, Mary was awake and interacted well with her father. She showed no approach or avoidance conflict with her father and responded well to his redirection. Mary seemed quite at ease in the environment. Audrey was asleep throughout the home visit and therefore, no observation of Audrey's interaction with her father was observed. However, Dr. Connor did observe Audrey in her crib asleep and she seemed to be very content. **[NOTE: It was agreed that Dan's mother would be present at the home visit for Dr. Connor to interview. Upon arrival, Dan stated that he thought his mother would be there soon, but after being at the home for approximately an hour and a half, Dan's mother did not arrive and therefore, was not interviewed.]**

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COLLATERAL INTERVIEWS:

Interview with Karen and Art Buechel, maternal grandparents: Mr. and Mrs. Buechel were quite adamant that Melissa has always been the children's primary care taker. They stated that Dan has difficulty with concentration and focus and was never able to consistently provide care for the children. He also has had difficulty sustaining employment and they are therefore, concerned that he may not be able to properly financially provide for the children if given primary residential care.

Mr. and Mrs. Buechel are also concerned about Dan's enmeshed relationship with his mother. In their opinion, his mother has always provided financially for him, which reinforces Dan's inability to sustain proper employment. Furthermore, they are concerned that they have seen and heard Dan being intimidating toward his mother with his tone and demeanor and that Dan's mother would "back off." They assert that this is also the type of demeanor that Dan would use toward Melissa. Mrs. Buechel stated that Dan had also told her to "shut the fuck up" and called her a "bitch" on the phone, which she found very intimidating.

Mr. and Mrs. Buechel also expressed concerns about Dan's ability to properly supervise the children and protect them from harm's way. For instance, they often saw buckets of chemicals, oil, and other machinery lying around the yard which could be detrimental and harmful to the children. They too, (as this examiner did) expressed a concern about the barn that seemed to be in very poor shape and that it could collapse on the children if they were in fact, playing inside of this barn. On one occasion, Mary told them that a part of the barn fell and that "it scared me."

The Buechel's also expressed concern about how Dan may make inappropriate comments to the children such as him not liking Gracie, Ben, Aunt Gin, or Uncle Jerry. He also referred to his home as Daddy's home and Grandpa's home, insinuating that their mother did not have a proper home. They also expressed a concern whereby Mary stated that Audrey ate some of Tansy's cat food and Daddy "spanked her real hard." They also heard Mary crying because she was not able to go to daycare to see her friends after Dan pulled the children out of daycare.

The Buechel's were quite adamant that Melissa would in fact, include Dan in all aspects of the childcare and parenting as she does so at this point in time. She also provides Dan with a paper copy of events, medications, and all other child related issues at the exchanges because Dan is difficult to communicate with and at times, will even walk away.

The Buechel's were thoroughly questioned about Melissa's Obsessive-Compulsive Disorder history. They both stated that Melissa is past these issues

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which were probably due to the environment she was in and the anxiety that the environment produced. They were quite adamant that there is no known family history of mental health disorders.

Interview with Ms. Jennifer Smith, maternal aunt: Jennifer stated that when Melissa and Dan first met everything was fine, yet they did not have the responsibilities of the children or the house or farm. When the children were born and they had more responsibilities, Dan seemed to have difficulty accepting these responsibilities such as with childcare. Yet, Dan was often unemployed except for the work he did on the farm. She stated that Dan seems to be more interested in his activities and desires than the family. For instance, at Audrey's baptism party, a co-worker came and wanted Dan to go fishing and Dan left the party to go fishing. Oftentimes, when Ms. Smith went to the house, Dan was not there and said that he was working on something for his mother.

Ms. Smith expressed a concern similar to Melissa's whereby Dan would leave things in the yard such as gas cans, pesticide containers, and other objects that the children could be harmed by. He oftentimes would not clean up after himself in the house and would leave the house dirty with dishes and laundry and old baby bottles. When Melissa came home, she was understandably quite upset with Dan because he would not clean up after himself.

Ms. Smith described Melissa as a "great" mother and stated, "I wish I could be like that... She talks in ways that the children can understand and works with the children on developmentally age appropriate tasks." She has also helped the children cope with the divorce by purchasing books and reading to them and answering their questions. She did state that Mary said, "Mom doesn't like Daddy and Daddy doesn't like Mom." When Mary would do so, Ms. Smith stated that Melissa would respond, "I do because he's your daddy."

When asked to describe Dan as a father, Ms. Smith stated that Dan is a "good playmate to the girls... I've seen him with the girls... But I wonder if he is capable of unconditional love to the girls."

Ms. Smith has been with the children "a couple of times per week" and will see the children a total of six to eight hours per week. She stated that Audrey requires more attention being younger and is now just starting to walk. She stated that the children are not difficult and are average in terms of their attachment and demeanor. Mary is more aware of what is going on with her parents and has learned to cry for her father when she does not get her way with her mother. She describes Mary as an average four-year-old who plays well with the other children.

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In conclusion, Ms. Smith stated that she believes the girls will flourish with their mother. She believes that Melissa would keep Dan involved in the girls' schedules and activities and him informed while she does not believe that Dan would do the same for Melissa. She believes that school work would be problematic for the children if they were primarily with their father because, "It's not play." She believes that Melissa is more organized and attentive and provides a safer environment for the children. She also believes that Dan wants custody in order to hurt Melissa and that now, given the custody dispute, Dan is spending more time with the girls than before. Even when the families were together, Dan would go off and do his thing "and we would be with Melissa and the children."

PSYCHOMETRIC TESTS AND SURVEYS:

DAN:

Custody Evaluation Background Survey: Dan completed the Custody Evaluation Background Survey. He reportedly is self-employed in "sales, service, research and development." He reports "varied work hours" depending upon when he has the children. He has had numerous jobs, despite being only thirty-three years of age, and denies ever being fired from any job. Dan has an Associates Degree with a focus in literature. He describes himself as a B/C student (prior to diagnosis and treatment of ADHD.)

Dan reportedly received a DUI in 1996 in Campbell County, which was suspended and received a six month license suspension. He reports no other altercations with legal system. His Background Conduct Survey is consistent with the information he provided to the examiner.

Dan was asked what he believes should be the custody arrangement and stated that he should have "full custody for several reasons." He stated that, "I have the ability to make decisions that are not influenced by emotion when Melissa Brewington has continuously confused her anger with me with making fair and rational decisions regarding the girls' time with their father. I believe the girls should have as equal time as possible with both parents no matter how angry or bitter the situation is. The girls would grow up on 150 acres of farmland and would attend an excellent elementary school." He believes that Melissa should not have custody because she has been treated for "mental disorders with medicine and therapy, which she claimed was none of my business and would not let me meet her therapist. Much of her testimony and claims against me are factually inaccurate or incomplete, which when coupled with unknown mental disorder, makes her an irresponsible parent and makes it unfair for the court to rule against me due to such misrepresentation of the truth."

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Drug and Alcohol History: Dan stated that he was a "weekend drinker" from his mid junior year in high school. He was a heavy social drinker in college from 1992 to 1995 and also used marijuana "moderately." He tried LSD and mushrooms "a few times." He stopped using marijuana around 2002. His "heavy drinking" stopped when Mary was born in 2003, according to him. Dan denied ever using drugs or alcohol to deal with emotions and will "rarely" drink a beer when the girls are with him. If alone, he will occasionally, once every three to four weeks, have "six to ten beers" but stated that this is "rare." He will also consume six to ten beers when cooking out with friends. When asked, Dan wrote, "Am I an alcoholic? Probably not. I did have alcohol and drug problems due to poor decisions I made and money I spent but I never had to make a conscious effort to stop...It just ran its course." Dan denied the use of any other illicit substances or alcohol. **[NOTE: Of concern, is that Dan would drink any alcohol at all given the high dosage of Ritalin he is taking.]**

Child History Questionnaire: Dan completed the Child History Questionnaires for both children. He seemed to have a good awareness of the children's overall developmental milestones and attainments and also a good awareness of the children's interests, desires, and individual differences. He also showed a good awareness of various parenting strategies and techniques. In general, there are no significant deficits noted in Dan's overall understanding of the children.

The Subjective Assessment of Parental Strengths and Areas of Needed Parental Improvement: On this assessment, Dan stated that he is a creative person who tries to touch young children and teach them how to learn. Understanding problems and solving them builds a base for self-learning and understanding of the world around. Dan stated, "I'm a fun person who likes to laugh and be a kid. I try to be a parent who is respected but never feared. I have the ability to make the best of almost any situation or environment." When asked to describe his areas of needed parental improvement, Dan stated, "Sometimes a child wound up at night winds me up and we neglect bedtimes if naps were later in the day. Sometimes I rely on TV instead of reading or other activities at night. I find myself being hypocritical when disciplining my three-year-old for something her eighteen-month-old sister is doing but also wouldn't understand the punishment."

When asked to describe Melissa's parental strengths, Dan stated that, "Working with the kids extensively with letters and numbers and other structured learning. Signing the girls up for activities like dance, swimming, and tumbling lessons." When asked to describe her areas of needed parental improvement, Dan stated, "Her strengths are also her weaknesses. Too much structured learning doesn't let a child's mind wander truly and explore on its own. She sometimes gets what is best for her and what is best for the kids confused. She sometimes blames

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mistakes she makes on the children or on others if she makes a mistake while being frustrated with others. She isn't honest with her own mental condition which can take a toll on all those around."

The Parenting Awareness Skills Survey (PASS): The Parenting Awareness Skills Survey (PASS) offers a parent 18 different scenarios to which they must respond as to how a parent can identify critical incidents in childrearing situations, develop adequate solutions to these incidents and convey them to a child in understandable terms. It also assesses a parent's awareness as to how they can remain attuned to the emotional experience of a child in childrearing situations.

On this instrument, Dan responded in a manner that suggests he has an awareness as to how a parent can identify critical incidents in child rearing situations, develop adequate solutions to these incidents and convey them to a child in understandable terms; however, he tends to lack awareness as to how a parent can remain emotionally attuned to a child in these critical incidents, which is consistent with his clinical presentation and attention deficits.

The Parent/Child Relationship Inventory (PCRI): The Parent/Child Relationship Inventory (PCRI) assesses a parent in seven different categories; specifically if they feel supported in their role as a parent by others and financially, satisfied with parenthood, involved in their child's activities and interests, ability to communicate with the child while setting appropriate limits, and supporting their child's strivings for autonomy. It also assesses their beliefs about gender roles in parenting.

On this instrument, Dan responded in an open and forthright manner thus increasing the reliability and validity of the test results. He feels supported in his role as a parent both by others and financially. He also feels satisfied with the demands that parenthood places upon him and his personal freedom. He feels involved with his children's interests and desires and feels that he can communicate effectively with them. He also feels that he is able to set appropriate limits for the children while supporting their strivings for autonomy and independence. He believes that parenting in a non-gender specific endeavor that should be equally shared by both parents.

The Taylor Johnson Temperament Analysis Profile (TJTA): The Taylor Johnson Temperament Analysis Profile (TJTA) is a self-appraisal instrument that assesses a parent on nine diametrically opposed character traits. For instance, it assesses a parent's subjective assessment of their degree of "Nervousness" versus "Composed," "Sympathetic" versus "Indifferent," "Depressive" versus "Lighthearted," and "Active/Social" versus "Quiet." The instrument also assesses a person's attitude in their responses to the test items.

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On this instrument, Dan responded in an open and forthright manner thus increasing the reliability and validity of the test results. His profile indicates that he can be rather disorganized and changeable, which is consistent with his Attention Deficit Disorder and clinical presentation. This degree of impulsivity is quite pronounced and again, makes it difficult for Dan to remain organized and focused in spite of being on such a heavy dose of medication.

The Minnesota Multiphasic Personality Inventory-2 (MMPI-2): The MMPI-2 consists of 567 "True" and "False" questions that offer a psychological profile on an individual. This instrument also assesses for transient psychopathology as well as more long-standing dysfunctional personality traits.

Dan responded to the MMPI-2 in an open and forthright manner thus increasing the reliability and validity of the test results. Dan's profile indicates that he has a very heightened degree of anxiety which causes him to be also somewhat paranoid. It seems that Dan may at times perceive information inaccurately in a manner that he interprets to be detrimental or harmful to him. This also heightens his degree of sensitivity which makes him even more cognitively disorganized. He seems to have a heightened degree of emotionality and difficulty attending to the topic at hand or remaining focused. Again, as stated previously, there are no indications of bipolarity as expressed by Melissa, but more severe Attention Deficit Disorder. His degree of Attention Deficit Disorder and excessive energy has caused him to develop character traits that can be somewhat challenging and difficult. His emotionality causes him to react with emotion as opposed to thinking through a situation with logic and making a rational decision.

*Percentile
per Dan
Top 2%*

Dan's MMPI-2 also indicates that he has difficulty concentrating and keeping his mind on a task. He reported a marked moderate level of emotional distress characterized by agitation, dysphoria, and anxiety, which is consistent with his clinical presentation. He tends to give up quickly on a task if others criticize him and does not accept criticism well. He finds it difficult to take criticism constructively which is rather disorganizing for him. He tends to be very demanding of affection and support from others and may even resort to indirect and manipulative means to get attention and affection. He ruminates on issues to the point whereby it becomes frustrating to those around him. His rather restless and manic-like existence can be quite maladaptive and makes it difficult to interact with him. He is typically rather unwilling to accept responsibility for his behavior.

Millon Clinical Multiaxial Inventory-III (MCMI-III): The MCMI-III is another psychometric assessment that focuses more on the personality constellation of the parent rather than on transient psychopathology as does the MMPI-2.

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On this instrument, Dan displayed a tendency to avoid self-disclosure. Yet in spite of this attempt, Dan's results indicate a rather sociable but self-centered character constellation. Dan has difficulty seeing an issue from another's perspective and tends to view his own way of seeing and doing things as the appropriate and correct way leaving little room for objectivity. His profile also indicates a pretense for self-satisfaction and doing things his own way as opposed to being more cooperative and compromising in issues that require cooperation. Dan does not handle criticism well and when criticized, tends to dismiss the charges with nonchalant innocence, thus taking little responsibility for his contributions to conflict.

MELISSA:

Custody Evaluation Background Survey: Melissa completed the Custody Evaluation Background Survey. She reports a very stable work history and has never been fired from a job. She is currently a registered nurse in Labor and Delivery with Good Samaritan Hospital and has been with this employer for six years. Melissa has a Bachelor's Degree in Science and Nursing. She describes herself as mostly an A student. Melissa reported no altercations with the legal system. Her Background Conduct Survey is consistent with the information she provided to this examiner.

Melissa believes that she should receive custody of the children due to her ability to provide them with an emotionally and physically safe environment. She also feels that she can provide financially for them. She feels that she has always been the primary care provider and provided all aspects of child care for the children and would continue to do so in an appropriate manner. She has engaged them in extracurricular activities and she would continue to do so as well. She can provide proper academic support for them as well. She does not feel that Dan should receive primary custody of the girls because he was not the primary caretaker of the children and has Attention Deficit Disorder which causes a number of concerns. She also believes that he is controlling and unwilling to compromise and cooperate with her in the spirit of co-parenting. She does not feel that Dan has the children's best interest in mind nor is he financially stable given his sporadic work history. She also believes that he places the children in danger with regard to safety and cleanliness of the home and also has a propensity to manipulate Mary. His tendency to be argumentative and confrontational also makes it difficult to co-parent.

Drug and Alcohol History: Melissa stated that as a junior in high school, she would consume a beer or two, but currently she may have one to two beers or a glass of wine on special occasions. In college, she experimented with marijuana approximately five times. Melissa has no drug or alcohol history nor has she ever abused prescription medications.

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Child History Questionnaire: Melissa completed the Child History Questionnaires for each child. She showed a good awareness of the children's overall developmental milestones and attainments. She seemed to be insightful into the children's unique individual differences, desires, and interests. She also showed a good awareness of various parenting strategies and techniques. There are no deficits noted on this survey.

The Subjective Assessment of Parental Strengths and Areas of Needed Parental Improvement: On the Subjective Assessment of Parental Strengths and Areas of Needed Parental Improvement, Melissa stated that she is able to provide emotional and physical care of the children and is also able to provide them with fun and enjoyable age appropriate activities. She also feels that she can listen to their concerns and that the children can easily approach and talk with her about their concerns. When asked to describe her areas of needed parental improvement, Melissa stated that, "I try to fit too many activities that the girls enjoy doing into our day. But they are things girls enjoy doing. I do still take time to relax with them though, and have quiet time with few activities going on. We sit at night, read books, and watch movies together. She also acknowledged that on occasion, she has a hard time "saying no to Mary and Audrey...I have a hard time standing my ground as the parent. I give in at times."

When asked to describe Dan's parental strengths, Melissa stated that, "Dan can be very creative with the girls, making balloon shaped animals and decorating Christmas ornaments. Dan can make the girls laugh and be silly with them. He has a sense of humor." When asked to describe Dan's areas of needed parental improvement, Melissa reiterated many of the concerns she had throughout the course of the evaluation such as him being unable to finish a task, stay focused, and being easily distracted. She also expressed a concern that Dan shows favoritism of Mary over Audrey. She also indicated that he is impulsive (which is consistent with the psychometric testing). She is concerned that Dan does not see what is in the girls' best interest and has an inability to maintain a clean and safe environment for the girls to live in. She is also concerned that he lacks routine with regard to nap times, meal times, bed times, and bath times. She also is concerned that he does not provide proper hygiene care for the girls and lacks interest in their medical care and extracurricular activities. She stated that Dan is easily distracted by being on the Internet and phone rather than paying attention to the girls and that he also lacks patience. She is also concerned that he does not understand that starting arguments with her in front of the girls is detrimental to them.

The Parenting Awareness Skills Survey (PASS): On the PASS, Melissa showed a good awareness as to how a parent can identify critical incidents in child rearing situations, develop adequate solutions to these incidents, and convey them to

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a child in understandable terms. She also showed a very good awareness as to how a parent can remain emotionally attuned to a child in critical incidents as to offer them a sense of affirmation.

The Parent/Child Relationship Inventory (PCRI): On the PCRI, Melissa responded in an open and forthright manner thus increasing the reliability and validity of the test results. Her results indicate that she feels satisfied in her role as a parent and supported in her role as a parent both financially and emotionally. She feels that parenting is a task that she enjoys and does not feel as though it impedes on her personal time or demands. She feels that she can support her children's strivings for autonomy and independence while setting appropriate limits for them. She views parenting as a role gender, non-specific endeavor to be equally shared by both parents.

The Taylor Johnson Temperament Analysis Profile (TJTA): On the TJTA, Melissa responded in a very guarded manner. Her results indicate on a scale of one to ten with ten being the highest degree of guardedness, Melissa scored a 9. Her profile indicates that she views herself as rather passive, especially in interpersonal relationships. As such, she feels prone to being dominated by another individual whereby the frustration builds up in excess and she may, therefore, prone to emotional outbursts. Her passivity in this regard, is quite frustrating for her and she seems to have relatively good insight into her demeanor, which again is frustrating for her. Her insight, in and of itself, suggests that she is able to modify this behavior. Her submissiveness can also be interpreted as "anxious conformity" to those whom she feels are in a position of authority or some type of authority over her. In this light, she does not always have as much self esteem as may be necessary.

The Minnesota Multiphasic Personality Inventory-2 (MMPI-2): On this instrument, Melissa responded in an open and forthright manner thus increasing the reliability and validity of the test results. Her results indicate that she is somewhat sensitive to real or imagined criticisms and at times, can react defensively to such. At times, her degree of sensitivity may compromise her objective reasoning. This in turn, can cause her to be rather rigid with her thinking and may not be as objective as desired.

Millon Clinical Multiaxial Inventory-III (MCMI-III): On the MCMI-III, Melissa responded in a manner that suggests that she makes great efforts to be sociable and to conform to the rules and expectations of those in a position of authority. Her work history and the report from her immediate supervisors certainly indicate that this is her personality style. She tends to be quite insightful and aware of her behavior and thought processes; however, it appears that she may resort to anxious conformity in social or professional situations. Over time, this can cause her to be rather aggravated and annoyed with herself as she may not always express her true

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thoughts and feelings. She has a tendency to be rather "Pollyannaish" on the surface and express self-blame as opposed to rightfully blaming others when things do not go right. Her tendency to be overly concerned with minor details, a preoccupation that may serve to distract her attention from her feelings of anxiety and inadequacy, is certainly consistent with her history of Obsessive-Compulsive Disorder. Regardless, these traits can on the other hand, serve well in single parenting situations with regard to structure and routine.

PARENTAL PREFERENCE:

Each parent was asked what custody arrangement they believed would be in the best interest of the children. Dan stated that he believed that he should have sole custody of the children as he and Melissa will be residing in different states and he will be the more cooperative parent. Melissa; however, believes that she should have sole custody of the children because she has always been the primary care provider. Furthermore, she stated that Dan has always relied on her to provide proper care for the children and arrange all appointments, activities, etc., and she sees no reason as to why this should change.

RECOMMENDATION:

If the Court asks that we make a recommendation based on the Clinical Interviews, Parent-Child Observations, Collateral Information, review of all available documents, psychometric testing, and all other information gathered throughout the course of this evaluation, we would respectfully recommend that Melissa Brewington have **Sole Custody** of the minor children, Mary and Audrey. The rationale for this recommendation will follow.

SUMMARY:

Melissa and Dan simply do not meet the criteria for Joint Custody. Their psychometric profiles are quite different and clearly indicate that their relationship will continue to be fraught with agitation, disorganization, ineffective communication, and overreaction to minor details and perceived criticisms. As such, Joint Custody will only lead to further arguments and possible litigation. As the children grow older, they would be exposed to this dynamic, which could be quite detrimental to them. Mary already seems to have some understanding of the conflict between her parents which can lead to anxiety in children.

Melissa has a history of obsessive-compulsive tendencies and there are still traits noted in her profile as well as in her clinical presentation. Her perseveration on issues tends to cause her extreme anxiety and makes it very difficult for her to view Dan objectively. With this being said; however, in terms of her parenting the children, these traits do in fact, make her more organized and offers more routine for the children's day to day lives, which is essential especially in families of divorce. We do not believe that her obsessive-compulsive traits are to a pathological degree whereby

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it would be harmful to the children but may in fact, provide a healthy, safe and predictable environment for them. However, on an intimate or interpersonal level, Melissa will need to address this issue in individual therapy if she hopes to re-establish herself in a romantic or intimate relationship where these traits can be quite detrimental. But again, in terms of parenting, they may in fact, be an asset. With this being said, it is our clinical opinion that Melissa would be the more likely parent to consistently provide routine information regarding the children to Dan rather than visa versa.

Dan clearly has extreme Attention Deficit Disorder. Fifty mg of Ritalin, four times a day is a very high dose. Although he stated that his medications will become generic and less expensive for him in the near future, it is a tremendous amount of money that he will need to spend simply to provide his medications. It is concerning that despite this high dose of medication that Dan still has difficulty with focus and concentration on the topic at hand. His tendency to ramble and forget, as well as his impulsive and incoherent thought processes are concerning. These traits make it extremely challenging to effectively communicate with Dan.

~~As~~ Given Melissa's obsessive-compulsive and very focused tendencies and Dan's impulsive and erratic tendencies, the combination of the two character styles is simply disastrous for effective communication, which is an essential component of joint custody, shared parenting, and/or co-parenting. As such, we simply do not believe that Melissa and Dan meet the criteria for joint custody or shared parenting and that Melissa would be the more predictable and consistent primary care provider. Melissa has made rational and reasonable decisions for the children's well-being and care and will continue to do so without difficulty, in our opinion.

Furthermore, statistical analysis of the Psychometric Test Results indicate that Dan Brewington does have a degree of psychological disturbance that is concerning and does not lend itself well to proper parenting. In this light, Melissa Brewington appears to be the more psychologically stable of the two parents. As previously stated, Dan is on an extremely high dose of Ritalin, which can be habit forming. Although this is prescribed by his doctor, it is the opinion of Dr. Connor that there is evidence and signs of attention deficits despite his high dose of medication. His inattentiveness and difficulty with logical thought makes it difficult to communicate effectively with Dan, which again is essential for any type of joint custody arrangement.

Despite Dan and Melissa's differences, it is clear that the children are very attached to both parents. Both parents love their children dearly and it is unfortunate that they will not be able to co-parent the children; however, we believe that the recommendation is in the children's best interest. Dan can certainly provide childcare for the children but we believe that minimizing the amount of time he has with the

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children will in fact, sustain their existing bond. Even though we recommend that Dan's time with the children be minimized, we certainly understand that the children value their relationship with him as he can be quite stimulating and fun for them; however, with regard to day to day routines, predictability, and remaining focused on tasks, we believe that Melissa would be the more effective parent. We furthermore, believe that Dan would have difficulty consistently providing Melissa with information and cooperating with her than Melissa would with Dan.

TREATMENT RECOMMENDATIONS:

Given the differences in the psychological profiles of these parents, we strongly recommend that Melissa continue to see Mary Jo Pollock for individual therapy to further assist Melissa in addressing her obsessive-compulsive tendencies. As the children grow older, these tendencies could become problematic and create power struggles between Melissa and the girls. At this age; however, her obsessive-compulsive traits may in fact, benefit the girls, especially given the divorce circumstances. Melissa does have the emotional attunement necessary to assist the children in their emotional development but again, as they continue to develop, this could become problematic if not addressed in her individual therapy.

It is strongly recommended that Dan continue to attend counseling at the Affinity Center; however, we believe that Dan should engage in cognitive behavioral therapy to assist him in remaining more focused and routine oriented, especially as it relates to parenting. The concerns noted during the home visit can in fact, cause the children to be in harm's way if not addressed with Dan. It seems his impulsive and sporadic demeanor sometimes causes him to not remain focused on safety issues for the children and need to be addressed. Furthermore, Dan's communication efficacy is significantly compromised by his Attention Deficit Disorder and we believe that this should be addressed in therapy as well.

PARENTING TIME:

Each parent was asked to provide a holiday schedule and a suggestion for the parenting schedule. After review of both documents, these examiners are somewhat perplexed as to how the parenting schedule would be best arranged. With this being said, we again believe that Melissa should be the primary residential parent and that the children should have time with their father during the times that their mother works. If Dan can arrange his schedule accordingly, then we believe this would be a benefit to the children. Currently, Dan has the children every Wednesday during the day and overnight and every Friday during the day and overnight and every third Monday during the day and overnight and equal weekend time. This schedule is reportedly based on the days that Melissa works. Dan returns Mary and Audrey to Melissa at 8:00pm on the Sundays of his weekend time. Therefore, if our calculations are correct, Melissa generally cares for the children four days a week. We see no reason why this schedule should not remain intact at this time; however,

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when the girls start school, they of course will not be able to be with their father during the weekdays as the distance between Dan and where the girls will attend school is nearly an hour. It may be; however, that Dan and Melissa will need the services of a parenting coordinator to devise a parenting schedule. But in principle, we believe that Melissa should be the sole custodian and primary residential parent of the girls. Melissa works as a registered nurse and her work hours are non-traditional and should be taken into account. Melissa receives her holiday work schedule approximately two to three years in advance, which will make it easier for them to plan the holiday schedules. Again; however, a parenting coordinator or mediator would probably be best for Melissa and Dan to sit down and devise a parenting plan, with the principle in mind that Melissa is the sole custodian and primary residential parent; however, we strongly believe that the children need to have adequate time with their father to maintain the bond that they have with him. When the children begin preschool, kindergarten, etc., then a revised plan will need to be made, given the geographical distance between the parents.

CONCLUSION:

Thank you for referring this family to us. If you need any additional information or clarification, please do not hesitate to contact us.

[NOTE: At no time should any parent reveal ANY of the information contained in this document to any of the children. This, of course, would be an act of severe selfishness by the parents and is not in the children's best interest. If these examiners or the Court learn that either parent has done so, we recommend that the Court deal harshly with this matter.]

Sincerely,

Ed Connor, Psy.D., R.C.E.
Licensed Psychologist
KY License #1007
Registered Custody Evaluator

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EC/tbj

CUSTODY EVALUATION

STATE'S EXHIBIT #9