No. 23-____

In the Supreme Court of the United States

FILIP HANIK,

Petitioner,

v.

TERESA HANIK,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of the State of Washington

PETITION FOR A WRIT OF CERTIORARI

Filip Hanik
Petitioner Pro Se
16300 NE 185th Court
Brush Prairie, WA 98606
(415) 299-9888
filip@hanik.com

March 1, 2024
SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. May a state court, or an arbitrator, order a transfer of child custody in violation of the applicable legal standards for a modification of custody – simply by cloaking the attempted transfer in the guise of a program of "therapy"? (*See Moore v. East Cleveland*, 431 U.S. 494, 499, 97 S.Ct. 1932, 1936, 52 L.Ed.2d 531 (1977); *Lassiter v. Dept. of Social Services*, 452 U.S. 18, 27, 101 S.Ct. 2153, 2159-60, 68 L.Ed.2d 640 (1981).

2. Are the constitutional rights of a custodial parent, and of his children, under the Due Process clause of the 14th Amendment violated by an order forcing the children to participate in a coercive program designed to isolate them from the custodial parent and to "reunify" them with a non-custodial parent they fear and do not want to live with? (*See Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 1394-95, 71 L.Ed.2d 599 (1982); *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000).

3. May children be removed from a parent's custody and forcibly transferred to the other parent, when the legal requirements for a modification are demonstrably not met, simply because a court or arbitrator describes this transfer as a concomitant of "therapy"? (*See Youngberg v. Romeo*, 457 U.S. 307, 315, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982); *Vitek v. Jones*, 445 U.S. 480, 491-494, 100 S.Ct. 1254, 1262-1264, 63 L.Ed.2d 552 (1980).

PARTIES TO THE PROCEEDINGS

Petitioner

- FILIP HANIK (hereafter, "Petitioner" or "Father"), was the petitioner in child custody proceedings commenced in the Superior Court of the State of Washington, County of Clark, Case No. 19-3-02196-06, involving the parties' children, A.H. and T.H.

Respondent

- TERESA HANIK (hereafter, "Respondent" or "Mother") was the respondent in the state court custody proceeding described above.

LIST OF PROCEEDINGS

Name of Court: Superior Court of Washington, County of Clark

Case Number: 19-3-02196-06

Case Title: Hanik v. Hanik

Order Title: Order Denying Petitioner's Motion to Vacate [Arbitration Award]

Date of Opinion: 03/10/2023

Name of Court: Court of Appeals of the State of Washington

Case Number: 57385-9-II

Case Title: Hanik v. Hanik

Order Title: Ruling Denying Review

Date of Opinion: 06/01/2023

Name of Court: Court of Appeals of the State of Washington

Case Number: 57385-9-II

Case Title: Hanik v. Hanik

Order Title: Order Denying Motion to Modify and Denying Sanctions

Date of Opinion: 07/13/2023

Name of Court: Supreme Court of the State of Washington

Case Number: 102213-1

Case Title: Hanik v. Hanik

Order Title: Ruling Denying Review

Date of Opinion: 09/26/2023

Name of Court: Supreme Court of the State of Washington

Case Number: 102213-1

Case Title: Hanik v. Hanik

Order Title: Order [Denying Motion to Modify Commissioner's Ruling]

Date of Opinion: 12/06/2023

Name of Court: Court of Appeals of the State of Washington

Case Number: 57385-9-II

Case Title: Hanik v. Hanik

Order Title: Certificate of Finality

Date of Opinion: 12/11/2023

TABLE OF CONTENTS

TABLE OF CONTENTS – Continued

Page

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

TABLE OF CONTENTS – Continued

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES – Continued

Page

TABLE OF AUTHORITIES – Continued

Page

CONSTITUTIONAL PROVISIONS

STATUTES

OTHER AUTHORITIES

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully seeks a writ of certiorari to challenge the refusal of the state courts of Washington to review an order that violated the mutual rights of a parent and his children to companionship and security, and was calculated to effect a change of child custody without meeting the statutory requirements – on the pretext of "therapy."

Now that the state courts have declined to consider the constitutional implications of such a devastating attack on a family's civil rights, only this Court can vindicate the rights at stake in this fraudulent use of family "therapy."

This Court's intervention is required for two reasons. First, a parent's constitutional right to the preservation of the custody of his children – a right proclaimed "fundamental" by this Court – requires that a change of child custody may only occur when the relevant statutory criteria are met. But in this case, false claims of "therapeutic" considerations were used in an attempt to circumvent the findings required as a matter of due process of law.

Second, the "reunification therapy" used as a covert means of changing custody in this case is, by its very nature, a violation of the basic rights of children. It is a coercive and abusive use of psychological techniques to sever the bond between a custodial parent and his (or her) children. This cannot pass constitutional muster.

Although these questions arose in the context of a "domestic relations" matter, they are clearly within

proper federal jurisdiction. *See Ankenbrandt v. Richards*, 504 U.S. 689, 112 S.Ct. 2206, 119 L.Ed.2d 458 (1992).

OPINIONS BELOW

The Supreme Court of Washington denied Petitioner's motion for modification of a single commissioner's refusal to accept Petitioner's motion for review without issuing an opinion. (Pet.App. 1a-2a.). The opinion of the single commissioner of the Supreme Court of Washington is reproduced in the appendix hereto. (Pet.App. 3a-7a.). A commissioner of the Court of Appeals for the State of Washington previously denied discretionary review of the order in question, and a panel of that court refused to modify it. (Pet.App. 10a-21a.). The underlying order of the arbitrator, as upheld by the trial court, is reproduced in the appendix hereto. (Pet.App. 36a-42a.).

JURISDICTION

The Supreme Court of the State of Washington entered its order on December 6, 2023, denying Petitioner's timely motion for modification of a single commissioner's decision denying discretionary review of the lower courts' rulings against Petitioner. On December 11, 2023, the Court of Appeals for the State of Washington issued an order stating that its refusal to grant review was final. (Pet.App. 8a-9a.).

Accordingly, this Court has jurisdiction pursuant to 28 U.S.C. § 1257(a), which provides in relevant part:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where . . . any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of . . . the United States.

As shown below, in this case the Due Process clause of the 14th Amendment to the U.S. Constitution, as well as 42 U.S.C. § 1983, were "specially set up or claimed" by Petitioner in the state courts, including the Supreme Court, of Washington.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant statutory provisions are set forth at (Pet.App. 47a-49a.). They consist of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

STATEMENT OF THE CASE

A. The Facts

1. For the most part, the relevant facts may be found in the opinion of the Supreme Court of Washington (authored by a single commissioner). (Pet. App. 3a-8a.). The facts are summarized briefly here.

2. Petitioner ("Father") is the father and the custodial parent of A.H. and T.H. Respondent ("Mother") is their non-custodial biological mother. Father and Mother are parties to divorce proceedings in the Clark County Superior Court, Case No. 19-3-02196-06. On March 4, 2020, the parties entered a CR 2A stipulation submitting all unresolved issues in the case to the arbitrator for binding arbitration preceded by a voluntary mediation. The parties' stipulation provided that the arbitrator would decide "all contested issues" in the divorce proceeding, including the parenting plan for the minor children, A.H. and T.H. (Pet.App. 4a, 13a-14a.).

3. During the relevant period, division of parental responsibility for A.H. and T.H. was governed by an amended temporary parenting plan entered on October 25, 2022 (the "Temporary Parenting Plan"). The Temporary Parenting Plan provided for Father to act as primary caregiver to the children, with Mother's parenting time to be increased in three graduated phases. (Pet.App. 13a.). As of November 2022, the parties had entered the third phase of the plan. The Temporary Parenting Plan included a provision for what was described as an "intensive intervention" program, the

details and the provider of which were to be determined subsequently. (Pet.App. 3a, 13a.).

4. On November 10, 2022 – without Father's consent – the Arbitrator entered the Intensive Intervention Order at issue herein. This intervention was to be drastically different from a previous one that the children and *both* parents had willingly undergone in 2021. (Pet.App. 4a.). The previous intervention had been designed around the needs of the children, who had very painful memories of their treatment by Mother. (Pet.App. 96a-99a.). The new intervention – to be carried out by an organization called Turning Points for Families, headed by one Linda J. Gottlieb – was to be a radical "boot camp" experience in which the children were to be transferred to Mother, completely cut off from contact with Father and his family, and essentially forced to improve their relationship with Mother, regardless of their wishes. (Pet.App. 14a-15a, 63a-65a, 85a-86a.).

5. Father unsuccessfully sought reconsideration by the arbitrator, and then filed a motion with the Court of Appeals seeking immediate review. By order dated January 19, 2023, the Court of Appeals declined to order review on the grounds that it lacked jurisdiction to review the arbitrator's ruling until it had been confirmed by Superior Court. Father then filed a motion with Superior Court seeking vacatur of the Intensive Intervention Order. Superior Court denied that motion. (Pet.App. 22a.).

6. The program mandated by the Intensive Intervention Order was to begin with a four-day "treatment" program forcing the children into constant and close proximity with Mother. In addition, it imposed a "sequestration" period during which neither Father

nor any of his family members was allowed any contact with the children. (Pet.App. 38a-40a.). This period of forced separation from Father (and his family) was ordered to last "a minimum of thirty" days, and the order specified that the sequestration period could be extended indefinitely by the arbitrator after consultation with Ms. Gottlieb. Neither Father nor the children were to have any say with respect to this open-ended extension of the period. (Pet.App. 38a-39a.).

7. In his unsuccessful motion for reconsideration, Father argued that the drastic terms of the Intensive Intervention Order represented an error of law. Specifically, he argued that (1) the draconian program contemplated in the Intensive Intervention Order was designed for families experiencing severe "parental alienation" and would require Father to follow a protocol appropriate to alienating and abusive parents, even though no expert in this case has attached such a label to Father; and (2) the sequestration period constituted a material modification of the Temporary Parenting Plan yet lacked the necessary findings (i) that there had been a substantial change in circumstances, and (ii) that the Intensive Intervention Order was necessary to serve the best interests of the Hanik children.

8. Father also provided evidence, taken directly from the statements of the Hanik children's mental health provider, that implementation of the Intensive Intervention Order would prove extremely harmful to the Hanik children. (Pet.App. 96a-99a). ("There is significant risk for psychological harm and amplification of safety concerns if [A.H. and T.H.] are isolated from their current support systems and

healthy attachment relationships (*i.e.*, their father, extended family, family friends, work relationships, online peer carina relationships, counseling, etc.), and required to participate in sequestration period with their mother at this time"). The same expert opined that immediate implementation of the sequestration period will "lead to significant safety risks of suicidal ideation and/or elopement" by both children and will counteract the gains made toward normalizing the children's relationship with their mother. (Pet.App. 96a-99a.).

9. None of this was denied by the trial court, the state Court of Appeals, nor the Washington Supreme Court. (Pet.App. 6a, 15a-17a.). Specifically, it was never denied that the prospect of the Intensive Intervention Order being carried out had resulted in a serious risk for psychological harm to the children, including suicidal ideation (as noted above).

10. It was equally undisputed that the Intensive Intervention was to be a "boot camp" program designed to coerce or brainwash the children into accepting a change in their custodial arrangement to which they were both passionately opposed. *See* (Pet.App. 53a, 59a-61a, 63a-65a.). In addition, Father would have been required to write a letter to his children in which he blamed himself – falsely, in this case – for having pressured the children into fearing contact with their mother. (Pet.App. 77a-79a.).

11. Clearly, these were not therapeutic measures; they were planned acts of psychological abuse, inevitably traumatic to the children and harmful to their relationship with Father, intended to pave the way for a transfer of custody from Father to Mother. The psychological bullying of the children was intended

to break down their resistance to the transfer, and Father's coerced "confession" would serve as evidentiary support. No wonder Mother had funded the venture.

B. Proceedings Below

1. After the trial court proceedings described above, Father sought the Court of Appeals' discretionary review of the Arbitrator's Intensive Intervention Order and of Superior Court's refusal to vacate that order in its ruling dated March 10, 2023. (Discretionary review was necessary because in Washington only final orders are appealable as of right, and these orders were not technically final.)

2. By order filed June 1, 2023, a commissioner of the Court of Appeals denied discretionary review. (Pet.App. 12a-21a.). By order filed July 13, 2023, the Court of Appeals declined to modify that ruling. (Pet.App. 10a-11a.).

3. Petitioner then sought discretionary review by the Washington Supreme Court. By order filed on September 26, 2023, a commissioner of the Washington Supreme Court denied the motion. (Pet.App. 3a-7a.). On December 6, 2023, a panel of the Washington Supreme Court declined to modify that ruling, Pet. App.1a-2a. This exhausted Petitioner's state court appellate remedies. All of Petitioner's motions were timely.

4. The ruling against Petitioner challenged herein thus became final, by order of the Court of Appeals, as of December 11, 2024. (Pet.App. 8a-9a.).

5. Petitioner now seeks a writ of certiorari from this Court.

REASONS FOR GRANTING THE PETITION

I. THE STATE COURTS DENIED PETITIONER'S FUNDAMENTAL RIGHT TO THE CARE AND CUSTODY OF HIS CHILDREN ON THE PRETEXT OF "THERAPY"

This Court's intervention is essential to vindicate a fundamental principle enunciated repeatedly by the Court since the 1970s: that a parent may not be deprived of the custody of his or her minor child without due process of law. That principle is as old as *Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). Nine years later, this Court could state unequivocally that its

> decisions have by now made plain beyond the need for multiple citation that a parent's desire for and right to "the companionship, care, custody and management of his or her children" is an important interest that "undeniably warrants deference and, absent a powerful countervailing interest, protection." . . . A parent's interest in the accuracy and justice of the decision to terminate his or her parental status is, therefore a commanding one.

Lassiter v. Dept. of Social Services, 452 U.S. 18, 27, 101 S.Ct. 2153, 2159-60, 68 L.Ed.2d 640 (1981), *rehearing denied, quoting Stanley v. Illinois, supra*, 405 U.S. at 651, 92 S.Ct. at 1212. *See also Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 1394-95, 71 L.Ed.2d 599 (1982) (a parent has a "fundamental" liberty interest in the care, custody and management of his or her child.)

Not only Petitioner's rights were violated; his children's rights were violated as well – and not only their right to the care of their custodial parent, but also to basic liberty interests secured under the Fourteenth Amendment.

The Intensive Intervention Order was intended to function as an illegal device for the transfer of child custody – under the false pretense of "therapy" – without regard for the statutory standards of the State of Washington. This was unconstitutional because it sought to deprive Father of his right to custody without due process of law. Furthermore, the Intensive Intervention Order coercively separated the minor children from their custodial parent, barred their right to communicate with him – or even with members of his family – and forced them to accept the proximity of a parent they had learned to fear. This was unconstitutional because it violated the children's substantive liberty interests under the Fourteenth Amendment.

A. Petitioner's Right to Child Custody Required a Modification That Conformed to Statutory Requirements

Because of each parent's "commanding" and "fundamental" interest in maintaining the "care, custody and management of his or her children," this Court has stressed that when the entities and agents of the state attempt to deprive a parent of child custody, the federal courts are authorized to investigate such action to ensure that it is consistent with statutory requirements and legitimate government interests.

"The family is an institution 'deeply rooted in this Nation's history and tradition.'" *Bowen v. Gilliard*, 483

U.S. 587, 611, 107 S.Ct. 3008, 97 L.Ed.2d 485 (1987), *quoting Moore v. East Cleveland*, 431 U.S. 494, 503, 97 S.Ct. 1932, 1938, 52 L.Ed.2d 531 (1977). Consequently, "when the government intrudes on choices concerning family living arrangements, this Court must examine carefully the importance of the governmental interests advanced and the extent to which they are served by the challenged regulation." *Moore, supra*, 431 U.S., at 499, 97 S.Ct., at 1936.

The removal of children from a custodial parent without even the pretense of applying the relevant criteria required by state law for a modification of custody is surely inconsistent with an actual "governmental interests." The law thus requires federal intervention in the instant case to prevent a change of child custody that has been attempted, quite openly, in direct defiance of Washington statutory law regarding the modification of child custody.

The intervention of the federal courts in order to secure compliance with constitutional mandates is well supported by applicable case law. *See, e.g., Mabe v. San Bernardino County Dept. of Public Social Services*, 237 F.3d 1101, 1107 (9th Cir. 2001) ("The Fourteenth Amendment guarantees that parents will not be separated from their children without due process of law except in emergencies"); *Vinson v. Campbell County Fiscal Court*, 820 F.2d 194, 200-01 (6th Cir. 1987) (a mother's "interest in the physical custody of her children [cannot] be terminated without compliance with the requirements of due process"); *Young v. County of Fulton*, 999 F. Supp. 282, 286 (N.D.N.Y. 1998), *aff'd*, 160 F.3d 899 (2nd Cir. 1998) ("a mother enjoys a constitutionally protected liberty interest in the custody of her children, affording a

pre-deprivation hearing pursuant to due process of law"); *accord, Robison v. Via,* 821 F.2d 913, 921 (2nd Cir. 1987).

The instant case presents the Court with a patent violation of Father's liberty interest in the care and custody of his two minor children, as guaranteed by the Fourteenth Amendment to the U.S. Constitution. No court has ever ordered a transfer of the minor children's custody from Father to Mother. Yet, the effect of the Intensive Intervention Order would have been to effect that result – removing the children completely from Father's custody and care – without meeting Washington's statutory standards for such a modification. This certainly involves an impermissible interference with Father's right, as custodial parent, to determine his child's care, custody and management. *See Santosky v. Kramer, supra,* 455 U.S. at 753, 102 S.Ct. at 1394-95.

Indeed, this is clear under relevant state law as well. The courts of the State of Washington have emphasized the right of parents to raise their children without judicial or legislative interference in the absence of a "compelling state interest." *In re Custody of Smith*, 137 Wash. 2d 1, 969 P.2d 21 (1998). In that case, the Washington Supreme Court ruled that state interference with child-rearing decisions could be justified "only when `parental actions or decisions seriously conflict with the physical or mental health of the child." *See In re Parentage of CAMA*, 120 Wash. App. 199, 84 P.3d 1253, 1257 (App. 2004). Yet there was never any allegation that Father was harming "the physical or mental health" of his minor children. And there could not have been a "compelling state interest" in interfering with Father's custodial

rights when no court ever found that Father deserved to lose custody qaunder the standards set by the laws of Washington.

The Intensive Intervention Order was, therefore, an unconstitutional attempt to transfer the minor children from Father to Mother. It also, as shown above, severely threatened the children's psychological welfare. And in cases involving child custody and parenting matters, there is no more crucial desideratum of public policy than the welfare of the minor children. "[C]ourts attempt to protect the rights of both parents and children, giving primary consideration to the welfare of children. *In re Adoption of Kurth*, 16 Wash. App. 579, 581 (App., Div. 3, 1976), *quoting In re Sego*, 82 Wash. 2d 736, 740 (1973).

In this case, both the rights and the welfare of minor children were gravely challenged by the Intensive Intervention Order. Washington's appellate courts, in declining to review the order, treated it as if it merely called for some form of family therapy. *See* (Pet.App. 6a-8a.). But this was not the case. What Respondent sought – and the arbitrator and trial court attempted to require – was a harsh "boot camp" behavior modification program for two small children, using coercive tactics to achieve what genuine therapy would never even attempt. Programs like the one touted by Turning Points for Families are designed to attract hefty fees from parents who cannot win the trust of their children through legitimate means and must therefore resort to coercion, trickery and psychological manipulation. *See* (Pet.App. 64a-69a.). In this case, there is no question but that the coercive and deliberately disorienting methods to be used by Turning Points – of which the "sequestration" of the

children from the parent who has always been their primary caregiver was only a typical example – posed a serious threat to the children's psychological well-being. They might even have led to suicide. (Pet.App. 96a-99a.).

This Court's review is therefore required to protect custodial parents – and their children – from illegitimate modifications of custody effected through a bogus program of "therapy," like the abusive measures mandated under the Intensive Intervention Order.

"The interest of parents in the care, custody, and control of their children" is "perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). That "fundamental liberty interest" is at stake in this case. So is the right of the Hanik children to the companionship of their loved ones. "The imposition of an unconstitutional condition [by a court] is manifestly unreasonable." *State v. Johnson*, 12 Wash. App. 2d 201, 213 (App., Div. 2, 2020), *citing State v. Hai Minh Nguyen*, 191 Wash. 2d 671, 678 (2018). These rights cannot be vindicated absent this Court's review.

B. The State Courts Refused to Review the Constitutional Issues Raised by Petitioner

The fallacious assumption on which Respondent has insisted, throughout this matter's litigation in the Washington state courts, is that any sort of alleged "reunification therapy" between a parent and a child is pretty much the same as any other. (Pet.App. 19a-21a.). Unfortunately, the state appellate courts appear to have accepted this view. Accordingly, no court has even considered the constitutional questions raised

by an illegal attempt to transfer custody and the deprivation of basic liberties guaranteed to children and custodial parents under the Fourteenth Amendment.

In such a case, the Court's proper role is clear. In a prior holding, the Court has stated the responsibility of the federal courts to rectify an outcome in which the state courts have applied federal or constitutional law in a manner that is "objectively unreasonable." *See Middleton v. McNeil*, 541 U.S. 433, 436, 124 S.Ct. 1830, 158 L.Ed.2d 701 (2004). That has clearly occurred in this case. As a result, the Court's intervention is absolutely warranted.

II. REUNIFICATION THERAPY" ORDERED IN THIS CASE WAS A COERCIVE AND ABUSIVE MEANS OF TRANSFERRING CUSTODY

All persons – even those under legitimate and non-punitive restrictions (for instance, persons subject to civil commitment orders) – retain substantive liberty interests under the Fourteenth Amendment. *Youngberg v. Romeo*, 457 U.S. 307, 315, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982), *citing Vitek v. Jones*, 445 U.S. 480, 491-494, 100 S.Ct. 1254, 1262-1264, 63 L.Ed.2d 552 (1980). In this case, it is not denied – nor can it be denied – that the coercive terms of the Intensive Intervention Order deprived the minor children of their freedom of movement, their freedom of association and their freedom to communicate with their custodial parent. The Intensive Intervention Order explicitly required the children to be transported and placed with their mother against their will; it forbade them to return to Father unless and until agreed by the "therapist"; and it barred all communication

between the children and Father (not to mention Father's family) for at least thirty days.

In the Washington courts, Respondent insisted that these coercive deprivations of constitutionally-protected liberty were justify solely because they were carried out under the pretext of a program of "therapy."

But Respondent's attempt to evade basic civil rights law is untenable. Calling the Intensive Intervention Order a form of "therapy," instead of the assault on civil liberties it actually represents, simply drapes a wolf in sheep's clothing. The undisputed facts about the Intensive Intervention Order reveal it for what it is: an abusive forced "reunification" between the children and a parent whom bitter experience had taught them to fear.

Respondent's position is also belied by the proliferation around the country of such "boot camp" reunification programs – including that of Turning Points for Families, the organization Respondent attempted to enlist by means of the Intensive Intervention Order – whose coercive tactics and psychological torture are designed to force children into damaging relationships that no genuine therapeutic system would countenance.

So manifest is the danger of such *faux* therapy "boot camps" that the State of California has recently enacted a statute forbidding courts from ordering children into their "reunification" programs.[1] And

---

[1] *See* ABC7 Eyewitness News, *"Piqui's Law: Newsom signs bill aimed at protecting children from abusive parents,"* October 14, 2023. (https://abc7.com/piquis-law-gavin-newsom-bill-signed-aramazd-piqui-andressian-jr/13911339/#:~:text=SACRAMENTO%2C%20Calif.,be%20with%20a%20dangerous%20parent.)

just such a program, with all its ugly details – enforced isolation, coercive techniques, radical sequestration from their primary caregiver, systematic gaslighting – awaited the Hanik children as a consequence of the order challenged herein. This was not intended as therapy; it was an attempt at an underhanded transfer of child custody, accomplished through an assault on basic civil rights. This cannot pass constitutional muster.

Just as it is disingenuous to cloak a civil rights violation in the language of psychotherapy, it is futile to claim that the Intensive Intervention Order did not forcibly deprive children of their basic rights merely because it came in the form of an arbitrator's order. The meaning of the term "forced" includes forms of coercion beyond the use of physical force or restraint, or the threat of physical force or restraint. *See Ding v. Ashcroft*, 387 F.3d 1131, 1138-39 (9th Cir. 2004). The Intensive Intervention Order was clearly a coercive measure that was legally permissible only to the extent that it respected the basic protections of the Fourteenth Amendment.

The state courts of Washington, however, have refused even to consider this critical question. As shown above, the Washington Supreme Court joined the Washington Court of Appeals in shirking a civil-rights analysis of the Intensive Intervention Order because it was couched – falsely – in the language of therapy and the healing of relationships.

Thus, only this Court can examine the fundamental constitutional question posed by this case. May a coercive, abusive "reunification" program like the one at issue here be ordered by a state court, just as it might order a course of psychotherapy? Res-

pondent argues in the affirmative. The civil rights contained in the Fourteenth Amendment demand a contrary result.

Indeed, the law of the State of Washington demands it as well. "The imposition of an unconstitutional condition [by a court] is manifestly unreasonable." *State v. Johnson, supra*, 12 Wash. App. 2d at 213, *citing State v. Hai Minh Nguyen, supra*, 191 Wash. 2d at 678. And denying the Hanik's children's right to live with their custodial parent, and even the right to communicate with their father and his family, was just such an "unconstitutional condition," whose manifest unreasonableness was completely overlooked by the arbitrator, the trial court, and the appellate courts of the State of Washington.

Accordingly, these questions cannot be addressed unless this Court acknowledges the legal distinction between coercive and non-coercive forms of attempted "reunification" between minor children and a parent they fear or distrust, and between genuine family therapy and abusive brainwashing techniques falsely presented as "therapy." Such serious questions merit this Court's consideration.

Finally, this Court has made it clear that a "structural error" in the handling of litigation – one that deprives a litigant of a basic procedural right – may never be deemed a "harmless error" and requires reversal under any circumstances. *Sullivan v. Louisiana*, 508 U.S. 275, 113 S.Ct. 2078, 124 L.Ed.2d 182 (1993). The error in this case was undoubtedly "structural" and fundamental, involving as it did one of the most "basic" of procedural rights. Consequently, it cannot be brushed aside as minor or harmless.

On the contrary, it implicates basic substantive liberty questions.

CONCLUSION

The State Supreme Court Opinion – upheld by a panel of the Washington Supreme Court's refusal to modify it – violates Petitioner's basic right to due process of law, contradicts holdings of this Court and federal courts of appeal, and does so in the context of a parent's fundamental liberty interest in child custody. Only this Court's intervention can correct a miscarriage of justice that has so far escaped judicial review.

Father respectfully prays the Court to grant this petition and to issue a writ of certiorari to the Supreme Court of Washington.

Respectfully submitted,

Filip Hanik
Petitioner Pro Se
16300 NE 185th Court
Brush Prairie, WA 98606
(415) 299-9888
filip@hanik.com

March 1, 2024

BLANK PAGE

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

APPENDIX TABLE OF CONTENTS (Cont.)

CONSTITUTIONAL AND STATUTORY PROVISIONS

OTHER DOCUMENTS

ORDER, SUPREME COURT OF WASHINGTON DENYING MOTION TO MODIFY COMMISSIONER'S RULING (DECEMBER 6, 2023)

THE SUPREME COURT OF WASHINGTON

FILIP HANIK,

Petitioner,

v.

TERESA HANIK,

Respondent.

No. 102213-1

Court of Appeals No. 57384-9-II

Before: GONZÁLEZ, Chief Justice., JOHNSON, OWENS, GORDON McCLOUD, MONTOYA-LEWIS, JJ.

ORDER

Department I of the Court, composed of Chief Justice González and Justices Johnson, Owens, Gordon McCloud and Montoya-Lewis, considered this matter at its December 5, 2023, Motion Calendar and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petitioner's motion to modify the Commissioner's ruling is denied.

DATED at Olympia, Washington, this 6th day of December, 2023.

For the Court

González C.J.

CHIEF JUSTICE

ORDER, SUPREME COURT OF WASHINGTON RULING DENYING REVIEW (SEPTEMBER 26, 2023)

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

FILIP HANIK,

Petitioner,

v.

TERESA HANIK,

Respondent.

No. 102213-1

Court of Appeals No. 57384-9-II

Before: Michael E. JOHNSTON, Commissioner.

RULING DENYING REVIEW

Pro se petitioner Filip Hanik seeks discretionary review of a decision by Division Two of the Court of Appeals denying discretionary review of a Clark County Superior Court order denying petitioner's motion to vacate an arbitrator's order in a family court matter concerning respondent Teresa Hanik and custody of the formerly married couple's children. The motion for discretionary review is denied for reasons explained below.

The parties divorced and entered into a CR 2A agreement that included a temporary parenting plan and an agreement to submit all unresolved issues to an arbitrator. On October 25, 2022, the temporary parenting plan was amended in a way that contemplated a gradual shift of custody from petitioner to respondent. The amended plan required the family to participate in an intensive intervention program, with the arbitrator later issuing a ruling on the chosen program and provider.

On November 10, 2022, pursuant to the October 25 amended parenting plan, the arbitrator ordered the parties to engage in a four-day therapeutic intervention program run by Dr. Linda Gottlieb of Turning Points for Families in New York, setting it for December 3 to 6, 2022. The order also required that petitioner, family, or friends must be at least 60 miles away from the treatment location at all times unless the provider directed otherwise. The arbitrator also ordered a minimum 30-day sequestration period, barring petitioner's contact with the children, including indirect methods like digital communications, after the children were transferred to respondent's custody.

Petitioner failed to deliver the children into respondent's custody for travel to New York for the therapeutic intervention. Petitioner instead filed a motion in the superior court to vacate the arbiter's ruling. The court denied the motion on March 10, 2023. Petitioner sought discretionary review in the Court of Appeals, but the court denied review due to lack of jurisdiction because the superior court had not yet confirmed the arbiter's order. *In re Marriage of Hanik*, No. 57643-1-II (Jan. 19, 2023).

On March 16, 2023, the superior court ordered petitioner to transfer the children to respondent that afternoon so they could begin the process of starting the delayed intensive therapeutic intervention. Petitioner did not comply. The next day, respondent filed a petition for a writ of habeas corpus, which the court granted immediately, commanding the sheriff to find the children and take them into custody so they could be returned to respondent. The court also granted respondent a restraining order against petitioner.

Petitioner again sought discretionary review in the Court of Appeals, after the superior court confirmed the arbiter's ruling. The Court of Appeals issued a ruling that the matter was not moot because there was no arbiter's order barring the children from attending the intensive intervention program and no request by respondent to withdraw from attending the program. On April 28, 2023, respondent filed a declaration in the superior court stating that she wished to withdraw the request for the children to attend the intensive therapeutic program authorized in the November 10, 2022, arbitration award. Commissioner Karl Triebel ruled that the declaration of withdrawal did not render the issue moot and therefore considered petitioner's motion for discretionary review.

Commissioner Triebel ultimately denied review, reasoning petitioner, acting pro se, failed to satisfy any of the discretionary review criteria listed in RAP 2.3(b). The commissioner also denied respondent's request for attorney fees. A panel of judges denied petitioner's motion to modify the commissioner's ruling. RAP 17.7. Petitioner now seeks this court's discretionary review. RAP 13.3(a)(2), (c); RAP 13.5(a).

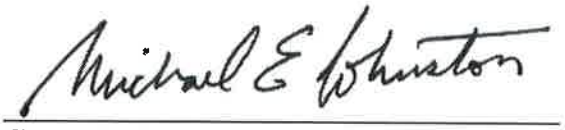
To obtain discretionary review in this court, petitioner must show that the Court of Appeals committed obvious error that renders further proceedings useless, probable error that substantially limits the status quo or that substantially limits a party's freedom to act, or that the court departed so far from the accepted and usual course of judicial proceedings, or so sanctioned such a departure by the superior court, that this court's review is justified. RAP 13.5(b). Citing the wrong rule—RAP 2.3(b)(2) instead of RAP 13.5(b)(2)—petitioner argues the arbiter committed probable error by modifying the parenting plan on November 10, 2022, by requiring participating in the treatment program in New York and restricting contact with his children. But the question before me is not whether the arbiter committed probable error, rather it is whether the Court of Appeals did so when it denied petitioner's motion to modify the commissioner's ruling.

Having reviewed the record and briefing, there is no persuasive showing of error. The commissioner reasoned correctly that contrary to petitioner's contentions, the arbiter's order of November 10, 2022, did not modify the parenting plan. It merely activated part of the already amended parenting plan as to the (now abandoned) intensive therapeutic program. As the commissioner noted, "[t]here is no obvious or probable error to review." Ruling at 9. The same reasoning applies here.

Petitioner also claims review is justified because this case involves an issue of substantial public interest. RAP 13.4(b)(4). That rule does not apply because this is a motion for discretionary review, not a petition for review. RAP 13.3(a)(2); RAP 13.4(a). As

indicated, petitioner fails to show that circumstances exist justifying this court's review under RAP 13.5(b).

The motion for discretionary review is denied.



Commissioner

September 26, 2023

CERTIFICATE OF FINALITY, COURT OF APPEALS OF THE STATE OF WASHINGTON (DECEMBER 11, 2023)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

FILIP HANIK,

Petitioner,

v.

TERESA HANIK,

Respondent.

No. 57384-9

Clark County Cause No. 19-3-02196-6

CERTIFICATE OF FINALITY

The State of Washington to: The Superior Court of the State of Washington in and for Clark County

This is to certify that the Court of Appeals of the State of Washington, Division II, entered a ruling in the above entitled case on June 1, 2023. This ruling became the final decision terminating review of this court on December 6, 2023.

IN TESTIMONY WHEREOF, I have

hereunto set my hand and affixed the seal of said Court at Tacoma.

Derek M. Byrne
Clerk of the Court of Appeals,
State of Washington, Div. II

ORDER, COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II DENYING MOTION TO MODIFY AND DENYING SANCTIONS (JULY 13, 2023)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

IN THE MATTER OF THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 57384-9-II

Before: GLASGOW, Chief Judge.

ORDER DENYING MOTION TO MODIFY AND DENYING SANCTIONS

On June 13, 2023, petitioner filed a motion to modify a commissioner's June 1, 2023 ruling denying discretionary review. On June 26, the respondent filed a response to the motion to modify and a request for sanctions. Petitioner filed a reply on June 29.

The court having reviewed the motions and the documents and files herein, it is

ORDERED that petitioner's motion to modify is denied. It is further

ORDERED that respondent's motion for sanctions is denied.

PANEL: Jj. Maxa, Glasgow, Price

FOR THE COURT:

Glasgow, CJ

Chief Judge

ORDER, COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II RULING DENYING REVIEW (JUNE 1, 2023)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

IN THE MATTER OF THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 57384-9-II

Before: Karl R. TRIEBEL, Court Commissioner.

RULING DENYING REVIEW

Filip Hanik seeks discretionary review of an arbitrator's November 10, 2022, Order for Intensive Therapeutic Intervention Program - Turning Points for Families (Order), and the superior court's March 10, 2023 order denying his motion to vacate the November 10th Order. Filip[1] fails to show any error

[1] We refer to the Haniks by their first names for the sake of clarity. No disrespect is intended.

that substantially alters the status quo or substantially limits his freedom to act under RAP 2.3(b). Review is denied.

FACTS

This case arises from divorce proceedings where the parties entered into a CR 2A agreement which submitted all unresolved issues to an arbitrator. Mot. for Disc. Rev., Appendix at 1-4. The agreement included a temporary parenting plan. Mot. for Disc. Rev., Appendix at 3. On October 25, 2022, the temporary parenting plan was amended, outlining that Filip would be the children's primary caregiver with Teresa's parenting time to be increased in three phases. Mot. for Disc. Rev., Appendix at 11-

13. The plan noted phase three would begin on "November 15 until review by arbitrator." Mot. for Disc. Rev., Appendix at 11. It further specified:

- A review date with the arbitrator shall be scheduled for the end of November 2022 to assess what progress has been made with Mother's parenting time and/or status of visits, the next steps for Mother's parenting time, the process for the establishment of a final parenting plan and the status of the intensive intervention.
    - Progress reports from the parents, family therapist, parenting coordinator, parenting time supervisor and other professionals involved with the family should be provided to the arbitrator as part of the review.

    . . . .

14. Other

. . . .

F.) Intensive Intervention. The family shall participate in an intensive intervention. The provider and/or program for the intensive intervention shall be determined by the arbitrator. The mother has submitted information for Turning Points (Linda Gottlieb). The parties, or either party, may submit information for Transitioning Families (Rebecca Bailey) by Friday, 9/23/2022. The parties authorize the arbitrator to speak with the family therapist about each program/ provider. *The arbitrator will issue a written ruling* on which program/provider will be utilized and the allocation of costs and fees. The parents will cooperate with any actions or documentation necessary to commence the intensive intervention including but not limited to intake forms, monetary deposits, and entry of court orders for the same.

Mot. for Disc. Rev., Appendix at 12, 16 (boldface omitted and emphasis added).

On November 10, 2022, the arbiter entered the Order naming Turning Points for Families as the provider, describing it as a four-day intervention program conducted by Dr. Linda Gottlieb in New York, and setting the dates for the intervention from December 3 to 6, 2022. Mot. for Disc. Rev., Appendix at 19. The Order also stipulated that Filip, family, or friends must be "at least sixty (60 miles) away at all

times from the treatment location" unless the provider instructed otherwise. Mot. for Disc. Rev., Appendix at 19. The Order further directed:

> 7. There shall be a minimum of thirty (30) days sequestration period between Father, Father's family and the children after residential care/custody is transferred to Mother. During the sequestration period, Father and Father's family (including spouse and spouse's children), friends, associates, and other relatives shall have no contact with the subject children, directly or indirectly, through third parties or otherwise, including but not limited to: in person, written, telephonic, social media, Facebook, twitter, texts, photos, or other electronic means or modes of communication.

Mot. for Disc. Rev., Appendix at 19 (boldface omitted). Filip did not deliver the children into Teresa's custody to travel to the therapeutic intervention in New York. Resp. to Mot. for Disc. Rev. at 5. Filip filed a motion in the superior court to vacate the arbiter's ruling. Resp. to Mot. for Disc. Rev., Exhibit (Ex.) A.2 The court heard the motion and denied it on March 10, 2023. Mot. for Disc. Rev., Appendix at 145-51; Resp. to Mot. for Disc. Rev., Ex. A[2]. Consequently, Filip filed a motion for discretionary review with this

---

[2] Filip filed a motion for reconsideration in the superior court on November 21, 2022. Mot. for Disc. Rev., Appendix at 24-26. On November 29, the arbiter denied Filip's motion. Resp. to Mot. for Disc. Rev., Ex. A. The next day, the arbiter entered an amended ruling on the motion for reconsideration. Mot. for Disc. Rev., Appendix at 142-44.

court, which was denied due to lack of jurisdiction because the arbiter's ruling had not been confirmed by the superior court. No. 57643-1-II, In *re Marriage of Hanik*, Ruling Denying Review (Jan. 19, 2023).

Because Teresa and the children had not started the intensive therapeutic intervention, the superior court entered an order on March 16, 2023, requiring Filip to transfer the children into Teresa's custody that afternoon so they could progress towards therapy. Resp. to Mot. for Disc. Rev., Appendix Ex. B. Again Filip did not deliver the children to Teresa. The next day, Teresa filed a petition for a writ of habeas corpus, and the superior court immediately entered a "warrant in aid of writ and a writ of habeas corpus," and an Order Directing Return of Child(ren), which "commanded" the sheriff to find the children and take them into custody. Resp. to Mot. for Disc. Rev., Ex. C at 1-2, and Ex. D. The court also granted Teresa a restraining order against Filip. Resp. to Mot. for Disc. Rev., Ex. D at 2.

The following week, Filip filed a second notice of discretionary review with this court after the superior court entered confirmation of the arbiter's order. Court Spindle, Notice of Discretionary Review at 1 (Mar. 21, 2023) (Clark County Superior Court Case No. 19-3-02196-06). This court noted the matter for appealability and issued a ruling finding the matter was not moot "because there is no court order or arbitrator's decision barring the children's transfer to the contested therapy program, or a formal withdrawal to the arbitrator or the superior court of the mother's request for the children to attend this program." Court Spindle, Notation Ruling (Apr. 14, 2023).

On April 28th, Teresa filed a declaration with the superior court titled "Respondent's Formal Withdraw of Request for Children to Attend Turning Points Intensive Therapeutic Reunification Program Pursuant to November 10, 2022 Arbitration Award." Resp. to Mot. for Disc. Rev., Ex. A at 1-2.[3] Filip seeks review.

ANALYSIS

This court accepts discretionary review only on the four narrow grounds set forth in RAP 2.3(b). Filip seeks review under RAP 2.3(b)(2) ("The superior court has committed probable error and the decision of the superior court substantially alter the status quo or substantially limits the freedom of a party to act."). Filip fails to meet this standard.

A pro se party is bound by the same rules as a represented party. *See Westberg v. All-Purpose Structures Inc.*, 86 Wn. App. 405, 411, 936 P.2d 1175 (1997) ("[P]ro se litigants are bound by the same rules of procedure and substantive law as attorneys."). Review is available generally for direct appeals of a superior court's final judgment or via discretionary review. RAP 2.3(a), (b). But, an arbitrator's decision is not a superior court decision. *Schneider v. Setzer*, 74 Wn. App. 373, 376-77, 872 P.2d 1158 (1994) (parties "could not circumvent the normal process of [arbitration] review by stipulation").

The Uniform Arbitration Act (the Act) governs private arbitration in Washington. *Broom v. Morgan*

---

[3] Teresa argues that the declaration supporting this motion shows that this issue is moot, but the document fails to demonstrate that this court could not grant meaningful relief through an order prohibiting any such treatment.

Stanley DW Inc., 169 Wn.2d 231, 236, 236 P.3d 182 (2010); see RCW 7.04A.030. When an arbitration proceeding results in an award, the party receiving notice of an award may move for an order from the superior court confirming the award. RCW 7.04A.230. The award was confirmed when the superior court denied Filip's motion to vacate on March 10, 2023.

Filip argues discretionary review is appropriate because the order requiring the children to participate in therapy at Turning Points with Linda Gottlieb was a modification of their temporary parenting plan. Mot. for Disc. Rev. at 2-3. Specifically, he asserts that the superior court did not make findings concerning a substantial change in circumstance or a best interest of the child finding pursuant to RCW 26.09.260. Filip contends:

> The operative parenting plan in this case makes Filip the primary residential caregiver. Without making any findings concerning a substantial change in circumstances or the best interests of the children, the Arbitrator entered the Intensive Intervention Order requiring the children to be fully separated from [Filip] for an indeterminate period of *no less* 30 days (and subject to extension). Was such modification of the current parenting plan proper?

Mot. for Disc. Rev. at 3. Therefore, Filip argues that the order alters the status quo and limits his freedom to act because it prohibits him from having contact with the children as their "primary caregiver" for an indefinite period of time. Mot. for Disc. Rev. at 3-4.

Teresa responds that the motion is moot given that she filed a formal motion to withdraw her request that she and the children attend Turning Points Intensive Therapeutic program. Resp. to Mot. for Disc. Rev., Ex. A. Teresa maintains that Filip already achieved the relief he requested when she withdrew her request for her and the children's participation in reunification therapy. Resp. to Mot. for Disc. Rev. at 7. Teresa reasons that contrary to Filip's argument, the Order "effectuates terms clearly set forth in the October 25 Plan" and does not modify the temporary parenting plan. Resp. to Mot. for Disc. Rev. at 11. Specifically, she emphasizes that the Order does not constitute a modification of the parenting plan because the October 25th amended parenting plan already included the provision for Teresa and the children to participate in intensive reunification therapy intervention, and preceding the order Teresa had submitted to the court information identifying Dr. Linda Gottlieb at Turning Points as their suggested therapy provider. Resp. to Mot. for Disc. Rev. at 11-12; Mot. for Disc. Rev., Appendix at 15. Thus, Teresa declares the Order maintains the status quo and the parent's goals set out in the October temporary parenting plan. Teresa further attests that the Order does not extend or reduce either parent's rights beyond what they had already agreed upon. Resp. to Mot. for Disc. Rev. at 12-13. This court agrees.

Filip fails to meet the standard for discretionary review under RAP 2.3(b), and interlocutory review of the temporary family law order is not warranted. The amended parenting plan in effect as of October 25, 2022, clearly outlines three phases for increasing

Teresa's parenting time. Mot. for Disc. Rev., Appendix at 11-13. Phase three was outlined to begin on

> November 15, 2022 until review by arbitrator .... scheduled for the end of November 2022 to "assess what progress has been made with [Teresa's] parenting time and/or status of visits, the next steps for Mother's parenting time, the process for the establishment of a final parenting plan and the status of the intensive intervention.

Mot. for Disc. Rev., Appendix at 11-12.

The parenting plan clearly states that the family will participate in an intensive intervention program determined by the arbiter, and the arbiter would issue a written ruling. Mot. for Disc. Rev., Appendix at 16. Accordingly, the challenged order merely activated phase three of their already agreed upon temporary parenting plan and goals. Mot. for Disc. Rev., Appendix at 16. There is no obvious or probable error to review.

Request for Attorney Fees

Teresa requests an award of attorney fees. Resp. to Mot. for Disc. Rev. at 11. But she invokes no specific arbitration clause, contractual agreement, rule, or statute granting this court authority to award such fees. The untethered request for attorney fees is denied. Accordingly, it is hereby

ORDERED the Filip's motion for discretionary review is denied.

Karl R. Triebel
Court Commissioner

cc: Filip Hanik, Pro Se
Emily T. Roberts
Juliet C. Laycoe
Kenneth W. Masters
Hon. Gregory M. Gonzales
Hon. John F. Nichols, retired-Arbitrator

ORDER, SUPERIOR COURT OF WASHINGTON, COUNTY OF CLARK, DENYING PETITIONER'S MOTION TO VACATE (MARCH 10, 2023)

SUPERIOR COURT OF WASHINGTON,
COUNTY OF CLARK

IN RE THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 19-3-02196-06

Before: GREGORY GONZALES, Judge.

ORDER DENYING PETITIONER'S MOTION TO VACATE

THIS MATTER having come before the Court on February 10, 2023, pursuant to Petitioner's Motion to Vacate Order Entered November 10, 2022 and for Related Relief, and the Court, having considered the records and files herein, the extensive materials filed by Petitioner, and the responsive materials filed by

Respondent, and hearing the lengthy argument from counsel, now, therefore it is

HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. Petitioner requested the Court review the pleadings before Judge Nichols at the time he made the decision to order reunification/family treatment in November 2022. Petitioner asserted and argued a review of the pleadings should result in the Court concluding there were procedural and substantive discrepancies which support Petitioner's Motion to Vacate pursuant to RCW 7.04A (1)(b)(i), and (1)(b) (iii), and (1)(d).

2. Petitioner is only moving this Court to vacate the award from Judge Nichols which dictates which program the parties will participate in. Petitioner is not and has not sought to vacate the prior award and ruling from Judge Nichols requiring the family participate in an intensive program.

3. Petitioner argues Judge Nichols lacked partiality and prejudiced Petitioner by failing to listen to the opinions of his experts. Petitioner argued the Court must consider and review all of the materials before Judge Nichols in order to determine whether Judge Nichols was biased, lacked partiality, or exceeded his authority generated by the agreement of the parties' for Judge Nichols to act in his capacity as the arbitrator.

4. In order to address Petitioner's claims, the Court reviewed the materials provided by Petitioner, as well as the materials that were provided by Respondent.

5. The Court's finds it authority to review Petitioner's Motion stems from RCW 7.04A.230(1)(b)(i), (1)(b)(iii), and (1)(d). "Upon the motion of a party to the arbitration proceeding, the court shall vacate an award if there was:

a. Evident partiality by an arbitrator appointed as a neutral ((1)(b)(i));

b. Misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding ((1)(b)(iii)); and

c. An arbitrator exceeded the arbitrator's powers ((1)(d)).

6. The Court finds the parties agreed to arbitrate the matter, and Judge Nichols was appointed as the agreed arbitrator.

7. The Court finds Judge Nichols, through a selection process, ordered Turning Points for Families be appointed as the intensive reunification therapist for the family and awarded same in his November 10, 2022, Arbitration Award.

8. Petitioner requested the involvement of Dr. Michael Stone, which was denied by Judge Nichols.

9. Petitioner alleged Judge Nichols' statements related to Dr. Stone's age as "90" show his impartiality and prejudice towards Petitioner.

10. Petitioner further requested the Court pause joint custody at this time so that more mental health professionals for the children can be involved.

11. Petitioner argued Judge Nichols exceeded his authority in his selection of Turning Points for Families because such appointment modified the

Amended Temporary Parenting Plan as a result of the Turning Points program requirements that Petitioner would be away from the children for a minimum of 30 days.

12. Petitioner further argues Judge Nichols' Award should be vacated because it contains no findings of fact.

13. The Court finds Respondent, at the time of Judge Nichols November 10, 2022, Award, was in the third phase of a phased in parenting plan pursuant to the Amended Temporary Parenting Plan. The Court finds, the Amended Temporary Parenting Plan provides for the children to spend time with Respondent separately, and each child spends one day each week with Respondent.

14. The Court finds the parties share joint custody of the children and reside 4 houses apart.

15. Petitioner argues the intensive therapy program accepted by Judge Nichols separates the children from Father.

16. Petitioner requests the Court. in reviewing his requests, take into consideration in 2020 or 2021, Respondent rummaged through the child's personal belongings. Petitioner has further requested the Court take into consideration his position that Respondent has abusive parenting skills. He also requests the Court consider that Respondent somehow threatened the children with jail.

17. Petitioner has asserted one of the children was recently seen at a hospital as some point in the past and was provided a safety plan.

18. Petitioner states in his Declaration, page 2 at line 11 the treatment plan awarded by Judge Nichols does not serve the children's best interests. Petitioner further states on page 2, line 16, his opinion this plan could cause irreparable harm to the children.

19. Petitioner repeatedly notes to the Court he has the knowledge of the children as he has been the day-to-day provider.

20. Petitioner alleges bias, misconduct, and prejudice in part as a result of comments made by Judge Nichols when he referred to a therapist as a "cheerleader" — or Dr. Stone as being "90 years old."

21. Petitioner argued the intensive therapy ordered by Judge Nichols drastically modified the temporary orders, and therefore was improper because there was no substantial change in circumstances.

22. This Court finds Judge Nichols thoroughly reviewed everything and spent significant time, more than the 4 hours this court spent, on this matter reviewing the voluminous materials.

23. The Court finds Judge Nichols states in his November 30, 2022 Arbitrator's Amended Ruling RE: Motion for Reconsideration: "The motion fails to raise any newly discovered evidence which could not have been discovered and produced at the hearing. There was ample evidence to support the prior decision and ample justification was achieved."

24. Judge Nichols in his November 30, 2022, Ruling further states: "While I was disappointed with the filing of the motion, I was not surprised that Mr. Hanik would once again to use this legal maneuver

to delay the proceedings — this is true especially in view of his prior agreement to intensive residential reunification and his consistent expressions of working towards a successful reunification by the children and mother."

25. Judge Nichols finally states in his November 30, 2022 ruling: "In deciding on the most appropriate treatment provider, I researched the proposed programs and consulted with Ms. Mac Neill. I was concerned over some alleged controversy associated with Transitioning Families and the pricing protocol. Prior to undertaking this investigation, I informed the parties of my proposed procedure. The request that a bi-lateral custody evaluation take place prior to an intensive reunification program was discussed at the hearing. It was noted that would be preferable to have 23that done first but upon being advised that at best there would be a six-month delay in finding an 24expert and receiving a report, conferred with Mac Neill. The opportunity arose for the reunification program thus we decided to that it was in everyone's best interest to proceed with the program. Ido find it disingenuous that while objection to more 'experts' being involved, father advocates that a new expert custody evaluator be appointed. As previously stated, and as agreed by all the parties, time is of the essence in this case."

26. Judge Nichols also addressed Petitioner's claims of bias in his November 30, 2022, Ruling stating: "Regarding the interest of justice claim, be advised that my extensive involvement with this tragedy has been exhausting. motivation and the frustration. However, throughout this process, swift justice has been both the Father's opinion on the

proper course is at variance with mine and the treatment providers on numerous respects. His passive/aggressive attitude has contributed to the glacial progress on this reunification."

27. The Court finds from the thorough review of the records provided both children have been diagnosed with disorganized attachment with mother. The Court further finds Ember ("Tea") has suicidal ideation.

28. The Court notes in the records provided one of Petitioner's experts expressed concern and risk for psychological harm to the children and an amplification of safety concerns if the children are isolated from Petitioner.

ORDER

1. The issue before the Court is limited to the validity of the arbitrator's November 10, 2022 decision.

2. This Court is guided to review an arbitration decision only under very limited circumstances as outlined under the statute. *Clark County Pub. Util. Dist. No. I v. IBEW, Local 125,* 150 Wn.2d 237 (2003).

3. Reviewing an arbitration decision for mistakes of law or fact would call into question the finality of the arbitration decisions and undermine alternative dispute resolutions. Further, extensive review of arbitration decisions would weaken the value of bargained for binding a more arbitration and could damage the freedom of contract. *Kitsap County Deputy Sheriff's Guild v. Kitsap County,* 167 Wn.2d 428 (2009).

4. Judicial review of an arbitration award and authority to vacate such an award is exceedingly limited and is governed by RCW 70.04A.230. Judicial

review is entirely statutory. There is not a right to trial de novo under the arbitration statute.

5. Courts in Washington have long favored arbitration as an expeditious means to resolve conflicts between the parties without involvement of the courts. Arbitration is designed to settle controversies and not to serve as a prelude to litigation.

6. A superior court's review is confined to the question of whether any of the statutory grounds for vacation exists. The burden is on the party seeking to vacate the award. A court may disturb and an award only on the narrow grounds set forth in RCW 7.044.230 and only when those grounds appear on the face of the award. Jn re the Marriage of Wherry, 180 Wn. App. 1004 (2014) (unpublished).

7. The burden lies with Petitioner to produce sufficient evidence demonstrating actual or potential bias. Mere speculation is not enough. Petitioner has failed to meet his burden.

8. Although Judge Nichols comments may have been ill advised and a bit harsh, Petitioner has not provided any evidence in which a reasonable prudent and disinterested person would find the parties did not receive a fair, impartial and neutral hearing resulting in the November 10, 2022, Award.

9. Petitioner's Motion to Vacate based upon bias, prejudice and misconduct under the provisions of RCW 7.04A.230(1)(b)(i), (1)(b) (iti), and/or (1)(d) is denied. There is no evidence to support Petitioner's request to vacate the award under these prongs of the statute.

10. Judge Nichols did not exceed his authority, and there is ample evidence in the record to support Judge Nichols decision.

11. This case is a high conflict casé without a doubt. These children are churning in distress because of stress caused by this harmful litigation.

12. Petitioner agreed to intensive reunification and has constantly expressed his desire to work towards reunification. Petitioner's disagreement with Judge Nichols does not amount to a legal basis pursuant to RCW 7.04A.230 to vacate the November 10, 2022, Award.

13. The Court reiterates, time is of the essence. We have children churning in distress and they need help immediately.

14. The Court finds there was no misconduct on the part of Judge Nichols nor did Judge Nichols exceed his powers. Petitioner's Motion to Vacate is denied and the November 10, 2022, Award is confirmed.

Dated: 3/10/23

/s/ Gregory Gonzales
Judge Gregory Gonzales

Presented by:

/s/ Emily T Roberts
Emily T Roberts, WSBA #49243
Attorney for Respondent,
Teresa Hanik

Approved as to Form and Content:

Approved Via Zoom
Eric Leavitt, WSBA #47716
Attorney for Petitioner,
Filip Hanik
Objection Presented
Custody Moved

SUPERIOR COURT OF WASHINGTON, COUNTY OF CLARK, ARBITRATION AWARD RE: LOGISTICS FOR FAMILY PARTICIPATION IN TURNING POINTS AND COMPLIANCE WITH 11/10/22 ARBITRATION AWARD (MARCH 10, 2023)

SUPERIOR COURT OF WASHINGTON,
COUNTY OF CLARK

IN RE THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 19-3-02196-06

Before: Judge JOHN NICHOLS (retired), Arbitrator.

ARBITRATION AWARD RE: LOGISTICS FOR FAMILY PARTICIPATION IN TURNING POINTS AND COMPLIANCE WITH 11/10/22 ARBITRATION AWARD

This matter came before the Arbitrator on February 21, 2023 upon the request of Respondent/ mother for further orders on the compliance and

logistics for the family's participation in the Turning Points intensive intervention program as ordered per the 11/10/22 Arbitration Award and confirmed by the Superior Court. Respondent/mother appeared through her attorney and Petitioner/father appeared through his attorney. After review and consideration of information and considering the arguments of the parties, the Arbitrator makes the following rulings:

1. Mother shall make arrangements with Turning Points to secure a spot in the program to commence as soon as possible.
2. The transfer of the children shall take place in Judge Gonzales' courtroom during his Friday 9am family law docket or a special set. Mother's attorney shall make arrangements for this through Judge Gonzales' judicial assistant and shall file a notice of hearing to accomplish this. The hearing shall be at least five days prior to commencement of the program. If possible and as allowed by Judge Gonzales, mother's attorney shall seek to request a special setting for this hearing in order to have the exchange of the children as private as possible.
3. Father shall ensure he and the children appear and are present at the hearing in person, as scheduled. He shall ensure they come to the hearing and exchange packed and ready for the exchange.
4. If Father and/or the child(ren) fail to appear at the hearing/exchange, for every day the children are not exchanged, Father shall be sanctioned $1,500 per day which shall

double each day. Thus, if the children are not exchanged on day 1, Father shall be sanctioned $1,500. If they are not exchanged on day 2, the fine for day two is $3,000, and the sanctions shall continue in that manner until the children are delivered to Mother.

5. Monetary sanctions imposed on Father shall be reduced to a judgment by Mother, and the Arbitrator will sign same.

6. Father's counsel's appearance shall not be considered compliance with the requirement for Father and the children to appear in person.

7. Father shall remit an initial payment of $16,000 towards his portion of the Turning Points for Families program and said funds shall be deposited into his attorney's trust account no later than March 10, 2023. Father's attorney shall than, upon the written request of Turning Points for Families, issue payment from his trust account to them within 72 hours of receiving the written request. The funds shall be overnight mailed to Turning Points for Families via FedEx or UPS and the tracking information provided to Mother's attorney. If Father fails to comply with this portion of the Award, a Judgment shall be entered against Father for $16,000 plus interest from March 11, 2023, which this Arbitrator will sign on or after March 13, 2023.

Dated: 3/9/2023

DocuSigned by:
Judge John Nichols
D82F8563D67E452...

Judge John Nichols (retired)
Arbitrator

Presented by:

DocuSigned by:
Emily T. Roberts
88A6D529E11240A...

Emily T Roberts, WSBA #49243
Attorney for Respondent, Teresa Hanik

Approved as to Form Over Objection:

DocuSigned by:
Eric Leavitt
2A52A207039E4A2...

Eric Leavitt, WSBA #47716
Attorney for Petitioner, Filip Hanik

SUPERIOR COURT OF WASHINGTON, COUNTY OF CLARK, ORDER FOR INTENSIVE THERAPEUTIC INTERVENTION PROGRAM - TURNING POINTS FOR FAMILIES (NOVEMBER 10, 2022)

SUPERIOR COURT OF WASHINGTON,
COUNTY OF CLARK

IN RE THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 19-3-02196-06

Before: Judge JOHN NICHOLS (retired), Arbitrator.

ORDER FOR INTENSIVE THERAPEUTIC INTERVENTION PROGRAM - TURNING POINTS FOR FAMILIES

NOW THEREFORE, it is hereby Ordered as follows

1. This order pertains to the following children: Alexandra Hanik (born 05/10/2006) and Tea Hanik (born 02/25/2009).

2. Both parties shall cooperate and facilitate the reunification therapy (Turning Points for Families program) with Linda J. Gottlieb, LMFT, LCSW-R, as per the instructions of Linda J. Gottlieb. Neither party shall do anything to thwart the reunification process. The parties will comply with the Turning Points for Families treatment protocol as outlined on the Turning Points for Families' website or provided to them in advance of the four-day intervention.

3. The parties understand that the intervention will include Mother and children participating in an intensive four-day treatment program ("intervention") with Linda J. Gottlieb in New York. Mother and Father shall cooperate with and follow the recommendations of Linda J. Gottlieb before, during and after the intervention.

4. Neither party shall inform the children of this Order until they have a consultation with Linda J. Gottlieb and will comply with her direction on how to explain the program.

5. Residential care and custody of the children shall be transferred from Father to Mother at least one day prior to the commencement of the intensive treatment intervention with the location of the transfer, either Portland airport, New York intervention location or another place, to be as directed by Linda J. Gottlieb. The dates for the intervention shall be December 3rd through 6th, 2022.

6. Father and his family/friends must stay at least sixty (60 miles) away at all times from said treatment location of Linda J. Gottlieb unless Father should reside within such distance of the location selected by Linda J. Gottlieb for the intervention. At no time should Father intrude upon the intervention unless so authorized by Linda J. Gottlieb.

7. There shall be a minimum of **thirty (30) days** sequestration period between Father, Father's family and the children after residential care/custody is transferred to Mother. During the sequestration period, Father and Father's family (including spouse and spouse's children), friends, associates, and other relatives shall have no contact with the subject children, directly or indirectly, through third parties or otherwise, including but not limited to: in person, written, telephonic, social media, Facebook, twitter, texts, photos, or other electronic means or modes of communication.

8. The sequestration period will be reviewed by the arbitrator at or near the end of the **thirty (30) days** to determine if an extension of the sequestration is warranted. The arbitrator will consider information, opinion, and recommendations from Linda J. Gottlieb including the progress and success of reunification thus far, Mother's participation and follow through in the reunification process, and Father's cooperation with reunification, support for the relationship between children and Mother and reunification and ability to

abstain from any behaviors/strategies that sabotage, interfere with, and/or do not proactively support the Mother's relationships with their children.

9. Should any person subject to the no contact provision set forth in 6 above have contact with the child(ren) during the sequestration period, then the sequestration period of no contact begins again (i.e.. starts over) from the date of the infraction.

10. Father shall engage in parent education services with Linda J. Gottlieb during the four-day intervention via electronic communication regarding the children's needs and best interests to have a meaningful relationship with the other parent.

11. Father will engage in individual therapy with a therapist located within geographic proximity to his residence at his expense. Linda J. Gottlieb shall be authorized to communicate and collaborate with said therapist. Father shall execute all necessary authorizations, releases, or other documents to facilitate communication, collaboration, and release of information to Linda J. Gottlieb. Father's current therapist may be the therapist to provide therapy pursuant to this section. In the event that Linda J. Gottlieb shall have an objection with said therapist based on expertise or collaboration, the arbitrator shall consider such objection and rule on the issue of the appropriateness of the therapist.

12. On the date when Father transfers residential care/physical custody to Mother or transports the children to the location selected by Linda J. Gottlieb per 3 above, he shall ensure that the children have adequate supplies and clothing for a minimum of six (6) nights lodging. Father may be asked to provide to Mother or Linda J. Gottlieb mementos, photographs and videos of the children for the intervention and will comply with the same.

13. The parents shall be equally responsible for the costs associated with the intensive intervention program as well as reasonable costs for transportation, food, entertainment activities, and overnight lodging of the child(ren) and Mother at the New York location. The reasonable costs for the father's overnight lodging may also be shared equally by the parents if the father is accompanying the children to/from the New York location. Notwithstanding this, each parent shall be solely responsible for the costs of his or her airfare. The parents shall exchange information on transportation and overnight lodging in advance of the intensive intervention program and the arbitrator shall resolve any disputes concerning the same.

14. Upon conclusion of the four-day therapeutic intervention, Mother shall engage a local family therapist to continue family therapy between the children and Mother, with collaboration with Linda J. Gottlieb, to further the reunification. The family therapist

may be the therapist currently working with the family, Lauren Mac Neill, if Ms. Mac Neill and Linda J. Gottlieb concur on the appropriateness of the same.

15. Upon conclusion of the therapeutic intervention, the children will reside with Mother for the remainder of the sequestration period. Father will ensure that any necessities or personal belongings of the children will be delivered to Mother or her home while the children are residing with her.

16. To the extent that the terms of this order conflict with terms of the Amended Temporary Parenting Plan entered on 10/25/2022, this order supersedes the Amended Temporary Parenting Plan.

Order - The parties must follow this Order.

Date: 11/08/2022

/s/ John F Nichols (retired)
Arbitrator

/s/ Juliet C Laycoe
28275, Respondent's Attorney

Signed by

/s/ Teresa Hanik
Respondent – 11/08/2022

/s/ Lisa Martin
Petitioner's Attorney, Lisa Martin
With Objection

Signed by

/s/ Filip Hanik
Petitioner With Objection –
(Nov 9, 2022 20:20 PST)

SUPERIOR COURT OF WASHINGTON, COUNTY OF CLARK, ARBITRATORS RULING OF 11/08/2022 RE PROPOSED ORDER FOR INTENSIVE THERAPEUTIC INTERVENTION PROGRAM - TURNING POINTS FOR FAMILIES (NOVEMBER 14, 2022)

SUPERIOR COURT OF WASHINGTON,
COUNTY OF CLARK

IN RE THE MARRIAGE OF:
FILIP LARS HANIK,

Petitioner,

v.

TERESA CHRISTINE HANIK,

Respondent.

No. 19-3-02196-06

Before: Judge JOHN NICHOLS (retired), Arbitrator.

ARBITRATORS RULING OF 11/08/2022 RE PROPOSED ORDER FOR INTENSIVE THERAPEUTIC INTERVENTION PROGRAM - TURNING POINTS FOR FAMILIES

Arbitrator's, Judge John F. Nichols (Ret.), written (email of 11/08/22) ruling re submissions, objections and response to Proposed Order for Intensive

Therapeutic Intervention Program Turning Points for Families.

From: nicholsmediation@gmail.com
Sent: Tuesday, November 8, 2022 3:19 PM
To: Juliet Laycoe; 'Lisa Martin'
Subject: Order Re: Turning Points

Counsel,

I have reviewed the submissions, objections, and response. I will address those areas as presented:

1. Paragraph 5:
   I agree with the language proposed by Ms. Laycoe that states in substance: the residential care to be transferred at least one day prior at either Portland airport or New York as directed by Ms. Gottlieb.

2. Dates of intervention:
   The need for the intervention is superior to the trip to Mexico. I find it hard to believe that Mr. Hanik feels that this eighth trip is more vital than this attempt at reunification. While am cognizant of the prior arrangements, this matter must supersede this intervention. Using the MLK weekend was discussed and ruled upon again in an attempt to minimize disruption to the school session.

3. Paragraphs 7 & 8:
   These are consistent with my prior ruling. Mr. Hanik's objections are noted.

4. Paragraph 11:
   The last two sentences of this paragraph shall read as follows: "Father's current therapist may be the therapist to provide therapy pursuant to this section. In the event that Linda J. Gottlieb shall have an objection with said therapist based on expertise or collaboration, the arbitrator shall consider such objection and rule on the issue of the appropriateness of the therapist."

5. Paragraph 15:
   This section as drafted is appropriate.

Sincerely,

Judge John F. Nichols (Ret.)
Nichols Mediation LLC.
4001 Main Street #300
Vancouver, Wa. 98663
360-513-8159
calendly.com/nichols-mediation

CERTIFICATE OF SERVICE

I served a copy of the foregoing document on the 14th day of November, 2022, by the method and on each attorney or party identified below.

Method of Service

X by emailing the document to each attorney or party at the address stated below.

Person or Persons Served

Lisa Martin
McKean Smith
655 W Columbia Way, Suite 504
Vancouver, WA 98660
lisa@mckeansmithlaw.com

I declare under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct on November 14, 2022, at Vancouver, Washington.

_____
Jentri Linn

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISION

U.S. CONST. AMEND. XIV

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

TURNING POINTS FOR FAMILIES (TPFF) A THERAPEUTIC VACATION WITH LINDA J. GOTTLIEB, LMFT, LCSW-R

Turning Points For Families

Healing for Severe Parental Alienation
or for
an unreasonably and unjustifiably disrupted Parent-Child Relationship

A 2021 research study confirmed TPFF to be a *safe and highly effective intervention* for healing the relationship between a severely alienated child and the child's alienated parent. It was undertaken by Harman, Saunders, & Affifi and has been published in the peer-review *Journal of Family Therapy*

Caveat 1: Please note, this is a generic protocol for treatment of the common family dynamics occurring in severe cases of alienation or the unreasonable and unjustified child rejection of a parent. In recognition that each family is unique, there may be some modifications and/or some additional requirements to this treatment protocol. Furthermore, as the clinical picture is refined and updated as the program progresses, and as the program director/therapist is informed by communications with the family members, additional requirements may become necessary in

order to facilitate the treatment. These modifications and additions, should there be any, are based solely upon the standard of "the best interests of the child" as informed by new information and evidence.

Caveat 2: Please note that the standards of clinical practice require that I make my own assessment/evaluation of the clinical conditions—meaning the family dynamics and other psychiatric conditions—when the family presents at arrival at TPFF. This is an ongoing assessment/evaluation requirement that applies throughout the entire intervention. Should I determine that the family dynamics are contrary to what had informed the Court's order for the TPFF intervention, I will immediately stop the intervention and notify all involved parties: the court, the lawyers, the other parent, and the professionals in the case. For example, should I determine that the rejected parent is a current risk to the child(ren) and/or that the favored parent had required the relationship between the other parent and their child(ren), then these would be criteria to immediately end the intervention.

Program Description

Turning Points for Families (TPFF) — A Therapeutic Vacation—is a four-day, transitional intervention to "jump-start" the healing of a severed or severely damaged relationship between a child and a fit parent–due to the failure of the favored/alienating/pathologically-enmeshed parent to require—and not merely encourage—the child's relationship with the other parent absent a bona fide protective reason. TPFF is a symbolic-experiential intervention that merges family systems therapy with psycho-education. The intervention is compelling because it involves

human learning and growth in all three realms—cognitive, affective, and behavioral. Suspension of contact with the favored/alienating/ pathologically-enmeshed parent is essential in order for the child to feel free to engage with and invest in the rejected/ alienated parent and be freed from the abusive, controlling loyalty web imposed on the child by the favored/alienating/pathologically-enmeshed parent.

TPFF's intervention outcomes underwent a research study for its safety and effectiveness: This April 2021 research study was published in the peer-review Journal of Family Therapy. The study confirmed a 96% success rate for re-establishing a normal, meaningful relationship between child and parent. In the 4% of cases in which the parent-child relationship had not been restored, it was due to a failure to compliance with the treatment protocol—namely that the favored/alienating/pathologically enmeshed parent violated the no-contact order with the child.[1]

---

[1] The term parental alienation describes a family dynamic in which a child inflexibly aligns with one parent (known as the favored or alienating parent) and rejects or resists a normal, meaningful relationship with the other parent (known as the targeted, rejected, or alienated parent). This dysfunctional family dynamic occurs at the behest of the favored or alienating parent, who programs and manipulates the child against the other parent absent a bona fide protective reason. "Bona fide" abuse or neglect means that the rejected parent's behavior rises to the level of clinical significance for abuse and/or neglect as determined by the scientific method. Of particular note, the rejected/alienated parent's behavior is utterly out of proportion to the child's extreme, anti-instinctual rejection of a parent.

In severe cases, the alignment between the favored/alienating parent and child is characterized as "pathological enmeshment" —a severe psychiatric condition for the child. THE PATHO-

---

LOGICALLY- ENMESHED RELATIONSHIP BETWEEN THE CHILD AND FAVORED/ALIENATING PARENT IS NOT HEALTHY BONDING. This "pathologically enmeshed" relationship between the child and parent is an exceedingly dysfunctional alignment that had been initially labeled and described by child psychiatrist, Salvador Minuchin, the pre-eminent founder of the Family Therapy movement in the 1950's. Dr. Minuchin and his colleagues named the dynamic of the pathological alignment between the child and one parent against the other parent as "triangulation." The favored/aligned parent was labeled as the "triangulating" parent. Remediating the family dynamic of "triangulation" spawned the birth of the Family Therapy Movement. "A Rose by Any Other Name is Still a Rose," and TPFF is therefore not wedded to any particular label for this dysfunctional family dynamic.

Dr. Minuchin was renowned for declaring, "The triangulated child is the puppet of the ventriloquist triangulating parent, so when the child's lips move, the words of the triangulating parent are expelled."

It is not difficult to recognize the family dynamics or interactions occurring in alienation/ triangulation—as long as one is willing to keep an open, scientific mind. These interactions include, but are not limited to: denigration of the rejected/ alienated parent by the favored/alienating/ pathologically enmeshed parent and child and justifying the denigration with weak, frivolous, and absurd reasons.

An alienated child is easily identified by assessing the child according to eight co-occurring signs that were first observed and labeled in 1985 by child psychiatrist, Richard Gardner. These signs have been subsequently researched and found to have an exceeding low known error rate. They are widely accepted in the scientific community to identify an alienated child. These co-occurring signs are not seen in non-alienated children of divorce nor in adjudicated abused/neglected children. These findings lend considerable weight to acknowledging the low error rate of the manifestations.

An alienated parent can be assessed according to Baker and Fine's 17 research-validated alienating behaviors. These behaviors are widely accepted in the scientific community to identify an alienating parent. Of further note, the very same behaviors

Pathological Enmeshment

"Pathological enmeshment" is the term used to label the inflexible, intense over-alignment between a child and the favored/alienating parent. It is an extreme boundary violation by the favored/alienating parent of the child that literally engulfs the child across all domains—cognitive, psychological, behavioral, and interpersonal. In this enmeshment dynamic, the child adopts the favored/alienating parent's thoughts, beliefs, wishes, and opinions—especially with respect to the rejected/alienated parent. Metaphorically, the favored/alienating parent "hijacks" the child mind, body, and soul. The child loses a separate sense of his or her own identity and autonomy, suffers severely compromised critical reasoning skills, becomes "disassociated" from his or her own feelings, and often acts out the alienating parent's wishes to maltreat, spy on, and reject the other parent. Pathological enmeshment creates both pathological splitting—perceiving the world in black and white extremes—along with pathological dependency on the favored/alienating parent. Pathological enmeshment is truly a severe psychiatric condition for the child.

There are three forms through which pathological enmeshment is expressed:

> Adultification occurs when a parent shares parental issues and conflicts with the child; shares information about the legal, financial,

---

identified by Baker and Fine are labeled as "programming-brainwashing" behaviors by mental health clinicians, Clawar and Rivlin, in a 2013 book published by the American Bar Association entitled, Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions.

and court proceedings; uses the child to spy on the alienated parent in order to obtain evidence in support of the alienating parent's custody goals; etc.;

Parentification occurs when the alienating parent manipulates the child to feel sorry for the parent by expressing that she or he may have been victimized by the other parent; confides

Emotional problems in the child, seeking validation from the child; manipulates the child to meet that parent's emotional needs; inflicts on the child parental responsibilities which are not commensurate with the child's age or reasonable for the child to assume. Parentification is a serious violation of healthy family hierarchy;

Infantilization occurs when the parent treats the child as if much younger thereby conveying to the child that the child is incompetent and incapable of age-appropriate self-reliance. This parental behavior keeps the child dependent so that the child will not feel confident to separate/individuate age-appropriately.

Program Philosophy

The TPFF Therapeutic Vacation is based upon the principles of structural family therapy, founded by child psychiatrist, Salvador Minuchin. Its philosophical underpinnings are compelling, thoughtful, and sound, holding that people are most likely to change for those whom they love and for those who love them. Based on that principle, TPFF elevates

the rejected/alienated parent into the position of the healer of the child. Ms. Gottlieb quotes from her 2012 book:

> No quantity or quality of words between the child and the therapist—who is nonetheless a stranger to the child—can possibly have as powerful and as meaningful an impact on the child as does the child's parent—with whom the child has had a loving and meaningful relationship prior to the rejection. No therapist, however skillful and well-intentioned, can possibly recreate a relationship with the child that rivals intimate family relationships—particularly the intense, meaningful, and compelling parent/child relationship.
>
> It seems so evident, then, that the crucial player to assume the healing role of the child is the "formerly" loved and loving rejected parent. It is the rejected/alienated parent who has the greatest potential for success in achieving healing; it is the rejected parent who is the holder of the family truths and is thus best able to meaningfully and sensitively correct the child's revisionist family history—known as the alienation narrative; it is the rejected parent with whom the child goes home and with whom the child must re-establish trust, respect, and a healed relationship.
>
> The role of the TPFF therapist provides the environment in which emotions, behaviors, and restorative healing experiences are released between parent and child. The

> therapist thus serves as a catalyst to the alienated parent and child by encouraging and guiding the creation of healthy communications, interactions, and experiences. It is important to recognize that the child's true loving feelings for and need for the rejected/alienated have not been extinguished but have only repressed due to the child's survival behaviors to go along to get along with the favored/alienating parent.

To facilitate the healing, child and parent are supported in their re-experiencing of each other through memorabilia and mementos of the family history and of their relationship. Memorabilia include, but are not limited to, photographs, video recordings, cards, letters, drawings, gifts, etc. TPFF assists the rejected parent and child to travel down memory lane and engage emotionally by reliving their meaningful relationship prior to the onset of the rejection. This healing re-experiencing of their relationship inspires the child to re-connect with her/his genuine loving feelings and need for the rejected parent—feelings that had not been extinguished, only repressed. Through this moving experiential intervention, the child's instinctual loving feelings and need for the rejected parent spontaneously emerge to produce healing. Positive new experiences are formed to replace unhealthy, misjudged experiences and perceptions. TPFF appreciates the compelling effectiveness of experience over words to produce change.

To facilitate this experiential, memorabilia intervention, the rejected parent must bring to TPFF mementos of the family life and of the relationship with the child—beginning with the child's birth if

obtainable. In many of these cases, regrettably, these mementos have been denied by the favored/alienating/pathologically-enmeshed parent to the rejected/alienated parent—who, in all too many cases, had been excluded for several years from the child's life. Provisions must therefore be made for the rejected/alienated parent to receive sufficient, meaningful mementos from the favored/alienating parent of the child's life.

Correcting the child's "revisionist family history" is essential to the healing process. Although the memorabilia intervention is an effective tool in mitigating the child's distortions from the toxic programming about the family history and about both parents, it is frequently not sufficient to counter the child's false and sometimes delusional beliefs. A factual but sensitive discussion of the family history is central to the healing process. It is also essential to challenge the pathological enmeshment if the child is to meet developmental milestones across the psychological, cognitive, behavioral, and interpersonal domains. Particularly when the distortions and fabrications involve false allegations of child abuse and child sexual abuse—as so often occur in severe cases— correction is essential to the child's short and long-term well-being and best interests. Indeed, research confirms that, should children falsely believe that a parent had abused them, they are likely to suffer the same risk factors for PTSD and other serious psychiatric disturbances as if the abuse had actually occurred. The rejected/alienated parent is therefore coached to sensitively correct the child's distorted thinking and beliefs, but without

pathologizing or defaming the source of the misinformation.

Correcting malicious misinformation and toxic allegations does not put the child in the middle—the child had already been placed in the middle by the favored/alienating/pathologically-enmeshed parent. Correcting such information and allegations frees the child from having to take sides.

The healing process is a give and take in which the child will be supported in expressing his/her own genuine, unprogrammed feelings for and beliefs about the rejected/alienated parent—as long as it is done so in a respectful and civil manner. But the child will not be granted an audience to denigrate and smear the rejected/alienated parent with a litany of scripted and brainwashed distortions and untruths about each parent and about the family history. In recognition that no parent is perfect, the child's uninfluenced perceptions and beliefs about the rejected parent and family history will be acknowledged and addressed.

The child and rejected/alienated parent are helped to resolve reasonable issues that the child may have with the parent. Respect for the child's chronological age and developmental stage is taken into account—after all, due to the rupture of some of these relationships that span several years, the child may require more developmentally mature ways of relating by the rejected/alienated parent, who may not know whom the child has become. Special attention will be provided to help the child deal with guilt from having maltreated and rejected a parent.

The TPFF Therapeutic Vacation actualizes the healing experiences between the child and parent

during the family's selected daily afternoon activities at TPFF. Throughout the activities, the parent assumes the parental roles of supervising, engaging with, and enjoying the child. The parent resumes the once prized role of the child's advocate, playmate, educator, supporter, overseer, limit-setter, and more—all the parental roles that had been denied to the rejected/alienated parent by the favored/alienating/pathologically-enmeshed parent. Comporting with the philosophical underpinnings of family systems therapy, change occurs—not as a result of talking about new experiences—but by actually creating new experiences. The TPFF therapist accompanies the child and parent throughout these activities to provide support and encouragement as needed.

The rejected/alienated parent's nuclear and extended family members are invited to participate in the intervention. These family members help to facilitate the therapy. The rejected/alienated parent determines who should be invited to participate in the intervention.

Necessity to remediate this form of child psychological abuse

1. Emotional cutoffs are almost never an appropriate remedy for interpersonal conflicts — especially with respect to the vital parent/child relationship. Remaining with hatred and anger is not healthy under any circumstances and especially when directed at a parent.

2. How a child relates to and resolves conflicts with parents are the single, most determinative factor in how the child will interact with peers, authority relationships, intimate and adult relationships.

3. A child cannot develop healthy self-esteem if she/he perceives a parent to be evil, abusive, unloving, worthless, etc. Expert consensus recognizes that children think very concretely—"I am half my mother and half my father." The qualities and characteristics that the child attributes to parents are therefore those very qualities and characteristics introjected by the child and are experienced as dispositional to her/him. So if a child feels negatively about a parent, the child will feel negatively about oneself, and those who feel negatively about oneself generally behave very badly.

4. If a child feels unloved by a parent, then the child cannot help but feel unlovable in general and will pursue the perilous goal of seeking love in all the wrong places.

5. Misperceptions and misconceptions about the rejected/alienated parent, the favored/pathologically-enmeshed parent, and about the family history—particularly in severe cases of alienation—are so extreme—often bizarre—that they often represent a break with reality. The child's cognitive stability and diminished capacity are therefore put at risk if not corrected.

6. It is anti-instinctual to hate and reject a parent and to deny a need for a parent— especially a loving parent. The child must therefore create an elaborate delusional thought system to justify the hatred and rejection.

7. The child is existing under a cloud of anxiety due to the fear that a slip of the tongue or a slip of behavior will reveal the child's true loving feelings and need for the rejected parent. This situationally-

caused anxiety is frequently mistaken for a chemical imbalance—and the child consequently receives inappropriate treatment, and is frequently unnecessarily prescribed psychotropic, black-box-warning medications.

8. The rejection of a parent is a loss—and one of the deepest kinds of all because of the powerful survival instinct for a parent and because the rejection generally involves rejection the parent's entire nuclear and extended family, to include grandparents, aunts, uncles, and cousins. Losses of this magnitude often lead to depressive symptoms. These symptoms are, again, often assumed to be the result of a biochemical imbalance rather than being situationally caused. As a result, the child is often needlessly treated with powerful, black-box warning, psychotropic medications.

9. Alienated children are vulnerable to suffering from punishing guilt as a result of having rejected, maltreated, and sometimes physically abused a parent. After all, the favored/alienating/ pathologically enmeshed parent asserts that it was the child who unilaterally and autonomously chose to reject and maltreat a parent—as if the child were truly a free agent. This is a cruel burden imposed upon the child by the favored/alienating/ pathologically enmeshed parent, who must genuinely absolve the child from this guilt for the child to have a favorable prognosis in life.

And if rejected/alienated parent is no longer available or is deceased—in order to receive an apology form the child—the child's punishing guilt will last a lifetime.

10. The emotional hole left in the child from the loss of a parent is frequently filled with a great deal of negativity including, but not limited to: eating disorders, suicidal symptoms, self-cutting, criminal activities, oppositional and other antisocial behaviors, defiance, disrespect for other authority figures, cognitive distortion, depression, anxiety, panic attacks, other forms of emotional dysregulation, unhealthy peer relationships, underperformance in school, drug abuse, and a general malaise about one's life.

11. In severe cases of alienation, the favored/alienating/pathologically-enmeshed parent is permitting and condoning—if not outright encouraging—the child to behave in an antisocial manner with how the child maltreats the rejected/alienated parent. If not corrected in a timely manner, such behaviors can become characterological—meaning irreversible.

Treatment protocol of the TPFF Therapeutic Vacation

The TPFF intervention protocol requires a minimum 90-day no-contact period between the child and the favored/alienating/pathologically-enmeshed parent.[2]

---

[2] If however, the favored/alienating parent obtains needed services and is credibly able to document and demonstrate that she or he is ready, willing, and able to support and require the child's relationship with the other parent, the no-contact period should be lifted as soon as the offending behaviors are relinquished—as in any other case of child abuse. On the other hand, given the possibility that the alienating parent may remain wedded to the alienating behaviors, the Court should set a date prior to the end of the 90-day no-contact period in order to hear testimony and receive evidence to justify extending the no-contact period.

The no-contact period includes direct and indirect contact in all forms, including telephonic and electronic communication and should include all 3rd party co-alienators. The necessity of the no- contact period is based upon child-protection standards: there is no credible dispute in the scientific community that the phenomenon of parental alienation—regardless of label— meets all standard definitions of child psychological abuse.

I cite a fraction of the research and clinical literature that affirm the child psychological abuse of this family dynamic: the DSM-5, page 719; Kaplan and Sadock's Comprehensive Textbook of Psychiatry, the basic handbook for psychiatry students and for the practice of psychiatry; Parental Alienation: Science and Law, co-edited and co-authored by child psychiatrist, William Bernet, and lawyer and psychologist, Demosthenes Lorandos (2020); Litigating Parental Alienation by Ashish Joshi, (2013), published by the American Bar Association; Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions by Clawar & Rivlin (2013), published by the American Bar Association; Family Therapy Techniques by Salvador Minuchin, MD, (1981); the US Child Abuse and Prevention Treatment Act (CAPTA) that governs the provision of child protection services in the 50 states.

The necessity for the no-contact period is, therefore, a protective separation for the child from the pathological enmeshment with the favored/ alienating parent. Their relationship cannot be characterized as heathy bonding. The child must be temporarily relieved of that parent's power and influence in order to be psychologically free from the

loyalty web which has trapped the child into feeling disloyal to the favored/alienating parent should the child embrace the rejected/alienated parent.

The no-contact period is a necessity beyond the 4-day intensive treatment phase in order to prevent the child's regression and relapse—which are a virtual certainty should there be even minimal contact with an unreformed pathologically enmeshed parent.

Lifting of the no-contact period is in the control of the favored/alienating parent, who must relinquish the offending behaviors—as in any other case of child abuse.

The Alienated Child

It is one of many counterintuitive issues arising in alienation cases to assume that the rejected parent must have done something to warrant the child's rejection—exactly because it is so anti-instinctual for the child to do so—or to justify the child's rejection based upon the rejected parent's typical parenting mistakes. To the contrary, it is exactly in consideration of how very rare it is for a child to reject a parent—even an abusive parent— the alternative explanation of the favored parent's programing of the child to reject the alienated parent must be entertained. I discovered just how rare it is for a child to reject a parent in my professional work with 3000 foster children, who had been removed from their homes due to adjudicated abuse and/or neglect by their parents. This population rarely—if ever—rejected a parent. To the contrary, these children craved to be reunited with their parents and sought attachment behaviors to them. Furthermore, foster children were quite protective of and aligned with their abusive

parents—often denying or minimizing the abuse. Additionally, my 24-year experience working in foster care, along with much peer-reviewed research, informs that the alienated child's rigid, over-alignment with the favored parent is a cue to that parent actually being the abusive parent.

Why is it that abused or neglected children do not reject their parents and actually crave attachment to them? To begin with, we are hardwired to be attached to our parents due to survival needs: because of our long dependency period, we therefore have a powerful instinctual need for a parent. The need for a parent is therefore part of the instinct for survival. There are several other psychological reasons underpinning the child's powerful need for a parent. A full exploration is outside the scope of this treatment protocol, so I cite here just one example: children believe that if a parent maltreats or abuses them, then they must be bad, and this self-perception is intolerable to bear. So, children thus crave attachment to their abusive parents in order facilitate a process known as "undoing" of the abuse and therefore of the bad self-perception.

All this is to say that, in cases when bona fide abuse or neglect has not occurred, there is a high probability that alienation is the cause of a child's rejection of a parent. As Jordan Trager, Esq., points out in his 2019 article entitled, "Parental alienation—a Broader Perspective," published in the prestigious New York Law Journal, "Absent a reasonable explanation why a child would not want to have a relationship with a parent, parental alienation must

be considered as a strong probability as to the underlying reason."[3] (p. 5/9)

All this is to say that, before alienation can be ruled out as the cause of a child's rejection of a parent in a particular case, the scientific method must be employed in order to make that finding. The scientific method requires beginning with consideration of what is known as the "prior probability" or "base rate" of a clinical condition. The "prior" means everything we know about the clinical condition before we evaluate any case specific evidence. The "prior" for the clinical condition of a "child's rejection of a parent" is that it is exceedingly rare, as documented above. Should the case-specific evidence include "lack of bona-fide abuse and/or neglect", then the probability is quite high for alienation being the explanation for the rejection.

Another step in the scientific method requires an assessment to determine if there had been any suggestibility or undue influence of the child by the pathologically-enmeshed parent resulting the child's mimicking the feelings, wishes, and beliefs of that parent. Should this assessment not be undertaken, the result is that the child's rejection of the alienated parent is proffered as being genuine to the child. Jaime Rosen, Esq., exquisitely makes this point in her 2013 article entitled, "The Child's Attorney and

---

[3] Even though the manifestations of an alienated child have been shown by several research studies and by numerous evidence-based practices to have an exceedingly low known-error rate, it is nonetheless prudent to support the explanation of alienation with additional factors. These factors are identified in the Five-Factor-Model (FFM) developed by child psychiatrist, William Bernet, and research psychologist, Dr. Amy Baker, and include the alienating behaviors of the favored parent.

the Alienated Child: Approaches to Resolving the Ethical Dilemma of Diminished Capacity" published in the Family Court Review. She urges the child's attorney to rule out for programming by the alienating parent in order to invertedly be representing the alienating parent's wishes rather than those of the alienated child.

The child's threats of self-harm or running away—sometimes made upon the child being informed about the TPFF intervention and the no-contact period with the alienated parent—should be taken seriously, of course. But there is no scientific or clinical support for such threats having been carried out. As Richard Warshak, PhD, reports in his 2015 article, "Ten Parental Alienation Fallacies that Compromise Decisions in Court and in Therapy," published in Professional Psychology, there is not a single case in the clinical literature that documents a child acting on such threats when removed from the alienating parent for participation in a treatment program that requires the no-contact order. This is finding has been confirmed by the research study on TPFF.

Of particular note, virtually every child who had been placed on psychotropic medications and/or who had had a history of suicidal ideation/threats, anxiety, depression, running away, etc., prior to participating in TPFF, experienced marked symptom reduction, and many had their medications significantly reduced or removed by their treating psychiatrist subsequent to the intervention at TPFF. One would have to throw science out the window not to make the connection between the pathologically-enmeshed parent's influence over the child and the child's initiation of psychiatric symptomatology.

We would be remiss of we failed to acknowledge that acquiescing to an alienated child's threats would only serve to further empower an already overly-empowered child—hardly a therapeutic response and certainly not a response that would be acceptable should a child make threats in any other situation. The scientific community has developed safe and effective measures to respond to a child's threats. Anyone who has been a parent knows exactly how manipulative a child can be should the child come to believe she/he can get away with it.

The Favored/Alienating/Pathologically-enmeshed Parent

In the 2013 book published by the American Bar Association entitled, Children Held Hostage: Identifying Brainwashed Children, Presenting a Case, and Crafting Solutions, the authors, Clawar and Rivlin, followed 1000 children of parental conflict and separation/ divorce. They arrived at the finding that 86% of the children had been programmed/brainwashed [their words] by one parent against the other parent at least one time a week and that 23% of the children had been subjected to the programming/brainwashing process more than once per day. (P. 420, table 17.)

Clawar and Rivlin further described the characteristics and behaviors of moderate and severe programming/brainwashing parents (another label for alienating parents.) Their disturbing findings about these parents provides justification for the judicial system to treat alienation cases seriously, recognize it for the child psychological abuse that it is, and apply the standard of "time is of the essence" when adjudicating these cases.

Some of Clawar and Rivlin's assessments of moderate and severe alienators are as follows:

> Programming-and-brainwashing parents are conflict-habituated types. This means that they instigate, facilitate, and, for some, thrive on conflict. They seem to become more intense and excited as the social and legal tensions mount surrounding the children. There is almost an addictive-like quality to their response to conflict—the more there is, the more they stimulate; the more they need and the threshold increases This is because they are receiving psychic and social rewards from the conflict. Their conflict is often planned conflict. (P. 288)
>
> Programming-and-brainwashing parents will escalate social situations.... This technique is employed to create burnout, frustration, and ultimately exhaustion on the part of other parties. (Pp. 274-275)
>
> The programming and brainwashing parent above employed the "shotgun approach." It is characteristic of these parents to attack any and all people who even seem to be supportive of the target parent. (P. 275)
>
> The effect of the shotgun approach was to cause all parties extensive outlays of money, time, energy, and anxiety. It is part of their socially abusive (and, at times, sociopathic) [bold print mine] style of operation. The behaviors are generally resistant to change and usually will not cease until there are powerful sanctions (financial and legal) for

> frivolous litigation and/or custody allocation to the target parent. Even then they may not stop. (P. 275)
>
> Escalation takes many forms. Increasing the pressure on children, [bold print mine] cranking up litigation accelerating rumors, and heightening allegations are just a few examples of what may take place. (P. 276)

Treatment of severe alienators/pathologically enmeshed parents therefore requires an exceedingly complex intervention necessitating specialized skills and knowledge. Extensive research has arrived at the finding that severe alienators almost surely present with profound psychopathology and with one or more personality disorders—borderline, narcissistic, anti-social, and paranoid. (Lorandos & Bernet, 2020; Warshak, 2018, 2015; Reay, 2015; Baker, Bone, & Ludmer, 2014; Miller, 2013; Gottlieb, 2012, 2013; Macfie, 2009; Gordon, Stoffey & Bottinelli, 2008; Darnall, 2008; Johnston, Walters, & Olson, 2005; Kelly & Johnston, 2001; Siegel & Langford, 1998; Lampel, 1996; Heard & Lineham; et. al. 1993)

Normal parents do not perpetrate an alienation on their children; normal parents will not selfishly keep the child for themselves; normal parents will not drive a fit parent from their child's life; normal parents do not claim to be the only parent the child needs; normal parents do not convince their children to falsely believe that they had been abused by their other parent; normal parents do not defy the law by breaking court orders for the other parent's parenting time and oblige their children to do likewise; normal parents do not manipulate their children to maltreat,

defy, and reject their other parent; normal parents simply do not do any of this to their children.

The Diagnostic and Statistical Manual of Mental Disorders (DSM-5) defines a personality disorder as follows:

> "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture." The pattern is "inflexible and pervasive across a broad range of personal and social situations." The pattern is manifested in the areas of cognition, affectivity, interpersonal functioning, and impulse control." DSM 5, P. 646.

Given all of the above, change in behavior on the part of severe alienators/pathologically enmeshed parents rarely occurs voluntarily and expeditiously—and often not even with the benefit of therapy. These parents generally change only in the face of meaningful legal consequences—such as loss of time and contact with the children.

The Alienated/Rejected Parent

Not infrequently the mental health clinician or forensic evaluator who is not a specialist in alienation misdiagnoses the alienated parent with a dispositional disorder or with a serious psychological condition. This happens because the professional has failed to assess whether the symptomatic behavior is situationally caused—resulting from the trauma of the alienation—as opposed to being caused by an internal characteristic or chemical imbalance. When attributing the problems to the latter, absent an assessment to

rule out for situational factors, the professional has committed an error known as the "fundamental attribution error." Before arriving at the finding that the problematic behavior is characterological, a proper causal analysis must be undertaken. Alienated parents are trauma victims; they are reacting to the rejection, humiliation, and maltreatment by their beloved children and often have to deal with defending against false reports of domestic violence, child physical abuse, and child sexual abuse. Surely, it is an example of blaming the victim when professionals criticize and pathologize the alienated parent for having had a normal human reaction, such as anger, fear, anxiety, or any other symptom associated with reaction to trauma.

Physician and cognitive scientist, Steven G. Miller, states that, being a trauma victim from the alienation, the alienated parent may present as the 4-As: angry, agitated, anxious, and afraid. The alienating parent, on the other hand, has acquired certain "skills" common to personality disorders. These skills are expertise in mimicking normal behavior and in impression management. Dr. Miller states that severe alienators present with the 4-C's: cool, calm, convincing, and charming.

Requirements of the alienating parent

Therapy: in compliance with the TPFF Therapeutic Vacation treatment protocol, the favored/alienating parent is required to engage in therapy with someone skilled at treating this condition. The purpose for the specialist is to speed the recovery and for the favored/alienating parent to meet the criteria of the 4-As: to acknowledge, apologize and atone for, and

abandon alienating behaviors. Engagement with a therapist who specializes in this treatment serves to hasten the favored/alienating parent's recovery so that the no- contact period can be lifted sooner.

The Support Letter: The favored/alienating parent is also required to write a letter to the child indicating genuine, categorical support for the child's relationship with the rejected/alienated parent and to further absolve the child from the guilt for having initiated the rejection, maltreatment, and defiance of the alienated parent. The child's guilt is a consequence of the false belief imposed on the child by the pathologically enmeshed parent that the child had freely chosen to reject a normal—and once loving and meaningful relationship—with the alienated parent. The primary purposes of the support letter, therefore, is in compliance with the standard of the best interests of the child. If not absolved by the favored/alienating parent, the child will be psychologically damaged to some degree for life—unless and until so absolved.

The support letter is not a precondition for admission of the rejected/alienated parent and child(ren) into the TPFF Therapeutic Vacation; however, when properly written, the support letter facilitates the child's best interests because it expedites the rebuilding of heathy family relationships all around along with being absolved of guilt. Ideally, an approved letter can be read to the child during the four-day intervention.

There are five critical issues to be addressed by the pathologically-enmeshed parent in the support letter—required for each child. These issues should be tailored to each child's needs based upon the individual child's emotional and cognitive development,

interests, gender, age, maturity, and prior relationship with the rejected/alienated parent. The five issues to be addressed are:

1) genuine and categorical support for the child's relationship and contact with the rejected/alienated parent citing reasons for the support;

2) the parenting qualities that the rejected/alienated parent has to offer the child—citing several examples from the child's history with the rejected/alienated parent;

3) the importance to the child of having the rejected/alienated parent meaningfully in her or his life—such as the long-term emotional, behavioral, cognitive, and interpersonal health of the child;

4) absolving the child from the false belief of having unilaterally and freely chosen to reject, maltreat, and/or defy the rejected/alienated parent. Alienated children are not free agents but have been influenced by the pathologically-enmeshed parent—through words and behaviors—to believe that they had had a choice to decide whether or not to have a relationship and contact with their rejected/alienated parent. If alienated children are not convincingly absolved by the pathologically-enmeshed parent from this false belief of a choice, then alienated children will most probably live with punishing guilt for their entire lives.

If the pathologically-enmeshed parent fails to accept responsibility for having influenced the child

to engage in rejecting and hurtful behaviors towards the alienated parent—these behaviors meeting the definition of "antisocial"—this is truly an example of visiting the sins of the parent upon the child. It is in the child's best interests to be freed from bearing such punishing guilt for behaviors which the child had not freely chosen and for which an uninfluenced child would not have chosen.

Also of clinical significance here is that the most effective means for parents to help children take responsibility for their mistakes is to model this by accepting responsibility for their mistakes.

5) Should false allegations of child abuse have been alleged against the rejected/alienated parent or should the child(ren) have been influenced to believe that the rejected/alienated parent is a danger to them, the pathologically-enmeshed parent must convey to the child that the child is safe now and has also been safe in the care of the rejected/alienated parent;

Additional issues to be addressed in the support letter may be requested on a case-by-case basis after TPFF has been informed about the family dynamics as the intervention proceeds and from contact with the favored/alienating parent.

I am frequently asked how to determine when the alienating parent is ready, willing, and able to support the relationship between the child and other parent. That is surprisingly simple to determine: When the alienating parent conveys genuine support for the relationship between the other parent and their child, the child knows, feels, and experiences

the authenticity. At that point, alienated children flip like a light switch and swiftly welcome and embrace the alienated parent back in their lives. Events such as these reveal the true control that favored/pathologically-enmeshed parents have over their children. Even a prudent parent's perception recognizes that parental competency involves the capacity to get a child to do what the parent genuinely wants the child to do. A parent cannot simultaneously claim both genuine support for the child's relationship with the other parent and also competency as a parent but be unable to get the child to comply with the reunification. Lack of genuineness or incompetency: Take your pick!

Another persuasive criterion by which to judge that the favored/alienating parent has relinquished alienating behaviors is when the alienating parent requires a child who has reached majority to reconnect with the alienated parent.

The apology letter

At some point during the alienating parent's therapy—hopefully upon having gained insight into the behaviors that had required the Court order for the TPFF intervention—the alienating parent is required to write an apology letter to the child and to the alienated parent. As with any other case of child abuse, child protection requires the relinquishment of offending behaviors prior to permitting contact between the offending parent and child. Although some may misperceive this letter to be punitive towards the favored/alienating parent, it is not intended to be so but is, instead, necessary to the healing of all

the family relationships—including between the favored/alienating parent and child. To wit:

In her book, Sex, Love, and Violence, Cloé Madanes HDL, LIC (1990), addresses the therapeutic necessity of apologies to the process of family healing. She suggests that the apology take the form of a ritual, as a symbol of contriteness and to remediate the harm done by a family member in order for forgiveness to be granted by the harmed family members. Madanes states:

> Rituals are useful in marking the transition from one stage of family life to another or to indicate a transition in a relationship. The drama of the ritual should be commensurate with the severity of the problem presented to therapy... Rituals are particularly indicated when people have to overcome very bad things they have done to each other.... The ritual signifies that the past is over and that this is a new beginning.... The more extreme the problem, the more extreme the ritual that the therapist devises. Rituals are metaphors that bring people together in positive ways. The ordeal is a strategy devised by Milton Erickson to make it more difficult for a person to have a symptom than not to have it. (p. 20)

As with the other co-founders of the family therapy movement, Madanes was particularly concerned about "the abuses of power which typically occur when family healthy hierarchy is disturbed." Madanes described these abuses as "the ruthless striving for personal advantage" (P.18.) In her discussion of various corrective strategies for these abuses, Madanes

declared, "The principle is simple: to make the consequence of the violence more unpleasant to the victimizer than to the victim" (p. 19.) Forgiveness by the injured parties, according to Madanes, can be granted only after an appropriate "ritual" by the abusive family member is provided to the injured family members (p.18.)

The apology letter required by the TPFF treatment protocol is an example of the remediation ritual described by Madanes. It facilitates the healing of all family members— but it is especially indispensable to the healing of the child's emotional, cognitive, and interpersonal injuries from the alieantion. There are several purposes of the apology letter that comport with Madanes' prescription. I cite some of those purposes as follows:

1) Alienating/pathologically-enmeshed parents must exonerate their children from guilt for having maltreated, emotionally hurt and even physically abused their alienated parent. It is typical of pathologically-enmeshed parents to claim that they had only responded and acceded to their child's wishes to not have a relationship with the alienated parent—their attempts at claiming plausible deniability. Pathologically-enmeshed parents claim that they had not instigated their child's grievances, complaints, and even child abuse allegations against the alienated parent. They callously place squarely on their children's shoulders the blame for the alienation—and for all the consequent family negativity, frustration, hostilities, depletion of family assets, etc.—that such a devious

and untruthful claim engenders. This defense of "plausible deniability" that pathologically-enmeshed parents claim is no better an example of visiting the sins of the parent on the child. How horrific!

Every child who had participated in the TPFF intervention shouldered the blame for the family crisis by stating it was her or his choice not to have a relationship with and to maltreat and/or abuse the alienated parent. Unless the alienating parent takes responsibility for the alienation and for the child's unjustified rejection of the alienated parent, the child must live with this burdensome guilt for the rest of their lives. What a horrific burden the alienating parent has inflicted upon the child! Just Imagine the lifetime of guilt the child will likely endure if not disabused of this devious and untruthful claim. No child should have to carry the guilt for having been manipulated to maltreat a parent. This guilt will burden and punish the child for the rest of her or his life should the child not be convincingly absolved. Only the pathologically-enmeshed parent has the influence to definitively absolve the child.

Although the alienated parent and the therapist make it clear to the child during the TPFF intervention that it was not the child's fault, this is necessary but usually not sufficient to absolve the child of guilt.

2) Humans learn by example; seldom, if at all, do we learn by words—which are readily

forgotten or frequently ignored. The most effective way, therefore, to teach children to take responsibility for their mistakes and misadventures is for parents to model acceptance of responsibility for their own mistakes and misadventures. Parents must model for their children the appropriate ways in which to address mistakes—both big and small.

3) Should the child believe a false claim of child abuse, the belief must be corrected because the child has the same risk potential for PTSD and other psychiatric disturbances as if the abuse had actually occurred. False claims of child abuse commonly occur in severe cases of alienation. The pathologically-enmeshed parent typically initiates the false allegation or has manipulated the child or a mandated reporter do so. The false abuse allegation may be based upon the alienated parent's harmless parenting behavior or minor mistake, but which the pathologically-enmeshed parent so distorts or exaggerates that the abuse allegation bears no resemblance to what the alienated parent had actually done. Or the pathologically- enmeshed may totally fabricate an abuse allegation and then manipulates the child to confirm the allegation(s). Imagine the intensity of child's guilt for having participated in causing the ensuing CPS investigation and for any consequences that may be imposed on the innocent alienated parent!

Although it may be difficult for the pathologically-enmeshed parent to assume

responsibility for the role played in instigating the false claims of child abuse and to apologize to the alienated parent and child for having done so—doing so serves the child's best interests. A child cannot develop normally if falsely believing that a parent had physically or sexually abused him or her.

Although the TPFF intervention intervenes to correct the child's erroneous perceptions of the alienated parent, it is the pathologically-enmeshed parent who has the ability to convincingly correct the child's distorted belief system about the alienated parent and family history. The pathologically-enmeshed parent's acceptance of responsibility for his or her badmouthing of the alienated parent and consequent apology for these behaviors go a long way to reducing the child's risk potential for major dysfunction across the behavioral, cognitive, emotional, and interpersonal spectrums. Most importantly, the pathologically-enmeshed parent's apology will significantly counter the propensity of alienated children to "seek love in all the wrong places" and to engage in repetitive behaviors of entering abusive relationships because of the erroneous belief that a parent had abused them.

4) Alienated parents are also be expected to apologize for any mistakes and for any hurts they may caused the child and other family members—typically resulting from emotions fostered by the trauma from the

alienation. It is very difficult for alienated parents to apologize for their actual mistakes given the context of having had to continuously defend against false allegations of having committed horrific behaviors that frequently involve child abuse and child sex abuse allegations. (TPFF does, however, require that alienated parents apologize for their parenting mistakes, and the alienated parent has virtually always complied with the request.)

Children need to observe both parents accepting of responsibility for their respective mistakes and misdeeds.

Unscientific criticism

We are now, regrettably, in an environment in which self-interested, pseudo-scientists proffer unscientifically-supported attempts to codify into law censure of the peer-reviewed, safe and effective interventions for parental alienation. One of their common strategies is to perpetuate the ruse that the pathologically-enmeshed relationship between the alienating parent and child equates to healthy bonding. Another deceptive strategy that they proffer is the unscientific claim that, when father's allege parental alienation, they are almost always using it as a cover for their domestic violence behaviors. Several points are imperative to note here: the bonding between a child and a pathologically-enmeshed parent is not healthy bonding; it is actually a severe psychiatric condition for the child and therefore a form of child psychological abuse; 2) when the pathologically-enmeshed parent tolerates, permits, and/or actively

encourages a child to emotionally and physically abuse the other parent, that is an act of domestic violence by proxy—which is how this situation should be assessed; 3) science has developed the tools to correctly distinguish a true case of alienation from one of domestic violence.

It is a perversion of the dynamics occurring in alienation cases, as well as a rejection of science, to give weight to the false claims by the pseudo-scientists—a modern version of the flat earthers—to buy into their calculated, self-interested diversion antics to distract the Court's attention from the harm that is being caused to the child by the pathologically-enmeshed parent.

Family Healing

TPFF is charged by the Court to restore the relationships between alienated children and their unreasonably and unjustifiably rejected parent. Accordingly, this was the criterion used to assess the safety and effectiveness of the TPFF Therapeutic Vacation intervention.

Additionally, TPFF encourages the alienating/pathologically-enmeshed parent to obtain the necessary treatment leading to expeditious lifting of the no-contact period—that is, obtaining the appropriate therapy to help the parent first recognize and then relinquish the behaviors that resulted in the court order for the TPFF intervention and thereby restore contact with the child as soon as possible; but restoration is dependent upon the alienating parent's cooperation and willingness to change. Selection of a therapist who is skilled in treating this family dynamic will facilitate recovery. Delays in recovery can be

anticipated—and possibly not at all achieved—should the therapist not have the appropriate expertise to treat this exceedingly complex and counterintuitive clinical condition. Because effective therapy requires special skills, it is recommended that the TPFF program approves the selection of the therapist. TPFF collaborates with the alienating parent's therapist to facilitate the therapy—one goal of which is intended to overcome the barriers to lifting the no-contact period as quickly as possible. Through this collaborative effort, recommendations will be made to the Court as to whether extension of the no-contact period is necessary should the alienating parent fail to achieve the needed clinical insight and behavioral changes.

Timely Transition to the care of the Alienated/Rejected Parent

Generally, it is best for the child to be transitioned to the care of the alienated parent at the time of the court order for the TPFF Therapeutic Vacation intervention. Given the research we have about the psychological instability of severe alienators, there is a high risk to the child if remaining in that parent's care once intervention is ordered. There have been some situations in which the alienating parent had absconded with the child subsequent to the Court ruling and before treatment could be initiated. And in a few very rare cases, the alienating parent had committed homicide/suicide. Another important reason for the prompt transition of the child into the care of the alienated parent is that the alienating parent will take advantage of the time between the ruling and the start of the intervention to escalate the brainwashing process—just as described by Clawar

and Rivlin. The TPFF intervention should, therefore, ideally begin virtually immediately upon the issuing of the Court order. Alternative placement with the alienated parents' extended family can be an option should TPFF not have immediate availability upon the issuance of the Court order.

Requirements for admission:

TPFF relies upon the findings of the Court, which had heard testimony and received evidence regarding the family dynamics. TPFF therefore operates on the premise that the Court has determined: 1) the child is safe in the care of the rejected parent, and 2) the favored parent has, at a minimum, interfered with and/or not adequately supported and required the relationship between the other parent and their child. TPFF is not suitable for and does not accept referrals for cases of bona fide protective causes for the rejection. Nevertheless, it is a standard of clinical practice for practitioners to undertake their own assessment of the individuals and family when they appear before the practitioner. TPFF does exactly that: it is a combination of diagnosing/assessing and treating.

Given all of the above, the Court order should include the following stipulations:

1) For at least a temporary transfer of custody to the rejected/alienated parent to have sole physical and legal custody of the child(ren) for a minimum time of 90-days;

2) A simultaneous 90-day no-contact period in any form between the child(ren) with the favored parent and with any co-alienators.

3) Before the 90 days has expired, and at the direction of the Court, for the program to provide a treatment summary to include recommendations with reasons as to whether the no-contact period should be lifted or extended. Two clinical conditions should be met for contact to be restored in order to assure the children's safety and to prevent relapse: 1) the children must have resumed their prior normal relationship with their rejected/alienated, be sufficiently stable in the reconnection, and have substantially relinquished the alienation narrative and false beliefs about the rejected parent ; 2) the favored parent must have: a) written approved support and apology letters; b) must provide documentation from the approved therapist of being ready, willing, and able to support the relationship(s) between the rejected parent and their child(ren); c) gained the appropriate emotional regulation, reality testing, cognitive improvements, and empathy that recognize the child's need to have the other parent meaningful in the child's life.

4) Transition of the children to the physical custody to the rejected/alienated parent prior to arrival in New York. Given how some alienating parents have been so emboldened to publicly protest, seek and receive support for their public demonstrations, and even to threaten the safety of the Judge professionals in the case, and TPFF clinicians, measures should be taken to reduce adverse publicity

and perhaps impose a protective order prohibiting the alienating parent from engaging in such behaviors and/or encouraging others on their behave to do so.

Of particular note, more than 95% of the children who had participated in the TPFF Therapeutic Vacation had travelled under the auspices of their rejected/alienated parent. It is amazing how alienated children—despite their history of threatening self-harm and running away—cooperate without incident with the travel to New York under the auspices of their rejected parent. It is one of the most counterintuitive issues in alienation that, when the Court imposes the no-contact order, it actually frees the child from the loyalty web and frees the child to accept the alienated parent's authority.

5) For favored/alienating parent to accept parent education services with the TPFF program therapist during the four-day intervention around the requirements of the support letter and selection of an appropriate therapist to be approved by the TPFF therapist.

6) For the favored parent is to provide the rejected parent with any mementos, videos, pictures, and other materials indicative of the family history and of the rejected parent's involvement with their child to be used in the intervention—should the rejected parent not have this in her or his possession;

7) For the favored parent to engage with a TPFF-approved therapist to address her or

his behaviors that resulted in the damaged or severed relationship between the other parent and their child, to gain awareness about the damage done to the child from the loss of a meaningful relationship with the rejected parent, and to recognize that it is in the child's best interests for the other parent to be meaningfully in the child's life.

8) Preferably for the favored parent to be responsible for the program fee—having been the cause of the family dynamics resulting in the Court order for the TPFF intervention. The TPFF program does recognize that ultimately the Court will determine the responsibility for the program fee. And should the Court assign all or part of the program fee to the favored parent, the alienated parent is expected to make the full payment to the program and to recover the favored parent's share should it have been so ordered.

★ TPFF does not have a minimum or maximum age-requirement for a child's participation. Children who have aged-out are welcome to participate on a voluntary basis—upon suggestion and approval of the alienated parent.

Travel to TPFF

More than 150 children have traveled without incidence to New York under the auspices of the alienated parent. The child's love and need Counter-intuitively, when the Court imposes the no-contact period, it frees the child from the abusive loyalty web.

It has thus far been unnecessary for the TPFF program to rely upon professional transport services. The assistance of relatives or significant others to the alienated/rejected parent is welcomed and appreciated and will be meaningfully incorporated into the healing intervention.

In the absence of any scientific support for their claims, some mental health practitioners and other professionals have alleged—based upon pure speculation and belief—that the child's removal and the 90-day separation from the favored/ pathologically-enmeshed parent is traumatic for the child. This fallacy has been credibly disputed by Richard Warshak in his 2015 article published in Professional Psychological and is entitled, "Ten Parental Alienation Fallacies that Compromise Decisions in Court and in Therapy." This is fallacy number ten.

The research data on Turning Points for Families and on two other programs requiring the no-contact period challenge to the speculation that the child will be traumatized by the removal from the alienating parent and placement with the alienated parent to attend an intervention with the 90-day no-contact period. It must be pointed out that, as with any clinical intervention, a risk-benefits analysis must be undertaken to determine the pros and cons of a treatment. In-depth, respected peer-reviewed research, such as the Adverse Childhood Experience (ACE) studies document the profound, long-term harm to children from the family dynamics occurring in alienation. One such study found that ACEs result in permanent brain damage to the child, and another study found that ACEs result in premature death in adulthood from medical conditions such as heart

attacks and cancer. On the other hand, research has found that there is virtually no risk—if any at all—from the removal of the child from the alienating environment (Warshak, 2015. "Ten Parental Alienation Fallacies that Compromise Decisions in Court and in Therapy." Professional Psychology: American Psychological Association.)

Intervention fee

The intervention fee includes pre-planning and some post-intervention services. Results of the intervention are enhanced if the alienating/favored parent is primarily, if not solely responsible, for the fee—wherever practically possible. A financial investment can be a significant motivating factor for gaining that parent's cooperation with the intervention—this is simply human nature. But at least some financial investment by the parent who had caused the case to get to this point is recommended although not required. If required to pay all or part of the program fee, the alienating/favored parent should be directed to pay the alienated/rejected parent, who will be expected to pay the full program fee.

One half of the program fee is taken as a non-refundable deposit when the intervention time is scheduled. The deposit reserves the time for the intervention, and no other intervention can thereby be scheduled during that time slot—only one family participates at a time. However, as a courtesy, and in recognition that legal proceedings and maneuvers by the favored/alienating parent may preclude the intervention from occurring at the scheduled time, the full deposit will be deemed as a credit that can be applied to a mutually agreeable rescheduled date.

Program Summary

A therapy session is provided daily on each of the 4 days and lasts for 3-4 hours. The balance of the day is also therapeutic—perhaps even more so; this is because the rejected parent and child will be engaging in restorative experiences with each other as they enjoy exploring the local attractions and experiencing mutually satisfying activities. They can visit the local library where the rejected parent can provide tutorial services if needed. Other options are museums, amusement parks, gardens, swimming, boating, bowling, ice- skating, hiking, rock climbing, trampoline activities, escape rooms, and of course, toy and electronic stores. The rejected parent's authority with the child is re-established as a result of the supervision, nurturing, and support being provided by her/him throughout the four days. The program therapist accompanies the family on these activities, coaching and intervening when necessary and monitoring the developments. At the conclusion of the daily activity at dinner time, the family retires to their selected accommodations.

The program administrator/therapist is on call after the separation around dinner time should services be needed in an emergency. It has only been needed in situations when the favored parent had violated the no-contact order.

For a detailed, bullet-point description of the four days, please refer to that document, which is also available of the Turning Points for Families website.

Aftercare services:

As Turning Points for Families is a short-term intervention to "jump-start" the remediation of the damaged or severed parent-child relationship, aftercare family treatment with a local, experienced family therapist assures the maintenance and enhancement of the child's relationship with the formerly rejected parent. The therapy includes the children, alienated parent, all other adults and children living in the household—especially another parental figure. In general, individual therapy for the child is contraindicated—meaning forbidden. In brief, induvial therapy becomes a forum for the child to vent the alienation narrative— thereby perpetuating the child abuse however inadvertently. Individual therapy also inadvertently disempowers the alienated parent because it reinforces the exclusion from this very meaningful service to the child—exactly the opposite of the healing requirements for this clinical condition. There may be some exceptions for individual therapy for the child to be evaluated on an individual basis.

While behavioral improvements are noted generally by the end of Day-1 and intensify over the course of the four days, the alienation script takes much longer to relinquish—just as in the programming in a cult.

TPFF serves in a collaborative role with all therapists providing aftercare treatment, such as aftercare family therapist and to the therapist for favored/alienating parent.

THE INTERVENTION IS VIDEO RECORDED AND IS PRIVILEGED—just as are psychotherapy notes

Treatment Protocol Regarding the Video Recording of the TPFF Intervention

Please note that the TPFF standard treatment protocol to video record the intervention is for the private use of the program in order to: 1) create a safe, protected, confidential environment for the child to invest in and reconnect to the alienated parent; 2) for the program to review and observe and assess the accurate and complete statements, interactions, body language, and affect of the participants in the sessions; and 3) create an correct, contemporaneous written summary that accounts for the general themes that had occurred during the intervention.

Regarding No. 1, the therapy has a high probability of failing should the child not be assured of the confidentiality of the videos. That is, without such assurances of confidentiality, the alienated child will be fearful of reprisals by the alienating parent, who, in viewing the videos, will observe the depth, willingness, and genuineness of the child's restoration of a relationship to the alienated parent. In other words, just as the success of the intervention is dependent upon the no-contact period, so the same rationale applies to preserving the confidentiality of the videos. The child must have the assurance of confidentiality in order to be freed from the loyalty web that had been thrust upon him or her by the pathologically enmeshed parent.

Regarding No. 2, the TPFF healing intervention is an intense, complex, and sophisticated intervention

that relies upon review of the video of each day's preceding events in order to develop the succeeding day's most effective strategies and interventions for the particular family that is currently participating. Given the ease with which videos can be copied in today's technological culture, it is in keeping with the standard of the best interests of the child to zealously guard against the possible inappropriate dissemination of the videos— videos that often depict an acting-out, surly, and defiant child—and which may thereby be used against the child and follow the child should videos thereby fall into the wrong hands.

Regarding No. 3, the program will create a contemporaneous written record of the major events to have transpired during in the intervention based upon a review of the video recordings. The purpose is to be informative to the court in any ongoing legal proceedings. Once the contemporaneous written record is created, the program has no obligation to retain the video recordings.

347-454-8840 Telephone
TurningPointsForFamilies@gmail.com

LETTER FOR THE HANIK FAMILY
BY JAMIE CALIFF, MA, LMHC, NCC
(NOVEMBER 14, 2022)

Charis
COUNSELING ASSOCIATES

To whom it may concern:

My name is Jamie Califf, MA, LMHC, NCC. I have been providing individual mental health counseling to Alex Hanik for 2 years (since 06/16/2020), and to Ember (Tea) Hanik for one year (since 08/26/2021), and have a thorough understanding of their mental health and their bond with their mother and father. I have reviewed and understand the intensive program based on Turning Points for Families website, specifically their Remediation for Severe Parental Alienation or for an Unreasonably Disrupted Parent-Child Relationship treatment protocol.

I am concerned that the intensive intervention program at Turning Points for Families, including the 30+ day sequestration period, will actively harm the mental health of Alex and Ember, lead to significant safety risks of suicidal ideation and/or elopement, and counteract any gains made toward building a safe, trusting, and secure relationship between both Alex, Ember, and their mother.

In recent weeks, Ember has reported a marked increase in depressed mood, scaling "3" on 0-10 depressed mood scale (0=most depressed), meeting criteria for Major Depressive Disorder, Moderate, and reporting symptoms including: fatigue every

day, sleeping excessively 12+ hours each night plus naps during the day, loss of appetite reporting eating only once per day, anhedonia loss of interest in anything social or fun including video games or spending time with friends and family, difficulty focusing including forgetting things easily, feelings of hopelessness, and suicidal ideation. In the past several weeks Ember reports experiencing episodes of complete dissociation lasting 15 minutes at a time, once per hour, when in her room at her mother's house for the 8-hour parenting time on Tuesdays. Ember reports experiencing flashbacks of the incident in November 2019 when sitting in her room at mother's house, describing feelings of panic and disorientation as her mind replays her mother yelling at her and her sister, throwing objects around her room, and shoving her, followed by memories of Ember and her sister Alex escaping out a window, running down the street, hiding in their father's house, and calling the police. These symptoms indicate Ember experienced this event as a trauma, and she is reliving the trauma each time she enters her mother's house.

These above symptoms emerged immediately after Ember started 6 hour parenting time at her mother's house, and escalated to suicidal ideation and talk of elopement (running away) within the first several weeks, and have recently increased to frequent experiences of dissociation at mother's house. This progression of symptoms is consistent with a Posttraumatic Stress Disorder diagnosis with dissociative symptoms and with delayed expression.

Continuing to increase parenting time at mother's house, and introducing intensive treatments that require Ember to spend intensive time with her

mother, before resolving her traumatic experiences and building a trusting, safe relationship with her mother, would be expected to result in a further increase in symptoms of PTSD, depression, dissociation, and active suicidal ideation.

Alex and Ember have both made clear, specific statements of past and current actions by their mother that fit the description of child psychological abuse, including "berating, disparaging, or humiliating the child," "threatening the child," and "egregious scapegoating of the child" (DSM-5-TR (2022) p. 825). Alex has described, from her early childhood memories to the present months of supervised parenting time with mother, mental and emotional distress as a result of scapegoating by mother (being labeled as the 'problem') and disparaging, berating, words and behaviors by mother during their time together. Alex and Ember continue to report leaving each encounter with their mother with an increase in symptoms of anxiety and depression. Research has shown psychological aggression results in greater amounts of anxiety in children than the use of physical aggression (Miller-Perrin, Perrin, & Kocur, 2009), and psychological control, otherwise known as "intrusive parenting," undermines children's autonomous development (Joussemet, Landry, & Koestner, 2008). Introducing a sequestration period of 30+ days while Alex and Ember are reporting experiencing psychologically abusive words and behaviors from their mother would lead to continued or increased mental and emotional distress.

There is significant risk for psychological harm and amplification of safety concerns if Alex and Ember are isolated from their current support systems and healthy attachment relationships (i.e. their father,

extended family, family friends, work relationships, online peer gaming relationships, counseling, etc.), and required to participate in a prolonged sequestration period with their mother at this time. Alex and Ember would benefit from additional time and family therapy support to continue working with their mother toward building a relationship that is healthy, trusting, emotionally supportive, and feels safe.

Sincerely,

Jamie Califf, MA, LMHC, NCC
Licensed Mental Health Counselor
National Certified Counselor

Charis Counseling Associates
11802 NE 117th Ave
Vancouver, WA 98662
Call/Text: 360-787-4747
Fax: 360-891-9543

References:

Joussemet, M., Landry, R., & Koestner, R. (2008). A self-determination theory perspective on parenting. Canadian Psychology, 49, 194–200.

Miller-Perrin, C. L., Perrin, R. D., & Kocur, J. L. (2009). Parental physical and psychological aggression: Psychological symptoms in young adults. Child Abuse & Neglect, 33, 1–11.

BLANK PAGE

SUPREME COURT
PRESS