



# Parental Alienation Awareness Association

## Information sheet

### Parental Alienation – The Court – Beautiful Ruling

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Not One Page

Summary by Andries van Tonder

#### **Sample of a very good custody order as published <sup>1</sup>**

The phrase “Parental Alienation” is not used in the judgement.

P.P. v C.G. 2014 NY Slip Op 51468(U) Decided on September 28, 2014 Family Court, Bronx County, Rosado, J.

#### **Very brief summary:**

Mother refused access to father. Court ordered access. Mother disobeyed on occasions. Mother denied father paternity and attempted to hide it, Paternity established by DNA at a later stage. Mother then accused father of rape. Mother entered a lesbian relationship.

Father entered a new relationship step-fathering partner's disabled child and newborn.

#### **Some notable quotes of judge and referring to other judgments:**

- “Furthermore, the natural right of visitation jointly enjoyed by the non-custodial parent and the child is more precious than any property right”
- “A custodial parent's interference with the relationship between a child and a non-custodial parent has been said to be an act so inconsistent with the best interests of the child as to per se raise a strong probability that the offending party is unfit to act as a custodial parent.”
- “Joint custody is not appropriate where there are sharp differences between the parties and an inability to cooperate on matters concerning the child. Joint custody is only appropriate where the

parties are capable of cooperating in making decisions regarding what is best for the child. Where the parties have demonstrated an inability or unwillingness to communicate and cooperate in making decisions on matters relating to the care and welfare of the child, joint custody is clearly inappropriate.”

#### **And the Judge decided:**

Wherefore, based upon the foregoing, this Court finds that given the factors enumerated above, the child's best interests warrant that sole legal and physical custody of the subject child, C.J., be granted to Petitioner, P.P., with parenting time granted to Respondent, C.G., in accordance to this Court's Final Order of Custody and Visitation that follows.

THEREFORE, IT IS HEREBY ORDERED, that Father P.P. shall have sole legal and physical custody of the child, C.J.; mother shall turn child over to father forthwith, upon receipt of this Order; and

IT IS FURTHER ORDERED , that the father shall provide mother, C.G., with written notice of all issues that pertain to the child's education, religious training, health, welfare and other similar matters of importance. Father shall discuss and receive input from the mother regarding all major decisions regarding the child. In the event that the parties are unable to reach an agreement, after reasonable and meaningful discussion, father shall have final decision making; and

IT IS FURTHER ORDERED, that mother shall have parenting time with the child according to the following schedule:

IT IS FURTHER ORDERED, that mother shall have parenting time with the child every other weekend starting October 10, 2014 from Friday

<sup>1</sup> <http://law.justia.com/cases/new-york/other-courts/2014/2014-ny-slip-op-51468-u.html>

at 5pm until Sunday at 7pm. In the event that the child does not have school on Monday, mother shall have parenting time until Monday at 7pm, or another time as agreed and arranged between the parties. Pick up and drop off shall be at Penn Station. In the event the mother moves to the Bronx or a closer vicinity in which she can ensure the child can get to school, mother shall have parenting time every other weekend from Thursday after school until Monday. Pick up and drop off shall then be at the child's school.

Mother shall have parenting time with the child every Wednesday from 5pm until 8pm. Pick up and drop off at Penn Station. In the event that mother moves to the Bronx, or a closer proximity to the child, in which she is able to ensure the child can get to school, mother shall have parenting time with the child each week from Wednesday at 5pm until the following morning, with drop off at the child's school, or another agreed upon location. In the event that this day is not convenient for the mother's work schedule, parties shall agree on a day each week that mother shall have parenting time with the child;

If either parent shall move from their current locations, they shall choose a mutually agreeable mid-point place for pick up and drop off; and

IT IS FURTHER ORDERED that in the event, except an emergency, that either party is unable to exercise the scheduled visit, they shall give the other party at least 72 hours notice, or as soon as reasonably able, of the inability to make the visit. In the event that alternate arrangements can be made for such, such arrangements should be honored; and

IT IS FURTHER ORDERED; that holiday access shall take precedent over regular visitation and shall be as follows:

a. Mother shall have access with the child every Mother's Day weekend; Father shall have access with the child every Father's Day weekend. Such access shall be from Friday at 5pm until Sunday at 6pm. The following weekend shall be enjoyed by the other parent;

b. If possible, both parties shall have access to the child on the child's birthday. Whichever

parent is not scheduled to be with the child during the regular access schedule shall have the right to be with the child for (2) two hours, if such birthday falls on a weekday, or (4) hours if such birthday falls on a weekend;

c. Mother shall have access with the child for Winter Recess/February Recess/President's Week during odd numbered years; Mother shall have access for Spring Break/Easter Recess, during even numbered years. For purposes of this agreement, these weeks shall begin on Friday at 6pm the day school ends and shall end the following Sunday at 6pm. Pick up and drop off shall be at Penn Station, or a mutually agreeable location;

d. Mother shall have parenting time with the child for Thanksgiving during even numbered years; Father shall have parenting time with the child for Thanksgiving during odd numbered years. Such visitation shall take place from Wednesday preceding Thanksgiving at 5pm until Sunday at 7pm. Pick up and drop off at Penn Station, or a mutually agreeable location;

e. Mother shall have parenting time with the child for Christmas Eve during even numbered years. Such visitation shall take place from 10am until 8pm. Mother shall have parenting time with the child for Christmas Day during odd numbered years from Christmas eve at 8pm until Christmas Day at 8pm. Father shall have parenting time with the child for Christmas Eve during odd numbered years until 8pm. Father shall have parenting time with the child for Christmas during even numbered years from Christmas Eve at 8pm until the following day. Pick up and drop off shall be at Penn Station or a mutually agreed upon location;

f. Mother shall have parenting time with the child for July 4th during odd numbered years from 10 am until the following day at 10am. If it should fall during mother's scheduled parenting time, drop off shall be Sunday at 7pm. Pick up and drop off shall be at Penn Station, or a mutually agreed upon location;

g. Mother shall have the child for New Year's Eve during even numbered years (i.e. December 31, 2014, 2016, 2018, etc.) from 10am until the

following day at 10am. Father shall have parenting time for New Year's Eve during odd numbered years. Mother shall have parenting time with the child for New Year's Day during even numbered years (i.e. January 1, 2014, 2016, 2018, etc.) from 10am until the following day at 10am. Father shall have parenting time for New Year's Day during odd numbered years. Pick up and drop off shall be at Penn Station, or a mutually agreeable location; and

IT IS FURTHER ORDERED; that both parents shall have (2) two consecutive weeks of uninterrupted parenting time with the child during the summer. Mother shall have first choice of the (2) two weeks that she elects to take during odd numbered years. Father shall have first choice to select his (2) weeks during even numbered years. Such selections shall be given in writing to the other party by May 15th of each year; and

IT IS FURTHER ORDERED; that if either party shall travel outside of the State or Country with the child, they shall give at least one month notice to the other party with a full itinerary, including, flight information or other travel arrangements, hotel information and contact information;

IT IS FURTHER ORDERED; that both parties shall have the right to attend any activities or events involving the child. Neither party shall intentionally enroll the child in any activity designed to interfere with the other's access. Each party shall be responsible for ensuring that the child attend any regularly scheduled activities or events that shall fall during their parenting time and shall provide transportation for the same; and

IT IS FURTHER ORDERED; that both parties shall have liberal phone access with the child, while the child is in the other party's care; and

IT IS FURTHER ORDERED; in the event that either party shall be away from the child for a period of longer than 24 hours, while the child is in their care, the other parent shall have the right of first refusal;

IT IS FURTHER ORDERED; that mother shall have additional parenting time with the child as agreed and arranged between the parties; and

IT IS FURTHER ORDERED; that mother shall have independent access to all educational and medical records pertaining to the child; and

IT IS FURTHER ORDERED; that neither party shall disparage the other parent, or allow third parties to disparage the other parent in front of the child; and neither party shall use corporal punishment or allow third parties to use corporal punishment to discipline the child; and neither party shall question the child after the visits with the other parent; and

IT IS FURTHER ORDERED; neither party shall move further than 10 miles from New York City, without the written consent of the other party or permission from the Court; and

IT IS FURTHER ORDERED; that the parties may modify the Order on consent in writing;

IT IS FURTHER ORDERED, that father shall have the right to change the child's surname to P.

This constitutes the Decision and Order of the Court.

Dated: Bronx, New York

September 28, 2014

HONORABLE LLINET ROSADO

Acting Justice of Bronx Family Court

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