

STATE OF INDIANA)	IN THE CIRCUIT COURT
)	SS:
COUNTY)	CAUSE NO. <u>D0 -0608-DR-</u>
IN RE THE MARRIAGE OF:)	
)	
Jessica Anderson,)	
Mother/Petitioner)	
)	
and)	
)	
Howard Anderson,)	
Father/Respondent)	

REPORT OF THE GUARDIAN AD LITEM

Kenneth M. Montague, Guardian ad Litem (GAL) for Amanda Anderson, submits the following report.

OUTLINE OF PROCESSES

- I. PRESENTING ISSUES AND REASONS FOR GAL APPOINTMENT
- II. SPECIFIC PROCESSES AND CONTACTS
 - A. Consultation with counsel
 - B. Review of court file and papers supplied by counsel (pleadings, medical reports, and correspondence of counsel)
 - C. Parents’ website and written work
 - D. Contacts with parents, Mandy, Mandy’s grandparents, and counsel
- III. GAL RECOMMENDATIONS AND EXPLANATIONS

I. PRESENTING ISSUES AND REASON FOR GAL APPOINTMENT

I was appointed GAL for seven-year-old Amanda (Mandy) Anderson on March 10, 2008. The reasons for the appointment, according to the Court and counsel, all revolved around the contentious co-parenting relationship that had developed in the prior two years between Mandy’s parents, Jessica Anderson (Jessica) and Howard Anderson (Howard).

Jessica and Howard were married on December 1, 1998. Mandy (date of birth July 2, 2001) is the only child of either of these parents. Jessica and Howard separated on September 1, 2003, and Jessica filed for divorce approximately one month later. An agreement was reached on all issues, and a no-fault divorce was granted on February 1, 2004.

In name, the parents have always had joint legal custody (JLC) of Mandy, though there have been problems with their understanding and implementation of JLC. Until some serious conflict (personal and legal) arose approximately two years ago, the parents shared a distant but basically functional postdivorce co-parenting relationship. They spoke respectfully, tried to shield Mandy from parent conflict, and usually tried to accommodate requests for scheduling changes to allow for special circumstances. Jessica had primary physical custody, and Howard had what both parents described as “standard visitation,” which they explained as one weekly overnight on either Tuesday or Wednesday and every other weekend from Friday at 5:00 p.m. until Sunday at 6:00 p.m.

Both Howard and Jessica are graduates of the S.E.D. (Special Education Degree) Program at the Michigan City School Corporation. Throughout both middle and high school, both had IEPs (individual education plans) and took a combination of mainstream classes where their learning skills were stronger and special education classes in areas where they needed additional help. Both applied themselves conscientiously and graduated on time. Both rely on special help, especially from their parents, for advice and guidance on a number of life activities, including raising Mandy.

As the Court knows, conflict developed approximately two years ago between the parents around issues of Jessica’s alleged inattention to the basic needs of Mandy, including by leaving her alone for extended periods of time, occasionally having an excessive number of pets in her

home (allegedly as many as two dogs and six cats), and dating (and introducing Mandy to) as many as three different men. There followed a quick descent in the cooperation and goodwill between Howard and Jessica.

An examination of the docket sheet and file in their case bears out what Howard and Jessica reported about their litigation against each other. The original divorce occurred without litigation, and the final decree was the result of an agreement on all issues. By contrast, 24 of the 28 docket entries in this case occurred since the onset of conflict two years ago. When Jessica failed to appear at a hearing on August 12, 2007, primary physical custody was switched to Howard, and the parenting time agreement was essentially reversed. In other words, while Howard originally had what the parents called “standard parenting time” (which was actually minimum parenting time under the Indiana Parenting Time Guidelines), after the change in custody on August 12, 2007, Jessica had this minimum parenting time.

Pending at the time of my appointment as GAL were the following motions:

1. Jessica’s motion for change of custody.
2. Various other motions about legal and physical custody, several of them revolving around cross allegations (a) that one or the other parent failed to feed Mandy adequately, (b) kept her “caged,” and (c) purchased the wrong size clothes for her.
3. Cross rules to show cause to hold each parent in contempt for various matters.
4. A motion for the return of some of Mandy’s clothes from Jessica’s home.

In my judgment, a narrative report of everything said or uncovered in these meetings would neither help the Court nor serve the best interests of Mandy. As the Court will note from virtually everything I report below, Howard and Jessica are both capable parents. Mandy’s

challenge has not been that she has either an incapable mother or an incapable father. Mandy's challenge is that for the past two years, she's had parents who (while loving and capable) have not understood the advantages and necessity of working together for Mandy. Fortunately, both these good parents have shown themselves entirely open to this new picture of their challenge and to the steps they can take to succeed in that challenge. Therefore, except where some information specific to one parent is important to note, I'll try to give a comprehensive picture of past, current, and future hoped-for functioning within the family.

II. SPECIFIC PROCESSES AND CONTACTS

A.: Consultation with counsel

I spoke with the parents' counsel in a three-way call on March 10, 2008. Both were exceptionally helpful, as they were in our two follow-up conversations. They not only shared the history of their clients' relationship and copies of pleadings, medical reports, and correspondence, but, more important, shared encouraging comments about the parents' love for their child and capacity to develop an enduring partnership for their daughter's sake.

Both counsel agreed that these parents had every prospect of doing better for themselves and their daughter, and both agreed to support the parents' progress in that regard. They agreed to immediately refer the parents to www.UpToParents.org and encourage them to put their best efforts into the work on the website and in the written intake work that would be sent to them.

B.: Review of court file and initial papers supplied by counsel

With the assistance of counsel, I collected and reviewed the following.

1. The docket sheet in the Andersons' case.
2. The police reports of four fights between the parents.
3. Key pleadings pointed out by counsel. (Both counsel and both parents confirmed these, together with the police reports, were the only records of consequence they knew of.)
4. A March 19 report from Mandy's pediatrician (Dr. Suzanne Kilmer) where she confirms that Mandy is a healthy seven-year-old under care (with medication) only for ADHD, and

that both parents and both grandmothers have consistently participated in appropriate care of Mandy and appropriate attention to her medical needs and appointments.

C.: Parents' website and written work

Howard and Jessica both did an excellent job on www.UpToParents.org and the two Intake Booklets for a Parenting Assets and Improvement Review (P.A.I.R.). While both worried their writing skills might seem poor, they both did sincere and impressive jobs on all parts of this work.

D.: Contacts with parents, Mandy, Mandy's grandparents, and counsel

I had the following meetings with Howard and Jessica, Mandy, Mandy's grandparents, and counsel.

- a. March 10, 2008 three-way teleconference with counsel
- b. Separate initial explanatory meetings with each parent on March 11, reviewing my role, referring parents to www.UpToParents.org, and giving each parent P.A.I.R. (Parenting Assets and Improvement Review) Intake Booklet I
- c. March 17, 2008 meeting with Jessica
- d. March 18, 2008 meeting with Howard
- e. March 18, 2008 telephone conference with Dr. Suzanne Kilmer
- f. March 24, 2008 meeting with Howard
- g. March 25, 2008 meeting with Jessica
- h. March 25, 2008 three-way teleconference with counsel
- i. March 30, 2008 meeting with both parents
- j. April 2, 2008 meeting with Howard and Mandy
- k. April 3, 2008 meeting with Jessica and Mandy
- l. April 9, 2008 meeting with paternal grandparents (John and Roxanne Anderson)
- m. April 10, 2008 meeting with maternal grandparents (Kenneth and Brenda Daley)
- n. April 11, 2008 three-way teleconference with counsel

March 11, March 17, March 18, March 24, March 25, and March 30 meetings with

parents: In all of my meetings with the parents, they were entirely open to accentuating the better parts of their interaction, reducing conflict, and building a more predictable and cooperative world for Mandy. By March 25, 2008, they had made so much progress that I spoke with their counsel in a three-way teleconference about the possibility of my meeting with the parents together. Both counsel were in favor of this idea (as the parents had been when I spoke

with them separately). The following discussion highlights what I heard and learned both in the separate meetings with the parents and in our extended joint meeting on March 30, 2008.

Throughout my contact with them, both parents spoke sensitively of the problems that their conflict caused for Mandy. The awareness of the pain and danger their conflict causes for Mandy certainly grew during this entire GAL review. They were able to reflect seriously and conscientiously about the following conflict-related problems for Mandy.

- a. During the two years of parent conflict, Mandy thought her parents were always on the verge of having a fight.
- b. Mandy's hands and voice would actually shake at pickups and drop-offs.
- c. On four occasions, these fights led to the police being called by one of the parents (twice by each parent), leaving Mandy with a paralyzing fear that one or both of her parents might be arrested and jailed.
- d. After fights between her parents, Mandy often cried and said things like, "Why couldn't I be one of the lucky kids? Why can't you get along?"
- e. Except when her parents have gotten along (which, fortunately, has been the case again starting by March 24, 2008), Mandy has been noticeably nervous any time she thinks her parents are going to be around each other.
- f. During the two years of conflict, both parents criticized each other heavily to Mandy.
- g. During that same period of time, they stopped communicating constructively about Mandy's needs.
- h. During that same period of time, they refused to make reasonable changes to their parenting time schedule to meet special needs for Mandy and their own schedules; they report that they lost confidence in their ability to work together and stopped making suggestions about meeting Mandy's needs.
- i. They made repeated trips to court on matters they really were capable of resolving themselves, including sorting out holiday parenting time schedules, payment of Mandy's school pictures and school fees, the home where some of Mandy's clothes should be washed or kept, and requests to be awarded sole legal custody (even though neither parent knew what the law means by "legal custody").
- j. Overall, their relationship had become much more legalistic, competitive, and focused on their complaints with each other rather than on Mandy.

I'm pleased to report that both parents responded quickly and energetically to the invitation for this GAL experience to focus on Mandy's need for them to create a new environment for her to live in. There have been many manifestations of that sincere commitment on the part of the parents.

1. Both Howard and Jessica intelligently and sensibly discussed the handout on www.UpToParents.org entitled, “Some Thoughts of Children Caught in Conflict.” Both in separate sessions and in our joint session, we read over those 12 thoughts and several of the quotes that went with them. As we read through them, I asked Howard and Jessica to place a checkmark by any thoughts they believed Mandy might have should they have conflict in the future. Each parent checked off nine of the thoughts. Their discussions of the problems created for Mandy by parent conflict were exceptionally sensitive, constructive, and concerned.
2. Both parents, upon being asked to consider the question, showed themselves to be exceptionally sensitive about the losses in Mandy’s life, including the loss of her chance to grow up in a home with both of her parents, her worries about how her parents would be getting along, her fear that other important things in her life could go wrong, and her thought that it was her responsibility to fix the problems in her family. Both Howard and Jessica showed themselves to be deeply concerned that Mandy have the gift that other children have in the form of parents who have a cooperative, restrained, and predictable relationship. By everything I can tell, Howard and Jessica have come to realize that Mandy absolutely needs and deserves this gift from her parents.
3. Both parents acknowledge that they have exaggerated each other’s faults and failed to be attuned to the strengths in each other.¹ I was impressed with the many strengths that they

¹ There are many examples that Howard and Jessica now acknowledge about the overstatement of problems in each other’s parenting. For example, both now say that the calls they made to the police were unnecessary and, in fact, frightening for Mandy. There has never been physical violence or threats of physical violence between the parents, nor any violence against Mandy. The four calls made to the police (two by each parent) the parents now see as more in the nature of attempting to build evidence against the other parent. This is something both parents now say they wish to avoid.

Howard acknowledges that some of the allegations about Jessica’s parenting have been overblown. For example, Jessica has never actually had two dogs and six cats in her house. She’s always had one dog and one cat. (A second dog belonged to a friend and has visited on some occasions; the allegations of six cats living in the house, it turns out, pertained to Jessica’s cat delivering five kittens, all of whom were given homes elsewhere when weaned from their mother.) Howard also acknowledges that Jessica has been entirely appropriate in her dating and has introduced Mandy to only one man she’s dated (and only after establishing a stable relationship of almost six months’ duration—that relationship was ended, by the way).

Both parents acknowledge that their allegations about the other keeping Mandy “caged” and not feeding her should never have been made. The background to these unfortunate slips in co-parenting good will is that Mandy has been diagnosed with ADHD and has required special attention around the kitchens of both parents to ensure that she does not pull a hot pan or pot onto herself. Her pediatrician (Dr. Suzanne Kilmer) has advised both parents that they should continue to use the Fisher-Price gates they purchased when Mandy was a toddler, specifically by gating off their kitchens while cooking. This has not been to punish or “cage” Mandy but instead to remind her to stay out of the kitchen while her parents are cooking. Both parents have appropriately followed that advice, and they both now express regret at having turned what really was responsible behavior into something to criticize.

On a related note, Mandy’s ADHD medications have caused a loss of appetite, and both parents acknowledge that this has required special encouragement to Mandy to eat adequately. Both parents have appropriately followed Dr. Kilmer’s advice on encouraging Mandy’s good eating habits. Neither parent has failed to feed Mandy.

Finally, both parents now agree that their disputes about Mandy’s clothes size are unnecessary. To their great credit, Howard and Jessica acknowledge that this was another dispute growing out of their fear, not anything based upon a parenting deficit in either of them.

Both Howard and Jessica agree that their allegations against each other came largely from the fear they felt from being involved in litigation against each other. Each acknowledged that the other was a fully capable and loving parent and that Mandy would be better off if this stopped entirely.

now acknowledge in each other. Each parent acknowledges that the other has many important strengths and qualities to share with Mandy, including ones necessary to meet her physical, emotional, and educational needs. Both have taken an active interest in her schooling, including by looking over schoolwork, participating in school activities (including all parent-teacher conferences), and making sure she is present and prepared at the beginning of all school days.

4. I was particularly impressed that Howard and Jessica so carefully watched and learned from two short videos on www.UpToParents.org: “The 9 Myths of Divorce” and “The 8 Hidden Keys.” We watched these videos together at our joint meeting on March 25, 2008 (they total only about 12 minutes in length), and both Howard and Jessica intelligently and sensitively discussed how much they thought they gained from these short videos. Both agreed that to one extent or another, they had fallen prey to almost all of the 9 Myths. They both are anxious to substitute some clearer thinking:
 - i. They shouldn’t really be in a competition but instead in a cooperative effort to give Mandy the best childhood possible.
 - ii. Their issues really aren’t so much legal as personal and parental.
 - iii. They really don’t have a custody dispute, but instead a need to support Mandy’s relationship with both of them.
 - iv. A judge really cannot solve their issues, and going to court has in many ways driven them further apart.
 - v. Rather than seeking complicated legal answers, focusing on Mandy’s needs would likely serve their interests best.
 - vi. They really cannot protect Mandy by fighting; Mandy’s does not need them to win a fight, but instead to end their fighting.
 - vii. Focusing on Mandy, far from hurting their interests, will actually be their best guide to a better future.
 - viii. Some of their conflict has been over the sadness of losing their personal marital relationship, not the issues that they seemed to be arguing.
 - ix. Instead of thinking of their relationship as “entirely over,” they realize that they will always need to have a good working relationship for Mandy’s sake.

5. As stated, I was also impressed that Howard and Jessica wanted to discuss at some length the video on “The 8 Hidden Keys” found on www.UpToParents.org. They sensibly discussed how each of them could improve things for Mandy and Mandy’s entire extended family by these eight measures.
 - i. Observing the “Child Safety Zone” by making sure that all times that Mandy sees her parents together or hears them speaking are entirely safe, predictable, courteous, and focused on meeting Mandy’s needs.
 - ii. Keeping Mandy out of adult roles (including her past role of trying to mediate between her parents).
 - iii. Regularly sharing compliments and good memories about each other with Mandy.
 - iv. Celebrating what Mandy gets to do with her other parent.

- v. Cheerfully encouraging Mandy to call her other parent (not only to maintain Mandy's contact with her parents but to show her that each parent supports her relationship with her other parent).
- vi. Promptly sharing all important child-related information.
- vii. Staying out of legal combat.
- viii. Enjoying and admiring Mandy.

Both expressed repeatedly that these were "such better places for our energy."

6. I found significant the sensitivity that both Howard and Jessica expressed over listening to the taped interview of three sisters on the www.UpToParents.org website. Both parents discussed how sad they found it that these sisters had to listen to the fights between their parents, had their birthdays and holidays destroyed by their parents' fights, and were constantly left to wonder and worry what the next encounter between their parents would be like.
7. Anyone would be impressed with the compliments and good memories Howard and Jessica wrote about each other as their responses to Exercise C on the website. Both agreed these sorts of statements would be the totality of the comments Mandy would be hearing from them about each other. Because I've found that completion of this work correlates so closely with successful co-parenting, I want to share a few of Howard's and Jessica's compliments. Howard included the following in the statements he wants to share with Mandy about her mom:

- "Mandy, Mom has always loved you with all her heart. On the day you were born, no mom was ever so proud. Mom and I couldn't stop looking at you and loving you."
- "When I met Mom, she was running in a track meet. You are so good at running and games because of Mom."
- "Mom helps everyone. She helped me do better in school. She helps Papa and Nana whenever they need it. You have a good heart like Mom's."
- "I could never have picked a better mom for you."

Jessica included the following in the statements she wants to share with Mandy about her dad:

- "Dad would do anything for you, Mandy. Always listen to him; he loves you in such a special way."
- "Dad cares about people. One time Dad saw a homeless man and was worried about him. Dad went to McDonald's and got the homeless man some food so we would know he was okay."
- "I think it's so neat that Dad makes toys for you on your birthday. Other parents might just buy something, but Dad likes to show his love for you in special ways. Remember your first wooden puzzle?"
- "I really like how you and Dad look forward to seeing each other. I miss you when you are gone, but I am happy to know you are with Dad."

When we read their compliments aloud at the March 30, 2008 meeting, both parents cried and spontaneously thanked each other.

7. We had an interesting discussion about sharing parenting time. Both parents expressed a belief that by law one of them had to “have custody” and the other one had to have “standard visitation,” something they described as “once a week and every other weekend.” Howard and Jessica live less than two miles apart, and both parents believe that they could and really should be sharing access to Mandy more or less equally. I read to Howard and Jessica the two portions of the Indiana Parenting Time Guidelines reciting their schedule not as a *standard* one but as a *minimal* one for each parent to have “frequent, meaningful, and continuing contact” with a child. I did not want to undertake a sort of mediation of this issue, but both parents suggested very reasonable scenarios that could allow each of them to have vastly more than this minimum. In my recommendations below, I have included one regarding the establishment of a new parenting time schedule that would give more regular contact with both parents. My recommendation is that on a 14-day cycle, each parent have at least six overnights (a suggestion with which both parents expressed agreement).
8. We also had an interesting discussion regarding joint legal custody (JLC). The parents offered the same explanation of what they thought was meant by JLC, namely, “when Mandy is with me, I decide, and when she is with her other parent, he/she decides.” I offered my explanation of JLC as an arrangement where they would make the major decisions in Mandy’s life (including schooling, religious upbringing, medical and counseling care, discipline, extracurricular activities, and any other matter either parent deems “major”) in the same way that happily married parents would. In other words, Howard and Jessica would probably share information about major issues, seek out and value each other’s opinions, and come to common decisions about such issues. We reviewed the attached handout on JLC, and both parents seemed to understand it well and discussed it intelligently. Both parents want to use JLC.

After our highly productive conversation together on March 30, 2008, one that left me thoroughly confident in these parents’ wish and ability to co-parent well, I asked Howard and Jessica if they had any thoughts on the future course of my work. I raised the question of whether it would be more helpful or more harmful for me to meet and speak with Mandy. Both parents (especially Jessica) had concerns about involving Mandy in this process. They agree that Mandy is an intuitive, aware, and sensitive seven-year-old girl who has been badly hurt by the past angry and hurtful interaction between her parents. She has been terrified by virtually all things involving police and court. The thought of her parents going to court against each other

has worried her, something she commented on repeatedly to both her parents. The thought of her involvement has scared her even more.

Both Howard and Jessica expressed that Mandy should be spared the thought that might come from her being interviewed formally, namely, that she would be responsible for solving her parents' disputes and unhappiness. I let the parents know that I was open to discussing any number of options, including dispensing with any interview with Mandy or perhaps having some casual meeting with her. Howard suggested that I visit each parent's home and simply take that as a chance to visit briefly with that parent and Mandy. Jessica agreed that would be fine. We also agreed that during my visit, each parent would raise with Mandy something about her other parent and give Mandy a chance to respond.

I also put to the parents the question of my contact with their parents (the grandparents). Given the many ways in which these grandparents are involved, (often quite constructively) in the lives of Mandy and her parents, it was agreed that I would meet with all four grandparents. Howard and Jessica shared that all their parents had recently commented happily that things seemed so much better in the family and for Mandy.

April 2 meeting with Howard and Mandy: As arranged, I visited Howard's home following his work on April 2, arriving a little after 4:00 p.m. As we had planned, Mandy was present, and she and her dad were playing an outdoor game of what Mandy called "hook ball." Howard introduced me to Mandy as "Charlie, the man I told you would be visiting us." The three of us visited both outside and inside; in all respects Harold's home appeared completely physically adequate (slightly cluttered but clean) to meet Mandy's needs.

Words can't describe what a delightful little girl this is. I said, "Hi, it's good to meet you. You're Mandy?"

Mandy replied, “No, I’m Amanda.” Howard looked slightly confused until, Mandy playfully said, “Just kidding, just kidding, I’m Mandy.” All three of us laughed, and I spent the rest of the visit pretending to be confused about Mandy’s real name—variously trying out Mandy, Amanda, Kristy, Carolyn, and Chelsea. Mandy laughed at all these and played along. Throughout my visit, Mandy showed herself to be close with and exceptionally affectionate toward her dad. At one point, she whispered something to her dad. Howard told her, “Sure you can ask him.” Whereupon Mandy asked me if I wanted some lemonade she’d made. We all had some.

Throughout my 45-minute visit, Mandy was just a complete joy. She played, talked, and related with Howard in all the ways one would hope a seven-year-old girl would with her dad.

As planned, Howard brought up Jessica, saying to Mandy, “You have good manners like Mom, don’t you? Is that why Mr. Asher got some lemonade?” Mandy said, “Yes,” and smiled a lot when Howard was speaking well of her mom. Howard explained that they’d be taking Mandy to her mom’s house later that night. At that point, Mandy said, “My parents talk to each other.” Mandy seemed overwhelmingly relieved and happy to share that there seems to be a new day between her parents.

Everything about my visit with Howard and Mandy was positive and reassuring.

April 3 meeting with Jessica and Mandy: As arranged, I met with Jessica and Mandy at Jessica’s home around 6:00 p.m. on April 3. This meeting was, like the one the day before with Howard and Mandy, wholly positive and reassuring. Jessica’s home was neat, clean, and by all appearances wholly adequate to meet Mandy’s needs.

Mandy, of course, remembered me and was just as engaging as she was the day before. Her relationship with her mom is clearly close and joyful. She played, talked, and related with her mom in all the ways one would hope a seven-year-old girl would with her mom.

About halfway through my visit, Jessica brought up Mandy's dad, complimenting how good he is at playing outdoor games. Mandy (quite endearingly) responded, "You're good at playing too. Daddy says you were the athlete when you were in school."

Throughout this visit, it was confirmed time and again that Mandy needs and enjoys a close relationship with both her parents. More important, it was obvious that she has hungered for her parents to have a respectful, predictable, cooperative, and courteous relationship.

April 9 meeting with Mandy's paternal grandparents: I spent about an hour before lunch April 9 with Howard's parents, John and Roxanne Anderson of La Porte. John and Roxanne have always been an important part of Mandy's life. They acknowledge that when, in their words, "things fell apart about two years ago," they "took sides" and abandoned their better sense about what Mandy and her family needed. They noted that this was odd in that they always loved Jessica and her family and even worked with all of them when Howard and Jessica separated in 2001.

They explained that their role (like that of Jessica's parents, Ken and Brenda Daley) has been greater than that of most other grandparents because of the extra financial and other help Howard and Jessica have both needed. They said that they are hopeful of returning to the friendly relationship they formerly had with Jessica and her parents.

It seems that John and Roxanne Anderson became swept up in the fear and contentiousness of the divorce between Howard and Jessica. They said that Howard had reviewed with them his chosen Commitments from www.UpToParents.org and that they were

excited to see this different way of helping Mandy's family to move forward. They acknowledged that many of the accusations against Jessica had been overblown and grounded in fear and unnecessary distrust on their part and Howard's.

John and Roxanne quite credibly say that they wish to "be part of the solution" and want to influence Howard and Jessica to work together for Mandy. I left them a copy of Howard and Jessica's Agreed Commitments from the website and explained that these were the Commitments *both* the parents had chosen. They volunteered to be ongoing voices to Howard and Jessica for goodwill and cooperation for the sake of Mandy.

I encouraged them to visit the "Parents Corner" link on www.UpToParents.org and to review all the short articles there with Howard (and, if things progress, with Jessica as well). I noted that there was even an article there about the helpful role of grandparents when divorce occurs.

John and Roxanne Anderson without question can be a terrific asset to restoring goodwill, good parenting, and good co-parenting to Mandy's life.

April 9 meeting with Mandy's maternal grandparents: Ken and Brenda Daley are quite obviously an additional important part of Mandy's life. From my hour-long meeting with them it is apparent that, like the Andersons, they wish the best for Mandy, including by supporting a better co-parenting relationship between Howard and Jessica.

The Daleys tell a story very similar to that shared by John and Roxanne Anderson: that the family (even through the initial years of the divorce between Howard and Jessica) worked together to create a peaceful and emotionally safe world for Mandy. Everyone was benefitted by that common goal, and the Daleys sincerely wish to return to that relationship. They speculated that it might be time for "someone to pick up the phone" and make peace between the two sets of

grandparents. They resolved they were going to do that and call me with the results. I asked if they would be open to one or two counseling sessions should their overture not succeed immediately, and they quickly responded that they would.

They shared that Jessica had shown them quite a bit of her website work. I gave them an extra copy of the “Agreed Commitments to Mandy” and explained that these represented the ones that both parents had chosen. The Daleys had seen these before and promised that they’d give them several readings and then discuss them with Jessica to see what help they can be.

They will also visit the articles on the “Parents Corner” of the website and discuss with Jessica the ideas there that they think can help Mandy and her family.

There is no question that all four grandparents can play a vital role in improving Mandy’s world, and I hope they will remain motivated to participate in the continued elevation of the goodwill and good interaction in Mandy’s family.

III: GAL EVALUATION AND RECOMMENDATIONS

I recommend the following.

1. That Howard and Jessica Anderson be referred either to a multi-session course for good co-parenting (possibly Parent as Partners at Lincoln Therapeutic Partnership in Mishawaka) or to 4-6 sessions of co-parenting counseling. In either case, the purpose would be to assist these caring parents in making good co-parenting a practice for the sake of their fragile daughter, Mandy.
2. That, if recommended by their counselor, their parents (Mandy’s grandparents) be allowed to participate in any counseling.
3. That either through counsel or through child-focused mediation, Howard and Jessica work out a new parenting time agreement that gives Mandy more time with each parent than that designated as the minimum in the Indiana Parenting Time Guidelines. Both parents have been operating under the misunderstanding that one of the must “have custody” and that the other must be relegated to what they’ve mistakenly called “standard parenting time,” namely one night a week and every other weekend. Both parents say they are happy to share parenting time more or less equally, and I recommend that each parent have at least 6 overnights in each 14-day cycle.

4. That both parents receive help from counsel and their counselor to understand and use joint legal custody. Both parents grasp that there would be many advantages to them—and certainly to Mandy—under a system where information is shared promptly by the parents, they seek each other’s opinions on major issues, they treat each other’s opinions as valuable, and they come to joint resolutions of the major issues in Mandy’s life. Both parents are capable of doing this, and they have intermittently succeeded at this in the past. Both should be helped by their counsel and their counselor to understand that decision-making on important matters should not turn on who has current access to Mandy or to the opportunity to make a decision. Both parents should sign forms at Mandy’s school requesting that duplicate copies of all report cards, notices, and other written communications to the parents be copied and sent to both parents.
5. That they be required to take any future issue to counseling or child-focused mediation before filing any nonemergency motion, and that every effort be made by the parents and all professionals to avoid any unnecessary future litigation in Mandy’s family.

There are many reasons to believe that Howard and Jessica can and will succeed in giving Mandy a safe and peaceful world to live her one and only childhood. They have seen how much she needs a good partnership between her parents, and how much they themselves will be benefitted by their making Mandy their focus, staying out of personal and legal combat, and using their best co-parenting skills to be a team for Mandy. They are already using better understandings of the true challenge before them:

- a. That success must mean that they work together, and not against each other.
- b. That their true challenges are much more personal, emotional, and parental rather than legal.
- c. That Mandy is in serious danger should they return to their conflict.
- d. That they can succeed only by supporting each other’s good relationship with Mandy.
- e. That using litigation would continue to drive them further apart and further from their goals of protecting Mandy and building a better future.
- f. That making decisions together via true joint legal custody will give concrete benefits to every member of the family.
- g. That they must ask their extended families to support this new way of relating as partners in protecting Mandy.
- h. That Mandy can derive huge protection even from simple steps like shielding her from conversations about difficult issues.
- i. That making Mandy’s interests paramount will be the best avenue to Howard’s and Jessica’s protection of their own best interests.
- j. That they are not required to divide parenting time with one of them seeing Mandy only one night a week and every other weekend.

Both Howard and Jessica are caring, loving, and animated parents. Their daughter's charm and happy disposition are testimony to their capacity to parent and co-parent well—and their willingness to do so if not derailed by unnecessary conflict. While I am encouraged and highly optimistic about Howard's and Jessica's commitment to improve their relationship as partners in giving Mandy a wonderful childhood, this pattern of cooperation is new and should be supported by participation in "Parents as Partners" at Lincoln Therapeutic Professionals, some other multi-session course for parents who have been involved in protracted conflict, or 4-6 sessions of co-parent counseling.

I'm happy to report that both parents have stated their complete willingness to participate in any of these courses of action.

I thank the Court and counsel for the chance to meet these loving and capable parents and, of course, their amazing daughter.

Respectfully submitted,

Kenneth M. Montague
[Address]
[Telephone number]
Attorney at Law

Certificate of Service

I sent by email and regular U.S. mail this 19th day of April 2008 a true and complete copy of the foregoing "Report of the Guardian ad Litem" to Howard Anderson, Jessica Anderson, and their counsel.

Kenneth M. Montague