

*From The Desk of
Cliff Roepke
17035 Calle Trevino #1
San Diego, CA 92127*

Terry Chucas
1762 Colombia Street
San Diego, CA 92101

1/9/08

Mr. Chucas:

This document was compiled per your request to describe the current parenting situation with Oliver. From our previous discussion, Michele has continued to interfere with my relationship with Oliver. She has defied the existing court order numerous times, placing a "wedge" between me and Oliver. Michele's actions have been in three areas:

- 1) Repeatedly calling Oliver on the telephone or receiving calls from Oliver, even though it is not in his best interest, and setting guidelines for Oliver to call her at various times of day, even though it is against the parenting plan.
- 2) Showing up at school without consent, and either taking Oliver out of school during my custody time or being present at school after school commencement to hinder Oliver from leaving with me.
- 3) Using Oliver's homework responsibility as a means to engage herself with Oliver on lengthy phone calls, taking over Oliver's obligation to do his own homework and class projects.

This behavior is tantamount to child abuse. I believe that the only remedy for this unacceptable behavior is to have a radical change of custody and to implement a fail-safe plan to ensure that these problems cease. Michele has completely disregarded the court orders and done her best to interfere with the father-son relationship. It is clear in Dr. Doyne's report that there is an unhealthy "enmeshment" that Michele has formed with Oliver; she is unwilling to let go of her grip of control, and by doing so, is hurting Oliver.

I am going to go through each subject one-by-one, so you have all of the facts, then make my suggestion.

Phone Calls:

I have attached a spreadsheet, made from notes taken in my tablet, entered whenever Michele has called Oliver during my custody time. I have also entered notes whenever Oliver has called Michele. During my last meeting with Dr. Miller, he asked me to keep notes on the phone calls, since the phone calls had gotten to a point of total frustration. These notes are as accurate as I could possibly make them. The times are not accurate to the minute, but they are my fairest assessment of the call, time of day, and duration. In the "who called" section "M-O" indicates a call made from Michele to Oliver and "O-M" indicates a call made from Oliver to Michele.

If you look at the spreadsheet, this quantity of calls is nothing out of the ordinary. This spreadsheet is merely a "window" for you to view what I have had to endure for years. Uncles, aunts, grandparents, and friends will attest to the fact that Michele has always behaved this way whenever Oliver was in my custody. This spreadsheet is a clinical data-minded view of the calls, so you can assess for yourself the quantity and nature of the calls and how they affect the father-son relationship.

Four calls per-day is common. The least amount of calls made per-day is three. In the ten days listed, where Oliver was in my custody, half of the days included five or more phone calls. On 12/29/07, there were a total of eight calls, approximating 30 minutes of air time. Twice, I had to intervene and simply tell Oliver that he needed to get off of the phone with his mother. Again, this quantity of phone calls is commonplace. I just took the time to document the behavior while enduring it as usual.

The court order clearly states that each parent is to have one phone call per-day. Michele has exceeded the specified amount by a factor of 30. I do not claim that we have to stay "hard-and-dry" about only one call per-day without any regard to situations and the need for parents and children to communicate; however

30-times the normal amount is not just excessive, it is detrimental to my relationship with Oliver. It has an affect on our personal time, often interrupting a conversation or activity that is uniquely our own.

Additionally, I strongly believe that Michele has purposely required Oliver to call her at least twice per-day, once in the morning and once at night. This is evidenced by comments that I hear from Oliver when he does not call as planned. Phrases such as, "I was about to call you," or "ok, ok, ok," or "I forgot." Even when Oliver is asleep on the sofa, and I wake him up to go to bed, he will call Michele before getting into bed.

Given all of this clear abuse of phone calls on Michele's part, I have called Oliver on a phone number that Michele has apparently setup for me to communicate with Oliver. Over the course of the week that Oliver was with Michele during the holiday period when I made this spreadsheet, I placed many calls and did not receive a response to any of my voice messages. In fact, since first installing the phone line, I have made about 25-30 phone calls, only to get Oliver's answering machine. Each time I have left a message for him to call, and each time I have not received a return phone call from Oliver. In fact, I have not had a phone conversation with Oliver while he has been in Michele's custody since installing the phone line.

On 11/13/07, I sent to Michele per your request. Here is the text of that document:

Michele:

I want you to be able to communicate with Oliver daily, to have contact with him while he is with me during custody time. We mutually agreed to one phone call per-day between 6:00PM and 6:30PM when the non-custodial parent at that time can communicate with Oliver.

It is not necessary to be totally committed to this rule, as if it has no exception. I can understand in some instances, you or I would need to communicate with Oliver regarding a number of important issues. However, numerous phone calls to Oliver's cell phone while he and I are together interferes with our daily routine. There have been instances when I have counted eight or more phone calls during the course of a day. Similarly, text messages are numerous and similar in regularity.

Conversely, over the last three weeks, I have called the 764-4463 number many times. In every instance, I have been greeted with Oliver's answering machine and have left a message with a request to call me back. These phone calls have been generally within the 6:00PM to 6:30PM timeframe. I have yet to speak with Oliver directly over the phone, and there has been no response from any of my messages.

We both mutually agreed to foster a positive relationship between Oliver and other parent. This includes a modest amount of effort and discipline between us both to maintain regular daily communication. It is in the spirit of mutual respect and Oliver's well being that I request the following:

Please keep Oliver's cell phone with you before dropping him off to school prior to the Friday exchange date, so that he can use the cell phone that I have provided him. The phone number for this cell phone is 858-213-4939. You are welcomed to call this phone number once per-day in the evening and send a daily text message. Other than emergencies or urgent matters, please limit the phone calls and text messages to one-per-day.

Please make whatever extra effort you can to promote daily phone communication between Oliver and me during your custody time. A simple reminder to either answer the phone or return messages will help cue Oliver to do the right thing.

It is important for Oliver to have regular and balanced contact with both parents. I appreciate your efforts in advance to attain this ultimate goal.

Michele responded to this fax soon afterwards. I have enclosed a copy of her fax.

In her response, Michele states, "As per use of phone calls nothing was mutually agreed upon, and I am not abusing any phone privileges, nor am I interfering in your time with Oliver."

This is absolutely false. Dr. Doyne's report clearly states that each parent should have only one phone call per-day with Oliver. Michele was also present during the 10/16/07 Order to Show Cause hearing, when Judge Foster made it crystal clear that Michele is to call Oliver only once per-day between 6:00PM and 6:30PM. The "Findings And Order After Hearing," filed with the court on 11/29/07, pertaining to this 10/16/07 Order to Show Cause hearing state, "When the minor child is with each respective parent, telephone calls with the non-custodial parent shall be limited to one per day."

Additionally, Michele's response suggests that she can not force her teenager to call his father, as if she has no control of her son. Part of being a responsible parent is to teach one's child to learn good manners and return phone messages. Her response is defiant in tone, generally stating that she does not need to put any effort into promoting the father-son relationship while Oliver is in her custody. Is that a healthy environment for a child? More importantly, Michele's attitude rubs off on Oliver and erodes our relationship.

Interfering With Custody Time

Michele was found guilty on two counts of contempt of court several years ago. She was actually charged with five instances, and several counts were dismissed under a technicality where my attorney did not list the actual charge under the count in his filed paperwork. One of these charges was an instance when Michele showed up at school during my custody time and snuck off with Oliver through a back exit from school. During our mediation sessions with Penny Angel-Levy, I made my grievance about other instances when Michele has shown up unannounced at school during my custody time, engaging herself with Oliver, and generally hindering the exchange process. Penny Angel-Levy's solution was to solidify an agreement where Michele is to refrain from being at school during exchanges after school or during my custody time.

On December 18th, I dropped off Oliver at school in the morning as usual. I then returned in the afternoon at 3:05 to pick him up. Looking around the school yard, I could not find Oliver. Catching one of Oliver's teachers, Mr. Erickson, I inquired if he had seen Oliver. Since Mr. Erickson supervises the intramural touch football event every Tuesday, I assumed he knew if Oliver were getting ready to play. Mr. Erickson advised me that Oliver had not been in school all day. I immediately went to the school office to see what had happened, since I was totally unaware that Oliver was absent from school. Several feet from arriving at the school office, I received a cell phone call from Michele.

In a curt, matter-of-fact tone, she exclaimed that Oliver was sick, and he was with her. Oliver was in my custody at the time, and she clearly disregarded the court order by taking Oliver from school without informing me or letting me, the custodial parent, take care of the situation. Additionally, Michele purposefully waited until the end of the day to inform me that she took Oliver from school. I told Michele that I would be picking up Oliver immediately.

When I arrived at Michele's to pick up Oliver, she would not come to the front door. Instead, Oliver answered, saying that he did not want to come with me. I explained to him that this is a topic that should be discussed between his mother and me, and that this was neither the place or time to have this discussion. I called for Michele, who was somewhere nearby inside the house, out-of-sight. I explained to her that she needed to cooperate. After a minute or two of waiting, I pulled out my cell phone to call my attorney. She must have seen this, since she exclaimed to Oliver that he should go.

As we were leaving the house, she exclaimed, "Don't let him hurt you."

This is clearly a suggestive false allegation of abuse, made specifically to create a false reality in Oliver's mind that I am an abusive, violent person, something that Dr. Doyne raises several times in his report. "Should the mother continue to interfere with the father's relationship with his son by continued false allegations of mistreatment, the court should consider changing primary custody to the father."

Once we were in my car and back at my apartment, Oliver and I resumed our normal custody time without any problems. I could see absolutely no signs of sickness. I brought him back to school the next day.

This situation was exacerbated shortly thereafter on December 20th. I arrived at school in the afternoon at about 3:15, while the children were still being picked up by their parents at curbside. I tried to call Oliver on his cell phone to let him know I was on my way: however, his cell phone number had been changed. I saw

Michele's car parked at the curbside pickup, and since the curb was full, I simply double-parked beside her car to make a quick exchange, since Oliver could possibly be with her.

Standing beside his mother, Oliver explained that he did not want to go with me. Michele did nothing, except to stand still with her arms crossed making a wry smile. It was obvious to me that Michele had prompted Oliver to be defiant against going with me, since her own posture carried a clear tone of defiance; and her presence at school, against her agreement to stay away, was cause for this unusual incident. I have had no previous difficulties picking up Oliver from school when Michele was not present. This was clearly another attempt to block Oliver from having a relationship with me.

I chose not to address Oliver, but rather Michele, and asked her why she was at school, when she had agreed to stay away from school while Oliver was in my custody. Instead of responding, she took Oliver with her to the car and got inside, locking all of the doors. With the windows rolled up, Michele looked ahead defiantly. I got into my car and placed a call on my cell phone to my attorney, much like I did the other day. Since I was double parked, Michele had nowhere to go, since two other cars were parked in front and behind her. Michele saw me on the phone and must have reconsidered her contemptuous behavior. Seconds later, Oliver appeared from her car and approached mine.

Again, once we were in my car and back at my apartment, Oliver and I resumed our normal custody time without any problems.

In review, two very uncomfortable instances occurred one after another. Prior to these instances, I have had no problems picking Oliver up from school, since Michele has stayed away. After-school time has included my watching Oliver play touch football on Tuesdays (which I find very enjoyable), his YMCA workout class, soccer practice, and Fridays for lunch at the local deli. For months, there have been continuous, problem-free, enjoyable exchanges, spent simply driving home or going about our business. Now that the parenting schedule has changed, Michele has appeared at school at various times to interfere. Michele has gone totally over the bounds of responsible parenting by creating these unhealthy situations on her own accord.

Again, is this the kind of environment best-suited for a child?

Homework and Over-Engaging in Oliver's Personal Obligations

Lately, some phone calls between Michele and Oliver have taken on a different direction. Several weeks ago, while Oliver was with me at the apartment. I went out to take a quick jog around our complex. When I returned in about ten minutes, Oliver was on the phone with his mother. As I got cleaned up, I could not help but overhear his conversation. While on the phone, Oliver was dictating to his mother. He was describing characters from a story and reciting descriptions as if he were dictating what he would be writing for a book report. After finishing the call in about a half hour, I asked Oliver what this was regarding. He said that he had a book report and it was due. My response was total amazement. Oliver has his own laptop at the apartment, and he uses it regularly for homework and other school assignments. He should have been typing, not dictating to his mother.

I told Oliver that if he had left something on his computer with Mom, he could easily have it emailed to his oliverjcool@yahoo.com account where he can receive it anywhere and finish it on his own. I also added that even if he couldn't send it for whatever reason, he shouldn't dictate to his mother to have her do the work. This was *his* work to do, not his mother's. I immediately called Michele and left a message, asking her to please send an email of the text so Oliver could finish it. I did not receive an email or a returned call. I could sense that Oliver felt implicated in this poor behavior, and I chose to let it drop. I did not want to put Oliver at blame for Michele's improper behavior.

The next day, I arranged a meeting with Oliver's teacher to find out what was going on with the report. Oliver's teacher could only meet several days later. When I met with her, I asked when the report was due, and she stated that it was already due. Oliver had delivered his report via his mother, who drove it down to school later in the morning on the day it was due. In short, the report was due the day after the evening when Oliver was dictating to his mother. Michele arrived with Oliver's report already typed out. The teacher assumed that Oliver had written it on his own.

This kind of activity has been increasing, with Oliver having lengthy phone calls with Michele regarding class projects. I have relayed my concerns on this issue to Dr. Miller. It is a fairly new issue, but something that I am extremely concerned about. Michele is going beyond the bounds of her parental responsibility in the matter of Oliver's school and personal obligations. This pre-teen period of time is very important for Oliver to learn self-reliance. From this point forward, school and other responsibilities will become more and more a part of his life. Because of Michele's unrelenting need to control and enmesh herself with Oliver, she has now over-engaged herself in Oliver's work. This is going to ruin Oliver if she keeps this up. How is Oliver going to become a responsible member of society if his mother is always interceding with his personal responsibilities and obligations? Oliver needs to learn how to perform on his own, and Michele is hindering this process.

Conclusion

If you were to take all of these instances into account, you would have to agree that Michele has created an unhealthy environment for Oliver. I believe that Michele's behavior is harmful to Oliver. I know that a complete change of custody would be difficult for Oliver and myself; however, a radical change would be a gigantic blow for Michele, and something she needs to experience in order to straighten-out. I do not state this with any spite towards Michele. I state this knowing that Michele needs to experience the serious consequences of her blatant disregard for established laws, agreements, and most importantly, Oliver's long-term health and well-being. Like a drug addict, Michele needs to "hit bottom."

I suggest changing the custody schedule to myself as the primary custodian, with Oliver in my sole custody. Michele is to have monitored exchanges and custody one weekend per-month. Michele must keep Oliver's cell phone with her, and I provide a cell phone for Oliver in its place. Michele is to have one monitored phone call, once a day with Oliver. Michele is to stay away from school at all times and to follow guidelines that ensure that she does not appear in regular places in her attempt to interfere with custody time. In the period of one year, Dr. Doyne and the court can review Michele's progress to modify the custody schedule as deemed necessary. If her behavior continues to persist, I suggest a change of legal custody to me as the sole legal custodian.

This is a difficult suggestion for me to make. I know that it would be hard for Oliver. However, Michele is out-of-control. The alternative of continuing with the status-quo is worse. With a serious adjustment, Michele could be a great mother. She has the greatest amount of love for Oliver; unfortunately, her love is expressed by actions that reveal truly anti-social behavior. As Oliver's counsel, we have to consider his best interest.

Regards,

Cliff Roepke

Date	Who Called	Time	Duration	Note
12/17/2007	Note	Note	Note	Dr Miller Appointment Suggesting Call Documentation
12/17/2007	O-M	3:00 PM	10	After School in Car
12/17/2007	M-O	8:00 PM	30	Long evening call
12/17/2007	M-O	8:00 PM	5	Second Call after long one
12/17/2007	O-M	9:30 PM	5	Bedtime "Yes, no, yes, no"
12/18/2007	Note	8:30 AM	Note	Michele took Oliver from school in AM and did not inform
12/18/2007	Note	4:00 PM	30 mins	Michele uncooperative at house "Don't let him hurt you."
12/18/2007	M-O	5:30 PM	3	"Yes, no, yes, no"
12/18/2007	M-O	6:50 PM	5	"ok, ok, ok, ok" no dialogue
12/18/2007	O-M	9:30 PM	5	Good night
12/19/2007	Note	3:00 PM	30	Michele at school interfering with custody
12/19/2007	O-M	7:00 PM	3	
12/19/2007	M-O	2:00 PM	3	Group of calls spanning approx 1 hr
12/19/2007	M-O	2:00 PM	3	Group of calls spanning approx 1 hr
12/19/2007	M-O	2:00 PM	20	Group of calls spanning approx 1 hr
12/19/2007	M-O	6:30 PM	5	
12/20/2007	O-M	7:00 AM	5	Morning
12/20/2007	M-O	2:00 PM	5	Afternoon
12/20/2007	M-O	5:00 PM	5	Late afternoon
12/20/2007	O-M	9:20 PM	5	Good night
12/21/2007	Note	8:30 AM		Michele P/U Oliver --starts her vacation time
12/22/2007	C-O	NA		Recording Session
12/23/2007	C-O	NA	Left Mess	Evening Call
12/24/2007	C-O	6:30 AM	Left Mess	Evening Call
12/25/2007	C-O	11:00 AM	Left Mess	Morning
12/25/2007	C-O	6:00 PM	Left Mess	Evening Call
12/26/2007	C-O	6:30 PM	Left Mess	Liddy's Birthday; 2 calls Family members each leaving messages at Red Robin
12/27/2007	C-O	8:00 PM		Travel Day

12/28/2007	M-O	9:30 AM	Text	Text Message	
12/28/2007	M-O	6:30 PM	5	Evening	
12/28/2007	M-O	6:40 PM	2	Evening	
12/29/2007	O-M	7:00 AM	5	Wakeup	
12/29/2007	M-O	9:45 AM	5	1	
12/29/2007	M-O	3:15 PM	5	2	
12/29/2007	M-O	7:00 PM	2	3	
12/29/2007	M-O	7:10 PM	2	4	
12/29/2007	M-O	7:15 PM	2	5	
12/29/2007	M-O	8:10 PM	5	6	
12/29/2007	M-O	8:15 PM	5	7 Had to tell Oliver to stop	
12/30/2007	M-O	7:00 AM	8	Wakeup O: "I was about to call you"	31
12/30/2007	O-M	8:15 PM	5	After Dinner	
12/30/2007	M-O	8:20 PM	5	After Dinner	
12/31/2007	M-O	7:00 AM	10	"Yes, no, yes, no"	
12/31/2007	M-O	4:30 PM	5	Afternoon	
1/1/2008	M-O	8:45 AM	5	Wakeup O: "Nothing"	
1/1/2008	M-O	10:30 AM	5	Late morning	
1/1/2008	M-O	2:00 PM	3	Afternoon	
1/1/2008	M-O	6:45 PM	30	Mom giving answers Social Studies	
1/2/2008	O-M	7:00 AM	5	Ride to school	
1/2/2008	O-M	3:00 PM	5	Ride back from school	
1/2/2008	O-M	4:30 PM	30	After shool very long--told Oliver he needs to get off the phone	

Attention: Michele
Regarding: Phone Calls
Date: 5/16/08

Cliff Roepke
Correspondence:
63 Bovet Road #234
San Mateo, CA 94402
cliff@r@sightandsounds.com
VOX: 650.697.7081
FAX: 650.697.7089

Michele:

I received notice from Dr. Miller that you were not going to continue your sessions with him, Oliver, and yourself. That is very unfortunate, since it could help Oliver to ensure that issues are confronted and dealt with as he continues his relationship with his two parents.

Much of the process on my end with Dr. Miller has been to try to find a way to cease the constant phone calls from you to him while he and I are spending custody time together. This has been an ongoing frustration since first starting with Dr. Miller at the beginning of the school year. Now that we are nearing the end of the school year, the situation is still unchanged, with four to eight phone calls per-day, sometimes more. This invades Oliver's time with me as a father-son relationship. I normally wouldn't mind a phone call or two over-and-above the court-mandated single call, but the quantity of phone calls has been totally unreasonable.

I don't know why you should be compelled to call so many times, but it is something that needs to be addressed. For example, your phone call this morning lasted about 10 minutes, and during that time, Oliver dropped his mice cage, scattering everything on the floor, including the mice. He was *preoccupied*. His attention was elsewhere, other than with the mice, other than the here-and-now, other than being engaged as he normally is with his other parent. Multiply this several times over, and you get a picture of what it is like to have to deal with these constant interruptions and diversions multiple times per day.

Oliver and I are meeting with Dr. Miller this week, and during this meeting we are going to work on Oliver's handing his phone over to me. The incessant phone calls and disregard for the agreed-to limit of phone calls forces me to take action as a parent. I have purchased a supply of padded mailer envelopes that will fit an iPhone. If the phone calls continue as they are without any regard to reasonable limitation, I will send the phone back to you in the mailer.

I know Oliver likes his phone very much, and it is a very nice device, but your constant phone calls make the device an agent of division between Oliver and myself. The choice is yours. If you feel that Oliver should have the device and decide to be more discretionary in your phone calls, there will be no need to send the phone back to you. Certainly, I don't want to have to send the phone back; I think that Oliver is much better off with it, but if it is being abused, then it has no place in our household.

Per Dr. Miller's request, I am sending a copy of this transmission to him, along with Terry Chucas.

Regards,

Cliff

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Nov. 13, 2007

Clifford,

I received your fax tonight, 11/13/07 regarding phone calls. I got a phone line installed in Oliver's room just for Oliver. He may call you as much as he likes and receive phone calls from you as often as you wish to call, I do not feel phone calls from you are in any way interfering with my relationship with Oliver, in fact I think it is good that you finally want to talk to Oliver. If Oliver does not call you or wish to take your calls that is something you need to take up with Oliver, the phone is in his room. I can not force a teenager to talk on the phone. As per use of phone calls nothing was mutually agreed upon, and I am not abusing any phone privileges, nor am I interfering in your time with Oliver by a nightly phone call. I will not take Oliver's cell phone from him and I suggest that you do not either, it is part of the court order as per Penny Angel-Levy, that Oliver may call either parent whenever he wishes and it specifically states that you are not to touch his cell phone. I do not understand why you fight with Oliver so much on such trivial matters, especially when you are trying to build a relationship with him that is very strained. My suggestion to you is perhaps you should concentrate on some positive matters to build a better relationship instead of being so negative.

Furthermore I do not believe the new visitation arrangements are working out at all. Oliver is very upset with this situation and is not doing well in school because of it. My suggestion to you is that we return to the visitation schedule we have had, or leave it up to Oliver as to what he would like.

I look forward to your anticipated cooperation in this matter.

Thank you,
Michele

cc:

Terrance Chucas
Chris Miller