

*From The Desk of
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10/24/08

Mr. Chucas:

The last letter that I sent was in January this year. Much of it is still pertinent, so you may want to review it as well. With this letter, let's look at the overall custody history, then I will give you my suggestion for child sharing.

I had put my foot down a month or so prior to the original divorce filing in 2002, and made an appointment with Greg Alford to file for divorce. On the way down from doing work in Northern California, Michele beat me to the courthouse and filed for divorce. I understand that this all moot in the eyes of the court, since it doesn't matter who is petitioner or respondent in our state. My point is that I had made the decision to divorce my wife because of the controls and conditions she was placing on my relationship with my son, Oliver. Previous to the divorce, during our lengthy separation, I wanted to try every option possible to avoid inevitable divorce for my son's sake. This included Michele's rules about when I could visit her home and spend time with Oliver. When Michele suggested that we move back in together, I thought that my efforts to "stick it out" had paid off. Unfortunately, instead of having more access to Oliver under the same roof with our move-in together, Michele's restrictions became more pronounced, mainly dates and times that I wasn't allowed in my own home. The two conditions that I made to Michele prior to moving back in together were firstly, that this was my home, and I would have access to it and to my son, no exceptions. Secondly, Michele would have to make the move with no ulterior motives—she would have to be committed to making a better life for our son in a two-parent household, even though there may not be any love between Michele and myself as a couple. Once Michele started to make conditions about when I could come and stay in my own home, I knew that Michele had no intention of giving up her firm grip of control. I felt that I would have a better, more regular, and healthier relationship with my son with the official divorce proceedings and associated court-mandated visitation, rather than the flaky state of separation where Michele was controlling access to my son.

At the beginning of the divorce proceedings in 2002, Michele and I went to Family Court Services for mediation. Michele was adamant about her claim that Oliver and I had little time together as father/son. She claimed that there was not enough exposure time between Oliver and me, and that I would have to put in some limited parenting time before any parenting time could increase. I didn't agree with this, and made the argument that I did indeed have plenty of time with Oliver, it was just spent within Michele's control, with her making decisions about when and where I could see my son.

The result of the mediation session sided much with Michele, where the mediator was concerned with the amount of time that Oliver and I spent together to grant the equal time share I was seeking. The eventual court order set custody time for Oliver to spend Wednesday after school through the weekend, ending on Monday morning drop off at school, once-a-month, with me. The rest of the time, Oliver was to be with Michele, with the exception of Summer, which was split 50/50. In short, I would have to prove myself worthy of parenthood in order to gain more custody time with Oliver. Instead of looking at the situation as though I had been victimized, I decided to take a longer-range approach to the situation. Since there was little I could do to change the court order regarding custody time, I could focus on being a good father and spend whatever limited time I had to spend, developing our own unique relationship, separate and distinct from Michele. Over time, I would build the experience that the court was looking for and eventually apply for greater parenting time. My realistic goal was to get more parenting time with Oliver, and I didn't expect that a 50/50 time share would be likely, since Michele would always resist my having equal time.

Moving ahead several years, when Dr. Doyne compiled his report, Michele went out of her way to smear my character and to create lies and distortions about my behavior. She made claims of violence, had Oliver write false stories in school to make it look like I hit his mom, hurt him, broke things, etc. It was only through Dr.

Doyne's analysis, along with his time spent with Oliver and me together, that the truth started to show: I wasn't the violent, irrational, and scary person Michele claimed. Most importantly, Dr. Doyne concluded that Oliver and I had built a history between ourselves; Oliver wasn't afraid of me, and Oliver could live a healthier life with more equally shared time between his two parents. In his report, Dr. Doyne suggested a tiered approach, where Oliver and I would spend the same Wednesday through-the-weekend-to-Monday schedule that had been in existence since the first court order mandating custody time enforced at the beginning, but instead of once a month, this schedule would alternate every two weeks. If this time increase worked, then subsequent time increases would follow, ending with an eventual equal time share.

Michele did not like this at all. Unfortunately, instead of looking at the situation from a rational point-of-view, where Michele had the choice to be a better parent and see that Oliver's father has a role in her son's life, Michele has behaved selfishly and maliciously, making every effort to interfere with the relationship and erode any positive bond between father and son. The result is that I now have 50/50 time share on a week-on, week-off basis. Dr. Doyne made it very clear in his report that if any continued false allegations of abuse should result in a change of custody.

In a short synopsis, over the course of approximately one year, Michele has taken Oliver without permission several times, even though it was clearly not her custody time; she has lodged several false claims of abuse; she has filed twice for restraining orders, based on these false claims; she has involved the police; she has involved Oliver's school in false accusations of violence and abuse; she has refused to attend counseling sessions with Dr. Miller; she has also continually interfered by calling or receiving calls with Oliver many times per-day. This latest incident with the Sheriff's department is the pinnacle of her selfish actions. I have enclosed a copy of my recent declaration from yesterday's (10/23/08) ex-parte hearing. She is now conspiring with Oliver to make false claims for Michele's own selfish motives.

The bottom line is that Michele has gone off the rails. There is no other way to put it. She has proven that she is an unfit parent. Her behavior is hurting Oliver.

Look at the entire timeline regarding custody. Family Court Services suggested the first custody arrangement of Wednesday through the weekend to Monday morning, once a month, for custody time between Oliver and myself. This decision was based on the supposed limited time that I had with Oliver and my inexperience as father in a separate one-to-one relationship with father/son. Time goes by, and this relationship is strengthened by good, responsible parenting. Parenting time was changed to 50/50 because I proved that I could be a good parent, Oliver needs a father figure in his life, and I was capable of providing good parenting. On the other hand, Michele has done the opposite. She has gotten worse in her attempts to interfere and to destroy the father/son relationship, proving that she has become unqualified in her role as parent.

My suggestion is to follow the pattern of timeshare and follow the guidelines set from the start. The parent with little credibility should have limited exposure to Oliver until that parent can prove worthiness as a parent to gain parenting time. In this case, the custody time involves Wednesday after school through the weekend. I think this is a very good correlation, since it sets a standard and refers back to the very beginning of the custody arrangement. Since Michele needs to learn that her behavior has a direct effect on her custody time with Oliver, we have a standard already in place, which is that she would have Oliver after school on Wednesday through the weekend, dropping him off at school Monday morning, when I would pick him up after school.

This reversed situation would clearly say, "In 2002, Michele, you had Oliver for most of the time because of your credibility as a parent. Cliff, you had Oliver for limited time because of your credibility as a parent. In 2008, Michele, you have Oliver limited time because of your credibility as a parent. Cliff, you have Oliver for most of the time because of your credibility as a parent."

There would be no way of mistaking the polar reversal of the situation. By emphasizing the point that Michele would have to prove herself worthy, just as I have had to prove myself worthy, would be the only way for her to regain custody time with Oliver. Since the custody time would be a polar reversal, there could be no claim made that this is too severe, since it already applied to one parent already. This would also provide a double benefit of being a fair negative result from Michele's irresponsible parenting, being that

weight from a larger authority Michele desperately needs to waken her from her anti-social behavior, but also provide the needed incentive and clear pathway to steer her towards responsible parenting behavior. I think if Michele had to spend a year with this new reversed schedule, she would quickly understand that her behavior has been unhealthy and improper. Additionally, since she is a very motivated individual, she has the capacity to accomplish personal goals, and this arrangement would provide an incentive to regain custody time through a changed attitude of responsible and supportive behavior.

I want to stress that it is not my intention to take time away from Michele and simply get more time for myself with Oliver. Frankly, I would prefer a 50/50 time share. However, since the situation has gotten so severe, I am willing to take on the challenge—believe me, it will be a challenge. I have no doubts that a severe change of custody will affect my business and daily life. This is the reality of the situation, and I am prepared to meet that challenge for the sake of my son. I always want what is best for my son, and I am willing to do whatever it takes to provide him with the healthiest environment possible.

Regards,

Cliff Roepke