

Family Court Services

Child Custody Recommending Counseling Report

Case Name:	LOCKETT, DEVIN/ KEO, CHEA			Case #:	FAMSS1508662		
Hearing Date:	11/14/2023	Dept:	S44	Session Date:	10/20/2023		
Reason for Referral:	RFO: Father filed to modify custody and visitation.						
Current Plan/Orders:	The parents have joint legal & physical custody. Mother has the child Sunday to Thursday. Father has the child Thursday to Sunday.						
Type of Agreement:	Full ☐	Temporary ☐	Partial ☒	None ☐			
Other:							
Areas of Dispute:	Legal Custody ☒	Share Plan ☐	Vacation ☐	Co-Parenting ☐			
	Physical Custody ☒	Holidays ☐	Other ☐				
Current Children and Family Services (CFS) Involvement:					Yes ☐	No ☒	
Separate Interviews Conducted:					Yes ☐	No ☒	
Interpreter Required:					Yes ☐	No ☒	
Interpreter Name:							
Interview Type:	In-Person ☒		Telephonic ☐		Videoconference ☐		
	Mother ☒	Father ☒	Mother ☐	Father ☐	Mother ☐	Father ☐	
Orientation Attendance:	Mother ☒ Father ☒						
Collateral Contacts:	CFS ☐	Therapist ☐	Law Enforcement ☐	Other ☐			
Children Interviewed:	Yes ☒	No ☐	Date: 10/23/2023				
Allegations against Mother:	Domestic Violence ☐		Substance Abuse ☐ Alcohol ☐ Drugs ☐		Child Abuse ☐ Physical ☐ Sexual ☐ Emotional ☐ Neglect ☐		
	Mental Health ☐		Criminal History ☐		School Issues ☐		
	Special Needs ☐		Co-Parenting Conflicts ☒		Other ☐		
Allegations against Father:	Domestic Violence ☐		Substance Abuse ☐ Alcohol ☐ Drugs ☐		Child Abuse ☐ Physical ☐ Sexual ☐ Emotional ☐ Neglect ☐		
	Mental Health ☐		Criminal History ☐		School Issues ☐		
	Special Needs ☐		Co-Parenting Conflicts ☒		Other ☐		
Paul Maldonado, LCSW Child Custody Recommending Counselor							
Date:			11/3/2023				

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Demographics:

The parents lived together from 2006 until 2013. The father resides in a 2-bedroom apartment in Upland. He works a hybrid schedule from home and his office in Upland from Monday to Friday at the hours of 8am to 5pm. The mother lives in a 2-bedroom apartment in Upland. She works remotely from Monday to Friday at the hours of 8am to 5pm.

Collateral Summary:

San Bernardino County Child and Family Services (CFS):

A request for records was submitted to the DCFS liaison to inquire regarding any past or currently open referrals. The family history is as follows:

- 10/10/23: General Neglect (by the parents) and Sexual Abuse (by the mother): to Kai remains open.
- 10/06/23: Physical Abuse (by the father) and Sexual Abuse (by the mother): to Kai remains open.
- 02/14/22: Physical Abuse (by the father) and Emotional Abuse (by the mother): to Kai were Inconclusive for PA and Unfounded for EA.
- 03/24/20: Physical Abuse: to Kai by the father was Inconclusive.

Child/ren's Interview:

Kai was interviewed on 10/23/2023. He was brought to FCS by his mother. He reported attending Upland High School as a junior. His favorite class is consumer math and his closest friend is Nathaniel.

Kai requested to have a brief interview, he expressed that he felt nervous to be away from his parents. During his interview Kai discussed his routine and relationship with each of his parents.

He discussed seeing his mother Monday to Thursday. He starts his day by going to school and then coming home to do homework.

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1 He stated that his mother cooks for him daily and does not often discipline him. He denied
2 having chores at his mother's residence.

3 He discussed seeing his father on "the
4 weekends". His favorite part about being with his father is the food that he said was "really
5 good". At his father's residence he reported having chores of taking out the trash and
6 cleaning dishes. He has an Xbox and a cat at the father's residence that he really enjoys.

7 Kai expressed that he is happy with the
8 routine and could not imagine how to make improvements. He reported that both of his
9 parents take him to his doctor appointments and attend his school meetings. He denied
10 having worries in either home. He requested to conclude the interview and had no further
11 statements.

12 **Comments/ Concerns:**

The matter was brought to the court by the
13 father who requested to modify the custody and visitation. On 10/20/23 the parents met
14 with the undersigned conjointly to review the request for order. At the conclusion of their
15 appointment they were able to reach an agreement of the parenting plan but remained in
16 dispute of the legal & physical custody. The father requested to have sole legal and
17 physical custody. The mother requested to maintain joint legal and physical custody.

18 The father correlated his requests to co-
19 parenting conflicts and safety concerns. He discussed that their son was born with Autism
20 and for the some time now the parents have disputed on the life decisions for their child.
21 The father expressed that he has dedicated years to structuring his neuro feedback
22 treatment feedback routine to cure their son. For some time now he and the mother have
23 come to disagreements regarding decisions to address his autism. The father feels that
24 the mother's decisions have been based on keeping their son dependent. He labeled her
25 decisions to be associated with "munchausen", a term that defines behavior of falsifying
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The father also accused the mother of poisoning their son and sexually abusing him. He reported taking their son to the emergency room where it was identified that his mercury levels were higher than normal. He reported that the emergency doctors solely recommended dietary changes to reduce the mercury levels. The father then administered some home tests to assess their son's mercury levels and says they are still elevated. He feels that the mother is causing this. The father reported previously being informed by their son that the mother had sexual intercourse with him in 2021. He stated that it occurred during the child's confirmation ceremony and was done to corrupt his character. The matter was reported to the District Attorney, Upland Police, and CFS. The District Attorney dropped their case and the father feels that CFS did not thoroughly conduct their investigation. He feels that it is necessary that the court grants him sole legal and physical custody to protect the safety and his best interests.

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Responding to the father's safety concerns, she reported that the father electively took their son to the emergency room without her one day. Upon learning that Kai's mercury levels were elevated she collaborated with the father and requested additional testing from his primary care physician. She reported that the child was solely recommended to decrease in his intake of foods carrying mercury. Regarding the allegations of sexual abuse, she denied the accusations, and reported cooperating with the investigations of all third parties. Previously she and the father have shared custody and not had problems. She acknowledged that their son wants both of them to be in his life. She requested to maintain joint legal and physical custody.

Based on the information provided it appears that maintaining joint legal and physical custody would be in the best interest of the child. Historically the parents have shared legal and physical custody. Kai reported that both of his parents have an established routine and participate in his appointments. He expressed that his wishes were to maintain the routine they are exercising.

The father presented safety concerns that do not appear to be impacting the well-being of the child at this time. He alleged that the mother is poisoning their son with mercury and that she previously had sex with Kai. Assessing the matter of the mercury poisoning, the parents reported taking their son to the emergency room and primary physician. They have followed the medical recommendations. To further address the matter they agreed to return to the primary physician in the next 30 days to review the child's mercury levels.

Regarding the matters of child abuse, the father alleged that the mother had sex with their son in 2021. CFS reports show that the

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allegation was presented in their referral of 2/14/2022. The allegation was unfounded after the parents and child were interviewed. The father also reported filing a case with the district attorney who did not take the case to court. Based on the CFS findings and the family members responses there do not appear to be any safety concerns that warrant a change in the custody at this time.

The following recommendations are respectfully submitted for the court's consideration.

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PM/pm

cc: Parties

Attachments: Recommendations and Agreement

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Recommendations:

1. The parents shall maintain joint legal custody of the child:
 - a. The parents shall share in the responsibility to make decisions regarding the health, education, and welfare of the child.
 - b. The parents shall discuss and consent in making decisions on the following matters:
 - i. Major decisions regarding education and day care providers, including enrollment or termination in attendance from school or day care.
 - ii. Non-emergency medical treatment, including selection of doctors, dentists, or other health care professionals.
 - iii. Participation in religious activities or training.
 - iv. Participation in extracurricular activities.
 - v. Participation in psychiatric/psychological or other mental health counseling or therapy.
 - c. Each parent shall be allowed to obtain emergency medical care for the child. Each parent shall notify the other parent as soon as reasonably possible of any emergency or medical treatment.
2. The parents shall maintain joint physical custody.

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Agreement:

1. The parents shall maintain the parenting plan as follows.
 - a. The mother shall have the child from Sunday at 3pm to Thursday at 3pm.
 - b. The father shall have the child from Thursday at 3pm to Sunday at 3pm.
2. The parents will schedule the child to be evaluated by his primary physician within the next 30 days to further assess the matter of his mercury levels.
3. Neither parents shall make disparaging comments of one and other nor allow others to do so in the presence of the child.
4. The child's participation in neuro feedback shall occur between the hours of 3:30pm to 6pm from Monday to Saturday.