

1 suspect that I'm going to ask you some questions.

2 And I may or may not see if Dr. Warshak (sic)
3 needs to ask you questions or I may need to ask him
4 some questions.

5 When I'm doing --

6 MS. CECONI: Dr. Worenklein, do you mean,
7 Judge?

8 THE COURT: I'm sorry. I said -- I meant to
9 say Dr. Worenklein. I apologize.

10 After that, I expect that either Dr. Ionescu,
11 Ms. Marshall, Dr. Alexianu, and even perhaps Dr.
12 Worenklein may want to ask questions.

13 So I'm thinking that I'm going first. I am
14 thinking that perhaps Ms. Ceconi would go next. Then
15 possibly followed by Dr. Ionescu. And then Ms.
16 Marshall. And that seems to be a batting order that
17 probably would work.

18 I'm not anticipating this is going to be an
19 all-day event. I'm sure hoping it's not going to be an
20 all-day event. Because I'm not -- I'm not -- well,
21 whatever.

22 So far any problems with where we are? Do
23 you have any problem with that?

24 THE WITNESS: No, sir.

25 THE COURT: Okay. Dr. Ionescu?

Warshak - Questions/Court

1 DR. IONESCU: No, your Honor.

2 THE COURT: Ms. Marshall?

3 MS. MARSHALL: No, sir.

4 THE COURT: Ms. Ceconi?

5 MS. CECONI: No, your Honor.

6 THE COURT: Dr. Worenklein?

7 DR. WORENKLEIN: Absolutely not.

8 THE COURT: Okay. So let me begin, if I
9 might.

10 QUESTIONS BY THE COURT:

11 Q I'm not -- I'm not clear whether you, Dr.
12 Warshak, live in Dallas or California or -- or where?
13 What state?

14 A I live in Texas, your Honor.

15 Q You live in Texas.

16 A In Dallas.

17 Q Okay. I was wondering -- and the program is
18 in California, correct?

19 A That's -- that's the location we most often
20 conduct the workshop, yes.

21 Q Okay. So I was wondering if you live in
22 Texas and you have your program in California, why you
23 would vacation in New Jersey. If you are -- you are
24 vacationing, right?

25 A Well, it's a combination of vacation and --

1 Q Okay.

2 A -- my 90-year-old mother lives in New Jersey. And
3 so it's my pleasure to spend as much time with her as I
4 can. And I have a large extended family that also live
5 in New Jersey or in Manhattan or Brooklyn.

6 Q That's wonderful. That means potentially if
7 we have a need for accessing you in the future, that
8 would hopefully mean that you might be available?

9 A That's correct.

10 Q Okay. I wanted to start with humor, and it
11 has not -- has not worked out to the way I had
12 suggested. So let me move on.

13 I came across the word humbition in two of
14 your articles. I don't know that you coined that word.
15 Did you coin that word?

16 A No, I didn't. It was coined by a Princeton
17 University professor, Walter Kaufman (phonetic).

18 Q Some others think it was coined by an
19 executive at IBM, but you like that word?

20 A Yes, I do.

21 Q Okay. I think I know what it means, but
22 perhaps you would elucidate. But let me see.
23 Humbition is a mixture of humility and ambition that
24 drives successful leaders; it's an antidote to hubris.
25 Was that a fair definition?

1 A I think so, yes, your Honor.

2 Q Okay. Your -- you are the director of or the
3 inventor of -- what's the better word for your
4 relationship with the program known as Family Bridges?

5 A I'm one of the team leaders who conducts the
6 Family Bridges workshop. I guess I would say one of
7 the senior team -- team leaders. I did not create the
8 program, but I've contributed extensively to revising
9 the program.

10 Q Who did create it? I'm curious.

11 A Dr. Randy Rand (phonetic).

12 Q Okay. And you should know Dr. Randy Rand did
13 testify in a limited capacity here when we needed some
14 information.

15 So let me -- let me now -- not knowing what
16 you know. Let me give you my brief analysis of where
17 you are and where you might be able to help us.

18 In this case -- I will call it a case because
19 that is exactly what it is. This judge is asked to
20 make a determination as to whether or not I should send
21 this family to the program that you know as Family
22 Bridges. Mother is the disfavored parent. Father is
23 the favored parent.

24 The children are Alex and Anna. And Alex was
25 born April 23, 1997. Anna is born September 16, 1998.

1 And if you need a pad to take notes or you
2 need a pen, I have no problem. Do you need any --

3 A I have. Thank you, your Honor.

4 Q Okay. I would -- I would say that I believe
5 there is a combination of alienation and estrangement.
6 And I'm using the definitions as they have been used in
7 the literature. And I am really not as familiar with
8 the literature as both you, and I suspect, Dr.
9 Worenklein are.

10 But there is a charge with a continuum on it.
11 I think I was Dr. Ward (phonetic) might have had that
12 chart, but I'm not -- not positive. But that -- that
13 seems to lay out -- do you agree that that is -- it was
14 Joan Kelly and Janet Johnston(phonetic). There is that
15 type of concept.

16 A Yes. I'm familiar with the concept.

17 Q Okay. So I'm not -- I don't care whether it
18 is a syndrome or not or what DSM-IV or V calls it, or
19 where we are. I'm asked to solve a problem for these
20 children and this family.

21 Mom believes that the family could benefit
22 from your program. And she is seeking to normalize the
23 relationship of the children with her family -- with
24 her. And I also believe from everything I've read and
25 understand that relationship with father is not normal

1 either, given the dynamics of what I've heard, he being
2 the favored parent.

3 I have previously -- and the family has gone
4 to Overcoming Barriers. That's a program I'm sure
5 you're familiar with.

6 A Yes. Yes, I am.

7 Q For reasons that perhaps are disputed and are
8 of no moment to where we are at this second, the
9 program was not successful and the children came back
10 not -- not motivated, at least -- at least as of today.
11 That occurred a year ago. And, indeed, there was some
12 discussion and Dr. Sullivan testified -- I'm sure
13 that's a name you might be familiar with?

14 A Yes, sir. I am.

15 Q As to what should have occurred after a
16 family -- after Overcoming Barriers. And there -- we
17 could debate the parties could disagree as to what
18 transpired afterwards. But everyone is in agreement
19 that the problem was not ameliorated.

20 I appointed a guardian ad litem for these
21 children, Ms. Marshall, who conducted her
22 investigation.

23 I appointed a court-appointed expert, Dr.
24 Worenklein, who is on the phone, who had done a
25 complete forensic evaluation and rendered a report and

1 testified here. Dr. Worenklein testified here.

2 Father's expert Dr. Willock (phonetic)
3 testified here.

4 The guardian ad litem testified here.

5 The mother's expert, Dr. Sharon Ryan
6 Montgomery, did not testify here. And while her report
7 was made available to Dr. Worenklein and to Dr.
8 Willock, it has not been placed in evidence nor have I
9 read it. But parts of it have been testified to.

10 I will also tell you that the father is
11 undergoing therapy with his personal therapist.

12 Mother is undergoing therapy with her
13 personal therapist. And that started as a family
14 therapy. And for a lot of reasons, morphed into her
15 personal therapist. And some of that dynamic played
16 poorly from the eyes of the children.

17 Notwithstanding that, she is -- and Dr.
18 Ionescu are still involved in their own therapy.

19 The children have undertaken a course of
20 therapy.

21 Alex, the son, is continuing in his therapy
22 and actually seems to like it.

23 Anna, I would say, had an adverse reaction to
24 her therapist. And her therapist and she entered into
25 a contract, which was we'll do 12 sessions, if you

1 don't like it, you don't have to come anymore. On the
2 12th session, the child said, this is 12, we're done.
3 And that therapist determined she had to honor the
4 contract. But she will be undertaking therapy,
5 hopefully, in the near future.

6 I say this because part of your research
7 indicates that sometimes therapy is contraindicated.
8 And we're going to maybe speak on that or not.

9 And we are going to find a therapist. And
10 Anna will be required to go to therapy because I'm
11 going to order that, among other things. So far that's
12 what I think I'm going to do.

13 And just recently as a component for this
14 Court to try and help ameliorate the situation, I
15 entered an order requiring the parties to go to what I
16 call family therapy together, with a therapist who has
17 a good reputation. And I don't believe that therapy
18 has started yet. But it is hopeful that it will start
19 in the immediate future.

20 That being said. Dr. Ionescu resists and has
21 objections to this Court ordering the family to go to
22 Family Bridges.

23 Dr. Alexianu insists and has advocated that
24 it is, if not the only solution, one of the only viable
25 solutions to help repair the relationship that she

1 feels she has with her children, which is impeded.

2 And to that end, I'm going to ask you some
3 questions about the program and whether this family --
4 whether this program has a probability of helping this
5 family.

6 And, finally, I will tell you one of my
7 concerns. I've every reason to believe the four or
8 five days of the program could be salutary. The
9 problem is the aftercare back in New Jersey, which for
10 me -- I've said this before and I will say it again --
11 is problematic.

12 Because my understanding is that the program
13 will require sole physical and legal custody of these
14 children to their mother and will require further no
15 contact between the children and their father, the
16 favored parent, for not less than 60 days, maybe 30,
17 possibly 90. And that's problematic.

18 Now let me stop there.

19 THE COURT: Ms. Marshall, have I said
20 anything that you think has misrepresented where we are
21 in this case at this moment?

22 MS. MARSHALL: No, your Honor.

23 THE COURT: Thank you.

24 Dr. Ionescu, have I said anything which you
25 think has misrepresented where we are in this case at

1 this moment?

2 DR. IONESCU: No, your Honor.

3 THE COURT: Ms. Ceconi, have I said anything
4 that you think has misstated where we are at this
5 moment in this case?

6 MS. CECONI: No, your Honor.

7 THE COURT: Okay. Dr. Worenklein, do you
8 think I have misstated anything of significance that
9 affects whatever I'm going to ask Dr. Warshak?

10 DR. WORENKLEIN: No, I don't.

11 THE COURT: Okay.

12 Q Dr. Worenklein has opined that the children
13 could benefit from the program, but there is not a
14 clear concept as to the aftercare. And I guess that's
15 because we can't prognosticate what's going to happen
16 in the program in California, if they should go.

17 Ms. Marshall has opined that the children
18 should not go to the program, and the reasons,
19 therefore, is that she sees life through the prism of
20 the children and they are so entrenched that she
21 believes based on her conversations with the children's
22 therapists that these children can, A, out-wait any
23 program at this time; and, B, if they come back and are
24 not able to contact their favored parent at any time,
25 according to what she has heard from the therapist to

1 the children -- albeit one of them only had 12 sessions
2 -- this could send them into clinical depression and
3 they may not comply, in any event, and possibly other
4 more serious consequences.

5 THE COURT: Ms. Marshall, have I represented
6 anything so far that -- as added?

7 MS. MARSHALL: No.

8 THE COURT: Dr. Ionescu?

9 DR. IONESCU: No, your Honor.

10 THE COURT: Ms. Ceconi?

11 MS. CECONI: No, your Honor.

12 THE COURT: Okay.

13 Q Do you have any questions about anything I've
14 said, Dr. Warshak?

15 A No. I understand what you've said. I have some
16 comments.

17 Q Okay. I just wanted to know if I've been
18 clear and so I can present the dilemma to you and then
19 I could ask you a couple of questions. Do you need
20 anymore information before I start to pepper a question
21 or two at you?

22 A No, your Honor, with the understanding, though,
23 that I'll be speaking in more general terms, since I
24 haven't evaluated this family.

25 Q Okay. Well, that was actually my first

1 question. Do you know whether or not this family would
2 qualify for your program?

3 A Well, yes, I do.

4 Q And would they?

5 A And -- and my understanding is that they would
6 because there's been an intake process with Family
7 Bridges, not with me personally though. And my
8 understanding is that -- that pending the -- the
9 outcome of the case, that Family Bridges would be
10 offered to the family.

11 Q Okay. The next question I have is about cost
12 factors. Could you tell me the cost of the program for
13 this family?

14 A The program is \$20,000 for the first segment of
15 the program, which would generally include the children
16 going through a workshop with the -- the unfavored or
17 rejected parent. And that would be a four-day
18 workshop.

19 In some cases, the favored parent then chooses
20 also to go through an abbreviated version of the
21 workshop. An that varies, but it's approximately
22 \$5,000.

23 Q You have to pardon me because I write very
24 slowly.

25 Does that include transportation to and from

1 the program?
2 A No, your Honor, it does not.
3 Q And that does include room and board and
4 meals? Or is there any extra costs to the twenty-five?
5 A No. That -- those are the professional fees for
6 the two team leaders, who put in approximately 40 hours
7 each.
8 Q Okay. I'm not challenging.
9 A Right.
10 Q I am -- I am seeking information.
11 A Right.
12 Q So --
13 A But on top of the professional fees, there are
14 travel expenses, lodging, meals. Often the workshop
15 for the favored parent can be conducted at the location
16 where the favored parent is. And that -- but either
17 way, there's going to be travel expenses, either for
18 the team leader who conducts that portion of the
19 workshop or for the -- for the parent.
20 Q So assuming we did a full package, which
21 would be for the disfavored parent and for the favored
22 parent, we're looking at at least \$25,000 in
23 professional fees?
24 A Yes, that's correct.
25 Q Okay. Is any of that -- or are any of those

1 fees reimbursable by any medical plan that you have had
2 experience with?
3 A No. No, I don't think so. I hesitate because
4 there was a case in Canada where the expenses were
5 ruled as fitting within their laws to be tax deductible
6 expenses. And I'm not -- I just wasn't sure what the
7 status was. But --
8 Q That's Canada. We all know they --
9 A But that's Canada.
10 Q They have whole different medical system.
11 THE COURT: Right, Dr. Worenklein?
12 DR. WORENKLEIN: Absolutely.
13 THE COURT: Another bad attempt at humor by
14 the Court, but we can move on.
15 A In the U.S., no. We regard the workshop as an
16 educational workshop and it generally would not be
17 covered by health insurance policies.
18 Q Okay. So it would be fair to state that if
19 we had a transportation component and a lodging and
20 meal component and extras, we're looking easily at
21 another 5,000 for two children, two parents?
22 A Yes, your Honor.
23 Q Easy, right?
24 A I'd say that was -- that's a good estimate.
25 Q Are there any other costs that we're not

1 aware of for the program in California or wherever it
2 is that I am missing? Any extras, anything that the
3 parents would do that you would professionally need
4 more time or I can -- I can go with that number?

5 A Yes. Generally, there are consultations with the
6 parent prior to the workshop. There are -- there's
7 some followup that generally doesn't run more than an
8 hour afterwards. But each family varies in terms of
9 how much they would need to consult with a team leader
10 following the workshop.

11 Q So there's a consult fee prior to? You would
12 -- that's what I think I'm hearing. There's certainly
13 generally followup, post. Consult fee?

14 A Yes.

15 Q Prior to?

16 A Yes. Prior to. For example, in preparing the
17 favored parent and answering a lot of their questions
18 about how to manage the transition, for example, they
19 may be consulting with one of the team leaders.

20 Q And what would those costs entail,
21 approximately?

22 A I think the fee is \$300 per hour. I don't think
23 that would exceed \$1,000.

24 Q Okay.

25 A In some cases, there are additional expenses

1 associated with getting to the workshop, but that
2 really is not a workshop fee or expense. But in some
3 cases, children are quite adamant that they refuse to
4 accept the authority of the Court, they refuse to, you
5 know, be returned to the rejected parent, they refuse
6 to travel with the rejected parent. And in those
7 cases, much as children, for example, who were
8 transported to rehabilitation facilities who won't go
9 voluntarily, parents sometimes hire therapeutic
10 transport escorts to assist in a safe transition.

11 So that would be an additional expense that's not
12 -- that's not our expense. And it's not necessary in
13 many cases, but in some cases, it is.

14 Q If I remember what I read correctly, and I
15 don't know that I do, which is why I'm asking, Family
16 Bridges started as a program for abducted children
17 initially?

18 A Yes. That's true. Initially, it was organized as
19 a program for recovered abducted children who not only
20 were having to face being reunited with a parent with
21 whom they had very negative attitudes, but at the same
22 time were going to be kept from contact with the parent
23 that they had become dependent on. Because oftentimes
24 that parent would be facing criminal charges or would
25 be unable to enter the country for fear of being

1 arrested,

2 So it was a situation where the children were
3 basically being returned to a parent they either feared
4 or hated and -- and were not going to have the reliance
5 on the parent they had been living with. And this was
6 a program created in order to facilitate a rapid
7 adjustment to try to shorten the suffering of the
8 children.

9 Q There was some thought in Joan Kelly's
10 critique of Family Bridges -- I'm guessing you're
11 familiar with her critique?

12 A Yes. Yes, I am, your Honor.

13 Q That the program could be replicated in other
14 locations, possibly shortened, and maybe made more cost
15 effective. Are you familiar with some of those
16 comments?

17 A Yes, I am.

18 Q Would you care to tell me whether any of
19 those resonate with you?

20 A Well, they -- they all resonate with me, actually.
21 I -- Dr. Kelly and I were very much on the same
22 wavelength in these matters, but she also made a point
23 to talk about the danger of expanding the program too
24 rapidly where therapists may start doing -- calling
25 what they do Family Bridges, but actually doing

1 something that was more familiar to them.

2 Q I think she said, morphing back into
3 therapeutic because they're familiar with it?

4 A Yes. And in the scientific literature, that's
5 called the problem of drift.

6 Q Drift.

7 A And -- and that happens. We -- we have done some
8 experimentation with shorter programs. And certainly
9 there are other -- other kinds of programs, like one
10 you mentioned, Overcoming Barriers, which have tried
11 different approaches, but have, unfortunately, you
12 know, met with failure and are no longer operating.

13 But so we -- we would -- we are training more
14 people. We would like to be able to be able to bring the
15 cost down. I think part of that would be to have
16 professionals -- more professionals who do this. And
17 part of it will be to have it more locally so that we
18 could reduce some of the travel expenses.

19 For example, there are some workshop leaders now
20 who are trained in Canada, so that that saves some of
21 the expense for Canadian citizens. And we're working
22 on training more people in the U.S.

23 Q Would there be any why New Jersey could not
24 be a training location or a venue for a program?

25 A There would be no reason at all that it would not

1 be a venue for training team leaders. The question of
2 whether it's a venue to conduct the workshop would
3 depend, in part, on the licensing laws for
4 psychologists. Psychologists need to be very careful
5 while providing services in jurisdictions in which
6 they're not licensed. And even though I regard this as
7 an educational workshop, since I am a licensed
8 psychologist, I would -- I would not want to risk
9 providing a service unless that was, you know,
10 acceptable.

11 But, certainly, our hope would be to try to spread
12 the program as much as we can while maintaining the --
13 the high standards and the successful outcomes that
14 people have come to expect from us.

15 Q What would be the cost factor if you ran a
16 training program for some team leaders in New Jersey?

17 A Well, the way -- the training model we're using,
18 in part to be consistent with Dr. Kelly's observations,
19 is instead of, you know, having a group of
20 professionals pay a large fee and sit down and learn
21 just the kind of materials we use, we actually have
22 experienced professionals sit in and observe the Family
23 Bridges workshop. So the training is very much done on
24 an individual basis, first beginning as an observer,
25 then as a participant observer.

1 So it's difficult to estimate the cost factor.
2 Generally, the person who is learning the program is
3 sort of on their -- they're paying their own way. We
4 have a long waiting list of people who want to learn
5 the program. And so, generally, they would pay their
6 way and come and observe and donate their time. Which
7 is an advantage to the family because these are all
8 experienced mental health professionals who usually
9 have important contributions to make while they're
10 there during their training.

11 Q Does a team leader need to be a licensed
12 psychologist in the jurisdiction where they are a team
13 leader?

14 A No. That's not required. That's not required.

15 Q Okay.

16 A For example, I will conduct workshops in
17 California, although I don't have a license to practice
18 in California, but California's laws allow a certain
19 number of days of practice by a psychologist who's
20 licensed out -- out of the state.

21 Q Are you licensed in the State of New Jersey?

22 A No, sir, I'm not.

23 Q Okay. Is the venue important for the
24 program? In other words, does it have to be in a
25 retreat-type setting, as I understand how it works?

1 A It doesn't have to be, but those seem to be the -
2 we've had our best successes in those kinds of
3 locations. Part of the importance of the venue is if
4 it's close -- for example, in California, we have
5 backup equipment should equipment fail. In fact, on
6 the most recent workshop I conducted, my hard drive
7 failed in my laptop computer. And, fortunately, it
8 wasn't a problem because of the backup systems we have
9 in place.

10 So our preference is to do it in a location that
11 we're familiar with and that we know has worked
12 successfully for families in the past.

13 I have tried a couple of workshops in people's
14 homes.

15 Q I did read that, which is what I was driving
16 to.

17 A Yes.

18 Q Tell me how that worked out.

19 A Well, the workshop itself worked out exceedingly
20 well in both cases, but in both cases, the children
21 were returned to the favored parent prematurely and --
22 and lost the gains they had made.

23 Q When you did the workshop in the family's
24 home, it was my recollection that that was done in the
25 targeted parent's home?

1 A Yes. I don't use that term, the targeted parent.

2 Q Okay.

3 A But --

4 Q Disfavored.

5 A But the rejected parent, yes.

6 Q Okay. In rejected parent's home. And I
7 recollect 12 families in your study and 24 children.
8 My memory may be bad.

9 A Very close. Twelve families and 23 children at
10 the time I wrote that article.

11 Q And that was 2010?

12 A Yes.

13 Q I would assume you've had one or two more or
14 three or four more families?

15 A I've had two more families that I've personally
16 done, and then one other family that I consulted on.

17 Q Okay. So if I could construct a model in New
18 Jersey, could you assume the following set of facts for
19 me?

20 Assuming I had access to a fund of ten of
21 \$15,000 for the sole purpose of helping this family
22 therapeutically or intervention-wise or any other way,
23 and we have that fund.

24 And assuming we could have an intervention or
25 actually a workshop in the home of the disfavored

1 parent.

2 And assuming we had access to and we could
3 enroll the favored parent in the same program in the
4 location, all as part of what we're going to do.

5 And assuming these parents and children are
6 already vested in or will be vested in a program of
7 counseling that they already have. They are actually
8 bonded, at least three of the four are bonded to their
9 therapists.

10 Could you create a construct in New Jersey
11 for some type of program similar to Family Bridges that
12 you might recommend to this -- for this family?

13 And I'll take it a step further. Assuming I
14 could get someone like Dr. Worenklein to help supervise
15 it on a regular basis. Or yourself. Either/or.

16 A Well, first let me remind the Court that I am not
17 able to make specific recommendations for this family
18 --

19 Q Okay.

20 A -- since I haven't conducted a custody evaluation.

21 But speaking generally, the -- the kinds of
22 families we work with and the children we work with, I
23 don't think that the scenario that you presented has a
24 high likelihood of success.

25 Q Why is that?

1 A Several reasons. One is the children we work with
2 generally have come to -- usually they've had a fairly
3 long period of time when they've had very negative
4 attitudes towards one of their parents. And it -- one
5 thing that helps them is to remove them temporarily
6 from the environment that they associate with, you
7 know, having that kind of relationship with the parent.
8 That's where the retreat atmosphere is helpful and
9 similar to the use of retreats for other purposes where
10 -- where the goal is to allow the participants to focus
11 more exclusively on the work that they're doing at the
12 retreat, rather than -- and it helps then to remove
13 them from their usual surroundings for that.

14 The other is that, in general, the cases we've
15 seen, the therapists, since they have not been --
16 generally, the therapist does not do a custody
17 evaluation, therapists have a tendency to become allied
18 with their patient's way of viewing things. Therapists
19 generally will not confront their patients about the
20 facts and, instead, will try to convey, you know, just
21 understanding of -- for example, if the patient is a
22 child, understanding of the child's position; whereas,
23 for example, a forensic investigator may challenge some
24 of the things the children say.

25 And, as a result, the children come to see therapy

1 as a venue basically to display their antagonism toward
2 the other parent, as a -- as a venue to -- to speak
3 adamantly about their particular preferences for the
4 outcome of the custody case.

5 And so, in general, the therapist can become part
6 of the problem, particularly if they've taken any
7 positions or offered any recommendations regarding the
8 -- what outcome would be best for the children.

9 So that part of the scenario concerns me, you
10 know, as well.

11 Q It -- I'm sorry. I didn't mean to cut you
12 off. Keep going if you want to.

13 A I'm just -- I'm just trying to recall the other
14 elements of the scenario. But that -- that's the --
15 the general -- the general sense is that I don't know
16 if the children would -- particularly if in the family,
17 the children have had -- and you mentioned it -- have
18 had experience with therapy.

19 The tendency would be for the children to think
20 this is more of the same. And the children we work
21 with very -- are -- almost universally say that they're
22 fed up with therapy. They appreciate that the work
23 they do with them is educational rather than the kind
24 of traditional therapy that they're used to.

25 Most of them do not want to go back home and get

1 into therapy, but rather use the tools we've taught the
2 family to solve problems. Of course, in some cases,
3 the children will require therapy.

4 But in many cases, the children come to us with
5 the expectation on the part of the therapist and the
6 custody evaluator that they're going to need intensive
7 treatment following the workshop. And people are very
8 surprised that -- that that -- that isn't necessary.

9 Q Did you -- and I don't know what you did in
10 preparation for today. Did you have an opportunity or
11 were you given the opportunity to review Dr.
12 Worenklein's recommendations?

13 A No. No, your Honor, I have not.

14 Q Okay.

15 THE COURT: So, Dr. Worenklein, you did opine
16 that therapy would be appropriate for these children or
17 am I mixed up with somebody else's recommendation?

18 DR. WORENKLEIN: I'm sorry. The question was
19 whether I felt that way?

20 THE COURT: Did you feel that therapy for the
21 parties and the children would be appropriate among all
22 the other recommendations you may have made?

23 DR. WORENKLEIN: I did, but I did feel that -
24 - I had recommended Family Bridges because I felt that
25 it was important for these kids to basically be put in

1 an environment where it wouldn't just be an hour here,
2 and then you have a week or, you know, three days, and
3 then another hour, and a week and three days.

4 It would be basically -- it would deal with
5 some of the issues that the children had. And it would
6 deal with basically -- I'm going to use the term very
7 loosely -- deprogramming some of the feelings that the
8 children have about their mother.

9 I felt that they needed something consecutive
10 to build on, to build on, to build on, to build on.
11 And, subsequently, I didn't have a problem with the
12 therapy.

13 But I felt that if I take a look at the two
14 children, when I -- at least when I last saw them, I
15 mean, they were so adamant, there was no room, they
16 were so convinced of what they were saying, they were
17 not willing to entertain any other possibility.

18 And my -- my own fear was that in the
19 therapeutic environment, in the normal therapeutic
20 environment, you know, whether it's an hour session or
21 an hour-and-a-half session, and then they have to wait
22 a certain time, and then they're, you know, speaking to
23 other individuals, you know, I just felt that it would
24 be -- you know, with the Family Bridges, they would
25 build one on top of the other, on top of the other, on

1 top of the other. I had -- that was why I had felt the
2 Family Bridges would be an appropriate program.

3 The -- I believe that the issue that Ms.
4 Marshall had raised and which -- which is a
5 consideration, without a question, is the 90-day period
6 where they would not have contact with the favored
7 parent. And, yes, that is an issue that I am concerned
8 about as well.

9 But, again, you know, from my perspective, to
10 do it -- you know, we take a look at what has happened
11 in the -- you know, the therapeutic intervention up to
12 this point, unless things have, you know, dramatically
13 changed recently, there was really no significant
14 progress made with the children's relationship with
15 their mother. Unless something has happened in the
16 past month that I'm not aware of.

17 So this is why I had felt the Family Bridges
18 would really be a good program, taking into account and
19 seeing if any modification was necessary or needed in
20 terms of the lack of -- the no contact for that period
21 of time.

22 I had felt that, you know, that therapy on a
23 weekly basis or on a -- you know, every -- you know,
24 twice a week perhaps, I -- I just -- I just felt that
25 the children were so entrenched at this point that it

1 would not be enough.

2 And as you may remember, when the question
3 was -- of course, you know, I preferred it during the
4 summer, but as far as I'm concerned, you know, what I
5 think about it, even if it's done during the school
6 year and even if they miss those few days, I still
7 believe that when I balance the picture in terms of
8 what the children have to gain and what the children
9 have to lose by missing those few days of school, I
10 still believe that, you know -- and, again, you know,
11 Dr. Warshak knows the program obviously a lot better
12 than I do.

13 But with the extent, I mean, of the
14 alienation -- and, yes, I was very clear as well when I
15 testified, yeah, there were things that mother did that
16 also have to be changed. And that is -- you know, and
17 I do understand that the Family Bridges has, you know,
18 a two-day session or whatever it may be with -- I mean,
19 it's with the -- the favored parent and with the
20 nonfavored parent. It's with -- they have time with
21 each of them.

22 And I think that with the favored parent, I
23 believe that they do have a -- I think it's a two-day
24 session subsequently.

25 But the fact of the matter is that I'm just

1 concerned that the therapy -- all I understand the
2 rationale in terms of not wanting the children not to
3 have contact, and I do understand that. I just felt it
4 just -- I -- I was afraid that it was just not going to
5 be enough.

6 THE COURT: So Ms. Marshall, who is listening
7 to this and in court, has opined that the children,
8 based on her discussion with the therapists, would
9 despair if they had no contact with the favored parent
10 for 90 days. And they would descend, if they're not
11 already there, into clinical depression.

12 Furthermore, as you remember Dr. Ionescu
13 cross-examining you and that --

14 DR. WORENKLEIN: Yes.

15 THE COURT: -- spirited exchange, he harbors
16 a fear -- and fear is, as we know, rational or
17 irrational and perhaps it's an irrational fear. He
18 harbors a fear that this is a campaign by his soon-to-
19 be-exwife to deprive him of ever seeing his children
20 again.

21 DR. WORENKLEIN: Yes. I am aware of that. I
22 don't -- I don't see it that it's an attempt by Dr.
23 Alexianu to deprive him of the children. I do believe
24 that -- I mean, it's a possibility, you know, which I
25 guess is up to the Family Bridges program.

1 But even if there was access -- you know, the
2 question is if it's supervised access, if it's
3 unsupervised access, telephone time supervised,
4 unsupervised; and one way possibly of dealing with it
5 is giving them access, but basically having it, at
6 least initially, supervised in one way or the other.
7 So that they would have the access with the father.

8 And, yes, I fully understand it is not the
9 quality, it is not the same. Well, when I say the
10 quality. It's not the same as unsupervised access, but
11 it may be a way of bridging the two different -- I
12 mean, the reality and the fear of Ms. Marshall -- and,
13 by the way, I mean, I do understand that fear. I mean,
14 I understand it. And I am also somewhat concerned
15 about it because of the degree to which the children
16 are very, very attached to their father. I mean, I'm
17 not disputing that.

18 But I think that, you know, if we could take
19 a look at possibly even doing a supervised access, that
20 may be a way to bridge it.

21 BY THE COURT:

22 Q Dr. Warshak, is no contact with the favored
23 parent after the program a sine qua non? Would that
24 have to be in order for this to be successful? Because
25 you have opined in some of your research that the

1 reason that the children did not maintain some of the
2 goals, at least two children, was that there was
3 premature access by the favored parent. So I -- I am
4 concluding that that is a -- almost a mandatory part of
5 the program. Am I concluding incorrectly?

6 A Well, we -- we don't regard it as sort of part of
7 the program in the sense that, you know, the program
8 was designed for particular situation and it's the
9 situation in which the children do have suspended
10 contact with their favored parent.

11 But I will say that -- that we regard that as
12 essential in -- in helping children have the best
13 chance of removing themselves from the middle of their
14 parents' disputes and conflicts.

15 There -- there are a number of reasons why the
16 suspended contact with the favored parent is helpful in
17 the cases that we deal with.

18 Q Can you see a construct in any sense that
19 would permit attendance at the program and then back
20 here with some form of contact with the favored parent?

21 A Yes. In fact, we -- we definitely expect that
22 there will be contact with the favored parent.
23 Generally, there's an extended period of no contact.
24 And, again, there are a number of reasons for that and
25 why that's helpful.

1 But following that period of no contact, generally
2 there's a -- sort of graduated and incremental
3 transition and reintroduction of the children's contact
4 with the formerly favored parent who is -- you know, at
5 this point, we hope the children have recaptured and
6 are able to express love for both parents. So that
7 there's sort of a gradually increasing structure, both
8 beginning with monitored contacts that are brief, and
9 working through progressively longer contacts, dropping
10 the onsite monitoring and having a monitor on call
11 versus reaching the -- the end point where the children
12 are able to, you know, have relationships with both
13 parents.

14 And usually the period of graduated and
15 incremental contacts with the -- you know, the parent
16 that they had not gone through the workshop with,
17 usually those -- the impact of those contacts are
18 assessed by someone who's been put in place,
19 oftentimes, you know, an aftercare professional; in
20 some cases, it is an guardian ad litem. But it's --
21 it's someone who can monitor how does the contact --
22 for example, if the rejected parent is the mother and
23 the favored parent is the father, when the children
24 begin having contact with their father, how does that
25 affect their attitudes to their mother; do they relapse

1 into great negativity that -- you know, that lasts more
2 than just an hour or two? Or -- or are they able to
3 sustain the good relationship that they recaptured with
4 their mother while still having contact with their
5 father.

6 And that depends on a number of things. In the
7 ideal case, the favored parent has learned quite a lot
8 in the interim, has used the period of suspended
9 contact to try to get a better understanding of how to
10 support the children's progress and how to -- how to
11 relieve the burden on the children of feeling like they
12 have to take one side or the other in their parents'
13 disputes.

14 And in that case, progress goes much more quickly
15 because the children get a very clear message from that
16 parent that, you know, the old way was mistaken, we're
17 not doing things that way anymore, I'm glad that the
18 Court has put this program in place for you, and we're
19 going to do our best to make that work.

20 But even in the case where the -- that parent is
21 unable to get to that point, some of the children learn
22 enough and have the -- enough strength and are able to
23 use the tools we teach them to be able to be exposed to
24 negative attitudes about one parent without continuing
25 to identify with those. So some children do better

1 than others when it comes to holding on to those gains
2 and -- and not falling back into realienation.

3 And that's something that the aftercare
4 professional would be monitoring. And the children
5 would be aware of that too, which would motivate them.
6 In other words, the children would understand that
7 contact with their father would be dependent on being
8 able to maintain the gains they've made in the
9 relationship with their mother, that it won't help them
10 any to see their father for longer periods of time and
11 more quickly if they come back from seeing him and they
12 have reverted back to all the usual complaints about
13 their mother.

14 THE COURT: I had a question, but before I do
15 that.

16 Ms. Marshall, you were on your feet when Dr.
17 Worenklein was talking. Did you wish to ask a question
18 of him or did you want to make a statement? I saw you
19 rise. And then I did not know, but I was in the middle
20 of a thought, as was Dr. Worenklein.

21 MS. MARSHALL: Thank you. My only concern is
22 that Dr. Worenklein has testified and been cross-
23 examined. And if he continues to testify, which is
24 effectively what he is doing by giving input, I imagine
25 that three people on this side of the bar will want to

1 cross-exam -- or on this side of the bench -- will want
2 to cross-examine him again. That was my only concern.

3 THE COURT: Okay. That's not a problem for
4 me because, at some point, we may have rebuttal
5 testimony or whatever we're going to have. I don't
6 know what we're going to have. But he's on the phone
7 at my request and he -- there's no jury here also. And
8 I'm just trying to get a handle on one or two issues.

9 Q Dr. Warshak, Dr. Kelly has seemed to indicate
10 that there is very little research and, more
11 articulately, that most dynamics are the opposite way
12 to this dynamic, which is usually it's the father who
13 is the disfavored parent and there is very little
14 insight as to what happens when there's a mother that's
15 a disfavored parent. And I -- I'm not articulate. Not
16 very little insight. But she distinguished, I think,
17 between those cases.

18 Would you say that that would be a fair -- I
19 think she wrote, "When children reject mothers, are the
20 dynamics and parental personalities really similar to
21 families in which children reject fathers?"

22 Is there, in your mind, from your experience,
23 and I hate to go into that 'cause that requires an
24 expert opinion, but are the dynamics the same generally
25 or -- or different?

1 A Many of the dynamics are the same in the sense of
2 the children feeling that they have to pledge
3 allegiance to one parent at the expense of the
4 relationship with the other, that they feel they've got
5 to play to audience, and say the things they think one
6 parents wants to hear.

7 There has been -- and I will say that, you know,
8 from my experience and from the research, there's much
9 more of a -- of a balance in whether the rejected
10 parent is the mother or the father than people had
11 previously believed. In other words, studies show that
12 between a third to a half of rejected parents are the
13 mother. And, certainly, in my experience, I hear a
14 great deal from rejected mothers and have cases with
15 rejected mothers.

16 There's one difference that I've observed so far.
17 I don't know if the sample is large enough to
18 generalize. But we've had some cases, not many, in
19 which the favored parent has become so angry with the
20 children for having rekindled an affectionate
21 relationship with the rejected parent that the favored
22 parent then turns around and rejects the children and,
23 essentially, says you have to choose between your
24 mother and between me. And in those cases, it's been
25 the father who's basically abandoned the children after

1 they recovered a positive relationship with the mother.

2 And those cases concern is greatly because our
3 goal is for children to have the ability to maintain a
4 loving relationship with both parents. And, although
5 in those cases, the -- the Court has felt that if the
6 parent had to -- one -- if the children were only going
7 to have a relationship with one parent, at least have
8 it with the parent who doesn't require them to reject
9 the other parent. But even then, it's an unfortunate
10 result because the children end up losing their father
11 in those cases.

12 I don't recall a case in which a mother has
13 similarly abandoned the children when she was the
14 favored parent and they reconciled and reunited with
15 their father.

16 Q Thank you.

17 THE COURT: Dr. Worenklein, do you agree or
18 disagree with what Dr. Warshak has said?

19 DR. WORENKLEIN: I would agree with that.

20 THE COURT: Okay.

21 DR. WORENKLEIN: I absolutely would. I'm
22 finding, for example, I think that while the dynamics
23 may be somewhat different in males and females --
24 fathers and mothers, that is, but I think that there
25 are lot of the dynamics are similar. I would agree

1 with that.

2 THE COURT: Okay. Dr. Warshak wanted to add
3 one more thing.

4 THE WITNESS: I would say too that I see more
5 cases where -- if the children's negative attitude is
6 as a result of feeling intimidated by the favored
7 parent, that that's more likely to be the father.

8 In other words, in cases of domestic
9 violence, children will sometimes identify with the
10 aggressive parent and feel like they have no choice but
11 to take that parent's side. So if the father is the
12 violent person, that the children may reject their
13 mother in order to curry favor with the father.

14 Q This may be my last question, but -- and I
15 don't know that it is, but if you could construct a
16 program for me, this Court, in New Jersey for this
17 family, could you craft or tell me the parameters of
18 that program? I'd like you to assume that I'm not
19 going to send the children to California, but I would
20 attempt to do it here. Would you be able to craft
21 something here? And if so, give me the parameters.

22 A The -- I would have to base the parameters on,
23 sort of, what has worked in the past. And,
24 unfortunately, for better or worse, the only program
25 that's known to have success in cases that are as

1 you've described them, is Family Bridges.

2 Overcoming Barriers met with consistent failure
3 when they were dealing with severely alienated
4 children. And as a result, they have now disbanded.
5 They no longer operate their program. And they're
6 reevaluating the kinds of families they may try to help
7 in the future and the kinds of structures they may try
8 to help. But they're not available.

9 And had this family not tried family -- Overcoming
10 Barriers, that certainly might have been an option, a
11 reasonable option to consider.

12 So the parameters would be to conduct the Family
13 Bridges workshop with the children and their mother in
14 New Jersey, preferably, if we could find sort of a
15 retreat-kind-of area that wasn't too expensive, but
16 that would give the children the sense of being removed
17 from their usual surroundings, we'd want to do the
18 four-day workshop with the mother and the children.
19 Ideally, the mother and the children will then have
20 some time to -- to go on a vacation together for a few
21 days. That helps.

22 Usually, there's a -- not usually. There's
23 invariably, a very, very positive feeling at the
24 conclusion of the workshop. The children are relieved
25 to have finally gotten out of the sort of dead end of

1 having to express hatred for a parent that down deep,
2 they say they, you know, really never stopped loving.

3 The parent is elated at finally having overcome
4 the children's negative attitudes.

5 And it's good for them to have an opportunity to
6 sort of enjoy the newfound affection and the recovered
7 memories of the loving interactions they've had in the
8 past. Because these children for a very long time have
9 tended to focus on very negative aspects of the parent
10 they're rejecting. They paint very -- particularly
11 smart children will paint very convincing portraits of
12 how badly they've been treated by the rejected parent.
13 And they do a very good job of making it appear as
14 though they have some very good reasons for rejecting
15 that parent.

16 So when they get beyond all that, they're very
17 pleased and want to enjoy that and consolidate the
18 gains.

19 So following that, if it were the kind of family
20 we'd be dealing with, typically, the Court would have
21 suspended their contact with the favored parent.
22 Usually, the period would be for about three months,
23 which, again, allows the children to focus exclusively
24 on the project of repairing the damaged relationship
25 with their mother and -- and just working getting used

1 to the idea that -- that the way their family operates
2 has now changed. We refer to it as the family paradigm
3 has now changed.

4 And the children realize that they're no longer
5 expected to reject that parent. There's no payoff for
6 doing that.

7 The suspended contact, in some cases, the Court
8 does in order to protect the children from what the
9 Court perceives as an unhealthy influence on the other
10 part, you know, of the family from the other parent.

11 So that if the Court believes that the favored
12 parent has contributed significantly to the children's
13 negative attitudes, or just that the children are
14 influenced when they're around that parent, even if
15 that parent is not intentionally or even
16 unintentionally doing anything, the Court sometimes
17 determines that the children will have a much easier
18 time repairing the damaged relationship if they don't
19 feel like they have an audience that they have to play
20 to and continue to make complaints about the parent.

21 The other thing is that the suspended contact does
22 is it motivates the children because, in the past,
23 they've had the sense that therapy could fail. For
24 example, you know, in this case, you mentioned that --
25 that the girl Anna basically contracted with her

1 therapist to go for 12 sessions. And then she pulled
2 the plug after 12 sessions.

3 The children have come to think that if they hold
4 out long enough, that their demands will be appeased by
5 the adults. If they complain loud enough, if they say
6 -- if they repeat enough how much they -- they will be
7 devastated if they have to live with the parent they
8 say they don't want to live with, they're also very
9 good at convincing people that -- that they won't be
10 able to tolerate a separation from the favored parent
11 that, you know, tolerate when they go to summer camps
12 and boarding school, but the children present
13 themselves as being so fragile that they won't be able
14 to handle being -- living with a parent who has had a
15 history of loving them and being apart from the parent
16 they've come to feel dependent on.

17 So to have a suspended contact is a way of
18 reinforcing to the children that the Court believes
19 that failure is not an option, that we expect you to
20 repair the damaged relationship, and no matter how loud
21 and how vociferously you demand, the Court has
22 determined that it's not best to give you what you're
23 asking for, we're going to do what's best for you. And
24 the suspended drives home that they have no choice;
25 whereas, if they feel that after a week or two or even

1 a month, then they'll get their way, then they're less
2 motivated to repair the damaged relationship because
3 they figure they're going to be going right back to the
4 other parent and they'll fall right back into their
5 usual patterns.

6 So it's really helpful to the children to have
7 that time.

8 And then we also feel that although the favored
9 parent usually doesn't see it this way, that it's
10 helpful to the favored parent because the favored
11 parent has an adjustment to make as well. You're used
12 to having the children with you. It's hard to be apart
13 from them. And -- and it can be tempting to convey to
14 the children your disagreement with the Court's
15 decision. And in that case, the temptation is removed
16 if you don't have contact with the children.

17 And it also gives the favored parent time to try
18 to gain more insight into what he or she could do to
19 help support the children's progress.

20 So -- so we feel the suspended contact is
21 essential. And, again, the cases where the children
22 have relapsed are all cases where the children have had
23 contact prematurely with the favored parent and so
24 they've lost the gains they've made because they hadn't
25 yet consolidated, they it hadn't yet become a pattern

1 for the children (sic).

2 So for the children to have the message that
3 failure is not an option, that the way to get contact
4 with your favored parent is not going to be to disobey
5 the Court's authority -- because, unfortunately in
6 these cases, sometimes when they've gone on for months,
7 even years, the children have come to expect that
8 they're entitled to have their way. They will -- they
9 will openly say they're going to defy the Court's
10 authority. They'll make threats that they'll run away
11 or that they'll hurt themselves or that they'll hurt
12 the rejected parent. That's been our experience.

13 There was a 12-year study of 700 families under
14 the auspices of the American Bar Association that found
15 the same thing, that they say children will threaten to
16 run away, they say I will kill her. And in most cases,
17 those threats evaporate once the children have the
18 sense that things have changed, that they're no longer
19 running the show, that there's -- that there's a power
20 beyond them.

21 Q This is -- this is what you spoke about in
22 Toronto in February, isn't it?

23 A I spoke about it in Toronto in February. I speak
24 about it in other places as well.

25 Q I think you called it giving the children

1 what they need and not what they want or not what they
2 say they want?

3 A Yes. I was -- I was paraphrasing the lyric from
4 the Rolling Stones, you can't always get what you --

5 Q Want.

6 A You can't always get what you want. And to say
7 that it should be changed for these children to, you
8 can't always get what you say you want, but you might
9 get what you need. Because that's the Court's
10 position, the same as the Court, for example, would
11 treat a child who is refusing to attend school or
12 saying, well, I'll go on one or two days a week, but
13 you're not going to make me go full time, that while we
14 try to understand the basis for the child's negative
15 attitudes, it's not very helpful for the child to feel
16 that -- that, you know, he or she can -- can dictate,
17 you know, the law regarding school attendance, no
18 matter.

19 So for the same reason, if children want to avoid
20 a parent, in these cases, the Court has what one judge
21 in Canada called a stark dilemma. Because it's a very
22 difficult dilemma because in the short run, these
23 children, some of them, will experience distress. And
24 they certainly will convince the people trying to help
25 them that they're going to be very distressed. And so

1 it's a dilemma about weighing the drawbacks of putting
2 the children and -- and the favored parent through this
3 difficult short term period for the long term gain of
4 having children hold on to the relationship with a
5 parent that loves them and wants to care for them.

6 Q So back to the question about the parameters
7 of a program to be created here. So far, I have a -- a
8 workshop in New Jersey in a retreat-type area that
9 gives a sense of removal to the children from their
10 normal every day. Four days in a workshop with the
11 favored parenting, adding a couple of days with the
12 disfavored -- I'm sorry. Four days in a workshop with
13 the disfavored parent. A couple of days, maybe, in the
14 same workshop for the favored parent. A short vacation
15 right afterwards with the disfavored parent. Then
16 suspended contact for 90 days. And you feel that is
17 essential.

18 Then are there any other -- any other aspects
19 to the paradigm we're talking about, if I were to
20 create it here?

21 A Yes. I would reorder things. The workshop would
22 be for the children and the rejected parent initially.

23 And, again, I -- I can't make a recommendation for
24 this family and -- and the Family Bridges doesn't
25 specify what the court order should be. But I can tell

1 you that in the families we've had the most success
2 with, the type of court orders would generally suspend
3 the children's contact with the favored parent usually
4 for a period of 90 days.

5 Q So I'm there, but I want --

6 A And then --

7 Q -- to know if there's anything else.

8 A And then -- and then the favored parent would go
9 through the workshop. Usually it would be about a
10 couple of days experience. They see a lot of the same
11 materials the children have seen. It only takes one
12 team leader to do that.

13 Q I may be confused.

14 A Okay.

15 Q You do the 90 days of suspended contact and
16 then you take the favored parent and give them the
17 workshop?

18 A And then give the workshop.

19 Q I see.

20 A And then monitored contacts begin sometimes -- it
21 depends. The courts handle the aftercare in different
22 ways.

23 In some jurisdictions, it's permissible to have
24 one person who both monitors the contact as well as
25 regulates the transitions from one stage of contact to

1 the next.

2 In other jurisdictions, there will be one person
3 who monitors the contacts and reports to -- like a
4 parenting coordinator, who may then be the one who has
5 the authority to step up the length of time of the
6 contacts and to decide when they should be unmonitored
7 and unsupervised.

8 So but regardless of which model you use, the
9 aftercare -- the decision would be made, basically, to
10 first have the children meet -- for example, in this
11 case, they would meet with their father in the
12 aftercare professional's office and -- and we'd see how
13 that goes. We'd see how the father does in terms of
14 his ability to -- to relate in a manner with the
15 children that doesn't encourage them to reject their
16 mother. And how the children do when they return to
17 their mother. And usually that will go well.

18 And then we'd gradually increase the length of
19 those contacts. So you can go from an office visit and
20 you may have two or three of those to a four-hour
21 contact. And just to see how the parent uses that
22 time.

23 Some parents, regardless of the Court's decision,
24 really don't change any. They just don't get it. And
25 so they continue to -- to ask questions that direct the

1 children's attention to complaints about the other
2 parent.

3 Other parents do quite well.

4 Some children really show that they know how to
5 handle it if they're feeling pressure to -- to go back
6 to being alienated.

7 And -- and so based on -- so you really -- what's
8 more important is not so much the sort of time frame as
9 what the impact is of that contact on the children,
10 that it's judged that the children come back to their
11 mother, for example, then they do fine. And I'm not
12 talking -- you know, you can evaluate that two to three
13 days afterwards. Because sometimes children have some
14 transition when they come back from one parent's home
15 to the other. And there may be a little bit of
16 negativity. But as long as they don't recover the sort
17 of chronic negative focus, then the aftercare
18 professional will conclude that the contact was, you
19 know, good for the children and didn't appear them.

20 And -- and, of course, not all the negative
21 interaction with their mother will be attributable to
22 alienation or attributed to the influence of their
23 father. We expect, particularly with adolescents, we
24 expect negativity between children and both parents.

25 But, generally speaking, there would be this

1 graduated schedule of increasing the length of time and
2 then gradually relaxing the structure of having the
3 contacts monitored, to the point where you reach a
4 final living arrangement disposition, which generally,
5 if the Court has been concerned that the children's
6 negative attitudes have been influenced in a
7 significant amount by the parent who had been the
8 favored parent, so then the Court will probably want to
9 tilt the final schedule, residential schedule, somewhat
10 where the children spend a little more time with the
11 parent they had formerly rejected.

12 And -- and usually in these cases, fewer
13 transitions between homes are better for children. So
14 that -- for example, if the days were going to be
15 divided, nine nights with one parent and five with the
16 other, it usually would be best just to have nine
17 consecutive days with one parent and then five with the
18 other; or eight and six. It could even be, you know,
19 equal depending on what the impact was.

20 And that's why it's not possible to predict this
21 ahead of time. We are much better at predicting that
22 the rejected parent is going to be very invested in --
23 in doing what they need to do, in learning what they
24 need to learn in order to repair the damaged
25 relationship.

1 But the favored parent vary much more widely in
2 the extent to which they're motivated to do that work
3 and in the extent to which they're able to support the
4 children's gains.

5 In some cases, the Court will suspend contact, not
6 because of any finding that the favored parent has
7 contributed significantly, but just because of the
8 understanding, usually based on a custody evaluation,
9 that the children will have a much harder time
10 repairing the damaged relationship if they're in
11 regular contact with the favored parent, for whatever
12 reason.

13 And in some cases, the Court views it as make up
14 time because the children have had a prolonged period
15 of time where they've had a very, very negative
16 relationship with one parent. They've been withdrawn
17 from that parent, sometimes missing some of the court
18 scheduled contacts. And so the Court might view it as
19 make up time, just to give them this consolidated
20 period of time to -- to repair the relationship.

21 Q Ninety days is an eternity for two young
22 children when they want to be with their favored
23 parent, or at least talk to him or be with him or hear
24 from him.

25 A It's -- it's an eternity when you ask children

1 about it when they're in this alienated state.
2 Objectively speaking, for children this age, 90 days is
3 not an eternity. Again, it's -- it's about the period
4 of time children would go to summer camp, maybe 60
5 days. Children who enter, for example, facilities
6 where they -- if children have habitual self
7 destructive kind of patterns of behavior and they go to
8 a treatment facility, generally speaking, the treatment
9 facility will keep the children out of contact with
10 both their parents for at least 30 days in order to
11 help the children focus their energies on the treatment
12 program in overcoming that.

13 But the children at the -- initially will present
14 that way. In our experience, though, once they've
15 recovered and repaired the relationship with the --
16 that had been damaged with the rejected parent, it --
17 it no longer seems like an eternity.

18 The other thing is that usually -- again, it
19 varies depending on what the aftercare professional is
20 seeing, but -- but you don't have to wait -- we varied
21 it. In some cases, for example, after 30 days, the
22 aftercare professional -- the favored parent will go
23 through the program, the two-day workshop. And then
24 will sit in the aftercare professional's office with
25 the children and see how that goes.

1 And so, in other words, in some families, the
2 reunification with the favored parent begins earlier
3 than 90 days. And that's -- so that's a possibility.

4 But -- but our experience has been that -- that
5 it's difficult to rely on the children's stated wishes
6 in a case like this because they're so skewed and
7 they're so able to convince people that they -- that
8 they'll be utterly devastated if they don't get their
9 way.

10 One child hyperventilated in the courtroom when
11 the judge, you know, read the orders to the child. But
12 just within the space of a couple of days, this child
13 was saying, I love you to a mother that he couldn't say
14 that to for years before.

15 So what you see -- if you have -- and that's the
16 danger of relying on the -- on a therapist's opinion if
17 they haven't had the experience of seeing a severely
18 alienated child overcome the alienation is that you
19 don't see this. And so it's difficult to make that
20 prediction. And you see a child who seems so
21 distressed and you think, how can we do this to the
22 child. But if you've had the experience and seen, you
23 know, two to three to four days later, they have
24 completely overturned that, you know, negative attitude
25 of fear or hatred, then it's easier to make those

1 recommendations.

2 And we've had, for example, we've had actually a -
3 - I don't know if it was a guardian ad litem or an
4 attorney ad litem actually sit in the workshop. And
5 she said, if I didn't see this with my own eyes, I
6 wouldn't believe it.

7 We've had a judge who sees a child after the
8 program and says the same thing, if I didn't see it, I
9 wouldn't believe this is the same child who was in my
10 courtroom a week earlier.

11 So that's where the experience of having seen
12 children who are so adamant that they are not -- that
13 they can't live with the rejected parent and that the
14 Court can't make them, that you can take that with a
15 little grain of salt, that down deep, the child who's
16 most adamant -- and this was the one I wrote about in
17 my article, the first one -- actually has said how
18 grateful he is, first to the guardian ad litem in the
19 case who was the one who pressured the Court to say
20 that if you give this child what he's demanding, he's
21 going to think that that's the way you get what you
22 want in the world, and to be -- and he was actually
23 violent with his mother. And she said that will teach
24 him to be violent with women is the way you get what
25 you want. He's grateful that the judge made the order

1 for him to reunite with his mother. But more than
2 that, he says, I never thought they would take me
3 seriously; I always knew that it was inappropriate for
4 me to treat my mother the way I was and for my dad to
5 say those things about her; and I expected that the
6 Court would know that too and I always knew she would
7 do a good job raising me.

8 And, in fact, that particular child ended up going
9 to a college where he's studying with a leading expert
10 on critical thinking, which is some of what we teach in
11 our program, and how people develop negative
12 stereotypes from other parents.

13 Q Do you have a professional aftercare person
14 in the State of New Jersey?

15 A We do have one person. Marcy Pasternak (phonetic)
16 has had some affiliation with Family Bridges, but I'm
17 not sure what -- I'm not sure what --

18 Q I know Marcy.

19 A -- what her connection -- okay.

20 Q Marcy has been helpful to this Court over the
21 last 15 years or so.

22 A Because, I understand, she's had some familiarity
23 with the program -- I don't know if she's actually
24 observed a workshop or what -- she would be a logical
25 person to serve in that role.

1 Q So I want to be clear.

2 THE COURT: Dr. Warshak -- or Dr. Worenklein,
3 you're still there. I hear your phone beeping.
4 You're still there?

5 DR. WORENKLEIN: I am.

6 THE COURT: All right.

7 Q The way I now envision that your program at
8 Family Bridges works, and I want to make sure I didn't
9 misunderstand, the -- the disfavored parent and the
10 discovery -- and the children, child or children as the
11 case may be, attend a workshop for four days.

12 Then you recommend and maybe they go on
13 vacation with the disfavored parent for a short period
14 of time.

15 Then they come back to wherever it is that
16 they normally live. They live with the disfavored
17 parent in a custodial relationship in which there is at
18 least a 90-day suspended contact order. And if that is
19 working out, and that's done under the auspices of an
20 aftercare trained person, then the favored parent
21 undergoes a workshop, either at your venue or with the
22 aftercare professional.

23 Do I have those in my head okay?

24 A Yes, you do, but there's one footnote that I have
25 to make, though.

1 Q Okay.

2 A First of all, when it comes to the workshop with
3 the rejected parent. Our strong preference is that the
4 Court not order the parent to the program, but rather
5 that the Court grant that parent the authority to
6 enroll the children in this program or, you know, any
7 other program that they think would help the child, the
8 children with the transition.

9 The other is that we do not want to work with a
10 favored parent who's been ordered to seek services from
11 us. We -- these parents are very, very difficult to
12 deal with if they're not, sort of, voluntarily seeking
13 this help.

14 Overcoming Barriers had a very, very strong
15 program for favored parents that, you know, I've been
16 in touch with and consulted to the founders of that
17 program. And -- and they know how very difficult it
18 is.

19 The entire profession finds it very, very
20 difficult to help favored parents of severely alienated
21 children. Some are much more able to learn and willing
22 to learn and want to learn how they can help the
23 children. But others just remain convinced that the
24 children would be better off remaining alienated from
25 the parent, or that there's nothing that they can do to

1 help their children with meeting that very need of the
2 children.

3 So we don't really want to be in a position where
4 a parent is having to work with us under the -- under
5 a court order.

6 In some cases, though, the Court will make it
7 clear that they expect that the favored parent to get
8 some assistance in order to get insight into how they
9 can best help the children make progress in their
10 family relationships.

11 And then Family Bridges is one option available to
12 the favored parent. We welcome helping that parent,
13 but we don't want to do it if they're under duress.

14 Q Okay.

15 A And also, it's a high-risk operation, working with
16 a client who is seeing you not -- not of their own
17 choice.

18 Q Thank you.

19 MS. CECONI: Judge, can we take a five-minute
20 break?

21 THE COURT: I think that would be
22 appropriate. We'll take a five-minute break. And then
23 we'll come back. I think I said the order will be Dr.
24 Ionescu and then Ms. Marshall and then Ms. Ceconi,
25 although I can't recall now.

1 MS. CECONI: I think you said me and then Dr.
2 Ionescu and then Ms. Marshall.

3 MS. MARSHALL: I agreed. And I know it isn't
4 my turn and Ms. Ceconi wants to take a break, but may I
5 just ask one question so I -- I'm sure I understand
6 what he said? It's just a clarifying question.

7 Ms. Ceconi is pleading with me not to do
8 that. So I can remember my -- you know what? Unless
9 anyone objects, I can even ask him on the break. It's
10 just an interpretation question. I want to make sure
11 my notes are accurate.

12 THE COURT: And we should probably call Dr.
13 Worenklein back so he can take a break.

14 All right, Dr. Worenklein?

15 DR. WORENKLEIN: Music to my ears. Thank
16 you.

17 THE COURT: And five minutes in court time
18 might probably be closer to 10 or 15. But thank you.

19 DR. WORENKLEIN: I'm walking with the phone.
20 It's okay.

21 THE COURT: All right. Thank you.

22 (Off the record. Back on the record)

23 THE COURT: -- turn our recording machine on.
24 We're back on the record in the matter of Alexianu and
25 Ionescu. Dr. Warshak is on the witness stand. Dr.

1 Worenklein is on the telephone. And we will proceed.

2 And over the break, I had another question I
3 thought of for Dr. Warshak.

4 DR. R I C H A R D A. W A R S H A K, PLAINTIFF'S
5 WITNESS, PREVIOUSLY SWORN.

6 QUESTIONS BY THE COURT:

7 Q Are there any other programs in the United
8 States other than Overcoming Barriers, Rachel
9 Foundation, which I've heard about, and Family Bridges,
10 that are doing or attempting to do what your program
11 does, that you know of?

12 A No, there are none. And I have to correct that
13 Overcoming Barriers is no longer in operation.

14 Q So you are what our government would call a
15 monopoly?

16 A Yes, that's correct.

17 Q Okay.

18 A Not out of choice, but out of necessity.

19 Q Would I -- could I ask is there a particular
20 reason this is -- strike that.

21 And this is not really relevant to anything
22 but my own education, and I'll -- my thoughts being
23 this is a serious and often discussed issue. Am I
24 correct?

25 A That's correct.

1 Q And for 30 years or so, we have been delving
2 into the research and the issues pertaining to
3 alienated children. That's what Gardner started
4 calling it, parent alienation syndrome, and we've
5 argued back and forth. And I have not been part of the
6 argument, whether it is or is not a syndrome. And all
7 that is totally irrelevant for our needs.

8 But why is it, given it is such a hot button
9 issue and there are so many embittered parents out
10 there and so many suffering children, why is it, you
11 think, that there is only one program in the United
12 States doing this? Does it have anything to do with
13 the risk the psychologists take when and if they
14 undertaken a program such as yours? This is only for
15 my own education. It has nothing to do with this case,
16 to be honest. But I'm curious.

17 A I -- I believe that the main reasons are that
18 people have had very pessimistic attitudes about being
19 able to help these families, that therapists have
20 repeatedly met with failure, and that the research
21 shows that -- that what can be most effective is what
22 the American Bar Association study called environmental
23 manipulation, where basically the Court lays down the
24 law and says, you know, the children will spend time
25 with their rejected parent.

1 And until recently, I think it's been more
2 difficult for courts to see that as a reasonable option
3 to the stark dilemma they face. In other words,
4 they've been so impressed with the -- with the
5 children's expressed fears and hatred, either directly
6 to the Court or through a therapist or attorney ad
7 litem or guardian ad litem.

8 And the children can oftentimes be very convincing
9 in their accounts of past mistreatment by the rejected
10 parent. Their views can be very skewed, but they deny
11 any outside influence.

12 And I think that the suggestibility, for example,
13 of adolescents hasn't been as well known to courts.

14 So that in some cases, the Court sees it as an
15 easier solution to conclude that both parents have
16 contributed to the child's attitudes, and there's no
17 reasons to put the children through the stress of not
18 giving them what they're asking for.

19 I think some courts have seen it as a very radical
20 solution to require the children to repair the damaged
21 relationship with the rejected parent. And so that's
22 part of it.

23 Part of it is I had not been associated with the
24 program until, I think, 2005 was the first time. And
25 Dr. Rand who did this basically worked a lot with the

1 National Center for Missing and Exploited Children.
2 And I -- I don't think there was that large of a demand
3 or knowledge of the program.

4 Since my articles for the Family Court Review,
5 though, there's been a -- people are much more aware of
6 the program. The issue of parental alienation has been
7 featured in conferences that judges and attorneys
8 attend. And I think that the courts are more likely to
9 make a conclusion that it's in the child's best
10 interest to repair the damaged relationship regardless
11 of -- of why the Court thinks the children alienated.
12 The Court determines that the alienation is not
13 proportionate or justified to the children's experience
14 of the rejected parent. In other words, they're not
15 children who -- who are in danger of being around that
16 parent for physical safety or, you know, children who
17 are going to be abused by a parent.

18 That the courts are more likely to -- to do
19 something about it, but they just haven't known what to
20 do. Generally, it's very easy to conclude that a child
21 is alienated, that is a child rejecting a parent, even
22 that it's -- the alienation is irrational. It's a
23 little bit more difficult to apportion blame, which
24 parent has contributed what to the problem, since all
25 childhood problems, you know, have multiple roots and

1 multiple factors.

2 But what's most difficult -- the most difficult
3 thing is, well, how do we help them. And there,
4 there's been so much failure that people have been very
5 pessimistic until people have learned about Family
6 Bridges.

7 And that's the experience I have in training
8 people to do the program, that they are generally
9 therapists who have -- who have had repeated failures,
10 but don't know what else to recommend because they
11 don't know what works. And so it helps to sort of step
12 back and do something very different, which is more of
13 an educational program.

14 Q Thank you. A lot of what you articulate from
15 the perspective of the bench is probably accurate.

16 I know Dr. Ionescu will probably ask you
17 questions and maybe I will try to preempt them.

18 If this is not alienation as we -- strike
19 that -- as you and Dr. Warshak (sic) and Dr. Sullivan
20 and Dr. -- Dr. Worenklein and you and others define it,
21 but it is, indeed, estrangement as we have defined it,
22 does that make a difference?

23 MS. MARSHALL: Your Honor, if I may? In part
24 because Dr. Warshak raised this with me on the break.
25 I'm unclear about how and if the Court has qualified

Colloquy

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1 him as an expert.

2 THE COURT: Have not.

3 MS. MARSHALL: Then --

4 THE COURT: I did not qualify him as an
5 expert.

6 MS. MARSHALL: I am -- I am concerned --

7 THE COURT: So you're right.

8 MS. MARSHALL: He raises a very -- sorry.
9 Dr. Warshak raises a very good point that he is being
10 asked questions -- and I'm sorry if I'm paraphrasing
11 you and if I'm inaccurate, please interrupt me.

12 He's being asked questions that would
13 ordinarily elicit expert testimony. Perhaps,
14 especially before we begin cross-examinations, it might
15 be worth either stipulating to his expertise, voir
16 diring him on his expertise, but allowing the
17 opportunity for his qualification as an expert.

18 And I'm sorry to interrupt, but --

19 THE COURT: You're not -- you're not
20 interrupting.

21 I struggled with the concept of how far we
22 were going to go with Dr. Warshak, not wanting to waste
23 an opportunity to educate myself and to find a way to
24 help this family. Because, as I said, from where I'm
25 sitting, the problem more for me is what to do as

1 opposed to who's at fault. And I guess determining a
2 little bit of who's at fault has something to do with
3 what to do.

4 That being said. I've had the benefit of
5 looking at Dr. Warshak's curriculum vitae, which runs
6 to 33 pages. But I did not want him to be presented as
7 an expert because, once we do that, we'll be here
8 cross-examining -- and I opened the door, I acknowledge
9 it. We'll be here for three more days. And I don't
10 want to do that.

11 So I -- I -- I will mark, if you so -- I
12 think everyone -- although I do not know this is so --
13 would concede he has expertise. Whether he would -- it
14 would be a stipulation and what area of expertise, I
15 don't know what the parties and the guardian ad litem
16 would stipulate to. But if we do that, then we're
17 going to be asking questions under Rule 7:01, et
18 cetera, for opinions. And if we do that, we're off and
19 running for a full -- and I didn't want to do that
20 either.

21 Ms. Marshall.

22 MS. MARSHALL: Your Honor, could I just also
23 ask if you could tilt your lampshade a little bit,
24 please.

25 MS. CECONI: Thank you.

1 MS. MARSHALL: Ms. Ceconi will not be cross-
2 examining if that continues. Thank you. It's
3 distracting.

4 THE COURT: Was I -- was I --

5 MS. MARSHALL: That's perfect.

6 MS. CECONI: It's an interrogation technique,
7 Judge.

8 MS. MARSHALL: It's working really well.

9 THE COURT: I was not aware that my lampshade
10 had that effect.

11 MS. MARSHALL: Your Honor, perhaps -- Dr.
12 Warshak has been, I think, clear that although there
13 has been an intake on this family, which I think is
14 fair cross, he has been clear that he really cannot
15 opine specifically vis-a-vis this family because he has
16 not worked with it.

17 That would seem to me, at first blush, at
18 least, to somewhat limit the cross. Because it would
19 be giving him a string of endless hypotheticals, the
20 value of which under our rules is perhaps not as strong
21 as it might initially believed.

22 Secondly, the Court could voir dire him on
23 his expertise and qualify him as an expert in -- or not
24 -- in something.

25 But I'm just concerned about the perhaps lack

1 of record clarify if this is ever reviewed.

2 THE COURT: Point fairly raised.

3 I would suggest we take Dr. Warshak's
4 curriculum vitae and we mark it into evidence as a
5 court exhibit. If anyone has an objection to that,
6 speak now.

7 MS. CECONI: Judge, all I'd point out is the
8 one I have is 35 pages. And I think the Court
9 referenced 33. So --

10 THE COURT: Maybe I counted incorrectly.

11 MS. CECONI: -- I want to make sure that
12 we're dealing with the same CV.

13 THE COURT: My CV runs to 33 pages.

14 Dr. Warshak, how about you take out a CV and
15 you give us the one that you want and we will mark it
16 into evidence.

17 And I want to let you know that there is
18 already an order here. And I appointed Dr. Marcy
19 Pasternak as a therapist to meet with the parties for
20 family therapy for a lot of reasons. That -- I already
21 -- we already did that. That's what I had suggested
22 earlier -- or had been suggested earlier. Either way.

23 Do you have a CV? We'll mark it and if
24 anyone has an objection, I'll deal with it.

25 Do you need assistance in getting your CV?

1 THE WITNESS: I -- I do have a CV. I just
2 noticed that just because of the way it was printed,
3 that there's one blank page that's still counted. So
4 there are 35 pages to this, but it looks like Page 11
5 is blank.

6 THE COURT: My Page 11 is not blank.

7 THE WITNESS: Right. The way to tell if you
8 have a current CV is that recently, the University of
9 Baltimore Law Review accepted one of my manuscripts
10 that I submitted for publication. So that should be
11 the very first article listed in the list of articles.

12 MS. CECONI: On what page?

13 THE WITNESS: Well, it's on Page 9 of my CV.
14 I think probably is Page 9 of the other.

15 MS. CECONI: I have that.

16 THE COURT: Mine starts with DR.
17 WORENKLEIN:

18 THE WITNESS: Okay.

19 THE COURT: So we do not have the --

20 MS. CECONI: Judge, we have extra copies of
21 the one that I believe Dr. Warshak --

22 THE COURT: Okay.

23 MS. CECONI: -- is referencing that we can
24 provide to everyone.

25 THE WITNESS: The current one would have

1 three articles that are in press, that are forthcoming.

2 THE COURT: And, you know, that was on a list
3 of questions that I might have asked you. That was
4 one, do you have anymore publications since 2010. And
5 that would have -- you've now answered that.

6 MS. CECONI: We made copies for everybody.

7 THE COURT: All right.

8 MS. CECONI: On Page 11 on that, it just
9 shows Page 11. It doesn't have any information.

10 THE COURT: Okay. What is the next exhibit?

11 MS. SEIDEN: C-20.

12 THE COURT: C-20. Ms. Seiden says C-20.
13 Let's see if Ms. Cokley agrees.

14 THE CLERK: Yes.

15 THE COURT: C-20. Any objection to marking
16 Dr. Warshak's CV as a -- into evidence?

17 Dr. Ionescu?

18 DR. IONESCU: Your Honor, I --

19 THE COURT: To the -- to the CV?

20 DR. IONESCU: I am -- well, to the CV, no.
21 But the idea of having Dr. Warshak acting as a expert
22 sounds to me like it's unfairly advantaging the other
23 party after she refused to use Dr. Montgomery's. Then
24 we had Dr. Worenklein. Now we have Dr. Warshak. And
25 maybe we'll have another Dr. W. And I don't want to

1 make any joke on that.

2 But I'm very concerned about the
3 preponderance of experts trying to support her case,
4 when pretty obvious we are dealing with estrangement
5 here. So now what should I do? Get another expert?
6 And we continue like this.

7 It seems like it's going this way. And it
8 might go -- might go until the children are 18. I
9 don't know.

10 THE COURT: Well --

11 DR. IONESCU: And I'm very -- I'm very
12 troubled about a lot of things. I'll be honest with
13 you.

14 THE COURT: Thank you, sir. I don't know
15 that that would be an objection to keeping his resume
16 out of evidence, his curriculum vitae. But let me find
17 out.

18 Ms. Marshall, do you have an objection to C-
19 20 being in evidence?

20 MS. MARSHALL: No.

21 THE COURT: Do you have any, Ms. Ceconi?

22 MS. CECONI: No, your Honor.

23 THE COURT: C-20 in evidence, the curriculum
24 vitae of Dr. Warshak.

25 (C-20, Warshak's Curriculum Vitae, admitted

1 in evidence)

2 THE COURT: Now to the extent I have asked
3 questions of Dr. Warshak that seem to verge on
4 questions to an expert, I will apologize.

5 My intent was to pick his brain mostly about
6 the Family Bridges program, of which I now learn he is
7 not the creator, but he is one of the -- and maybe the
8 head team leader. And, number two, whether there is
9 the possibility or probability of creating similar or -
10 - types of programs locally. And, three, whether or
11 not the 90-day no contact or suspension of contact was
12 a critical part of the program.

13 So to the end that I have strayed and asked
14 questions to enhance my learning, I would apologize.
15 But I did not mean to open up the door to have another
16 expert.

17 That being said. Some of the questions that
18 were asked probably called upon his experience to
19 opine, although that was not the intent.

20 I note that I have a CV of Dr. Pasternak here
21 too. I don't know if I should do anything with that
22 for a complete record, but it's here.

23 Now then. I have to be honest. I can't
24 recall -- I'm done with my questions, and the last one
25 being why were there no other programs such as Family

1 Bridges. And he answered that. And that's probably
2 not relevant to anything except my own education.

3 Who is up next, by my own fiat?

4 MS. MARSHALL: Not me, but -- but, your
5 Honor, if I may, specifically to Dr. Ionescu's
6 objection.

7 Dr. Warshak is here presented by plaintiff,
8 but he is here to aid in the common understanding of
9 Family Bridges. And -- and his CV, which this is the
10 iteration, as far as I can tell, with which I have
11 previously been presented, his CV speaks to his
12 expertise.

13 I simply want to offer the perspective that
14 any expert or person who aids in the inquiry of what is
15 best for these children should not be viewed through
16 the lens of whether it is objectively, perhaps, more
17 "favorable" to one party or the other. And to continue
18 to iterate that the children are the only people who
19 should be served by this inquiry.

20 And to the extent that Dr. Warshak comes in
21 aid of that, to educate us, then the children should
22 not be prejudiced by the lack of qualification or the
23 qualification of Dr. Warshak as an expert. He clearly
24 is not a party expert. And unless Ms. Ceconi disagrees
25 with me, I do not think he's being presented as that.

1 I recall her saying he is here to testify to
2 Family Bridges.

3 THE COURT: And I may have strayed over the
4 line in my quest to understand the program.

5 MS. CECONI: And, Judge, if I may. It was
6 actually the Court who said, after I made the
7 application, that Dr. Warshak would be questioned by
8 the Court. And that was the reason for I had asked
9 whether or not Dr. Warshak could be provided with any
10 of the reports or should be provided with any of the
11 reports. And the Court said no and explained what
12 issues it had -- it felt needed more explanation
13 because of its inclination not to order the family or
14 members of the family to Family Bridges.

15 Judge, I think we need to acknowledge,
16 obviously, a level of expertise from Dr. Warshak in
17 terms of how Family Bridges works or why he believes it
18 works, without getting into asking him any custody
19 recommendations in this case. It's very clear he can't
20 make them, particularly in light of the Court's ruling
21 that he not be given any of these reports.

22 But I think that it's -- it's fair
23 questioning, and I believe in part that's what the
24 Court was doing, is asking why is it a certain way and
25 what's the benefit of having it a certain way in order

1 to understand how the program works or why it may or
2 may not work.

3 THE COURT: Thank you.

4 Dr. Ionescu, do you want to ask any questions
5 of Dr. Warshak?

6 DR. IONESCU: Well, one is, I'll be honest, I
7 wasn't prepared for that because I thought that the
8 Court would be the only one. But I probably could find
9 some questions, but I feel like I'm not -- I definitely
10 have a few questions. But if I knew I was going to ask
11 questions, I would probably have come differently
12 prepared, I'll be very honest with you, your Honor.

13 THE COURT: Thank you.

14 Well, here's what we're going to do. Then
15 I'm -- I have to give you the right to ask him
16 questions based on what I asked. I'm not sure if
17 anyone else has any other questions. I suspect there
18 are others that do. I will give you a limited
19 opportunity if you so desire to ask questions, and
20 probably after lunch. Because we are actually sooner
21 approaching the lunch hour.

22 But I now want to -- I don't want to -- I
23 don't want to waste a half-hour.

24 I'm also wondering whether or not it is
25 useful anymore to have Dr. Worenklein participate.

1 'Cause I don't know how long we're going to continue
2 after lunch. But he's served my function in my ability
3 to bounce a question off of him or not, which he did.

4 It was in my mind that if there were some
5 questions that I needed to ask him, he would be
6 available, and he did that for me.

7 Dr. Worenklein.

8 DR. WORENKLEIN: Yes.

9 THE COURT: I'm wondering whether or not your
10 presence is still necessary. And before I ask you.

11 Dr. Ionescu, do you think we need Dr.
12 Worenklein for the rest of what's going to happen? Or
13 you have no position?

14 DR. IONESCU: I have no position, but, I
15 mean, I have my own opinions about Dr. Worenklein, so I
16 don't know.

17 THE COURT: Your opinions about him are
18 different than the question I asked.

19 DR. IONESCU: Yes.

20 THE COURT: Ms. Marshall, any thoughts on
21 whether Dr. Worenklein should or should not participate
22 further?

23 MS. MARSHALL: Yes. Meaning no disrespect to
24 Dr. Worenklein, I think that it could present an
25 imbalance of perception now that the Court -- the

1 Court, whose expert he is, is finished with him. Given
2 Dr. Ionescu's observation, I think it would be better
3 for a lot of reasons for Dr. Worenklein to disengage,
4 unless and until the Court does redirect or has
5 additional questions.

6 THE COURT: Ms. Ceconi.

7 MS. CECONI: Judge, I believe that Dr.
8 Worenklein should stay in this conversation. Because
9 if the Court has additional questions of Dr. Worenklein
10 after hearing the rest of Dr. Warshak's testimony, it
11 would probably make more sense of him to offer that
12 based on what he's heard, as opposed to the Court's
13 perception or anyone else's perception of the testimony
14 that's been heard.

15 THE COURT: Thank you.

16 In the ease of economy and for the purposes
17 of streamlining, if I need to ask a question of Dr.
18 Worenklein, I expect we could get him back on the phone
19 sometime later today.

20 You're available later today, sir?

21 DR. WORENKLEIN: I've made myself available.

22 THE COURT: Okay. So if I have a question of
23 you or perhaps anyone else has a question of you, we
24 will get you back on the phone. We appreciate it. And
25 I'm thinking I'm going to disengage with you at this

1 time.

2 DR. WORENKLEIN: Not a problem.

3 THE COURT: Thank you, sir.

4 DR. WORENKLEIN: Be well.

5 THE COURT: You too.

6 Okay. Now then, who did I suggest would have
7 an opportunity to ask questions of Dr. Worenklein?

8 Was it you, Ms. Ceconi?

9 MS. CECONI: I believe --

10 THE COURT: Dr. Warshak. I did it.

11 MS. CECONI: Warshak.

12 THE COURT: Go ahead.

13 MS. CECONI: I believe --

14 THE COURT: Ms. Ceconi, you may ask some
15 questions.

16 MS. CECONI: -- you put me first, Judge.

17 CROSS-EXAMINATION BY MS. CECONI:

18 Q Dr. Warshak, the Court in agreeing to allow
19 your testimony today said that it would also be looking
20 at three articles that have been introduced into
21 evidence in this matter. One article -- and I believe
22 all of them are from the Family Court Review, the
23 January 2010 edition or volume.

24 And one is Family Bridges Using Insights From
25 Social Science To Reconnect Parents and Alienated

1 Children. The other is the commentary on Family
2 Bridges Using Insights From Social Science To Reconnect
3 Parents and Alienated Children by Joan B. Kelly. And
4 the last article, I believe, that the Court referenced
5 was your article Alienating Audiences From Innovation,
6 The Perils of Polemics, Ideology, and Innuendo.

7 My question to you begins with, since writing
8 those articles, have there been any modifications or
9 changes to the Family Bridges program?

10 A There have not been any modifications or changes
11 to the essential elements of the program. You know,
12 we've trained some additional team leaders. Every time
13 we do the workshop, we learn more, we find new
14 materials that can be helpful to teach the concepts
15 we're teaching. But the basic syllabus remains the
16 same.

17 Q And in terms of the -- the admission into
18 this program, do you accept people into the program if
19 it's been determined that there have been some noted
20 deficiencies on the part of the rejected parent?

21 A I think it depends on whether those deficiencies
22 are seen as primary cause of the children's negative
23 attitudes and whether those deficiencies continue to
24 exist versus whether they're deficiencies that are not
25 seen as reasonable that those would lead to the level

1 of alienation that the children experience.

2 Q And is it unusual that a rejected parent
3 would come to the program with some parenting
4 deficiencies or having observed some complaints about
5 the rejected parent's parenting skills?

6 A Well, all the families we work with -- first of
7 all, there are numerous complaints about the rejected
8 parent made from the children as well as from the
9 favored parent. But in all the families we work with,
10 the rejected parent has made some mistakes and really
11 needs some assistance in how best to help the children
12 cope with the situation.

13 Q Does Family Bridges offer any part of its
14 program to deal with the rejected parent's parenting?

15 A Yes. In fact, we have a very structured module
16 that we use to assist the -- the rejected parent or
17 whichever parent we're working with in learning better
18 communication skills, in learning better ways with the
19 children of resolving conflicts. And the children
20 actually get to sit in on those modules, so they
21 actually see that their parent is learning new material
22 and that the whole family is getting some tools to --
23 to do a better job of -- of communicating with each
24 other, as well as resolving disagreements.

25 Q One of the things that you testified when

1 Judge Issenman was questioning you is that in general -
2 - here's what I wrote down. Is therapist. Is not
3 doing a custody evaluation. And that the therapist
4 may, in fact, may become aligned with the child.

5 Is that an accurate statement as to what
6 you've previously stated?

7 A Yes.

8 Q Okay. And you said something to the effect
9 of therapists generally do not confront their patients
10 about the facts. What did you mean by that?

11 A That in the -- in the cases we deal with,
12 generally, they have gone through litigation. And the
13 consensus in my field is that there's a big difference
14 between the role of a therapist and the role of a
15 forensic investigator.

16 And one of those differences that we see in the
17 children we get is that -- is that the therapists have
18 concentrated on -- on maintaining what's called the
19 therapeutic alliance. They work on very much trying to
20 help the children see that they can understand the
21 children's feelings.

22 But as a result of that, oftentimes, they won't
23 confront the child about the child's statements of
24 fact. And they also are not in a position generally to
25 -- at least for some therapists, will not have the

1 additional information available to a forensic
2 investigator.

3 For example, they won't interview collateral
4 contacts. They won't -- some -- in some cases, they
5 don't even meet with the parents. They just meet with
6 the children.

7 So the amount of information they have is quite
8 limited and that can skew their -- their vision of
9 what's best for the children. And I think that's one
10 of the reasons that many states, including New Jersey,
11 prohibit psychologists who are therapists from
12 testifying regarding the custody matters of their
13 therapy patients.

14 THE COURT: You know, Ms. Ceconi, I think
15 that I am going to limit your cross-examination. I'm
16 going to strike that question and answer as I've been
17 pausing and thinking.

18 This is what I do not want to do. I don't
19 want to use Dr. Warshak as an open window for you to
20 attack the credibility of everybody that's been on this
21 witness stand for the last 14 days.

22 He is here solely to tell me about Family
23 Bridges. To the extent I may have overstepped my
24 bounds, I retract that.

25 So that we're not going to go down that road.

1 And I'm going to limit you severely to this.

2 MS. CECONI: Judge --

3 THE COURT: I'm telling you right now.

4 That's --

5 MS. CECONI: I understand that.

6 THE COURT: Oka.

7 MS. CECONI: But with all due respect to the
8 Court, it was the Court that pointed out as its
9 concerns --

10 THE COURT: Yep.

11 MS. CECONI: -- one of these very issues.
12 And I think that it's fair for me to be able to
13 question on that.

14 THE COURT: I don't, so you're stopping.

15 MS. CECONI: The Court --

16 THE COURT: I'm tell --

17 MS. CECONI: -- asked that question.

18 THE COURT: I am -- I am limiting your cross-
19 examination on this topic right now.

20 MS. CECONI: But --

21 THE COURT: So that we are not going to go
22 down the road and repeat. He said it on his direct,
23 what he said about therapists. You have what you need.
24 And we're not going to do it. Not. Thank you. Move
25 on.

1 Q Dr. Warshak, does Family Bridges deal with
2 the issue of children where there is a concern as to
3 depression or despair?

4 A Yes, we do.

5 Q And how is it dealt with?

6 A Part of it is through the intake process and part
7 of it is through a screening that we do when -- at the
8 outset of the workshop to determine that the children
9 are, in fact, ready to have a successful and safe
10 experience with the workshop.

11 And if in that screening we determine that -- that
12 the children are at a high risk for, you know, harmful
13 effects, then -- then we won't conduct the workshop, at
14 least not at that time.

15 Q And what, if any, safeguards are in place to
16 protect children from the risk of depression or
17 despair?

18 A Well, I have to say that in the families we've
19 worked with where those have been presented as -- as
20 part of the concerns about the family, that we've found
21 that those risks in general are -- the risks are
22 overestimated that the children will suffer depression
23 and despair. And what is underestimated is the
24 gratification the children experience at being able to
25 finally move beyond a position of rejecting one of

1 their parents.

2 Q And does an aftercare program address the
3 issue of the children's risk of depression or despair
4 after the four of five days?

5 A The aftercare program would to the extent, for
6 example, if the children would require therapy, then
7 that would, you know, come to the attention of the
8 aftercare professional.

9 But, again, I have to say in my experience, the
10 predictions of the child's need for therapy far
11 outweigh the number of instances in which they actually
12 need them.

13 We -- two cases ago we did, three therapists and
14 the custody evaluator all predicted that a child would
15 have to be hospitalized within 24 hours of arriving at
16 the workshop and would require residential treatment
17 afterwards. And none of that came true.

18 And that's been our experience in general, that
19 the family learns ways to deal with difficult feelings.
20 And for the most part, the children are sort of fed up
21 with therapy. Some aren't and want -- and ask to see a
22 therapist. But in most cases, the family is ready to
23 move beyond that.

24 Q And would the aftercare person, if the child
25 were still in therapy, would the aftercare person -- is

1 it envisioned that they would have contact with the
2 child's therapist?

3 A Yes. Ideally, the aftercare person should have
4 the authority to have contact with all the mental
5 health professionals who are working with the family.

6 Q And would that --

7 THE COURT: I'm sorry. Could you repeat the
8 question and the answer again?

9 Ms. Ceconi, repeat the question. And --

10 Q Would -- is it envisioned that the aftercare
11 person would have contact with the child's therapist if
12 therapy were continued?

13 A And my answer was that, yes. And, ideally, the
14 aftercare person would have the authority to have
15 contact with all the mental health professionals who
16 are involved with the family.

17 THE COURT: Would that include the therapists
18 of the mother and father?

19 THE WITNESS: I think that would depend in
20 large measure on whether the parents gave their consent
21 for that and the extent to which the issues being
22 worked on in therapy were relevant to the parent's
23 interaction with the children.

24 Q And in terms of the children's therapy, would
25 that then limit the confidentiality of that therapy?

1 A Yes, it would. And in general for the children
2 who go through Family Bridges, if they -- if they're
3 requiring therapy regarding their relationship with the
4 parents, then that would be important information for
5 the aftercare professional to have.

6 In most cases, the aftercare professional is able
7 to get the information they need by talking with the
8 parents and the children. And in some cases, the
9 child's therapy is really for a specific issue that's
10 un -- that's not directly related to conflicts with the
11 parents.

12 Q Now Judge Issenman mentioned that he had
13 ordered the parties to attend therapy together with
14 Marcy Pasternak. Do you believe that an aftercare
15 person could also provide this type of therapy? The
16 same person. In other words, could Marcy Pasternak, in
17 this situation, be an aftercare person and a therapist
18 for the parties to -- for joint therapy for the
19 parties?

20 A The aftercare professionals who have worked with
21 the families, who have worked within Family Bridges,
22 generally won't have extensive contact with the
23 rejected parent. They need to speak with that parent
24 in order to monitor the impact of the children's
25 contact with the other on that parent.

1 In some cases, the aftercare person will work
2 directly with the favored parent to try to assist them
3 in helping the children keep -- keep the progress
4 they've made. And will also be in a position, then, of
5 regulating the access to the children. That -- the
6 model of that is more of the sort of -- in some
7 jurisdictions, they have supervised visitation where
8 the -- where the orders allow the super -- the
9 supervisor to make those judgments.

10 But in most -- I can't think of a case in which
11 the aftercare professional was doing family therapy
12 with the -- with the whole family or even couples'
13 therapy with the -- with the two parents, in that role.
14 That it hasn't been necessary following the program.

15 THE COURT: Would you see an inherent
16 conflict in that role or those roles?

17 THE WITNESS: I -- I think there could be. I
18 think there could be. And I think that it -- it could
19 -- I'll just say I think there could be. And it's --
20 it's hard to envision how that would work out
21 beneficially.

22 THE COURT: Thank you.

23 Sorry to interrupt.

24 MS. CECONI: No problem, your Honor.

25 Q Now, Dr. Warshak, one of the things that you

1 -- you were questioned on and discussed was the reason
2 for no contact with the favored parent. And I guess my
3 question is in today's age, cell phones and text
4 messages and emails, and all of these forms of
5 communication, how is it reasonable to expect that a
6 no-contact provision could be enforced?

7 A Well, I will acknowledge that those means of
8 communication have made that more difficult. But
9 usually the way this plays out is that the Court has
10 made very clear orders that the parent is to have no
11 contact with the children. And the children understand
12 that those are the orders. And so they understand that
13 the parent could get in trouble with the Court if the -
14 - if the parent was violating those orders by having
15 contact with the children. And the children don't want
16 to get that parent in trouble. So they generally will
17 refrain from that contact.

18 The other thing that happens is that during the
19 family workshop, the -- the parent who attends the
20 workshop with the children and the children will
21 negotiate how they're going to monitor that situation.

22 For example, very often, the children will say,
23 look, I want to use my computer, you know, I want to do
24 Facebook and all that. And so they work out
25 compromises, for example, where the parent will have

1 access to the computer, it will be used in public. In
2 some cases, they'll agree that the parent can put on
3 software on the computer to monitor those contacts.

4 But so, in general, it's a combination of the
5 children being aware that they could get the parent in
6 a lot of trouble, and they don't want to do that,
7 combined with the children agreeing that -- that until
8 more trust us developed, that the parent they had been
9 rejecting is going to need some other means to reassure
10 herself that -- that the orders are being followed.

11 THE COURT: I'm going to say, this is
12 probably a good place to take a break. So that we can
13 stop. It's 25 after 12. We need to get some lunch.

14 I think I should put on the record I have
15 invited several judges to my courtroom for lunch to
16 listen or to pick Dr. Warshak's brain with respect to
17 anything they want to pertaining to alienation, since
18 he is available. And I would like to get that
19 organized. And I will not participate in the program
20 because I think that would be inappropriate for me to
21 do so. But I -- because I'm not participating does not
22 mean that other judges should have the opportunity.

23 So we're going to break now. I'm going to
24 suggest that Dr. Warshak and others go get their
25 lunches. Because there are jurors who will be crowding

1 -- crowding the counter. And then we're going to
2 assemble here probably at 1:35.

3 And I anticipate Dr. Warshak will be here for
4 lunch with his niece and some judges and law clerks,
5 and I think one of our court -- or two of our court
6 mediators.

7 And we thank you, Dr. Warshak, for making
8 yourself available on your private time.

9 (Off the record. Back on the record)

10 THE COURT: -- on the record in the matter of
11 Dr. Alexianu and Dr. Ionescu.

12 Dr. Warshak is on the witness stand. Ms.
13 Ceconi was asking him questions.

14 Ms. Marshall is here.

15 And as I -- I had a brief conference with the
16 parties and counsel and guardian ad litem. And I did
17 suggest to them that Dr. Warshak, if at all possible,
18 is going to be done today. Today ends at four or 4:15.
19 And we have Ms. Ceconi, Ms. Marshall, and Dr. Ionescu
20 who all may want to ask questions. And then I may even
21 have some more.

22 But, basically, we are working once again
23 against a clock. Be advised. Thank you.

24 MS. CECONI: May I continue, Judge?

25 THE COURT: You may.

1 DR. R I C H A R D A. W A R S H A K, PLAINTIFF'S
2 WITNESS, PREVIOUSLY SWORN.

3 CROSS-EXAMINATION BY MS. CECONI: (Cont'd)

4 Q Dr. Warshak, during the lunch break, you
5 approached me in the cafeteria to say that you
6 remembered another reason why programs like Family
7 Bridges are not as widespread. Could you tell the
8 Court that other reason, if you can recall now?

9 A Yes. Thank you for that opportunity.

10 Well, it's -- usually we -- usually, they're
11 scheduled at the very last minute based on either a
12 judge's decision or children who are abducted and
13 recovered and they're not a schedule. So basically, we
14 have to drop our practices, leave our families for a
15 week at a time. And that just doesn't fit with -- with
16 the framework for the way a lot of therapists work.

17 And the families are -- admittedly, these are
18 very, very difficult families to work with. It's
19 extremely gratifying to see the reunifications, but --
20 but this is the kind of work that people are very
21 reluctant to do.

22 The Overcoming Barriers people worked very, very
23 hard and volunteered their time, you know, for two
24 summers in a row, spent a lot of investment in trying
25 to create a good program. And, you know, they -- they

1 had the same experience that most therapists do with
2 these families. They're just very difficult to work
3 with.

4 Q Now, Doctor, with respect to the Family
5 Bridges program, is there an opportunity in the program
6 for the rejected parent and the children to rehash
7 concerns that they had concerning their relationship?

8 A Most -- most of the time, that doesn't come up
9 except in one context. Because the focus really is on
10 beginning where they're at and moving forward with the
11 relationship, that we find that that makes the children
12 very anxious if they have to rehash the past. And it's
13 not very productive. They've done that a lot in their
14 past therapeutic treatments. And it really hasn't --
15 hasn't helped them overcome those attitudes. Instead,
16 we teach them about how negative attitudes develop.

17 Now there are times when they may sort of bring
18 something up or some complaint. And then, instead sort
19 of calling them on it, we'll just ask them to look --
20 for example, we develop a checklist of ideas and
21 behaviors and concepts, that we'll have them look over
22 and see if they can identify what -- you know, what
23 that might -- what their behavior might have been
24 illustrating. And we do it privately so they can save
25 face. And they've come to understand, oh, yeah, that's

1 like that video we were watching where the kids did
2 this and that.

3 But in general, the thrust is not on rehashing the
4 past, but it's on teaching them how people can have
5 different perspectives and still coexist. We're not
6 requiring the children to say they were wrong in the
7 past or the parent to say they were wrong, but rather,
8 to -- to move forward.

9 Q And with respect to the favored parent, what
10 is part of the education for the favored parent if they
11 sign up for the workshop?

12 A Well, the favored parent also learns, you know,
13 the communication skills and skills in terms of dealing
14 with where people have different perspectives, how to
15 move, you know, beyond an impasse.

16 They also learn, though, about the -- the harm to
17 the children of feeling like they're having to choose
18 sides. They learn how to support the children's gains
19 and -- in terms of the relationship with the rejected
20 parent, the recovery of good feelings.

21 We -- we teach them, as well -- sometimes, the
22 favored parent really is -- does not have a good
23 appreciation of the extent to which the children's
24 attitudes may have been influenced by the favored
25 parent's own attitudes. And, you know, each case is

1 different and the extent to which the favored parent's
2 attitudes play a role varies.

3 But -- but, in general, the favored parent's
4 attitudes have played an important role in the
5 children's attitudes. But sometimes the favored parent
6 is not really consciously aware of that. And so they
7 learn about how -- how easy it is for children to be
8 influenced by -- by adults.

9 And they learn that -- they learn that they can
10 maintain a positive loving relationship with their
11 children without requiring the children to reject the
12 other parent.

13 Q And does the rejected parent, as part of this
14 education, is there a component of coparenting that's
15 discussed?

16 A That comes up in the sense of how to support the
17 children's regard for the other parent, how to deal
18 with the parent's own complaints. You know, the
19 favored parent will say, yes, but he or she did this or
20 they -- this is what they do with the kids. And we try
21 to help them understand how you don't define a parent
22 based only on the things you don't like about them.

23 So to that extent, it contributes to the -- you
24 know, the coparenting. You know, their ability to
25 basically leave the children out of the middle.

1 Q Now one of the things that -- that you raised
2 during the Court's questioning was that the children, I
3 guess in at least one instance, that the children
4 visited the Court after the program. Can you describe
5 that? How soon after a program would the children
6 visit the Court?

7 A That happened, I think, in one instance. And I
8 think it was -- I've been to remember the details
9 because it was in a case involved -- before I joined
10 with doing Family Bridges. And I -- my understanding
11 is it may have been a phone call with -- that the child
12 had with the Court.

13 It's not a routine -- it's not a routine thing.
14 The courts usually get feedback from -- you know,
15 informally about how the family is doing.

16 Q Have you had any instances where the favored
17 parent was subsequently rejected by the children after
18 attending Family Bridges?

19 A No. No. We make it clear in the program that --
20 that the goal is not for the children to reverse their
21 allegiance and have it for one -- the other -- you
22 know, the rejected parent becomes the favored parent,
23 or that. You know, we make it very clear that that
24 would be an injustice to the children, that they
25 deserve to have a loving relationship with both

1 parents.

2 In fact, in one workshop recently, a child did
3 say, look, I get it, I get that I'm alienated, it's
4 become clear; does this mean that, you know, I'll go
5 five years now and never see -- this was only the
6 mother -- I'll never see my mother and then I'll become
7 alienated from my father? And we said no, no, that's
8 not it at all. And he was so relieved to know that
9 that's not the goal at all.

10 We've never had that happen. But I will say that
11 we have had some cases where the parent who had been
12 the favored parent subsequently rejected the children
13 and just could not tolerate the children no longer
14 taking sides in the disputes.

15 Q Would Family Bridges consider it a success if
16 the children accepted the rejected parent, but
17 ultimately rejected the favored parent?

18 A No. No. That would -- that would really be --
19 not accomplish one of our important goals is we want
20 the children to develop the capacity to have a loving
21 and respectful relationship with both parents.

22 So, but again, I don't -- none of the children
23 I've worked with have ever been in that position
24 because they don't -- they certainly don't get that
25 message from the program. And the parent, the rejected

1 parent who had gone through the program certainly
2 understands -- usually having been in that position,
3 they certainly don't want to visit that on the children
4 again.

5 And is -- you know, everything in the program
6 supports the importance of the family, you know, not
7 having those kinds of allegiances.

8 Q Thank you.

9 MS. CECONI: I have no further questions at
10 this time.

11 THE COURT: Thank you.

12 Who's up next? Ms. Marshall or Dr. -- Dr.
13 Ionescu, do you want to ask some questions?

14 DR. IONESCU: Yeah, sure.

15 THE COURT: Go ahead, Dr. Ionescu.

16 CROSS-EXAMINATION BY DR. IONESCU:

17 Q A couple of questions. You started earlier
18 saying something that the family dynamics has nothing
19 to do why one -- let's say father and mother are
20 rejected. Is that correct? Say, in other words --

21 A No, I --

22 Q -- you said it probably doesn't make any
23 difference between the father or the mother, it's about
24 the same thing. Is that correct?

25 A In terms of the specifics of why children would

1 reject one parent --

2 Q Yeah, yeah.

3 A -- or the other? That -- that's just something
4 that hasn't been studied very much. I was giving some
5 opinions based on the families I've worked with, what
6 I've observed, that -- you know, that I did think that
7 children were more likely to feel intimidated by a
8 violent father, for example, and identify with the
9 father in that circumstance.

10 But that there really hasn't been any research
11 that's allowed us to say when the mother's alienated,
12 it is one set of dynamics and there's a different set
13 of dynamics when the father is the alienated parent.

14 Q Have you read Dr. Johnston's (phonetic)
15 paper?

16 A I've read Dr. Johnson (sic). I'm not sure which
17 one you're talking about. She generally says --

18 Q Parental Alignments and Rejection An
19 Empirical Study of Alienation in Children and Divorce.

20 A Yes. In fact, I read that when it was in its
21 manuscript form. She sent it to me to review before
22 she submitted it to a journal.

23 Q Do you know how many cases she studied?

24 A I don't recall the exact number.

25 Q Three hundred and seventy-two families and

1 600 children. Do you think that's a small number?

2 A No. That's a pretty large sample for a study in
3 this field.

4 DR. IONESCU: Can I read something from that
5 paper, your Honor? Or that --

6 THE COURT: We're -- we're --

7 DR. IONESCU: He's not an expert. I
8 understand that.

9 THE COURT: Okay. I'm going to give you a
10 little more latitude because, A, you don't have a
11 lawyer and, B, you are the parent about whom all this
12 is occurring. So I'm going to give you a little extra.

13 MS. CECONI: I'm sorry, Judge. Can we just
14 get a reference --

15 THE COURT: Yes.

16 MS. CECONI: -- on the article if it's been
17 marked ?

18 DR. IONESCU: It's been marked as D-1G.

19 MS. CECONI: Okay. If I could just pull out
20 a copy of it.

21 THE COURT: We're all going through our index
22 books to get a copy of whatever it is. D-1G,

23 Parental Alignments and Rejection An
24 Empirical Study of Alienation in Children of Divorce by
25 Janet R. Johnson. And --

1 DR. IONESCU: And since I don't have a copy
2 of the paper, I wasn't prepared for a --

3 THE COURT: I will give him a copy of mine if
4 he needs it and he might.

5 Does that work for you?

6 THE WITNESS: Yes, your Honor.

7 THE COURT: The record will show I'm --

8 MS. CECONI: I have an extra copy, Judge,
9 too.

10 THE COURT: Well, let me take mine back and
11 we'll give Dr. Warshak -- let me have mine back in case
12 -- and we'll give Dr. Warshak a copy to look at. And
13 --

14 Q So will you please go to Page 168, second
15 column? Actually, you could look in the first column.
16 And there is a paragraph in the second column,

17 "According to clinician ratings, the typical
18 family dynamics of children who showed diminished
19 pleasure and resist or refuse contact with their
20 mothers are somewhat different."

21 And he (sic) gives a very clear and very
22 specific based on those 372 cases, families, and 600
23 children on why the rejection happens for mothers and
24 fathers. Is that correct?

25 A Some of what you said may be correct. But in

1 order to respond entirely, I'd certainly have to -- I'd
2 have to look a little more at my -- I don't --
3 Q I know the paper.
4 A I don't think the sample is the size that you're
5 citing. And --
6 Q Well, let me help you with that then.
7 A It's very difficult to answer a question about one
8 paragraph in a paper without --
9 Q Then I'll show you --
10 A -- understanding the context.
11 Q It's on Page 161, second column, first full
12 paragraph. And I read those things during the break,
13 so it was pretty quick.
14 THE COURT: First -- okay. So read to me
15 what it is you just read again or point me out.
16 DR. IONESCU: It's --
17 THE COURT: "It is generally agreed" -- is
18 that -- it doesn't start there, does it?
19 DR. IONESCU: Which one are we talking, your
20 Honor?
21 THE COURT: I'm -- I'm asking you which one
22 you're talking about.
23 DR. IONESCU: He -- Dr. Warshak referred to
24 --
25 THE WITNESS: Oh.

1 DR. IONESCU: -- the sample size.
2 THE COURT: Which one -- what is it you want
3 him to refer to in D-1G?
4 DR. IONESCU: It was on Page 168, the second
5 column, in which she says that the -- basically --
6 THE COURT: Who says? The article says.
7 DR. IONESCU: Dr. Johnston.
8 THE COURT: Okay. Says --
9 DR. IONESCU: Says that, "According to
10 clinician ratings, the typical family dynamics of
11 children who showed diminished pleasure and resist or
12 refuse contact with their mothers are somewhat
13 different from fathers," which is --
14 THE COURT: It doesn't say from fathers in
15 there.
16 DR. IONESCU: No, no. But it --
17 THE COURT: It says somewhat different.
18 DR. IONESCU: Then we have to read the first
19 columns where they talk about the father, "According to
20 clinician ratings".
21 THE COURT: Okay. So let me see if I can
22 help you phrase the question. And I'm not sure it's
23 relevant, but I'm going to give you the opportunity.
24 Dr. Johnson seems to write in the article we
25 marked D-1G that, according to clinicians, the typical

1 family dynamics with respect to fathers who resist or
2 refuse visitation and the typical family dynamics where
3 they refuse or resist mother are different. That's
4 what she writes.

5 And I think the question is do you agree. Is
6 that your question?

7 DR. IONESCU: Well, I think Dr. Warshak said
8 that there is --

9 THE COURT: What is your question?

10 DR. IONESCU: Yes.

11 Q Do you agree with that?

12 A I agree that that's what they found, but that's
13 not the same thing as the conclusion I was talking
14 about. This study was based on a large sample of
15 children who resist or refuse contact for all different
16 reasons. So it would include children who have a very
17 rational basis for the rejection of a parent, as well
18 as those who have an irrational basis. And combining
19 those groups, this is what they found.

20 But they -- if you look earlier in the article,
21 they state their own limitations. And that's one of
22 the limitations is that they can't draw causal
23 conclusions because of that.

24 I was talking the dynamics of children whose
25 alienation and rejection of a parent is determined not

1 to be in their best interest, is predominately
2 irrational. And then that's where I don't think
3 there's been any study that allows us to discriminate
4 the dynamics of the rejected mother when the rejection
5 is irrational versus a rejected father.

6 Q Thank you.

7 DR. IONESCU: I got the answer.

8 THE COURT: Okay. Then you can move on.

9 Q How do you know that in this case it's
10 irrational? Because all the assumptions you made
11 earlier seem like it's alienation.

12 THE COURT: Don't -- wait a minute. He's
13 here to talk about his program.

14 DR. IONESCU: Yeah, no, no, no. Okay.

15 THE COURT: He's made no assumptions about
16 this family. He's done no studies. He hasn't read the
17 reports. So I'm not sure that's a fair question.

18 DR. IONESCU: But --

19 THE COURT: I know it's driving you, but --

20 DR. IONESCU: No, no. Let me -- maybe I
21 misunderstood something, your Honor.

22 THE COURT: Go ahead.

23 DR. IONESCU: At some point, it was said or
24 you said that this program would be for us. And I may
25 have heard it wrong.

1 THE COURT: Let's clarify that.

2 Q Is this program for us?

3 A That's a fair question. Because there's a fine
4 distinction. But I am not recommending to the Court
5 this program for you. What I am saying, though, is
6 that -- that the family has gone through an intake
7 process, that -- and that the family would be accepted
8 into the program depending upon the outcome of the case
9 and whether the kinds or orders in place are ones that
10 we think would enable the children to benefit from it.

11 It's -- so it's -- it seems like a subtle
12 distinction, but it's an important one to me. In other
13 words, I can't recommend it for your family because I
14 haven't evaluated your family.

15 But as a program, we do have to screen the
16 families we accept and not accept. And it's my
17 understanding that this family would be accepted based
18 on that. But I didn't do the intake process.

19 Q Was there an intake process?

20 A Is -- yes, I believe so, yes.

21 THE COURT: Would both parents be part of the
22 intake process?

23 THE WITNESS: Generally not. Generally, the
24 rejected parent is the one who's going to be bringing
25 the children to the workshop initially. And that would

1 be -- that would be the parent who goes through that
2 process. And following the completion of that, the
3 favored parent, in some cases, will ask for the program
4 and -- and, you know, usually working with the
5 aftercare professional to get that arranged.

6 Q Wait. So was there an intake request made to
7 your program?

8 A My understanding is yes, there has been an intake
9 request made. And -- and that the family has been
10 accepted. In other words, whatever information was
11 gathered during that process was enough for the intake
12 person to conclude that -- that this is a family that
13 we believe we can help.

14 Q So would it be fair to say that you have a
15 lot of information about this family by the time you
16 came here?

17 A No. I had no information about it because I was
18 not doing the intake process.

19 Q Who did the intake process?

20 A Dr. Randy Rand did.

21 Q So the person who had their license
22 suspended. Is that correct?

23 A No, that's not correct. My understanding is that
24 his license is not suspended, that he's put it on
25 inactive status, which is a very different thing. And

1 that he's currently involved in a dispute with his
2 licensing board that's going through the appeals court.

3 Q All right. So in the (Indiscernible)
4 prerequisites, assuming that there was an intake
5 process, it says here that it's an option to consider
6 if the children's view of a parent and other relatives
7 is unrealistic. Why would the intake process say
8 that's unrealistic?

9 A The kinds of information that are generally relied
10 on, you know, have to do with the facts of the case,
11 whether a court -- whether there's been any finding in
12 court or in a custody evaluation that the -- that the
13 rejection of the parent is not in the children's best
14 interest. If -- if the Court does not determine that
15 it's in the children's best interest to live with the
16 rejected parent, then we won't be working with that
17 family. So that's part of the -- that's part of the
18 process.

19 Q But you came today with the assumption that
20 the child or the children -- sorry -- fit the bill, in
21 a sense. Is that correct?

22 A Actually, not. I came with no assumptions about
23 these children. I have not evaluated them. I haven't
24 evaluated the parents. I -- really my purpose here was
25 to educate the Court as best as I could about the

1 program and about any questions the Court had about the
2 kinds of families that come to the program, and the
3 circumstances under which they come, and which
4 circumstances facilitate success and which ones may
5 interfere with success.

6 Q You made a statement earlier as if the
7 children are estranged from the parent. And let's say
8 the favored parent didn't know exactly how he
9 contributed. That would be an acceptable case for your
10 program. Is that correct?

11 A If the favored parent didn't know how he or she
12 had contributed to the children's rejection --

13 Q Well, nobody discovered how he --

14 A -- of the other parent?

15 Q Well, let me rephrase the question.

16 If the parent did not know, nobody told him
17 what was wrong, nothing was really clearly suggested
18 what should be done; so that parent is basically
19 completely in the dark, trying to do everything
20 possible, but doesn't know what he is doing or she's
21 doing.

22 You made mention earlier, and I forgot to
23 which question, but you said that this would be a
24 program for those kind of children. Is that correct?

25 A It would be a program for children where the Court

1 has determined that it's in their best interest to
2 repair the damaged relationship with the rejected
3 parent, and that the rejected parent can provide, you
4 know, a safe and good home if the children can be
5 helped to overcome their negative attitudes.

6 So in some of those families, the favored parent
7 is clearly not wanting the children to reunite with the
8 parent. But in others, the favored parent is largely
9 unaware of what he or she has done to contribute to the
10 children's attitudes.

11 And so the focus is not so much on what the
12 favored parent has done. The focus is would it be good
13 for these children to have their mother back in these
14 lives or not. If she such a bad parent that -- and has
15 not been a value to the children in the past and the
16 Court doesn't expect her to be value in the future,
17 that would not be a family where we would work at
18 reuniting the children with that parent because it's
19 not a safe and good environment for them.

20 Q So if you say if the environment wouldn't be
21 safe, you would not recommend the program?

22 A If the parent doesn't have the capacity to provide
23 a safe environment, again, assuming that the children
24 have the help they need to overcome their alienation,
25 no. In other words, I'm talking about parents who are

1 abusive to a child, where the environment is so harmful
2 that -- that the priority has to be to protect the
3 children from further harm.

4 Q So in other words, if they were taken in the
5 program, there is no sign of abuse or anything like;
6 otherwise, you wouldn't have accepted them. Is that
7 correct?

8 A In terms of what's generally called abuse, that's
9 true. That's true. We don't -- we're not working with
10 a population of children who -- who have been removed
11 from a home because that parent has been abusive.
12 We're working with a population of children who may
13 make allegations of abuse or who may exaggerate a
14 parent's mistakes and regard it as much more severe and
15 serious and chronic than it is.

16 But the families we work with and help are the
17 ones where really the parent is not an abusive parent
18 and, in fact, in most of those families, if not all of
19 them, the children have -- in the past, have been able
20 to have very loving feelings toward that parent.

21 Q So what would you mean by violent behavior?
22 What would qualify there as one of the nons of the
23 program? What would raise to violent behavior, what
24 would be -- so let's say it's not abuse. Yes.

25 A Generally, it would be -- it would be behavior

1 that the child protective services or I think it's
2 called DYFS in New Jersey would -- would feel that the
3 children need to be removed from the home in order to
4 protect them from physical harm.

5 Q So you would consider basically -- but that's
6 abuse already, right?

7 A Excuse me?

8 Q That's abuse.

9 A If -- well --

10 Q If removed, that's abuse, right?

11 A I'm not sure. I'm going to say generally. But in
12 most cases, that -- that would be -- if the children
13 are being abused, they -- and were seen at risk for
14 further abuse, then they would be protected and removed
15 from the home.

16 Q But if there are hundreds of events that are
17 just below the level of abuse, you won't qualify that
18 abuse, would you?

19 A I think it depends on the individual
20 circumstances. That's why I think it's very important,
21 you know, for there to be, you know, evaluation of
22 those circumstances to -- to see if they really warrant
23 and independently would cause the children to reject
24 the parent or whether the parent really hasn't changed
25 much from the time the children had a positive

1 relationship with that parent to the time they then
2 turned against that parent.

3 THE COURT: May I interrupt? Because I might
4 be confused. And if I'm confused, perhaps others are.

5 You say this family has been accepted because
6 it's been through -- and you used the phrase the intake
7 process.

8 THE WITNESS: Yes.

9 THE COURT: I'm now assuming that there would
10 still be more of an evaluation before there is a
11 decision to accept the family? Or am I assuming
12 incorrectly?

13 THE WITNESS: No. No. You're assuming
14 correctly, that -- that there would be -- part of it
15 would be depend on what the Court's findings were about
16 the family. If -- if there's a custody evaluation
17 available to be reviewed, we definitely want to review
18 that. And then even beyond that, we do our own
19 screening once the child arrives at the program.

20 THE COURT: So in other words, as I
21 understand it -- and this may have been confusing to
22 Dr. Ionescu. When you say this family would be
23 accepted because it has gone through the intake
24 process, that only really means it's qualified to
25 further, but not necessarily qualified to enter the

1 program until you've done further steps.

2 THE WITNESS: Yes. That's correct.

3 THE COURT: So you need to do -- you need a
4 custody order from the Court before -- and you need --
5 I'm sorry. What other needs or what other steps would
6 your program need to take for what has to happen before
7 Family Bridges would say, we will take this program?
8 Assuming credit is done and money is no object.

9 THE WITNESS: Right. We would -- we would
10 need information. For example, if it's a court case,
11 that the Court finds that it's in the best interest of
12 the children to repair the damaged relationship with
13 the rejected parent. We would want assurance that is -
14 - this is a parent whom the children can benefit from
15 reuniting, that we're not putting them in harm's way by
16 -- by expecting children to reunite with a parent who
17 will abuse them and cause them great harm. So these
18 would be -- you know, these would be the kinds of
19 things we would look at. Now --

20 THE COURT: That would be from the court
21 order standpoint. And then you still do a further
22 evaluation and/or screening or both?

23 THE WITNESS: Yes, we will. When the
24 children arrive, for example, at the site that the
25 workshop is to be conducted, we'll also do what we call

1 a risk assessment to make sure that the children aren't
2 -- you know, many of these children have been used to
3 making a lot of threats. And in most of those cases,
4 the threats evaporate. But we can't assume that that's
5 going to happen --

6 THE COURT: So I --

7 THE WITNESS: -- in all cases.

8 THE COURT: I just want -- I just want the
9 actual steps.

10 One, intake process. Accepted.

11 Two, court order which meets your criteria.

12 Three, a risk assessment, and that only
13 occurs when the children are onsite.

14 THE WITNESS: Correct.

15 THE COURT: Is there anything you do before
16 the children arrive other than intake process and
17 review the court order?

18 THE WITNESS: We consult to the rejected
19 parent about how best to manage the transition.

20 THE COURT: Okay. So when you say the family
21 would be acceptable, you really at this moment don't
22 know. Because I haven't done an order, so it -- it
23 depends on a couple of other things. Am I correct?

24 THE WITNESS: That's correct.

25 THE COURT: Okay.

1 THE WITNESS: That's correct.
2 THE COURT: That confusion is now eliminated
3 in my mind.
4 Dr. Ionescu, you may continue.
5 DR. IONESCU: Yeah, I'm sorry. I was a bit
6 confused too.
7 THE COURT: Pardon?
8 DR. IONESCU: I was confused too about that,
9 the process.
10 THE COURT: All right.
11 BY DR. IONESCU:
12 Q Do you know any programs that would improve
13 parenting skills of a parent? Aside from your program.
14 You said that you have a component for parenting
15 skills. Would you know any other programs?
16 A Well, there are a number of parent education
17 programs. I mean, there are many, many parent
18 education programs throughout the country. And, you
19 know, we'd have to look at each particular one to see
20 what documentation there was that they were effective
21 in improving parenting versus not.
22 Q But you would say that some of them could be
23 very successful, wouldn't you?
24 A Well, I'd have to -- I wouldn't make a
25 generalization about that. There's been a recent

1 article regarding, for example, divorced parent
2 education programs that provides a very mixed view of
3 their effectiveness. So it would be tough to make a
4 generalization about that.
5 Q Do you have any anger management component of
6 your program?
7 A We wouldn't call it an anger management component,
8 but we certainly do address the issue of how you deal
9 with anger and, more specifically, how parent/child
10 conflicts can be dealt with in the best manner.
11 Q So if such components were an issue and they
12 have never been addressed, wouldn't it be fair to say
13 that those things should be tried first before we take
14 this, I would say, extreme measure?
15 A Well, you might say extreme measure, but, of
16 course, we --
17 Q My opinion.
18 A -- think it's extreme to leave a child in an
19 environment that is not facilitating some very
20 important needs of theirs.
21 But it's typical for the rejected parents we deal
22 with to have overreacted at times in the past, to have
23 reacted in ways that were not helpful to the children.
24 And these are addressed -- these are addressed in the
25 program, especially how to deal with conflict when it's

1 escalating with the children, that this is something
2 that parents can benefit -- we found they benefit from
3 learning about.

4 Q So what happens if that doesn't stop after
5 your program? So let's say the rejected parent goes
6 through your program, continues to do the same old
7 thing, now the parent has the children. What would be
8 the incentive for that parent to change?

9 A Well, it's -- it's not so much the incentive is
10 that the provocation is not there anymore. Instead of
11 the children treating that parent with contempt,
12 they've now treating (sic) that parent more normally,
13 which means there's a balance of love and affection as
14 well as the normal parent/child conflicts. But they're
15 at a level that are much more manageable and the whole
16 family has tools to deal with them so they don't
17 escalate and get out of control.

18 Q So, basically, the tool is not to see the
19 other parent. To me, that's the way it looks like.

20 MS. CECONI: What's that? I'm sorry. I
21 didn't --

22 THE COURT: To me, that's the way it looks
23 like.

24 MS. CECONI: No. Before that. I didn't
25 hear.

1 MS. MARSHALL: The tool.

2 DR. IONESCU: The tool is not to see the
3 other parent.

4 MS. CECONI: Oh, the tool.

5 DR. IONESCU: Period.

6 A No, that's -- no, that's not correct at all.

7 Q Well, how many families did you study? You
8 have eight, right, in your paper. I'm talking about
9 paper about Family Bridges. Right?

10 A In --

11 Q You have a photo study about eight families.
12 Is that correct?

13 A In the preliminary study in that paper you're
14 talking about, there were 12 families.

15 Q But then it's reduced to eight after a while.
16 Is that correct? Because four don't really fit the
17 study in a sense, correct?

18 A No, that's not correct. We didn't -- I -- I was
19 addressing in that paper every single child that I had
20 dealt with in the program, not -- not leaving any out.

21 So you may be referring -- you may be referring to
22 the families where the children were able to repair a
23 damaged relationship, but then subsequently became
24 alienated again? And --

25 Q You're starting with seven -- 70 families,

1 correct?

2 MS. CECONI: I'm sorry. Which article are
3 you --

4 DR. IONESCU: I'm talking about the main
5 article. And I don't want to quote pages. I think Dr.
6 Warshak would probably know the numbers by now,
7 wouldn't he?

8 Q It's the main article of yours -- and, again,
9 I'm talking about the program itself. I'm not trying
10 to go to -- Family Bridges, Using Insights from Social
11 Science to Reconnect Parents and Alienated Children.
12 It's the 2010 Family Court Review paper.

13 A Yes.

14 Q So that -- so Family Bridges addressed 70
15 families. Did you include that in your success --
16 actually, let me rephrase the question. I'm going to
17 start another question.

18 What is -- how do you define success?

19 A There are several different ways to define
20 success. That was one of the subjects of that article.

21 For us, the highest level of success is that the
22 children have been able to repair the damaged
23 relationship with the rejected parent and that they are
24 able to eventually reunite with the favored parent as
25 well. And we no longer -- the terms no longer apply;

1 they don't have a favored and rejected parent at that
2 point. And that the children are able to live like
3 normal children of divorce do where they're able to
4 love both parents and feel free to express their love
5 of both parents and that they spend time with -- with
6 each parent.

7 Q So that sounds perfect. But how did you
8 measure that?

9 A Well, there's a few ways we measure it. One is to
10 look at the relationship that the child had before
11 entering Family Bridges with the rejected parent, and
12 what that relationship looks like afterwards.

13 Lately, we're using a much more sophisticated
14 method where we have questionnaires and we have the
15 children rate their experience and evaluate it and
16 evaluate whether or not they feel they've been harmed
17 in any way and whether the workshop was something they
18 feel was beneficial. And we have the parents complete
19 evaluation forms.

20 But for the purposes of this article, I wasn't
21 relying on those. I was relying on -- on the -- just
22 looking at all the clinical material we had available
23 on how the children were before the workshop, how they
24 were afterwards.

25 And I actually -- in that paper, I don't report

1 that much about that. I have certain criteria. One
2 was whether or not they did achieve a reconciliation
3 with the parent by the end of the workshop. And I
4 state -- and that's -- that's through the observation
5 of the team leaders, it's through the feedback of the
6 children, it's through the feedback of the parent.

7 And then I looked at whether they maintained those
8 gains. And those came from feedback, again, from the
9 children, from the parents, in some cases, the
10 aftercare professional who's been involved with the
11 family or a therapist who's been involved.

12 And that's how we learned about the children who
13 relapsed and went back to, you know, taking sides with
14 one parent against the other and the children who seem
15 to be able to maintain a balance with both parents.

16 Q Are the aftercare people your employee?

17 A No. They are not.

18 Q Who are they? You refer them.

19 A Excuse me?

20 Q Who are they?

21 A Well, it varies. In some cases, the Court will
22 appoint the aftercare professional. In some cases, the
23 Court will recommend them. In some cases, a guardian
24 ad litem refers the family to an aftercare
25 professional. So the way in which the aftercare

1 professional is selected varies from case to case.

2 Q Now I'm going back to my eight cases. So you
3 make a reduction. And I'm going to go to that page
4 because the remaining eight families -- we're now on
5 Page -- let me see that page. Number is 57.

6 A Page 57, yes.

7 Q So there are eight families that basically
8 you put them in the table that's on the next page, 58.
9 So my assumption is that's the analysis that has been
10 made on. Is that correct?

11 A No. I'm sorry. That -- perhaps if you just read
12 that paragraph, it would seem like that. But,
13 actually, the eight families is just referring to the
14 fact that of the 12 families, four of them did not come
15 to the program immediately following a custody trial.
16 So I was just trying to differentiate how the families
17 got to us. But the sample was -- was --

18 Q Was from the 12 -- or the 14 families. Is
19 that correct?

20 A It was 12 families with 23 children.

21 Q But some of them never gone through your
22 program necessarily or gone through the program in a
23 different context, right? Not necessarily after a
24 trial, after custody was ordered. I'm trying to
25 understand it, that's all.

1 A Right. They all went through the program, but for
2 some of them -- and they all had had -- you know, tried
3 counseling prior to the program, which had failed.

4 But, for example, in one case, they were recovered
5 abducted children. And there was no, sort of trial,
6 when they were brought to us. There --

7 Q And that was a success, right?

8 A You know, on Page 56 -- yes.

9 On Page 56, I describe the -- the four families
10 that got to us that were referred in a different way.
11 And it was the remaining eight families who came
12 immediately following a custody trial.

13 Q So if we refer to those families, immediately
14 custody trial, let's say the judge comes, awards the
15 children to the parent, the rejected parent, full -- I
16 assume, it's full legal and residential custody.

17 Now five of the other -- of the now less
18 favored parent, I would say, basically, they haven't
19 seen their children. That's what it is in your paper.

20 A I'd have to review the paper --

21 Q I'll give you the page.

22 A -- you know, again. I think, you know, it's very
23 important to realize that, you know, every -- every
24 family is different. And so if you begin --

25 Q I know.

1 A -- parsing the sample down, it -- to whatever
2 extent it doesn't match the exact scenario in this
3 particular case, then you'll find that no research is
4 applicable. But your family is an individual family
5 with its own circumstances. And the only study that's
6 been done of your family that I'm aware of is the
7 custody evaluation. If there was another one
8 (Indiscernible). But that's -- that's an individual
9 study, so to speak, of a family.

10 But in a paper like this, we combine, you know,
11 different families and they have different traits.
12 Some of them came with a custody trial, some without a
13 custody trial. Some the father was the rejected
14 parent, some the mother.

15 Q It's on Page 69 where it says basically some
16 of the parents just disappear from the children's
17 lives. Is that correct?

18 A Some of the favored parents?

19 Q Yeah.

20 A Yes. Of their own choice. And that's -- that's a
21 very unfortunate result because --

22 Q Well, it's not very clear it's their choice.
23 It's only the --

24 THE COURT: Well, let -- let --

25 DR. IONESCU: Okay.

1 THE COURT: I'm sorry. It's Page 69?
2 DR. IONESCU: 69.
3 THE COURT: And the language is -- is that in
4 the middle of the page?
5 DR. IONESCU: It's the -- when it talks about
6 a favored parent, it's the middle of the paragraph of
7 --
8 THE COURT: Tell me the word -- the
9 circumstances of the children who did not achieve --
10 DR. IONESCU: Yeah --
11 THE COURT: -- or maintain --
12 DR. IONESCU: "A third parent went 20 months"
13 -- only --
14 THE COURT: I'm sorry. Just show me where
15 the line is.
16 DR. IONESCU: Probably it would be good to
17 read the whole paragraph that starts, "The courts in
18 the cases reported here dealt with the favored parent
19 in" --
20 THE COURT: Wait a minute. I'm --
21 DR. IONESCU: -- "different ways."
22 THE COURT: Am I on -- I'm on Page 68.
23 DR. IONESCU: 69.
24 THE COURT: Okay. I apologize. That's --
25 "The courts in the cases reported here dealt with the

1 favored parent in different ways, making it difficult
2 to draw generalizations based on a small sample. The
3 parent who abducted the children is a fugitive and
4 would be arrested upon entering the country. Eight
5 favored parents were ordered by the Court to work with
6 a counselor to support their children's progress as a
7 precondition of restoring contact with the children.
8 Only two of these favored parents complied. And the
9 contact resumed after five weeks for one family and 12
10 weeks for another.
11 "Of the remaining six parents under court
12 order to attend counseling, the Court restored contact
13 to one after eight weeks and three children rapidly
14 became realienated."
15 Is that -- is that --
16 DR. IONESCU: Yeah. Yeah. And it continues
17 giving a lot of other cases in which --
18 THE COURT: Okay.
19 Q So would you consider that success?
20 A Well, actually, in the cases -- and I think you're
21 referring to toward the bottom of the paragraph where
22 it talks --
23 Q In general, overall.
24 A -- about the parent --
25 Q Six were failures, right?

1 A -- refuses. No, we don't consider those failures.
2 You have to understand. In these cases, the Court
3 determined that the children were living in an
4 environment that was very unhealthy for them. In some
5 cases, psychologists would call it emotionally abusive.

6 So the fact that the children didn't end up with
7 two parents actively involved in their lives is
8 unfortunate and we're -- it's not the outcome we hope
9 for. But if a choice had to be made between them being in
10 one home that encourages them to hate a parent and
11 another home that doesn't encourage them to hate a
12 parent, in most cases, the courts have found that it's
13 better off -- the children are better off being in the
14 home that doesn't teach them that hatred.

15 But, still, that's not -- that's not what we
16 strive for. But we have limited control over the other
17 parent. It's up -- so much is up to them to see if
18 they can step back and be able to say, okay, well,
19 maybe we can go about this a different way, maybe the
20 war can be over, maybe -- maybe I can help the children
21 continue to love their mother and have a strong
22 relationship with them.

23 And -- and the favored parents who have been able
24 to do that are very pleased. One of them actually
25 wanted to go and teach other fathers about how to do

1 that because he felt like he learned a lot.

2 But some of them are just so angry about the
3 outcome of the trial and about the fact that the
4 children have renewed contact that they reject their
5 children. And we have no control over that.

6 Is it ideal? No. To answer your question, that's
7 -- that's not the goal we're looking for. And I would
8 say that would be a qualified success. It's successful
9 in the sense that the children have been able to
10 overcome an irrational hatred for a parent and that --
11 which can be very damaging in the long run for them.
12 But it's not successful that in the sense that,
13 unfortunately, the children's family situation is such
14 that the other parent has rejected them.

15 THE COURT: Can I -- can I interject? And I
16 know I'm expanding this, and I don't mean to.

17 But you said, "We have limited control over
18 the other parent." I assume you mean control over the
19 favored parent?

20 THE WITNESS: Yes. That's correct.

21 THE COURT: Okay. So that --

22 THE WITNESS: We have limited control over
23 both parents, but the rejected parent is certainly very
24 motivated to overcome the problems. And in some
25 families, the favored parent is not.

1 THE COURT: Okay. So I understand the
2 dynamic you're presenting to me, which is you usually
3 get an application from -- or you get a screening from
4 the disfavored parent, which could explain why the
5 children or the favored parent really don't know yet,
6 perhaps. So far so good? That does happen, right?

7 THE WITNESS: That they don't know --

8 THE COURT: That an application or that a
9 contact has been made.

10 THE WITNESS: Yes. That's correct.

11 THE COURT: Okay.

12 THE WITNESS: It would be the same as -- as
13 if a parent consults with a drug rehabilitation
14 facility --

15 THE COURT: Okay.

16 THE WITNESS: -- regarding their concerns
17 about a child. And they make all the inquiries ahead
18 of time before the program would ever meet the child.

19 THE COURT: Let me see if I can walk through
20 this, if we can, with a yes and no. And then if we
21 need to ask followups. And I don't mean to do this,
22 but I'm really a simple brained person. I'm on a
23 fourth grade learning level right now.

24 In the dynamic of a Family Bridges type
25 program, because the rejected -- I'll use rejected --

1 our disfavored parent is at some point desperate, they
2 would contact and reach out to Family Bridges, correct?

3 THE WITNESS: Correct.

4 THE COURT: That could be they find you on
5 the Internet, that could be word of mouth, that could
6 be by lawyer, that could be by judge, correct?

7 THE WITNESS: Yes.

8 THE COURT: And it often occurs -- well, that
9 the favored parent doesn't know, correct?

10 THE WITNESS: Yes.

11 THE COURT: Often?

12 THE WITNESS: Yes, your Honor.

13 THE COURT: Not necessarily always, but --
14 and then you make that initial -- initial -- I wouldn't
15 say even use the word evaluation, but I would say
16 screening.

17 So your program starts that way. So when you
18 say we have limited control over the other parent,
19 that's because the paradigm doesn't start with the
20 favored parent. The parent -- the favored parent
21 thinks life is perfect. He's got the kids -- if it is
22 a he. And happy, right?

23 THE WITNESS: Yes.

24 THE COURT: Generally?

25 THE WITNESS: Generally, the favored parent

1 likes the status quo --

2 THE COURT: Right.

3 THE WITNESS: -- and has no interest in
4 changing it.

5 THE COURT: So then would you say that it
6 would be -- and this is a yes or no before we expand --
7 beneficial to have more control over the favored
8 parent? Can you do that with a yes or no?

9 THE WITNESS: It would be difficult. I would
10 say more impact on the favored parent, the answer would
11 be yes.

12 THE COURT: If you could ameliorate a
13 situation with the children by working through the
14 favored parent as much as you could work through the
15 unfavored parent, would you adopt that as a paradigm?

16 THE WITNESS: Yes.

17 THE COURT: Okay. So that if you had it at
18 your disposal, unlimited quantum of money, to craft a
19 program any way you wanted, given where you are, you
20 would want to work as much as you could with the
21 favored parent and the -- I'll use a psychological term
22 -- the baggage that he or she has, correct?

23 THE WITNESS: Not necessarily.

24 THE COURT: Not necessarily. Okay. I'm
25 afraid of the not necessarilies --

1 THE WITNESS: I -- I --

2 THE COURT: -- because that gets us into more
3 difficult areas. But if you could keep it very simple
4 for my simple brain, go ahead.

5 THE WITNESS: It's very difficult to change
6 attitudes in some favored parents. And, therefore, no
7 matter how much money we had, we might not be able to
8 be effective with that parent, and so we wouldn't want
9 to continue working with in an ineffective program.
10 That -- that's been the problem that other programs and
11 therapists have -- have experienced. So it's not just
12 a matter of money, it's a matter of technology, it's
13 matter of our -- there's a limit to what we can do.
14 And we haven't had a sterling success with favored
15 parents beyond, you know, what other therapists have
16 experienced.

17 We have had that success with children. But
18 we haven't had that with favored parents.

19 THE COURT: Okay. So I'm -- I used as much
20 money as you wanted to take money out of the equation.
21 So it wouldn't be a factor.

22 But I'm operating under a paradigm which
23 seems to indicate that what -- whatever or whoever may
24 have been at fault, there needs to be an approach made
25 to both parents, since the children are a product of

1 both parents and a dynamic of -- that is working.

2 THE WITNESS: I agree.

3 THE COURT: And if you agree with that, then
4 it would seem that some of the behaviors of the favored
5 parent need to be worked on also.

6 THE WITNESS: Ideally, they need to be worked
7 on and ideally they can be worked on effectively. It's
8 not always essential, but it greatly increases the odds
9 of the children's success.

10 THE COURT: So this is really, from where I
11 sit, this is actually maybe a three-prong approach.
12 One to the disfavored parent. One to the favored
13 parent. And one to the children. Would you agree with
14 that?

15 THE WITNESS: Yes.

16 THE COURT: Okay. And it's just a question
17 of what comes first, the chicken or the egg, perhaps.
18 I'm thinking out loud. I'm not asking a question.

19 Which comes first, the chicken or the egg, or
20 where we apply our first effort. In a perfect world,
21 we could do everything. And in an imperfect world,
22 time, emotions, distance, money, all factored in. We
23 may have to start somewhere and work harder at one
24 prong as opposed to another. And your prong seems to
25 focus more on, A, the children and, B, the disfavored

1 parent. Where I'm sitting, that's what I'm thinking.

2 THE WITNESS: Yes. That's how I practice
3 now. I have in the past tried operating with other
4 prongs first and have not had the -- anything close to
5 the success I've had with working it the way we do at
6 Family Bridges.

7 THE COURT: I hear you.

8 I cut off Dr. Ionescu. And I'm mulling over
9 all the things I'm hearing. That's what I'm doing.

10 Go ahead, Dr. Ionescu.

11 And then we have to have Dr. -- we have to
12 have Ms. Marshall.

13 Are you -- you're not a psychologist, are
14 you, Ms. Marshall?

15 MS. MARSHALL: I'm not. And I'm also not a
16 philosopher.

17 THE COURT: Thank you.

18 A little bit more, Dr. Ionescu, if you -- if
19 you please. But --

20 DR. IONESCU: Yeah. I'm probably more or
21 less ending.

22 Q So you said that the only implication that --
23 let's assume everything goes as you ask, the children
24 go in the direction you said they should go and made
25 some recommendations earlier at the time and so on. So

1 let's say the disfavored parent basically gets the
2 children.

3 So my first chance of -- because I'm
4 obviously the favored parent. So my first chance to
5 redeem myself would be after 90 days in her custody,
6 right? When I'm supposedly to go to a workshop. Is
7 that correct?

8 A Let me say first, I just want to remind the Court
9 that I'm not making a recommendation for the family.

10 But given the second part of your question
11 regarding what time frame generally would be. I think
12 I was not clear on that when I spoke earlier because I
13 mentioned two different time frames. I said 30 days, I
14 said 90 days.

15 And the reason for my uncertainty is that it does
16 vary and it's not an exact science. So about how much
17 time -- as I've pointed out in my article, you know, we
18 have to estimate.

19 The best situation is if the aftercare
20 professional is working with the favored parent and
21 then can -- can determine at that point -- for example,
22 in one family, it was after 60 days that the aftercare
23 professional felt that the -- that the father was ready
24 for the program, to go through the workshop.

25 We like -- we like the favored parent to go

1 through the workshop just before beginning to meet
2 again with the children so that all the material is
3 fresh and it's easy to learn and apply.

4 Q So what happens if that parent doesn't
5 discover anything new in your workshop and or she still
6 doesn't know what was wrong, and perhaps did something
7 wrong? I don't know.

8 A Well --

9 Q Would you acknowledge a mistake in your
10 program, that there was serious estrangement rather
11 than alienation?

12 A Well, that's two different questions. In other
13 words, if the favored parent doesn't change at all, I
14 would acknowledge that that's a limitation in our
15 effectiveness in working with favored parents, which I
16 openly acknowledge that --

17 Q No, I didn't ask that.

18 THE COURT: Let him -- let him answer the
19 question.

20 DR. IONESCU: Okay.

21 A So --

22 THE COURT: You openly acknowledge?

23 THE WITNESS: That -- openly acknowledge that
24 that's an area that my entire profession is having
25 difficulty in figuring out how to be most effective.

1 And that it's very variable depending on the motivation
2 and the abilities of the favored parent.

3 But the other half is -- we would not --
4 whether or not the favored parent is aware of how he or
5 she is contributing to the children's problems is not
6 really an index of whether the, you know, the
7 alienation is primarily realistic, what I think you're
8 calling estrangement versus whether it's a primarily
9 disproportionate response to the rejected parent.

10 It really doesn't come down to that. What
11 happens is that it's easier for the children if -- if
12 the parent that they have favored has come on board and
13 now supports the fact that they're having a loving
14 relationship and -- and conveys to the children that
15 he's pleased about that, that he's glad that they no
16 longer feel that they have to grow up without a mother
17 in their lives. That that makes it easier for the
18 children.

19 It may not be essential, though, because the
20 children may learn how to develop a sort of thick skin
21 and recognize that, you know, we no longer want to do
22 that anymore and we're sorry you feel that way, but
23 we're not going to go along with it.

24 Some of it depends on how forceful the
25 favored parent is. Some favored parents are so

1 forceful that children feel they have no choice but to
2 side with whatever that parent wants to hear.

3 But in other families, the favored parents
4 gets across to the children that, in the past I might
5 have wanted to hear you making complaints about your
6 mom, that's in the past. We're all done with that.
7 We're done with the court stuff. Let's live like a
8 normal family and you have your time with me and I love
9 you and you love me, and the same thing with your
10 mother.

11 And that would be the ideal thing. That's
12 what we would consider a success.

13 Q So how would that parent look at success if
14 for 13, 14 years, raised those children, did everything
15 that needed to be done, did the schoolwork, did
16 everything, was -- I wouldn't say the slave of the
17 children, but did everything that needed to be done for
18 those children, was involved, helped the other parent,
19 was nice, never called the cops to get DYFS, to get
20 anything involved, not trying to prove abuse, not
21 trying any -- just trying to do his humble, I would
22 call, parenting thing. And all of the sudden, you come
23 here and you say, you know, I don't know what's going
24 on there, maybe it's a good idea if you don't see those
25 children anymore and never figure out when.

1 How would you feel?

2 A That's very, very difficult for the parent in that
3 situation. They certainly -- when they see it that
4 way, it's very hard for them to understand why the
5 children have been removed from them. We -- ideally,
6 they will recognize that although it seems like a long
7 time, children go on teen tours for the summer,
8 sometimes away from their parents. They go to Europe
9 away from their parents. They go to boarding schools
10 sometimes for several months at a time. And when you
11 look at it through that perspective, it may not seem as
12 bad. I'm not meaning to minimize the difficulty of the
13 transition.

14 But the parent who loves the child may want to do
15 that in the interest -- in the long term interest of
16 the children. In other words, I will go through this
17 hard time for my children because in the long run, I
18 want my children to have two parents who love them and
19 whom they can receive love from. And so I will go
20 through this difficult time of being apart from them
21 and I will do everything I can to make the reunion as
22 quickly as possible in order to -- to get back to a
23 normal relationship.

24 Q Let me put another paradigm in front of me.
25 So assuming I was the parent who I said, and the other

1 parent didn't really get involved, did a lot of things
2 that were perhaps appropriate for the children -- I
3 would say staged things and did a lot of things to
4 actually keep things at a low level, in a sense.
5 Wouldn't it look like that we're rewarding bad behavior
6 and punishing good behavior after all?

7 A Well, I think it's always -- that's what makes
8 these cases so difficult for courts. It's always a
9 matter of balancing the benefits and drawbacks that
10 each parent brings to the situation. Because in every
11 situation, you know, a parent's not all good or all
12 bad. And the Court has to determine whether it's in
13 the best interest of the children to repair the
14 relationship.

15 If the parent is so bad and the history of the
16 parent/child relationship is so bad, if there has never
17 been a loving relationship, if the parent has very
18 little value to offer, in most cases, I wouldn't -- I
19 wouldn't think the Court would order that the children
20 be in that parent's custody. So when the Court orders
21 that, it's generally a sign that the Court believes
22 that regardless of the mistakes and the flaws of the
23 parent, that these children deserve to be able to love
24 that parent.

25 THE COURT: You know --

1 Q Thank you.

2 THE COURT: Go ahead, Dr. Ionescu.

3 DR. IONESCU: I think I'm done, your Honor.

4 THE COURT: Thank you.

5 Dr. Warshak, as you can perceive, Dr.

6 Ionescu, from where he sits, does not believe that the
7 children's response or the response of the children is
8 disproportionate. And he has his point of view. Dr.
9 Alexianu, obviously, has her point of view. And you
10 understand that because you deal with this all day
11 long.

12 THE WITNESS: We do. And we also try to
13 teach children how to understand that people can have
14 very, very different perspectives and those don't have
15 to derail a relationship, that people can coexist with
16 a different perspective.

17 THE COURT: Thank you.

18 I would either ask if we want to take a five-
19 minute break now or whether Ms. Marshall wants to go
20 into whatever questions she has.

21 Dr. Warshak, you want to take a five-minute
22 break?

23 THE WITNESS: That's -- I don't need to, so
24 it would be up to the Court.

25 MS. CECONI: I'd like a five-minute break.

Warshak - Cross/Marshall

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1 THE COURT: We're going to take a break right
2 now. And our five-minute -- we'll take the statutory
3 five-minute/30-minute --

4 (Off the record. Back on the record)

5 THE COURT: Let's go on the record. We are
6 back on the record.

7 Ms. Marshall, if you are ready, you may
8 cross-examine, if we call it cross-examine, Dr.
9 Warshak.

10 MS. MARSHALL: Thank you.

11 DR. R I C H A R D A. W A R S H A K, PLAINTIFF'S
12 WITNESS, PREVIOUSLY SWORN.

13 CROSS-EXAMINATION BY MS. MARSHALL:

14 Q Dr. Warshak, from the perspective of Family
15 Bridges, do you know if it matters to Family Bridges
16 whether the result -- whether the lack of relationship
17 with the disfavored parent is because of alienation or
18 estrangement or both?

19 A Yes, I do know. And it does matter.

20 Q How does it matter?

21 A We are not going to accept a family if the child
22 is rejecting a parent primarily because -- if the
23 rejection has a very, very strong rational component
24 and that -- you know, it's warranted by the parent's
25 treatment of the child.

1 In general, for example, if -- we're not going to
2 take a family where the Court has not determined or
3 there's been no determination that -- that it's in the
4 best interest of the children to repair that
5 relationship.

6 Q So if the Court were to order that it is in
7 the best interest of the children to repair that
8 relationship, when Family Bridges went further than the
9 intake process, it developed that there was a
10 significant or even estrangement component, then Family
11 Bridges might say no, this family is not appropriate.
12 Is that correct?

13 A Yes, that's correct. In fact, we -- we did in one
14 case that didn't come to us through a court, but
15 through a voluntary referral. And we did determine at
16 that point that the rejected parent actually was so
17 severely deficient in parenting skills that -- that it
18 was not a case that we could in good conscience
19 continue to work on helping the child reunite with that
20 parent.

21 Q And if there were a court order for children
22 to go to Family Bridges, Family Bridges is not bound by
23 that order and you are still free to say no. Is that
24 correct?

25 A Yes. I believe so. Although, again, our

1 preference is for there not -- the family to be ordered
2 to see us, but rather have the legal authority to make
3 that decision, if that's what the parent chooses.

4 Q And when you make the determination about
5 whether there is alienation or estrangement or neither
6 or both, do you speak to both of the parents and all of
7 the children?

8 A No, we don't. Usually, if it's a custody trial,
9 there's been a custody evaluation. And usually, we'll
10 have access to the custody evaluation report, which
11 would help us to understand, at least, how look -- how
12 the family looks from the point of view of the custody
13 evaluation.

14 In addition, we want to see the court orders.
15 Very often, the court orders will have explanation of
16 the reasons for the judge's decision. And that too
17 helps us in that assessment.

18 Q When a parent and child or children are at
19 Family Bridges, is there a limitation other than as to
20 the favored parent on the contact the children or
21 parent can have with the outside world?

22 A That depends on the court orders. In some cases,
23 the court orders will suspend contact not only with the
24 favored parent, but if that parent is remarried, for
25 example, has a relative who might be seen by the Court

1 as making it more difficult for the children to renew
2 the relationship, then that would -- that -- that
3 person might be included in the no-contact order that
4 the Court orders.

5 But, in general, I mean, they have a lot of
6 contact with the outside world. They're at a resort.
7 They're going out. They're shopping. They're having
8 fun together.

9 Q If the favored parent were at -- I'm sorry,
10 the disfavored were at Family Bridges with the children
11 and were contacting his or her attorney, is that a good
12 idea?

13 A I -- I would never be in a position to say that a
14 parent shouldn't contact an attorney. I would say it
15 would depend on whether that attorney is likely to
16 support the work being done or, for some reason, might
17 undermine it.

18 The same -- you know, that's -- so it -- it would
19 be hard to generalize about that except to say that if
20 the -- if the children were having contact with someone
21 who was making it more difficult for them to focus
22 their attention on repairing the damaged relationship,
23 that could be a problem.

24 Q Let us assume for the sake of this question
25 that it becomes apparent during the family's attendance

1 at Family Bridges that the program has not made an
2 impact on the children; they are at the end of the
3 four-day program and their attitudes and beliefs and
4 behaviors remain the same or become more entrenched
5 toward the disfavored parent; what happens next?

6 A Well, I can speak hypothetically about what
7 happens next because, in my experience, the only time
8 that's happened is with children who are so old that
9 they were essentially beyond the Court's authority.

10 So there was one case I wrote about in my paper of
11 a 17-year-old who was nearly 18. And what happened
12 next is she went back to -- I think she lived
13 independently with a friend or something until she
14 turned 18 and then moved back in with the favored
15 parent.

16 But I haven't seen it in any other cases, that the
17 children -- all the other children have -- you know, at
18 the end of the workshop have reconciled with that
19 parent.

20 Q One might imagine, though, Dr. Warshak, that
21 as a program member of something like this, it may have
22 been the subject of discussion or even just private
23 thought on your part that were this to fail, would you
24 do an exit interview? Would you do a treatment plan?
25 No need for Family Bridges aftercare, goodbye, good

1 luck.

2 What would happen if the children simply
3 refused to reunify?

4 A Well, I guess I -- it would depend on the specific
5 circumstances. And, again, I haven't, you know, faced
6 that. So I would say this. That whatever would
7 happen, it would be best for that not to be, sort of,
8 announced ahead of time because that will just
9 undermine the children's motivation to make it work.

10 In some cases, I imagine that perhaps some seeds
11 were planted, perhaps there was some progress, but not
12 as much as we usually -- as we always see. And in that
13 case, we'd send the family back. And then it would be
14 up to the rejected parent to decide whether or not the
15 situation was one that he or she could manage.

16 In some of these cases, there is a report back to
17 the Court after 90 days or something like that, or the
18 aftercare professional or guardian ad litem will have
19 an oversight and can report that.

20 My guess is is that the rejected parent might at
21 that point might be extremely frustrated and -- and
22 might want to throw in the towel.

23 Now I think there could be varying degrees of
24 reconciliation. And so, for example, if the children
25 are sort of still grumpy and, you know, but willing to

1 go back and follow the law, then that would be fine.

2 An alternative that is sometimes mentioned in the
3 literature is for children to be placed, like, in a
4 boarding school or something like that where they're
5 really shielded from the entire family battle. I don't
6 consider that an ideal solution, but it is one
7 alternative that some children have been in, not the
8 ones I've worked with in in Family Bridges, but in
9 other -- other children have been in that situation.

10 Q And I think you testified this morning that
11 if a child is in therapy for reasons other than the
12 situation with the disfavored parent, you do not as a
13 program necessarily eschew that therapeutic component.
14 Is that correct?

15 A That's correct. Again, though, depending on -- on
16 the nature of the therapy and whether the therapy is
17 likely to be seen as somehow interfering with the
18 child's progress versus focusing solely on -- on, you
19 know, a particular problem that's really not directly
20 related.

21 Sometimes it's very hard to sort that out. It's
22 easier with problems, behavioral problems, for example,
23 like an eating disorder. It might be a little bit
24 easier to see that.

25 But even then, what we've seen and which kind of

1 coincides with the American Bar Association's study is
2 that some of the problems that children have had that
3 have seemed independent really show improvement once
4 they're able to sort of repair the damaged
5 relationship. In a sense, the children feel like
6 they've been removed from what had been a cruel
7 environment for them. And it's so relieving that their
8 stress level is relieved, and as a result of that
9 sometimes, other problems that they've had, either
10 achievement problems, emotional problems, seem to
11 alleviate.

12 Q Dr. Warshak, do I gather from the way you've
13 answered questions today that a family, if it elects to
14 attend Family Bridges or is ordered by a court to
15 attend, contacts you and begins the process and that
16 there is kind of an as-needed admissions process? You
17 don't have a set schedule that you have programs the
18 third week in January, the fourth week in February or
19 anything like that?

20 A That's correct. It depends on the availability of
21 the team leaders. Their -- they have -- you know,
22 their schedules are limited. And since it takes two
23 team leaders to work with the family, it really depends
24 on our availability. And we've tried to meet the --
25 accommodate the schedule of the Court or the family and

1 try to have the program ready. In some cases, we -- we
2 can't do that.

3 Q Do you have an average lead time of how long
4 it takes or is it dependent on so many variables that
5 it -- you can't estimate?

6 A It's usually dependent -- if it's a court case,
7 it's dependent on the outcome of the court case, when
8 the Court delivers its decision, but also when the
9 decision is implemented. So in some cases, a court
10 will announce a decision, but then not have the
11 transition of the children occur until, you know, a
12 week later or something like that.

13 In other cases, the Court will instruct the parent
14 in possession of the children to bring them to the
15 courthouse. They sit outside while the judge announces
16 a decision. And the transition and transfer occurs
17 right then and there.

18 Q Would it be reasonable to assume that there's
19 a lead time of one to three weeks or something like
20 that between referral or agreement to go and
21 implementation of team leaders?

22 A There could be. But the longer the period of
23 time, the more difficult it is for the children.
24 Because generally speaking, at that point in time, the
25 favored parent is not behind the thing, is very, very

1 upset at the Court's decision. And oftentimes, that
2 gets communicated to the children and their anxieties
3 get raised about this. And the resistance to the
4 program gets raised.

5 And so they -- they undergo unnecessary anxiety
6 because they've -- for three weeks, they've been in
7 limbo, hearing from one parent that they're going to
8 have to go through this horrible situation. And, of
9 course, once they get there, they see they like it.
10 But before that, they've suffered unnecessarily.

11 So ideally, there's less of a time frame from the
12 time the decision's made until the children are in the
13 program.

14 In some cases, parents who've received the
15 children, the rejected parent, will find a relative who
16 can assist with the transition until they get to the
17 Family Bridges program. So they find some way to
18 manage the children. It's not ideal and the children
19 may have a chip on their shoulder and be withdrawn, but
20 it's not an unsafe situation.

21 Q And speaking more to the pragmatics of the
22 two team leaders dropping their practices and leaving
23 their families. About how long does it take to pull
24 that together, if there is an average?

25 A Sometimes we do it in one day. We oftentimes

1 don't have advanced notice. But it usually takes a few
2 days of preparation. For one thing, if -- you know, we
3 have certain places that know us and we prefer to use
4 those places, and so we have to make sure there's a
5 facility available. In some cases, we use a conference
6 room in a -- in a resort area, and so we have to make
7 sure that's available. So it helps to have advance
8 notice.

9 Q About how many team leaders are there as a
10 pool from which Family Bridges draws?

11 A Let's see, one, two, three, four, six -- about
12 seven right now.

13 Q What is the component male, female?

14 A One, two, three, four female, three male.

15 Q And are all doctor-level psychologists?

16 A Yes. I -- I take that back. I think all but one.
17 I think one is a licensed social worker.

18 Q And these are all trained by Family Bridges?

19 A Yes. But -- but they've had, you know, extensive
20 training just in general in working with families and
21 children prior to their training at Family Bridges.

22 Q Thank you.

23 THE COURT: In your count of the seven, does
24 that include Dr. Rand?

25 THE WITNESS: No, it does not. It includes

1 Dr. Diedre Rand, but not Dr. Randy Rand. He's not --
2 he's not conducting these now. But I have --

3 THE COURT: He's not a team leader, so --

4 THE WITNESS: I have another correction. One
5 of the team leaders is a psy -- a child psychiatrist,
6 not a psychologist.

7 THE COURT: Okay. So there are seven team
8 leaders, four are female, three are male.

9 THE WITNESS: Correct.

10 THE COURT: And all but one are PhDs and the
11 one who's not a PhD is a social worker.

12 THE WITNESS: Yes.

13 THE COURT: And --

14 THE WITNESS: And --

15 THE COURT: -- one is a psychiatrist.

16 THE WITNESS: Correct.

17 THE COURT: Okay. I'm sorry. Go ahead, Ms.
18 Marshall.

19 MS. MARSHALL: Thank you, your Honor. I have
20 nothing further.

21 THE COURT: All right. Ms. Ceconi, do you
22 want to ask Dr. Warshak any other questions?

23 MS. CECONI: No, Judge.

24 THE COURT: Dr. Ionescu, do you want to ask
25 Dr. Warshak any other questions?

1 DR. IONESCU: Just a very brief one.

2 CROSS-EXAMINATION BY DR. IONESCU:

3 Q In your paper, about that table we talked
4 earlier, it appears that the -- and I'm going to go to
5 Page -- I forgot to ask it. I'm sorry. It's probably
6 not that important. On Page 57 on the bottom --

7 THE COURT: We're now looking at D-1J.

8 DR. IONESCU: D-1J.

9 MS. CECONI: D-1J?

10 THE COURT: 57.

11 DR. IONESCU: Sorry, G --

12 MS. CECONI: D --

13 DR. IONESCU: -- maybe, George.

14 THE COURT: Family Bridges Using Insights
15 from Social Science, is that what we're looking at?

16 DR. IONESCU: Yes.

17 THE COURT: Is that D-1J?

18 MS. CECONI: Yeah.

19 Q You said there that --

20 MS. CECONI: I'm sorry.

21 THE COURT: Page? What page?

22 MS. CECONI: 57.

23 DR. IONESCU: 57 to 58.

24 Q Talking about that table, Table 1, and it
25 starts on Page 57, you said that before the workshop,

1 basically most of those children, I have eight plus 15,
2 have basically been with the favored parent. Is that
3 correct?
4 A Yes. Yes, sir.
5 Q So you have no other case in which the
6 parent, actually, the rejected parent spends
7 significant amount of time or actually more time with
8 the children. Is that correct?
9 A No, that's not correct. There were 23 children in
10 the study. So if 15 had that, then -- then eight of
11 them --
12 Q No contact?
13 A Let's see. (Indiscernible) no contact --
14 Q And 15 had limited. Eight plus 15 is 23.
15 A Oh, you're correct. But let me just -- I think
16 that -- I think you've highlighted an incorrect
17 statement in my paper, actually. Because I do recall
18 one family that, although the fraught with hostility
19 part of the sentence is correct, they did have
20 extensive contact and lived --
21 Q What do you mean extensive?
22 A -- with the rejected --
23 Q More than half?
24 A They more than half of the time lived with the
25 rejected parent, but had remained extremely alienated

1 from that parent for a long period of time.
2 Q So it would be another downside of the paper
3 that we find out once we ask questions. And just --
4 and that -- that -- that was --
5 THE COURT: Is that a question?
6 DR. IONESCU: No. I'm done, your Honor.
7 Thank you.
8 QUESTIONS BY THE COURT:
9 Q Dr. Warshak, if I were to have Ms. Marshall
10 contact your program, could you see that the program
11 gives her sample form orders that you find acceptable?
12 A Yes, sir.
13 Q Would that be a difficult thing to do?
14 A No, your Honor.
15 Q Okay. One --
16 MS. CECONI: Judge, if I may. They've been
17 attached to papers that we've supplied.
18 THE COURT: I -- it'll be -- you've supplied
19 two boxes of papers. It'll be easier if Ellen -- if
20 Ms. Marshall gets them from -- I don't know how many
21 sample forms are --
22 Q You have one with you?
23 A I do, your Honor.
24 MS. CECONI: Oh, okay,
25 THE COURT: Can we mark a sample form of

1 order in for identification?

2 Q May I take that from you?

3 A Yes. It's not in the form of a court order, but
4 in the form of the provision that's generally --

5 Q And this is a document that runs to three
6 pages, has 23 paragraphs, correct?

7 A That's correct.

8 THE COURT: Does anyone have a problem if I
9 mark this as Court Exhibit -- and this should be number
10 --

11 THE CLERK: 21.

12 THE COURT: 21?

13 Any objection?

14 Do you have this, Dr. Ionescu?

15 DR. IONESCU: Well, if it's intended to be
16 used, I guess I have objections, yes.

17 THE COURT: I don't know if it's going to be
18 used, but I want to -- I don't want to have a problem
19 later on with the form of an order, if it should be
20 used. So I'm -- either way. I could wait. I could
21 not wait. It may never get used. I don't know.

22 DR. IONESCU: Then I have no objection.

23 THE COURT: Okay. We're going to mark it.

24 (C-21, Family Bridges' provision, marked for
25 identification and admitted in evidence)

1 THE COURT: I want to do one more thing
2 before you leave the witness stand, Dr. Warshak.

3 Dr. Alexianu, I'm going to give you an
4 opportunity if you so desire, because of Dr. Ionescu
5 being the father involved in this case, has had an
6 opportunity to ask questions of Dr. Warshak. I know
7 you are represented by counsel. If you had any of your
8 own questions you wanted to ask, assuming they meet
9 without any legal objection, I would let you do that.
10 Do you have any questions you want to ask Dr. Warshak?

11 DR. ALEXIANU: I don't think so. No, your
12 Honor. I appreciate the question. I do. Thank you.

13 THE COURT: Okay. That being said. It is
14 3:30.

15 Dr. Warshak, you can step down. And we thank
16 you.

17 THE WITNESS: Thank you, your Honor.

18 THE COURT: You're very welcome. And I'm
19 going to ask you just to remain available for a second.
20 (Witness excused)

21 THE COURT: I'm going to ask you to put this
22 exhibit marker on the front so we can see it.

23 And I think I would go off the record.

24 And if anybody wants to talk to you, Dr.
25 Warshak, privately off the record, I'm going to take a

1 quick break.

2 Either, Dr. Ionescu, Dr. Alexianu, Ms.
3 Marshall, Ms. Seiden, or Ms. Ceconi. I would be happy
4 to let them do that. And then I may resume in a
5 different format.

6 MS. CECONI: Thank you, Judge.

7 THE COURT: Thank you.

8 We can go off the record. Including my --
9 (Off the record. Back on the record)

10 THE COURT: Let us go on the record. We are
11 recording again in the matter of Alexianu and Ionescu.

12 Now we have at five to four probably finished
13 whatever testimony we're going to do today because I
14 suspect everyone should be tired. Drained may not be
15 the appropriate word, although for some, it might be.

16 But Dr. Ionescu, Dr. Alexianu, Ms. Ceconi,
17 Ms. Seiden, Ms. Marshall, and actually myself, have had
18 a long and tense day.

19 But we have some issues I need to address.
20 And I guess the first issue I'm going to address is
21 scheduling.

22 Tomorrow looks like it will be the last day
23 of this cycle of what we're going to be able to do.
24 Dr. Ionescu has not yet finished his direct exam. Dr.
25 Alexianu has not yet finished her direct exam. With

1 any amount of luck, I intend to complete that tomorrow.
2 I don't think Dr. Ionescu has that much more to go, and
3 I was assured that Dr. Alexianu has not that much more
4 to go. We can't start the cross-exams until we finish
5 the direct.

6 I'm going to assume and I'm going to make it
7 happen that tomorrow, the direct of those two parties
8 is done. Then I need to schedule days for the rest of
9 the testimony. And I did, the record would reflect,
10 conduct a conference with the parties, counsel, and the
11 guardian ad litem, during the lunch hour.

12 I know this. Ms. Ceconi is -- is -- and Ms.
13 Seiden are not available after tomorrow. And I think
14 that persists until Labor Day. And if it doesn't, for
15 me, it persists until Labor Day because we have
16 transition here from law clerks, we have new judges
17 coming in that need training, and we have transferring
18 of cases.

19 When Ms. Seiden and Dr. -- and Ms. Ceconi are
20 available back from wherever their vacations are, after
21 Labor Day, which the first day would be September 6th,
22 Tuesday, I go on vacation. And I'm not available until
23 -- my first day back is the 12th of September.

24 Unless I misconstrue, is there any
25 availability of anybody for Thursday September 1, which

1 is before Labor Day? That doesn't make any sense to
2 try and cram this in, does it, anyone?

3 MS. CECONI: No, Judge.

4 THE COURT: Everyone is shaking in the
5 negative, so let's not even try and put it in there.

6 So the next available dates for this Court is
7 September 12th and thereafter, which poses some
8 problems for the parties. Dr. Ionescu starts his
9 calendar or his classes. And I did already schedule
10 September 12th to meet with the so-called committee
11 which doesn't exist yet, but we did book Dr. Pasternak
12 to be in court on September 12th.

13 I have time to cancel that. And I don't wish
14 to cancel it yet since getting time with her is like
15 getting time with this Court. So I may use that time
16 to advantage, but I don't know yet.

17 Then we have the possibility or potential
18 that Ms. Marshall is not available after September
19 15th. So -- and I'm not sure how hard and fast that
20 is, but that's information that we have talked about.

21 I am contemplating -- and this will wreak
22 havoc here with transition and new motion days, new law
23 clerks, new judges, but I am contemplating at least
24 holding September 12, 13, and 14 available for here.

25 Dr. Ionescu has told me off the record in our

1 conference that it's difficult for him to be here
2 except in the afternoons. And the only day, if he had
3 to give a full day, would be Wednesdays. So the first
4 thing I would do is I would book the 14th of September.
5 That's a Wednesday. I would try and work with that.
6 And that -- I don't know yet if Ms. Marshall needs to
7 be present because we're going to address that issue
8 also.

9 If there are any other cases that I have, I
10 have the ability to move them. If there are any other
11 cases Ms. Ceconi or Ms. Seiden has, we have the ability
12 to help move them.

13 So I'd like to at first lock in on the 14th,
14 Wednesday the 14th. Any problem with that?

15 MS. CECONI: Judge, I just have a case
16 management conference before your Honor in another
17 matter. So I --

18 THE COURT: Well, that makes it easy. I can
19 send that to Judge Walsh and someone else can do that
20 and it's not a problem.

21 Ms. Marshall, what's your thought on the
22 14th?

23 MS. MARSHALL: It's fine with me, Judge. My
24 only thought was that on the 12th, your Honor had asked
25 Alex's therapist and Dr. Pasternak to be available from

1 10 to 12:30. And I believe they have changed their
2 schedules. So to ask them to change them again --

3 THE COURT: I'm not going to do that.

4 MS. MARSHALL: Okay.

5 THE COURT: In fact, if I could get them all
6 here, even if it's just for a pep talk or a discussion,
7 I might do that. So I'm not going to give up any of
8 the time that I have had them hold for me. So we have
9 -- on Monday September 12th, we have Dr. Pasternak and
10 we have Dr. Siegel to be present in court, correct?

11 MS. MARSHALL: Yes.

12 THE COURT: And we have Dr. -- anyone else to
13 be present?

14 MS. MARSHALL: Not that we have nailed down
15 yet, I do not believe.

16 THE COURT: Okay. But if we could, I would
17 like to get whoever Anna's therapist is. We'll call
18 him or her Dr. X. And I am -- I am going to at least
19 try and hold that available so that we can do something
20 that day. Whether we're going to accomplish any
21 testimony that day, I do not know.

22 But then, if possible, I would like to then
23 schedule September 21 and September 28 to finish all
24 the testimony. So that would be Wednesday the 14th,
25 Wednesday the 21, and Wednesday the 28th. And on the

1 28th, I'm aware that it's the beginning of Rosh
2 Hashanah, or so I believe.

3 And I don't know at this moment, but I do
4 have to finish the testimony, close the record, and
5 have oral summations. And I've got to get it done as
6 fast as we can.

7 Does anyone foresee a major problem with
8 locking in those Wednesdays? A problem that we cannot
9 overcome, someone having surgery, someone -- whatever.

10 MS. CECONI: I would be --

11 THE COURT: And I know Ms. -- Ms. Marshall
12 may not be here, but I'm going to -- I'm going to be
13 prepared to deal with that.

14 MS. MARSHALL: Certainly by the 28th, I will
15 not be. By the 29th or the following week, if your
16 Honor has something, I could be accessible on Skype. I
17 probably could be accessible on Skype on the 28th.

18 Your Honor, I just have to alert the Court.
19 I need to leave by 4:15, and I just have a scheduling
20 issue that I would like to address if I may --

21 THE COURT: Okay.

22 MS. MARSHALL: -- before I go, whenever it
23 would be convenient for your Honor.

24 THE COURT: So here's what I have so far. We
25 have Monday September 12th all day. Wednesday the

1 14th, Wednesday the 21st, and Wednesday the 28th, all
2 day. And I'm going to lock that in, unless someone
3 tells me to the contrary.

4 Dr. Ionescu, can you handle that?

5 DR. IONESCU: Yes, your Honor.

6 THE COURT: Dr. Alexianu, can you handle
7 that?

8 DR. ALEXIANU: Yes, your Honor.

9 THE COURT: All right. Ms. Ceconi, Ms.
10 Seiden, and Ms. Marshall, okay.

11 Now then, Ms. Marshall had told me -- and
12 since it's clear we're not going to finish this case,
13 we need to do -- and we may defer this to tomorrow --
14 we need to a pendente lite parenting plan. And Ms.
15 Marshall's going to make an oral application
16 eventually, and I guess the only eventually is
17 tomorrow. Am I correct?

18 MS. MARSHALL: Yes, your Honor.

19 THE COURT: I would ask you to -- if you can
20 -- if it's going to be orally and you have to leave,
21 you can't tell the parties now, so don't do that.

22 What other scheduling issue do you have, Ms.
23 Marshall, or anything else you wanted?

24 MS. MARSHALL: That was all. Just --

25 THE COURT: Okay.

1 MS. MARSHALL: I was just concerned about the
2 chance to do that before we break.

3 THE COURT: I'm thinking that may be
4 something we can defer to tomorrow, since you have to
5 leave.

6 MS. MARSHALL: Oh, yes. Yes. I meant before
7 we break with a capital B. Before we --

8 THE COURT: Okay.

9 MS. MARSHALL: -- we end for a number of
10 weeks.

11 THE COURT: So tomorrow I expect to do some
12 testimony, if not all, and I expect to -- to hear about
13 a parenting plan and anything else.

14 And, finally, given the testimony of Dr.
15 Warshak today, I do not know what the position of the
16 parties is going to be. I can assume that Ms. Ceconi
17 is -- and Dr. Alexianu are going to take the position
18 that they -- based on everything they heard today, that
19 they want the family to go to Family Bridges. I can
20 assume that Dr. Ionescu still opposes it for the
21 reasons he opposed it previously for whatever else.
22 Which means the only person that may probably want to
23 be heard on that issue might be the guardian ad litem.
24 And I might have to allow for the possibility of an
25 updated supplemental report with the possibility,

1 perhaps, of direct and cross, depending on what that
2 report says, and I have no idea if that's going to
3 happen.

4 And I don't want to pin you down today, but
5 you have overnight to think about whatever it is you
6 want to do, Ms. Marshall.

7 MS. MARSHALL: Thank you.

8 THE COURT: Finally, I have not built
9 anything into this schedule for interviewing the
10 children. And I cannot exclude the possibility that I
11 will do that for the umpteenth time again. And I'm
12 wondering whether or not -- if we have a psychologist
13 in place, I'm wondering whether or not I might bring
14 the children or have you bring the children or have the
15 children delivered here Monday September 12.

16 All of those things are in my mind, but I
17 don't know what I'm going to do to act on them. But if
18 they're coming with their therapists, and hopefully by
19 then, there will be a therapist for Anna and she might
20 actually have started. I'm hoping to get that
21 component in place before September 12, and I'm going
22 to ask the guardian ad litem and the mother and the
23 father to see to it, if they can organize that. And
24 that has to go through Dr. Siegel. And I remember all
25 those steps we were talking about.

1 And, finally, I reserve the right to change
2 Dr. Pasternak's role in what we had talked about. And
3 I'm not sure yet. And since she's not going to see the
4 parties, as I heard -- she's -- the next time we see
5 Dr. Pasternak will be September the 12th. I do not
6 believe she has an appointment for the parties.

7 MS. CECONI: Judge, I think the order,
8 however, said that the parties were to see her before
9 then. So I would just ask that that order be
10 suspended.

11 THE COURT: Well, I'm not sure that it's
12 improper for her to see the parties 'cause I don't know
13 that that would be therapeutic. But I would like her
14 to meet the parties. So I think that should probably
15 happen. But there hasn't been any time scheduled for
16 that anyway. So I don't know how she's going to see
17 the parties and show up in court September 12th, since
18 she has no time. But --

19 MS. CECONI: I think she's on vacation this
20 week, right? Yes.

21 THE COURT: If she can see the parties,
22 either together or individually or at least meet them,
23 and then be prepared to come to court with whatever it
24 is she needs. I don't know. I'm doing everything I'm
25 -- I'm constructing a house here and I have to figure

1 it out on the fly. And I'm doing that.

2 But I believe we have the components in place
3 for a lot of positive things to occur for the benefit
4 of this family.

5 It's five after four. If anyone else has
6 anything for the record, it's a good time now.
7 Otherwise, we're done until tomorrow, at 9:30? Or ten
8 o'clock. I have ESP calendar call. I may get Judge
9 Walsh to do that.

10 MS. CECONI: Judge, we can be here at 9:30.
11 I don't think that's a problem. I just want to confirm
12 that tomorrow is simply direct for both parties. So it
13 won't be cross-examination.

14 THE COURT: If we have --

15 MS. CECONI: In fact --

16 THE COURT: Look, if the direct ends at
17 10:15, we're going into cross.

18 MS. CECONI: Fine. But I think -- but for
19 instance, Dr. Ionescu will finish his testimony, and
20 then we'll finish my client's direct, as opposed to me
21 going straight into his cross?

22 THE COURT: If I can --

23 MS. CECONI: I just want to confirm that.

24 THE COURT: Yes. If I can remember to do it
25 that way, that makes sense to me.

1 MS. CECONI: I can remind you.

2 THE COURT: I'll have Ms. Seiden remind me,
3 for sure. We will finish the direct of Dr. Ionescu.
4 This is my plan. And we will then finish the direct of
5 Dr. Alexianu. We'll also hear from Ms. Marshall about
6 a proposed parenting plan. And we'll also hear from
7 Ms. Marshall as to whether she expects or thinks or
8 wants to submit a supplemental guardian ad litem
9 report.

10 And since I feel like we're in a debating
11 society, any other matters for the good of the order.
12 And we'll entertain new business, if we have to, which
13 will include the children's transition into their new
14 schools in September.

15 MS. MARSHALL: I just had a question, your
16 Honor, if I may. Would it be more productive for me to
17 come at the conclusion of testimony for my motion? I'm
18 happy -- I'll be in my office. If you end at 10:15, if
19 the Court calls me, I could be here at 11. But my
20 thought would be maybe come at two or 2:30, and we
21 could then do the motion at the end. I have no
22 particular preference. I was just trying to --

23 THE COURT: My preference would be to do it
24 while I'm fresh in the morning.

25 MS. MARSHALL: Okay.

1 THE COURT: And if we do it later in the day,
2 and quite frankly, we may need time to assimilate,
3 digest, argue, and discuss.

4 MS. MARSHALL: Okay.

5 THE COURT: So I'd -- it might -- I hope not.
6 But it could consume a more block of time than we
7 think. And Friday's a motion day and I won't feel like
8 being here 4:30, five o'clock Thursday.

9 MS. MARSHALL: I'll be here at 9:30.

10 THE COURT: All righty.

11 MS. MARSHALL: Thank you.

12 THE COURT: Thank you.

13 Dr. Alexianu, are you tired?

14 DR. ALEXIANU: No, your Honor. It's all
15 about my children. I'll never be tired until they'll
16 be normal.

17 THE COURT: Are you tired, Dr. Ionescu?

18 DR. IONESCU: (Indiscernible).

19 THE COURT: I don't know that they're ever
20 going to be normal. I don't know what normal means, to
21 be honest. In answer to your question, which was your
22 attempt at humor at my attempt at --

23 DR. ALEXIANU: It's not humor, your Honor. I
24 know they can be normal.

25 THE COURT: I don't know what the definition

1 of normal is. And there is no psychologist I know that
2 has ever given me a definition of normal.

3 Ms. Marshall, are you a psychologist?

4 MS. MARSHALL: No. But I'd like to think I
5 am an exemplar and a poster child for what normal looks
6 like.

7 MS. CECONI: I was going to say I don't know
8 we've met a psychologist who's normal.

9 MS. MARSHALL: Although I think --

10 THE COURT: And we sure know that no
11 psychiatrist is normal.

12 MS. CECONI: That's right.

13 MS. MARSHALL: I think that's an admission
14 that she thinks I'm the poster child.

15 THE COURT: All right. We had a little humor
16 on the record. Hopefully, the Appellate Division will
17 find humor in it. But I do not know.

18 I didn't mean any harm by it. I just -- you
19 look tired, Dr. --

20 DR. ALEXIANU: I'm not.

21 THE COURT: Okay. I'm tired. I'll be frank.


22 MS. CECONI: I'm tired.

23 (Proceedings adjourned to 8/18/11 at 9:30

24 a.m.)
25

CERTIFICATION

1
2
3 I, Patrice Mezzacapo, the assigned transcriber, do
4 hereby certify the foregoing Transcript of Proceedings
5 in the Union County Superior Court, Chancery Division
6 on August 17, 2011 and recorded on CD No. 8/17/11,
7 Index Nos. 9:57:49 to 11:25:41, 11:39:54 to 12:20,
8 2:04:59 to 3:01:25, and 3:09:58 to 3:30:06, and 3:50:25
9 to 4:06:00 is prepared in full compliance with the
10 current Transcript Format for Judicial Proceedings and
11 is a true and accurate compressed transcript of the
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17 Patrice Mezzacapo, AD/T #214
18 METRO TRANSCRIPTS, L.L.C.
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21 Date: 11/3/13
22
23
24
25