

15:36:14 1 afternoon. Take about a five-minute break. Miss Court
15:36:19 2 Reporter, you can go off the record.

15:36:23 3 THE BAILIFF: All rise, please.

15:36:29 4 (Recess from 3:36 p.m. to 3:44 p.m.)

15:44:52 5 THE BAILIFF: All rise, please.

15:44:53 6 THE COURT: Thank you. You can be seated.

15:45:19 7 THE BAILIFF: Watch your step.

15:45:21 8 THE WITNESS: Okay.

15:45:28 9 THE COURT: Okay. I believe you were sworn
15:45:30 10 earlier; is that correct?

15:45:31 11 THE WITNESS: I was, your Honor.

15:45:32 12 THE COURT: Okay. Thank you. Whenever
15:45:32 13 you're ready.

15:45:32 14 MR. NEWMAN: Thank you.

15:45:32 15 **JOANN MURPHEY,**

15:45:32 16 having been first duly sworn, testified as follows:

15:45:32 17 **DIRECT EXAMINATION**

15:45:33 18 BY MR. NEWMAN

15:45:34 19 Q. Would you state your name, please?

15:45:35 20 A. Yes. My name is Joann Murphey.

15:45:38 21 Q. And what licensures do you hold, ma'am?

15:45:42 22 A. What licensure?

15:45:46 23 Q. Yes, ma'am.

15:45:46 24 A. I'm licensed in the State of Texas. I was
15:45:47 25 previously licensed in Tennessee, but I retired that

1 5 : 4 5 : 5 1 1 license upon becoming licensed in Texas.

1 5 : 4 5 : 5 4 2 Q. I hand you what has been marked Exhibit JS12. I
1 5 : 4 6 : 0 5 3 would ask if you recognize that as your résumé.

1 5 : 4 6 : 0 6 4 A. Yes, that's my CV.

1 5 : 4 6 : 0 8 5 Q. And if I were to ask you about each and every
1 5 : 4 6 : 1 1 6 item on this CV, is that what your testimony would
1 5 : 4 6 : 1 5 7 reflect?

1 5 : 4 6 : 1 5 8 A. Yes.

1 5 : 4 6 : 1 6 9 MR. NEWMAN: Your Honor, I offer Exhibit
1 5 : 4 6 : 1 6 10 JS12.

1 5 : 4 6 : 1 7 11 THE COURT: Any objections?

1 5 : 4 6 : 1 7 12 MR. BURTON: No objection, as offered.

1 5 : 4 6 : 1 9 13 MS. JOHNSON: No objection, your Honor.

1 5 : 4 6 : 2 0 14 THE COURT: Twelve is admitted.

1 5 : 4 6 : 2 1 15 (JS Exhibit 12 offered, admitted)

1 5 : 4 6 : 2 1 16 Q. (BY MR. NEWMAN) And, ma'am, how long have you
1 5 : 4 6 : 2 6 17 been licensed in Texas?

1 5 : 4 6 : 2 8 18 A. Texas, only licensed as a psychologist.

1 5 : 4 6 : 3 2 19 Q. Okay.

1 5 : 4 6 : 3 3 20 A. Some states will license by specialty, but Texas
1 5 : 4 6 : 3 7 21 does not.

1 5 : 4 6 : 3 8 22 Q. And for how long have you been licensed in Texas
1 5 : 4 6 : 4 2 23 as a psychologist?

1 5 : 4 6 : 4 2 24 A. Since 1985.

1 5 : 4 6 : 4 3 25 Q. Okay. And if I turn to the second page of your

15:46:46 1 CV, I see that you have worked with Family Bridges.

15:46:51 2 A. Yes.

15:46:52 3 Q. What is your connection with Family Bridges?

15:46:55 4 A. I've been trained in the Family Bridges model,
15:46:58 5 and I have participated in four Family Bridges workshops.

15:47:03 6 Q. Okay. And explain to the Court what Family
15:47:08 7 Bridges -- how Family Bridges works. How -- how does that
15:47:09 8 work?

15:47:10 9 A. Family Bridges is an educational program for
15:47:16 10 severely alienated children. The workshop has two
15:47:21 11 leaders. It is a four-day program; and at the conclusion
15:47:27 12 of the program, the family is asked to take a vacation
15:47:31 13 together.

15:47:32 14 Q. When you say "the family," who would be involved
15:47:36 15 in the family that would take a vacation?

15:47:38 16 A. The alienated, targeted parent or parents.

15:47:43 17 Q. Okay. And -- and does -- who all is involved in
15:47:47 18 the four-day program?

15:47:50 19 A. The two leaders --

15:47:52 20 Q. Uh-huh.

15:47:52 21 A. -- and the children and the targeted parent, and
15:47:59 22 sometimes there's a stepparent --

15:48:01 23 Q. Okay.

15:48:01 24 A. -- who is also involved.

15:48:03 25 Q. Okay. And at the conclude -- what happens at

1 5 : 4 8 : 1 0 1 the conclusion of the five-day vacation or trip?

1 5 : 4 8 : 1 3 2 A. The family returns home. The aftercare
1 5 : 4 8 : 1 8 3 professional begins work with the parent who is seen as
1 5 : 4 8 : 2 9 4 the alienator, the previously -- the favored parent.

1 5 : 4 8 : 3 2 5 Q. Okay.

1 5 : 4 8 : 3 4 6 A. Whatever word we want to use. And the family is
1 5 : 4 8 : 4 0 7 followed, and then the goal is to reunite the entire
1 5 : 4 8 : 5 2 8 family.

1 5 : 4 8 : 5 2 9 Q. Is there a period of time in the protocol for
1 5 : 4 8 : 5 4 10 Family Bridges where the favored parent is excluded from
1 5 : 4 8 : 5 8 11 the child -- or the children in this case -- for a period
1 5 : 4 9 : 0 1 12 of time?

1 5 : 4 9 : 0 2 13 A. Yes.

1 5 : 4 9 : 0 2 14 Q. What is that period of time?

1 5 : 4 9 : 0 4 15 A. At least 90 days.

1 5 : 4 9 : 0 6 16 Q. You had the ability to sit in this courtroom and
1 5 : 4 9 : 1 2 17 hear the testimony of Dr. Mellor-Crummey --

1 5 : 4 9 : 1 7 18 A. Yes, I did.

1 5 : 4 9 : 1 8 19 Q. -- correct? All right. And did you hear the
1 5 : 4 9 : 1 9 20 question that was asked of Dr. Mellor-Crummey that would
1 5 : 4 9 : 2 3 21 it be -- would it be difficult to separate from the
1 5 : 4 9 : 2 8 22 primary caregiver -- the children separate from their
1 5 : 4 9 : 3 1 23 primary caregiver an extended period of time? Do you
1 5 : 4 9 : 3 3 24 recall that question?

1 5 : 4 9 : 3 4 25 A. I do.

1 15:49:35 Q. Do you recall the question as it related to why
2 15:49:38 would there be a 90-day period of separation?

3 15:49:41 A. Yes.

4 15:49:42 Q. Is -- is there -- is alienating behaviors a type
5 15:49:48 of abuse?

6 15:49:49 A. Yes, it's emotional abuse.

7 15:49:50 Q. And, so, when you're separating a child from a
8 15:49:54 favored parent that is basically undertaking emotional
9 15:49:59 abuse, is that the -- a basis for that separation?

10 15:50:01 A. Yes, it is.

11 15:50:03 Q. And, so, what happens during this period of
12 15:50:06 separation, as far as the favored parent's ability to
13 15:50:11 communicate with the children in any way at all?

14 15:50:15 A. There is no communication between the favored
15 15:50:17 parent and the children during the 90-day period.

16 15:50:23 Q. Have -- have there -- have y'all had
17 15:50:24 difficulties -- is part -- or strike that. In Family
18 15:50:29 Bridges, have there been instances where the favored
19 15:50:32 parent showed up at the four-day conference, things of
20 15:50:35 that nature? Are you aware of that -- that ever
21 15:50:38 happening?

22 15:50:38 A. I'm not aware. I'm aware that the favored
23 15:50:42 parent is not told where the workshop is being held to
24 15:50:49 prevent that.

25 15:50:49 Q. Okay. And why is that problematic, if the

15:50:53 1 favored parent does that?

15:50:55 2 A. Well, it disrupts the entire process.

15:50:59 3 Q. What -- what is special about 90 days? Why this
15:51:03 4 90-day hiatus with the favored parent not being in the
15:51:07 5 presence of the children?

15:51:08 6 A. In the early days, they didn't have the 90-day
15:51:12 7 exclusionary period and they found that children relapsed
15:51:18 8 the sooner that the favored parent was reintroduced and,
15:51:26 9 so, they -- they made the 90-day and have found that that
15:51:31 10 is a sufficient period of time.

15:51:35 11 Q. With regard to this issue of -- strike that.
15:51:39 12 What is Warshak's dealings with the Family Bridges
15:51:43 13 program?

15:51:44 14 A. Warshak is doing the research on Family Bridges.
15:51:48 15 He frequently writes articles on alienation.

15:51:53 16 Q. And have there been studies and research
15:51:57 17 indicating success or failures of Family Bridges?

15:52:00 18 A. Yes.

15:52:01 19 Q. Statistically -- well, let's talk about the
15:52:05 20 first study. When, approximately, was the first study
15:52:07 21 done, if you know?

15:52:08 22 A. Say that again.

15:52:09 23 Q. When, approximately, was the first study done
15:52:13 24 that -- that delineated how successful Family Bridges was
15:52:14 25 or was not, that you're aware of?

1 5 : 5 2 : 1 6 1 A. Oh, more than five years ago, probably.

1 5 : 5 2 : 1 8 2 Q. And what was the success rate in that study?

1 5 : 5 2 : 2 2 3 A. I don't remember.

1 5 : 5 2 : 2 3 4 Q. Okay.

1 5 : 5 2 : 2 4 5 A. It was high.

1 5 : 5 2 : 2 5 6 Q. Okay. What percentage -- do you have a

1 5 : 5 2 : 2 7 7 percentage of success rate for Family Bridges as you sit

1 5 : 5 2 : 3 0 8 here today?

1 5 : 5 2 : 3 1 9 A. Yes.

1 5 : 5 2 : 3 1 10 Q. And what is that?

1 5 : 5 2 : 3 4 11 A. Family Bridges has a 96 percent success rate.

1 5 : 5 2 : 3 6 12 Q. And -- and there's been more than one study that

1 5 : 5 2 : 4 3 13 supports that?

1 5 : 5 2 : 4 5 14 A. No. This is Warshak's most recent data. He

1 5 : 5 2 : 5 0 15 presented this last year.

1 5 : 5 2 : 5 3 16 Q. So, it's not a study yet; but it is something

1 5 : 5 2 : 5 6 17 that's presented by Warshak?

1 5 : 5 2 : 5 7 18 A. It's in progress.

1 5 : 5 3 : 0 4 19 Q. Okay. Do you know what the cost is of Family

1 5 : 5 3 : 1 1 20 Bridges?

1 5 : 5 3 : 1 4 21 A. Yes, I do.

1 5 : 5 3 : 1 4 22 Q. What is the cost?

1 5 : 5 3 : 1 5 23 A. \$20,000.

1 5 : 5 3 : 1 6 24 Q. I'm sorry?

1 5 : 5 3 : 1 7 25 A. \$20,000.

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Q. Okay. And --

A. And it's a little bit different, depending on whether there's one or two children; but that's a rough estimate.

Q. Okay. And what skills are taught and learned at the workshop, that four-day workshop?

A. The first two days -- I can give you a brief rundown.

Q. Sure.

A. There's an introduction to the parties of what Family Bridges is and what it is not. Secondly, there is a reading of the Court's order so people understand what -- what the Court's order is. There is the having -- having the child or children commit to safety and an understanding there will not be an attempt to elope or those -- those sorts of things.

There are a series of videotapes that are shown over the next few days. They're really addressing psychological issues, not alienation, just how people form perceptions, how memory is formed, how accurate our memory is. There'll be kind of games, like how many of these do you see. People will be asked to estimate how accurate they think their judgment is. It's things like that. The only thing that directly addresses alienation is the "Welcome Back, Pluto" video. It's about a 45-minute

15:55:00 1 video. It's usually shown on the second day.

15:55:02 2 The rest of the things are really about
15:55:06 3 mental wellness. And then by the third day, there is some
15:55:17 4 lectures on how to have a healthy family, and the
15:55:23 5 participants start interacting with each other.

15:55:26 6 There is a moratorium on the past. So,
15:55:29 7 there's no talking about "you did this back when." The
15:55:36 8 idea is this is a new family, this is a new paradigm, we
15:55:41 9 are starting off in a healthy way. And the parent or
15:55:45 10 parents -- and when I use that, I'm talking about a
15:55:49 11 stepparent -- and the children are taught how to have
15:55:52 12 healthy dialogue, and they start by having family
15:55:58 13 meetings.

15:55:58 14 And the workshop leaders assist them, and
15:56:03 15 they may address issues of how things are going to work,
15:56:09 16 of how the schedule is going to work, where they're going
15:56:11 17 to go on vacation.

15:56:14 18 Q. How is this different than traditional therapy,
15:56:18 19 that we heard has been unsuccessful earlier today with
15:56:22 20 Dr. Mellor-Crummey?

15:56:23 21 A. It's not therapy. This is an educational
15:56:26 22 program. It is centered on how to have a healthy family,
15:56:30 23 how to have healthy communication, how to -- if somebody
15:56:39 24 says something, the "I heard you say X, was that correct."
15:56:46 25 There is teaching of how to have a discussion back and

15:56:49 1 forth between parents and children. And they rotate who's
15:56:52 2 the leader. Like a child may be the leader of meeting
15:56:58 3 one, a parent may be the leader of the second meeting, and
15:57:02 4 that is practiced until the family has it perfect or is
15:57:08 5 near perfect as they can get.

15:57:11 6 Q. What is parallel parenting?

15:57:13 7 A. It's where one parent does it their way, and the
15:57:16 8 other parent does it their way.

15:57:17 9 Q. And do y'all give instruction on that?

15:57:20 10 A. Yes. This is a parallel parenting model because
15:57:25 11 coparenting has not worked.

15:57:29 12 Q. Is that a basis for what y'all train children or
15:57:32 13 try to educate them, if that -- having different sets of
15:57:37 14 rules and different, I guess, really different -- dealing
15:57:43 15 with completely different parenting styles in two
15:57:45 16 different homes?

15:57:46 17 A. That's correct.

15:57:46 18 Q. And parent homes that are not cooperating with
15:57:49 19 each other necessarily?

15:57:50 20 A. That's correct.

15:57:51 21 Q. Is that a skill set that's necessary when
15:57:54 22 there's been severe alienation?

15:57:58 23 A. A skill set to teach --

15:58:00 24 Q. Yeah, uh-huh.

15:58:01 25 A. -- children to have different rules? Yes.

1 15:58:05 Q. With regard to Family Bridges, is the Family
2 15:58:06 Bridges program appropriate for children like the Seely
3 15:58:15 children, given that you've heard the testimony from
4 15:58:18 Dr. Mellor-Crummey that this is the most severe case of
5 15:58:25 parental alienation she's ever seen?

6 15:58:27 A. These are the kind of children that are
7 15:58:30 generally seen in Family Bridges. All the children I've
8 15:58:31 seen have been severely alienated.

9 15:58:33 Q. And is this available at Family Bridges, for the
10 15:58:38 children to be enrolled there on July 20th of this year?

11 15:58:39 A. I don't know.

12 15:58:39 Q. Okay. Randy Rand. You were here -- you heard
13 15:58:46 some information about Randy Rand, did you not?

14 15:58:48 A. Yes, I did.

15 15:58:50 Q. Randy Rand's sanctions had absolutely zero to do
16 15:58:54 with anything related to a criticism of the protocol of
17 15:58:59 Family Bridges, correct?

18 15:59:00 A. Correct.

19 15:59:01 Q. It had to do with his rendering an opinion
20 15:59:08 without actually having done an evaluation, correct?

21 15:59:09 A. I don't know.

22 15:59:10 Q. Okay. But didn't -- it wasn't a condemnation of
23 15:59:14 Family Bridges?

24 15:59:14 A. No, it's not related.

25 15:59:15 Q. And since that sanction, have you been involved

15:59:17 1 in cases where it has been ordered -- where a Court has
15:59:20 2 ordered Family Bridges?

15:59:21 3 A. Yes. Bexar County just ordered its first one
15:59:23 4 last month.

15:59:24 5 Q. And Family Bridges is ongoing even despite the
15:59:30 6 sanction of Randy Rand?

15:59:31 7 A. It's -- let's see -- I think reached its tipping
15:59:37 8 point.

15:59:38 9 Q. Okay. And -- and by -- what do you mean by
15:59:42 10 that? I think your answer -- what you mean by your answer
15:59:45 11 is affirmative, that yes, of course Family Bridges is
15:59:47 12 still operating?

15:59:48 13 MR. BURTON: Objection, leading.

15:59:49 14 MR. NEWMAN: It is leading, Judge. I --

15:59:50 15 THE COURT: Sustained.

15:59:51 16 Q. (BY MR. NEWMAN) Family Bridges is still in
15:59:52 17 operation?

15:59:53 18 A. Yes.

15:59:54 19 Q. All right. What is the significance of an
15:59:59 20 aftercare professional in the Family Bridges protocol?

16:00:01 21 A. The aftercare professional is provided, if they
16:00:05 22 want, with the materials from Family Bridges so they can
16:00:09 23 use those materials to work with the favored parent.

16:00:14 24 Q. And is -- it's something that -- this aftercare
16:00:19 25 professional is someone who would typically be recommended

1 6:00:22 1 by a Court or by a an amicus attorney?

1 6:00:28 2 A. Yes.

1 6:00:28 3 Q. Are you aware that that's exactly what Mr. Seely
1 6:00:31 4 is requesting?

1 6:00:32 5 A. Am I aware --

1 6:00:32 6 Q. That the aftercare professional be recommended,
1 6:00:35 7 not somebody he picks, but that it be someone recommended
1 6:00:39 8 by either the amicus or the Court?

1 6:00:41 9 A. Yes.

1 6:00:41 10 MR. NEWMAN: I pass the witness.

1 6:00:54 11 THE COURT: Mr. Burton?

1 6:00:54 12 MR. BURTON: Thank you.

1 6:00:54 13 **CROSS-EXAMINATION**

1 6:00:54 14 BY MR. BURTON

1 6:00:55 15 Q. Dr. Murphey, hi again.

1 6:01:00 16 A. Hello.

1 6:01:00 17 Q. We know each other, correct?

1 6:01:01 18 A. Well, you reminded me of that. I remembered the
1 6:01:03 19 case. I don't remember you as well, but I do.

1 6:01:06 20 Q. We had a case in Karnes County many years ago,
1 6:01:09 21 correct?

1 6:01:09 22 A. Somewhere down south, yes.

1 6:01:10 23 Q. It was the Shakomey [phonetic] case, right?

1 6:01:13 24 A. I'm not going to be at liberty to say any names
1 6:01:17 25 of anyone I've had any treatment relationship with.

16:01:20 1 Q. Okay. Sure. And I'm sorry if I put you in that
16:01:22 2 position. Didn't mean to. That case, without naming
16:01:26 3 names, you do remember the details of it?

16:01:28 4 A. Vaguely.

16:01:29 5 Q. Okay. It was a case where alienation was at
16:01:32 6 issue?

16:01:32 7 MR. NEWMAN: Object. This is not relevant,
16:01:36 8 your Honor.

16:01:37 9 THE COURT: I'm not sure of the relevance.
16:01:39 10 Is it -- how is it relevant to this case?

16:01:43 11 MR. BURTON: I'm going to get there in one
16:01:44 12 more question.

16:01:44 13 THE COURT: If you'll hurry up. Thank you.

16:01:46 14 Q. (BY MR. BURTON) It was a case involving
16:01:47 15 allegations of alienation, correct?

16:01:49 16 A. That was some of the allegation, yes.

16:01:50 17 Q. Okay. And the children were placed with the
16:01:52 18 father, right?

16:01:53 19 A. Yes.

16:01:54 20 Q. Okay. The -- you knew from -- from other
16:01:58 21 information you learned that Mother was actually the
16:02:02 22 better parent, didn't you?

16:02:04 23 MR. NEWMAN: Object, your Honor, this is
16:02:04 24 not relevant.

16:02:05 25 THE COURT: Sustained.

1 16:02:05 1 Q. (BY MR. BURTON) Ma'am, my point is that case --
2 16:02:07 2 the same general protocol was follow -- followed, right?
3 16:02:13 3 It was an alienation case, child was taken away from the
4 16:02:17 4 favored parent, put with the targeted parent, and as -- as
5 16:02:20 5 you know, they're still fighting -- Mom is still fighting,
6 16:02:23 6 trying to see those children, right?

7 16:02:28 7 MR. NEWMAN: Objection, sidebar.
8 16:02:28 8 Objection, relevance.

9 16:02:29 9 THE COURT: Sustained.

10 16:02:29 10 Q. (BY MR. BURTON) Doctor, isn't it true that these
11 16:02:31 11 cases don't lend themselves to any kind of simple
12 16:02:35 12 resolution, right?

13 16:02:37 13 A. Most of the time, correct. I -- I have seen a
14 16:02:39 14 few, actually, agreed orders for Family Bridges; but most
15 16:02:45 15 of the time, you're correct.

16 16:02:47 16 Q. Okay. And you said that it's roughly \$20,000
17 16:02:51 17 for this program, right?

18 16:02:54 18 A. Yes.

19 16:02:56 19 Q. Who does that go to?

20 16:02:57 20 A. I don't know. I -- the workshop leaders are
21 16:03:01 21 paid.

22 16:03:01 22 Q. Okay. How do you know it's roughly \$20,000?

23 16:03:03 23 A. Because I've been told that by patients.

24 16:03:06 24 Q. And what is it for, \$20,000?

25 16:03:12 25 A. Well, you have two professionals, psychologists,

16:03:17 1 amicus attorneys, who are spending 12-hour days, four days
16:03:23 2 a week. There are two travel days, and they are paid for
16:03:28 3 their time.

16:03:28 4 Q. Okay. So, the \$20,000 then is for the
16:03:31 5 professionals' time for this initial session, right?

16:03:35 6 A. I -- I don't have any -- anything to do with the
16:03:38 7 billing. I can just tell you that there are two
16:03:39 8 professionals that spend 12 hours a day for four days, and
16:03:43 9 you're worn out at the end of it.

16:03:46 10 Q. Got you.

16:03:48 11 A. And there's a travel day each way.

16:03:50 12 Q. Sure. And were you subpoenaed to be here today?

16:03:52 13 A. No.

16:03:54 14 Q. Were you paid to be here?

16:03:56 15 A. I will be paid to be here, yes.

16:03:58 16 Q. Okay. Roughly how much are you going to be paid
16:04:02 17 to be here today?

16:04:03 18 A. It depends on how many hours I'm here today.

16:04:05 19 Q. Okay. What do you bill an hour?

16:04:07 20 A. For testimony, \$350 an hour.

16:04:12 21 Q. And travel time?

16:04:13 22 A. I think half of that.

16:04:14 23 Q. Okay. You heard Mr. Newman ask you about Randy
16:04:19 24 Rand. Remember those questions?

16:04:20 25 A. Yes.

1 6 : 0 4 : 2 1 1 Q. Okay. And he said he was sanctioned for
1 6 : 0 4 : 2 4 2 rendering an opinion without an evaluation, right?

1 6 : 0 4 : 2 7 3 A. I think that's what the attorney said.

1 6 : 0 4 : 3 1 4 Q. And isn't it true that that opinion for which he
1 6 : 0 4 : 3 4 5 was sanctioned for giving a bad evaluation, the opinion
1 6 : 0 4 : 3 9 6 was send these kids to Family Bridges?

1 6 : 0 4 : 4 0 7 A. The opinion was what?

1 6 : 0 4 : 4 1 8 Q. To send the kids to Family Bridges in that case.

1 6 : 0 4 : 4 4 9 A. I'm sorry. I still didn't hear your question.

1 6 : 0 4 : 4 6 10 Q. Sure. Mr. Newman asked you -- you know, he said
1 6 : 0 4 : 4 9 11 it had nothing to do with Family Bridges -- or the
1 6 : 0 4 : 5 3 12 protocol, it has to do with Randy Rand offering an opinion
1 6 : 0 4 : 5 6 13 without doing an evaluation. Do you remember that
1 6 : 0 5 : 0 1 14 question?

1 6 : 0 5 : 0 2 15 A. I do not know what it had to do with.

1 6 : 0 5 : 0 3 16 Q. Okay. Well, you seemed to know when he asked
1 6 : 0 5 : 0 5 17 you; but do you not know anything about why Randy Rand got
1 6 : 0 5 : 0 9 18 sanctioned by the California Board of Psychologists?

1 6 : 0 5 : 1 1 19 A. I know that he was a special master and that
1 6 : 0 5 : 1 3 20 there was a case that did not go well, for some reason,
1 6 : 0 5 : 1 9 21 and, to my knowledge, it had nothing to do with Family
1 6 : 0 5 : 2 4 22 Bridges.

1 6 : 0 5 : 2 4 23 Q. Okay. The -- do you know that that case, in
1 6 : 0 5 : 2 7 24 fact, involved the Family Bridges protocol?

1 6 : 0 5 : 2 9 25 A. No, I do not.

16:05:30 1 MR. NEWMAN: Objection, your Honor. It
16:05:30 2 mischaracterizes the case he told you to take judicial
16:05:34 3 notice of. It's a misrepresentation, as if it was a
16:05:36 4 problem for Family Bridges. That's not what happened in
16:05:38 5 the sanction.

16:05:39 6 THE COURT: Sustained.

16:05:41 7 Q. (BY MR. BURTON) And, Dr. Murphey, are you aware
16:05:46 8 that there's an opinion being offered in this case when no
16:05:49 9 evaluation has been done?

16:05:50 10 MR. NEWMAN: Objection, your Honor. The
16:05:51 11 definition of evaluation for the treatment -- for a
16:05:54 12 treater recommending further treatment versus a custody
16:05:57 13 evaluation. He's trying to create a record, Judge, that's
16:06:01 14 inappropriate.

16:06:04 15 MR. BURTON: I'll take it one at time, your
16:06:05 16 Honor.

16:06:06 17 THE COURT: All right.

16:06:09 18 Q. (BY MR. BURTON) Okay. Are you aware,
16:06:10 19 Dr. Murphey, that there's an opinion being rendered in
16:06:13 20 this case, a recommendation specifically to send these
16:06:15 21 children to this Family Bridges program?

16:06:17 22 A. Yes.

16:06:18 23 Q. Okay. And you're here to tell us about the
16:06:19 24 Family Bridges program, correct?

16:06:21 25 A. Yes.

1 16:06:22 Q. Okay. Are you aware that no custody or
2 16:06:25 psychological evaluation of either child or either party
3 16:06:29 has ever been done during the pendency of this case?

4 16:06:33 MR. NEWMAN: Objection, your Honor. It's
5 16:06:34 multifarious, and he's defining custody versus
6 16:06:37 psychological evaluation.

7 16:06:38 MR. BURTON: Again, Judge, I'm sorry. I'll
8 16:06:41 take it one at a time.

9 16:06:42 THE COURT: Okay. Thank you. Sustained.

10 16:06:43 Q. (BY MR. BURTON) Are you aware that no custody
11 16:06:44 evaluations have been done in this case?

12 16:06:46 A. I believe I heard that testimony from the
13 16:06:50 psychologist that testified prior to me.

14 16:06:53 Q. Okay. Are you aware that there's been no
15 16:06:56 forensic evaluation done in this case --

16 16:07:00 MR. NEWMAN: Object --

17 16:07:01 Q. -- of the child or a party?

18 16:07:04 MR. NEWMAN: Objection, your Honor. That's
19 16:07:04 not entirely accurate. There -- an evaluation was done,
20 16:07:07 consistent with a treating psychologist does an
21 16:07:12 evaluation, by its very nature, to determine what
22 16:07:16 treatment is necessary; and because she's testifying, it's
23 16:07:18 therefore forensic.

24 16:07:22 THE COURT: Response?

25 16:07:23 MR. BURTON: Dr. Mellor-Crummey testified

16:07:24 1 specifically she did not do an evaluation in this case.

16:07:27 2 MR. NEWMAN: No, Judge, she said over and
16:07:29 3 over and over again she didn't do a custody evaluation.

16:07:32 4 THE COURT: I think you're mincing on words
16:07:35 5 here; but based on the question, sustained.

16:07:46 6 Q. (BY MR. BURTON) Dr. Murphey, are you aware of any
16:07:51 7 forensic evaluation done in this case?

16:07:51 8 A. I have no knowledge about this case at all.

16:07:53 9 Q. Okay.

16:07:54 10 A. I heard some testimony, but it's not personal.
16:07:58 11 I don't know anything about the case.

16:08:00 12 Q. Okay. And you'd agree with me that Family
16:08:03 13 Bridges is not appropriate -- if it's ever appropriate,
16:08:05 14 it's certainly not -- not appropriate in every case of
16:08:09 15 alienation, right?

16:08:10 16 A. That's correct.

16:08:13 17 Q. Okay. So, you don't have an opinion one way or
16:08:15 18 the other about whether it's appropriate in this case?

16:08:17 19 A. That's correct.

16:08:19 20 Q. Okay. And you couldn't, right, because you've
16:08:21 21 never seen the children?

16:08:23 22 A. I know nothing about the case. I could have no
16:08:26 23 opinion about something I know nothing about.

16:08:29 24 Q. Okay. Thank you. Are you a member of the AFCC?

16:08:35 25 A. Yes, I am.

1 16:08:38 Q. Okay. I -- on your CV, Doctor, I didn't see --
2 16:08:40 I saw presentations you did. Does it also list the
3 16:08:44 courses you've taken?

4 16:08:45 A. No. They're so numerous that my CV -- I'm old.
5 16:08:49 My CV would be a hundred pages old or 200.

6 16:08:53 Q. Have you ever taken a course by Craig Childress
7 16:08:55 or Dorcy Pruter?

8 16:08:59 A. Yes. I've had a course by Childress -- he's out
9 16:09:04 of California -- some time ago.

10 16:09:09 Q. Okay. Are you aware of any opinions by the AFCC
11 16:09:15 of the availability of those two presenters to do further
12 16:09:19 courses?

13 16:09:20 A. Yes. Childress is actually starting his own
14 16:09:23 program now for alienated children. I don't know much
15 16:09:31 about it. The press it is getting among my peers is not
16 16:09:39 very impressive, quite frankly; but I know nothing, other
17 16:09:43 than what I've read. I know he's got a couple books.

18 16:09:47 Q. Do you know why he no longer presents for the
19 16:09:49 AFCC?

20 16:09:50 A. No, I do not.

21 16:09:52 Q. Okay. And part of the Family Bridges protocol
22 16:10:02 is to buy the book *Divorce Poison*, right?

23 16:10:09 A. Not to my knowledge. You know, Warshak first
24 16:10:14 wrote *Custody Revolution* --

25 16:10:15 MR. NEWMAN: Objection, nonresponsive,

16:10:18 1 after "not to my knowledge."

16:10:20 2 THE COURT: Sustained.

16:10:20 3 Q. (BY MR. BURTON) Thank you, Doctor. What about
16:10:23 4 the -- the video you mentioned, "Welcome Back, Pluto"?
16:10:27 5 Whose is that?

16:10:29 6 A. That is narrated by Dr. Warshak and a narrator.

16:10:35 7 Q. Is that his work product?

16:10:37 8 A. Yes.

16:10:37 9 Q. Okay. And that's part of what is required in
16:10:42 10 the Family Bridges protocol, correct?

16:10:44 11 A. Not required, no. The workshop leaders make a
16:10:49 12 decision on what materials they want to use. That is the
16:10:51 13 only one that is sometimes used, not always --

16:10:56 14 Q. Okay.

16:10:56 15 A. -- that directly talks about alienation.

16:11:11 16 Q. Do you have the Family Bridges pamphlets or
16:11:15 17 information?

16:11:19 18 A. I have -- yes, I have the Family Bridges
16:11:24 19 syllabus and the available clips that can be used.

16:11:32 20 Q. And, Dr. Murphey, what -- I may have missed
16:12:00 21 this. I'm sorry. What has been your personal involvement
16:12:02 22 with the Family Bridges program? How many cases have you
16:12:05 23 been directly involved in?

16:12:07 24 A. Four.

16:12:08 25 Q. Four. Okay. And, again, where were those?

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A. In what?

Q. Where were those?

A. Canada; Montana; Dallas; and Lake LBJ, Horseshoe Bay.

Q. Okay. And were there one children -- was there one child involved in each case, multiple children?

A. Two had one children, two had two children.

Q. Okay. And do you know, without stating their names, obviously, how old those children would be now?

A. They were all adolescent. There was at least an adolescent and a latency aged child in the two parent group. There was one where the children were actually 16 and 17. That's the oldest, actually. That was a Houston case.

Q. Okay. So, are those children all adults now?

A. The one child has aged out. The other child is still living with his mother.

Q. Okay. And do you know whether the program worked for all those children?

A. Every one.

Q. Okay. What is the quality of their relationship with the so-called targeted parent now?

A. I am not the aftercare professional on any of those. So, occasionally, I may hear from an amicus. I know that there was one that there has been a lot of

1 6:13:47 1 difficulty in reunification with the mother, but that --
1 6:13:53 2 that was a year ago. I don't know what's happened since.

1 6:13:58 3 Q. Okay. So, when I say, "Were they successful,"
1 6:13:59 4 and you say, "Yes, they were all successful," how does
1 6:14:04 5 that comport with your testimony --

1 6:14:05 6 A. All the children --

1 6:14:05 7 Q. Right. Excuse me, Doctor --

1 6:14:06 8 A. All the children reunified with their rejected
1 6:14:09 9 parent.

1 6:14:10 10 Q. Okay.

1 6:14:11 11 A. They all -- and I'm seeing some kids who went
1 6:14:18 12 through Family Bridges told -- told me that it was the
1 6:14:22 13 best thing that ever happened in their lives.

1 6:14:24 14 Q. Now, when you say they all connected, after
1 6:14:28 15 what? A four-day workshop?

1 6:14:28 16 A. Yes. Usually maybe the second day is usually
1 6:14:32 17 the bridge day. There was one that it didn't happen till
1 6:14:35 18 the third day. I was kind of worried because usually the
1 6:14:39 19 second day is where you see changes in the child or
1 6:14:42 20 children.

1 6:14:44 21 Q. So, my question was: When you testified a
1 6:14:48 22 moment ago about in one case there was a lot of difficulty
1 6:14:51 23 with the reunification, how does that mean that it worked?

1 6:14:54 24 A. The child who had not seen her father in two and
1 6:14:58 25 a half years clung to him, would not leave his side,

16:15:05 1 cried, hugged him, sat on his lap. So, I'm only talking
16:15:15 2 about children who need a healthy relationship with a
16:15:24 3 rejected parent. That's what the workshop does. The rest
16:15:28 4 has to come after that with aftercare, and I'm talking
16:15:36 5 about a 96 -- and the children are asked to rate at the
16:15:40 6 end how they feel about the program, very positive,
16:15:45 7 positive, neutral, negative, hated it. I mean, it's
16:15:54 8 amazing how the children loved this program. You -- you
16:16:00 9 just wouldn't believe it unless you saw it.

16:16:01 10 Q. I understand if we're talking about the four
16:16:03 11 days what your testimony is. What I'm talking about, when
16:16:05 12 these children grow up, what do you know, if anything,
16:16:09 13 about the quality of their relationship with either or
16:16:12 14 both parents?

16:16:14 15 A. Not a lot in terms of Family Bridges. I've seen
16:16:19 16 children who have been to the Rachel House. I've seen
16:16:23 17 children who have been to Stable Paths. I've seen
16:16:26 18 children who didn't reunite with their parents for
16:16:30 19 decades. So, in my clinical work, I've seen a lot; but in
16:16:34 20 terms of the research of Family Bridges, I -- I don't
16:16:37 21 know. I can't answer that.

16:16:40 22 Q. So, would you agree with me there's really not
16:16:45 23 any -- any long-term study we can look to, to say five
16:16:49 24 years down the road that really worked?

16:16:51 25 A. Dr. Warshak is now doing two- and three-year

16:16:55 1 follow-ups; and his research is suggesting that it is
16:17:00 2 about in the 80's, the percentiles around 85, in terms of
16:17:06 3 what has worked long-term.

16:17:09 4 Q. And the research you're referring to is by
16:17:14 5 Richard Warshak himself, who's involved in this program,
16:17:17 6 correct?

16:17:18 7 A. That's correct.

16:17:18 8 Q. All right. Is there any independent study
16:17:21 9 you're aware of, not by somebody that's involved in it or
16:17:24 10 makes money from it, that says this works and we know that
16:17:27 11 because five years later, these kids have a great
16:17:29 12 relationship?

16:17:30 13 A. There is some. It's in a book called -- I don't
16:17:34 14 know, maybe *Children Who Refuse Post-Divorce Contact*, or
16:17:40 15 something like that. There's a woman who reviewed -- she
16:17:45 16 compared Family Bridges, Overcoming Barriers, and, so, she
16:17:49 17 has some research. I don't remember her name. I could
16:17:51 18 get you a copy of it. She favored Family Bridges over
16:17:56 19 Overcoming Barriers because there was not the research.

16:18:01 20 Q. You were here for all of the testimony today,
16:18:06 21 correct?

16:18:07 22 A. Yes.

16:18:07 23 Q. Okay. You heard the testimony about Mr. Seely's
16:18:10 24 unfortunate traumatic brain injury --

16:18:12 25 A. Yes, I did.

16:18:13 1 Q. -- correct? Would you agree that that could
16:18:15 2 certainly affect a three- and a five-year-old, as they
16:18:18 3 might relate to their father and his emotional
16:18:19 4 availability for them?

16:18:21 5 MR. NEWMAN: Judge, this predates the date
16:18:23 6 of the last order.

16:18:26 7 MR. BURTON: Judge, it has to do with, you
16:18:30 8 know, we're still trying to pinpoint a reason. No -- as I
16:18:32 9 told you this morning, nobody is going to give me a
16:18:33 10 specific reason why she did anything wrong, why she --
16:18:36 11 these kids did anything wrong. I'm trying to get at some
16:18:39 12 reason why we --

16:18:40 13 MR. NEWMAN: I know it's not fair to
16:18:41 14 Mr. Burton, necessarily, because he wasn't here. As I was
16:18:46 15 said when this hearing started, there was five days of
16:18:48 16 testimony about reasons, about false complaint after false
16:18:49 17 complaint after false complaint reported by Ms. Seely, all
16:18:53 18 the CPS complaints dismissed as ruled out, and testimony
16:18:57 19 from doctors which you would meet with that felt that she
16:19:00 20 was being manipulated, on and on and on about her
16:19:04 21 alienation. I'm not putting that on today because that's
16:19:08 22 not before the Court.

16:19:09 23 THE COURT: Sustained.

16:19:09 24 MR. NEWMAN: Thank you, Judge.

16:19:12 25 Q. (BY MR. BURTON) Well, in sitting here today,

16:19:13 1 ma'am, did you hear any specific reason attributable just
16:19:16 2 to my client why these children are alienated from their
16:19:20 3 father?

16:19:20 4 A. I believe I did.

16:19:21 5 Q. Okay. And what were those specific reasons?

16:19:25 6 A. I believe that the psychologist believes that
16:19:28 7 the mother has undermined the children's relationship with
16:19:33 8 their father and done it in a fairly systematic way. I --
16:19:37 9 that's how I would characterize it.

16:19:39 10 Q. Okay. Is that a reason or a belief? What I'm
16:19:43 11 asking you for is not the psychologist's belief based on
16:19:46 12 generalities. I'm asking you for a specific thing.

16:19:49 13 A. I have no opinion about this case. I don't know
16:19:56 14 why these children are alienated, other than that's the
16:19:58 15 person to tell you that. I'm here to talk to you about a
16:20:03 16 program that exists that helps children be reunited with a
16:20:08 17 rejected parent. I'm not here to talk about this case,
16:20:12 18 and I think for me to do so would be unprofessional.

16:20:19 19 Q. Now, Doctor, you also probably heard my
16:20:23 20 questions about, you know, separating children. It's a
16:20:28 21 big issue at the border. I believe Dr. Mellor-Crummey's
16:20:30 22 answer was something along the lines of not speaking the
16:20:34 23 language and things like that. Would you agree as a
16:20:37 24 psychologist here in Texas --

16:20:38 25 *THE COURT:* Did you say, "Not speaking the

16:20:41 1 language"? Is that what you said?

16:20:43 2 MR. BURTON: Yes, your Honor.

16:20:45 3 Q. (BY MR. BURTON) It's traumatic, isn't it,
16:20:47 4 Dr. Murphey, to separate a child from their primary
16:20:52 5 caregiver without regard to what language they speak?

16:20:53 6 A. Generally speaking, exceedingly so.

16:20:55 7 Q. And you -- again, just to be clear, you don't
16:21:03 8 have any opinion about how traumatic that might be for
16:21:07 9 children in this case to have been separated from their
16:21:09 10 mom or to continue to be separated from their mom?

16:21:12 11 A. That's correct.

16:21:12 12 Q. You don't have any opinion about whether that's
16:21:17 13 in their best interest?

16:21:18 14 A. That's correct.

16:21:28 15 Q. Let me ask you this, Doctor: In all your
16:21:30 16 training in alienation cases, have you seen a case where
16:21:34 17 there was a long period of separation, a divorce in the
16:21:38 18 past, and then only a very recent finding of chronic
16:21:42 19 alienation?

16:21:45 20 A. Repeat the question.

16:21:46 21 Q. Sure. Have you seen a case where there has been
16:21:51 22 a long separation, a divorce that -- that predates the
16:21:54 23 current status by about two years or more, and then a
16:21:57 24 sudden or recent finding of chronic alienation?

16:22:01 25 MR. NEWMAN: Objection, your Honor, it's

16:22:01 1 not relevant. And nothing -- it's not relevant because
16:22:05 2 it's about another case and it's not consistent with the
16:22:07 3 facts of this case, if there's some just recent
16:22:11 4 alienation. The CPS complaints span over an extended
16:22:15 5 period of time.

16:22:18 6 *THE COURT:* Sustained.

16:22:29 7 Q. (BY MR. BURTON) Dr. Murphey, you were involved in
16:22:31 8 a -- a case in Tennessee in the past couple of years, were
16:22:37 9 you not?

16:22:39 10 A. I don't believe so.

16:22:40 11 Q. No?

16:22:51 12 A. In fact, I know not so. I'm from Tennessee, but
16:22:53 13 I have done no work in Tennessee. I'm not -- since 1975.
16:22:59 14 I was licensed in 1975 --

16:23:05 15 *MR. NEWMAN:* Objection, responsiveness.

16:23:06 16 *THE COURT:* Sustained. Thank you.

16:23:07 17 Q. (BY MR. BURTON) Were you involved in a case in
16:23:08 18 the last couple years where there was one patient in Texas
16:23:10 19 and one in Tennessee?

16:23:11 20 A. Yes.

16:23:11 21 Q. Okay. And --

16:23:15 22 A. Vaguely, only peripherally involved.

16:23:17 23 Q. Okay. Without saying names --

16:23:19 24 A. Didn't testify.

16:23:20 25 Q. -- what was your involvement in that case?

1 6 : 2 3 : 2 1 1 A. I consulted with the mother on a couple of
1 6 : 2 3 : 2 4 2 occasions, met the child once.

1 6 : 2 3 : 3 4 3 Q. And was that the McLain case?

1 6 : 2 3 : 3 7 4 A. I think it was up around Johnson City, but I
1 6 : 2 3 : 4 0 5 never went to Tennessee. I -- the -- I consulted with the
1 6 : 2 3 : 4 4 6 mother about an alienation case where the Judge had ruled
1 6 : 2 3 : 5 1 7 that there was alienation and --

1 6 : 2 3 : 5 4 8 Q. Okay.

1 6 : 2 3 : 5 4 9 A. -- the Judge asked that I interview the child to
1 6 : 2 3 : 5 9 10 see how the child was doing post change of custody.

1 6 : 2 4 : 0 7 11 Q. Okay. And if that case has been provided to
1 6 : 2 4 : 1 0 12 Dr. Mellor-Crummey, or summaries of that case, it's not at
1 6 : 2 4 : 1 5 13 your behest, right?

1 6 : 2 4 : 1 6 14 A. No. I actually have forgotten that case.

1 6 : 2 4 : 2 0 15 Q. Okay. And you're not here to testify about the
1 6 : 2 4 : 2 3 16 results in that case because you were only peripherally
1 6 : 2 4 : 2 5 17 involved?

1 6 : 2 4 : 2 6 18 A. I don't know anything about the results in that
1 6 : 2 4 : 2 8 19 case, except when I saw the child probably a year ago, he
1 6 : 2 4 : 3 2 20 was doing well and very happy and the custody -- his
1 6 : 2 4 : 3 6 21 mother wanted to stay in her custody, even though he was
1 6 : 2 4 : 3 9 22 about to age out also.

1 6 : 2 4 : 4 1 23 MR. BURTON: I'm going to object to the
1 6 : 2 4 : 4 4 24 responsiveness after "I don't know anything about that
1 6 : 2 4 : 4 5 25 case."

16:24:46 1 THE COURT: After "I don't know,"
16:24:47 2 sustained.

16:24:48 3 Q. (BY MR. BURTON) And the case I mentioned, Doctor,
16:25:02 4 the Tennessee-Texas case, that actually had two children,
16:25:06 5 correct?

16:25:07 6 A. Yes.

16:25:07 7 Q. Okay. And as we sit here today, do you know the
16:25:12 8 outcome for those two children as it stands today?

16:25:16 9 MR. NEWMAN: Object, your Honor, that's not
16:25:18 10 relevant to this case.

16:25:19 11 THE COURT: Sustained.

16:25:20 12 Q. (BY MR. BURTON) You don't have to answer, Doctor.
16:25:28 13 Now, with regard to the protocol for the aftercare
16:25:31 14 program, you are familiar with that?

16:25:32 15 A. The protocol for the what?

16:25:36 16 Q. The -- I'm sorry. The Family Bridges program.
16:25:37 17 There -- that program is itself a protocol, is it not?

16:25:41 18 A. It has a syllabus and a protocol, yes.

16:25:48 19 Q. Okay. So, when we describe Family Bridges as a
16:25:51 20 thing, is it a place, is there a building that's the
16:25:55 21 Family Bridges location?

16:25:57 22 A. It is anywhere that two professionals can
16:26:02 23 deploy, usually rapidly. It can be a hotel. I told you
16:26:10 24 we did one at Horseshoe Bay. I did one this year at
16:26:13 25 Horseshoe Bay. So, it was in a facility there. Parents

1 6 : 2 6 : 2 1 1 had a room, each of the leaders had -- had a room. We met
1 6 : 2 6 : 2 5 2 in a conference room.

1 6 : 2 6 : 3 0 3 Q. And --

1 6 : 2 6 : 3 0 4 A. Pleasant surroundings.

1 6 : 2 6 : 3 2 5 Q. So, Family Bridges, as I understand it, is just
1 6 : 2 6 : 3 6 6 a protocol that is portable from place to place or case to
1 6 : 2 6 : 3 9 7 case; is that right?

1 6 : 2 6 : 4 0 8 A. That's correct.

1 6 : 2 6 : 4 0 9 Q. Okay. And other than being in -- created by
1 6 : 2 6 : 4 4 10 Randy Rand and Richard Warshak teaches it sometimes, are
1 6 : 2 6 : 5 0 11 there any other professionals uniquely affiliated with the
1 6 : 2 6 : 5 4 12 Family Bridges program?

1 6 : 2 6 : 5 5 13 A. Last I heard, there were 18 trained Family
1 6 : 2 6 : 5 9 14 Bridges leaders. That -- that figure is two or three
1 6 : 2 7 : 0 3 15 years old. So, I don't know if there are more.

1 6 : 2 7 : 0 6 16 Q. Are you one of those 18?

1 6 : 2 7 : 1 0 17 A. Yes, I am.

1 6 : 2 7 : 1 0 18 Q. Okay. How many more are here in Texas?

1 6 : 2 7 : 1 3 19 A. How did what?

1 6 : 2 7 : 1 4 20 Q. How many more trained professionals like
1 6 : 2 7 : 1 6 21 yourself are here in Texas?

1 6 : 2 7 : 1 8 22 A. One that I know of.

1 6 : 2 7 : 1 9 23 Q. And where is that person located?

1 6 : 2 7 : 2 3 24 A. And she's kind of in this neck of the woods.

1 6 : 2 7 : 2 6 25 Q. Do you know her name?

16:27:28 1 A. Oh, her first name is Chris. Sorry. Don't
16:27:35 2 remember last name.

16:27:36 3 Q. Okay. Chris Turner?

16:27:38 4 A. I believe so.

16:27:39 5 Q. Okay. So, isn't it true, Doctor, that part of
16:27:46 6 the protocol is to -- is -- is not just the four-day,
16:27:51 7 five-day workshop, correct?

16:27:53 8 A. It's a four-day workshop.

16:27:57 9 Q. Right, but the protocol also involves an
16:27:58 10 aftercare professional, does it not?

16:28:00 11 A. It does.

16:28:00 12 Q. Okay. And it involves proposed court orders,
16:28:06 13 does it not?

16:28:07 14 A. It does.

16:28:07 15 Q. Okay. Have you ever heard of another
16:28:09 16 psychological protocol that purports to tell a Court what
16:28:14 17 to order?

16:28:17 18 A. I can't answer that question.

16:28:22 19 Q. Okay. Well, you said --

16:28:23 20 A. I don't know.

16:28:23 21 Q. Okay. You don't know of one?

16:28:24 22 A. No, I don't know anything about that at all.

16:28:25 23 Q. Okay. Have you ever told a Court what should be
16:28:31 24 in a court order?

16:28:32 25 A. No.

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Q. It's not your place as a psychologist, is it?

A. That's correct.

Q. You think it's a place of any psychologist to be proposing court orders in a custody case?

A. I think that it is the place of a mental health professional to make recommendations that they think would be helpful to a child or to a family, and then I think it's up to the trier of the fact to make a decision on that.

Q. Do you think that the professionals involved in the Family Bridges program in a particular case should be subject to subpoena and cross-examination and all the other rules of evidence that lawyers are used to in a family law case?

A. I would imagine so.

Q. Any reason that they shouldn't testify?

A. You -- only thing, their materials are proprietary materials. It's often the dilemma I get in when I get a subpoena for my raw data, and the test manufacturer says you can't release this. And, so, it's kind of like being between a rock and a hard place about what you do. So, you know, I -- I really don't know the answers to those questions.

Q. And I appreciate your answer; but with regard to the raw data you mentioned, though, isn't it true that if

16:30:01 1 that's subpoenaed from you, you can provide it, but it's
16:30:03 2 supposed to go to another mental health professional,
16:30:05 3 correct?

16:30:05 4 MR. NEWMAN: Objection, your Honor. It
16:30:07 5 calls for a legal conclusion; and, two, that's no longer
16:30:10 6 the law.

16:30:11 7 THE COURT: I guess she can answer if she
16:30:12 8 knows the answer. I don't know if you know the answer or
16:30:15 9 not.

16:30:16 10 A. With the court order, you can provide any data
16:30:20 11 with a release from the person. You can provide data. We
16:30:24 12 are told by our Board to notify the test publishers of any
16:30:29 13 subpoenas, any court orders.

16:30:34 14 Q. (BY MR. BURTON) Do you think it's reasonable for
16:30:35 15 my client -- if the Court were to consider their request
16:30:39 16 for Family Bridges, would it be reasonable for her to
16:30:42 17 request to know who are the mental health providers?

16:30:45 18 MR. NEWMAN: Calls for speculation, Judge,
16:30:45 19 what's reasonable for his client to do.

16:30:52 20 THE COURT: Overruled. You can answer.

16:30:54 21 A. I have no idea.

16:30:55 22 Q. (BY MR. BURTON) You don't think that's a
16:30:57 23 reasonable request?

16:30:59 24 MR. NEWMAN: Objection, asked and answered.

16:30:59 25 THE COURT: Sustained.

1 16:31:00 Q. (BY MR. BURTON) Have you ever had a case,
2 16:31:06 Dr. Murphey, where you have refused to provide your
3 16:31:09 identity to the parent of a child you were treating?

4 16:31:14 A. No.

5 16:31:14 Q. Okay. Is there any ethical basis to do that?

6 16:31:20 A. Certainly when you're involved in the forensic
7 16:31:24 world, people are shopped, Judges are shopped, lawyers are
8 16:31:30 shopped. Is there a reason to try to keep our identities
9 16:31:34 private, our homes private? Yes. Because we're involved
10 16:31:39 in very high conflict work. That's why we have to go
11 16:31:45 through a metal detector downstairs to get in this
12 16:31:49 building.

13 16:31:49 And people who do this kind of work are
14 16:31:54 targeted. They are sometimes -- somebody is unhappy,
15 16:32:00 sometimes both people are unhappy, and it is difficult and
16 16:32:05 stressful work to do. So, you know, I'm not going to go
17 16:32:11 out on social media and start talking about where I'm
18 16:32:14 having dinner tonight.

19 16:32:15 Q. Sure. And let me clarify. That wasn't really
20 16:32:19 my question. My question was not your private number, not
21 16:32:24 your home address, the kind of car you drive. Certainly
22 16:32:26 you don't want to disclose all that, and I can understand
23 16:32:29 why.

24 16:32:29 My question was have you ever -- was have
25 16:32:31 you ever had a case where you can think of a valid reason

1 6:32:36 1 why your identity as a psychologist, not as a private
1 6:32:40 2 citizen, but as a psychologist treating a child in a
1 6:32:45 3 family law case should not be disclosed?

1 6:32:46 4 A. There might be some cases. Certainly, someone
1 6:32:51 5 had threatened to hurt me, I think I wouldn't want my name
1 6:32:56 6 to be disclosed.

1 6:33:02 7 Q. And I just want the record to be clear, you're
1 6:33:04 8 not suggesting in any remote stretch of the imagination
1 6:33:07 9 that my client or anybody in this case has threatened you,
1 6:33:12 10 correct?

1 6:33:17 11 A. No.

1 6:33:18 12 Q. Okay. Do you think it's reasonable to want to
1 6:33:21 13 obtain information sufficient to depose a mental health
1 6:33:23 14 provider who is treating the children and their client?

1 6:33:27 15 A. If there -- sure, if there's an issue about
1 6:33:31 16 custody or access, sure.

1 6:33:38 17 Q. And, again, if the Court were inclined to
1 6:33:40 18 consider their request for this Family Bridges program
1 6:33:42 19 that I'm still learning about, what involvement would --
1 6:33:49 20 would my client have, to your understanding?

1 6:33:52 21 A. Your client would start working with the
1 6:33:54 22 aftercare professional as soon as the Court designated who
1 6:33:58 23 that person was, to prepare your client to be reunited
1 6:34:04 24 with her children as soon as possible after 90 days.

1 6:34:08 25 Q. And who would determine what she's supposed to

16:34:09 1 work on?

16:34:12 2 A. The aftercare professional would gather the
16:34:17 3 material, would -- reports, review the case, and meet with
16:34:25 4 your client and help her understand what her role was on a
16:34:40 5 maximum, minimum, and that this is damaging to children.
16:34:45 6 It is sometimes something -- a wound that someone carries
16:34:52 7 for a lifetime and never heals from. It is to help
16:34:59 8 parents understand the damage they are doing to their
16:35:01 9 children, no matter what their role in it, and to
16:35:08 10 recognize and take ownership of that and to do things in a
16:35:14 11 better and healthier way.

16:35:17 12 Q. And that assumes that things are being done in
16:35:21 13 an unhealthy way, right?

16:35:23 14 A. Well, yes. I mean, when you have a high
16:35:24 15 conflict divorce, you have alienation. It may be a small
16:35:31 16 amount, may be a big amount, but you don't have high
16:35:34 17 conflict divorce with children without having some
16:35:37 18 alienation issues.

16:35:40 19 Q. So, whatever treatment plan a aftercare
16:35:43 20 professional would devise, from everything I understand,
16:35:47 21 that would necessarily be done before they even met with
16:35:51 22 my client, right?

16:35:53 23 A. Could be, could not be. I mean, it -- it really
16:35:58 24 depends on the aftercare professional, how they want to go
16:36:00 25 about it.

1 16:36:00 Q. Okay. Well, all the information they would get
2 16:36:02 would be from the targeted parent, right?

3 16:36:05 A. No. You would meet -- you would want to meet
4 16:36:07 primarily with the preferred parent. You would want --
5 16:36:15 you've got to get a relationship with them. So, that's
6 16:36:18 your kind of primary client. You want to -- or patient,
7 16:36:26 whatever you want to call it. You want to help that
8 16:36:27 person get healthy so they can be reunited with their
9 16:36:30 children.

10 16:36:32 Q. But that party has no input in the four-day
11 16:36:36 seminar, right?

12 16:36:37 A. That party what?

13 16:36:38 Q. Has no input or involvement in this initial
14 16:36:40 seminar.

15 16:36:41 A. That's correct.

16 16:36:42 Q. Okay. Has no decision at all about when or
17 16:36:46 where they'll see their children at least for 90 days
18 16:36:51 minimum, right?

19 16:36:53 A. They -- they report to the Court. They work
20 16:36:54 with the amicus to say how the progress is coming along.
21 16:37:00 Sometimes the amicus works with the aftercare
22 16:37:02 professional. Because you want a family --

23 16:37:10 Q. Have you --

24 16:37:10 A. -- you want a healthy, whole family. You want
25 16:37:12 children who can love both parents and who can have

16:37:17 1 contact, enjoy with both parents.

16:37:23 2 Q. Let me ask you, Dr. Murphey, about evaluations,
16:37:26 3 mental health evaluations. Why are those important for
16:37:32 4 parties?

16:37:34 5 MR. NEWMAN: Your Honor, this is outside
16:37:36 6 the scope of this witness' testify -- testimony.

16:37:45 7 THE COURT: Overruled, to the extent you
16:37:46 8 can answer that question. I'm not sure.

16:37:51 9 A. Evaluations sometimes provide information to
16:37:56 10 people working with families and about -- if I'm doing a
16:38:04 11 custody evaluation, I typically spend 40 to 80 hours.
16:38:08 12 Most of my reports exceed a hundred pages. So, it is a
16:38:14 13 lot of information, of time that I have spent collecting
16:38:18 14 information, including psychological testing, including
16:38:23 15 interviews with children, home visits, mental health
16:38:28 16 records, history records. It is a lot of work.

16:38:33 17 And, so, it -- if there is character
16:38:37 18 pathology, character traits, thought disorders, it
16:38:43 19 provides information about the psychological functioning
16:38:45 20 of the children, the psychological functioning of the
16:38:49 21 parents, the ability for the parents to provide for the
16:38:54 22 children emotionally, physically, and, you know, I -- we
16:39:03 23 have standards of what we must do to do a custody
16:39:07 24 evaluation.

16:39:09 25 Q. Okay. So, as regards to a custody evaluation, I

16:39:12 1 mean, it would tell you important information about the --
16:39:16 2 whether a bond between the parents and children was
16:39:19 3 healthy or not, correct?

16:39:19 4 A. Yes.

16:39:22 5 Q. Okay. Psychological evaluation, in general,
16:39:24 6 would tell you maybe the nature and extent of a
16:39:28 7 psychological wound that one of the parties might be
16:39:30 8 carrying, right?

16:39:31 9 A. It could, but with that -- with the absence of
16:39:34 10 the other things, just testing itself is really only one
16:39:42 11 piece of the pie.

16:39:46 12 Q. But it's important to determine if there is some
16:39:48 13 pathology at work, correct?

16:39:50 14 A. If there is an issue before the Court, in terms
16:39:55 15 of custody or possession/access with children, it is
16:40:00 16 sometimes helpful.

16:40:01 17 Q. Okay.

16:40:04 18 MR. BURTON: Pass the witness. Thank you,
16:40:05 19 Dr. Murphey.

16:40:06 20 THE COURT: Ms. Johnson?

16:40:06 21 MS. JOHNSON: Thank you, your Honor.

16:40:06 22 **CROSS-EXAMINATION**

16:40:06 23 BY MS. JOHNSON

16:40:07 24 Q. How does Family Bridges determine what cases
16:40:13 25 fits that model?

1 6 : 4 0 : 1 5 1 A. Dr. Rand is the person that evaluates the cases.
1 6 : 4 0 : 2 0 2 There have been some cases that have been turned down
1 6 : 4 0 : 2 2 3 because they feel like the -- that they're not applicable.

1 6 : 4 0 : 2 8 4 Q. And -- and what kind of cases would not be
1 6 : 4 0 : 3 1 5 applicable, if you know?

1 6 : 4 0 : 3 5 6 A. Yes. Somewhere the feeling is that the targeted
1 6 : 4 0 : 4 2 7 parent's own behavior has contributed significantly to the
1 6 : 4 0 : 4 8 8 conflict.

1 6 : 4 0 : 5 1 9 Q. Okay. Have you had the opportunity or has
1 6 : 4 0 : 5 1 10 anyone at Family Bridges had the opportunity to evaluate
1 6 : 4 0 : 5 4 11 the Seely case with regards to whether or not it fits the
1 6 : 4 0 : 5 7 12 protocol?

1 6 : 4 0 : 5 9 13 A. I don't know.

1 6 : 4 1 : 0 0 14 Q. So, that's something that -- could you tell the
1 6 : 4 1 : 0 1 15 Court how that generally happens when -- when you're
1 6 : 4 1 : 0 3 16 contacted by a party regarding -- or a court orders -- how
1 6 : 4 1 : 0 7 17 does that happen?

1 6 : 4 1 : 1 0 18 A. I'm not understanding your question.

1 6 : 4 1 : 1 1 19 Q. That was a bad question. Are you usually
1 6 : 4 1 : 1 3 20 contacted by some family member, or is it a court order
1 6 : 4 1 : 1 6 21 that is required before they evaluate the -- the
1 6 : 4 1 : 2 2 22 particular case?

1 6 : 4 1 : 2 2 23 MR. BURTON: I'm going to object to the
1 6 : 4 1 : 2 5 24 question, your Honor. Again, I think that is outside of
1 6 : 4 1 : 2 8 25 her scope. She's not here as an evaluator. She's here to

1 16:41:33 tell us generally about the program.

2 16:41:33 MS. JOHNSON: I can reword, Judge. I'm
3 16:41:34 just trying to figure out how that -- figure out which
4 16:41:37 family goes to that program -- project.

5 16:41:39 THE COURT: Okay. Reword.

6 16:41:40 MS. JOHNSON: Thank you, Judge.

7 16:41:40 Q. (BY MS. JOHNSON) What requirements do you have to
8 16:41:43 be able to consider a family for this program?

9 16:41:45 A. Well, someone, obviously, refers the family. It
10 16:41:48 may be that there's a court order. It may be that parents
11 16:41:54 find out about this program. And there is an intake
12 16:41:57 process. I don't do that. Dr. Rand does do that, and
13 16:42:03 then he decides if it is an appropriate case for Family
14 16:42:07 Bridges, and that means is this a severely alienated
15 16:42:12 child.

16 16:42:13 Q. And with regard to the segments, you discussed a
17 16:42:17 workshop, a vacation, and then the aftercare program.
18 16:42:20 Those are the -- are those the three segments -- only
19 16:42:23 three segments of the program?

20 16:42:26 A. Yes.

21 16:42:26 Q. And how long can -- do you know how long an
22 16:42:29 aftercare can last?

23 16:42:31 A. Until -- it's a minimum of 90 days, and it can
24 16:42:34 be longer.

25 16:42:38 Q. And who determines how long it is?

1 6 : 4 2 : 4 1 1 A. The aftercare professional makes recommendations
1 6 : 4 2 : 4 5 2 to the Court.

1 6 : 4 2 : 4 6 3 Q. Okay. So, this is something that is stasured or
1 6 : 4 2 : 4 8 4 at least stacked with the Court during the progress?

1 6 : 4 2 : 5 1 5 A. That's correct.

1 6 : 4 2 : 5 2 6 Q. Now, is it fair to say that the four-day
1 6 : 4 2 : 5 4 7 workshop is for the children; or is it for -- who is it
1 6 : 4 2 : 5 7 8 for?

1 6 : 4 2 : 5 7 9 A. The entire family.

1 6 : 4 3 : 0 0 10 Q. Even though the -- the one parent is not
1 6 : 4 3 : 0 6 11 included in that four-day workshop?

1 6 : 4 3 : 0 7 12 A. The preferred parent is not in the workshop.

1 6 : 4 3 : 1 1 13 Q. And could you tell Court basically -- once the
1 6 : 4 3 : 1 3 14 workshop is finalized, could you explain what the vacation
1 6 : 4 3 : 1 6 15 period means and what happens during that period of time?

1 6 : 4 3 : 1 9 16 A. You want the family to go have fun together.

1 6 : 4 3 : 2 2 17 Q. Do they do that with a family that has been
1 6 : 4 3 : 2 6 18 through this, or this is only on their own?

1 6 : 4 3 : 2 6 19 A. This is after the four-day program. Family
1 6 : 4 3 : 3 0 20 Bridges recommends a week, but we've had cases where
1 6 : 4 3 : 3 3 21 children were out of school and in high, you know, pricey
1 6 : 4 3 : 3 8 22 schools and they wanted to get right back to school; and
1 6 : 4 3 : 4 2 23 some of the vacations have been as short as three days,
1 6 : 4 3 : 4 7 24 you know, just weekend.

1 6 : 4 3 : 4 9 25 Q. So, is this just the fam -- the -- the targeted

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parent and the children?
A. Yes.
Q. Okay.
A. And -- and that decision is made in the family meetings. It's like, okay, we're going to take a vacation. Now, how do we decide where we're going to go? So, everybody has input. Where would you like to go?
Q. So, Family Bridges has no involvement in the vacation period?
A. No.
Q. It's just a requirement or -- a suggestion or a requirement of the program?
A. That's correct.
Q. Okay. And once that nine-day period or however long the vacation period lasts is over, how soon does aftercare start?
A. Aftercare starts as soon as an aftercare professional is named.
Q. And does the -- and is there situations where the aftercare person is named during that 90-day period that they're not visiting with the child?
A. There -- the aftercare professional is sometimes named immediately and starts immediately.
Q. Do y'all make referrals as to those people, or is that something that's done in the jurisdiction that the

16:44:57 1 children are in?

16:44:57 2 A. Either the Court -- the Court may name an
16:45:02 3 aftercare professional. It may be agreed on, but really
16:45:10 4 it -- it's Court approved.

16:45:11 5 Q. Is that something, though, that you make
16:45:13 6 suggestions for people in the area or you just --

16:45:15 7 A. Yes, and it's people who are familiar with
16:45:19 8 principles of alienation. Usually, senior or mental
16:45:24 9 health people who have had a lot of experience in this
16:45:29 10 area.

16:45:30 11 Q. And is that something -- someone that is
16:45:35 12 familiar with the Family Bridges program, or can it be
16:45:36 13 just anybody with those -- let me strike that. What are
16:45:38 14 the requirements of Family Bridges for that particular
16:45:41 15 aftercare person?

16:45:41 16 A. There's no real requirement. I mean, obviously,
16:45:43 17 we're looking at some -- someone who's been an amicus or a
16:45:48 18 mental health professional. There is a playbook for that
16:45:52 19 person about what they're to do; and, so, there are very
16:45:57 20 specific guidelines of what they're to do and not do.

16:46:02 21 Q. Your recommendations have the -- recommendations
16:46:07 22 that you make are -- do most of the people already have
16:46:10 23 some involvement with Family Bridges?

16:46:11 24 A. Not necessarily. Most have had involvement with
16:46:15 25 high conflict families and have had involvement with

1 16:46:22 1 issues of alienation.

16:46:22 2 Q. And this is a person that would work with the --
16:46:24 3 in this case, would work with the mother?

16:46:26 4 A. Yes, in the beginning.

16:46:32 5 Q. And could you describe for the Court kind of
16:46:34 6 what your understanding is -- and I understand it differs
16:46:38 7 for each case, but what each party's involvement,
16:46:40 8 including the children, would be in the aftercare part?

16:46:45 9 A. The children are first reunited with -- in
16:46:47 10 this -- I'm just going to say "mother" because it -- it's
16:46:49 11 a mother in this case, in -- in the aftercare
16:46:52 12 professional's office. It's -- it's a meeting where the
16:47:00 13 aftercare professional meets with the mother and the
16:47:04 14 children together.

16:47:06 15 Q. And is it usual for the aftercare person to meet
16:47:14 16 with the children individually before this meeting, or do
16:47:15 17 you know?

16:47:15 18 A. No.

16:47:16 19 Q. Okay. So, the first time that they -- they
16:47:18 20 would see them together would be in that office?

16:47:20 21 A. In -- as a family, yes.

16:47:22 22 Q. And then that would just develop from there,
16:47:24 23 whether it was with the mother, the children, or with the
16:47:27 24 father, how that would move forward?

16:47:30 25 A. That's correct. You know, generally, this is a

1 16:47:34 1 principle of parallel parenting. So, that aftercare
2 16:47:35 2 professional probably would meet in this case with the
3 16:47:39 3 father --

4 16:47:41 4 Q. Have --

5 16:47:41 5 A. -- a time or two, but the major work would be to
6 16:47:45 6 get Mother ready to be reintegrated and children ready.

7 16:47:51 7 Q. With regard to some of the concepts that you use
8 16:47:57 8 in the workshop, you heard doctor -- Ms. -- Dr. Mellor-
9 16:48:02 9 Crummey testify with regard to emotional issues and
10 16:48:06 10 decision-making versus critical thinking. Did you hear
11 16:48:08 11 her saying that?

12 16:48:10 12 A. Yes.

13 16:48:10 13 Q. Is that a -- a task type thing that you use or a
14 16:48:15 14 protocol that you use at Family Bridges?

15 16:48:17 15 A. It is a key component of the Family Bridges
16 16:48:18 16 program.

17 16:48:19 17 Q. And could you tell the Court what that means?

18 16:48:23 18 A. Well, there -- let's see. How can I best do
19 16:48:27 19 that? A lot of the program is about how we make decisions
20 16:48:33 20 and our perception about things and how to think
21 16:48:37 21 critically about things, because our judgments may be
22 16:48:41 22 correct and they may be dead wrong. So, there are
23 16:48:46 23 exercises where all people, all the participants are asked
24 16:48:54 24 to make a critical judgment about something they've just
25 16:48:55 25 seen.

1 16:48:57 1 Q. With regard to that, how is that different from
2 16:49:01 2 traditional therapy for children in these type of
3 16:49:04 3 situations now?

4 16:49:06 4 A. There's a moratorium on the past. It is
5 16:49:10 5 building a new paradigm, working together, learning to
6 16:49:18 6 work together, learning to -- to respect each other's
7 16:49:22 7 opinions. I see this. You see that. Oh, you know,
8 16:49:27 8 somebody else could see something else.

9 16:49:29 9 Q. With regard to that, that you had talked
10 16:49:34 10 about -- or had answered a question regarding whether
11 16:49:38 11 reports and custody evals and such is necessary or if it's
12 16:49:42 12 even helpful in that. If you don't look at the past, how
13 16:49:46 13 are those helpful?

14 16:49:49 14 A. It wouldn't be helpful in this paradigm, I mean,
15 16:49:55 15 to after -- post-Family Bridges. I think it would be --
16 16:50:00 16 there's already ample information. You know, you've --
17 16:50:02 17 you've had a lot of mental health providers, a lot of
18 16:50:06 18 people involved by the time a family gets to Family
19 16:50:10 19 Bridges.

20 16:50:12 20 Q. But those are nothing that would be used in the
21 16:50:13 21 program or the workshops to be -- you -- they would not be
22 16:50:20 22 used if you don't go into the past?

23 16:50:21 23 A. Sometimes there are psychological evaluations
24 16:50:22 24 available; and, if so, Dr. Rand reviews them. The
25 16:50:29 25 workshop leaders review them. Sometimes we don't have

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those.

Q. Okay. Are they a requirement?

A. No.

Q. Are they dependent upon the success of your program?

A. No.

Q. Last of all, my question is with regard to the -- I know you testified briefly about some of the groups; and in this particular group, we have a 12-year-old and a 10-year-old. Have any of the children that age group been involved in your program that you're aware of?

A. Yes.

Q. And would you say that that's a normal range, or do you usually have more in the teens?

A. It's a little bit younger than -- as I said, we've had some latency aged children, but --

Q. For us folks that are laymen, what does that mean?

A. Six to 12.

Q. There we go.

A. But, no, that's an appropriate -- again, that's why the workshop leaders vary the materials they use. It's like they have a big tool bag and what we're going to use with a 10-year-old, we're not going to use with a 16-year-old, perhaps. So, the materials are adapted to

16:51:39 1 the age group.

16:51:41 2 Q. Thank you.

16:51:41 3 MS. JOHNSON: Your Honor, I pass the
16:51:42 4 witness.

16:51:44 5 THE COURT: Any questions?

16:51:44 6 MR. NEWMAN: Just very briefly.

16:51:44 7 **REDIRECT EXAMINATION**

16:51:44 8 BY MR. NEWMAN

16:51:45 9 Q. I hand you what's been marked Exhibit JS9. You
16:51:48 10 were asked by Mr. Burton about pamphlets and things of
16:51:51 11 that nature, setting up descriptions of Family Bridges.
16:51:57 12 Is this one of those publications on which you rely in
16:52:02 13 rendering your opinions here today on protocol for
16:52:05 14 treatment?

16:52:05 15 A. Yes.

16:52:06 16 MR. BURTON: I'm going to object as
16:52:07 17 hearsay, unless she can authenticate this.

16:52:10 18 Q. (BY MR. NEWMAN) Well, you -- you recognize this
16:52:12 19 as one of the protocols from Family Bridges, do you not?

16:52:16 20 A. I do.

16:52:18 21 Q. This is what other experts in your field rely to
16:52:21 22 provide workshops as a mental health-care provider?

16:52:23 23 A. Yes.

16:52:24 24 MR. NEWMAN: Your Honor, under rule --
16:52:25 25 Texas Rule of Civil Evidence 703, I would move to admit

1 16:52:31 1 JS9.

2 (JS Exhibit 9 offered)

3 16:52:32 MR. BURTON: This is not your work product,
4 16:52:34 Doctor, correct?

5 16:52:35 THE WITNESS: No, it is not.

6 16:52:35 MR. BURTON: Okay. Did you have any part
7 16:52:37 in creating it?

8 16:52:39 THE WITNESS: No, I did not.

9 16:52:42 MR. NEWMAN: Judge, that's not relevant to
10 16:52:45 the admission under 703.

11 16:52:46 THE COURT: And what is it?

12 16:52:47 MR. NEWMAN: It is the protocol that --
13 16:52:48 part and parcel of the protocol that she relies upon in
14 16:52:52 providing services and workshops showing exactly what
15 16:52:55 happens in Family Bridges.

16 16:52:56 THE COURT: Any -- I'll let him look that
17 16:53:02 up.

18 16:53:11 MR. BURTON: Doesn't talk about a protocol
19 16:53:12 in 703, Judge. It talks about facts and data. I don't
20 16:53:17 see facts or data in here.

21 16:53:18 MR. NEWMAN: Judge, if it's reasonably
22 16:53:19 relied upon by experts in that field -- I asked her that
23 16:53:25 very specific question. This is relied upon. If it's
24 16:53:26 otherwise a hearsay -- it's an exception to the hearsay
25 16:53:29 rule, and it's very specifically an expert may base an

16:53:34 1 opinion on facts or data in a case that the expert has
16:53:38 2 been made aware of, reviewed, or personally observed. If
16:53:40 3 the expert in the particular field would reasonably --
16:53:42 4 reasonably rely upon those kind of facts or data in
16:53:47 5 forming an opinion on the subject, they need not be
16:53:49 6 admissible for the opinion to be admitted. I'm moving,
16:53:55 7 Judge, to admit what she's testified she's relied upon
16:53:57 8 under 703 of Texas Rules of Civil Evidence.

16:54:02 9 MR. BURTON: And, Judge, this is a pamphlet
16:54:04 10 that's trademarked by Family Bridges. It's not the
16:54:07 11 category of documents Mr. Newman is referring to. If he
16:54:10 12 wants to ask her about treatises, there's all kind of data
16:54:13 13 out there about parental alienation, I'd love to have that
16:54:17 14 whole hearing, but that's not what this is.

16:54:19 15 MR. NEWMAN: That's not a proper objection,
16:54:21 16 Judge. She's already testified that this pamphlet is
16:54:23 17 facts or data she relies upon in conducting her workshops
16:54:28 18 for Family Bridges.

16:54:28 19 THE COURT: Have you read 703?

16:54:31 20 MR. BURTON: Judge, I have; but this --
16:54:32 21 this is not the kind of -- and I think I'd object that
16:54:37 22 this is not the kind of facts or data that that rule is
16:54:39 23 talking about.

16:54:40 24 THE COURT: What is it?

16:54:41 25 MR. BURTON: It is a pamphlet that's

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trademarked by Family Bridges.

MR. NEWMAN: It sets out the protocol.

MR. BURTON: It's not -- it's not a study. It's not data. It might be based on that, but it's their own pamphlet. That's all it is.

MR. NEWMAN: Your Honor, she -- she is on a workshop. She heads up workshops. She's already testified -- and he may not like the fact that it is facts or data that she relies upon, but that was her testimony.

THE COURT: But this document that you've reviewed that they're talking about, ma'am, that is something that you go by, that you rely upon with regards to the job that you're doing right now in making opinion -- or forming an opinion of whatever you're testifying about --

THE WITNESS: That's correct.

THE COURT: -- whatever your --

THE WITNESS: That's correct.

THE COURT: Okay. Overruled. What's it marked as?

MR. NEWMAN: JS9.

THE COURT: JS9 is admitted.

(JS Exhibit 9 admitted)

THE COURT: Any further questions of this witness?

16:55:48 1 MR. NEWMAN: No, your Honor. I pass the
16:55:49 2 witness.

16:55:50 3 THE COURT: Any further questions? Because
16:55:50 4 we're about to run out of time.

16:55:53 5 MR. BURTON: Quick follow-up, your Honor.
16:55:53 6 I'll be very quick.

16:55:55 7 **REXCROSS-EXAMINATION**

16:55:55 8 BY MR. BURTON

16:55:56 9 Q. Dr. Murphey, you testified about the cost of the
16:55:59 10 program, \$20,000; and I asked for clarification. That's
16:56:04 11 just for the workshop, right?

16:56:05 12 A. Yes.

16:56:05 13 Q. So, we don't know the cost of the aftercare,
16:56:06 14 correct?

16:56:06 15 A. That's correct.

16:56:07 16 Q. Also, we know from the -- some of the protocol
16:56:11 17 materials that the aftercare professional is not in a
16:56:14 18 therapeutic role, correct?

16:56:17 19 A. Correct.

16:56:17 20 Q. Okay. So, that's not a therapist?

16:56:20 21 A. Correct.

16:56:20 22 Q. All right. Why can't that simply be a parenting
16:56:23 23 facilitator or parenting coordinator?

16:56:29 24 A. I'm sorry. Say it again.

16:56:31 25 Q. Yeah. If it's not going to be a therapist, why

16:56:32 1 can't it just be a parenting facilitator or a parenting
16:56:33 2 coordinator?

16:56:35 3 A. Those roles are restricted by provisions that
16:56:42 4 Courts dictate about how we function. The aftercare
16:56:48 5 professional really has greater leeway to work however
16:56:55 6 they see fit and how they want to restructure
16:57:03 7 reintegrating a parent with children that they've -- they
16:57:08 8 haven't seen for a while.

16:57:12 9 Q. Now, as to the cost of aftercare, depending on
16:57:15 10 how long that goes on, what do you do if a parent can't
16:57:18 11 afford it?

16:57:20 12 A. I don't know.

16:57:22 13 Q. Has that ever happened in your experience?

16:57:27 14 A. No.

16:57:31 15 Q. You mentioned a moratorium on the past, right?

16:57:33 16 A. Yes.

16:57:34 17 Q. You talked about the past.

16:57:36 18 A. Yes.

16:57:36 19 Q. What if the past is both true and traumatic for
16:57:39 20 that child?

16:57:41 21 A. All of us have to get through trauma, and we
16:57:45 22 don't work through trauma by repeatedly talking about it.
16:57:48 23 We work through trauma by learning how to become healthy,
16:57:54 24 functioning people. We work through trauma by learning to
16:57:57 25 cope, coping skills; and, so, to just rehash the past is

16:58:01 1 never helpful.

16:58:04 2 Q. Would you ever tell a rape victim, "You can't
16:58:06 3 talk about being raped"?

16:58:07 4 MR. NEWMAN: Objection, relevance, Judge.

16:58:09 5 THE COURT: Sustained.

16:58:10 6 Q. (BY MR. BURTON) Would you agree with me that past
16:58:13 7 trauma is certainly relevant in some cases?

16:58:18 8 A. Of course. It's relevant to everyone. We've
16:58:20 9 all had trauma.

16:58:22 10 Q. But you're not allowed to talk about it?

16:58:24 11 A. You can't repeatedly rehash the allegations.
16:58:30 12 That's been done here. That's already happened, and now
16:58:35 13 let's move on. And it -- that doesn't mean that the
16:58:40 14 children can't disagree or say, "I don't like it when you
16:58:50 15 do this, or I prefer it when you do that." So -- but to
16:58:55 16 just rehash three years ago this happened or seven years
16:59:00 17 ago that -- you know, that's what married people do. You
16:59:03 18 know, "Four years ago, you forgot my birthday." Or it --
16:59:06 19 it's not healthy; and, so, there is a moratorium on
16:59:11 20 continuing to bring up past trauma.

16:59:17 21 Q. What about the child working on that with a
16:59:21 22 therapist outside of this -- this four-day seminar?

16:59:23 23 A. That happens in some cases. In most cases, it's
16:59:28 24 not necessary, or at least it's not necessary on as
16:59:32 25 frequent of a basis because the children have reunified

16:59:35 1 with the targeted parent.

16:59:40 2 Q. Now, as long as Family Bridges is involved, if
16:59:43 3 they get involved in a case, and as long as the aftercare
16:59:49 4 professional is involved, is that moratorium always in
16:59:50 5 place about you can't talk about the past?

16:59:55 6 A. It is re -- to be reinforced. So, even children
17:00:03 7 are taught if a parent says, "Now, you know, remember you
17:00:07 8 were tardy 12 times last year," the child is to say, "Wait
17:00:12 9 a minute, Dad, there's a moratorium on talking about the
17:00:17 10 past. We can talk about how do we ensure that I get to
17:00:23 11 school successfully." But you don't beat a dead horse. I
17:00:27 12 can't say it any better than that.

17:00:30 13 Q. So, when you talk about a new paradigm, you
17:00:43 14 start over and this is a new beginning, right? Isn't that
17:00:46 15 the idea?

17:00:46 16 A. Well, that -- that's never realistic. I mean,
17:00:49 17 you know, you don't just tomorrow wake and start over and
17:00:53 18 you're a different person. But we have to learn
17:00:57 19 forgiveness and we have to learn tolerance and we have to
17:01:00 20 learn how to talk and understand that many things have
17:01:06 21 influenced how we think and how we react. And to hold
17:01:14 22 hatred in your heart is a very unhealthy thing. And, so,
17:01:20 23 we have to help parents and children move past this to a
17:01:24 24 new paradigm.

17:01:26 25 Q. And I understand that, Doctor, but when you --

17:01:27 1 you used the word "moratorium" as a very drastic word; and
17:01:31 2 when you say it's not realistic, that's kind of my point.

17:01:35 3 You know, it's going to happen and --

17:01:37 4 MR. NEWMAN: Objection, that's not a
17:01:40 5 question; and I object to it. It's a sidebar.

17:01:42 6 THE COURT: Sustained. Ask a question.

17:01:43 7 Q. (BY MR. BURTON) I mean, you know, when Pol Pot
17:01:46 8 said -- the Cambodian dictator said, "This is year zero,
17:01:50 9 we're not talking about the past," that didn't work,
17:01:53 10 right?

17:01:53 11 MR. NEWMAN: Objection, cumulative,
17:01:54 12 repetitive, and not relevant.

17:01:56 13 THE COURT: Sustained.

17:01:57 14 MR. BURTON: Pass the witness.

17:01:57 15 MS. JOHNSON: I have no questions of this
17:02:00 16 witness, Judge.

17:02:01 17 MR. NEWMAN: No questions, your Honor.

17:02:03 18 THE COURT: May this witness be excused?

17:02:05 19 MR. NEWMAN: Yes, your Honor.

17:02:05 20 THE COURT: Everybody agree this witness
17:02:06 21 can be excused?

17:02:06 22 MS. JOHNSON: Yes, your Honor.

17:02:08 23 MR. BURTON: She may.

17:02:08 24 THE COURT: All right. You're excused.

17:02:10 25 THE WITNESS: Thank you, your Honor.

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THE COURT: All right. Tomorrow I have another case, and can everybody come back on the Tuesday the 17th? That would be the next day, unfortunately.

MR. BURTON: Yeah, I'm out of state next week, your Honor.

THE COURT: That's not next week because I'm out of town the next week.

MR. BURTON: Correct. All next week, I'm out of town. So, that would be Tuesday of the next week.

THE REPORTER: Do you want this on the record?

THE COURT: No, it doesn't have to be on the record.

(Discussion off the record)

(Evening recess, 5:02 p.m.)

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1 STATE OF TEXAS

2 COUNTY OF FORT BEND

3 I, LAURIN RAINER, Official Court Reporter in and for
4 the 387th District Court of Fort Bend County, State of
5 Texas, do hereby certify that the foregoing contains a
6 true and correct transcription of all portions of evidence
7 and other proceedings requested in writing by counsel for
8 the parties to be included in this volume of the
9 Reporter's Record, in the above-styled and numbered cause,
10 all of which occurred in open court or in chambers and
11 were reported by me.

12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if
14 any, admitted, tendered in an offer of proof or offered
15 into evidence.

16 I further certify that the total cost for the
17 preparation of the Reporter's Record is \$1,450.00 and was
18 paid by Ms. Jacqualin Seely.

19 WITNESS MY OFFICIAL HAND this the 2nd day of August,
20 2018.

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