

LOU ANN FREDERICK	:	COURT OF COMMON PLEAS OF
Plaintiff/Petitioner	:	BLAIR COUNTY, PENNSYLVANIA
	:	
vs.	:	NO. 2139 C.P. 1996
	:	
ROBERT KEARNS, JR.	:	
Defendant/Respondent	:	

PETITION FOR SPECIAL RELIEF

AND NOW, comes the Petitioner, Lou Ann Frederick, by and through her attorney, Paula M. Aigner, Esquire and files this Petition for Special Relief the following of which is a more complete statement:

1.

The Petitioner is Lou Ann Frederick an adult individual residing at 1409 8th Avenue, Apt #2, Altoona, Blair County, Pennsylvania.

2.

The Respondent is Robert Kearns, Jr. an adult individual residing at RR #3 Box 254A1, Hollidaysburg, Blair County, Pennsylvania.

3.

The parties are the parents of one (1) minor child, Stephanie Kearns, born July 30, 1987, custody of whom is the subject of the current litigation and extensive past litigation.

4.

Pursuant to the most recent Order of Court dated July 6, 2000, the Respondent is permitted supervised contact with the minor child.

5.

The Respondent availed himself of said supervised visitation from August 2001 until November 5, 2001, when he decided to voluntarily discontinue the visits.

6.


The Respondent indicated at the conciliation conference on March 19, 2002, that he intends to resume the visits provided for in the Order of July 6, 2000.

7.

Dr. Richard Bennett, Stephanie's treating psychiatrist, upon being informed of the situation, expressed his professional opinion that the reinstatement of the visits is counter to Stephanie's best interests and resulted in continued and/or progressively worsening damage to her psychological well-being.

WHEREFORE, the Petitioner respectfully requests this Court suspend the visits pending further proceedings before the court.

Respectfully submitted,

By: 
Paula M. Aigner, Esquire

Home Nursing Agency

Community Services

201 CHESTNUT AVE.
P.O. BOX 352
ALTOONA, PA 16603-0352
814-946-5411
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1-800-445-6262

March 19, 2002

Paula Aigner, Esq.
310 Penn Street
PO Box 168
Hollidaysburg, PA 16648

Re: Stephanie KEARNS

Dear Counselor Aigner,

I am writing to you regarding Stephanie Kearns, a patient of mine and the daughter of a client of yours. As you know, Stephanie's parents are divorced, and she lives with her mother. The relationship between her parents since their separation has been extremely difficult, and her father's behaviors have been cited by several observers as much of the reason for this. He alternately has made attempts to maintain a relationship with Stephanie and then has refused to have any contact with her. He has disregarded Stephanie's wishes regarding the issue of visitation, seeking to pursue resumed visitation despite her documented statements that she wished to sever all contact with him. Now, he is taking action to resume visitation after a long period of having none, and in contravention to Stephanie's wishes. It is out of concern for the impact of this action that I am writing.

Stephanie has been very strongly affected by her parents' divorce and the continuing conflict between them. She has experienced severe emotional and behavioral disturbances in the context of the inimical parental relationship, and has made significant progress only relatively recently, during a prolonged hiatus in visitation with her father. Since her father began to make efforts to reinstate visitation, Stephanie has undergone deterioration in her clinical condition. She expresses fear that her father will somehow kidnap her or will otherwise try to undermine her greatly improved relationship with her mother. She is afraid, anxious and depressed in response to her father's recent actions, and has lost some of the clinical improvement she had won over the last few months.

My concern is that a resumption of the visitations between Stephanie and her father will result in continued clinical decline and/or will destroy the possibility of further improvement, in effect trapping her in her current marginal state of functioning.

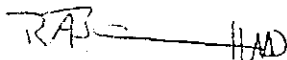
I therefore am writing to express my professional opinion that a reinstatement of visitation between Stephanie and her father is counter to Stephanie's best interests, and may indeed result in continued and/or progressively worsening damage to her psychological well-being. While I am mindful and supportive of the right of parents to have visitation with their children in such circumstances, I ***must respectfully recommend that in this case, the resumption of visitation between Stephanie and her father be deferred indefinitely, until Stephanie feels and is able to participate in these.***

1/1/18

If you have any questions regarding this recommendation, please do not hesitate to contact me for clarification.

Thank you for your support of Stephanie and her mother, as they attempt to protect her and act in her best interests.

Sincerely,

A handwritten signature in black ink, appearing to read "RA Bennett". The signature is written in a cursive style with a long horizontal line extending to the right.

RA Bennett, MD, PhD
Medical Director
Behavioral Health Services
Altoona Hospital/Home Nursing Agency