

Lou Ann Frederick,
Plaintiff,

No. 2139 G.N. 1996

vs.

Civil Action - Law

Robert G. Kearns, Jr.,
Defendant.

In Custody

PETITION FOR SPECIAL RELIEF

AND NOW, comes the Defendant, Robert G. Kearns, Jr., by and through his attorney, Anthony J. Zaroni, Esquire, and files the within Petition for Special Relief.

1. Defendant has secured the services of James Brady to conduct counseling sessions between Defendant and the parties' daughter. Said services are intended to identify and to address issues that exist between Defendant and the child.
2. This professional has requested that the child attend an interview and begin participating in counseling sessions to the extent necessary and appropriate in pursuit of a healthy parent/child relationship.
3. Notwithstanding the court having suspended supervised visits, the feedback forms **indicated that all but the last visit were appropriate in content and conduct. Except for the last visit, all reports indicated that Defendant and the child had good rapport and interaction.** At no time did Defendant initiate conversation regarding the child's physical and mental health care, which had been a historic issue in controversy.
4. During the last visit, the child indicated for the first time that she did not want to continue having contact with Defendant. All visits to that point were monitored solely by Ms.

Fluke, she being joined for the last visit by a counselor providing services secured by Plaintiff in pursuit of the child's continuing care.

5. Following the last evidentiary hearing, the court provided that Defendant may secure the services of mental health services to demonstrate that continuing contact between Defendant and the child is in her best interests. Further, the court indicated that the child must be made available to participate in the sessions.

6. Plaintiff's counsel was notified that Mr. Brady was retained to provide counseling services. Plaintiff has assumed the position that these services do not fall within the ambit of the most recent Order of Court, and has refused to avail the child of any scheduled appointments.

7. Defendant believes and thus avers that the best interests of the child would be served by providing professional services intended to build upon the positive tone established during the recent visitations, while addressing the issues that may have surfaced during the final visit. Further, these services are within the ambit of the provisions of the last Order of Court in this matter; nor are these services precluded from any effective Order of Court.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter an Order in the following respects:

- a. **Schedule this matter for a hearing;**
- b. **Provide for the child's participation in counseling services as indicated by the service provider retained by Defendant in this matter;**
- c. **Any other relief the Court deems appropriate and just.**

Respectfully submitted,

Anthony J. Zannoni, Esquire