

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF LOUISA

THOMAS ALEXANDER GARRETT, JR.,
Plaintiff,

v.

Case No: CL19000417-00

FLANNA SHERIDAN GARRETT,
Defendant.

DEFENDANT'S MOTION TO PERMIT CHILD THERAPY

COMES NOW the Defendant, Flanna Sheridan Garrett ("Ms. Garrett"), by counsel, and for her Motion to Permit Counseling of Child, respectfully states as follows:

1. The parties hereto have a daughter, Sheridan Locke Garrett (date of birth: September 13, 2017). The parties have been living separate and apart since April 2019.
2. Pursuant to a January 7, 2020 Final Order of custody and visitation from the Louisa Juvenile & Domestic Relations District Court, Mr. Garrett has parenting time the first three weekends from Friday through Sunday.
3. Nearing the end of summer 2020, Ms. Garrett began observing that the child was demonstrating early signs of stress; the child had trouble sleeping, sometimes with nightmares, was overly fussy, and had a slight change in eating habits and other changes in behavior that were unusual and concerning. She observed behaviors that suggested anxiety and insecurity.
4. On August 26, 2020, Ms. Garrett shared with Sheridan's pediatrician, Dr. Christopher Ashton, her concerns and observations. Dr. Ashton recommended professional therapy. Dr. Ashton believes that some children of divorce blame themselves "for events far beyond their control" and that this can cause psychological trauma. Dr. Ashton recommended professional counseling and stated that it is "[f]ar better to address it at the very beginning."
5. Dr. Ashton's August 27, 2020 medical note to the file is attached as Exhibit "A."

6. On November 24, 2020, both Mr. Garrett and Ms. Garrett attended the Sheridan's 3-year well-visit with Dr. Ashton.

7. During this joint session with Dr. Ashton, Ms. Garrett, and Mr. Garrett collectively discussed therapy for Sheridan.

8. Dr. Ashton again recommended that the child begin a course of professional therapy. Dr. Ashton indicated that he has a blanket recommendation for all children experiencing a separation. He indicated that it's a good idea to allow children to talk to someone who has the requisite training, as children are very self-centered and there is a high risk the child will blame herself for the separation.

9. Both parties agreed at the time. In fact, Mr. Garrett stated, "I'm fine with doing it."

10. After both parents agreed with Dr. Ashton, Ms. Garrett was able to place Sheridan on the waitlist for play therapy. Ms. Garrett, like many parents both before and during the pandemic, struggled to secure available therapy for Sheridan.

11. In late January 2021, Dr. Ashton was able to remove the child from her waiting list and arranged for the child to see Dr. Kyle Jones for play therapy. The first appointment was Monday, January 25, 2021.

12. Ms. Garrett immediately informed Mr. Garrett of this positive development.

13. Mr. Garrett's reaction was extremely puzzling. Instead of supporting Ms. Garrett's efforts to find the agreed upon counseling, Mr. Garrett stated "Once again, to be clear, I do not approve of play therapy until I learn more about what it entails and what program or method it is adopted from and exactly why you feel it would be beneficial." See Mr. Garrett's January 24, 2021 OFW message as Exhibit "B."

14. Not only had the parties not previously discussed Mr. Garrett not approving of play therapy, this was a bizarre change of mind with no explanation. Ms. Garrett assumed it was related to Mr. Garrett's continued demands that Ms. Garrett return to their failed co-parenting therapy.

15. Sheridan did meet with Dr. Jones, but while Dr. Jones specializes in children who struggle with other psychological or emotional issues, but he does not offer play therapy. Dr. Jones recommended Ms. Janet Balsler, M.A., L.P.C.

16. In February 2020 Sheridan began counseling with Ms. Janet Balsler.

17. On June 24, 2021, Mr. Garrett again expressed his objection to Sheridan seeing a play therapist. His objection was followed by an offer to discuss the issue, but only if Mother agreed to return to the parties' failed co-parenting therapy.

18. On Friday, June 25, 2021, Mr. Garrett's then attorney, William Scott, sent Ms. Garrett's counsel an email that unequivocally indicated Mr. Garrett's intention to object directly to the child's provider, Ms. Balsler. See Exhibit "C."

19. Ms. Garrett's attorney requested that Mr. Garrett speak with Ms. Balsler and inquire from the therapist why the therapy was benefitting the child. Your undersigned reminded Mr. Scott that this was in fact a joint decision the parties made in consultation with the child's pediatrician. Your undersigned inquired as to why Mr. Garrett was changing his mind.

20. Your undersigned suggested that Mr. Garrett contact the counselor to ensure that the therapy wasn't being used as a tool to investigate Mr. Garrett.

21. Finally, your undersigned ended the email with a request to "Please advise if this conversation occurs and Tom still objects to play therapy." See Exhibit "D."

22. Mr. Garrett did eventually speak with Ms. Balsler. Unfortunately, instead of using this conversation as an opportunity to speak candidly with his daughter's play therapist, Mr. Garrett used the call as an opportunity to exert "his" right to object to his daughter's treatment.

23. Instead of inquiring as to the purpose, methods, and modality of the counseling (the same concerns he raised in his January 24, 2021 OFW message), Mr. Garrett informed Ms. Balsler that Mr. Garrett believed that both Ms. Garrett and Ms. Balsler were violating the current custody order, which suggested to Ms. Balsler that somehow Ms. Balsler's services of play therapy to the child were unlawful.

24. Unsurprisingly, the therapist cancelled all of the child's scheduled appointments and informed Ms. Garrett that she (Ms. Balsler) could no longer provide services to the child due to Mr. Garrett's expressed objection.

25. Mr. Garrett's actions to unilaterally cancel his child's therapy resulted in the child losing a treatment provider.

26. This sudden discontinuation of services was an unfortunate and unexpected development for the child. Since the play therapy began, Ms. Garrett and her family had noticed an improvement in the demeanor and affect of the child. Transitions to and from the parties' homes (the parties historically had lengthy commutes from each other) had been smoother when the child comes home from Mr. Garrett's house and the child's sleep seemed to have improved as well.

27. Unfortunately, since Mr. Garrett cancelled this treatment, Sheridan has begun behaving again in a disturbing manner. Recently, after a return from Mr. Garrett's home, Sheridan refused to leave her own bedroom for two straight days. Further, her behavior has been showing signs of regression, such as laying in the fetal position and withdrawing from Mother

and her family; this is very different behavior from the child who is normally happy, bubbly and engaging with Mother and her family.

28. Mr. Garrett's agreement to play therapy, and then unjustified withdrawal of his consent, demonstrates an unreasonable thought process that is preventing him from clearly assessing and meeting the emotional the needs of his child.

29. Play therapy is clearly indicated to be in the best interests of the child as recommended by the child's pediatrician and agreed upon by both parents.

30. Mr. Garrett's refusal to disclose any specific, articulable concern related to the therapist, her course of services, or any nexus to the child's physical or emotional health that somehow justified denying therapy to his child is preventing Ms. Garrett from finding a healthy, cooperative path forward.

31. Likewise, Mr. Garrett refused to discuss with the child's therapist these same issues. Instead, Mr. Garrett elected to simply cut off this psychological and mental health provider to his daughter.

32. Because Mr. Garrett would not disclose to Ms. Garrett or her counsel what specific concerns he had about play therapy or the provider, Ms. Garrett asked for this information in discovery.

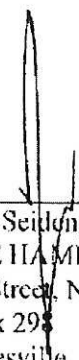
33. To date, Mr. Garrett continues to refuse to answer any discovery in this case whatsoever (see Motion to Compel Discovery filed by Ms. Garrett).

34. There is no reasonable way for the parties to resolve this absent Court involvement. All good faith attempts to even discuss this matter have been largely ignored.

WHEREFORE your Defendant prays that this Court enter an appropriate order Granting her leave and authority to seek out and obtain the services of a therapist for the parties' minor

child; that she have her costs and fees awarded in filing and prosecuting this motion; that this Court award such further relief deemed just and appropriate.

FLANNA SHERIDAN GARRETT
By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion to Permit Counseling was sent by first class U.S. mail, postage prepaid, and by email, this 13th day of September, 2021 to Christopher J. Smith, Esq., Law Offices of Christopher J. Smith, PC, 810 East High Street, Charlottesville, VA 22902 (csmith@cvillefamilylaw.com).

Jason P. Seiden