



SUPERIOR COURT OF SAN DIEGO

FAMILY COURT SERVICES

December 3, 2018

FILED
Clerk of the Superior Court

DEC 03 2018

By: KB, Clerk

DATE OF HEARING: December 11, 2018

TO: Commissioner Patti C. Ratekin
Department 19

DN181571

FROM: Liliana Rodriguez, MSW, MSW, Counselor
Family Court Services

RE: Parenting Plan

OF: Joseph Blaze Morris, DOB: 02/07/12 (Age 6 years) (M)

Father: Andrew Charles Morris

Mother: Shannon Joe Woodruff

On November 19, 2018, Andrew Charles Morris and Shannon Morris, parents of the above-named minor child, participated in a Family Court Services conference in this office. The conference was conducted jointly. Andrew Charles Morris is the moving party. The Court directed the parties to participate at Family Court Services via pink slip.

DOMESTIC VIOLENCE

Although there are allegations of domestic violence in this case, the parents indicated their desire to participate together.

FAMILY COURT SERVICES HISTORY

This is the parties' third conference at Family Court Services. They were first seen at Family Court Services in February 2015.

PARENTING PLAN

The child has been in the primary care of the father. For the past year the mother has parented three weekends per month.

DEMOGRAPHICS (historical)

The parents were married on June 28, 2011 and separated in February 2014.

DEMOGRAPHICS (current)

Andrew Charles Morris resides in the Oceanside area of San Diego County, California, his 11-year-old daughter from a previous relationship, his girlfriend, and the child at issue. Andrew Charles Morris is a full-time student. The father indicated he will be completing his bachelors this semester and plans to obtain employment.

Shannon Joe Woodruff resides in the Hemet area of Riverside County, California with her two brothers. Shannon Joe Woodruff is not currently employed and plans to attend school.

AREAS OF AGREEMENT/DISAGREEMENT

The parents agreed to continue sharing legal custody and to an alternating holiday schedule.

The parents were unable to agree on a primary residence for the child and the parenting plan.

PARENTS' CONCERNS

There are allegations of domestic violence, substance abuse, and mental illness in this matter.

Andrew Charles Morris expressed concerns with safety and stability in the mother's home. There have been past issues of alcohol; yet, the mother continues to associate with a friend she "got in trouble with". In July she texted him that they needed to speak. When he called her she was slurring her words, combative, and asked why he was calling. He does not believe she participated in AA as suggested by Family Court Services in 2016.

The mother reports having one boyfriend but lives with another. The child reports domestic violence in the mother's home and described to the social worker there being yelling, throwing of objects, and loud arguments. The mother videotapes the child and asks him leading questions. The court has reprimanded her on this issue. She shows the child recording she has made of the child calling the father by his name. She told the child that his new baby will be stealing his birthday since he is due at about a time.

Joseph burned himself with a glass and described the glass as something adults use to smoke. He said that he was told to say he fell off his bike. He was burned by an air canister. He stated that the can would have to be held upside down and directed at the body to cause a burn. The child stated that the mother burned him and that it was an accident.

The mother lives in a trailer with no running water or plumbing. The child does not go to brush his teeth at night because he is afraid to go to the hose outside.

The mother response to the father's concerns: She denied the father's concerns. She stated that the court did not order her to participate in any services. She participates in AA about once per month. Her boyfriend does not live with her. She spends time with him every other month and it is usually during the time the child is in the father's care. There is no domestic violence. She does not know how the child got burned but she did not tell him to say he fell from his bicycle. There is no one using a bong. The mother stated that she began video taping because she was concerned the child was a victim of sexual abuse. She stated that the child told her that the new baby was going to steal his birthday because he was due on the same day. She told the child that he would continue to have his special day.

The mother indicated that her trailer is about the size of the undersigned's office (about 8x8) but it has a large room that was built attached to it. She has running water and it is attached to the sewer system.

Shannon Joe Woodruff expressed concerns. Tara hit the child over his head several times with a pillow for not being able to tie his shoes. The child reported being placed in the trunk of a car and being ridden around. The father allowed the child to hold and shoot a shotgun. The child described the father walking away when it occurred. There have been 10 incidents at the child's school for different issues, including the child breaking his arm, hitting other children, and splitting his chin. The father removed her and replaced her name with his girlfriend's name on the school's contact information. **The child reporting his 11-year-old half-sister cutting herself.**

The father response to the mother's concerns: the father indicated that he set up a gun range at the grandmother's home years ago. He holds a single shot 22 rifle for the child. The father indicated he has an assortment of rifles that were mostly made in the 1940s. He stores them properly by removing the fire mechanism and locking it away. The father indicates the child is always supervised. He

stated that the mother is making up allegations of the child being hit over the head and riding in the trunk. The father stated that the child had some issues at school but that they are accidental or child typical behaviors. He described being involved in the school and volunteering. The father stated that he specified that the mother was the parent and his girlfriend was an emergency contact because the mother is not local.

PARENTS' PROPOSALS AND RATIONALE

Andrew Charles Morris proposed to continue to provide the child with his primary residence and for the mother to parent two weekends per month. He indicated that his request is based on the aforementioned concerns and his desire for the child to participate in team sports. The father stated that he has asked coaches who have indicated that as long as the child is present for half of the games he would be allowed to participate on a team. The father indicated that it was important that he be identified as the child's primary caregiver for insurance purposes.

Shannon Joe Woodruff proposed that she resume primary care of the child due to the aforementioned concerns and because the child has not adjusted to the present arrangement. The child says he does not want to go to the father's. The father has no reliable vehicle. She has stability in her residence and supportive extended family.

THE CHILD

Both parents denied the child has any unmet health, mental health, developmental concerns or special needs.

The child was not interviewed due to his young age. Information gathered from the parents and collateral resources was sufficient to make a determination of the child's current experiences and functioning.

COLLATERAL INFORMATION

On November 29, 2018 the undersigned conducted a records check with **Child Welfare Services** and found the following referral history for this family since the writing of the FCS Recommendation:

Date of Referral	Perpetrator/Victim	Allegations	Allegations
11/19/18	Father and his girlfriend/Child	Physical abuse	Evaluated Out
5/3/18	Mother/child	General neglect	unfounded

REVIEW OF INFORMATION

The undersigned reviewed the CWS Investigative Narrative for the referral dated 5/3/18. The child described feeling safe with both parents. The child indicated he had a bruise on his neck from falling on a "glass for people who smoke". The mother was present. His uncle smokes out of it. It was not hot when he landed on it. It was just lying on the couch. He stated that he is not allowed to touch that glass.

The child described the mother's home as follows. There are bathrooms but they do not flush unless you go number two. There are floor buttons that you have to push a lot to make it flush. Nothing comes out of the sinks. Their source of water is water bottles. There are lights and electricity in the home. He has his own bed and there are no concerns in his home.

The mother described living in on a trailer on a large property. She remodeled a room so there is a bedroom for the child with his own bed and television. The showers, bathroom, and freshwater or located in the trailer next to them. The mother denied there was any glass pipes that would be accessible to the child. She denied the use of drugs in her residence.

The social worker made a collateral call to the Riverside County CPS Reporting line in attempt to file a report due to concerns for the mother's residence. Riverside CPS would not take the report as the child primarily lived with the father.

REASONS FOR RECOMMENDATION

The parents were not able to reach an agreement. They were able to agree to continue sharing legal custody and alternating the holidays. Their points of agreement will be incorporated into the recommendation. The father filed the present petition requesting the mother parent two weekends per month, stating that he wants to involve the child in extracurricular activities. The mother requested to provide the child with his primary residence stating that the child has not adjusted to the present parenting plan and there are some concerns in the father's home.

The father expressed concern with alcohol use and the mother's boyfriend. There is no information to indicate that those are current concerns. The child did not provide information to Child Welfare Services that this was a concern. The father also expressed concern with the child being videotaped. This was addressed by the Court. He also expressed concern with the child being burned by a glass container used for adults and the conditions of the mother's home. The mother denied the child being exposed to any glass container but the child was clear in his description. It is concerning, because the mother described to CWS her brothers assisting with the care of the child. The conditions of the home seem somewhat marginal and of some concern.

The mother expressed concern with the child being hit overhead with a pillow, ridding in the trunk of car, and his poor adjustment to being in the father's care. It seems that the mother filed a Child Welfare Services report on the day of the FCS session and it was determined not to meet criteria for an investigation. Again the child indicated to the social worker in May that he felt safe with both parents. She also expressed concern with the child shooting a riffle. The father explained that he stores the riffles and gun safely and supervises the child when they shoot. The child is young and the undersigned is of the impression that it is unlikely he does not possess the maturity to handle a weapon. The undersigned would encourage the parents to agree on an age where they feel the child would be mature enough to learn how to handle, shoot, and understand the consequences of mishandling a weapon. As to the storage of the guns, the undersigned can only recommend the father follow the California laws and guidelines pertaining to gun safety.

The father had indicated he wants the child to participate in team sports. He has spoken with coaches and has been told it would be acceptable as long as he participates in half of the games that occur on weekends. The undersigned is of the impression that participation in team sports is important because there are skills and life lessons gained that carry out into adulthood. Such as working as a team, being part of common goal, negotiation, and encouraging of teammates.

There are concern for the mother's home and the possible exposure to drug paraphernalia. In addition, the undersigned is concern by the distance and time the child travels each weekend to spend time with the mother. The undersigned recommends the mother's parenting be modified two weekends per month with an optional Friday time if she chooses to parent in the child's community.

RECOMMENDATIONS FOR THE PARENTING PLAN OF:

Joseph B. Morris, DOB: 02/07/12 (Age 6 years) (M)

Father: Andrew Charles Morris

Mother: Shannon Joe Woodruff

1. LEGAL CUSTODY

A. Andrew Charles Morris and Shannon Joe Woodruff shall share joint legal custody, which means that Andrew Charles Morris and Shannon Joe Woodruff shall share the right and responsibility to make decisions relating to the health, education, and welfare of their child and consult each other regarding enrollment and disenrollment in school, beginning/ending mental health services and selection or changes of a doctor, dentist or other health professional.

B. Each parent shall have access to medical and school records pertaining to the child and may consult with any professionals involved with the child. It is each parent's responsibility to request school calendars, progress reports, report cards and parent-teacher conferences directly from the school.

C. Each parent may obtain emergency health care for the child without the consent of the other parent. Each parent is to notify the other parent as soon as reasonably possible of any illness requiring medical attention or any emergency involving the child.

2. PHYSICAL CUSTODY

A. The child shall primarily reside with the father Andrew Charles Morris.

B. The mother Shannon Joe Woodruff's parenting time shall be as follows:

- i) The child shall be in the care of the mother the second, fourth, and any available fifth weekend of the month, from 2 PM Friday to 6 PM.
- ii) The mother shall have optional parenting time on the third Friday of the month from school release/1 PM to 7 PM in the child's community. The mother shall advise the father by the Tuesday prior if she intends to exercise the Friday parenting time via text message.
- iii) The child shall be in the father's care at all other times not specified.

3. HOLIDAYS/SPECIAL DAYS/SCHOOL VACATIONS

Special Days/holiday schedules shall take precedence over the regular parenting schedule, which shall resume after the holiday is over. In absence of other agreement by the parents, specific holiday schedules shall be as follows:

HOLIDAY	TIME	EVERY YEAR Petitioner or Respondent	EVEN YEARS Petitioner or Respondent	ODD YEARS Petitioner or Respondent
Christmas	8 AM 12/24 to 1 PM 12/26		Father	Mother
New Year's Eve/Day	Eve 6 PM - Day 6 PM		Father	Mother
Easter Day	1 PM Friday to 4 PM Sunday		Father	Mother
Mother's Day	1 PM Friday to 4 PM Sunday	Mother		
Father's Day	1 PM Friday to 4 PM Sunday	Father		
July 4th	1 PM 7/3 to 4 PM 7/5		Father	Mother
Thanksgiving Day	1 PM Wednesday to 1 PM Friday		Mother	Father
Three-day weekends not specified in the chart above shall be spent with the parent who would normally have that weekend and the weekend shall be extended by 24 hours.				

4. EXCHANGES/TRANSPORTATION

A. Exchanges of the child, when they do not take place at school/childcare shall be at a midpoint location mutually agreed upon, currently at the Pat & Oscars restaurant in Temecula.

5. TELEPHONE/COMMUNICATION

A. There shall be reasonable telephone contact between the child and the parents when in the other parent's care. The purpose of the phone call shall be to communicate with the child. All other business between the parents shall be discussed at another time.

B. All non-emergency and non-time sensitive communications shall be in writing and sent by e-mail or text message.

6. CONDUCT/SAFETY

- A. Neither parent shall make negative statements about the other in the presence or hearing of the child or question the child about the other parent. The parents shall communicate directly with each other in matters concerning the child and shall not use the child as a messenger between them. The child shall not be exposed to court papers or disputes between the parents, and each parent shall make every possible effort to ensure that other people comply with this order.
- B. The child shall have no contact with the mother's boyfriend Ross Howard.
- C. The child shall not be in the care of the mother's brother.
- D. Neither parent shall use corporal punishment when disciplining the child.

7. NOTIFICATION

- A. Each parent shall always keep the other informed of his/her address and telephone numbers and shall notify the other parent within 24 hours of any changes. Neither parent may use such information for the purpose of harassing, annoying, disturbing the peace of the other or invading the other's privacy.
- B. Neither parent shall move the residence of the child out of San Diego County without giving the other parent a 45-day advance written notice and obtaining the other parent's written permission prior to the move or an order of the Court granting the move.

8. **SUBSTANCE USE/MONITORING/ASSESSMENT/TREATMENT**

- A. Both parents shall refrain from using alcohol during the time the child is in his/her care and for 12 hours prior to spending time with the child.
- B. The parents shall ensure that the child is not exposed to any third parties using or under the influence of illegal drugs or excessive alcohol during his/her parenting time.

Respectfully submitted,

Liliana Rodriguez
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cc: Andrew Morris, Father
Shannon Morris, Mother
Shannon Miles, Attorney