

IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA,
FAMILY COURT DIVISION

S***** S*****,
Plaintiff,
vs.
U***** G*****,
Defendant.

* * *

No.: FD 18-007640-017

* * *

HEARD: Wednesday, January 6, 2021
BEFORE: Judge Jennifer Satler

* * *

CUSTODY TRIAL

* * *

A P P E A R A N C E S

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DR. ROBERT A. EVANS

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PROCEEDINGS

1
2 (COURT CONVENEED: 11:20 A.M.)

3 THE COURT: Mr. Begg, are you ready?

4 MR. BEGG: I am ready to proceed,
5 Your Honor.

6 THE COURT: I am ready too.

7 All right. Matt, ready when you are.

8 THE CLERK: Doctor, I'm going to swear
9 you in. Can you raise your right hand?

10 (Administering oath.)

11 THE COURT: Okay.

12 MR. DUCOTE: Your Honor, before he
13 begins, I'm going to reimpose and re-urge the
14 same objections that we asserted in the
15 October 14th motion in limine to exclude his
16 testimony and anticipate that I will continue
17 to do that in response to questions and
18 opinions that he intends to offer. But I
19 would make that objection again at this
20 point.

21 THE COURT: All right. Mr. Begg, do
22 you have a response?

23 MR. BEGG: Well, my response,
24 Your Honor, is that there was a lengthy
25 motion in limine forwarded to you

1 appropriately procedurally. We filed a
2 detailed response to the motion in limine and
3 a supporting brief. You denied the motion in
4 limine.

5 You have all of the arguments in front
6 of you. You made a decision, and we're
7 prepared to move forward with Dr. Evans'
8 expert testimony. I don't see a need to
9 relitigate it.

10 If Mr. Ducote wants to have an ongoing
11 objection, I can note that for the record.
12 But I don't think it needs to be -- the
13 objection needs to be made every time if, in
14 fact, he states it up front and it's an
15 ongoing objection. You've ruled on the issue
16 very clearly.

17 THE COURT: Okay. All right.
18 Understood. And I think Mr. Ducote made it
19 clear that he considered the matter to be an
20 ongoing objection. So, Mr. Ducote, it's
21 overruled as per earlier ruling on the motion
22 in limine. It will be preserved on the
23 record that this is a continued objection
24 throughout the course of the testimony.

25 Ready when you are, Mr. Begg.

1 MR. BEGG: Thank you.

2 * * *

3 DR. ROBERT A. EVANS, having been
4 first duly sworn, was examined
5 and testified as follows:

6 * * *

7 VOIR DIRE

8 DIRECT EXAMINATION

9 * * *

10 BY MR. BEGG:

11 Q. Could you please state your name for the record?

12 A. It's Robert A. Evans.

13 Q. And, Dr. Evans, do you have a Ph.D.?

14 A. Yes, I do.

15 Q. And what is your Ph.D. in?

16 A. It's educational psychology and evaluation.

17 Q. And how long have you been involved as a Ph.D. and
18 practicing in this area?

19 A. Well, I've been licensed in the State of Florida
20 since 1987. Prior to that, I was licensed in
21 Virginia back in 1970-something, when the licensure
22 first came out.

23 Q. And, Dr. Evans, I'm going to show you what I'm going
24 to mark as Exhibit 105 so I don't have to go through
25 each and every one of these. And this should come

1 up on the screen for you.

2 Is this a true and correct copy of your
3 curriculum vitae?

4 A. It appears so, yes.

5 Q. And is this a current copy of your curriculum vitae?

6 A. I would have to go to -- let's see. Can we go to
7 page 7?

8 Q. Yes.

9 A. Six twenty-five. So I do have more continuing
10 education since the June 2020 that's showing here.

11 Q. Okay.

12 A. But I mean, that's -- that's the difference.

13 Q. Okay. And is everything that's contained on the
14 curriculum vitae true and correct?

15 A. Yes.

16 Q. Okay. So do you actually conduct comprehensive
17 child custody evaluations?

18 A. Yes, I do.

19 Q. And do you, and have you in the past, ever critiqued
20 other custody evaluations?

21 A. Yes. Yes, I do.

22 Q. And have you done so and testified as an expert in
23 the State of Pennsylvania before?

24 A. Yes, I have.

25 Q. And have you actually done so in Allegheny County?

1 A. I have indeed.

2 Q. Do you have any particular expertise, if you will,
3 or knowledge in the area of parental alienation?

4 A. That's my primary focus. Since 1993, I've focused
5 almost exclusively on that phenomenon in forensic
6 cases, family law cases, whether I'm either
7 conducting an evaluation, I'm ruling in or ruling
8 out parental alienation, or I'm working in the area
9 as guardian ad litem, et cetera. So it's a
10 custodial evaluator or a guardian ad litem or
11 parenting coordinator, that's my focus.

12 MR. BEGG: Your Honor, I would move to
13 have Exhibit 106, which is Dr. Evans' -- I'm sorry,
14 105 -- 105, Dr. Evans' curriculum vitae, entered
15 into evidence.

16 THE COURT: Mr. Ducote?

17 MR. DUCOTE: I have no objection to it
18 being in.

19 THE COURT: All right. Exhibit 105.
20 Go ahead.

21 BY MR. BEGG:

22 Q. Dr. Evans, are you familiar with individuals by the
23 name of S***** S***** and U***** G*****?

24 A. Yes.

25 Q. And did you have the opportunity to review a

1 psychological evaluation report that was prepared by
2 Dr. Eric Bernstein?

3 A. Well, actually, it was a custodial evaluation. But
4 yes, I did review that.

5 Q. And are you aware -- in what context was that
6 evaluation conducted? What was it for?

7 A. Well, typically, it's considering -- I mean,
8 typically, it's a parenting capacity evaluation to
9 help the Court make decisions relative to
10 custodial --

11 MR. DUCOTE: Objection. He's
12 speculating. He doesn't have any knowledge
13 of why it was ordered.

14 MR. BEGG: I think he's probably aware
15 that it's a custody evaluation. That's all I
16 was trying to say.

17 THE COURT: Okay. Well, then that
18 answer that it's a custody evaluation will
19 stand. All right. The rest will be
20 stricken. Go ahead.

21 BY MR. BEGG:

22 Q. And you had the opportunity to review that report?

23 A. Yes.

24 Q. Subsequent to that report, did you have the
25 opportunity to review Dr. Bernstein's notes?

1 A. Yes.

2 Q. And did his notes change any of your opinions that
3 you're going to testify about today?

4 A. No.

5 Q. Were you aware that Dr. Bernstein was the
6 court-appointed psychologist?

7 A. Yes.

8 Q. And who retained you, in this case, to be involved?

9 A. Your client.

10 Q. S***** S*****?

11 A. Yes, sir.

12 Q. And he paid you to do so?

13 A. Yes, sir.

14 Q. And he's paying for your testimony today?

15 A. Yes, sir.

16 Q. Now with regard to Dr. Bernstein's report itself,
17 what are your observations and opinions with regard
18 to the report?

19 MR. DUCOTE: Objection. He has not
20 been offered as an expert in anything, so I'd
21 object to any expert opinion testimony.

22 THE COURT: Mr. Begg?

23 MR. BEGG: I'll clarify, Your Honor. I
24 mean he has -- and the motions in limine were
25 very clear with regard to his role. One was

1 an expert with regard to critiquing
2 Dr. Bernstein's report, and the other was an
3 expert with regard to parental alienation.
4 Both of those issues were briefed and argued
5 with the motion in limine, and you denied
6 that motion in limine, Your Honor.

7 THE COURT: Well, I think what he wants
8 you to do is tender him as an expert in the
9 field so that he can voir dire him on the
10 qualifications.

11 Mr. Ducote, is that what I'm hearing?
12 That's your objection, he's not been
13 formally --

14 MR. DUCOTE: You're absolutely, 100
15 percent correct, Your Honor.

16 MR. BEGG: I believed that based on the
17 motion in limine that it was clear what he
18 was being offered for. But I'll clearly
19 offer for him to be an expert to critique
20 Dr. Bernstein's report and as expert in
21 parental alienation.

22 But again, Your Honor, those were
23 detailed arguments within the motion in
24 limine trying to exclude Dr. Evans' report,
25 and we filed a detailed response with regard

1 to his qualifications in both of those areas.
2 So that's my position with regard to this
3 issue.

4 THE COURT: I understand your position.
5 I think he still has the opportunity to cross
6 him on that.

7 Okay. He's been tendered -- well, he's
8 been offered. Mr. Ducote, do you have an
9 objection? Would you like to voir dire him?

10 MR. DUCOTE: Yes, I do, Your Honor.
11 And if I could just ask for clarification
12 because the first area of expertise is, he's
13 being offered as an expert to critique
14 Dr. Bernstein's report. Well, that's not an
15 expertise. That's not a field. That's what
16 he's -- that's a purpose, I suppose, but
17 that's not a qualification of an expert. So
18 I would object to that on that basis. Maybe
19 Attorney Begg could clarify that. And I
20 would like to voir dire him on the rest of
21 it.

22 MR. BEGG: Well, Your Honor --

23 THE COURT: Yes, Mr. Begg.

24 MR. BEGG: I guess that we detailed --
25 and I did not, purposefully, go through all

1 the qualifications of Dr. Evans. I mean he
2 just -- because of the motions in limine
3 which were denied. I mean he just testified,
4 and his curriculum vitae reflects, that he
5 conducts custody evaluations and that he, in
6 fact, has critiqued evaluations in the past.
7 So I didn't go into all those details because
8 I didn't believe it was necessary based upon
9 the motions in limine.

10 I guess if Mr. Ducote wants to
11 cross-examination him with regard to his
12 expertise in those areas, that's fine. But
13 he's a custody evaluator, and custody
14 evaluators critique other evaluations. And
15 -- but all of those issues are specifically
16 addressed within the motions and the
17 responses.

18 THE COURT: Okay. So you have offered
19 him as an expert in the field of parental
20 alienation; is that right?

21 MR. BEGG: Yes. And also an expert in
22 the field of psychology and conducting
23 custody evaluations. He's an expert in both,
24 but his role in this case would be to
25 critique the report of another expert.

1 THE COURT: Okay. So psychology and
2 the conducting of the custody evaluation and
3 parental alienation. All right.

4 Mr. Ducote, those are the parameters by
5 which his expertise is offered and you may
6 voir dire him.

7 MR. DUCOTE: Thank you very much.

8 * * *

9 VOIR DIRE

10 CROSS-EXAMINATION

11 * * *

12 BY MR. DUCOTE:

13 Q. Dr. Evans, your doctorate is in educational
14 psychology and evaluations?

15 A. Yes, sir.

16 Q. Does that have anything, whatsoever, to do with
17 child custody evaluations?

18 A. Yes, of course. The evaluation component has a lot
19 to do with it. I have many, many hours of graduate
20 study in terms of the psychological evaluations that
21 one uses during a custody evaluation. And in
22 addition to, you know, attending numerous workshops,
23 seminars, postgraduate education in the area of
24 child custody evaluations out of the University of
25 South Florida. So the answer is, yes.

1 Q. Okay. Well, I asked you specifically about your
2 Ph.D. in educational psychology. What year did you
3 get that?

4 MR. BEGG: Objection, Your Honor. And
5 I just want to place this on the record so I
6 understand a little bit clearer.

7 These exact issues were raised in the
8 motion in limine. We responded, in detail,
9 with regard to specific qualifications of Dr.
10 Evans, and you denied the motion in limine.
11 So I -- to me, this is issues that have
12 already been determined and that's why I
13 started the way I did.

14 THE COURT: Fair enough. I understand.
15 Okay. I still believe he's entitled to cross
16 him on this issue. And I have the motion
17 before me, and you are correct in your, I
18 suppose, recitation of what the motion
19 covered. But I think he can cross him on
20 this.

21 Go ahead, Mr. Ducote.

22 BY MR. DUCOTE:

23 Q. What year did you receive your Ph.D. in educational
24 psychology and evaluation?

25 A. 1982.

- 1 Q. Okay. Now in the course of getting that doctorate,
2 did you have any training in child custody
3 evaluations as opposed to educational evaluations?
- 4 A. At that point in time, no.
- 5 Q. Okay. Did you have to do a dissertation for that
6 doctorate?
- 7 A. Yes, I did.
- 8 Q. And what was that on?
- 9 A. The use of visualization in understanding
10 comprehension.
- 11 Q. Okay. And of course, that has nothing to do with
12 child custody, does it?
- 13 A. Not -- not directly, no.
- 14 Q. Okay. Now at what point did you begin involvement
15 in child custody evaluations? In what year?
- 16 A. I believe it was 1975. And I was in Virginia.
- 17 Q. And so did you actually perform child custody
18 evaluations before you got your doctorate?
- 19 A. Yes. And actually, I've gotten training prior to
20 conducting evaluations. I, basically, had a lot of
21 clinical -- my clinical practice at the time, and I
22 found myself getting more involved in family law
23 cases. And I thought I needed to get a more
24 specific education in this area and so I did.
- 25 Q. Did you have any relationship with Richard Gardner,

1 the father of parental alienation syndrome?

2 A. He consulted with me on -- or I guess it's the other
3 way around. I asked him to consult on a couple of
4 cases at the time. It was one of the first cases
5 that I suspected alienation was going on.

6 Q. Right. And you still ascribe to the term "parental
7 alienation syndrome"?

8 A. Well, it's a phenomenon. It's -- more often than
9 not, we're referring to it, pretty much, as parental
10 alienation. The distinction between parental
11 alienation syndrome and parental alienation is,
12 parental alienation syndrome primarily focuses on
13 the child's behavior. The concept or phenomenon of
14 parental alienation focuses on both the parents, or
15 other caretakers, including the child.

16 Q. Okay. Are you reading from something? Do you have
17 any documents in front of you, doctor?

18 A. I have plenty of documents, but I'm not reading from
19 anything.

20 Q. Okay. So you still subscribe to the existence of
21 the concept of parental alienation syndrome?

22 A. Again, does it exist? Yes. Do I subscribe to it?
23 I'm not sure I understand what "subscribing" means.

24 Q. Is that a term that you still use in your practice,
25 parental alienation syndrome?

- 1 A. No.
- 2 Q. It's on your CV and your -- are you familiar with
3 this document (indicating)?
- 4 A. Can you get more over?
- 5 Q. (Complying.)
- 6 A. The other way. I don't need it closer. I just need
7 it the other way.
- 8 Q. Okay.
- 9 A. I don't know what you're referring -- I don't know
10 what it is.
- 11 Q. It just says -- it says: *Robert A. Evans, Ph.D.,*
12 *JuristPro Expert Witness Directory.*
- 13 A. Okay.
- 14 Q. With your picture on it. It looks like something
15 that you used to generate business. The Center for
16 Human Potential of America, is that you?
- 17 A. That's the name of my corporation, yes.
- 18 Q. The Center for Human Potential of America, that's
19 the business you operate?
- 20 A. Yes. That's the name of my practice, yes, along
21 with other things. I also have the National
22 Association of Parental Alienation Specialists.
- 23 Q. And that's still the name of that organization?
- 24 A. The Center for Human Potential?
- 25 Q. The National Association of Parental Alienation

1 Specialists, does that still exist?

2 A. Oh, yes.

3 Q. And how many people are in that?

4 A. The co-founder is Dr. Michael Bone and myself and
5 that's it.

6 Q. Okay. And Dr. Michael Bone is the guy who lost his
7 license, right?

8 A. No, sir.

9 Q. He didn't lose his license?

10 A. No, sir.

11 Q. Didn't he give up his license?

12 MR. BEGG: Objection, Your Honor. I
13 don't understand how this is voir dire versus
14 cross-examination with regard to credibility
15 of the witness. And what happens is, now
16 this is just turning into cross-examination
17 versus --

18 MR. DUCOTE: I'll move on from there.
19 I'll save that for cross-examination.

20 THE COURT: Okay. Thank you.

21 BY MR. DUCOTE:

22 Q. Okay. So does the Center for Human Potential of
23 America, does that just deal with this parental
24 alienation stuff, or is it talking about more global
25 human potential for America?

1 MR. BEGG: Objection, Your Honor.

2 Again, this is not going to the ability of
3 this witness to testify as an expert. These
4 are cross-examination questions with regard
5 to credibility. The question is, does this
6 expert have the ability to render an opinion
7 with regard to critiquing the custody
8 evaluation of Dr. Bernstein and with regard
9 to his knowledge and expertise in the area of
10 parental alienation. These are just general
11 cross-examination questions.

12 THE COURT: Okay. Mr. Ducote, do you
13 have a response?

14 MR. DUCOTE: Well, I think when you
15 hold yourself out as an expert in a
16 discredited concept, it's hard to separate
17 the qualifications. For example, if I
18 offered myself as an expert on relationships
19 with extraterrestrials, I could profess to
20 have all kinds of relationship or expertise
21 in that field, but if the underlying premise
22 is bogus, then it's hard to distinguish the
23 voir dire from the cross-examination.

24 So I'll object for the same reasons I
25 did in the motion in limine and save the rest

1 for cross-examination.

2 THE COURT: Okay. Fair enough. And so
3 Mr. Ducote is objecting to the witness being
4 accepted by the Court as an expert in the
5 fields delineated by Mr. Begg. And I
6 understand the objection. It is overruled.
7 He will be admitted as an expert.

8 Mr. Begg, please, continue.

9 MR. BEGG: Thank you, Your Honor.

10 * * *

11 DIRECT EXAMINATION

12 * * *

13 BY MR. BEGG:

14 Q. So we were talking, Dr. Evans, prior to the
15 questions you were just asked. I was asking you
16 about Dr. Eric Bernstein's report, and you had
17 testified that you have reviewed it and
18 subsequently, the notes. What are your observations
19 with regard to Dr. Bernstein's report?

20 A. I found nothing to argue with in it. Basically, the
21 format was pretty consistent. I'm familiar with
22 Dr. Bernstein's work. I really found nothing of any
23 substance that I would argue with. The only issue I
24 believe I do have a concern with is the fact that I
25 think -- I think there's areas of parental

1 alienation that could have been explored more deeply
2 with it.

3 Q. Okay. And why do you say that?

4 A. Well, I think the children -- the child -- excuse
5 me, the family's issues regarding the father --

6 MR. DUCOTE: Objection. Lack of
7 foundation. There's nothing to show that he
8 has any basis for what he's saying.

9 BY MR. BEGG:

10 Q. So, Dr. Evans, I asked you a question about what led
11 you to the belief that there could be parental
12 alienation based upon reading Dr. Bernstein's
13 report. What specifically -- was there anything
14 specifically within that report that led to your
15 concerns?

16 A. Again, I believe it was the mother's concerns about
17 the father. The child's behavior relative towards
18 the father in terms of the resistance that the
19 father's getting in terms of getting the child with
20 the timesharing. The allegations of abuse against
21 the father are somewhat suspicious.

22 MR. DUCOTE: Objection. Lack of
23 foundation. Speculation on his part. He
24 doesn't have any basis to know that or to
25 opine that it's suspicious. He's never

1 talked to my client. I don't know who he's
2 talked.

3 THE COURT: Mr. Begg, do you have a
4 response?

5 MR. BEGG: Your Honor, actually, I'll
6 move on with a different question.

7 THE COURT: Okay. And that answer will
8 be stricken about suspicious. Go ahead.

9 BY MR. BEGG:

10 Q. So do you have Dr. Bernstein's report in front of
11 you?

12 A. Yes, sir.

13 Q. And you were -- were you concerned, after you read
14 about Dr. Bernstein's report, about the type of
15 allegations or comments that the mother was making
16 about the father?

17 MR. DUCOTE: Objection. Again, lack of
18 foundation. He reads something in the report
19 and has opinions or concerns about the types
20 of allegations? It makes no sense. It's
21 speculation. It's ipse dixit.

22 MR. BEGG: It's not speculation,
23 Your Honor. He read the report. He has the
24 right to offer his opinion about some of the
25 statements that Mother made about Father and

1 the fact that Father denied those
2 allegations.

3 MR. DUCOTE: Well, that's not -- that's
4 not the -- that's -- I don't even know what
5 that is. It's not a credibility
6 determination. It's just a nothing. It's a
7 nothing-burger.

8 MR. BEGG: Your Honor -- go ahead.

9 THE COURT: Yes, Mr. Begg?

10 MR. BEGG: No. I mean I asked him, as
11 an expert, about what concerns he had when he
12 read the report that led him to believe that
13 there could be alienation, and he's simply
14 not been permitted to answer that question.
15 And I think it's a question that an expert
16 has the right to answer.

17 He read the report. He offered the
18 fact that he believed that there was some
19 basis in the report to the fact that there
20 was parental alienation. He has the right to
21 answer that question as to why he believes
22 that.

23 THE COURT: Okay. I understand the
24 objection. Overruled.

25 Go ahead, Mr. Begg.

1 BY MR. BEGG:

2 Q. So why do believe that, Dr. Evans?

3 A. Could you repeat the question again?

4 Q. Based upon your review of the report and what you
5 read, why do you believe, as you previously
6 indicated, that there were signs of parental
7 alienation?

8 A. I believe that some of the allegations that the
9 mother's making towards the father are, potentially,
10 indicators of parental alienation, that they seem to
11 be unfounded.

12 MR. DUCOTE: Again, objection. Pure
13 speculation. They appear -- he reads a
14 report and he says, these things appear to be
15 unfounded. There's no basis for it. It's
16 not -- it cannot aid the trier of fact, which
17 is the first criteria for the admission of an
18 expert opinion. It's --

19 MR. BEGG: I'll rephrase the question.
20 Okay?

21 THE COURT: Oh, thank you.

22 BY MR. BEGG:

23 Q. Dr. Evans, I think you indicated you read the
24 report, and there were some indicators that
25 concerned you based upon some things that Mother

1 said about Father. Was that your answer?

2 A. Yes.

3 Q. Okay. And when you read the report, was there any
4 indication that Father denied the allegations?

5 A. Yes. He did. Not only that, but Dr. Bernstein's
6 assessment of the father don't support the mother's
7 observations --

8 MR. DUCOTE: Again, objection. Lack of
9 foundation.

10 MR. BEGG: Your Honor, he read
11 Dr. Bernstein's report and Dr. Bernstein's
12 conclusions, and he can testify as an expert
13 with regard to what he believes Dr. Bernstein
14 concluded.

15 THE COURT: Okay. I think the problem
16 we're getting is that it would be best if the
17 witness -- Mr. Begg's questions are very
18 carefully crafted. And if they were to be
19 answered directly, we might not run into
20 these problems. It's when there's additional
21 information added in the answer, that is
22 causing the issue.

23 So why don't you repeat the question,
24 Mr. Begg, and the witness can answer just the
25 specific question.

1 BY MR. BEGG:

2 Q. The last question was, are you aware by reading the
3 report if the father denied the allegations?

4 A. Yes.

5 Q. Okay. And when you read the report, were there
6 allegations not only from Mother, but from Mother's
7 parents, that are contained in the report?

8 A. Yes.

9 Q. And were they -- from your perspective, were there
10 any indications in those types of comments that are
11 contained in the report that concerned you about
12 possible parental alienation?

13 MR. DUCOTE: Again, objection.

14 Speculation. There's no way for him to know
15 whether or not those statements are accurate,
16 which is the essential question. He can't
17 determine whether something did or did not
18 happen, so it cannot aid the trier of fact
19 for him to testify about what he thinks when
20 he read something about whether or not it's
21 true or not.

22 MR. BEGG: That is not actually the
23 issue. The issue is, as my next question
24 will lead, whether or not Father denied those
25 allegations, Your Honor. So the basis of the

1 parental alienation argument isn't,
2 necessarily, whether those comments are true,
3 false, or indifferent; but the reality is,
4 those comments are being made and denied by
5 Father. Period.

6 And if this Court determines down the
7 road that the statements were, in fact, not
8 true and there's no basis for them, then it
9 does lead to the possibility of parental
10 alienation. And that's exactly what
11 Dr. Evans is testifying about.

12 MR. DUCOTE: Well, we'll stipulate that
13 he denies everything. This witness can't aid
14 the Court in determining anything. It's
15 interesting but it's not probative of
16 anything.

17 MR. BEGG: I'm sorry, Your Honor.

18 THE COURT: No. Go ahead, Mr. Begg.
19 What were you saying?

20 MR. BEGG: No. I don't know what your
21 ruling's going to be so I don't need to say
22 anything else.

23 THE COURT: Wonderful. Okay. So
24 overruled. He can answer. Go ahead.

25 THE WITNESS: I -- could you repeat the

1 question again?

2 BY MR. BEGG:

3 Q. The question was -- we were talking about the
4 comments that were made by Mother's parents about
5 Father. And were you concerned with those comments
6 as well as about a possible foundation for parental
7 alienation if it's determined by this Court that
8 those comments are not true?

9 MR. DUCOTE: Again, objection. A
10 concern is not an expert opinion. The fact
11 that somebody's concerned about something,
12 does not rise to the level of an admissible
13 expert opinion.

14 MR. BEGG: I asked him if it's a
15 concern that there could be a foundation for
16 alienation. And I think that's a very
17 legitimate question, Your Honor.

18 THE COURT: Okay. Overruled. Go
19 ahead.

20 THE WITNESS: Yes.

21 BY MR. BEGG:

22 Q. Now could you tell us, Dr. Evans, what is parental
23 alienation?

24 A. Well, the short answer would be, basically, you have
25 a child who resists a parent or -- basically,

1 resists being with a parent for invalid reasons.
2 That's the short answer. You also have -- part of
3 the phenomenon is a number of behaviors that we
4 observe in terms of an alienating parent that are
5 directed -- either controlling the child or directed
6 towards the rejected parent.

7 Q. And did you prepare a statement for the Court?

8 A. Yes, I did.

9 Q. And I'm going to show you what I'll mark as 106.

10 A. Yes. That's it.

11 Q. Okay. Now if you go to -- so if you go to the
12 bottom of page 106, you were asked questions
13 previously by --

14 MR. DUCOTE: I'm going to object to
15 this document, which has not been admitted
16 into evidence, being published to the Court
17 and being used as a cue for Dr. Evans. He
18 hasn't said he needs to refresh his memory
19 with this. I don't know what the purpose of
20 this exhibit is.

21 MR. BEGG: Well, Your Honor, first, I
22 haven't moved it into evidence, and --

23 MR. DUCOTE: Well, then it shouldn't be
24 on the screen.

25 MR. BEGG: If I could just finish.

1 Part of the complicating issue with regard to
2 doing these cases remotely is this issue
3 exactly. He has the right to look at his
4 statement. If you want me to take it off the
5 screen and he refers to it specifically, then
6 so be it. We can do it that way. But I
7 haven't moved to admit this statement yet.

8 THE COURT: Okay. I do not view
9 documents, for the record, that are put on
10 the screen. I -- in my mind, that is akin to
11 in live court, when the attorneys are handing
12 them to the witnesses and looking at copies
13 themselves.

14 Rather than have you e-mail it to him,
15 you putting the document on the screen is the
16 best way to ensure that Mr. Ducote is looking
17 at exactly the same document and not some
18 different version, something -- some other
19 document. It's basically to ensure, the
20 screen share, that there's no confusion
21 between the attorneys and the witness.

22 I'm not looking at the document. I
23 don't review the documents until they're in
24 evidence. So I don't agree it should not be
25 on the screen.

1 Okay. But as to the rest of it, what
2 was your response, Mr. Begg?

3 MR. BEGG: He indicated he prepared the
4 statement. I'm providing the statement to
5 refresh his memory with regard to the
6 statement. I'm not moving to admit it into
7 evidence yet. He has the right to review his
8 own documents and particularly, when
9 Mr. Ducote has a copy of it.

10 MR. DUCOTE: Well, he did -- I'm sorry.

11 THE COURT: I don't believe that
12 recollection can be refreshed until the
13 witness has testified that his recollection
14 is lacking.

15 MR. BEGG: But he also has the right to
16 review his report, Your Honor, that I'm going
17 to ultimately admit.

18 THE COURT: Yes. I completely agree.

19 So I think, Mr. Ducote, what we are at
20 is the identification and authentication
21 phase of using the document.

22 Okay. So for that purpose, you may
23 continue.

24 BY MR. BEGG:

25 Q. Right. So did you prepare a statement?

1 A. Yes, sir.

2 Q. And is this -- on the screen, there's an exhibit
3 marked as 106. Is this a statement that you
4 prepared?

5 A. Yes, sir.

6 MR. BEGG: Move up. Do you have it,
7 Mr. Ducote?

8 MR. DUCOTE: I have it sitting right
9 here. It was in our motion in limine.

10 MR. BEGG: I just want to make sure you
11 see it on screen so we're all looking at the
12 same document.

13 BY MR. BEGG:

14 Q. If you go to the bottom of page 106. You were asked
15 questions about the legitimacy of parental
16 alienation as a concept, and you are making some
17 references about the DSM-5 in your report. Can you
18 explain to the Court the concept of parental
19 alienation being recognized?

20 A. The words "parental alienation" per se, as they are,
21 are not in the DSM-5 as parental alienation. There
22 are a number of other diagnoses that the phenomenon
23 is covered by. And actually, there's a -- do you
24 want me to go through them?

25 Q. Sure.

1 A. On page 715 is, parent-child relation problem. On
2 page 719 there's, child physical -- psychological
3 abuse. On page 716 there's, child affected by
4 parental relationship distress. And I -- let me
5 comment on that because that came up by a number of
6 authors, including Dr. Barnet and two of the people
7 that are on the committee within the American
8 Psychiatric Association who chaired that portion of
9 the DSM documentation. And the rationale for
10 parental alienation not being in the DSM-5 is
11 because it's a -- the diagnoses in the DSM-5 are
12 within an individual. An individual gets depressed.
13 An individual develops schizophrenia. Those are
14 disorders that are within the individual.

15 The committee, basically, determined that
16 parental alienation is a phenomenon between the
17 child and their parents and so, therefore, you have
18 a child affected by parental relationship distress.

19 There's other ones too. A factitious
20 disorder imposed on another, on page 338. And then
21 there's, delusional symptoms in a partner of
22 individual with delusional disorder, and that's on
23 page 122.

24 So those five have connections to the
25 phenomenon of parental alienation.

1 Q. Now you were -- and you were talking, previously,
2 about some of the -- are there typical types of
3 strategies that alienating parents might utilize?

4 A. The literature has identified 17 specific strategies
5 as of this date, and they include things like bad
6 mouthing, withdrawal of love, telling the child that
7 the other parent is dangerous.

8 Q. Now let's just stop for a second. So bad mouthing,
9 what do you mean by that?

10 A. Well, basically, saying negative things about the
11 other parent either to the child directly or within
12 earshot of the child so that it --

13 Q. And could it be -- is it possible that bad mouthing
14 could be a non-verbal thing if you will?

15 A. Well, I mean, yes. Because if you look at how we
16 communicate as humans, 7 percent of the
17 communication process is words, 93 percent of
18 communication is facial expression, tone of voice,
19 and body language. So --

20 Q. So bad mouthing doesn't mean what comes out of your
21 mouth that's negative, it's just the overall
22 picture. Is that fair?

23 A. Absolutely. It could be just using the word him.
24 It's "him" on the phone or "he's" here or -- and the
25 way you say those words, basically, you can

1 influence the effect associated with the subject.

2 Q. And another factor you just subsequently mentioned
3 was telling the child that the targeted parent is
4 abusive?

5 A. That's kind of a spin on the bad mouthing. But
6 basically, either communicating directly to the
7 child that the other parent's dangerous or abusive
8 or through your actions. In other words, getting
9 law enforcement involved, doing well-care visits,
10 filing abuse allegations with child protection
11 organizations, that's very common.

12 Q. And hypothetically, if the Court determines based
13 upon those types of allegations -- filing for PFA,
14 perhaps, criminal investigations -- would that be,
15 potentially, falling into that factor, telling the
16 child that the targeted parent is abusive?

17 A. Yes.

18 Q. In addition to that, how about if, hypothetically, a
19 court determines that sexual abuse allegations are
20 not true, could that be a factor that would fall
21 under that factor as well?

22 A. Well, clearly.

23 Q. And do you need to take an overall picture? In
24 other words, do you, for alienation determination,
25 look at a pattern of behavior, or how do you do

1 that?

2 A. Well, initially, you start looking at the behavior
3 of the child, why the child is resisting a parent.
4 Why is the child is resisting a parent because not
5 all resistance, necessarily, is alienation. But if
6 there's no basis for a child to reject or resist a
7 parent, then one gets suspicious that there's
8 alienation going on.

9 Q. Let's just follow up with that a little bit. So can
10 alienation occur with younger children, infants,
11 two-year-olds, three-year-olds?

12 A. Yes. Clearly. They can be taught to fear an object
13 and that object could be the other parent. You can
14 do that any number of ways, like hesitating to do
15 timesharing, holding the child back from having the
16 other parent hold the child, denying that other
17 parent access to the child. Not uncommon is going
18 to the doctors, pediatricians, schools, and telling
19 them how horrible this other parent is and how
20 dangerous they are and, oh, by the way, I filed a
21 child protection complaint against this parent and
22 so we need to keep an eye on, you know, what's
23 happening.

24 And so they basically poison the community
25 against that parent. And professionals pretty much

1 take people at their word. So if you come in and
2 you do go to a pediatrician and you say, well, this
3 child has been abused and it's the other parent
4 that's abusive and neglectful, chances are that
5 pediatrician pays particular attention to that.

6 Q. Now some of the other factors that you mentioned
7 were encouraging the child to reject a targeted,
8 slash, rejected --

9 MR. DUCOTE: Object to the form of the
10 question. Counsel is simply reading and
11 asking the witness to agree with him.

12 MR. BEGG: I'll withdraw the question.

13 THE COURT: Thank you.

14 BY MR. BEGG:

15 Q. Okay. Let's turn to page 3 of your report.

16 A. Okay.

17 MR. DUCOTE: Objection. He can ask him
18 a question for the doctor to answer without
19 giving him something to read. Again, he
20 doesn't say he doesn't remember the answer to
21 these questions, so it's not proper.

22 MR. BEGG: This is an expert report
23 that I'm going to tender to be entered into
24 evidence. He can refer to parts of his
25 report and testify about it. That's how you

1 do it.

2 THE COURT: Right. I think you're
3 directing him to look at a specific part of
4 the report and then answer a question about
5 it. Overruled. Go ahead.

6 BY MR. BEGG:

7 Q. So the factor on page 3: Encouraging the child to
8 reject the targeted/rejected parent.

9 And what does that mean?

10 A. It manifests itself in any number of ways. So for
11 example, if the child is rejecting a parent, either
12 the encouragement can come in the form of inaction.
13 In other words, if two parents really wanted to have
14 that child have a relationship with both of them,
15 they would encourage the relationship with the child
16 and the other parent. So if the child resists a
17 parent and no corrective action is taken, that's,
18 essentially, encouraging the child to continue with
19 the resistance. It's reenforcing the resistance.
20 So there's that aspect of it.

21 Sometimes children will come back, and
22 they'll report certain things that occurred with the
23 other parent. And if they're negative against the
24 other parent, they get rewarded. They, you know --

25 MR. DUCOTE: Objection. Speculation.

1 He's talking about hypothetical cases.

2 MR. BEGG: Correct. That's what he's
3 talking about.

4 THE COURT: Yes. I think it's clear
5 he's not saying that that is his
6 understanding of the facts of this case.
7 Okay. Overruled. Go ahead.

8 THE WITNESS: So, basically, get
9 reenforced for sharing negative information
10 about the other parent.

11 BY MR. BEGG:

12 Q. And then asking the child to keep secrets from the
13 targeted parent, is the next factor. What does that
14 mean?

15 A. Well, that can happen in a number of ways. For
16 example, if a parent came into more money, they
17 would not want the other parent to know they had
18 more financial resources. Or if they wanted to take
19 the child on a vacation and they didn't want the
20 other parent to interfere with the child going on
21 vacation, then they would say, let's keep this
22 between us at this point because if you tell Mommy
23 or Daddy, they'll get the Court involved, and
24 they'll stop us.

25 Q. And then, finally, the undermining the authority of

1 the targeted parent. You may have testified a
2 little bit about that in the medical appointments.
3 Does it go further than that?

4 A. It's pretty consistent in terms of keeping them off
5 of signatures or even acknowledge them as a parent
6 in some cases. Sometimes the professionals don't
7 even know who the other parent is. They've pretty
8 much been, you know, anonymous. So yeah, that's
9 pretty much undermining the authority of the
10 targeted parent.

11 Q. Now if there's parental -- hypothetically, if
12 there's parental alienation in a case, does it
13 become possible for the targeted parent -- the
14 targeted parent, the one who is being alienated
15 against if you will -- to develop a normal
16 relationship with their child?

17 A. It's more difficult. Is it possible? Yes, it's
18 probably possible. But it's more unlikely if this
19 kind of phenomenon continues.

20 Q. Now I want to turn you to page 4 of your statement.
21 There's an indication halfway down where there's a
22 full paragraph. You indicate: It is very important
23 to recognize and treat parental alienation as early
24 as possible in order to avoid some of the
25 potentially harmful consequences to the children.

1 We're talking about a phenomenon that,
2 ultimately, if unchecked or if it were untreated,
3 basically, is like any other form of child abuse
4 that, basically, will find itself in generations and
5 be repeated. We're finding that alienated children
6 are more likely to grow up and become an alienating
7 adult than if that situation wasn't corrected. And
8 not to mention the fact that we're talking about
9 children that, basically, find themselves in a
10 traumatic situation of rejecting a parent and don't
11 know how to change that on their own.

12 Q. Now you also, further in that paragraph, indicate --
13 and you can take a minute to review it -- there's
14 school-related problems, anger issues. Are there
15 other specific behavioral issues or mental health
16 issues that can occur as a result of parental
17 alienation?

18 A. These are probably the more -- more short term, if
19 you will, in terms of how they develop. But if --

20 Q. Can you specifically tell us what those are? You
21 can -- from your statement.

22 A. Well, you develop an anger issue, for example. You
23 get -- and the interesting piece is, the anger is
24 directed not just toward the targeted parent, but it
25 also starts to get targeted to its other authority

1 figures. So you have a target -- you have an anger
2 issue.

3 You have children becoming behaviorally
4 regressed. You'll have children soiling themselves.
5 They'll go into sucking their thumbs when they've
6 moved beyond that type of development. You see
7 depression in children.

8 Depression is a significant issue in
9 America's children, actually, more in terms of what
10 has developed with this COVID thing. So depression
11 is a significant function.

12 Ideal -- suicidal ideation, more in terms
13 of when the child gets older if they're in this
14 continued loyalty bind. We're finding kids are --
15 probably, one of the more dramatic examples of that
16 is a book called *A Kidnapped Mind*, by a lady by the
17 name of Richardson. And she wrote about her
18 16-year-old son who, at the time, the alienating
19 parent was a lawyer. And they did everything they
20 could to try and save this child, and finally, at
21 the age of 16, he decides to kill himself. We're
22 seeing -- we're seeing that type of significant
23 reaction to this phenomenon.

24 Q. Okay. Now, doctor, based upon your experience in
25 this area, is there any correlation between the age

1 of the child who is being alienated and the hope, if
2 you will, that the problem can be corrected? In
3 other words, is it easier to do in a younger child,
4 to correct the issue, an older child, or neither?

5 A. Well, you know, generally, we think in terms of the
6 younger the child being easier to correct, but the
7 reversals or reunifications have occurred in 16,
8 17-year-old adolescents as well.

9 Again, we go to the back to the
10 foundation, children love their parents. Children
11 don't have a beef with their parents no matter what.
12 And so -- regardless of the parent's behavior.
13 Okay.

14 In documented abuse cases, children want
15 to maintain their relationship with the perpetrator
16 of the abuse. Children do not want to reject their
17 parents. So when you put them in a situation where
18 they can correct what's going on, in other words,
19 the alienation, they respond pretty quickly. I say
20 quickly, I'm talking within a matter of days.

21 Q. Hypothetically, if you have a three-year-old, would
22 it be easier, from your experience, to correct an
23 alienating issue than if you have a 16-year-old?

24 A. Yes.

25 Q. Now if there is a determination by a court that

1 there is parental alienation, or something like
2 parental alienation if you will, are there
3 recognized remedies or solutions to that problem?

4 A. There are two programs that are recognized to be
5 very effective in working with these cases. One is
6 called Family Bridges out of California. They're
7 all over the country. Actually, they're all over
8 the world, with multiple locations from South
9 Africa, Israel, Canada. And then there's Turning
10 Points for Families, which is a program out of
11 New York.

12 All of these programs will, basically,
13 be -- at the present time, be done pretty much
14 virtually. Family Bridges does more in terms of
15 virtually within the same geographic area. So
16 they'll go to a motel, and they'll be in different
17 rooms.

18 With Turning Points for Families, it's
19 done with a local therapist and virtually done by --
20 the lady's name is Linda Gottlieb. She does --
21 works at Family Bridges -- excuse me, does Turning
22 Points for Families.

23 Q. And Linda Gottlieb, where is she located?

24 A. She's out of -- north of New York City.

25 Q. Okay. And if I understand you correctly, are you

1 saying that she could work with a local therapist in
2 a situation, hypothetically, where there's
3 alienation?

4 A. She always works with a local therapist because
5 you've got to have -- you've got to have the
6 therapist working with the rejected parent and the
7 child. And that's a relatively -- relatively quick
8 process, as I mentioned. And then you have a
9 therapist that's working with the alienating parent
10 so that, basically, the situation -- the ultimate
11 goal here is to have an extended family so the child
12 is seeing both parents unfettered.

13 So you have the therapist working with the
14 alienating parent through the guidance of somebody
15 like Linda Gottlieb, who then helps them understand
16 that what they've done -- if they didn't understand
17 it, help them understand what they're doing is child
18 abuse and it needs to stop. They need to encourage
19 a relationship with both parents.

20 Q. Okay. Now what happens -- is there any --
21 hypothetically, if there's alienation, what do the
22 experts in your area say should happen as far as
23 custody goes while the therapy is going on? Does
24 there need to be a period where the child's away
25 from the alienating parent?

1 MR. DUCOTE: Objection. He did not do
2 a custody evaluation. What he thinks should
3 happen in some given case about -- something
4 about custody, is not relevant here. He's
5 not qualified to opine on which parent should
6 have custody. And any opinion he has about
7 the situation in general, is not anything
8 that can aid the Court.

9 MR. BEGG: I asked him in the form --

10 THE COURT: Mr. Begg?

11 MR. BEGG: I asked him it in the form
12 of a hypothetical, Your Honor, if the Court
13 determines it an alienation case, what is the
14 process --

15 THE COURT: Right. I do believe it was
16 in the form of a hypothetical. So for that
17 reason, it will be overruled. Go ahead.

18 BY MR. BEGG:

19 Q. Dr. Evans?

20 A. Typically, what happens, both programs will require
21 a -- essentially, a flip in custody. In other
22 words, the rejected parent and the child would then
23 become -- the child would becomes custody --
24 residential custody of the rejected parent. The --
25 there'll be a period of no contact between the child

1 and the alienating parent.

2 MR. DUCOTE: I'm going to object again,
3 Your Honor. First of all, what a certain
4 program requires, has no bearing on what the
5 Commonwealth of Pennsylvania's best interest
6 factors are for determining child custody,
7 which is the only guidance and rule of law
8 that the Court has to apply. Whether some
9 program in California wants a court to do
10 something or somebody north of New York City
11 wants you to do something, is totally
12 irrelevant and cannot aid the trier of fact.

13 THE COURT: Mr. Begg?

14 MR. BEGG: Your Honor, an expert -- it
15 doesn't matter where they're from. We're not
16 talking about legal issues or precedential
17 case law. We're talking about an expert who
18 is testifying within his field of expertise
19 as to how to solve a problem.

20 I mean, your expert can be bringing
21 ideas from China, and it doesn't matter.
22 He's testifying as an expert with regard to
23 alienation and how you solve the problem.

24 THE COURT: Okay. Overruled. Go
25 ahead.

1 THE WITNESS: So there is typically a
2 period of upwards of 90 days of no contact
3 between the reject -- the alienated child and
4 the alienating parent and any relatives that
5 could possibly unravel the reunification
6 work. And while that process is -- while
7 that period is going on, the alienating
8 parent, as I said, is working with a
9 therapist who is working with one of the
10 facilitators of these programs to ensure that
11 they're not going to repeat the process.

12 Frequently, there will be some sort of
13 a feedback loop to the Court, somebody like a
14 guardian ad litem, that would feed back --
15 who would monitor the process and advise the
16 Court, hey, things are moving along the way
17 they're supposed to; it's time for, you know,
18 getting -- reintroducing the child to the
19 formerly alienating parent and let's get on
20 with the business of an extended family.

21 BY MR. BEGG:

22 Q. Is the goal of the entire process to, ultimately,
23 reunite the family if you will?

24 A. Absolutely. Yeah, that's the purpose. The whole
25 purpose is to help each parent obtain skills in

1 terms of parenting, parenting specifically in the
2 sense of encouraging a relationship between each of
3 the parents and the child, and any other skills that
4 would need to be worked out -- communication skills,
5 co-parenting skills, problem-solving skills -- so
6 that, you know, law enforcement isn't called at the
7 drop of a hat, et cetera.

8 MR. BEGG: Thank you. Your Honor, can
9 I have one minute?

10 THE COURT: Of course.

11 (Brief pause.)

12 MR. BEGG: Okay. I'm sorry,
13 Your Honor.

14 THE COURT: Not at all.

15 MR. BEGG: I have no further questions
16 for Dr. Evans. But I would move to admit
17 Exhibit 106, which is his statement and
18 report which he just testified about.

19 THE COURT: Mr. Ducote, objections to
20 Exhibit 106?

21 MR. DUCOTE: Yes, I do object. I mean,
22 he asked him about a couple of paragraphs in
23 there and he answered those questions. The
24 rest of it wasn't even discussed. And if it
25 was discussed, then you don't need the

1 report; if it wasn't discussed, then it's not
2 admissible. So I would object.

3 THE COURT: Okay. The objection is
4 overruled. Exhibit 106 is admitted. You may
5 cross.

6 MR. DUCOTE: Thank you.

7 * * *

8 CROSS-EXAMINATION

9 * * *

10 BY MR. DUCOTE:

11 Q. Dr. Evans, is it your position that this parental
12 alienation syndrome is as bad for a child as being
13 sexually abused by a parent?

14 A. Actually, it's specific research to address that
15 question. And in fact, they found out that looking
16 at parental alienation as a form of child
17 maltreatment, which it meets that definition
18 according to the American Professional Society on
19 Child Abuse, parental alienation as a form of child
20 abuse has been documented to be as bad or worse than
21 both physical and sexual abuse. So the answer is,
22 yes.

23 Q. And you're serious about that?

24 A. Yes. I can give you the citation if you --

25 Q. Yes, please. Please, what is the citation for

- 1 research --
- 2 A. I believe it's in my paper actually.
- 3 Q. This is in your paper?
- 4 A. I believe so. I'm not sure. It's called -- the
- 5 title of the article is called "Unseen Wounds." And
- 6 the authors are: Spinazzola, S-P-I-N-A-Z-Z-O-L-A;
- 7 Hodgdon, H-O-D-G-D-O-N; Liang, L-I-N-A -- L-I-A --
- 8 L-I-A-N-G; Ford; Lynn -- Layne, L-A-Y-N-E -- there's
- 9 a whole bunch of people here -- Pynoos, P-Y-N-O-O-S;
- 10 Briggs, B-R-I-G-G-S; Stolbach, S-T-O-L-B-A-C-H; and
- 11 Kisiel, K-I-S-I-E-L. It was published in
- 12 *Psychological Trauma: Theory, Research, Practice*
- 13 *and Policy.*
- 14 Q. Is that a book or a journal?
- 15 A. It's an article in a journal, published by the
- 16 American Psychological Association.
- 17 Q. Okay. And that article and your -- your testimony
- 18 is, that article says that parental alienation
- 19 syndrome is worse for a child than being raped by a
- 20 parent or beaten by a parent or tortured by a parent
- 21 physically, right? That's your opinion?
- 22 A. No. It doesn't say anything like that.
- 23 Q. What does it say? What types of -- I thought you
- 24 said that parental alienation syndrome is worse for
- 25 a child than being sexually abused by a parent.

1 A. When you look at parental alienation as a form of
2 child abuse and/or child maltreatment, which it
3 meets that definition, the research talks about
4 child maltreatment being as bad or worse than
5 physical abuse or sexual abuse. It didn't go into
6 the types of extreme behaviors you're referring to.

7 Q. Okay. So let me ask you to answer the question that
8 I'm asking you. Is it your opinion that parental
9 alienation syndrome is worse for a child than being
10 sexually abused by a parent, yes or no?

11 A. In some cases, yes.

12 Q. So what types of sexual abuse could a parent commit
13 on their child that would be not as bad as this
14 parental alienation syndrome you go testify about?

15 A. I don't know. I can't answer that question.

16 Q. Well, is it your opinion that a child being
17 physically abused by a parent is not as bad as
18 parental alienation syndrome?

19 MR. BEGG: I just -- my objection,
20 Your Honor, is you -- there keeps -- you keep
21 referencing parental alienation syndrome.
22 And the doctor's testified about parental
23 alienation, not necessary, specifically
24 parental alienation syndrome.

25 MR. DUCOTE: That's a speaking

1 objection to aid the witness in trying to get
2 out of this hole he dug for himself. I think
3 I'm entitled to cross-examine him.

4 MR. BEGG: I'm simply saying he needs
5 to ask him about parental alienation --

6 MR. DUCOTE: No. I can ask him the
7 questions I want to ask. I don't need to ask
8 him about anything.

9 MR. BEGG: You're asking multiple
10 questions within one question so the witness
11 doesn't have the opportunity to answer the
12 question. If you break them down one at a
13 time, then --

14 THE COURT: I think the witness can
15 answer -- either answer the question or give
16 an answer that he's not able to answer the
17 question in the format asked.

18 Go ahead, Mr. Ducote.

19 BY MR. DUCOTE:

20 Q. Okay. Let me ask it again. Is it your opinion,
21 Dr. Evans, that parental alienation syndrome is
22 worse for a child than that child being physically
23 abused by a parent?

24 A. The question as you're stating it, the answer is,
25 no, because the way I explained the difference

1 between the parental alienation and parental
2 alienation syndrome.

3 Q. Okay. So that was an effective speaking objection.
4 Let me ask it this way. Is it your opinion that a
5 child being subjected to parent alienation is worse
6 than the child being physically abused and beaten by
7 a parent?

8 A. It can be in some circumstances, yes.

9 Q. So let's say if a child is beaten by a parent with a
10 hammer, okay, is that worse or not as bad as
11 parental alienation?

12 A. I can't give you an opinion on that.

13 Q. How about tied up with ropes, would that be as bad
14 as parental alienation?

15 A. Again, I think it depends on the circumstances and
16 the specifics, so I can't give you an answer on that
17 either.

18 Q. So what type of circumstances, hypothetically, could
19 a parent tie up their child with ropes and that not
20 be as bad as parental alienation?

21 A. I really can't speculate on all of those kinds of
22 details. I'm telling you what I'm familiar with in
23 terms of the literature and their research.

24 Q. Okay. Well, what about, in your opinion, can a
25 child -- let me rephrase it. Can a parent inflict

1 more damage by parental alienation to a child than
2 the parent could inflict by, say, breaking the
3 child's bones?

4 A. Conceivably, yes.

5 Q. Okay. So parental alienation, in your view, is
6 worse than a parent breaking their child's bones?

7 A. Potentially, it could be.

8 Q. Okay. So let's say if a parent intentionally breaks
9 the child's arm in an act of abuse, is it your
10 opinion that that could be less harmful to the child
11 than parental alienation?

12 A. Potentially, yes.

13 Q. Okay. How about breaking the child's leg?

14 A. Potentially, yes.

15 Q. How about breaking both legs?

16 A. Again, the same answer. Let me see if I can help.

17 Q. How about you answer the questions. Let's --

18 A. Okay. So the answer is, potentially, yes. You
19 don't want me to explain it.

20 MR. BEGG: Objection, Your Honor, to
21 this line of questioning. I don't understand
22 what it is that's even being asked at this
23 point. I mean, it's just repetitive
24 questions about breaking different bones and
25 without any kind of foundation or

1 specifically to the connection of parental
2 alienation.

3 MR. DUCOTE: Not at all. Absolutely,
4 it's -- the doctor offered what he believes
5 is the view that this parental alienation is
6 apparently the worst thing that can be done
7 to a child. So I'm just trying to quantify
8 it because this is rather --

9 MR. BEGG: The doctor's answered
10 consistently that it could be, maybe, I don't
11 know, it depends upon the circumstances.

12 THE COURT: Right. And he -- this is
13 his cross, and I think he can ask the
14 questions.

15 Go ahead. Overruled.

16 BY MR. DUCOTE:

17 Q. Okay. So is it your opinion that parental
18 alienation can be worse for a child -- and let's be
19 more specific, say a four-year-old child -- can be
20 worse for the four-year-old child than the parent,
21 say, breaking both of the child's arms and both of
22 the child's legs in an act of abuse? Is that your
23 opinion?

24 A. It potentially could be.

25 Q. Okay. How about, you have a four-year-old child,

1 and the parent punches the child in the face and
2 leaves two black eyes. Could, in your opinion,
3 parent alienation be worse for the child than that?

4 A. Potentially, yes.

5 Q. Okay. How about if you have a four-year-old, and
6 the father forces the child to perform fellatio on
7 him. Could that be less harmful to the child than
8 parental alienation?

9 A. Potentially, yes.

10 Q. How about the father actually fully penetrates his
11 four-year-old daughter's vagina with his penis.
12 Could that be less harmful to the child than
13 parental alienation?

14 A. Potentially.

15 Q. Okay. What about poisoning the child. If a parent,
16 say, gives a child poison, not a big enough dose to
17 kill the child but just to make the child seriously
18 ill. Could that be less harmful to the child than
19 parental alienation?

20 MR. BEGG: Objection, Your Honor. I
21 think -- I mean Mr. Ducote's clearly made his
22 point. I mean we could sit here all day and
23 come up with various, different scenarios. I
24 mean he's now had, I don't know, eight or
25 nine of this exact same question essentially.

1 THE COURT: Okay. Yes. Mr. Ducote,
2 what are your thoughts on where this is
3 going, I guess?

4 MR. DUCOTE: You know, I think I'm
5 entitled to have cross-examination. I mean
6 this is pretty appalling testimony, and the
7 limits of it, I think, are important for the
8 record. I mean I was going to get to
9 beheading, but I -- I'll move on. Let me
10 move on to something else.

11 THE COURT: Okay.

12 BY MR. DUCOTE:

13 Q. Now are you an expert in child sexual abuse,
14 Dr. Evans?

15 A. To a limited extent, I would say, yes. I'm trained
16 in --

17 Q. Okay. I'm sorry.

18 A. I have training in assessing sexual abuse. I have
19 training in terms of identifying sexual abuse. So
20 the answer is, I've been trained to do it. Are
21 there, probably, people that are more expert than I?
22 Perhaps, there are. I'm sure there are.

23 Q. Okay. Now do you have a clinical practice where you
24 actually provide therapeutic services to anybody?

25 A. I used to. I no longer do that.

1 Q. And when did you stop doing that?

2 A. Pretty much around 1993, '94, when I mostly went
3 into forensic work.

4 Q. Okay. So you're an expert witness. That's your
5 practice, right? That's your profession?

6 A. No, sir. That's not correct.

7 Q. Okay. Does the Center for Human Potential of
8 America deal with any issue other than this parental
9 alienation stuff?

10 A. I'm asked to do psychological evaluations from time
11 to time.

12 Q. What else do you do besides testify in your
13 practice?

14 A. As I said, basically, I do either family and divorce
15 mediation, parent coordination, guardian ad litem,
16 custody evaluations, psychological evaluations.

17 Q. What percentage of your practice is expert testimony
18 about parent alienation and parent alienation
19 syndrome versus these other things?

20 A. Forty percent, maybe. It's a guess. I'm guessing.

21 Q. Are you retained by people who are criminally
22 charged with sexually abusing their children to give
23 testimony in court about parental alienation?

24 A. Interesting you're asking me that. I'm being asked
25 by a public defender in Florida do that very same

- 1 thing. I've only had one other criminal case in my
2 history that I've worked on.
- 3 Q. And you were a defense expert?
- 4 A. Yes.
- 5 Q. And how old was the child in that case?
- 6 A. These are adolescents.
- 7 Q. Adolescents. And your testimony was that they
8 weren't sexually abused, they were alienated?
- 9 A. Not really. I just -- again, I was doing sort of
10 generic testimony on parental alienation.
- 11 Q. Okay. Now did you review the motion in limine that
12 we filed to keep you from testifying or attempting
13 to keep you from testifying?
- 14 A. Yes, I did.
- 15 Q. Okay. And you went through all the documents?
- 16 A. I did.
- 17 Q. Okay. Now you wrote a book. And would it be fair
18 to say that this is one of the landmark books on
19 parental alienation, quote -- the title of the book,
20 if I'm correct, is, quote, *The Essentials of*
21 *Parental Alienation Syndrome*, right? You wrote
22 that?
- 23 A. In 2011, I think.
- 24 Q. And who was your co-author in that?
- 25 A. Dr. Bone.

1 Q. Dr. Bone. And that's Michael Bone, correct?

2 A. Yes.

3 Q. Okay. And he was a Florida therapist of some sort?

4 A. He was a licensed mental health counselor at the
5 time.

6 Q. Okay. And is this the same Michael Bone who was, in
7 response to disciplinary action taken by the
8 Department of Health in the State of Florida in Case
9 Number 2005-66289 and 2005-66637, *Department of*
10 *Health versus John M. Bone, LMHC*, is this the same
11 Dr. Bone who voluntarily gave up his license in that
12 disciplinary proceeding?

13 A. Yes, sir.

14 Q. And this was five years before you co-authored the
15 groundbreaking treatise on parental alienation with
16 him?

17 A. Yeah. I don't know if I'd characterize our book as
18 groundbreaking, but he is a co-author of the book.

19 Q. Okay. At the time you were -- was that
20 self-published or who published it?

21 A. Yes. Self-published.

22 Q. At the time you were thinking about publishing and
23 writing this book, did it occur to you that maybe
24 you might want to get a more compelling co-author
25 than a guy who had lost his license?

- 1 A. No. I happen to know the circumstances of what went
2 on. In fact, I think you even alluded to it in your
3 motion. And I was involved in that particular case
4 so -- it was one case that basically brought the
5 action.
- 6 Q. Were you a witness? Did you go to bat for him in
7 that case?
- 8 A. No. Actually, Dr. Bone was the evaluator, and I was
9 doing reunification work between the children and
10 their mother.
- 11 Q. And were you guys on the same side essentially?
- 12 A. No. He was a court-appointed evaluator.
- 13 Q. And how were you involved?
- 14 A. I was the -- trying to do the reunification work
15 with the mother.
- 16 Q. Was this something Dr. Bone, or Michael Bone, was
17 endorsing?
- 18 A. Yes. He recommended that the children and the
19 mother receive reunification work, yes.
- 20 Q. Okay. And as a result of that case, he lost his
21 license?
- 22 A. Well, he terminated it because he couldn't sustain
23 the litigation that was continuously involved.
- 24 Q. Okay. Now -- but this isn't the only guy who lost
25 his license that you've been involved with, right?

- 1 Randy Rand, you also know him, right?
- 2 A. He was involved in the same case.
- 3 Q. Right. And Randy Rand is the founder of this Family
4 Bridges program out in California you were talking
5 about, correct?
- 6 A. Yes.
- 7 Q. Okay. And Randy Rand --
- 8 A. He actually co-founded because Family Bridges was a
9 program that was developed with Dr. Richard Warshak.
10 So it would be Dr. Rand and Dr. Warshak that --
- 11 Q. Okay. And Dr. Randy Rand, the State of Florida
12 yanked his license, true? Correct?
- 13 A. No, sir. They did not.
- 14 Q. He didn't lose his license in California?
- 15 A. California. You said Florida.
- 16 Q. No. I said California. I apologize if I did. I
17 don't want to mislead the Court. He lost his
18 license in California, right?
- 19 A. In the same circumstances. He surrendered his
20 license and suspended it at that -- based on the
21 litigation he found himself in.
- 22 Q. And this was over the same sort of reunification
23 stuff, basically?
- 24 A. No. He was giving testimony, and the parent filed
25 complaints -- the parent actually filed complaints

1 against me, him, Dr. Bone, the judge, and the
2 opposing attorney.

3 Q. Okay.

4 A. So the parent in this particular case sort of went
5 after everybody.

6 Q. Okay. In fact, the decision of the Florida -- I'm
7 sorry, the California Board of Psychology involving
8 the termination of Dr. Rand's license mentions you
9 and your involvement in the case, right?

10 A. Yes, sir.

11 Q. Okay. Now let's go to, I believe -- and I don't
12 want to overstate this, but would it be fair to say
13 that Richard Gardner is one of your heroes?

14 A. I think you're overstating it. I respected him at
15 the time, and I respect his work, yes.

16 Q. Okay. And -- but he was one of the -- like the --
17 would it be fair to say he's the founding father and
18 discoverer of parental alienation syndrome, much
19 like, say, Bohr, Niels Bohr, was the discoverer of
20 the way the atom worked?

21 A. No. I would say that's not a good description.
22 Parental alienation has been identified for going on
23 for quite some time in the history of mankind. It
24 goes back many, many, many years. He happened to
25 coin the terminology "parental alienation," but the

1 phenomenon has been going on for centuries actually.

2 Q. Well, but would it be fair to say that perhaps Cain
3 and Abel were alienated from Adam and Eve?

4 A. I don't think it goes back that far.

5 Q. Okay.

6 MR. BEGG: Objection, Your Honor.

7 That's just argumentative.

8 MR. DUCOTE: So, I'll --

9 THE COURT: Yes. Okay. Go ahead.

10 BY MR. DUCOTE:

11 Q. So in the motion in limine did you read Exhibit A,
12 which was a list of quotations from
13 Richard Gardner's books about child sexual abuse?

14 A. Is it A or H?

15 Q. H.

16 A. H. Yes, I did.

17 Q. Okay. And were you aware of all of those things
18 that Gardner said about sexual activity between
19 adults and children before you read Exhibit H?

20 A. I'm familiar with this document. It's a unpublished
21 document that sits on the internet somewhere.

22 Q. Right. But there are exact quotations from Richard
23 Gardner's books, right?

24 A. Actually, these are quotations that are taken out of
25 context from his books.

1 Q. But they are actually quotes, right?

2 A. Yeah. But they're designed to mislead the reader
3 regarding Mr. Gardner and his work. They're not
4 accurate. They're misstatements.

5 Q. Well, do you have Richard Gardner's books in your
6 library?

7 A. I happen to have it, yes. That's why I know what
8 you're presenting here to the Court is very
9 misleading.

10 Q. Okay. For example, did Richard Gardner write that
11 the damage that's done when young kids are sexually
12 abused is that they're not brought to orgasm, and it
13 leads them to be sexually frustrated? Did he write
14 that?

15 A. Can you tell me what page you found that on?

16 Q. Yes. Let's see. Well, I'll tell you what, let me
17 go through all the quotes, and tell me if these are
18 things that Richard Gardner did indeed write.

19 Did he write in *True and False Accusations*
20 *of Sexual Abuse*, quote, Pedophilia has been
21 considered the norm by the vast majority of
22 individuals in the history of world?

23 A. Let's look at page 1 --

24 Q. That's on page 2 of Exhibit H.

25 A. I see that. It's on page 118 in his book.

1 Q. Did he say that?

2 A. Let's take a look at what he did say.

3 Q. Okay. So I think it's page 592 to 593 of *True and*
4 *False Allegations [sic] of Child Sexual Abuse*,
5 unless he wrote it somewhere else too.

6 A. Five ninety-two, let's take a look.

7 Q. Now on page 118, that's where he said there's a bit
8 of pedophilia in all of us.

9 A. Could I finish --

10 MR. BEGG: Your Honor, objection.

11 There's about three questions, and he hasn't
12 had a chance to answer.

13 THE COURT: Yes. I think he's still
14 looking so he can answer. Okay. Hold on,
15 please.

16 THE WITNESS: So on 592 he's saying
17 pedophilia has been considered a norm by the
18 vast majority of individuals in the world?

19 BY MR. DUCOTE:

20 Q. Right. Did he write that?

21 A. On page 592?

22 Q. And 593, yes.

23 A. Five ninety-three is kind of interesting. You have
24 to understand what he's trying to write in his book.
25 Did he write that? Yes. But he wrote a lot of

1 other things that are left out. Did you want to go
2 over those?

3 Q. Well, this is what I'm asking you about. Do you
4 agree with that, that pedophilia is the norm in the
5 history of world?

6 MR. BEGG: Objection. Your Honor, he
7 has the right -- he's reviewing the document.
8 He has the right to testify with regard to
9 it.

10 MR. DUCOTE: If he wants to defend this

11 --

12 THE COURT: Right. Agreed. Let's let
13 him look at it.

14 Go ahead, sir.

15 THE WITNESS: I'm trying to find it. I
16 don't think it's on this page.

17 Oh, yes. Again, the sentiment that
18 he's expressing in this chapter -- did he say
19 those words? Yes. But that's again taken
20 out of content.

21 In other words, he's trying to help the
22 father in this particular case where he says,
23 he has to be helped to appreciate that
24 pedophilia has been considered the norm by
25 the vast majority of individuals in the

1 history of the world. He has to be helped to
2 appreciate that even today, it's a widespread
3 and accepted practice among literally
4 billions of people. He has to come to
5 appreciate that in a western society
6 especially, we take a very punitive and
7 moralistic attitude toward such inclinations.
8 However, he, like the therapist and like
9 others in western society, is a product of
10 our culture. We are brought up in a society
11 in which pedophilia is strongly discouraged.

12 You see, the sentiment that's projected
13 in these papers is that somehow or other
14 Richard Gardner is encouraging and endorsing
15 pedophilia. His statement is: We are
16 brought up in a society in which pedophilia
17 is strongly discouraged and even condemned.
18 The question then for the pedophile is why he
19 has not come to be similarly inhibited.

20 He's trying to understand, often there
21 are family-life situations that have been
22 conducive to the development of pedophilia.
23 He's talking to therapists: One must explore
24 the particular factors that were operative in
25 the patient's own atypical development,

1 atypical at least for our society. If he has
2 himself -- if he himself was molested as a
3 child, then he has to come to appreciate that
4 this probably played a role in his own
5 pedophilic tendencies. With regard to his
6 feelings about himself, he has to be helped
7 to take the attitude that he, like the child
8 he molested, is more to be pitied than
9 scorned.

10 And it goes on. The idea is, he's
11 talking to the therapist in terms of how to
12 help, not only the child in terms of a
13 victim, but in terms of both parents. And
14 that's basically why the book is so
15 expansive. But we could go on.

16 BY MR. DUCOTE:

17 Q. Okay. And I will. Let's see. Can you go to page
18 18 to 32 in the same book? And does Gardner write
19 that pedophilia; sexual sadism; necrophilia;
20 zoophilia, having sex with animals; coprophilia, sex
21 involving defecation, can be seen as having species
22 survival value and do not warrant being excluded
23 from the list of so-called "natural" forms of human
24 sexual behavior?

25 A. I'm looking now.

1 Q. I think he -- I think that's a summary of what he
2 talks about on those pages.

3 A. He's talking about the DSM-3 at the time. He's
4 talking about homosexuality. And of course, back in
5 those days, homosexuality was a mental disorder. He
6 talks about the sexual expression being atypical,
7 off the beaten track. So I'm not -- I'm not sure.

8 Oh, yeah. It doesn't serve the immediate
9 aims -- here it says -- it says: With regard to the
10 question of its function and purpose, if it does not
11 serve the immediate aims of reproduction and species
12 survival.

13 So he's arguing about the people who
14 provided justification for it. You see, the
15 intention of the white paper that you're presenting
16 is significantly different from the intention that
17 Dr. Gardner's putting in his book. We can keep
18 going on because they're all taken out of context
19 and meant to distort what he's trying to
20 communicate.

21 Q. Okay. Well, let's go to page 537 of the same book
22 and ask you if you see this quote and whether you
23 agree. Quote --

24 MR. BEGG: Objection, Your Honor. He
25 was offered to offer expert testimony with

1 regard to parental alienation and with regard
2 to critiquing Dr. Bernstein's report. I
3 don't understand why this line of questioning
4 is relevant. And secondly, it's repetitive
5 at this point.

6 THE COURT: Okay. Mr. Ducote, your
7 thoughts?

8 MR. DUCOTE: Yes, Your Honor. Well,
9 you know, the problem with this whole line of
10 parental alienation testimony is it's a
11 concept that has very dubious and troublesome
12 rootings and origins. And it was founded by
13 this Richard Gardner, who has very bizarre
14 sexual theories. And this is a defense for
15 people who are indeed caught abusing their
16 kids. And all it does is, it takes the
17 symptoms of abuse and redefines it as
18 symptoms of alienation, which is a circular
19 defense.

20 Under this parental alienation and
21 parental alienation syndrome, child abuse is
22 the only crime that has a built-in defense.
23 You just say it's alienation, and every
24 symptom of the abuse is just simply called
25 "evidence" of alienation. And that's why

1 this testimony shouldn't have been allowed to
2 begin with.

3 MR. BEGG: Your Honor, just if I can
4 respond briefly. First of all, with regard
5 to Dr. Gardner's book, there was three
6 questions asked. And when put in context,
7 were not at all -- were not at all
8 corroborative of the white paper that's being
9 presented. In fact, the explanation was to
10 the contrary when Richard Gardner was
11 expressing his views with regard to very
12 different ideas than what were being offered
13 by Mr. Ducote. So I don't understand why
14 that is at all relevant.

15 And secondly, the concept with regard
16 to parental alienation is well recognized
17 within Pennsylvania and the Pennsylvania
18 Superior Court cases. We have multiple cases
19 in Pennsylvania that reference parental
20 alienation. In fact, they're set forth in
21 our brief.

22 We have two cases in 2020 recognized by
23 the Superior Court of Pennsylvania utilizing
24 the term parental alienation. It's
25 recognized. It's been recognized for years.

1 In fact, there's a 2015 case that's
2 sets forth in our brief that is very
3 consistent with the fact pattern in this
4 case. So we're going back and we're trying
5 to discredit a theory that's already
6 recognized by the Superior Court in
7 Pennsylvania, and we're doing it in a very
8 convoluted fashion.

9 I mean we're asking questions about
10 Richard Gardner, who I believe is dead, who
11 wrote some principles before that Mr. Ducote
12 doesn't agree with. Sigmund Freud, in fact,
13 had a lot of very abstract, bizarre ideas
14 that people would follow and then would morph
15 into different areas of psychology. You'd go
16 from what he believed in, to other different
17 areas.

18 And just because Dr. Evans read and/or
19 known Dr. Gardner, doesn't mean that all of
20 his principles are based upon Dr. Gardner's
21 philosophical thoughts. I mean it just
22 doesn't make any sense at this point.

23 And you did give latitude, Your Honor.
24 And so did I, without objecting with regard
25 to multiple questions that Dr. Evans

1 answered. I think it's time to move on.

2 MR. DUCOTE: Well, Your Honor, if I
3 could, the Pennsylvania cases don't address
4 the question of whether such a syndrome
5 exists or whether it's admissible. It's
6 simply that, apparently, they weren't
7 challenged by the attorneys and this wasn't
8 developed, and somebody wasn't -- somebody
9 was, apparently, asleep at the wheel.

10 But if I could ask one more -- about
11 one more quote and move on.

12 THE COURT: Okay. Fair enough. And
13 then we will be moving on hopefully.

14 BY MR. DUCOTE:

15 Q. Let me ask you about this. On page 537 of the book
16 *True and False Accusations of Child Sexual Abuse*, do
17 you agree with this statement, quote, Special care
18 should be taken not to alienate the child from the
19 molesting parent. The removal of a pedophilic
20 parent from the home should only be seriously
21 considered after all attempts at treatment of
22 pedophilia and rapprochement with the family have
23 been proven futile.

24 Do you agree with that?

25 A. Let me check this out.

1 Q. It's on 537.

2 A. That is not on that page.

3 Q. Which book do you have? Do you have the *True and*
4 *False Accusations of Child Sexual Abuse*, 1992?

5 A. The one you just read. I'm sorry.

6 Q. I'm sorry. I apologize. Yes, *True and False*
7 *Accusations of Child Sexual Abuse*.

8 A. 1992.

9 Q. 1992.

10 A. Yes. It's not on that page. You'll find that there
11 are a number of -- in the paper that you provided,
12 there are a number of quotations that are attributed
13 to Dr. Gardner. On 537, for example, you have a
14 list of: Keep the child connected to the abuser.
15 Special care should be taken not to alienate.

16 That is not page 537. It doesn't exist.

17 Q. Okay. Does he discuss keeping the child with the
18 perpetrator of child sexual abuse on that page?

19 A. I'm sure there are circumstances -- no, not on this
20 page at all, no.

21 Q. Okay. But -- okay. So let me -- we'll move on.
22 Okay. So do you believe that even if a child is,
23 say, sexually abused by the father, or physically
24 abused by the father, that under those circumstances
25 the mother can still be guilty of parental

1 alienation by not supporting the relationship
2 between the child and the father?

3 A. No, sir. If you have documented abuse of a child,
4 i.e., sexual or physical abuse, then you do not have
5 parental alienation.

6 Q. Okay. And the same is true if the child has a very
7 good relationship with the parent who claims to be
8 alienated, then you don't have alienation, correct?

9 A. Not necessarily. I think, as I explained, in terms
10 of the strategies or tactics that an alienating
11 parent would engage in, is part of the phenomenon.
12 So you can have a parent who is engaging in parental
13 alienation, basically, prepping the child to be
14 alienated, but the child hasn't -- hasn't succumbed
15 to it as of yet or that parent hasn't initiated
16 enough of the tactics or isolated the child enough
17 from the potentially rejected parent, or targeted
18 parent, so that, no, the child would still maintain
19 a relationship but not necessarily be resisting.

20 Q. Okay. So -- okay. So is it your opinion that a
21 child can have a very good, very close, very
22 trusting relationship with a parent, say the father,
23 and that child can still be alienated from that
24 parent?

25 A. We see that in mild cases because we, typically,

1 morph from mild to moderate to severe. So what
2 happens, commonly, is that the mild cases where the
3 child may initially resist but then as soon as
4 they're alone with the targeted parent, they kind of
5 warm up and they go on with their relationship. And
6 it's only when they have to go back to the
7 alienating parent that they start to resume the
8 resistance and display the rejection.

9 Q. Are you an expert in domestic violence?

10 A. I'm required to take training. I mean I know about
11 it. I read about it. I've trained in it. So I
12 guess by the definition of what an expert is, I
13 guess I am.

14 Q. So are you -- have you ever testified as an expert
15 in domestic violence?

16 A. No.

17 Q. Have you ever testified as an expert in child abuse?

18 A. Yes.

19 Q. Okay. What fees have you been paid in this case so
20 far?

21 A. A \$5,000 retainer.

22 Q. And do you have an outstanding bill?

23 A. No, sir.

24 Q. Does that 5,000 take you through your testimony
25 today?

1 A. Yes, sir.

2 Q. Now what exactly did you do in this case?

3 A. Reviewed the documentation and prepared what I refer
4 to as a "Disclosure Statement." But I reviewed
5 documentation in the file.

6 Q. So all you did was review Dr. Bernstein's report?

7 A. No. Actually, I had a number of other
8 documentations here that I did look at. There's the
9 Children's Hospital report dated July 15, 2020;
10 Dr. Bernstein's report, Emergency Motion for Special
11 Relief, dated 7/20/2020; transcript of trial of
12 9/11; Dr. Bernstein's entire file. There was some
13 videos that were provided with, and there are
14 allegations against the father by the mother.

15 Q. Okay. Now this exhibit, the disclosure statement,
16 Exhibit 105, I believe, when did you prepare that?

17 A. I don't remember the exact the date. I don't have
18 it dated, I don't think. I probably should have. I
19 don't recall the exact date.

20 Q. Do you know what you had reviewed before you
21 prepared this document?

22 A. I did not have Dr. Bernstein's file. I had his
23 report, and I think I had some other miscellaneous
24 things.

25 Q. And that was it?

- 1 A. Yes, sir.
- 2 Q. Okay. So how many times did you talk to the father
3 in this case?
- 4 A. I spoke to no one in this case whatsoever. None of
5 the collaterals, not Dr. Bernstein, no one.
- 6 Q. Well -- so you did not conduct any kind of
7 evaluation in this case, correct?
- 8 A. Correct.
- 9 Q. What code of ethics governed the activities you did
10 in this case?
- 11 A. Guided by the American Psychological Association.
- 12 Q. Well, yeah. You're licensed in the State of
13 Florida, right?
- 14 A. Yes, sir. I also have -- well, no. Sorry. Go
15 ahead.
- 16 Q. Do you have a license in the State of Florida?
- 17 A. Yes, I do. I have other licenses around the country
18 that are temporary at this point.
- 19 Q. Okay. What are you licensed in the State of
20 Florida?
- 21 A. I'm licensed as a school psychologist.
- 22 Q. As a school psychologist. You're not licensed as a
23 clinical psychologist, right?
- 24 A. Correct.
- 25 Q. Do you belong to the American Psychological

- 1 Association?
- 2 A. Yes, sir.
- 3 Q. Are you familiar with this book (indicating)?
- 4 A. I have --
- 5 Q. Violence -- I'm sorry?
- 6 A. Yes, sir.
- 7 Q. You have it. And this was put out by the American
- 8 Psychological Association, right? It was put out by
- 9 the -- it's the report of the American Psychological
- 10 Association Presidential Task Force on Violence in
- 11 the Family?
- 12 A. I apologize. I do not have it.
- 13 Q. Are you familiar with it?
- 14 A. I know of it.
- 15 Q. I want to ask you if agree with -- well, wait. Can
- 16 you name one book, professional book, that's been
- 17 written about domestic violence?
- 18 A. Well, you have a book by -- entitled *Bonded to the*
- 19 *Abuser*. I can give you -- that's by Baker.
- 20 *Domestic Violence Sourcebook*, by Berry. *Clinical*
- 21 *Guide to Treatment of You and Trauma and Stress*
- 22 *Reaction*, that's part of it. So *Children and*
- 23 *Violence*, are other books that I have.
- 24 Q. Okay. So I'm going to ask you if you agree with a
- 25 quote from the American Psychological Association's

1 book, *Violence in the Family: Report of the*
2 *American Psychological Association Presidential Task*
3 *Force on Violence in the Family*. Here's the quote,
4 and this is from page 40, quote, When children
5 reject their abusive fathers, comma, it is common
6 for the batterer and others to blame the mother for
7 alienating the children. They often do not
8 understand the legitimate fears of the child.
9 Although there are no data to support the phenomenon
10 called parental alienation syndrome, in which
11 mothers are blamed for interfering with their
12 children's attachment to their fathers, the term is
13 still used by some evaluators in courts to discount
14 children's fears in hostile and psychologically
15 abusive situations. Period. End quote.

16 Do you agree with that?

17 A. Absolutely not.

18 MR. BEGG: Your Honor, just so I
19 understand, what was the title of the book
20 again? I'm having trouble.

21 MR. DUCOTE: The book is -- can you see
22 it?

23 MR. BEGG: Yes.

24 MR. DUCOTE: It's called *Violence in*
25 *the Family: Report of the American*

1 *Psychological Association Presidential Task*
2 *Force on Violence in the Family.*

3 MR. BEGG: And what's the date of the
4 book?

5 MR. DUCOTE: This was published in
6 1996.

7 MR. BEGG: Okay. Thank you.

8 BY MR. DUCOTE:

9 Q. Were you on the APA's Presidential Task Force?

10 A. No, sir.

11 Q. Okay.

12 A. Do you want to know why I refused to accept that?

13 Q. I'm sure you do. Okay. Let me ask you about
14 another quotation from the same book on page 100 and
15 ask you if you agree with this, quote, Child custody
16 and visitation disputes must be understood in the
17 context of family violence and abuse. Period.
18 Custody and visitation disputes appear to occur more
19 frequently when there's a history of domestic
20 violence. Period. Family courts, often, do not
21 consider the history of violence between the parents
22 in making custody and visitation decisions. Period.
23 In this context, the non-violent parent may be at a
24 disadvantage and behavior that would seem reasonable
25 as protection from abuse, may be interpreted as a

1 sign of instability. Period. Psychological
2 evaluators not trained in domestic violence may
3 contribute to this process by ignoring or minimizing
4 the violence and by giving inappropriate
5 pathological labels to women's responses to chronic
6 victimization. Period. Terms such as parental
7 alienation may be used to blame the women for the
8 children's reasonable fear or anger toward their
9 violent fathers. Period.

10 Do you agree with that?

11 A. No. And especially, the part where you say courts
12 don't consider family violence. That doesn't make
13 any sense.

14 Q. Okay. Are you familiar with this publication
15 (indicating)?

16 A. I can't see it. You've got to get it in the center
17 more. Integrating, navigating --

18 Q. *Navigating Custody and Visitation Evaluations in*
19 *Cases With Domestic Violence*, quote, *A Judge's*
20 *Guide*, which was published by the National Counsel
21 of Juvenile and Family Court Judges and the State
22 Justice Institute. Are you familiar with that?

23 A. Yes, sir, I am.

24 Q. Okay. Do you agree with this quote on page 19,
25 quote, Richard Gardner's theory positing the

1 existence of, quote, Parental alienation syndrome,
2 or PAS, has been discredited by the scientific
3 community. Testimony that a party to a custody case
4 suffers from the syndrome should therefore be ruled
5 inadmissible, both under the standard established in
6 *Daubert* and the stricter *Frye* standard. Children in
7 contested custody cases may indeed express fear of,
8 concern about, distaste for, or anger with one
9 parent and those feelings may sometimes have been
10 fostered or encouraged by alienating behaviors on
11 the part of the other parent. On the other hand,
12 there are a variety of competing explanations that
13 need to be explored, including the very real
14 possibility that the children are responding to
15 concerns based on their own experience with the
16 parent from whom they feel estranged.

17 Do you agree with that?

18 A. Some of that, I agree. I mean, basically, you do
19 have to do a comprehensive assessment before you can
20 identify parental alienation. The idea that there
21 is no scientific basis whatsoever, is absolutely
22 misleading. I don't know even know what the date of
23 that is.

24 Q. It's 2006.

25 A. Yes. It's, you know, 14 years ago. Fifteen --

1 going on 15 years of not including a lot of research
2 that has gone on since then. So I think that is
3 quite misleading.

4 Q. Okay. So when you were retained by, I assume,
5 Attorney Begg, what were told about this case?

6 A. Nothing.

7 Q. Just nothing?

8 A. No. I was asked to review the -- Bernstein's
9 report.

10 Q. Okay. You would agree that you were in no position
11 whatsoever to make any suggestion to the Court as to
12 which parent should have custody of this child,
13 correct?

14 A. That's an interesting question. One could argue --
15 I'm not doing that in this particular case, and I'm
16 not doing that today, to make perfectly clear. But
17 again, one could argue that given however the
18 information gets to me in terms of a description of
19 the child's behavior, a description of the parents'
20 behavior, assuming that there is accuracies on some
21 side and perhaps exaggerations on another, that one
22 could possibly do that.

23 In fact, the American Psychological
24 Association actually allows for a case review where
25 the reviewing psychologist could actually render an

1 opinion. You see this most commonly in like -- you
2 know, in some cases you have medical cases, where
3 you have the referring -- the reviewing physician,
4 basically, has nothing but records to review. He
5 can't interview the -- if there's a wrongful death
6 case, they can't interview the body. And they,
7 basically, render an opinion to the court in terms
8 of -- based on the facts of the case.

9 So the answer is, I'm not doing that. Can
10 it be done? Yes, it can be done.

11 Q. In fact, it would be unethical for you, as a
12 psychologist or a school psychologist, to opine on
13 what parent should have custody in a case where you
14 have never even laid eyes on any of the family and
15 have not talked to any of the family and have not
16 done any sort of custody evaluation, correct?

17 A. No. I don't think so. I think I just explained the
18 circumstances in which that's done quite frequently
19 in the court system on the medical, and it's allowed
20 by the American Psychological Association.

21 Q. Okay. Well, this is not a medical case and
22 fortunately, nobody's dead. Okay. So let's take it
23 out of that realm.

24 Are you saying that a psychologist can
25 ethically opine about what parent should have

1 custody when they have not done a child custody
2 evaluation?

3 A. That is typically not done. But given the
4 completeness of a file that was reviewed and the
5 litigation, it is not inconceivable that it could be
6 done. So in some circumstances, it certainly could
7 be done.

8 Q. Do you know, or what is your understanding now,
9 about the father -- the father's perception of his
10 own relationship with his daughter in this case?

11 A. I don't think I can answer that. I don't know.

12 Q. Okay. Do you know whether or not the mother in this
13 case was referred and advised to go to the battered
14 women's shelter with the child?

15 A. I don't know that.

16 Q. So is a mother who legitimately tries to protect her
17 child from the father's domestic violence can also
18 be an alienating parent?

19 MR. BEGG: My objection, Your Honor, is
20 this, I'm assuming this is a hypothetical.

21 MR. DUCOTE: Yes. A hypothetical.

22 THE COURT: Yes.

23 THE WITNESS: Again, if you have
24 documented abuse in a family, you don't have
25 alienation.

1 BY MR. DUCOTE:

2 Q. Okay. And if a parent, say the father,
3 hypothetically, makes threats to harm the mother and
4 that has been established, then would you also agree
5 that the mother trying to shield the child from such
6 potential harm, is not guilty of alienation?

7 A. I would agree with that.

8 Q. Okay. Now you testified in direct that children,
9 even children who have been abused, still love the
10 parent who abused them, correct?

11 A. Not only do they love the parent that abused them,
12 but they want to maintain a relationship with them.

13 Q. Right. So is it your opinion as a psychologist that
14 children who have been abused by a parent should not
15 be removed and shielded from that parent if the
16 child wants to have a relationship with the parent?

17 A. No.

18 Q. Right. The adults have to be adults, right?

19 A. I'm not sure how to answer that.

20 Q. Well, say, if you have a four-year-old child, and
21 let's use the hypothetical I was asking you before
22 about the father having the child perform fellatio
23 on him which, according to you, is not as bad as
24 parental alienation --

25 MR. BEGG: Objection, Your Honor.

1 That's not what he said.

2 MR. DUCOTE: That's what he said.

3 MR. BEGG: He didn't say that. He
4 didn't say that at all. He said --

5 THE COURT: Well, the record will bear
6 out what he said. Let's just focus on
7 exceptions. Okay. Go ahead.

8 BY MR. DUCOTE:

9 Q. So if the child says, well, you know, I want to keep
10 going to Dad's house notwithstanding that act that
11 he makes me do, should that child be allowed to
12 continue having access to the abusive parent?

13 A. Yes. I think what we do is, we maintain a situation
14 where the child can be safe and while the child can,
15 at the same time, maintain a relationship. And
16 that's what we do in family law cases, is make sure
17 that in some way that the parent who committed the
18 act is rehabilitated, and at some point in time, the
19 child maintains a relationship with that parent.

20 We value a parent's relationship and
21 child. And so if there's something amiss between
22 those two, we try and fix what's wrong and we get on
23 with the relationship. It doesn't mean that that
24 parent's never going to have access to that child
25 again. That would be wrong.

1 Q. Okay. So even the parent who, say, actually,
2 physically, vaginally rapes, let's say, a four or
3 five-year-old child, that parent should still have
4 the potential to have a relationship with that
5 child, correct?

6 MR. BEGG: Objection, Your Honor. I
7 don't understand why this line of questioning
8 is relevant given the testimony of the client
9 and what they've been proffered for as far
10 their expertise. I just don't. I don't
11 understand the relevancy of the question.

12 THE COURT: Okay. Mr. Ducote, what is
13 the relevance?

14 MR. DUCOTE: Well, it's relevant in two
15 respects. The first is to show, I believe,
16 the utter, appalling absurdity of this
17 witnesses's views. And second of all, to
18 show that -- how contradictory this whole
19 thing is. Well, if there's abuse, there's no
20 alienation; but if there's abuse, the child
21 should still be with the parent, it's
22 nonsense. It's just utter, dangerous, very
23 dangerous, nonsense.

24 MR. BEGG: It's interesting,
25 Your Honor, because I think the answer was

1 actually the exact same in some ways, which
2 was, in both situations, what Dr. Evans
3 testified about was, ultimately, if possible,
4 while protecting the child, that there be
5 reunification, which is exactly what he said
6 about alienation and exactly what he said
7 about any other thing that a parent is doing
8 to a child.

9 If it's possible to reconcile that
10 relationship, we do everything we can. We
11 protect the child for 90 days in an
12 alienation case from the alienating parent.
13 If you have an abusive parent, there's
14 supervised visits, there's therapy. But the
15 ultimate goal, if you can do it -- it might
16 be 15 years, but if you can do it, you want
17 the child to have a relationship with that
18 parent.

19 So to me, they're the exact same
20 things. And Dr. Evans has been very clear in
21 that testimony with regard to what's
22 ultimately in the best interest of the child.

23 THE COURT: Okay. Well, I think this
24 particular question is permissible. Go
25 ahead. Overruled.

1 THE WITNESS: I'm sorry. You'll have
2 to repeat the question. Oh, yeah. Was this
3 the one where you had vaginal penetration?

4 BY MR. DUCOTE:

5 Q. Yes. That's the one.

6 A. And again, I think the circumstances of the case has
7 to be reviewed. You have to see how rehabilitative
8 the perpetrator is. I can tell you that the child
9 will want to maintain a relationship, and the idea
10 is to find a way to do it in a safe manner.

11 Q. So these concepts such as prosecution, termination
12 of parental rights, and those sort, I suppose in
13 your view, would be inappropriate for that kind of
14 situation?

15 A. I think the case facts have to answer that question.
16 It's not a blanket, any kid who is sexually
17 penetrated should have a relationship with the
18 perpetrator. I am not saying that whatsoever.
19 Okay. Are there circumstances when termination of
20 parent rights is justified and needed? Absolutely.
21 So I mean you can't take one statement and just
22 whitewash the whole thing. That doesn't make any
23 sense.

24 Q. Okay. Well, you had talked about some of the
25 alienating behaviors that a parent could do in your

1 view, like calling the police. So for example. If
2 a child -- if a parent learns -- a mother, say,
3 learns that her four-year-old is being vaginally
4 penetrated by her husband's penis, is it alienating
5 for her to call the police and have him arrested for
6 that?

7 A. In that specific example, based on the training that
8 I have, if you have a four-year-old that has been
9 penetrated by an adult's penis, you're going to have
10 physical damage to that child which is going to be
11 blatantly evident that this child has been abused.
12 And so, no, that needs to be addressed, obviously,
13 appropriately in terms of medically for the child
14 and whatever we have to do relative to the
15 perpetrator. And if he's not rehabilitative --
16 able, then you have to take appropriate action.

17 Q. Okay. Well, let's go back to the question I asked
18 you. In that situation, if a mother learns that her
19 husband is sexually penetrating their four-year-old
20 daughter, is it alienating behavior for her to call
21 the police and have him arrested?

22 MR. BEGG: He answered the question.

23 He said, no.

24 MR. DUCOTE: No. He didn't answer the
25 question. He danced.

1 THE WITNESS: No, I didn't. Absolutely
2 not. Is it alienation? No.

3 THE COURT: Okay.

4 BY MR. DUCOTE:

5 Q. Very good. Okay. I think just a couple more
6 questions.

7 Say you have a father, hypothetically, who
8 is physically and sexually abusing, say a
9 four-year-old child. What sort of alienating
10 behavior could the mother do in that situation that
11 would be worse than the physical and sexual abuse of
12 the child?

13 A. If you have -- you have abuse going on, you don't
14 have alienation. Alienation comes in if there's a
15 five-factor model for alienation. Let me go through
16 this.

17 Number one, you have a child who has a
18 positive relationship, at one time, with the
19 rejected parent. Number two, there are no
20 documentation, there's no proof, there's nothing
21 relative to child abuse. If you have child abuse in
22 a case, you do not have parental alienation. And
23 the other three factors, we've already talked about.
24 There's behaviors in the child. There's behaviors
25 in the alienating parent and -- so if you have

1 abuse, there's no alienation.

2 Q. And along those lines, do you have to know that the
3 abuse occurred beyond a reasonable doubt, by a
4 preponderance of the evidence, or clear and
5 convincing evidence, for it not to be alienation for
6 the parent, say the mother, to be concerned about it
7 and to take protective action?

8 A. I think that's a reasonable stipulation or criteria.
9 Because depending on the age of the child, our
10 literature very much -- very complete in terms of
11 how children are influenced and misled, how children
12 can be manipulated in these investigations. And so
13 it can't just be the child's allegation. It can't
14 just be the parent of the child telling everybody
15 what the child has told them.

16 So the age of the child, the circumstances
17 of the allegations. Are you in the middle of a high
18 custody -- high conflict custody battle and the
19 allegations of abuse surface? That's a significant
20 factor the Court needs to take into consideration.

21 Is there any evidence, whatsoever, about
22 the abuse other than an utterance from the child or
23 an utterance from the -- one of the parents of the
24 child? That has to be taken into consideration, the
25 circumstances of allegations, the investigation of

- 1 the allegations.
- 2 Q. In this case, who actually paid you? Is it the
3 father or the law office, his counsel?
- 4 A. I am not certain.
- 5 Q. Why didn't you have any conversations whatsoever
6 with the father in this case?
- 7 A. The only time I would have a conversation with any
8 of the parties is if I could have a conversation
9 with both parties.
- 10 Q. Did you ever ask to do that?
- 11 A. Not in this case.
- 12 Q. You were asked about the DSM-5, which is the
13 *Diagnostic and Statistical Manual-Fifth Edition* of
14 the America Psychiatric Association, correct?
- 15 A. Yes, sir.
- 16 Q. And you had mentioned Dr. William Bernet. Do you
17 know him?
- 18 A. Yes, I do.
- 19 Q. And he's out of Nashville, Tennessee, right?
- 20 A. Vanderbilt University, yes.
- 21 Q. Right. And he's like another big PAS expert, right?
22 Parent alienation syndrome, right?
- 23 A. He's a well-written expert in the area. Edited
24 books, written books, et cetera, et cetera.
- 25 Q. Right. Do you know how many reported case decisions

1 there are where men were convicted of sexual abuse
2 of children where he was the defense expert trying
3 to get them off and those convictions were affirmed
4 and those men went to prison for long prison terms?

5 A. I have no idea.

6 Q. Okay. Would you agree that he was the number one
7 proponent of trying to get parental alienation or
8 parent alienation syndrome included in the DSM-5?

9 A. Actually, there was a committee of about 30 of us.
10 I participated in that. And we actually produced a
11 book that, ultimately, became the application to the
12 American Psychiatric Association to have it included
13 as a disorder.

14 Q. Okay. So 30 of you. And these would be like the 30
15 biggest experts in the field of this parent
16 alienation, wrote a book, went to the American
17 Psychiatric Association and said, this needs to be
18 included as a specific diagnostic disorder in the
19 DSM-5, right? That's what you did, correct?

20 A. And I explained why it wasn't.

21 Q. Well, we're going to get to that. Who else was on
22 the committee? Was Dr. Bone on there? Dr. Rand?

23 A. I couldn't tell you. I mean there's 30 of us. I'd
24 have to find it.

25 Q. Can you think of any of the other --

1 A. Dr. Lorandos, Amy Baker, Dr. Miller, Richard Sauber
2 -- that's off the top of my head.

3 Q. And the American Psychiatric Association looked at
4 this and said, basically, hell no, we're not putting
5 this in the book, right?

6 A. No. That's not what they said. I don't know
7 exactly what they said.

8 Q. So what you said and what Dr. Bernet says is, well,
9 it's not really in there but it really is in there;
10 it's not in there like we wanted it to be, but if
11 you take this and this and this diagnosis and this
12 diagnosis and this diagnosis, and I guess you add
13 them all up or you mix them all up or something,
14 then you kind of save face and say, well, it's in
15 there, right?

16 A. No. Not at all. And you're really misrepresenting
17 that process as well, looking at the phenomenon of a
18 parent, basically, manipulating a child to reject
19 another parent for invalid reasons. And so when you
20 start looking at that kind of behavior or what goes
21 beyond, you find out that the alienating parent, my
22 words, the parent that's manipulating and
23 programming the child, basically, frequently will
24 have a lot of disorders unto themselves. So that's
25 a possibility there.

1 As I mentioned earlier, the rationale for
2 not including parental alienation, the words, is
3 that they found that parental alienation was not a
4 disorder in an individual. It was a function of the
5 dysfunctional relationship between the parents. So
6 that's the distinction.

7 Every disorder in the DSM is a disorder
8 found within an individual as opposed to between
9 individuals. Parental alienation is a relationship
10 problem, not that -- and it is, basically, they --
11 it's the World -- not the World Health Organization.
12 The ICD, International Code of Diseases, I believe,
13 has mentioned it. It's mentioned in the index.

14 Q. Right.

15 A. The latest version.

16 Q. So do you think maybe the American Psychiatric
17 Association, when they found out that you guys were
18 going and saying that being raped as a four-year-old
19 was not as bad as this parental alienation syndrome,
20 that they kind of figured this was a bunch of
21 nonsense?

22 MR. BEGG: Objection. That question is
23 a bunch of nonsense. He never said that. He
24 never said raped as a four-year-old is
25 whatever Mr. Ducote just said. He just

1 didn't say that.

2 MR. DUCOTE: Okay. I don't have any
3 other questions.

4 THE COURT: Okay. Would you rephrase,
5 Mr. Ducote?

6 MR. DUCOTE: Sure.

7 BY MR. DUCOTE:

8 Q. When -- this group of 30, did you all have a name?
9 Was this the Richard Gardner Team Gardner or
10 something? I don't know. What did you call the
11 group?

12 MR. BEGG: Objection. That's just
13 argumentative.

14 BY MR. DUCOTE:

15 Q. I'm just trying to -- did this group of 30, was
16 there a name that went with the entity?

17 A. No.

18 Q. Okay. So when you all went to the American
19 Psychiatric Association and asked them to
20 specifically put PAS in the DSM-5, did you consider
21 that this shouldn't be put in the DSM-5 for the same
22 reasons that it wasn't, ultimately, included? You
23 all didn't think of that in advance?

24 A. We didn't anticipate that their decision would come
25 down because it's not -- it's a relationship problem

1 as opposed to within the individual. So no, that
2 wasn't considered. I don't know how else to answer
3 your question.

4 Q. Do you think it had anything to do with the fact
5 that this is supposedly the only, quote, disorder
6 that's actually diagnosed by lawyers as opposed to
7 mental health professionals?

8 MR. BEGG: Objection. There's no
9 foundation for that question, Your Honor.

10 MR. DUCOTE: Okay. I don't have any
11 other questions. Thank you, sir.

12 THE COURT: Okay. Thank you, sir.

13 Mr. Begg?

14 MR. BEGG: Your Honor, can I just have
15 a few minutes?

16 THE COURT: Of course.

17 (COURT RECESSED: 1:30 P.M.)

18 (COURT RECONVENED: 1:34 P.M.)

19 THE COURT: All right. Ready when you
20 are.

21 MR. BEGG: I don't know if Mr. Ducote
22 is back yet or --

23 THE COURT: There's Mr. Ducote.

24 MR. DUCOTE: I'm here.

25 THE COURT: All right. Ready when you

1 are.

2 * * *

3 REDIRECT EXAMINATION

4 * * *

5 BY MR. BEGG:

6 Q. Okay. Dr. Evans?

7 A. Yes, sir.

8 Q. Has the concept of parent alienation changed or
9 morphed in any way since Dr. Gardner's books and
10 findings?

11 A. Yes. Because you'll find that in his works, he
12 never refers to it as parental alienation. It's
13 always the syndrome because he's always focusing,
14 primarily, what's going on within the child as
15 opposed to what's happening between the adults or
16 caretakers of the child. So it's been -- it has
17 been updated through research.

18 For example, the five-factor model didn't
19 exist back in 1985. That's relatively recent, the
20 last year or two.

21 Q. And has your educational and subsequent, your
22 expertise in the area of parental alienation changed
23 since Dr. Gardner's books?

24 A. I would say it's increased exponentially.

25 Q. And you were asked questions from a book from 1996.

1 And has the concept of parental alienation changed
2 since 1996?

3 A. Yes.

4 Q. Okay. You were asked questions from a book about --
5 from 2006. Some kind of judge's manual. Has the
6 concept of parental alienation changed in the last
7 14 years?

8 A. Yes. Yes. I mean we've learned -- and the argument
9 back 14 years ago was, there was no research, there
10 was no basis for the argument, this was
11 pseudoscience, it was basically a fiction of
12 somebody's imagination. Since then there's been a
13 thousand -- well, over a thousand documentations of
14 addressing the issue, not to mention, huge volumes
15 of books that have gone on and research relative to
16 case law and litigation throughout the United
17 States, throughout the world, in fact.

18 Q. And you were not able to really answer a question
19 about the 2006 judge's manual. Did you have any
20 specific response that you wanted to give about that
21 manual?

22 A. No. I just had highlighted some of the
23 misinformation that's in it. That's all.

24 Q. Okay. So from your perspective, things have
25 changed, from your expertise, since the entry of

1 that book?

2 A. Oh, yes. Yes.

3 Q. Now you were asked questions about -- or you just
4 referenced something late in your cross-examination
5 about disorders that people -- you were asked
6 questions about the DSM-5. And your answer was --
7 started to be something about people who have
8 parental alienation -- who are conducting parental
9 alienation may have some mental disorders, if you
10 recall that answer in your cross-examination. Do
11 you recall that?

12 A. Yes.

13 Q. And can you expound upon that a little bit?

14 A. Well, we find that alienating parents, typically,
15 commonly, not all of them but very frequently, will
16 meet the definition of either narcissistic or
17 borderline personality disorder.

18 Q. And that is based upon your expertise and studying
19 of the information that you've learned over the last
20 how many ever years?

21 A. It's based on the research that I've identified
22 that.

23 Q. You were asked multiple questions about, you know,
24 putting on the scale, if you will, whether parental
25 alienation is worse than being hit with a hammer.

1 You were asked questions about raping a
2 four-year-old versus parental alienation. All of
3 these things on this scale of which is worse, one or
4 the other. First of all, is it possible that you
5 can even answer those questions in that context?

6 A. Well, the --

7 MR. DUCOTE: Objection. Objection,
8 Your Honor. I don't know -- object to the
9 form of the question. He did answer the
10 question. So the question, is it possible
11 for you to answer the questions, when they've
12 already been answered, is not proper.

13 MR. BEGG: He answered the question by
14 saying, I can't answer the question. He said
15 it depends on the facts and circumstances.

16 THE COURT: He answered a couple
17 different ways. Let's have you rephrase the
18 question, Mr. Begg.

19 BY MR. BEGG:

20 Q. Can you measure what's worse, being hit with a
21 hammer or parental alienation?

22 A. Can you measure it? No.

23 Q. Does it depend upon a case-by-case situation?

24 A. It depends on the facts in the case.

25 Q. That was my question. So it depends on the

1 individual case?

2 A. Right.

3 Q. And if a person commits a crime, a parent commits a
4 crime against their child for example -- whatever
5 the crime may be -- rape, abuse, physical abuse --
6 do you believe that it's appropriate for there
7 potentially to be criminal sanctions for those types
8 of behaviors if they do commit the crime?

9 A. Of course.

10 MR. BEGG: All right. I have no
11 further questions, Your Honor.

12 THE COURT: Okay. Mr. Ducote, anything
13 following?

14 MR. DUCOTE: No, Your Honor. That's
15 it. Thank you.

16 THE COURT: Thank you. Okay. There
17 are no more questions for you. You may leave
18 the conference. Thank you, very much.

19 DR. EVANS: Thank you, Your Honor.

20 MR. BEGG: Thank you, Dr. Evans.

21 THE COURT: Thank you.

22 MR. BEGG: Your Honor, I don't know how
23 you want to -- we have a witness. We only
24 have 20 minutes, 19 minutes. I do not -- I
25 would prefer, with this witness, not to stop

1 and then start again. And I don't know how
2 you feel about just starting with her the
3 next hearing. It's up to you, Your Honor.

4 THE COURT: That's fine. Our next date
5 -- I'm trying to look at the calendar. Is it
6 the 6th -- Matt, are you with me? When's the
7 next date?

8 MR. DUCOTE: The 14th, I believe,
9 Your Honor.

10 THE CLERK: The 14th.

11 THE COURT: Yes, sir. Okay. I see it
12 there. All right. So we've got the 14th,
13 after that, what do we have, Matt?

14 THE CLERK: The 1st of February.

15 THE COURT: Okay. So we didn't have
16 anything else. Okay. Then we'll start to
17 look for some other days here in February.

18 I think, yes, perhaps, that's the best,
19 Mr. Begg. If you don't want it broken up, we
20 can start on the 14th with it. What is --
21 and I believe your case in chief will be done
22 after that witness; is that right?

23 MR. BEGG: Correct, Your Honor. My
24 next witness is Mr. S*****'s mother as a
25 collateral witness, and I do not see her

1 taking more than an hour at all, if that.

2 THE COURT: Fair enough. Let's do
3 that. We'll reconvene on the 14th, and we'll
4 finish up your case and begin Mr. Ducote's.

5 (COURT ADJOURNED: 1:43 P.M.)
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C E R T I F I C A T E

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I hereby certify that the proceedings are contained fully and accurately in the notes taken by me at the hearing of the within cause and that this copy is a true and correct transcript of the same.

Jill A. Josey
Official Court Reporter