

FILED UNDER SEAL

STATE OF VERMONT

SUPERIOR COURT
LAMOILLE UNIT

FAMILY DIVISION
Docket No.

EDWARD FLANAGAN,
Plaintiff

v.

NANCY DUMONT,
Defendant

)
)
)
)
)
)
)

DEFENDANT'S VERIFIED MOTION TO MODIFY PARENT CHILD CONTACT

Defendant Nancy Dumont, by her attorneys, Gravel & Shea PC, hereby files the instant Motion to Modify Parent Child Contact ("Motion to Modify"). In support, Nancy states as follows:

Introduction

The Parties have one minor child, Leila Flanagan (DOB 06/04/09). Per the March 26, 2013 Final Divorce Order, the Parties equally share physical parental rights and responsibilities of Leila. Final Order, ¶ 2. Nancy has sole legal parental rights and responsibilities of Leila. *Id.* at ¶ 1. A week on/week off schedule is currently in place. Leila has historically experienced

a long standing history (?)
of extreme anxiety regarding transitions to her father's home. The situation has deteriorated. The current parent-child contact schedule is no longer tenable due to Leila's *serious/dramatic/severe* emotional and physical deterioration.

Leila is diagnosed with adjustment disorder and anxiety. See April 2021 Medical note. Leila's anxiety manifests itself in forms of obsessive compulsive disorder, *excoriation disorder; skin picking* such as skin picking. *bleeding, sores* *Id.* Leila skin picks to the point of causing self-inflicted scabs and has begun pulling out her

eyelashes. Leila has been in therapy with Dr. Rebecca Owen Ruid, PhD ("Dr. Ruid") since

gravel &
shea
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
76 St. Paul Street
Post Office Box 369
Burlington, Vermont 05402-0369

MAY 4, 2020

5/4/20
She previously saw therapist Helene Nilson
I can call Helene who would be positive for
the case as a witness I'm sure.

In addition to discussing her anxiety and issues surrounding transitions to her father's with Dr.

Ruid, Leila also speaks regularly with her doctor, Paul Jon Parker, MD.

Recently began Tidman
Seeing Dr. Andrea ~~Tidman~~
at same office.

On February 17, 2022, Leila completed a Modified Patient Health Questionnaire with Dr.

and again on 5/2/22 (also indicated at dad's) office.

Parker, rating her feelings and stating that she only feels down, depressed, irritable or hopeless

when at my dad's usually, nearly every day." See attached _____. On March 21, 2022, Leila

went to the doctor due to her anxiety. Medical Note. She reported feeling unable to breathe. *Id.*

She reported that the "panic attacks" were related to going to her father's. *Id.* She also reported

feeling isolated at her father's and being unable to speak to her mother when she wanted to do

so. *Id.*

On April 9, 2022, Defendant called the police because Leila was refusing to go home

with him. The police responded to the scene. Ultimately, Leila was permitted to return to

Plaintiff's house. Since April 9, Leila has refused to follow the routine schedule. She has voiced

her fear, concern and refusal to resume overnights at her father's with Dr. Ruid, her guidance

counselor, her teachers, and/or family friends. Since April 9, 2022, Leila has run away from her

father at pick up time and hidden in the bushes.

Leila's fears about going to her father's has increased to the point where she has become

unwilling to spend overnights at her father's home pursuant to the routine parent-child contact

schedule. Plaintiff waited to file a Motion to Modify in the hopes that doing so would not be

necessary. Unfortunately, the situation has worsened rather than improved and Leila's physical

and emotional health are being negatively impacted. Plaintiff is filing the instant Motion to

Modify pursuant to 15 VSA § 758 based on Leila's emotional and physical decline, which

constitutes a real, substantial and unanticipated change in circumstances necessary to modify the

current parent-child contact schedule.

Leila was sent home to mother's
house by police officer, Sargent O'Steen who stated, "I
said that my priority was to make
sure Leila was safe"

(cameras at school) has
Leila's reported that her dad chased her

1. The Parties were divorced by Final Order of this Court on March 26, 2013.
2. The Parties have one minor child, Leila Flanagan (DOB 6/4/09).
3. Plaintiff and defendant share physical parental rights and responsibilities of Leila.

Plaintiff has sole legal parental rights and responsibilities of Leila.

4. Leila is currently refusing to go to her father's home.
5. Leila has been in therapy with Dr. Rebecca Owen Ruid since 5/4/2020.
6. Leila is diagnosed with _____.
7. Leila's concerns and anxiety about going to her father's house have worsened over the past few months. *and have impacted her emotional, physical well and her performance being at school.*
8. On January 22, 2022, Leila reported that her step mother forced her to sit in a chair for almost two hours and then came from behind and pushed the chair over, with Leila on it, which caused Leila and the chair to fall over. *Shaking her shoulders*
9. Leila reports that her step mother has put her hands on her at other times as well. *long history, Leila reports Tina parvin (stepmom) used to hold*
10. Leila picks at her skin, pulls out her eyelashes, and has begun getting dizzy as a result of the anxiety she has around transitioning to her father's house. *been unable to breathe & She also gets physically sick diarrhea her upside down when she was upset.*
11. On April 9, 2022, Edward called the Stowe Police Department when Leila refused to go home with him. Leila told the police officer that "she doesn't enjoy staying with her father and step-mother, and that they are really hard on her." Stowe PD report.
12. On April 11, 2021, Leila refused to go with her father when he went to school to pick her up. Leila hid in the bushes to avoid going home with him.
12. Since April 9, 2022, Leila has only spent 8 nights at her father's home.
1. Nancy has observed Leila experiencing increased anxiety in regards to contact at her father's home. However, rather than file a Motion to Modify, Nancy remained optimistic

he doesn't believe
Ed has told Leila & Dr. Ruid that Leila
that Tina has been physical with her.
that the dynamic could or would change. Nancy was hopeful that Edward would attend therapy
with Leila as recommended by both Leila's therapist and Leila's primary care doctor.

2. At the time of this filing, despite being encouraged to do so, Edward has not
attended therapy alone with Leila. Edward has met w/ ~~Leila~~ Dr. Ruid
Tina and Leila IX but refuses

3. Nancy seeks to modify the Parties' parent child contact schedule pursuant to 15
V.S.A. § 758. to attend co-parenting therapy w/ Nancy alone family or w/ Leila

3. Plaintiff proposes that Defendant's parent child contact order be modified to
every other weekend from after school on Friday (or 3 p.m.) until Sunday evening at 6 p.m. and
Wednesday afternoons from after school until 7:30 p.m. In the event that Leila is open to
spending more time with Defendant and/or it is recommended by her therapist that she do so,
Plaintiff will agree to do so. Plaintiff is hopeful that a modified parent child contact schedule
and attending family therapy will give Leila the space she needs to heal her relationship with her
father. (and step mother?) I worry about this w/ or Ruid! maybe instead the FAMILY THERAPIST

4. For the foregoing reasons, Plaintiff respectfully requests that this Court:
(Step mother?)

- a. Require Defendant and Leila to attend family therapy;
- b. Until such time that Leila's anxiety decreases, modify parent child contact
to every other weekend and Wednesday afternoons; and
- c. Grant such other relief as the Court deems just and necessary.

WHEREFORE, Defendant respectfully requests this Court grant Defendant's Motion to
Modify Parent Child Contact.

Dated: Burlington, Vermont
5/2/2022

/s/ Amanda M. Hemley

Amanda M. Hemley, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369

gravel &
shea ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION
76 St. Paul Street
Post Office Box 369
Burlington, Vermont 05402-0369

Narrative Type

Report

Officer

M332: O'steen, B: 04/11/22 09:09



Confidential

Narrative

On 04/09/22, at approximately 1706 hrs., Edward Flanagan called Stowe PD regarding a custodial dispute. Edward has shared custody of his daughter, Leila Flanagan (DOB: 06/04/2009). Edward said that Leila was outside of his business, Stowe Seafood, and she was refusing to go home with Edward. He also advised the Derek Schnee was outside with his daughter, and that Derek was trying to intimidate Edward. Edward explained that Derek was the boyfriend of Leila's mother.

I responded to the Baggy Knee's complex and both Derek and Leila were sitting on a bench in front of the Edward Jones business. Derek had his arm around Leila and appeared to be comforting her. I walked over to the them, and Edward Flanagan walked over from his business. After introductions, I asked to speak with Leila alone. Leila agreed and we walked a short distance away to speak privately. Leila said that she doesn't enjoy staying with her father and step-mother, and that they are really hard on her. Leila explained that usually she switches back and forth to each household every week, but this visit with her father was going to be 20 days in a row due to Spring Break. Leila said that she was stressed out right now, and it was probably due to not getting enough sleep the night prior at a sleepover with friends. Leila just wanted to go home to her mother and Derek. Leila said she felt safe with Derek, who she identified as her "stepfather". Derek had come to the location because Leila had called him.

I asked that if she did not go home with her father today, would she call him tomorrow to figure out the remainder of the visit. Leila said "yes".

I spoke with Edward and explained what Leila had relayed. Edward said that the transitions between households have been tough over the past 10 years. Edward said that he had court documents to prove that she was supposed to be with him. I advised that he could easily go through the court system to make sure their custodial agreement is followed, however, I also advised that maybe Edward should try to communicate with his daughter and work on their relationship, especially as she was going to be a teenager soon. I said that my priority was to make sure Leila was safe, and advised that the custodial agreement was a civil issue.

Edward spoke with Leila for a few minutes alone, and they both agreed with a phone call the following day to figure out the rest. Leila went home with Derek to her mother's house.

End of report.

Offense Suspect

Offense Victim

IBR Victim-Offender

V. was LEO

V was LEO Assignment

Other ORI

Bias/Motivation (anti)

LEOKA Narrative

