**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

RZ, : NO. 99-20,160
Plaintiff :
:
vs. : CIVIL ACTION - Law
: Custody
RWI, SR., :
Defendant :

OPINION AND ORDER

Before the Court is a request by RZ (grandmother) for the establishment of summertime visitation with her grandson, RWI, Jr. It should be noted that by separate Order this Court is relinquishing jurisdiction to the State of Washington. However, the issue of summertime visitation was pending at the time of the conference on jurisdiction and therefore is considered to be ripe for decision by this Court.

The undersigned has consistently maintained that it is in R's best interest to maintain a relationship with his mother's side of the family. Visitation was therefore granted under Pa. C.S. Section 5311. The Court in its many contacts with this case has found RZ not only to be an appropriate caretaker but an ideal grandparent. Regrettably, in this past several years, Mrs. Z has been able to secure precious little time with her grandson. She has been subjected to a number of manipulations and, in this Court's opinion, a determined pattern of alienation perpetrated by the child's father, RWI, Sr. The excuses advanced by father would almost be laughable if it were not for the fact that he appears to have subverted his son's emotional well-being in order to create this firewall between his son and the son's mother's side of the family.

For example, father once opined with great angst that the Court was responsible for the destruction of R's primary education because it suggested he forego a day of kindergarten in order to

effect a springtime visitation with his grandmother in Florida. On other occasions, father has complained about the length of travel from Williamsport to Baltimore (approximately three hours) and how physically debilitating that was for R. He has additionally complained about nearly every person designated by the Court to escort R to and from his visits. Father has attempted to limit the activities engaged in by R on his visits with his grandmother and has attempted to restrict the nature of her conversations with R by creating a taboo with regard to any mention of his mother.

Father has created an atmosphere where the child appears to have severe and otherwise unexplained outbursts prior to visitations. Grandmother and the child's uncles report that as soon as R is out of the sight of his father, these hysterical outbursts quickly subside. Regrettably, the Ies moved to the State of Washington, which provided an even greater geographical barrier for such visits. It is interesting that father attempted to invoke in Pennsylvania, a Washington case[1] to advance the proposition that all grandparent visitations should be terminated. That attempt was rejected by this Court and shortly thereafter, father moved to the State of Washington.

Since the child has been in the State of Washington, no visitations have taken place and father has provided a number of excuses including the child's severe phobia of flying. Father has indicated that R has been terrified of airplanes since the terrorist attacks on September 11, 2001. This Court has insisted that R be required to fly to Florida in any event, but at the time of the last visitation, R conveniently came down with an ear infection which medically prevented his flying. This Court has come to the realization that any type of visitation which requires the transport of R to the State of Florida will be frustrated.

For her part, Mrs. Z has been quite constrained. The Court certainly understands Mrs. Z's position, that her desire to see her grandson lies in the fact this is her daughter's only child and she has true and abiding affection for this child. Further, the Court is aware of the physical limitations which confront Mrs. Z and how difficult travel has become for her as a result of a number of afflictions consistent with her advanced age. In spite of her physical frailties, Mrs. Z possesses a keen mind and exercises good judgment.

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[1] Troxel v Granville, 120 S. Ct. 2060 (2000).

Unfortunately, as a result of the foregoing, this Court has come to realize that, "as Muhammad will never go to the mountain, therefore the mountain must go to Muhammad". The Court acknowledges there is an inequity in the following Order, however, it is instituting this Order because of the desire to accomplish the visitation for Mrs. Z that has been so long denied. It should be noted the Court asked the parties for proposals and the following Order is essentially the proposal submitted by Dr. I. Therefore, there should be absolutely no excuse for any lack of compliance by Dr. I.

ORDER

AND NOW, this day of May, 2002, it is hereby ORDERED AND DIRECTED that Mrs. Z shall be given a period of visitation with R to be exercised in the State of Washington commencing at a mutually agreeable time on June 18, 2002 to July 2, 2002 and a second week from August 6, 2002 to August 13, 2002. This visitation may be exercised without supervision and Mrs. Z may travel regionally with R. She shall advise Dr. I of her itinerary. Mrs. Z shall be permitted a phone call with R to discuss the itinerary and the advisability of whether such visitation should be overnight. Should Mrs. Z determine that suitable arrangements can be made for overnight visits and in her opinion such will not detrimentally impact the child, then she is permitted to exercise same.

By the Court,

Dudley N. Anderson, Judge

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Hon. Dudley N. Anderson