

1988

Kathy Ann Dopp v. Jonathan Olch : Petition for Writ of Certiorari

Utah Supreme Court

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Robert Felton; attorney for respondent.

Robert B. Hansen; attorney for appellant.

Recommended Citation

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BRIEF

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IN THE UTAH SUPREME COURT

880058

| | | |
|-----------------------|---|---------------------|
| KATHY ANN DOPP, | : | |
| Plaintiff/Appellant, | : | |
| vs. | : | Case No. 87-0572-CA |
| JONATHAN OLCH, | : | Priority No. 13 |
| Defendant/Respondent. | : | |

PEITION FOR A WRIT OF CERTIORARI

FILED BY APPELLANT

Petition for Review of Decision of Court of Appeals (Case
No. 87-0572-CA), per curium.

Honorable Richard C. Davidson, Regnal W. Garff, and Pamela
T. Greenwood, Judges of Court of Appeals.

Robert Felton, 1056
Attorney for Respondent
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Salt Lake City, Utah 84180
(801) 359-9216

Robert B. Hansen, A-1344
Attorney for Petitioner/Appellant
320 South 500 East
Salt Lake City, Utah 84102
(801) 322-5804

FILED
880058
Clerk, Supreme Court, Utah

IN THE UTAH SUPREME COURT

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| KATHY ANN DOPP, | : | |
| Plaintiff/Appellant, | : | |
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QUESTIONS PRESENTED FOR REVIEW

1. Did the Court of Appeals ignore appellant's constitutional rights to due process under both the federal and state constitutions because the record in this case shows she was given no notice before the hearing of June 29, 1987 that the issue of entering a "no-contact order" would be heard at that time but was only advised by notice that she would have to show cause as to why she should not be held in contempt for violation of a prior court order dated February 19, 1980 which the notice said ordered that "you not contact the Defendant or members of his family" when in fact the order of February 19, 1980 did not so order? In other words, does a court violate one's constitutional rights by entering an order *su sponte* against a party litigant who is unaware that such an order is being considered prior to its entry?

2. Did the Court of Appeals erroneously conclude that the order appellant sought to have modified due to a change of circumstances was the one entered on February 19, 1980 (which had no "no-contact" provision) rather than the one entered August 13, 1987 which did have a "no-contact" provision?

3. Did the Court of Appeals err in ignoring appellant's citation to the provisions of Sec. 78-27-56 U.C.A. 1953 in its decision that "We can find no other basis for an award of attorneys fees under the circumstances of this case and appellant has indicated none" (page 4) (underscoring added) when that section was cited by appellant twice in her Docketing Statement (see paragraph No. 5(4) and also paragraph No. 7)?

REPORTS OF OPINION

The subject decision has not been published and the Court of Appeals has directed that it not be published. A copy of the decision is No. 1 of the Appendix.

JURISDICTION

1. Jurisdiction of this court is invoked on the basis of Sec. 78-2-2(5) U.C.A. 1953.

2. The decision sought to be reviewed was entered on January 6, 1988.

3. An extension of time for seven days to file this petition was entered on February 8, 1988.

4. See No. 1 as for Rule 46(a) 5(D) of R. Utah S. Ct.

CONTROLLING PROVISIONS OF EXPRESS LAW

Fourteenth Amendment to Constitution of United States

Article 1, Sec. 7 of Constitution of Utah

Sec. 78-23-1 U.C.A. 1953

Sec. 78-27-56 U.C.A. 1953

Sec. 78-45A-1 et sec. U.C.A. 1953.

STATEMENT OF CASE

The subject proceedings were contempt proceeds growing out of a paternity suit in which the appellant was served an order to show cause on June 29, 1987 as to why she should not be held in contempt of court for writing letters to respondent concerning the emotional welfare of their son who was born out of wedlock and whose paternity was never admitted or judicially established. Appellant

appeared by counsel and pointed out to the court that no "no-contact" order had ever been made by the trial court which had only approved by order of February 19, 1980 the parties contract to settle out of court which did contain a "no-contact" covenant (the duration of which was not set forth) and which contract was not incorporated in the order in question. The court found that appellant was not in contempt of court but entered an order sua sponte several days later on August 13, 1987 and without notice to appellant that the court was considering such an order. Appellant then moved for a dismissal of the paternity suit on the grounds that respondent had not caused the dismissal with prejudice that the subject order directed and alternatively for an order amending the "no-contact" order of August 13, 1987 on the grounds of changed circumstances since the contract was approved by the court in February 1980 and the time of the motion, to wit the emotional trauma of the child in question. The trial court denied both motions. An appeal to the Court of Appeals resulted in the decision herein petitioned to be reviewed.

FACTS

The single most important fact is that the District Court of Salt Lake County had never ordered the appellant not to contact respondent prior to respondent commencing the contempt proceedings which began by an order to show cause dated May 15, 1987 (no citation can be given as to that because one can not pin point a negative. The closest one may come to do so in this instance is to note that the trial judge's minute entry of June 30, 1987 states "There appears to be confusion about whether an order exists". Appendix No. 3*),

The second most important fact is that the order to show cause of May 15, 1987, did not give appellant notice that an order of "no-contact" would be sought on June 29, 1987 as a result of the hearing that date (Appendix No. 2). The Court of Appeals said that appellant had notice. She did but it is not sufficient that she had any notice but notice as to the precise question as to whether a "no-contact" order was to be entered thereafter.

The third most important fact is that the court order of August 13, 1987 was made sua sponte and without notice to appellant (again the lack of notice is a fact which can not be pinpointed as it is a negative fact).

The fourth most important fact is that a young child is in emotional distress and the appellant mother should not be precluded from seeking to relieve the same in any lawful manner that she can (Appendix No. 7).

The final critical fact as to Sec. 78-27-56 U.C.A. 1953 is that initial contempt order was without merit and not brought or asserted in good faith (based on fact "first" above).

ARGUMENT

As to the first issue (due process), the Court of Appeals has sanctioned such a departure by the District Court as to call for an exercise of this Court's power of supervision. Thus the application of Rule 43(3) R. Utah S. Ct. requires that granting of this petition as the record is clear that appellant did not have any notice that the court would be asked to enter a "no-contact" order more than seven years after the court made an order directing

respondent to cause the paternity action to be dismissed with prejudice upon payment or that the court would do so sua sponte without notice. Due process is so fundamental to our entire system of jurisprudence that no argument is deemed necessary to persuade Utah's highest court to enforce its mandate with utmost vigor.

As to the second issue (change of circumstances) the Court of Appeals departed so far from a correct understanding of the facts that it thought appellant sought to amend the order of February 19, 1980 since it stated on page 3 of its decision "The threshold determination is whether the February 19, 1980 order is a judgment susceptible of modification." Appellant's entire argument has always been that the order of that date contained no "no-contact" provision. In its entirety that order provided as follows:

"IT IS HEREBY ORDERED as follows: 1. The foregoing Agreement of Settlement is hereby approved. 2. This matter is stricken from the trial calendar and continued with date. 3. The defendant shall submit to the Court an Order of dismissal upon final payment of the amounts referred to in the foregoing Agreement of Settlement."

Appellant sought to amend (not to eliminate entirely) the "no-contact" order of August 13, 1987. Such a misconception of the facts calls for this Court's power of Supervision referred to in Rule 43(3) R. Utah S. Ct.

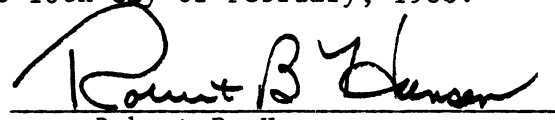
As to the third issue (attorneys fees) the question as to whether or not a party is entitled to attorneys fees for defending against violation on a non existing court order has never been

settled by this Court and it should be settled pursuant to Rule 43(4)
R. Utah S. Ct.

CONCLUSION

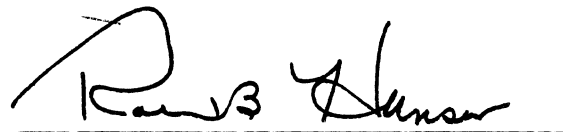
For reasons set forth above petitioner respectfully submits
that this petition should be granted as the case is uniquely
significant and if sua sponte orders may be made in such cases the
bar should be so advised.

Respectfully submitted this 16th day of February, 1988.


Robert B. Hansen
Attorney for Appellant

MAILING CERTIFICATE

I certify that I mailed four true and correct copies of the
foregoing Petition for a Writ of Certiorari Filed by Appellant to
Robert Felton, Attorney at Law, 5 Triad Center, Suite 585, Salt Lake
City, Utah 84180 on this 16th day of February, 1988.


Robert B. Hansen

APPENDIX

1. Decision of Court of Appeals dated January 6, 1988
2. Order to Show Cause dated May 15, 1987.
3. Minute entry of June 30, 1987.
4. Order of August 13, 1987.
5. Minute entry of September 30, 1987.
6. Docketing Statement dated November 3, 1987
7. Letter of Malcolm N. Liebroder, Ph.D. dated August 13, 1987

JAN 6 1988

Timothy M. Shea
Clerk of the Court
Utah Court of Appeals

Defendant and Respondent.

Case No. 870572-CA

Before Judges Davidson, Garff and Greenwood (On Law and Motion).

This matter is before the Court on the Motion for Summary Disposition of appellant Kathy Ann Dopp (hereinafter "Dopp") and on the Motion for Summary Disposition and Response of respondent Jonathan Olch (hereinafter "Olch"). We grant the motion made by Olch and summarily affirm the trial court's order.

Dopp filed a paternity proceeding alleging that Olch was the father of her child. Olch disputed the allegations of paternity. In February of 1980, Olch and Dopp, individually and "as guardian ad litem" for her child, entered into a stipulation for settlement which provided for a lump sum settlement of all claims as to paternity, expenses of pregnancy, any education and support expenses, inheritance rights and any claim otherwise related to the allegations of the pleadings or subject matter of the litigation. The settlement agreement contained an express disclaimer of paternity and a waiver of any rights to the child. Finally, the agreement contained the following language regarding disposition of the litigation:

5. "Both parties agree not to initiate any communications with the other party or members of their family."

6. "The parties agree that upon the payment of the entire \$16,500.00 and any

accrued interest, the above-entitled action shall be dismissed with prejudice and upon the merits, each party to bear his or her own costs."

7. "This agreement is conditioned upon the approval of the court where the above-entitled action is pending and a dismissal with prejudice of said action."

The document also contained an "Order" which recited that the court approved the Agreement of Settlement, and that the matter was continued without date. The Order further provided, "The defendant shall submit to the court an Order of Dismissal upon final payment of the amounts referred to in the foregoing Agreement of Settlement." The Order was signed on February 19, 1980 and filed on the same date.

On January 27, 1981, Dopp's counsel filed a Satisfaction of Judgment acknowledging receipt of the settlement amount and authorizing and directing the court to enter satisfaction. Although not conforming with the express direction of the February 19, 1980 Order to prepare an Order of Dismissal, the Satisfaction of Judgment was clearly intended to culminate the paternity action.

In or about June of 1987, Olch caused an Order to Show Cause to be issued requiring Dopp to appear and show why she should not be held in contempt for initiating communication with Olch and his family. The court declined to hold Dopp in contempt, but ordered that

It was the intent of the parties that no communication be instigated between them or their families and the court now enters this Order that neither party shall communicate with the other or their families in any way, whether such communication be written or verbal, or through utilizing third parties.

Dopp subsequently brought a Motion to Dismiss with Prejudice and in the alternative, a Motion to Amend Decree to allow for communication between the minor child, Olch and his family. Both motions were denied. Dopp appeals, contending that the trial court erred in "sui sponte" entering an order of

no communication, in refusing to dismiss the case, in not amending the "decree" based on "changed circumstances", and in denying appellant attorney fees.

The Utah Uniform Act on Paternity establishes that the father of a child born out of wedlock is liable to the same extent as the father of child born in wedlock "for the reasonable expense of the mother's pregnancy and confinement and for the education, necessary support and funeral expenses of the child." Utah Code Ann. § 78-45a-1 (1987). Utah Code Ann. § 78-45a-2 (1987) prescribes the means for enforcement of the father's obligation "[i]f paternity has been determined or has been acknowledged according to the laws of this state." "The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support." Utah Code Ann. § 78-45a-5 (1987). "An agreement of settlement with the alleged father is binding only when approved by the court." Utah Code Ann. § 78-45a-13 (1987).

Dopp's first contention on appeal is that the trial court erred in "sui sponte" entering an order prohibiting her and her child from communicating with Olch and his family. This argument is wholly without merit. Dopp received notice of the hearing on the order to show cause, appeared at the hearing and was represented by counsel. The court declined to find Dopp in contempt, but reiterated the provision of the settlement approved by the court precluding communication between the parties or their families.

Dopp next claims that the trial court erred in refusing to amend the "decree" based on "changed circumstances" consisting of the emotional problems of the child. This argument misconstrues the effect of the order of the court approving the settlement reached between Dopp and Olch. The Utah Uniform Act on Paternity provides for continuing jurisdiction to modify or revoke a judgment for future education and necessary support. See Utah Code Ann. 78-45a-5. The threshold determination is whether the February 19, 1980 Order is a judgment susceptible of modification. The Order approves a lump sum settlement of a disputed paternity action between Dopp and Olch. The Order does not contain any provision for future support nor does it establish the paternity of the child. The Order is not a

judgment susceptible of modification under Utah Code Ann.
§ 78-45a-5.¹

Dopp also appeals from the denial of an award of attorney fees to her. The Utah Uniform Act on Paternity contains no provision authorizing an award of attorneys fees in paternity actions. We can find no other basis for an award of attorney fees under the circumstances of this case and the appellant has indicated none.

Finally, Dopp contends that the trial court erred in refusing to dismiss the case. The Stipulation for Settlement and the Order approving the settlement each provide that upon payment of the settlement amount, Olch shall cause the case to be dismissed with prejudice. Rather than prepare a dismissal, counsel for Olch prepared a Satisfaction of Judgment, with the apparent intention to culminate the litigation between the parties insofar as the financial aspects of the settlement

1. We do not have before us in this case the issue of whether the parties could validly waive the child's right to support, and we, therefore, decline to rule upon the effect of an order approving a settlement of the support rights of the minor child. The Utah Supreme Court ruled in Huck v. Huck, 734 P.2d 417, 419 (1986), that the parents of a child could not, by agreement, waive that child's right to support. See also Reick v. Reick, 652 P.2d 916, 917 (Utah 1982); Strong v. Strong, 548 P.2d 626, 627-28 (Utah 1976). Our determination does not require a resolution of that issue. Instead, our holding that the present Order does not invoke the trial court's continuing jurisdiction is based on the literal terms of Utah Code Ann. § 78-45a-5 providing that continuing jurisdiction is dependent upon the existence of a judgment for future support. Similarly, Utah Code Ann. § 78-45a-2, referring to enforcement of the liabilities of the father of a child born out of wedlock, requires a determination that a parental relationship exists under the laws of this state. The February 1980 order approving the settlement satisfies neither of those prerequisites. The Order makes no determination of paternity and contains no judgment for future support. Similarly, although Dopp purportedly entered the settlement as guardian ad litem of her child, this Court does not have before it and makes no determination of the effect of the order on any future action by or on behalf of the child to adjudicate paternity and establish the right to support.

between Dopp and Olch are concerned. Appellant's motion before the trial court sought relief in the alternative: either an order dismissing the case with prejudice or an order amending the "decree" to modify the non-communication provision. The strategy suggests that Dopp believes the dismissal of the case would nullify the non-communication agreement. That contention is erroneous. The settlement, having been approved by the trial court, is binding upon the parties and the non-communication clause is subject to enforcement by the trial court. Dismissal of the case, although contemplated by the February 1980 Order, would not relieve Dopp and Olch of the requirements of their settlement, particularly where Olch has paid the amount set forth in the agreement.

The Order of the trial court is affirmed.

ALL CONCUR:

Richard C. Davidson, Judge

Regnal W. Garff, Judge

Pamela T. Greenwood, Judge

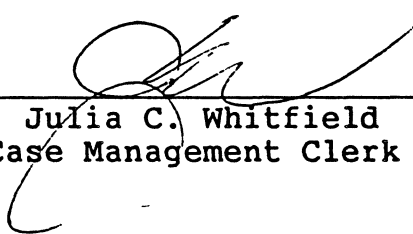
CERTIFICATE OF MAILING

I hereby certify that on the 7th day of January, 1988, a true and correct copy of the foregoing Memorandum Decision was mailed to each of the following:

Robert B. Hansen
Attorney for Appellant
320 South 500 East
Salt Lake City, Utah 84102

Robert Felton
Attorney at Law
5 Triad Center, Suite 585
Salt Lake City, Utah 84180

HON. James S. Sawaya
Third District Court
Salt Lake County
Civil No. C-78-6634



Julia C. Whitfield
Case Management Clerk

Robert Felton, 1056
5 Triad Center, Suite 585
Salt Lake City, Utah 84180
Phone: (801) 359-9216

Place - Residence
by T. _____
RECEIVED
Date 5/22/87 Time 1:30
B. J. L. Dopp
At 5/22/87
Constable, Park City

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

KATHY ANN DOPP,

Plaintiff,

vs.

JONATHAN OLCH,

Defendant.

ORDER TO SHOW CAUSE

Civil No. C78-6634

TO: Kathy Ann Dopp

You are hereby ordered and required to appear before the
Honorable James S. Sawaya, Judge of the above-entitled court at
240 East 4th South, Salt Lake City, Utah on the 15th day of June,
1987 at the hour of 2:00 p.m. o'clock then and there to show
cause why you should not be found in contempt of this Court for
violating the Order entered on or about February 19, 1980
demanding that you not contact the Defendant or members of his
family.

You are also further required to appear and show cause why
you should not be ordered to assume and pay the Defendant's legal
fees for the prosecution of this action and why this court should
not take the other action requested in the Verified Motion filed
by the Defendant, including the posting of a bond to ensure
future compliance with this Court's Order.

DATED this 15 day of May, 1987.

By the Court:

Judge

Serve the Defendant at:

Park City, Utah

County of Salt Lake - State of Utah

FILE NO. C 78-6634

(✓ PARTIES PRESENT)

COUNSEL:

(✓ COUNSEL PRESENT)

Dopp

: Robert. Hansen

Alch

: Robert. Fellon

CLERK

HON.

Sawyer

JUDGE

REPORTER

DATE:

6/30/87

BAILIFF

6/29/87 heard : Dept order to show
Cause finding pltf in contempt for
violating and order not to communicate
with the dept.

There appears to be confusion about
whether such an order exists. It is apparent
that it was the intent of the parties that no
communications be instigated between them.
The court finds no contempt, however orders
that in the future neither party initiate any
communications, written or verbal toward the
other.

Mr. Fellon may prepare the order.
J.D.

Robert Felton, 1056
5 Triad Center
Suite 585
Salt Lake City, Utah 84180
Phone: (801) 359-9216
Attorney for Defendant

FILED

FILED IN CLERK'S OFFICE
SALT LAKE COUNTY, UTAH

AUG 13 10 51 AM '87

H. DIXON HINDLEY CLERK
3RD DIST COURT

BY [Signature]
DEPUTY CLERK

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

KATHY ANN DOPP,

Plaintiff,

vs.

JONATHAN OLCH,

Defendant.

ORDER

Civil No. C-786634
Judge James S. Sawaya

This matter came on for hearing before the Honorable James S. Sawaya, Judge of the above-entitled Court on June 29, 1987 pursuant to the Order to Show Cause filed by the Defendant.

The Court having reviewed the pleadings on file herein and for good cause appearing now enters this Order as follows:

1. Plaintiff is not in contempt of this Court.
2. It was the intent of the parties that no communication be instigated between them or their families and the Court now enters this Order that neither party shall communicate with the other or their families in any way, whether such communication be written or verbal, or through utilizing third parties.

DATED this 13 day of Aug, 1987.

By the Court

[Signature]
James S. Sawaya, Judge

ATTEST
H. DIXON HINDLEY

By [Signature]
Deputy Clerk

TITLE: (✓ PARTIES PRESENT)

COUNSEL: (✓ COUNSEL PRESENT)

Kathleen RappRobert B. HouserJonathan D. SchRobert Felton

CLERK

REPORTER

BAILIFF

HON.

DATE:

J. S. Swoyer
9-30-87

JUE

Heard:Plaintiffs Motions:

1. To dismiss with prejudice - denied
2. To Amend decree - denied.
3. To extend time for appeal - granted -
4. extension is granted to 10/13/87.

Left Motion for Production is dueJ.S.copies to counsel-

Robert B. Hansen A-1344
Attorney for Plaintiff/Appellant
320 South 500 East
Salt Lake City, Utah 84102
(801) 322-5804

UTAH SUPREME COURT

| | | |
|-----------------------|---|---------------------------|
| KATHY ANN DOPP, | : | DOCKETING STATEMENT |
| | : | (Subject to assignment to |
| Plaintiff/Appellant, | : | the Court of Appeals) |
| vs. | : | Civil No. 87-0398 |
| JONATHAN OLCH, | : | |
| | : | |
| Defendant/Respondent. | : | |

Comes now the plaintiff/appellant and pursuant to Rule 9 of Rules of Utah Supreme Court submits the following Docketing Statement:

1. Authority

Sec. 78-2a-3(g) U.C.A. 1953 confers jurisdiction on Utah Court of Appeals to hear this appeal (notice of appeal was to that court but sent to this one by Salt Lake County Clerk as filing fee check was made to this court).

2. Nature of Proceeding

This is an appeal from a final order of the district court in a post judgment paternity case.

3. Dates

(a) Date of judgment to be reviewed: August 13, 1987.

(b) Date of Notice of Appeal: October 12, 1987 (appeal time having been extended by minute order dated September 30, 1987 until October 13, 1987).

4.

Statement of Facts

In 1978 plaintiff Dopp bore a son out of wedlock and brought this action for paternity. The case was settled by defendant Olch agreeing to pay ~~\$15,000.00~~ ^{\$16,500} over a period of time. The agreement provided that Dopp was not to contact Olch or his family directly or indirectly. It also provided that upon payment of the agreed upon settlement sum Olch was to cause the case to be dismissed. The payment agreed to was made. The case was not dismissed. The child in question developed emotional problems and Dopp wrote several letters to Olch seeking his help concerning his son's problems (Dopp knows its his child although he has denied it legally and the issue was never litigated). Olch caused an order to be served upon Dopp to show cause why she should not be held in contempt for writing those letters. Dopp appeared by counsel and showed cause that contempt would not lie because the lower court had not made any order prohibiting such letters (the court had only approved the contract). The trial judge found there was no contempt and denied Olch's request for attorneys fees. Sui sponte he ordered Dopp not to contact Olch or his family in the future. Dopp moved to dismiss the case in its entirety on the grounds that the case should long since have been dismissed had Olch complied with the agreement of the parties and alternatively a [~]change of circumstance regarding the boy justified the elimination of any no contact provision and the substitution of a lesser restriction. The Court denied Dopp's motions and this appeal challenges the validity of the order prohibiting any contact.

5. Issues on Appeal

(1) Whether the lower court erred in making the order sui sponte and thereby depriving appellant of reasonable notice and opportunity to be heard.

(2) Whether the lower court erred in not determining that the parties (and the District Court) intended that the case in its entirety should be dismissed upon payment of the agreed sum and is not dismissing the suit when appellant moved to do so.

(3) Whether the lower court erred in not amending the decree due to changed circumstances.

(4) Whether this Court should award attorneys fees to appellant pursuant to Sec. 78-27-56.

6. Assignment

This is a paternity case and should be assigned to the Court of Appeals (see No. 1 above).

7. Determinative Law

Sec. 78-32-1 and Sec. 78-27-56 U.C.A. 1953.

8. Prior or Related Appeals

There are no prior or related appeals.

9. Attachments

- (1) Minutes, 6-30-87
- (2) Order, 8-13-87
- (3) Motions, 8-13-87
- (4) Minutes, 9-30-87
- (5) Order Denying Motion (NOT IN FILE SO NOT ATTACHED)
- (6) Notice of Appeal, 10-12-87

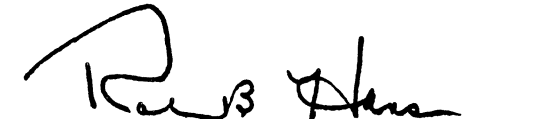
Dated this 3rd day of November, 1987.



Robert B. Hansen
Attorney for Plaintiff/Appellant

MAILING CERTIFICATE

I certify that I mailed a true and correct copy of the foregoing Docketing Statement to Robert Felton, Attorney at Law, 5 Triad Center, Suite 585, Salt Lake City, Utah 84180 on this ^{24th}~~3rd~~ day of November, 1987.


Robert B. Hansen

UTAH PSYCHOLOGICAL CENTER INC.

3970 SOUTH 700 EAST SUITE 12

SALT LAKE CITY, UTAH 84107

(801) 263-0800

August 28, 1987

MALCOLM N. LIEBRODER, Ph.D.

BARBARA T. LIEBRODER, Ph.D.

Jonathan Olch
3087 American Saddler Dr.
Park City, UT 84068

Dear Mr. Olch:

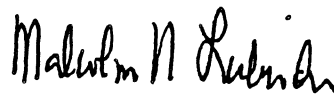
I recently had the opportunity to interview Alister Dopp and to review some school records and teacher's reports pertaining to him. This work had been done at the request of Alister's mother who was concerned about her son's adjustment.

Although there is much data to indicate that Alister is extremely bright and creative, it was also evident that he is a rather lonely child who has had difficulty relating well with others. Both in and away from school he has had no close friends and he finds it difficult to cope appropriately with the usual kinds of teasing most youngsters learn to accept. Despite his excellent vocabulary, Alister avoided talking about his thoughts and feelings openly and directly.

Although Alister would benefit from some counseling, he is sorely in need of the type of experiences that could be provided by family members including you and his paternal grandparents. Not only would such contacts add to his sense of identity but they could help him become a more open, trusting person capable of having close relationships.

Alister's mother has made me somewhat aware of the restrictions which have existed in terms of such contacts, but I am concerned that unless some consideration is given to his current needs, his future looks bleak. I would appreciate it if you would let me know if you are willing to be of help to this child and hope for a response from the other family members to whom I'm writing.

Sincerely,



Malcolm N. Liebroder, Ph.D.
Clinical Psychologist

MNL/be

cc: Mr. and Mrs. Gordon Olch
Mr. and Mrs. Brad and Alice Olch
Kathy Dopp
Robert B. Hansen, Esq.