

Essay Prompt #2

Derrick and Takeema have been married for 10 years and they have a five-year-old son named Marcus. Within the last two years, Takeema was in a car accident and developed an addiction to prescribed pain medicines. She checked herself into a rehabilitation facility and finished treatment.

Soon after she finished rehabilitation, Takeema moved out of the family home and into an apartment a few blocks away. Derrick discovered that Takeema had been cheating on him with Willie, who was also a patient at the facility battling an opioid addiction. Derrick filed for dissolution of marriage.

After a Temporary Orders hearing, the court ordered an equal parenting time schedule.

Derrick has sometimes withheld Marcus from Takeema because he suspected Takeema and Willie had moved in together and were doing drugs. After Temporary Orders, Marcus's school counselor told Derrick that Marcus had missed several days of school, was struggling in class, and came to school wearing dirty clothes.

Derrick filed a motion to restrict Takeema's parenting time. Takeema admitted she had not been in a healthy state of mind but insisted she had not been misusing drugs. The court ordered Takeema to take a drug test and appointed a child and family investigator (CFI) to investigate Derrick's concerns. However, the court did not modify the Temporary Orders.

Takeema submitted to the drug test, which came back positive for opioids. After doing home visits with both parents and interviewing several third parties, the CFI filed her report with the court. The CFI recommended that Takeema undergo an intensive 60-day outpatient treatment program, that Marcus should reside with Derrick, and that Takeema should have supervised parenting time 12 hours every weekend. The CFI also recommended that Takeema should not allow Willie to be around Marcus.

Derrick has been following the Temporary Orders since the restriction hearing. But last week, when Takeema and her mother went over to Derrick's to pick Marcus up for Takeema's parenting time, Derrick refused to let him go with them because he believed from his observation of Takeema that she was using drugs again. And yesterday, when Marcus called Takeema on the phone, Derrick could hear someone talking in the background that he believes was Willie. Derrick believes that Takeema is just not capable of keeping Marcus safe.

1. Identify which factors the court will consider when it enters permanent orders regarding parenting time. Decision-making responsibility is not at issue.
2. Identify the risks Derrick faces if he refuses to comply with the Temporary Orders. Be sure to describe for Derrick what remedies the court can impose if he continues to refuse to comply with the existing court order.