

**VIRGINIA :**

**IN THE JUVENILE AND DOMESTIC RELATIONS  
COURT OF PRINCE WILLIAM COUNTY**

**WESLEY C. SMITH,**  
**Petitioner,**

v.

**CHERI SMITH,**  
**Respondent.**

Case No. J85021-01-00  
02

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**IN RE: LIAM SMITH.**  
**DOB: 7/22/97**

**EMERGENCY MOTION**

**COMES NOW** the Petitioner Wesley C. Smith (“the Father”), by counsel, and requests this Honorable Court grant him visitation with the parties’ minor child Liam Smith and such further relief as stated herein, and in support thereof states as follows:

1. The Father and Cheri Smith (“the Mother”) are married, and have one minor child: Liam Smith (“the Child”), born July 22, 1997.
2. Prior to October 21, 2002, the parties regularly resided together with the Child at 11411 Huntsman Drive, Manassas, Virginia 20112 (“the residence”).
3. During the time the parties’ resided together, the Father was a primary caretaker for the Child.
4. By Order dated October 21, 2002 this Court awarded temporary custody to the Mother without prejudice (“the Order”).
5. The Order did not address the Father’s visitation with the Child.

6. Since the date of the Order the Mother has repeatedly, and without authority, denied the Father visitation with the Child.

7. On the rare occasion the Mother is unable to prevent the Father from visiting the Child, the Mother engages in harassing and abusive contact with the Father and the Child, thereby disrupting the Father's time with the Child.

8. Pursuant to Virginia Code § 20-124.3, it is in the best interests of the Child that this Court grant visitation to the Father.

9. Upon information and belief, the Mother suffers from a severe mental illness that she failed to adequately treat.

10. Said illness has severely impacted the emotional, mental and physical safety of the Child and the Father.

11. The Father strongly believes that mental health intervention is necessary to address the health and safety issues arising from the Mother's instability.

12. The Father strongly believes that the Child is subject to neglect in regard to such mental health issues in his current environment.

13. The Father is willing to participate in and comply with all mental health treatment recommendations and/or court-ordered counseling.

**WHEREFORE**, the Father requests this Court to:

1. grant him, forthwith, visitation with the Child under a structured schedule;
2. pursuant to Virginia Code § 20-103, grant the Father exclusive use of the marital residence *pendente lite*;
3. require, *pendente lite*, the Mother to undergo a mental health evaluation including a Parent-Assessment Evaluation;
4. require the Parties and the Child to complete any and all mental health treatment recommendations;

