

CUSTODY INFORMATION SHEET
PRINCE WILLIAM COUNTY CIRCUIT COURT

CHERI SMITH vs. WESLEY C. SMITH Chy No. 53360

I. GENERAL

Custody Order in effect: Entered on: OCTOBER 2, 2003, in the CIRCUIT Court of

PRINCE WILLIAM COUNTY as a result of ☒ Hearing, ☐ Agreement.

Order may be null & void.

Parties hereto: ☐ Never married to each other, ☒ Married to each other, but separated since 12/31/03 . . . Been divorced from each other since _____

Names of all their children by each other who are not in dispute in this hearing:

	Name	Age	Resides with	Other Information
1.	<u>NONE</u>			
2.				
3.				
4.				

Brief description of custody/visitation pursuant to Order now in effect:

Mother has Sole Legal and Primary Physical Custody Per Pendente Lite Order

entered January 18, 2005, the Father's visitation has been suspended.

Order suspending visitation is void due to Due Process violations

Brief description of de facto custody/visitation for past several months:

Mother has had Sole Legal and Primary Physical Custody of the child; Father has

had telephone contact with the child.

6. Child support of \$ \$823.00 per month paid by Wesley C. Smith to Cheri Smith pursuant to the ☒ Order ☐ Agreement, dated October 2, 2003, for 1 child.

Spousal support of \$ N/A paid by _____ to _____.

II. MOTHER

1. Age: 37, Residence City&State: McLean, Virginia, How long: 1 1/2 Yrs.

[X] Separated [] Divorced [] Married to: _____ on _____

2. Number of marriages: 1 Separated from Father on : Dec 2003

3. Education: High school graduate: [X] Yes, [] No, Number of years: _____

College: Number of years: 6, Degrees: MBA

4. Employer: SAIC, INC., 1710 SAIC DR., McLean, VA., Number of years: 5

Job title: Associate Program Manager, Annual Income: \$ 72,312.00

Job description: Manage projects under a strategic human resources contract, Hours:
8:30 a.m -5:00 p.m. with flexible time arrangements

Previous jobs in past four years: N/A

Other Income: Bonus income of \$834.00 in cash and \$1,176.00 in stock

Any physical, mental or emotional impairment:

Problems with uncontrollable rage, depression, anxiety, has required medication
Children not born of or adopted by Mother, but in this household:

Name	Age	Parents	Other Information
<u>NONE</u>	_____	_____	_____

Other children of Mother , not by this Father, not in this household:

Name	Age	Other Parent	Other Information
<u>NONE</u>	_____	_____	_____

III. FATHER

Age: 40, Residence City&State: Dublin, Virginia, How long: 1 1/4 Yrs.

[x] Separated [] Divorced [] Married to: _____ on _____.

Number of marriages: 1 Separated from Mother on: December 2003

Education: High school graduate: [x] Yes, [] No, Number of years: _____.

College: Number of years: 4, Degrees: BS CS

Employer: Quality Inn, Number of years: 0

Job title: Night desk clerk, Annual Income: \$ \$5,928

Job description: _____ Hours: _____

Previous jobs in past four years: _____

Other Income: none

Any physical, mental or emotional impairment: _____

Children not born of or adopted by the Father, but living in this household:

Name	Age	Parents	Other Information
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_____	_____	_____	_____
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_____	_____	_____	_____
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Other children of Father, not by this Mother, not in this household.

Name	Age	Other Parent	Other Information
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<u>NONE</u>	_____	_____	_____
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_____	_____	_____	_____
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_____	_____	_____	_____
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IV. INFORMATION ON CHILDREN WHOSE CUSTODY IS IN DISPUTE

NAME (AGE) ADDRESS	SCHOOL (GRADE) SPECIAL NEEDS
1. <u>Liam Raleigh Smith (8 yrs)</u> <u>1533 Lincoln Circle Apt. 104</u> <u>McLean, Virginia, 22102</u>	<u>Spring Hill Elementary School</u> <u>9201 Lewnsville Rd,</u> <u>McLean, Virginia, 22102,</u> <u>2nd grade. Liam has Downs Syndrome so</u> <u>he splits his day between the special education class and the regular class room</u>

NAME (AGE) ADDRESS	SCHOOL (GRADE) SPECIAL NEEDS
1. _____	_____
_____	_____
_____	_____

NAME (AGE) ADDRESS	SCHOOL (GRADE) SPECIAL NEEDS
2. _____	_____
_____	_____
_____	_____

NAME (AGE) ADDRESS	SCHOOL (GRADE) SPECIAL NEEDS
3. _____	_____
_____	_____
_____	_____

NAME (AGE) ADDRESS	SCHOOL (GRADE) SPECIAL NEEDS
4. _____	_____
_____	_____
_____	_____

V. FACTORS TO BE CONSIDERED

(Address specifically the relevant factors set forth in § 20-124.3)

1. The age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs;

Our son has Down Syndrome and needs patience and understanding as well as speech therapy and other intervention.

2. The age and physical and mental condition of each parent;

The Court should consider the Plaintiffs emotional/mental health problems, including but not limited to “uncontrollable rage”, depression anxiety that have been severe enough to warrant medication. The Plaintiff when upset has threatened to kill our son.

3. The relationship existing between each parent and each child, giving due consideration to the positive involvement with the child's life, the ability to accurately assess and meet the emotional, intellectual and physical needs of the child;

The Court should consider how the Defendant was involved from raising the child from birth including being a primary caregiver. The Defendant is better able to assess and meet the emotional and physical needs of our son. The Plaintiff is too goal focused and pushes him too hard, also uses inappropriate discipline. She is focused too much on her own feelings and desires and not enough on his. She has also pursued her own adulterous relationship at the expense of our son's relationship with his father in spite of his repeated requests to spend more time with his father.

4. The needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers and extended family members;

The Court should ensure our son has frequent access to both parents and also access to his cousins on the Defendants side.

5. The role that each parent has played and will play in the future, in the upbringing and care of the child;

The Plaintiff has never wanted to stay home and care for our son but started a MBA program within weeks of birth leaving the Defendant as a primary caregiver even as an infant.

6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child;

The Plaintiff has not only refused to support the child's contact and relationship with the Defendant but has tried to cut it off completely resorting to fraud to do so. She has even gone so far as to call the police when our son wanted to spend time alone with the Defendant and when exercising visitation. The Defendant while concerned about the Plaintiff's rage has been supportive of our son's relationship with her and prefers the court to focus on helping her control her anger rather than depriving our son of two parents.

7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child;

The Defendant has offered repeatedly to negotiate to settle differences even offering to seek counseling together to help with that. The Plaintiff has generally refused any meaning full negotiation and has always refused counseling.

8. The reasonable preference of the child, if the court deems the child to be of reasonable intelligence, understanding, age and experience to express such a preference;

Our son can't state a preference as to sole custody and wouldn't understand the concept, but he is attached to both of us, desires to spend time with both of us and repeatedly asks to come visit the Defendant.

9. Any history of family abuse as that term is defined in § [16.1-228](#).

The Plaintiff has committed acts of physical and verbal domestic violence, and has threatened to kill our son and has expressed concern she may abuse our son in the future. There has even been a complaint filed of child abuse. The Plaintiff needs help to limit the risk of her abusing our son in the future and to help her have a better relationship with our son.