



February 20, 2012

Michael B. Pines, Ph.D.
41C New London Turnpike
Glastonbury, Connecticut 06033

In Re: Trudianne Mastrangelo v. Gerald Mastrangelo

Dear Dr. Pines,

Enclosed please find one copy of the transcript of your deposition, taken on February 7, 2012 in the above-captioned case. The original jurat and errata sheets are also enclosed. Please note that you are allowed 30 days to read and sign your deposition as the rules provide.

Please return the notarized jurat and errata sheets to Attorney Pattis for filing. Also send a copy to all counsel present and to our office for filing. Thank you for your prompt attention to this matter.

Sincerely yours,

Kristine A. Paradis, LSR
Licensed Shorthand Reporter

cc: Anne E. Epstein, Esq.
Norman A. Pattis, Esq. ✓
Lynn Ann Pellegrino, Esq.
Martha A. Wieler, Esq.

Enc.

STATE OF CONNECTICUT
SUPERIOR COURT

- - - - - x
TRUDIANNE MASTRANGELO, | Judicial District of
Plaintiff, | New Haven at New Haven
v. | Docket No.:
GERALD MASTRANGELO, | NNH-FA-05-4012782 S
Defendant. | February 7, 2012
- - - - - x

DEPOSITION OF MICHAEL B. PINES, Ph.D.

Taken before Kristine A. Paradis, LSR 338, a
Court Reporter and Notary Public within and
for the State of Connecticut, pursuant to
Notice and the Connecticut Practice Book, at
the law offices of Welty, Esposito & Wieler,
LLC, 385 Orange Street, New Haven,
Connecticut, on February 7, 2012, commencing
at 11:52 a.m.

FALZARANO COURT REPORTERS
117 North Saddle Ridge
West Simsbury, Connecticut 06092
860.651.0258

1 APPEARANCES:

2 For the Plaintiff:

3 WELTY, ESPOSITO & WIELER, LLC
4 385 Orange Street
5 New Haven, Connecticut 06511
6 203.781.0877
7 mwieler@wewlaw.net
8 BY: MARTHA A. WIELER, ESQ.

9 For the Defendant:

10 PATTIS & SMITH, LLC
11 649 Amity Road
12 P.O. Box 280
13 Bethany, Connecticut 06524
14 203.393.3017
15 npattis@pattislawfirm.com
16 BY: NORMAN A. PATTIS, ESQ.

17 For the Minor Children:

18 ADELMAN LAW OFFICE
19 27 Elm Street
20 New Haven, Connecticut 06511
21 203.777.5007
22 anneepstein9@aol.com
23 BY: ANNE E. EPSTEIN, ESQ.

24 Guardian ad Litem:

25 PELLEGRINO, LLC
26 30 Fountain Street
27 New Haven, Connecticut 06515
28 203.387.8811
29 lynn@pellegrinollc.com
30 BY: LYNN ANN PELLEGRINO, ESQ.

31 Also Present:

32 Trudianne Formica

S T I P U L A T I O N S

It is stipulated and agreed by counsel for the parties that all objections are reserved until the time of trial, except those objections as are directed to the form of the question.

It is stipulated and agreed between counsel for the parties that the proof of the authority of the Notary Public, before whom this deposition is taken, is waived.

It is further stipulated that any defects in the Notice are waived.

It is further stipulated that the deposition the deposition may be signed before any Notary Public.

1 (Defendant's Exhibit 1:
2 Marked for Identification.)
3
4 (Deposition commenced: 11:52 a.m.)
5

6 MICHAEL B. PINES, Ph.D., Deponent,
7 of 41C New London Turnpike, Glastonbury,
8 Connecticut 06033, being first duly
9 sworn by the Notary Public, was examined
10 and testified, on his oath, as follows:
11

12 MR. PATTIS: I want to apologize to
13 everybody for the scheduling delay here.
14 That is the fault of my office and I'm
15 sorry.
16

17 DIRECT EXAMINATION
18

19 BY MR. PATTIS:

20 Q Dr. Pines, you are here in response to a
21 subpoena?

22 A Yes.

23 Q And you understand that you've been
24 noticed as an expert in this case?

25 A Yes.

1 Q You have a fee that you charge, which is
2 a portal-to-portal fee for your services --

3 A That's correct.

4 Q -- in this case?

5 And it's \$400?

6 A Yes.

7 Q And it's my understanding that we are to
8 pay you still and have not yet done so and that
9 you're owed a sum of approximately \$2,400. Is
10 that right?

11 A For my appearance today, that's correct.

12 Q I will see to it that you're paid; okay?

13 A Okay. Thank you.

14 Q I'm going to show you a Notice of
15 Deposition. I'm assuming you've been subpoenaed
16 in this case and/or otherwise requested to bring
17 certain documents with you?

18 A Yes.

19 Q And did you bring documents responsive?

20 A I brought all my records.

21 Q And you have records that look to be a
22 stack of about five to six inches thick. Are
23 those the records --

24 A Yes.

25 Q -- in this case?

1 Would you object to my making a copy of
2 those records? I won't do it right this moment
3 while everybody waits; you've waited long enough
4 for this to begin. But I'd like to make
5 arrangements to get a copy of them.

6 A Each of the parents would have to sign
7 releases because they're confidential therapy
8 notes of the children and I believe that there has
9 to be releases of information signed.

10 Q We'll let the lawyers work that out.

11 A Okay.

12 Q But aside from that would you have any
13 objection to that?

14 A As long as the parents have no
15 objections.

16 Q Okay. Fair enough. I will try to
17 arrange that here today.

18 Now, would you object to my taking
19 possession of those and copying them or would you
20 rather copy them yourself?

21 A Well, how am I going to be able to see
22 the kids when, you know, these are the notes I use
23 when I work with kids, so . . .

24 Q It would probably take my office an hour
25 and a half to copy those and we could have them

1 hand delivered to you.

2 A Okay.

3 Q Okay. Now, I'm going to show you a
4 second document.

5 A I just have to tell you my handwriting
6 is not good.

7 Q Well --

8 A I take notes for myself, not for
9 everyone else's.

10 Q That's all right. One of the classes we
11 take in law school is advanced hieroglyphics. And
12 speed talking.

13

14 (Defendant's Exhibit 2:

15 Marked for Identification.)

16

17 BY MR. PATTIS:

18 Q I'm showing you, sir, a document that's
19 been marked as Plaintiff's (sic) 2. That is the
20 Disclosure of Expert pleading filed in this case.
21 Have you seen it before?

22 A Yes, I have.

23 Q Okay. I'd like to ask you some
24 questions about your proposed testimony; okay?

25 A May I refer to this thing?

1 Q Of course, you can.

2 A Okay.

3 Q I suppose first I ought to learn a
4 little more about you.

5 A Please.

6 Q Tell me about your education.

7 A I received a Ph.D. in psychology from
8 UConn in 1977.

9 Q And your education prior to that, sir?

10 A A Master's in psychology from University
11 of Richmond in 1973 and a Bachelor of Arts from
12 Clark University in 1970.

13 Q What state are you from?

14 A State?

15 Q Uh-hum.

16 A Maryland.

17 Q Okay. When you were at UConn, did you
18 complete a doctoral dissertation?

19 A Yes.

20 Q And what was the subject of your
21 research in that dissertation?

22 A Using -- oh, my God. Using peers as
23 behavior modifiers for their classmates.

24 Q Okay. This would have dealt with
25 adolescents, I presume?

1 A Children.

2 Q Children, okay. Do you have a specialty
3 within the area of psychology?

4 A My practice is probably two-thirds
5 children/adolescents, the rest adults, families,
6 and within that subset probably half the children
7 I work with have significant issues around trauma,
8 loss, and attachment.

9 Q Obviously you've continued your
10 education since 1977?

11 A Oh, I continue to take through
12 conferences continuing education credits.

13 Q Are they mandatory continuing education
14 for licensure requirements for psychologists?

15 A Not in this state.

16 Q And in what states are you licensed?

17 A Only in the state of Connecticut.

18 Q And have you maintained a license since
19 approximately 1977, 1978?

20 A 1978, yes.

21 Q Any disciplinary history during that
22 period?

23 A No.

24 Q Now, you mentioned that you focus on
25 children with significant traumas. And I don't

1 remember the exact answer, but you talked about
2 attachments. You're aware of theoretical work in
3 so-called attachment disorders?

4 A Yes.

5 Q In your view, sir, who are the lead
6 authors or the lead specialists that you rely upon
7 in your practice in the area of attachment
8 disorders?

9 A Well, the original work goes back to
10 Bowlby. Currently probably the major people in
11 the field would be --

12 Q And can you spell Bowlby for the
13 reporter?

14 A B-o-w-l-b-y.

15 My mind is blocking right now.

16 Q That's good. I like that.

17 A Either be Daniel Hughes, H-u-g-h-e-s,
18 Arthur Becker-Wildman (sic) up in New York. Dan
19 Hughes is, I believe, in Virginia now.

20 Q That's right.

21 A Those are some of the major
22 theoreticians. There's Bessel van der Kolk out of
23 Harvard who does a lot of trauma work.

24 Q Have you published in the area of
25 attachment disorders?

1 A No. I've given a number of papers and
2 seminars but nothing formally published.

3 Q And where have you given papers and
4 seminars in the area of attachment disorders?

5 A Well, I continue to give workshops
6 around the state, sometimes in Canada. Wherever
7 the national conference is held that year, I
8 usually have delivered a paper.

9 Q National conference of what, sir?

10 A In attachment. So, last year it was
11 in -- the year before was San Antonio. It's been
12 Cleveland, Pittsburgh.

13 Q Are these papers reproduced in any
14 form --

15 A No.

16 Q -- of Festschrift or anything like that?

17 A No, they're talks. I mean, two of my
18 colleagues and I are putting together a book on
19 attachment in the legal process, but that's only
20 in the formative stage.

21 Q Who are those colleagues?

22 A One is Barbara Rila, R-i-l-a. She's a
23 Ph.D., psychology, in Texas. And the other is
24 Cathy Chalmers, C-h-a-l-m-e-r-s. She's a licensed
25 marriage and family therapist in the state of

1 Oklahoma.

2 Q Do you have a contract with a publisher?

3 A I think Dr. Rila, who's the lead author,
4 has set a sample chapter out. I'm not sure to
5 whom yet.

6 Q Okay.

7 A It's been in the formative stage.

8 Q Are there other areas in which you give
9 presentations or workshops other than --

10 A No. Most of my workshops are now
11 focused on attachment.

12 Q What is an attachment disorder?

13 A Well, it's a disruption during the first
14 several years where -- it's a disruption in the
15 bonding process between the parent and a child
16 where the child's sense of stability and trust is
17 compromised due to either the unavailability or the
18 lack of predictability, lack of consistency by a
19 primary parent.

20 Q Okay. And is your research and
21 professional interest focused solely on the
22 development of attachment disorders arising from
23 events in the first several years of life or does
24 it extend beyond that?

25 A Well, first of all, I don't do research.

1 Q Okay.

2 A I strictly do private practice clinical
3 work.

4 Q Fair enough.

5 A Attachments can be compromised at any
6 time that is disruptive, at three or four or five
7 or six to death or to, in fact, divorce, some kind
8 of trauma. So, the attachment process tends to
9 focus on the first three years. That's when
10 attachments tend to be formed. But they can be
11 damaged or fragmented or compromised at any time.

12 Q And in your clinical practice do you
13 focus on any particular time period or you just
14 take your clientele as you find them?

15 A I've treated children as young, oh, as
16 seven, eight months. I mean, I'm not typically
17 going to treat them; I treat their families.

18 Q Right. Right.

19 A But I've seen children as, you know,
20 young as six, eight months when they, you know,
21 basically have come over from an overseas
22 adoption.

23 Q And how old would you say is the upper
24 limit in which you see children with
25 manifestations of --

1 A I've seen adults with manifestations --

2 THE COURT REPORTER: I'm sorry,
3 Doctor, just let him finish the
4 question.

5 THE WITNESS: Oh, I'm sorry.

6 Could you restate that, please?

7 MR. PATTIS: I don't know.

8 THE COURT REPORTER: How old would
9 you say is the upper limit in which you
10 see --

11 BY MR. PATTIS:

12 Q -- of children in which you have seen
13 manifestations of an attachment disorder?

14 A Well, I've seen adults --

15 Q Okay.

16 A -- also who have unresolved attachment
17 issues.

18 Q Can you take a view on whether there is
19 a phenomenon known as parental alienation
20 syndrome?

21 A I think there are alienating behaviors.
22 I'm not necessarily sure it exists as a standalone
23 syndrome.

24 Q Can alienating behaviors yield
25 attachment disorders?

1 A I think that probably alienating
2 behaviors can probably compromise some
3 attachments. There's real -- I think many people
4 can have compromised attachments, fragmented
5 attachments, weak attachments as opposed to an
6 attachment disorder. I think that's one of the
7 big controversies in the field, that --

8 Q Help me understand the difference
9 between a fragmented and a weak attachment and a
10 detachment disorder.

11 A It's a good question. I think most kids
12 will have some attachment. I very rarely have
13 seen a person with no attachments. But many kids
14 may have a confused attachment, anxious
15 attachment, an ambivalent kind of attachment,
16 insecure kind of attachment. They wouldn't
17 necessarily have a full-blown disorder, but they
18 may exhibit some confusion about their attachment
19 figures, some insecurity about their attachment
20 figures.

21 Q One way to -- and don't let me put words
22 in your mouth unless you agree with them. Is it
23 fair to say then that you regard an attachment
24 disorder as a failure to form an attachment? You
25 seem to be taking an extreme view of the disorder.

1 A I think an attachment disorder is
2 probably a failure on a child's part to allow a
3 caretaker or parent to adequately assume the
4 parental role. Because a lot of kids will sab --
5 they may be so terrified of the closeness that
6 they sabotage the closeness.

7 Q Okay.

8 A So, there's this push-pull dynamic that
9 goes along with somebody --

10 Q And that's quantitative or -- is that
11 quantitatively or qualitatively different than a
12 fragmented or weak attachment? I mean, it's hard,
13 it would seem to me, to draw the line.

14 A I think it's very hard to draw the line.
15 All of these exist on a continuum and there's no
16 standalone measure; there's no test so if you
17 score 60 or below you have it and 61 and above you
18 don't.

19 There are, I think, attachment
20 disorders. Attachments exist on a continuum from
21 solid to very weak. I've seen -- I don't
22 think I've -- maybe I've seen a couple kids in my
23 clinical practice that I could say probably have
24 almost no attachment. I think that's relatively
25 rare.

1 Q And you've sort of tipped my hand on the
2 next set of questions. Are there objective tests
3 or are these assessments based largely on clinical
4 impressions and experience?

5 A They're probably more based on clinical
6 impressions. There have been some scales that
7 some people have tried to devise, but I don't
8 think they've ever been -- they certainly haven't
9 met the standards that, say, the MMPI has or the
10 Millon. No major testing centers have bought the
11 rights to them, so. . . .

12 Q Okay. Understood.

13 Turning your attention to this case, on
14 I think -- I believe on the third page of the
15 notice there are -- maybe it's the second, I
16 guess. You're expected to give certain opinions.
17 And I believe they're designated 4.1 through 5.
18 Can you read 4.1?

19 A "Dr. Pines will testify about the
20 parent-child relationships with the children and
21 each parent."

22 Q What are you going to say?

23 A You just want me to talk or do you have
24 a question about that?

25 Q Well, I'm told that you're going to give

1 us an opinion about that. What is your opinion?

2 A As it currently exists, the three
3 children have a very strong relationship with
4 their mother. They have -- they see her as a
5 person who is capable of meeting their needs, is
6 nurturing of them, is attuned to them on an
7 emotional level, understands how they feel and
8 makes attempts to balance her needs with the needs
9 of her children.

10 They see her as an authority figure, as
11 a person who provides discipline and consequences.
12 They have a very solid relationship with their
13 mother and they certainly see their mother as
14 their primary attachment figure.

15 Q Now, those are words that you use to
16 characterize your assessment of their view of her,
17 correct?

18 A Yes.

19 Q I mean, how old are these kids?

20 A Eleven and a half, almost 12 --

21 Q Would it be extraordinary for the
22 12-year-old to come in and say, I think Mom
23 is capable of meeting --

24 A Right.

25 Q I mean, these are your clinical

1 impressions --

2 A Right.

3 Q -- based on observing them and listening
4 to them for --

5 A Yes.

6 Q What impressions do you have of them and
7 their father under 4.1?

8 A It's currently a pretty strained
9 relationship, an estranged relationship. From the
10 time I first met the kids, they have felt that
11 their father doesn't listen to them, has been
12 prone to angry outbursts, sarcasm, at times
13 belittling them, making fun of them, has been
14 prone to exposing them to his feelings about the
15 divorce, the losses he experienced, the sacrifices
16 he made throughout the marriage. So, it's been
17 a -- they have felt that he's not listened to them
18 and not paid sufficient attention to their
19 feelings and concerns.

20 Q Okay. When did you first see these
21 children?

22 A The intake with the mother was
23 February 4, 2009; the intake with the father was
24 February 17, 2009; the intake with the children
25 was February 13, 2009.

1 Q And how often have you seen the children
2 since February 13, 2009?

3 A Initially it was weekly, with
4 interruptions of vacations and things like that,
5 probably. Then it was moved out to biweekly. Now
6 it's about monthly. I think I've seen them for a
7 total since February of '09 over 70 times.

8 Q Now, there's a 4.2 on page 2 of 2. Can
9 you read that area of expertise -- or in which you
10 will opine, rather?

11 A "Dr. Pines will testify that Anthony and
12 Carly should not be compelled to visit with their
13 father."

14 Q Why is that?

15 A They have pretty strong feelings about
16 the relationship with their father and they
17 currently believe that those feelings have not
18 been adequately addressed either by their father
19 or in the attempts in the reunification sessions.
20 And they basically have, you know, said that they
21 have -- that they want to be heard.

22 And the focus of some of my work in the
23 past six months or since things have really
24 changed, since the relationship really has
25 deteriorated has been, you know, to kind of -- to

1 get them to take a step where they would trust
2 that adults would hear them out. Right now
3 they -- those two kids have very little faith
4 anymore in what their father says to them. They
5 feel that their father currently may say one thing
6 in front of the professionals and then may say
7 another thing in the priv -- when professionals
8 are not present.

9 Q Now, how long have you been seeing the
10 kids monthly?

11 A Probably the past maybe five, six
12 months.

13 Q I note the odd, unusual thing that
14 things have deteriorated in the last six months
15 and the kids don't feel that adults are listening
16 to them, but you're only seeing them monthly. How
17 do you expect to produce any real change in them
18 seeing them on a monthly basis --

19 A Well, positions have kind of --

20 Q -- during this time?

21 A I'm sorry.

22 Q Let me finish the question.

23 Would you agree or disagree with the
24 following proposition: Children generally do
25 better when they have frequent and continuous

1 contact with both parents?

2 A Yes.

3 Q You've got a situation where two
4 children have pretty strong feelings about the
5 father. You feel that they're not being
6 adequately addressed by the father in
7 reunification efforts and you're seeing them
8 monthly at this point?

9 A Yes.

10 Q How do you expect to address their needs
11 seeing them only on a monthly basis at a time when
12 they're not having any real contact with their
13 father at all? How do you expect to do that?

14 A Well, I need to backtrack a little then.

15 Q I'd like you to answer my question
16 before you backtrack. How do you expect to do
17 that seeing them on a monthly basis when they
18 effectively have no time with their father and
19 you're prepared to offer expert testimony that
20 they shouldn't be compelled to visit him? How do
21 you expect to work change in this case?

22 A Well, some of that was going to be
23 handled through the unification sessions with
24 Dr. Hiebel.

25 Q I'm asking about your contribution. How

1 can you make a meaningful contribution in
2 restoring the relationship between these children
3 and the father by seeing them only on a monthly
4 basis?

5 A I felt that I had talked to them all I
6 could at this point, that I made my positions
7 clear, that my expectations for them were clear in
8 terms of what I wanted them to do with their
9 father and that the main work of that, of moving
10 things forward would be handled in the
11 reunification sessions.

12 Q You say your positions with the children
13 were clear. What positions were those?

14 A That their father is an important person
15 in their life, he cares about them, he has much
16 exposed them to -- to offer them, that they -- it
17 is important that they have a relationship with
18 each of their parents on an ongoing basis, and
19 that I expect it -- well, I understood they had a
20 number of concerns.

21 I expected that they would use their
22 sessions and the reunification time to have those
23 concerns addressed and that they could move
24 forward. I've always said to them that their
25 father plays an important role in their life, that

1 I understood that they were hurt by him and angry
2 at him, but not seeing him was not the way to
3 address those issues.

4 Q Have you made those positions clear to
5 Ms. Formica?

6 A Yes, I have.

7 Q How often?

8 A Every time I've seen her.

9 Q Okay. Now, you also say that -- and
10 this may be duplicative and I may be too much of a
11 lawyer here. I thought I heard you say that you
12 made your positions clear to the children and your
13 expectations. Were there expectations other than
14 what you expressed in response to answering
15 questions about your positions? In other words,
16 is there more to say?

17 A No.

18 Q Okay. Okay. Okay. Too much of a
19 lawyer.

20 A Okay.

21 Q We take another class in law school
22 called "how to beat that dead horse to death
23 again."

24 Now, you're aware that there has been
25 reunification work in this case?

1 A Yes, I am.

2 Q How did you become aware of that?

3 A May I refer to notes?

4 Q Yes, sir.

5 A Okay. I know that in the summer of 2010
6 a parent coach, Dr. Jeffrey Zimmerman, was
7 introduced to help improve the parents' level of
8 communication and co-parenting. At some point
9 then -- okay. And by November 2010 the children
10 were beginning to resist visiting.

11 We had arranged a meeting in -- prior to
12 that Gerry agreed to suspend visits until we had a
13 meeting with Dr. Zimmerman in early November
14 between the GAL, myself, both parents, and
15 Dr. Zimmerman. At that point I think it was
16 discussed that Dr. Hiebel would take on a role as
17 a reunification counselor.

18 Q Do you know when Dr. Hiebel became
19 involved?

20 A I believe it was probably shortly after
21 that time.

22 Q Have you been in touch with Dr. Hiebel?

23 A As soon as he became involved we did.

24 Q How many times have you been in touch
25 with Dr. Hiebel?

1 A There were several phone conversations
2 prior to his meeting the family. There were
3 several phone conversations between Dr. Hiebel,
4 myself, and the guardian ad litem; there was a
5 conference call; and there was at least one
6 lengthy meeting in -- there was a conference call
7 on March 29, 2011 between myself, GAL, and
8 Dr. Hiebel. And there was a five-way meeting on
9 May 2, 2011 between myself, GAL, Dr. Hiebel, and
10 the parents, and that lasted several hours, where
11 we were continually trying to refine strategies
12 about how to move things forward.

13 Q So, you had a conference call in March,
14 a meeting with him and others in May, and several
15 telephone conversations?

16 A Yes.

17 Q When is the last time you were in touch
18 with Dr. Hiebel?

19 A Oh, I would guess it's been at least
20 four or five months, if not longer.

21 Q So, I return to a question I asked
22 earlier: You believe that children generally do
23 better when they have frequent and continuous
24 contact with both parents. Things are at a pretty
25 bad state in the last six months; you're seeing

1 the kids once a month, and you've not been in
2 touch with Hiebel for five months. What are you
3 doing to help get these kids into a better
4 situation with their dad?

5 A Well, I've tried to support the process
6 of reunification by making more proposals about,
7 you know, how we could move things forward.
8 Dr. Hiebel has not spoken to me in the last five
9 months; he's not picked up the telephone.

10 Q So, it's Dr. Hiebel's fault you've not
11 been in touch with him?

12 A No, it's -- I don't know what Dr. -- I
13 think right now Dr. Hiebel's role -- I don't know
14 what his role is anymore. I know I sent proposals
15 to all the attorneys a week ago trying to restart
16 the reunification process.

17 Q And was that before or after you were
18 contacted about the prospect of continued
19 litigation in this case? It was only after you
20 realized we were heading back to court, correct?

21 A I had proposed, you know, verbally
22 several different times that there might be
23 variations we could do on the stalled
24 reunification, because it appeared to have
25 stalled.

1 The kids had refused to see Dr. Hiebel;
2 they continued to refuse to see their father. I
3 would have hoped we could avoid litigations and so
4 I -- when I saw them a couple weeks ago, I made a
5 verbal proposal to the mother about fine-tuning
6 the reunification process, talked to the children
7 about it, instructed her to notify the attorneys
8 that I was proposing something.

9 At that point I still didn't know what
10 Dr. Hiebel's role was anymore. I know he had met
11 with Mom on occasion, may have continued to meet
12 with Dad, but was not seeing the kids.

13 And then Attorney Epstein contacted me
14 and asked me to put that proposal in writing,
15 which I did so and e-mailed it to the attorneys I
16 believe two Fridays ago.

17 Q Are you saying, sir, that as of two
18 weeks ago you were unaware of whether Dr. Hiebel
19 was still involved in the case?

20 A He was involved, but he was not seeing
21 the kids. He was sporadically --

22 Q And what steps did you --

23 A -- meeting --

24 Q Did you take any steps to foster
25 Hiebel's meeting with the children with the goal

1 of supporting reunification?

2 A I didn't suspend the visits --

3 Q That's a different question.

4 A -- with Hiebel.

5 Q I don't mean to be rude to you, sir. My
6 questions are carefully phrased -- at least I try.
7 And if you don't understand, let me know.

8 Did you take any steps to kick-start
9 things with Dr. Hiebel? Did you reach out to him?
10 I understand the kids aren't seeing you. What's
11 going on over there? I don't think this is good
12 for the children's welfare. What can I do to
13 help?

14 A No. The only --

15 Q Why not?

16 A I can't tell you. I --

17 Q No, no, you can tell me why not.

18 A No --

19 Q Why didn't you?

20 A -- I'm not -- early on when Dr. Hiebel
21 started, he questioned to both the GAL and myself
22 that the kids really didn't need therapy anyway,
23 that all they needed to do was start seeing their
24 father again.

25 Q How did you feel about that?

1 A He has his opinion; I have mine.

2 Q I understand that. What was your
3 opinion?

4 A I disagreed, but . . .

5 Q So, when did Dr. Hiebel let you know
6 that he didn't think the children needed therapy
7 any longer, they just needed to see their father?

8 A I heard that secondhand.

9 Q From whom?

10 A From the mother.

11 Q Did you try to confirm that with
12 Dr. Hiebel?

13 A In a --

14 Q Yes or no? Yes or no, did you try to
15 confirm what you'd heard through Trudianne?

16 A No.

17 Q Well, why not? I mean, she's reporting
18 to you that the reunification therapist says
19 you're not necessary; what the kids need is the
20 father. You don't pick up the phone and say,
21 Dr. Hiebel, is that true? You didn't do that?

22 A May I answer the question?

23 Q Did you do that? Yes or no?

24 A Not specifically to that question.

25 Q Why not?

1 A There was a three-way phone conversation
2 arranged with the GAL and myself where Dr. Hiebel
3 said very clearly all of us are important and
4 necessary --

5 Q Okay.

6 A -- to moving the kids forward.

7 Q That would have been --

8 A So, I didn't feel --

9 Q That would have been the March 29th
10 conversation, March 29, 2011?

11 A Yes.

12 Q Because there's not been any other
13 conference calls, correct?

14 A No, there was a face-to-face meeting.

15 Q That was in May --

16 A That's correct.

17 Q -- of 2011. But apparently -- have you
18 had any contact with Dr. Hiebel since May of 2011,
19 any contact at all?

20 A No, not directly.

21 Q Indirectly?

22 A No. I mean, only what I've heard
23 reported how meetings went.

24 Q And who do you hear those reports from?

25 A I'm sorry?

1 Q Who do you hear those reports from?

2 A The children and the mother.

3 Q Okay. Now, there's a 4.3 on page 2 of
4 Exhibit 2. Can you please read that area on which
5 you are expected to opine?

6 A "Dr. Pines will testify that the
7 children should not be compelled to have telephone
8 contact with their father."

9 Q Why not?

10 A The telephone contact had deteriorated
11 to the point that at least Carly and -- at least
12 Carly primarily would be rude, offensive,
13 disrespectful; Anthony probably less so because
14 that's just his nature. But Carly would take the
15 occasions of those phone calls to engage her
16 father in baiting behavior.

17 Q She'd call him stupid. You're aware of
18 that --

19 A Yes.

20 Q -- right?

21 She'd call him a whack job, correct?

22 A Yes.

23 Q She'd call him a liar, correct?

24 A Yes.

25 Q Tell him that he buries his head in the

1 sand?

2 A Yes.

3 Q Tell him nobody likes him?

4 A Yes.

5 Q That she hates him?

6 A Yes.

7 Q In fact, she wanted her name changed.

8 She's also discussed that with you?

9 A (Witness nods head.)

10 Q Correct?

11 A Yes.

12 Q And that she refuses to refer to him as
13 his father -- as her father, I should say,
14 correct?

15 A Yes, she's -- in front of me she'd refer
16 to him in the first name, which I try to correct
17 her.

18 Q Are these behaviors indicative of a
19 detachment disorder in your view?

20 A No.

21 Q Then what are they indicative of?

22 A Of a child who is angry, yet -- she is
23 angry at her father; she feels betrayed by her
24 father; she feels her father has let her down, has
25 attacked her mother, has attacked her stepfather.

1 Q Are these feelings different in degree
2 in your experience that this young adolescent
3 feels toward her father or in kind from those that
4 others feel towards their parents?

5 A Why not every adolescent --

6 Q I'd like you to focus on my question.
7 Are they different --

8 A Can you repeat your question?

9 Q Yes, I will.
10 Are they different in degree from the
11 feelings that other children at this age feel
12 toward their parents or in kind?

13 A I think in Carly's case they are both in
14 kind and as a --

15 Q Okay.

16 A -- matter of degree.

17 Q Have you reached any clinical
18 impressions as to -- when you refer to the
19 differences in kind, have you reached any clinical
20 impressions or diagnoses of her? For example,
21 oppositional behavior disorder, that sort of
22 thing?

23 A No.

24 Q Why not?

25 A Because I look at Carly in the context

1 of all of the areas of her life.

2 Q Okay.

3 A Okay.

4 Q So, have you evaluated her in terms of
5 the multiple axis in the DSM-IV?

6 A No.

7 Q You've been seeing her for how many
8 years now?

9 A Two, going on three.

10 Q Okay.

11 A I could.

12 Q Okay. And you would be willing to do
13 that in anticipation of any evidentiary hearing;
14 you'd be able to submit a report on that?

15 A Yes.

16 Q Now, do you take an opinion, sir, on
17 whether 11- and 12-year-olds should be deciding
18 whether and when to see their parents?

19 A As a rule I do not give 11- and 12-year-
20 olds veto power.

21 Q Do you give 11- and 12-year-olds veto
22 power in this case?

23 A This case has --

24 Q I'd like a yes-or-no answer to that
25 question. Do you give 11- or 12-year-olds veto

1 power on whether to see their parents in this
2 case?

3 A Well, they've exercised it.

4 Q Different -- I'd like -- I'll repeat the
5 question a third time. If it's unclear to you,
6 let me know.

7 Do you give 11- or 12-year-olds veto
8 power in this case on a decision about whether to
9 see their father?

10 A I did not give them veto power, but they
11 exercised it.

12 Q And what do you think --

13 A That's the best I can answer.

14 Q That's a fair answer. Thank you, sir.

15 They've refused to see their father,
16 correct?

17 A Yes.

18 Q That's not something that you have
19 endorsed, is it?

20 A No, I do not endorse it.

21 Q Do you endorse it now?

22 A I endorse the fact that the contacts
23 with their father should be done through a
24 reunification plan.

25 Q Okay. But that's really not an answer

1 to the question I asked.

2 The question I asked is: Do you endorse
3 giving them a veto power on whether to see their
4 father now; yes or no? And it may be a question
5 that can't be answered yes or no.

6 A I don't think I can answer it yes or no.

7 Q Okay, okay. We go to another class in
8 law school called "keep it simple stupid," but
9 sometimes we're the dumb ones; okay?

10 Do you have concerns about the long-term
11 mental health of these children?

12 A No, I do not.

13 Q You don't -- do you think it's
14 consistent or inconsistent with their long-term
15 mental health that at the age of 11 or 12 they're
16 empowered to decide whether and when to see one of
17 their parents themselves?

18 A I can't answer that with a simple yes or
19 no.

20 Q I didn't ask you to in this instance.

21 A I think in areas outside the
22 relationship with their father they are
23 functioning well within whatever normal parameters
24 are.

25 Q Okay. What are normal parameters? I'm

1 curious, yeah.

2 A Other than the relationship with their
3 father.

4 Q So, do you think that their father is a
5 toxic influence in their life?

6 A No.

7 Q Do you agree or disagree with the
8 following proposition, that 11- and 12-year-old
9 children should not be deciding when and under
10 what circumstances they'll see their parents?

11 A If that's a hypothetical --

12 Q No, it's just a question.

13 A -- or to this case.

14 Q It's just a question..

15 A But in this case.

16 Q As a general matter and then we'll go to
17 the specific. As a general matter, do you agree
18 that it's not a good idea to give 11 or 12-year-
19 olds the ability to decide when and under what
20 circumstances they'd see their parents?

21 A In general, yeah.

22 Q But we're well beyond that generality in
23 this case?

24 A Yes.

25 Q And what makes this case different from

1 that general situation?

2 A The history of the case.

3 Q And the history of the case as you
4 understand it is?

5 A When I first got involved in the case,
6 at the first session, the children have been
7 verbalizing strong dissatisfaction with the
8 visits, with the schedule, with the relationship,
9 with their father. And that was as early as --
10 that was in the first session. So, in 2009 at the
11 first session.

12 Q Are you aware of claims that
13 Mr. Mastrangelo has physically abused these
14 children?

15 A No, I have no evidence of that.

16 Q Psychologically abused the children?

17 A Not in a classic sense of psychological
18 abuse.

19 Q Well, in a non-classical sense?

20 A Well, the kids have felt that he has not
21 been in tune to their needs. The kids have felt
22 at times he's been belittling of them. I don't
23 think that rises to the level of psychological
24 abuse, which I've tried to tell the children.

25 Q I guess here's what I don't understand,

1 Doctor. And, again, I'm not an experienced family
2 lawyer and I'm a neophyte in this area, so if I'm
3 naive, forgive me.

4 I listen to this story -- and not your
5 story. I mean, I consider a case of this sort and
6 I think at some level we're creating monsters,
7 that we're creating children who believe they get
8 to call the shots at a point when the parents --
9 even if the parents aren't Ozzie and Harriet --
10 are supposed to be in control of their destiny.

11 Do you have any concerns in this case
12 about what messages are being sent to these
13 children?

14 A I'm going to answer that in the context
15 of my involvement in the case that goes back to
16 2009. And it was my opinion that a lot of the
17 issues the kids were raising could have been
18 addressed had the father fully availed himself of
19 the invitations to joint in the therapy.

20 Q In your therapy?

21 A Yes.

22 Q And he didn't do so?

23 A Not until very late.

24 Q What did he fail to do?

25 A He was invited to alternate bringing the

1 children with the mother. So, the mother would
2 bring in the children one session and the father
3 would bring in the children one session. And so I
4 have access to both parents.

5 Because in most divorce cases when I see
6 children, I want to have access to both parents.
7 The father made it very clear to me during the
8 intake that he disagreed with his wife's choice of
9 therapists on at least the grounds I was not a
10 participant in his insurance plan and that the
11 drive was 40 minutes, 45 minutes away and that
12 would create a significant burden on him.

13 Q Are those unreasonable concerns? How
14 many psychologists are there in the state of
15 Connecticut?

16 A How many lawyers are there in the state
17 of Connecticut?

18 Q Too many. But did you view
19 Mr. Mastrangelo's concerns about payment and
20 geography as unreasonable in this context?

21 A That was to be between the parents.
22 That's not my -- you know --

23 Q I asked you your opinion. Did you
24 regard it as unreasonable? That's all. Either it
25 was or it wasn't or you have no opinion.

1 A I have no opinion if it was
2 unreasonable.

3 Q Did you refer the couple to someone
4 closer to them?

5 A Mrs. Formica had gotten my name.

6 Q Again, they're not trick questions.

7 A No.

8 Q Did you refer the couple to someone
9 closer to them?

10 A She -- I said I can give you the name of
11 someone closer. She wanted to see me.

12 Q Did you give the name -- did you explain
13 to Mrs. Formica that her husband had insurance
14 coverage and geographic concerns?

15 A She didn't ask me for other names.

16 Q I didn't ask you whether she asked you.
17 I asked you, sir, did you explain to her that her
18 husband had these concerns and that because you
19 had yet to form a relationship with the kids, it
20 might be easier to address those concerns if they
21 chose someone closer to their home?

22 A I said -- I told her what her husband's
23 concern was. I believe the husband told his
24 former wife.

25 Q And when you told her what her husband's

1 concerns were, what was her response?

2 A That she wanted to see me.

3 Q Okay. And so she got what she wanted in
4 effect, didn't she?

5 A Well, she wanted to see me; she
6 scheduled appointments to see me.

7 Q Gerry had reservations, but that's all
8 right. I mean -- but Gerry nonetheless had
9 reservations, correct?

10 A Yes.

11 Q Okay.

12 A Uh-hum.

13 Q There is a 4 point --

14 MR. PATTIS: Can we take a brief
15 break, guys?

16 MS. WIELER: Sure.

17

18 (Recess taken: 12:37 to 12:39 p.m.)

19

20 THE WITNESS: Can I just -- it's
21 only been the last probably two months
22 that I've seen the kids once a month.
23 Prior to that it's been on a biweekly
24 basis.

25 MR. PATTIS: Okay. Thank you for

1 correcting that.

2 THE WITNESS: It's only been the
3 last -- probably the last two months.

4 BY MR. PATTIS:

5 Q So, in the period before the last two
6 months you were seeing them every other week?

7 A Every other week.

8 Q And for how long did that period go on?

9 A That would probably be over probably at
10 least an 8- to 10-month period of time, 8 to 12,
11 8, 10, 12 months.

12 Q Did you discuss with Dr. Hiebel whether
13 it was a good idea to reduce the frequency of your
14 visits with the children to once per month?

15 A It's only been reduced in the past two
16 months.

17 Q I know. My question is: Did you
18 discuss that with Dr. Hiebel?

19 A No. What Dr. Hiebel and I discussed was
20 that we would -- I would see the kids one week; he
21 would see the kids in reunification on the odd
22 week. So, twice a month they have contact with me
23 and twice a month they have contact with
24 Dr. Hiebel.

25 Q And that arrangement was arrived upon in

1 the five-way meeting in May of 2011?

2 A No, I think that was arrived at in the
3 conference call with Attorney Pellegrino.

4 Q When did that take place again?

5 A In March.

6 Q Okay. Oh, I see. Okay.

7 Can I take a look at the deposition
8 notice?

9 A That one? (Hanging.)

10 Q Thanks. So, your testimony, sir, is
11 that the children shouldn't be compelled to have
12 telephone contact with their father, that contact
13 should be brokered through reunification?

14 A Yes.

15 Q Do you think it would be affirmatively
16 harmful to the children to have telephone
17 conversation with their father?

18 A In the current state --

19 Q Yes.

20 A -- of the relationship?

21 Q Yes.

22 A The telephone contact with the --
23 specifically with Carly is negative for both Carly
24 and the relationship with her father.

25 Q Negative in what regard, sir?

1 A One, she engages in baiting behavior, in
2 name calling, in rudeness, in disrespectfulness,
3 and she knows how to push her father's buttons.

4 Q Well, here's where I -- I mean, again,
5 you know, I'm probably betraying too much about my
6 upbringing. If I did half of that to my parents,
7 I think I'd still be pulling the pine -- no pun
8 intended -- out of my hindquarters. I mean, at
9 what point do you just --

10 A I probably would be too from my father.

11 Q But I mean, at what point do you say,
12 hey, you know, you're behaving like a spoiled
13 little brat and a monster? Suck it up.

14 A Have you been sitting in my sessions?

15 Q No.

16 A Okay.

17 Q I probably need them, though.

18 A No, but I have told her.

19 Q Okay. So, you're failing then. I mean,
20 you're trying hard to get them to respond to their
21 father, they're refusing, and you're failing in
22 your objective.

23 A Well, she's entrenched -- I did get her
24 to the point now that she's agreed with the plan
25 that I proposed. And I made it very clear to her.

1 I don't know whether she felt, okay, I've been
2 heard now, I breathed all the fire I have to
3 breathe, and it's time to move on. Because that's
4 what I basically told her at the last two
5 sessions.

6 Q How is it -- is this a crisis point for
7 Carly in your view, a turning -- crisis, Greek
8 term, a turning point. Is this a significant
9 turning point for Carly?

10 A You mean the fact that she's agreed to
11 go back?

12 Q The last two months, are they a
13 significant turning point given the status of her
14 relationship with her father?

15 A I think it's reached real lows.

16 Q And how is it that at that point you're
17 seeing less of her rather than more? I don't --

18 A It's only been the past two months.

19 Q Yeah, but how is it? You know, it's
20 reached a new low and you're seeing less of her
21 rather than more and you're not in communication
22 with Hiebel. I mean, what's up with that?

23 A Well, I don't know what Dr. Hiebel's
24 role is now.

25 Q Yeah, because you haven't asked him. I

1 mean, you're charged with caring for this child's
2 welfare, are you not?

3 A It cuts both ways. He knows I'm the
4 child's therapist.

5 Q No, no, no, we'll talk to Hiebel
6 tomorrow.

7 A Okay.

8 Q You've not picked up the phone to call
9 him and these kids are in crisis. It's a new low
10 and you're content to just kind of doodle along --

11 A Well, I heard he wasn't even seeing the
12 children anymore.

13 Q But you didn't ask him, did you?

14 A I heard from the mother that he was not
15 seeing the children.

16 Q Well, if she says it's snowing green tea
17 on the dark side of the moon are you investing in
18 green tea on the dark side of the moon?

19 A No, I'm not.

20 Q Well, what would be the harm in picking
21 up the phone and asking your colleague providing
22 care to these kids?

23 A I didn't pick up the phone.

24 Q All right. Fair enough. And I'm
25 beating a dead horse.

1 4.4. Can you read what you're expected
2 to opine there?

3 A "Dr. Pines will testify about the family
4 continuing to work with Dr. Hiebel in
5 reunification therapy."

6 Q Well, what you's your opinion about
7 that?

8 A I think it should continue with the
9 outline that I laid out two weeks ago and sent to
10 the attorneys.

11 Q The date on this -- I'm sorry, sir, I
12 didn't mean to do that. That's another class we
13 take in law school, deceptive theft of documents.

14 The Disclosure of Expert Witness about
15 your opinions is dated December 22, 2011. That's
16 about six weeks ago.

17 A Uh-hum.

18 Q You had an opinion about the family
19 continuing to work with Dr. Hines (sic) prior to
20 your inspiration --

21 A You mean Dr. Hiebel?

22 Q Dr. Hiebel. Prior to your inspiration
23 of two weeks ago. What was that opinion based on
24 in December?

25 A That it still should continue because

1 that was the only hope of breaking the log jam.

2 Q But you -- all right. But you -- okay.

3 And what's your opinion in 5.5 or 4.5?

4 A You want me to read it first?

5 Q Yes, sir.

6 A "Dr. Pines will testify about the
7 difficult history of the father's relationship
8 with the minor children."

9 Q Okay. And what are you -- I mean, and
10 now I realize we can be here for quite some time,
11 but give me the nutshell version. What is your
12 expected testimony?

13 A Since 2009 the children have reported to
14 me that they've been unhappy with the relationship
15 with the father, with the visitation schedule as
16 it was originally proposed, with the contacts with
17 their father, with the overall relationship. They
18 started as soon as they -- I believe that was one
19 of the reasons why they were entered into therapy.

20 Q What did they object to about the
21 schedule?

22 A They found it hectic and disruptive to
23 their routines.

24 Q Which routines were those, sir?

25 A There was multiple transitions during

1 the week, some with only one child at a time, some
2 with all three of the children; that their weekend
3 access to their friends was compromised; that they
4 found that the schedule -- they found a number of
5 transitions in the schedule burdensome and
6 stressful.

7 Q Are these the only children in a
8 shared-custody arrangement between divorced
9 parents that you are working with?

10 A No.

11 Q Were the concerns that the children
12 expressed regarding schedules different in degree
13 or in kind from those of other children?

14 A I think that this schedule, given the
15 fact there are three children, was an overly
16 complex visitation schedule.

17 Q Okay. Did you recommend that it be
18 returned to Court to be modified?

19 A No.

20 Q Did you discuss with the GAL steps she
21 could take to go to court to address the
22 children's legitimate concerns about the stressful
23 character of the Court-ordered visitation
24 schedule?

25 A We had talked about that and I believe

1 that led to a re-evaluation by Dr. Sidney
2 Horowitz.

3 Q Okay. What about their contacts with
4 the father support your opinion in 4.5? What did
5 they report to you about their contacts with him?

6 A I'm not -- I'm confused by your
7 question.

8 Q I'm trying to follow what I heard and --
9 may I see the thing again?

10 A Sure.

11 Q I'll try to stick to it because I make
12 things up all the time.

13 "Dr. Pines will testify about the
14 difficult history in the father's relationship
15 with the children." And I asked you to give me a
16 nutshell version of your expected testimony and
17 you recited a number of factors: Schedule, which
18 we've discussed. And then I thought contacts with
19 the father. And then I have relationships as
20 well.

21 So, what is it that they find so
22 disagreeable about my client?

23 A At that point --

24 Q Which point?

25 A When I first saw them, they had said

1 that their father had -- in his significant
2 relationship had at times talked to them about
3 their -- his feelings towards his mother -- excuse
4 me, their mother and their stepfather, about the
5 sacrifices he made during the marriage, how much
6 he lost during the divorce, that the children were
7 living still in his house, that the mother had
8 gotten the house through the divorce action. That
9 was a consistent theme, that they felt they were
10 being exposed to the father's feelings towards
11 their mother and their stepfather.

12 Q Do you feel that that forced the
13 children to take sides?

14 A I think, yes, it did.

15 Q So, by making comments about the mother
16 he drove them into her arms in some respects; is
17 that -- or is that too much of a rhetorical
18 flourish?

19 A That's probably a little dramatic.

20 Q I'm prone to that.

21 A Yeah, I would guess that.

22 That it reinforced -- I think it
23 reinforced a loyalty conflict. In their minds,
24 they would have to defend their mother and their
25 stepfather who they have positive feelings

1 towards.

2 Q Do they call him "Dad"?

3 A Yes.

4 Q Are you comfortable with that?

5 A It's not my comfort level that's
6 critical here.

7 Q I didn't ask you whether your comfort
8 level was critical. Are you comfortable with
9 their referring to the stepfather as "Dad"?

10 A I have no problem with it.

11 Q You do?

12 A No, I have no problem.

13 Q Well, do you think that helps contribute
14 to some confusion on the children's part, to call
15 the new man in Trudianne's life "Dad" when he is
16 not, in fact, their biological father?

17 A In general what I tell kids is you pick
18 what terms you're comfortable with and the parents
19 have to be supportive of that. Because what I've
20 said to parents, look, kids know who their parents
21 are. They know that Gerry is their father. They
22 also have a positive relationship with Richard,
23 who they refer to as "Dad."

24 Q I want to make sure I heard you.

25 A If I were seeing Gerry, I would try to

1 tell him, Don't be threatened by that. It's a
2 comfort level for the kids. They know who their
3 father is.

4 Q If I heard you correctly -- and I may
5 not have -- I thought I heard you say to the kids,
6 You pick what terms you're comfortable with and
7 the parents have to accept it.

8 Did I hear you say that?

9 A Well, something along that line, yeah.

10 Q But there are limits, obviously?

11 A Yeah.

12 Q I mean, Hey, Dad; Hey, asshole.

13 A Right.

14 Q I mean, that's over the line.

15 A I mean, there are limits.

16 Q Yeah.

17 A But if they want to call Richard
18 "Richard." If -- typically parents don't say to
19 kids, You need to call me A; you need to call me
20 B. I mean, that's -- you want to put a kid in a
21 corner, that's a good way to do it.

22 Q Okay. Anything else that you expect to
23 offer by way in general terms of your opinion
24 under 4.5?

25 A That it was -- I was concerned that by

1 the father choosing not to actively engage himself
2 in the process of bringing the kids and
3 participating in therapy, that a lot of these
4 issues would go unaddressed. And so by the time
5 the father became more involved, the situation was
6 clearly deteriorating.

7 Q Okay.

8 A So, you know, I don't know whether the
9 outcome would have been any different, but I
10 certainly didn't have the opportunity to see if it
11 could have been different.

12 Q When did you first have -- and again,
13 you told me and I've already forgotten. You first
14 saw the children in February of 2009,
15 February 13th I believe it was?

16 A February 13th.

17 Q And you began a weekly regimen at that
18 point, correct?

19 A Yeah, we try to do weekly based on
20 schedule. Sometimes that was difficult.

21 Q During that period Mr. Mastrangelo did
22 have contact with you about the children; did he
23 not?

24 A Yes, he did.

25 Q Expressing concerns about such things as

1 Carly's bedwetting or overly affectionate behavior
2 with other men and lack of affection towards
3 himself, correct?

4 A Yes.

5 Q Did you make a recommendation to
6 Mr. Mastrangelo in October of 2010 that he
7 temporarily suspend visitation with Carly?

8 A October 26, 2010. We all knew the
9 relationship was deteriorating. Gerry agreed to
10 suspend visits pending a meeting with
11 Dr. Zimmerman.

12 Q Again, I don't mean to be rude. Did you
13 make that recommendation to him? Gerry --

14 A I may have said I suggest that you
15 suspend things until we meet with Dr. Zimmerman
16 and the GAL to come up with a plan.

17 Q Okay. Are you familiar with a Dr. John
18 Collins?

19 A I know him by reputation.

20 Q Have you spoken to him in this case?

21 A No, I've not.

22 Q Are you aware of whether Dr. Collins
23 recommended that Carly have a female therapist?

24 A I've never seen any recommendations from
25 Dr. Collins; I've never spoken to Dr. Collins.

1 Q Is this the first time you're hearing --
2 assume for the moment that he has made such an
3 assumption that I realize I have to prove. Are
4 you in a position to agree or disagree with
5 whether he's made such a recommendation or you
6 have no knowledge whatsoever?

7 A I have no knowledge.

8 Q Is this the first time you're hearing
9 that he might have done so?

10 A I believe it is.

11 Q Are you aware that the children were
12 seeing Dr. Collins in 2007 and 2008?

13 A I'm aware he saw them and saw the
14 family, but I don't know what the frequency was or
15 what the context was.

16 Q Again, is it not -- is it or is it not
17 the custom in providing care of the sort you
18 render to want to see a prior provider's file or
19 notes?

20 A I was told he saw the whole family.

21 Q Is it or is it not within the standard
22 of care in your profession to want to see a prior
23 provider's notes on a patient you are currently
24 treating?

25 A Yes, it's often standard.

1 Q And to speak to them as well and get
2 their clinical impressions?

3 A Yes.

4 Q But you did neither with Dr. Collins?

5 A No, I did not.

6 Q There's no question in your mind about
7 the deeply felt character of the children's
8 feelings at this point, correct? About Carly, in
9 particular, not wanting to see her father?

10 A Is there any doubt about the strength of
11 her feeling?

12 Q In your mind, yes.

13 A Oh, I have no doubt of that. But at the
14 same time she's agreed to participate.

15 Q No, I understand.

16 A Yeah.

17 Q I always tell my wife, We can do all the
18 shopping we want, we just can't do it all at once.
19 We can't afford it. We'll get there. We just
20 can't -- one question at a time.

21 A Okay.

22 Q Anthony also has some misgivings about
23 his father?

24 A Yes.

25 Q The situation is less significant or

1 less difficult as to Christopher as you understand
2 it, correct?

3 A Yes.

4 Q Do you take at face value -- when the
5 children report to you factual claims and
6 allegations, is your concern determining
7 whether what they reported is effectually correct
8 or gauging their affect as they report the
9 feelings?

10 A More in gauging their affect.

11 Q Okay. So, whether they're truthfully
12 reporting things or not is not -- when they make a
13 factual assertion is not something you can
14 necessarily say, correct?

15 A I can't say. I don't -- I've never -- I
16 don't think the children lie. I think sometimes
17 because their emotions are so strong it can impact
18 their presentation.

19 Q So, a concept of reality checking is
20 something you're engaged in --

21 A Yes.

22 Q -- as a therapeutic endeavor. And that
23 might be when a patient reports a given set of
24 factors you may present them with a counterfactual
25 to see how they respond to that, correct?

1 A Yes. Which is why --

2 Q Did you do that with these kids?

3 A Can I finish my last --

4 Q Yes.

5 A Okay. Which is why I would have hoped
6 that Mr. Mastrangelo would have been more actively
7 involved in the appointments.

8 Q I understand.

9 A Because I could have used him as a
10 reality check.

11 Q When's the last time you tried to use
12 him as a reality check?

13 A I believe the last time he brought the
14 children in --

15 Q Different question, sir. The question
16 is: When is the last time you tried to use him as
17 a reality check?

18 A Probably about a year ago.

19 Q Anything prevent you from reaching out
20 to him in the past year?

21 A No. I believe he lost faith in me.

22 Q Okay. Do you think he had reason to?

23 A I cannot testify to his state of mind.

24 Q I didn't ask you to. I asked if you
25 think he had reason to?

1 A I can't answer that.

2 Q Why not?

3 A I don't know why he -- you know, I can
4 certainly --

5 Q You don't know why he would? I mean,
6 how about the fact that he's not seeing the kids;
7 that you're reducing visitation; you've made no
8 effort to get in touch with Dr. Hiebel who's the
9 reunification therapist; you accept what the kids
10 take (sic) at face value; and you believe it's
11 good for them to have a relationship with the
12 father. And you're telling the kids not to talk
13 to him on the phone when they're disrespectful to
14 him. Do those sound to you like reasons why a
15 parent might lose faith in you? Yes or no?

16 A Well, based on your recitation, I can
17 say yes.

18 Q And have you ever been in situations in
19 which your therapeutic efficacy was called into
20 question through no fault of your own?

21 A Yes.

22 Q Have you ever recommended in such cases
23 that perhaps a different set of eyes, a different
24 therapeutic approach might be necessary, might be
25 advisable for --

1 A I've sometimes said, Look, I don't think
2 the fit is best here; it may not be working.

3 Q Would you agree that the fit in this
4 case may not be working between you and the
5 children?

6 A No, I think I have a good relationship
7 with the children.

8 Q But no relationship with
9 Mr. Mastrangelo?

10 A I've not been the one who put
11 barriers --

12 Q You have no relationship with
13 Mr. Mastrangelo, correct?

14 A Well, we don't contact each other.

15 Q And you don't contact the children's
16 reunification therapist either; do you?

17 A I haven't for the past five months. But
18 I've never said they're not welcome.

19 Q Do you recall a meeting in February
20 of -- excuse me, I'm sorry. Do you recall a
21 meeting in December of 2010 shortly before
22 Christmas between you, Dr. Zimmerman, the GAL, and
23 the parents?

24 A Yes, that one, December 21st.

25 Q What was the purpose of that meeting?

1 A To discuss how phone calls would be
2 handled, to discuss the reunification sessions
3 with Dr. Hiebel to begin sometime in January.
4 Dr. Zimmerman suggested that we schedule a session
5 with the kids and the parents where each of the
6 parents would be able to apologize for all that
7 had happened to the kids over the past several
8 years -- you know, that they've been exposed to
9 things, they've been dragged into it -- and that
10 each of them had, you know, really hoped it
11 wouldn't have come down to where it had.

12 MR. PATTIS: Can I take a moment to
13 go out in the hall with Mr. Mastrangelo?
14 I want to see what more I need to do?

15 MS. WIELER: Absolutely.

16
17 (Recess taken: 1:02 p.m. to 1:04 p.m.)

18
19 MR. PATTIS: My understanding is
20 that in the brief break the guardian ad
21 litem has acknowledged that we can have
22 a copy of the file, Dr. Pines, and that
23 you're going to give it to me. And I've
24 told you my office will copy it and we
25 will have it taken by courier to you and

1 you should have it by about 2:00 o'clock
2 tomorrow, the original. We're just
3 going to make a copy of it.

4 THE WITNESS: Could you make it a
5 little later in the afternoon?

6 MR. PATTIS: Yeah, sure. That
7 would be easier. I'm trying to look
8 like a hero here. You tell me.

9 THE WITNESS: Any time after 3:00.

10 MR. PATTIS: Yeah, okay. We'll
11 hand deliver it to your office.

12 THE WITNESS: Okay.

13 BY MR. PATTIS:

14 Q I have two brief areas of questions and
15 then I'll be done. Have you met the man the
16 children call their father, "Dad"?

17 A No.

18 Q Have you ever had any telephone contact
19 with him?

20 A No.

21 Q Have you ever spoken to him?

22 A No.

23 Q Okay. What is your opinion about
24 alienating behaviors as they relate to attachment
25 disorders? In your experience, are they

1 clinically related?

2 A I think alienating behaviors can
3 certainly -- in general can undermine or
4 potentially be an assault on an attachment.

5 Q And one second. Now I'm well beyond my
6 pay grade here. I've got to look these up.

7 (Pause.)

8 Do you see signs of an attachment
9 disorder in Carly or -- withdrawn. Yeah, do you
10 see -- yes. Well, no that's fine.

11 Do you see signs of an attachment
12 disorder in Carly?

13 A No, not in a classic sense that would
14 fit a DSM-III model or DSM-IV.

15 Q Yeah, lets go --

16 A Whatever one we're operating on.

17 Q I think we're on IV-R --

18 A Yeah.

19 Q -- actually, right?

20 A Right. Right.

21 Q V is on the way?

22 A V is under proposal.

23 Q Oh, to live to the point where they have
24 DSM-VI, VI, VI, see if they have demonic
25 possession, but I think we'll all be long gone by

1 then.

2 Do you see signs of an attachment
3 disorder in Anthony?

4 A No, I do not.

5 Q And in Christopher?

6 A No.

7 Q But you have not yet formed a DSM-IV-R
8 clinical impression of these three children,
9 correct?

10 A Oh, I have one formulated, yeah.

11 Q What is that?

12 A I think that at least in -- when I first
13 saw them, I would characterize them as having an
14 adjustment, you know, disorder on a post-divorce
15 level with disturbances of emotion and behavior.

16 Q And what would your assessment be now?

17 A I would -- I would probably continue
18 with that diagnosis. I don't -- because I have to
19 look at their global functioning. And in every
20 area other than the relationship with their
21 father, the kids are functioning well.

22 Q Well, that's not quite true. You're
23 aware that Christopher is having very significant
24 issues in school, are you not?

25 A With his math, with some of his academic

1 issues.

2 Q Yeah. Is your situation that their
3 psychological condition has improved or not
4 improved since you first met them or remained
5 about the same?

6 A Well, do you mean their psychological
7 condition in relationship to their father?

8 Q In general.

9 A I think in Anthony's -- can I take them
10 one by one?

11 Q Yes, sir, please.

12 A Anthony, I think has become more verbal.
13 I think he's found more of his voice. At least
14 with me he's more willing to state his feelings
15 rather than rely on what either one of his
16 siblings would say. And so in that case he's
17 become more outgoing, more extroverted. So,
18 there's been an improvement there. That's also
19 resulted in probably clashes with his father
20 because he's been more expressive.

21 I think with Christopher he's always
22 been a fairly extroverted young man and so he
23 continues to be. He wants to avoid conflict as
24 much as possible and so he tends to go along with
25 things because he gets some value out of it. You

1 know, there's some things he gets from seeing his
2 father and he enjoys that part of it.

3 With Carly, she's come in outspoken and
4 she continues to be pretty outspoken. And it's
5 trying to teach her to be, you know, more
6 diplomatic. You don't have to say everything you
7 feel. And in fact, sometimes it can backfire
8 because it can create a misconception. So, while
9 I work with Carly, I want to, you know, yet
10 validate how she feels, but she doesn't have to go
11 around expressing that to the world.

12 Q How often has Carly seen her father in
13 the last 12 months?

14 A Only through the reunification sessions.
15 I don't know how many they've had. So, I'm going
16 to guess -- and understand that they just saw
17 their father when they visited their grandparents
18 just last weekend. I'm pleased to hear that.

19 Q Same question with Anthony. How often
20 has he seen his father in the last year?

21 A Probably on the same schedule.

22 Q Christopher has been more, correct?

23 A Yes.

24 Q Yeah. Do you attach any significance to
25 the fact that the children's attitudes towards

1 their father seem to be hardening although they're
2 not seeing him and getting any reinforcement from
3 him in that way?

4 A I think that both Carly's attitude and
5 Anthony's attitude is hard -- Carly's has
6 hardened. Anthony's, I don't believe is as
7 hardened as Carly's.

8 Q My question might have been unclear and
9 let me unpack it.

10 Do you believe that their attitudes,
11 both of their attitudes have hardened toward their
12 father during the past year?

13 A Yes, I think they have.

14 Q Do you attach any clinical significance
15 to the fact that their attitudes toward their
16 father are hardening when they're not seeing him?

17 A Well, they've had phone contact which
18 they found pretty displeasing. That seemed
19 unfortunately to kind of reinforce their attitudes
20 about their father.

21 I think that not seeing him has not
22 allowed their father the opportunity to
23 demonstrate to them that he wants to -- that he
24 wants to have a relationship. And so -- which is
25 why I urged Mom to continue with the efforts of

1 reunification, which is why she's continued to
2 meet with Dr. Hiebel from time to time.

3 Q How often has she met with Dr. Hiebel in
4 the last year?

5 A I don't know.

6 MR. PATTIS: Okay. Nothing
7 further. Oh, wait. Maybe. Maybe one
8 thing further.

9 (Pause.)

10 All right. I guess there is.

11 BY MR. PATTIS:

12 Q Are you aware that in April of 2010
13 Ms. Formica sought sole legal custody and reduced
14 visitation by way of a motion in the Superior
15 Court?

16 A I believe she mentioned that to me, yes.

17 Q Did you advise her on that?

18 A No.

19 MR. PATTIS: Okay. No further
20 questions. Thank you.

21 MS. WIELER: No one else has any
22 questions.

23

24 (Deposition concluded: 1:14 p.m.)

25

1 STATE OF CONNECTICUT

2 I, KRISTINE A. PARADIS, LSR 338, a Notary Public
3 duly commissioned and qualified in and for the State
4 of Connecticut, do hereby certify that pursuant to
5 Notice, there came before me on the 7th day of
6 February, 2011, the following named person, to wit:
7 MICHAEL B. PINES, Ph.D., who was by me duly sworn to
8 testify to the truth and nothing but the truth; that
9 he was thereupon carefully examined upon his oath and
10 his examination reduced to writing under my
11 supervision; that this deposition is a true record of
12 the testimony given by the witness.

13 I further certify that I am neither attorney nor
14 counsel for, nor related to, nor employed by any of
15 the parties to the action in which this deposition is
16 taken, and further, that I am not a relative or
17 employee of any attorney or counsel employed by the
18 parties hereto, or financially interested in this
19 action.

20 IN WITNESS THEREOF, I have hereunto set my
21 hand this 20th day of February, 2012.

22 Kristine Paradis

23 KRISTINE A. PARADIS, LSR
24 Licensed Shorthand Reporter

25 My Commission expires:
May 31, 2013

INDEXWITNESSPAGE

MICHAEL B. PINES, Ph.D.

Direct Examination by Mr. Pattis

4

DEFENDANT'S EXHIBITS
(For Identification)EXHIBITPAGE

1 Notice of Deposition

4

2 Disclosure of Expert Witness

7

JURAT

1
 2 - - - - - x
 3 TRUDIANNE MASTRANGELO, | Judicial District of
 Plaintiff, | New Haven at New Haven
 4 v. | Docket No.:
 | NNH-FA-05-4012782 S
 5 GERALD MASTRANGELO, |
 Defendant. | February 7, 2012
 6 - - - - - x

7
 8
 9 With the addition of the changes,
 10 if any, indicated on the attached errata
 11 sheet, the foregoing is a true and
 12 accurate transcript of my testimony
 13 given in the above-entitled action on
 14 February 7, 2012.

15 _____
 16 Michael B. Pines, Ph.D.

17 Subscribed and sworn to before me, the undersigned
 18 authority, on this, the _____ day of
 19 _____, 2011.

20 _____
 21
 22
 23 My Commission expires:

24
 25 kap

ERRATA SHEET

The ORIGINAL JURAT and ERRATA SHEET must be notarized (even if there are no corrections) and returned within 30 days of receipt to the attorney who took the DIRECT EXAMINATION. All other counsel of record must be sent a COPY, along with a COPY to our office for our records.

Page	Line	From	To
------	------	------	----

© 2007 The Authors
Journal compilation © 2007 Blackwell Publishing Ltd

[illegible]

1

Date

Michael B. Pines, Ph.D.

Sworn to before me this _____ day of _____, 2011.

Notary Public

My Commission expires: _____

кар