

VIRGINIA:

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

WESLEY C. SMITH,
Petitioner,

V.

CHERI SMITH,
Respondent.

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

Case No. J85021-01-00

03

PETITION

COMES NOW the Petitioner Wesley C. Smith (“the Father”), by counsel, and requests this Honorable Court grant him sole legal and physical custody of the Parties’ minor child, Liam Smith, 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 pendency of the parties’ residing 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, but made no determination as to the Father’s visitation with the Child.
5. The Court further stated said Order had no bearing on the Father’s right to petition this Court for permanent custody and support for the Child.

6. Pursuant to Virginia Code § 20-124.3, it is in the best interests of the Child that this Court grant custody, both legal and physical, to the Father as:

- (a) the Father loves the Child;
- (b) the Father and his family have provided, and can continue to provide the Child a stable home environment;
- (c) the Father has been a primary caretaker for the Child his entire life;
- (d) the Child has resided with the Father his entire life;
- (e) the Father has no mental health or substance abuse issues;
- (f) the Father is willing to foster a relationship between the Child and the Mother;
- (g) the Father is willing to adhere to a structured visitation schedule and can respect the non-custodial Mother's right to visit the Child;
- (h) the Father and his family are committed to providing the Child with a stable home environment to ensure the Child's success at school and in life;
- (i) the Father and his family are committed to adequately addressing the Child's special needs.

7. In addition, it is in the best interest of the Child this Court grant custody, both legal and physical, to the Father as the Mother has:

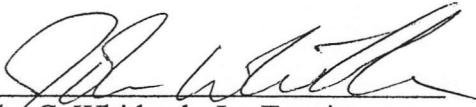
- (a) disregarded the mental, emotional and physical needs of the Child by failing to address her severe mental illness;
- (b) attempted to alienate the Child from the Father and demonstrated an intentional desire to ruin the Father's relationship with Child.;
- (c) repeatedly, and without authority, denied the Father visitation with the Child;
- (d) by her actions and statements, demonstrated an intentional desire not to cooperate with the Father in regard to issues involving his role as Father to the Child and issues involving the raising of the Child;

WHEREFORE, the Father requests this Court to:

- 1. grant him sole legal and physical custody of the Child;
- 2. order structured visitation between the Child and the Mother, including specific locations for delivery and return;
- 3. require the mother to pay child support beginning forthwith;
- 4. require the Parties and the Child to complete any and all mental health treatment recommendations;

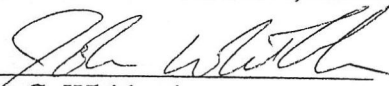
5. order the Mother be restrained and enjoined from any harassing verbal or physical contact with the Father;
6. pursuant to Virginia Code § 20-103, grant the Father exclusive use of the marital residence until such time as a Decree is entered disposing of the parties' property;
7. order the Mother pay the Father's costs and attorneys' fees;
8. order such further relief as the nature of the case or the goals of equity require.

Respectfully submitted,
WESLEY C. SMITH
by Counsel


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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this pleading was sent via facsimile, this 3 day of January, 2003, to Loretta Vardy, Esquire 12388 Silent Wolf Drive, Manassas, Virginia 20112-7524, counsel for Respondent.


John C. Whitbeck, Jr.