STATE OF MICHIGAN

COURT OF APPEALS

STACIE ANN SHINDORF, also known as STACIE ANN SHARP

Plaintiff-Appellant,

v

WADE DAMON SHINDORF,

Defendant-Appellee.

UNPUBLISHED
December 2, 2021

No. 355083
Allegan Circuit Court
LC No. 17-057901-DM

Before: RONAYNE KRAUSE, P.J., and CAMERON and RICK, JJ.

PER CURIAM.

In this postjudgment proceeding, plaintiff, Stacie Ann Sharp (mother),[1] appeals by delayed leave granted[2] the trial court's order continuing parental reunification efforts and its order holding mother in civil and criminal contempt. On appeal, mother argues that the trial court abused its discretion when it found her in civil and criminal contempt and when it ordered that she continue to pay 100% of parental reunification costs. We reverse and remand.

I. BACKGROUND

In 2006, mother and Wade Damon Shindorf (father) married. They had three children. In March 2017, father was charged, in Allegan Circuit Court Case No. 2017-0000020698-FH, with assault by strangulation, MCL 750.84(1)(b); assault with intent to commit great bodily harm less than murder, MCL 750.84(1)(a); and three counts of fourth-degree child abuse, MCL 750.136b(7). Those charges arose generally out of father's commission of domestic violence against mother, during which he pushed mother against a stove, placed his hands around her throat, and attempted to strangle her in front of the children. The children told teachers, Children's Protective Services

[1] The parties' judgment of divorce restored plaintiff's maiden last name of "Sharp."

[2] This Court granted leave and immediate consideration. *Shindorf v Shindorf*, unpublished order of the Court of Appeals, entered November 6, 2020 (Docket No. 355083).

workers, and therapists that father attempted to choke mother. It was also discovered that father was in the practice of physically abusing the children: he would grab and squeeze their heads as a method of discipline and control, and he would throw objects at them. Father entered a plea of guilty to attempted assault by strangulation, and the other charges were dismissed. On September 11, 2017, father was sentenced to jail time, community service, and probation. He was also placed on the Central Registry by CPS as an "Intensive risk Category II case." In the meantime, on March 29, 2017, plaintiff filed for divorce, and the children were enrolled in therapy through BRAINS.[3]

On July 23, 2017, the trial court entered an order that, in part, held father's parenting time "in reserve pending a statement from the minor children's therapists that it would be in their best interest to see their father." The order was based on a recommendation from an investigator, who also reported, in part, that father had "stated he believes the mother is emotionally abusive towards him and the minor children, withholding intimacy from him and love from him and the minor children." Mother reported that some of the children had behavioral problems due to "mimicking behavior seen in the home." Mother reported that father had been "mentally abusive towards her since the oldest minor child was born," escalating from "the father cutting her down in private" through public humiliation, threats of harm, hitting her or throwing things at her, and strangling her. She reported that father similarly escalated from calling the oldest child names and "smack[ing] and squeez[ing] his head until the minor child would scream" to squeezing all of the children's heads for increasingly unpredictable reasons. Father maintained that the March 2017 domestic violence incident was due, largely, to stress from his job and mother being unloving towards him. The report noted that in an interview with CPS, father had "minimized his actions." Father complained that "he understands what he did was not right but was never given an opportunity to correct it."

A month later, the parties stipulated to the appointment of Ben Burgess, MA, LLP, from the Fountain Hill Center, as parenting coordinator. On November 9, 2017, Burgess prepared a report, based on his review of numerous documents, interviews with the parties, and discussions with numerous individuals, including two of the children's therapists. In salient part, Burgess found:

> May [sic] analysis of this case is that there has likely been a pattern of Coercive Controlling Intrusive Authoritarian (CCIA) violence in the Shindorf home. [Father] appears to have attempted to control [mother] and the children through the psychological dynamics of power and control. I do not believe that [father's] "outburst" this past year was an isolated incident, but was a single incident in a longstanding pattern of abusive behavior. This analysis is important because it leads directly to the type of interventions that are best going to help [father] in his relationship with his children.
>
> For this typology of domestic violence, the only effective tool that we have is with a 26-week Batterer's Intervention course. In my conversation with [father's probation officer], it is my understanding that he will support me in requiring

[3] BRAINS appears to have formerly been known as the Behavioral Resources and Institute for Neuropsychological Services.

> [father] to participate in this type of intervention. My impression of this case is that [father] is continuing to downplay and minimize his violence and need to control [mother]. While admitting to perpetrating some violence, [father] has little insight into his pattern of behavior and the impact that his behavior has had on his family. [Father] is encouraged to invest himself into this course. Both he, and ultimately his children, will benefit from it.
>
> The Shindorf children are going to have a hard time reintegrating with their father. To be clear, I am not finding this to be a case of alienation. I do not believe that [mother] has inappropriately influenced the relationships that the children have with their father. [Father] is going to need to come to terms with how his behavior has impacted his family.

Burgess also noted that in their respective therapies, two of the children had "unprompted, state[d] that they do not want to see their father," noting that their "reasons for not wanting to see [father] appear to be justified and legitimate." In part, Burgess recommended that "until [father] can show progress in the batterer's intervention program, parenting time should be professionally supervised." The children's therapists, however, had recommended against the children having any contact with father. Father did commence, and eventually complete, the batterer's intervention course.

In April 2018, at father's request for an independent examination, the children were referred to Dr. William Brooks to "speak to the children and determine whether it's in their best interest to immediately start the supervised parenting time at the YWCA." The trial court ordered that father would immediately receive weekly, one-hour supervised parenting time visits "if recommended by Dr. Brooks." Any such parenting time was to "occur for at least 8 weeks and shall continue pending trial if the supervisor at the YWCA indicates that further supervised parenting time appears to be in the best interest of the minor children after observing the first 8 weeks of supervised parenting time." Dr. Brooks completed the evaluation in September 2018. In his report, Dr. Brooks reiterated that "there were consistent themes within all three of the children's [therapy] progress notes citing fears of their father hurting them and their mother." Therapists for the two older children specifically recommended against those children having any contact with father. Dr. Brooks concluded that "it would not be in the minor children's best interest to fully integrate [father] into their lives at this time," but nevertheless recommended that father receive one hour a week of supervised parenting time at the YWCA. He cautioned, however, that the parties must exercise patience. He concluded:

> Ultimately the minor children's safety, comfort-level and happiness are the main focus. [Father] must re-integrate himself back into the children's lives at their pace, not his. He is responsible for taking care of himself, to ensure the children do not witness any future outbursts, nor are the victims of any of his aggressive frustrations. [Mother] is encouraged to be supportive of the re-unification process. All professionals involved with the minor children are advocating for the children's safety and best interests. This evaluator is certain [mother] likely feels very protective of her children given the fact that she was on the receiving end of [father's] violence. This is understandable and a natural response. However, [mother] is encouraged to trust the Parenting Time supervisor to keep the minor

> children safe and comfortable, and she should feel confident that all of the professionals involved in this case are advocating for [the children's] safety.

On October 17, 2018, the trial court entered a consent judgment of divorce, awarding sole legal and physical custody of the children to mother, but awarding father supervised parenting time through the YWCA. The consent judgment appointed Dr. Brooks as an Independent Reunification Therapist for father and the children. Both parties were ordered to cooperate with the supervised parenting time and reunification therapy, and to refrain from estranging the children from or prejudicing the children against the other parent. The trial court ordered that parenting time would be reviewed in the future, at which time it "may or may not change the parenting time schedule depending on the comfort level of the children, the progress and Dr. Brooks' recommendation."

The children, however, proved to have their own ideas about how much, and what kind, of a relationship they wished to rekindle with their abuser. In December 2018, Dr. Brooks reported that "retrospectively thinking, I should have been suspect that the Shindorf matter was, at that point not ready for launch into the supervised visits between father and children." The prematurity was evidenced by the children flatly refusing to participate in the visits. Dr. Brooks also opined that the YWCA's Safe Connections program was itself failing due to its loss of its original leadership, who Dr. Brooks had expected to know better than to rush the children into visits ahead of their comfort levels. Dr. Brooks opined that the case needed a "caseworker who can juggle all of the parties and professionals involved and monitor the outcome." Dr. Brooks also specifically recommended that it might be appropriate to attempt reintegration between father and only the youngest child, JS, at first.

The YWCA contemporaneously discharged the parties. According to the YWCA's discharge report, its staff had gone to mother's car on three occasions to speak with the children, who "voiced fear and resistance in relation to seeing [father]" and "were also covering their faces, and at times, crying." On one of the attempted visits, father had also arrived twenty minutes late. The YWCA "recommend[ed] reintegration therapy before being referred back for services." In December of 2018, the parties then stipulated to replace Dr. Brooks with the Fountain Hill Center and Burgess as the parenting time coordinator and reunification therapist. The stipulated order provided, in part, "that the out-of-pocket cost of the serviced [sic] provided by Fountain Hill, not covered by insurance, shall be equally divided between the parties." In January of 2019, therapists for the older children, AS and GS, each wrote letters indicating that they continued to be extremely fearful of father. GS was having difficulty sleeping due to the attempted visits, and AS developed a fear of her therapist after a letter from father was read to her at one session. Thereafter, AS would only attend therapy sessions with mother present or outside the office door; AS's therapist specifically opined that she was not emotionally ready to see father.

On May 16, 2019, the trial court held a review hearing. The only witness to testify was Randy Flood, a psychologist at the Fountain Hill center who had, at that time, been involved in the case for approximately six months. Flood reviewed the various documents and reports that had accumulated, and he had talked to each of the parties. However, he had not talked with any of the children or their therapists, in part because he believed an independent evaluator—specifically, someone other than himself—should make an initial decision whether it was even yet appropriate to begin the reunification process, and he was unsure whether the reports from Burgess and Brooks would suffice. Flood opined that he would like to meet with the children, but he did not "anticipate

that they're going to be willing and ready from a verbal stand point necessarily." Flood emphasized that he needed to meet with the children and build a rapport with them before they met with father.

Flood explained that there were two possible "dynamics" involved: "estrangement" involved children "rejecting a parent for a legitimate reasons [sic] in cases where there's been a history of abuse or neglect;" whereas "alienation" involved children rejecting "their parent with irrational fears and it's a loyalty contract that they have with the alienating parent or the favored parent." He noted that an estrangement dynamic could evolve into a "hybrid" dynamic in which an abusive parent successfully reforms, but the other parent impedes any reunification. Flood opined that, on the basis of Burgess's and Brooks's reports, this was an estrangement case.

Flood also noted that in his meeting with mother, she had appeared fearful and concerned that the children were not ready; he also believed mother did not understand that his role was not to evaluate whether the children were ready. He recognized that the children's therapists were opposed to reunification, and he opined that it would "be incredibly difficult to do reunification if we don't have the therapists working as part of the collaborative team to move forward." He believed that if the therapists were not following a court order, he might need to have the court order them to be replaced.

Mother sought to call Dr. Michael Wolff, who was supervising the children's counseling, as a witness. Mother explained that the children's interests could not be determined without up-to-date information about "what's going on" with them, especially because Flood had indicated that it was not his role to evaluate the children's readiness. The trial court disagreed and denied the request, opining that Flood could gather that information himself, and Dr. Wolff's testimony was irrelevant to the court's determination of what progress had been made. It informed the parties that if they wanted to change the December 2018 order as to the reunification process, the interested party needed to properly move the trial court to do so.

At the conclusion of the hearing, both parties agreed that they did not need another evaluation. The trial court ruled that Burgess and Dr. Brooks, in their evaluations, had both indicated that reunification should occur. It therefore ordered that Flood should meet with the children as he had described, and eventually the children should see father, unless Flood believed doing so posed a risk of harm to the children. The trial court expressed concern that mother might be engaging in what Flood had characterized as alienating behavior, and it cautioned her not to act as a roadblock.

By September 2019, Flood's attempts to meet with the children had yielded little success. Although he did apparently talk to them, they largely did not interact with him, preferring to hide under chairs. The children also refused to engage in any session time with father. Flood had also consulted with the children's therapists at BRAINS, who, according to Flood, all opined that the childrens' "resist and refuse dynamics (RRD's)" were being caused by more than just unresolved trauma. Flood had an individual session with mother, who Flood opined did not fully understand "how her relationship with the children influences their decision-making." Flood further opined that "it is difficult to assign singular causation for the contemporaneous behaviors inhibiting progress in the reunification counseling." He believed that father needed to "be accountable and empathic, focusing on damaged [sic] caused, reparations and commitment to safety and care in the

future." He also believed the children "seem to be operating from a loyalty contract to mom," meaning "their attachment to mom is threatened and compromised by showing any curiosity, desire or interest in trying a different relationship with their father." He emphasized that "mom's task isn't easy given her own trauma history," and "encouraging and requiring children to comply with a task they are fearful and emotionally upset by is one of the more challenging parental tasks."

Flood concluded that because he had no evidence to think mother was supportive of reunification counseling, she must have an agenda to obstruct it. He believed mother had "groomed" the children not to engage with him, despite her "articulat[ion of] the necessary words to encourage the children to go into session [sic] with their dad." Flood recommended treating the matter as roughly equivalent to school truancy, and he offered the possibility of having mother begin individual treatment with a therapist who specialized in domestic violence victims and RRDs in divorcing families.

The trial court held a rushed hearing at which the parties had limited time to examine Flood. The trial court concluded that mother was interfering with the reunification process, and it told her the process "is going to continue whether you like it or not." The trial court opined that she was harming the children, because "there are study after study that have been done with regards to the effects of divorce on children and those studies all say that the results are bad even in good divorces." It further opined, "I suspect [mother] believes that [father] can't change but everyone can change," and it threatened "very drastic measures in terms of the custody of these children both legal and physical." To induce mother's compliance, it shifted 70% of the counseling costs to mother, stating that it would consider reducing that if it saw "some serious change in [mother's] attitude and the children's attitude towards seeing [father]." The trial court also ordered mother to engage in the individual therapy recommended by Flood.

Over the next few months, Flood had some successful sessions with JS, including sessions involving both parents. Flood noted that both parents were appropriate during those sessions. The older children continued to resist interacting with Flood, but Flood reported some success in persuading mother that it was her role rather than his to entice the children into participating. He nevertheless opined that "while mom seemed to follow the advice she received, she presented as rote and without animation or emotion." Flood also noted that JS seemed more comfortable during sessions with father when mother was not also in the room, but he emphasized that there could be "various origins and reasons" for that. Some attempted sessions failed due to miscommunications or scheduling problems that were neither parent's fault. Flood opined that JS showed no issues approaching father, but rather struggled to separate from mother. Mother indicated her belief to Flood that father continued to engage in threatening behavior toward her,[4] that the best course of action would be to focus on JS and his progress, and that she had offered Flood suggestions for the older children that he had not attempted. Mother believed the best course of action for the older children would be to allow them to continue in individual treatment and attempt reunification

[4] Father admitted that he asked mother "what is your major malfunction?" and was annoyed with her on one of the occasions a third party had been responsible for a miscommunication, but he disputed being aggressive or intimidating.

when they were ready, that she did not trust the professionals involved, and therefore could not "honestly" tell the children that they were trustworthy.

Flood opined that JS was suffering stress after sessions with father from "cross[ing] tribal lines" and feeling like he was betraying mother by having an attachment to father. Flood opined that mother's continued resistance to reunification was understandable given father's conduct and the admitted fact that he might yet prove unsafe, but he believed there had "been enough time provided for mom to work on issues she didn't ask to recover from." Flood noted that JS may have learned from mother that father was at risk of killing him, although he emphasized that it was not clear whether mother really had said such a thing. Nevertheless, he concluded that although father had generally caused the children's initial RRDs, at that time mother's "beliefs, attitude, and behavior" rather than father's were impeding the older children's progress. He opined that mother "appears to remain resolute in her belief that danger remains present with [father], and to parent her children into a relationship with [father] would be tantamount to putting her children in a car with bald tires on an icy road." Flood reiterated that "mom's task isn't easy given her own trauma history," but that she needed a change of heart and attitude to "manifest in body language and speech tone" to support the children.

Flood was also concerned that the children had not seen their BRAINS therapists since October and were not scheduled to resume their therapy until March. Mother explained that the reason the children had a gap in therapy was because a counselor believed the children needed a break, but due to scheduling conflicts with the Fountain Hill Center, finding new therapy times proved challenging, and the next dates BRAINS had available were in March. Flood opined that mother's explanation was plausible, but he believed it seemed suspiciously convenient.

At a hearing on January 22, 2020, mother testified that Flood would stand over the children and refuse to engage with them at their level, which she believed to be intimidating and demanding. She opined that she would be comfortable with the reunification process if she saw proof that father was actually managing his anger, but she had not seen any such evidence. Mother also noted that at "the May hearing," she had brought Dr. Wolff from BRAINS and the school principal to testify, and the trial court refused to permit them to testify. The trial court stated that it did not recall making any such denial.[5] The trial court invited mother to provide the court with an alternative professional to Flood. Mother also argued that she was being kept in the dark regarding father's progress in therapy. Mother also expressed the belief that the children's therapy with BRAINS was what would ultimately help them heal and reunite with father. The trial court opined that it did not think mother "is taking me seriously," so it ordered mother to pay 100% of reunification costs until all three children began participating in parenting-time sessions. It also warned mother that it would use its contempt powers if it believed mother was not following its orders. However, the court recognized mother's concerns with Flood, so it ordered the older children to see a different therapist, Aaron Reider, at the Fountain Hill Center.

The trial court also ordered that JS should have three half-day sessions with father. Four sessions were attempted, but none were successful. Reider opined that JS's refusal to participate

[5] As noted above, mother correctly recalled that the trial court had, in fact, refused to permit her to call Dr. Wolff as a witness.

appeared to be partially a demonstrative show for the benefit of mother. Conversely, Reider had several successful sessions with the older children over videoconferencing software, which Flood initially opined was "the silver lining in the Covid-19 quarantine." Reider initially did not explore the process of the older children meeting with father, but at their fourth video session, the children only partially interacted with him, expressing anger that he was going to force them to see father. Following that session, mother emailed Reider to explain that, pursuant to the advice of her court-ordered therapist, mother had talked to the children about Reider's role and his importance so they could reunify with father. JS's therapist opined that teletherapy was proving a difficult process for JS. A follow-up session between Reider and the older children was scheduled for the day after the trial court's next hearing on April 22, 2020.

Flood opined that mother continued to feel persecuted and to be unable to believe she could positively influence the children. He noted that more intensive therapy programs were available, but that they would probably be cost-prohibitive, given that the current outpatient programs were already proving cost-prohibitive. Flood opined that JS's regression was due to JS being unable to manage the loyalty bonds between himself and the two parents, so he found it easier "just to shut it down." Flood was "concerned and suspicious" about the older children shutting down for Reider after an apparent discussion with mother, but he implied that mother might have misunderstood her therapist's advice or that the children might have misunderstood mother. At the April 22, 2020, hearing, Flood reported that mother's therapist had seen some improvement in mother's "openness to seeing Fountain Hill as an ally and working together to help the family at large." Mother pointed out that the older children had actually talked with Reider even after drawing the belief that Reider would force them to see father, and they likely already knew why Reider was involved, so "even if it seems like it's a step back it would be a step forward because they felt comfortable enough to tell Mr. Reider how they felt."

Mother indicated that she was amenable to Flood's recommendation of joint co-parenting therapy, which the trial court indicated it was glad to hear, so it ordered the parties to find a suitable therapist. The trial court also granted mother's request to involve the services of Dr. Wolff, albeit at her own expense, and ordered that Flood should consult with Dr. Wolff. However, the trial court opined that it had not seen "any evidence of her improving things." It opined that JS's regression was "strong evidence to me that it's [mother] who's continuing to prohibit this reunification from moving forward." The trial court again discussed contempt, stating as follows:

> I'll remind Stacie Sharp that the Court can use [its] contempt powers, the order states that, and the order indicates that the Plaintiff must facilitate and encourage the minor children to participate in counseling that also addresses reunification.
>
> At this point I'm leaning towards finding Ms. Sharp in contempt of court for violating that portion of the order but I'm going to give her an opportunity to show cause why she should not be held in contempt the next time that we get together. So that can be her own testimony or any other witnesses that she intends to call. And that's going to be the very first party of the next hearing that will address the Court's feeling that more than likely she should be held in contempt of court.

> The best way to avoid that Ms. Sharp is for you to get on board and start encouraging your children to finally engage in the reunification process. I've indicated this on several occasions you hold they keys to this process and as I've indicated previously the Court certainly does have the power to take the children away from you. I applaud Mr. Shindorf for being open in his statement that he doesn't think that would be in the best interests of the children. I don't think it would be either. So what the next step is for me is jail time and I want you to take that seriously.
>
> You should be prepared that at the next hearing you're going to go to jail unless I see some real progress here. I'm tired of the excuses, I'm tired of you saying that it's the counselor's fault and the [therapists'] fault, because I agree with what Mr. Flood is saying that you seem to think that any time someone disagrees with what you're saying it's their fault and not yours and I'm tired of that. And so you can be prepared to go jail next time. I'm not going to tell you how long it's going to be unless you convince me otherwise at the next hearing that you are engaged and you are involved and I see some progress because that's the only option I think I have left is start sending you to jail.
>
> And that can continue every single time that we have a hearing and you're found in contempt of court for not complying with the court's order it's another 93 days that are available to the Court to use as punishment for not complying with the Court's order.

On April 22, 2020, the trial court sua sponte issued a show-cause order, requiring mother to show why she should not be held in criminal contempt. In an April 23, 2020, order, the trial court, among other matters, ordered that an evidentiary hearing would be held on July 9, 2020, at which time mother "shall also show cause why she should not be held in contempt of court for violating the Court's previous orders requiring her to facilitate and encourage the minor children to participate in counselling [sic] that also addresses reunification."

As it turned out, Reider's session with the older children on April 23, 2020, went well, to Reider's surprise. They discussed eventually bringing father in, to which the children were adamantly opposed, but AS ultimately agreed to permit father to write a single sentence letter to her. GS became agitated, but following encouragement from a person named Ian,[6] GS returned to the chat with Reider. Reider also had a video session with JS, in which JS was initially reluctant to participate, but mother "was able to eventually convince [JS] to participate if he could eat his chips and sit in his 'hiding spot' (the inside of a closet)." Reider was able to gain some participation from JS. Following the session, mother explained that this was typical behavior for JS when he was resistant to something, and he displayed the same behaviors to teachers and in response to homework.

The older children continued to engage with Reider at subsequent video sessions, but JS continued to be more resistant. Mother indicated to the children that it was their choice whether

[6] We are uncertain who Ian is, but we infer that he may have been mother's father.

to have a relationship with father, and Reider opined that mother was actively encouraging the children to engage, but Reider also suspected the children may be confused about their expectations. The older children became better able to discuss their negative feelings towards father, but remained unwilling to entertain the prospect of actually communicating with father. In June 2020, Reider opined that mother seemed supportive of attempting to have the children respond to a letter from father, and that she had been helpful and attempted to motivate the children, but she encountered limited success. Unfortunately, in July, the children regressed, possibly because Reider had broached the subject of potentially being required to interact with father. Mother's therapist indicated that mother remained of the belief that the children should not be forced to see father, but mother was nevertheless engaged in trying to help the children move forward. Flood opined that although mother's positive engagement was welcome, the children might find it confusing.[7]

At the July 9, 2020, hearing, mother explained the gap in the children's therapies at BRAINS. She had believed the children would have consistent appointments, but she discussed with one of the counselors giving the children a break because they were beginning to show resistance to therapy there. She then discovered that the children had been removed from the calendar at BRAINS entirely. She did not discover that the children had been removed from the calendar until "almost 5:00 on October 30th." She further explained that the situation was compounded by two of the children's counselors leaving after reassuring mother that the children had nevertheless been scheduled for appointments until December. She initially expected to be placed back on the calendar for November, but ultimately found that the earliest availability at BRAINS was in March. Mother further explained that since May 2019, she had taken the children to every appointment at Fountain Hill and, other than the gap, at BRAINS; she had also paid approximately $40,000 to Fountain Hill and $104 a week to BRAINS. She had been furloughed due to COVID-19, but otherwise she had adjusted her schedule so she could "be there for the kids and take them to the appointment [sic]." Since February, the children had resumed their weekly therapies with BRAINS. On cross-examination, mother testified that she was unaware of an October 2019 order requiring her to continue the children in individual therapy with BRAINS.[8]

Mother explained that she encouraged the children to give father a chance and to try to communicate with him. She opined that reunification counseling would be good for herself and for the children, but she maintained that "the children are not emotionally ready for the step" and their need to address their trauma had been ignored by Fountain Hill. She also opined that she was misquoted by her Fountain Hill therapist, who opined that mother's position was inconsistent, but

[7] We note that this belief seems to place mother in an impossible "damned if you do, damned if you don't" position.

[8] We have not found any such order in the record. An order entered on September 19, 2019, required that the "minor children shall continue to meet with Randy Flood, in a frequency and duration as he deems necessary," and it required mother to facilitate and encourage the counseling with Flood, but it did not mention the children's individual therapies with BRAINS. The preceding order entered June 27, 2019, likewise addressed only therapy with Flood. The only order we have found specifically requiring the children to continue counseling with BRAINS was entered February 19, 2020; i.e., after the gap in therapy had occurred.

in fact she had told the therapist that she believed father had not yet demonstrated that he was safe. She encouraged the children to express themselves and their feelings in therapy honestly. She believed that although the children had been participating in the Fountain Hill therapy, she criticized as counterproductive the manner in which the reunification process had been handled, in particular "trying to force things to happen very rapidly and rigidly." She opined that it "would be great for them to have the time with their dad," but that reunification would only be successful "if it's done at the children's pace." Mother did not believe that a face-to-face visit with father was presently in the children's best interests, but she denied conveying that opinion to the children. Mother denied telling the children that father was a threat, and she believed that some of the statements reported to Flood were inaccurate. Mother also contended that she believed the children's therapists should dictate the pace of reunification, not the children.

Mother agreed that JS had several successful visitations with father before refusing a half-day visitation. She noted that she had been under the impression that JS would go to father's house on that occasion, and that was what she had told JS. However, when she and JS arrived, Reider informed James they would be going to a car show and then possibly a restaurant, and that was when JS began to refuse the visitation. Mother denied telling the older children that Reider would "force them to have contact with their father." The trial court asked mother why she believed someone had put fear into the children during their reunification process, but it would not allow mother to describe statements reported to her from others. She otherwise explained that Reider had admitted telling the children "that he's going to take the step whether they like it or not," and she described Flood yelling at her, standing over her, and talking to her in a derogatory manner. Mother agreed that nothing in Flood's report reported that the children were not yet ready for the reunification process, but she protested that Flood had not included a number of relevant documents in his report, and the trial court had not permitted her witness from BRAINS to testify.[9]

Reider testified that mother encouraged the children to engage in writing to father and to engage with Reider during therapy sessions. The older children were continuing to engage with him, but they continued to express frustration with the reunification process, and one of the children had initially made some progress but regressed. JS refused to engage with Reider on his own, but mother encouraged JS to engage with Reider, and JS would partially engage with Reider when mother was present. Reider opined that it was not good for the children to form their own opinion about the reunification process, but he could not recall informing mother of that belief. Reider explained that he had initially viewed it as a setback when the children disengaged with him upon learning that his role was to reunify them with father. However, he pointed out that the children did engage with him at the next session. He explained that his plan had been "to slowly introduce [reunification] to them," but he did not recall ever informing mother of that plan. Reider noted that mother had told the children about his role because she "fe[lt] that it was important to be transparent about the process, and that she was being transparent."

Reider opined that JS's regression regarding visits with father was at least partially due to "a loyalty contract" with mother, which might have been conveyed directly or indirectly. Reider

[9] Once again, the trial court stated that it had not precluded mother from having a witness from BRAINS to testify. As noted, the trial court's recollection was incorrect.

agreed that mother believed the reunification process was re-traumatizing the children, and he opined that the prognosis for reunification was low without a shift in mother's attitude. However, he did not believe he could answer whether the process actually was re-traumatizing. He also believed that the children made some statements that sounded more adult than age-appropriate, which could have been the result "of either overhearing conversations or being directly spoken to." Reider and Flood both agreed that the reunification process was more likely to be successful with a "unified treatment plan," either through better coordination with BRAINS or by having the children conduct their individual trauma therapies at Fountain Hill.

Dr. Wolff testified that he was a neuropsychologist and co-owner of BRAINS, and he specialized in the care of children, especially children who had suffered trauma. Although he had "a doctoral certification in family therapy," the phrase "reunification therapy" was not yet in use, so he had no specialized training in reunification therapy. Nevertheless, he noted that parental influence of children in custody or divorce matters, including estrangement dynamics, had functionally played a large role in his career. Dr. Wolff opined that Fountain Hill and BRAINS were addressing different goals: BRAINS was focused on treating the children's emotional wellbeing and individualized needs, whereas Fountain Hill was focusing on the reunification process. He opined that,

> trying to push reunification when we still have children working through trauma based dynamics while at the same time trying to tell them don't worry about that trauma, let's get back together again and move towards this idea of reunification, has contributed to increased stress with the children and some regression in our opinion.

Dr. Wolff stated that all of the children's clinicians reported that the children's specific triggers were being asked to write a letter to father or to specifically talk about their father, in a good or bad way. He noted that the therapists would use only open-ended and general questions, but the children were generally unwilling to discuss father at all. Dr. Wolff agreed with Flood's assessment that the trauma and reunification therapies were somewhat at cross purposes, but he did not believe a single counselor could simultaneously work with a child on their trauma while also focusing on making the child spend more time with the trauma trigger. Dr. Wolff clarified that he respected Fountain Hill and Flood, but "they do more court oriented reunification orders." He did agree, however, that BRAINS and Fountain Hill needed to communicate better with each other, and he pointed out that, a year previously, he had proposed meeting directly with Flood.

Dr. Wolff agreed that JS had appeared to make progress before regressing; meanwhile, GS had initially been the most resistant but had recently shown progress in being able to use "dad's name without him melting down." He believed the children were showing progress, albeit slowly. Dr. Wolff pointed out that each individual reacts very differently to trauma, including how long it may take them to recover. Dr. Wolff did not have any idea why JS had progressed and then regressed. Dr. Wolff conceded that he did not know specifically what happened outside his office, but as far as he could tell, the regression was not due to anything mother had done, and JS gave no indication that the regression was due to mother. Dr. Wolff noted that JS did not appear to be further regressing, and in fact JS appeared to be starting to talk to the counselors again about the subject of father. Dr. Wolff explained that he could not find any literature specifically discussing how forced supervision visits would impact children, likely because no institutional ethics review

board would sanction any such study. Dr. Wolff believed that being reintroduced to an abuser too soon could cause lifelong effects on a child, but it was difficult to say how any particular child would react.

Dr. Wolff noted that if a child independently formed their own negative opinion about a parent, that would not constitute parental alienation. He agreed that parental alienation could occur even in trauma cases, but he emphasized that doing so would be harmful to the child, and BRAINS "would put very strict limits on that if we recognizes [sic] that that's happening in a client." He opined that at the outset of treatment, mother was not trying to alienate father, but rather was "very matter of fact in sharing historical opinions of what had happened." He explained that mother initially provided some factual recitations in front of the children, but that was halted very quickly, and she was never permitted to complain about father in front of the children. He opined that since then, none of the clinicians at BRAINS had noticed mother trying to suggest to the children that they should have negative opinions of father. He pointed out that the clinicians should be able to notice such manipulation even if it was happening outside of therapy sessions, and in fact such manipulation was "actually pretty common at first, especially [in] contentious divorce cases." Although two of the clinicians had at one point discussed concerns about "possible parental alienation coming into place," none of the clinicians had noticed mother intentionally being negative regarding father. However, he agreed with Flood that the matter was complicated by mother's struggles with her own trauma.

Dr. Wolff opined that for reunification to be successful, all three children needed to achieve "a level playing field" regarding their own trauma, because they experienced tension from being at different stages of healing from each other. He noted that although the interaction between JS and father had initially been positive, he believed it caused tension between JS and the other children. Therefore, the children needed to be in consensus with each other first. He noted that the children had been in the same state at first, but the reunification process disrupted their ability to work together. Dr. Wolff reported that all of the children's clinicians remained of the opinion that the children were not ready for reunification. He emphasized that although the children were now comfortable at BRAINS, achieving that comfort was slowed largely by the push to reunify, and he believed transitioning the children to a different facility would be detrimental to them and would seriously slow their progress.

On cross-examination, Dr. Wolff was asked about "the loyalty contract," which father's counsel described as not wanting to disappoint the "person that puts them to bed and feeds them every day and feels- tends to give them the most love." Dr. Wolff explained that the above description was "also called bonding." Dr. Wolff opined that it would be detrimental the child if mother had told the child that father had tried to kill her or tried to kill the child. He pointed out, however, that GS had an autism-spectrum disorder, and the use of seemingly age-inappropriate vocabulary was very common for children with autism spectrum disorders. He also observed that when loyalty contract dynamics were involved, children would usually begin discussing how their actions might affect their parent. None of the clinicians who worked with the children in this matter had ever heard the children say anything of that nature.

Dr. Wolff disagreed with Flood's conclusion that it was bad for mother to express to the children that they should make their own choice whether to see father. Dr. Wolff pointed out on cross-examination that, in fact, such a statement from mother seemed like "a very positive

progression" given father's counsel's "statement just a few minutes ago, [that mother] said in no way, shape or form should these children ever see their dad again." Dr. Wolff opined that it was irrational to suggest that mother would have intentionally induced JS's regression after several successful visits with father, rather than acting to preclude the successful visits from the outset. Furthermore, alienation by mother would be inconsistent with the progress being made by GS and AS.

Dr. Wolff opined that reunification was fully possible, and he had routinely seen successful reunifications to which a parent was fully opposed but where the parent allowed the children to make their own choices. Dr. Wolff opined that children of ages 6 to 9 were fully able to know whether they felt safe or comfortable in a situation. Nevertheless, he agreed that the children should not "be the sole decider of how this process continues to go." Dr. Wolff emphasized that mother was making progress, that GS had for the first time been willing to discuss father without shutting down, and that AS was also making positive progress. He conceded that he did not understand why JS had regressed, and he agreed that he was frustrated with how slow the children's progress had been. However, he noted that "each time that there has been an attempted reunification or visits it has contributed to a significant regression in the children's behavior" and progress. Overall, the children were "further along at this point than they have been at any point in time in the past 3½ years," and his opinion was that they should take "the low hanging fruit" and try to progress from writing letters to voice messages to video options. However, forcing the children to sit down and interact with father would just "recycle" the process. Dr. Wolff testified that he was unaware of any BRAINS clinician using the term "re-traumatize," but one of the therapists did advise him that they thought pushing for reunification too fast "was causing more emotionally [sic] trauma and shutting the children down." He opined that because the children were still struggling to talk about father, expecting them to see father was likely to fail.

At the conclusion of the hearing, the trial court expressed pleasure that both parties were willing to engage in co-parenting counseling with the same counselor. The trial court also ordered that Flood and Dr. Wolff were to have a meeting, and Reider's sessions with the children should be suspended for 30 days pending Flood's decision when to resume those sessions following the meeting. Nevertheless, the trial court found mother in civil and criminal contempt, and it again continued mother's obligation to pay 100% of reunification costs. It explained its ruling as follows:

> With regard to contempt of court, the Court received a motion and order to show cause back in April with regards to both—or with regards to criminal contempt of court. The Court views this as both civil and criminal contempt. Civil contempt is appropriate when the Court is trying to coerce or motivate a party to comply with a court order. Criminal contempt is for punishment of someone failing to comply with the Court's order and in this case the Court has both issues in mind; both getting Mrs. Sharp to comply with the Court's orders and then also potentially punishment for failing to comply with the Court's orders.
>
> The orders that are in play in this case are—the original judgment of divorce, along with orders that were subsequently issued with regards to the parties engaging in reunification therapy for the children.

The judgment of divorce specifically provides that, on Page 3, under Paragraph 5, both parties shall cooperate with the supervised parenting time and with the reunification therapy. Then on the next page under the Rights of the Children, it indicates the parents shall endeavor to guide the child so as to promote an affectionate relationship between the children and the father and the children and the mother.

Then on Paragraph 2, Page 4, it indicates that neither party shall do anything which may estrange the other party from the children or injure the children's opinions of the other party or which might hamper the free and natural affection of the children for the other party.

The Court finds based upon clear and equivocal [sic] and beyond a reasonable doubt that the plaintiff Ms. Sharp has violated these provisions of the judgment of divorce and also the orders of the Court to continue to cooperate with reunification therapy and all the orders that were subsequently made past the judgment of divorce.

The support for the finding primarily comes from the reports and testimony from therapists from Fountain Hill that were engaged as the reunification coordinators and therapists for this case.

The biggest evidence in this Court's opinion is the evidence that was provided with regards to James and his progress that he was making and seeing his father and how much he enjoyed seeing his father and expressing affection for his father and Fountain Hill's plans to start progress and elevate the level of contact between James and his father. But after the January review hearing there was a drastic regression in James' behavior. There's very strong circumstantial evidence to indicate that this was due to mom's—the plaintiff's behavior and efforts to stop these things from happening with reunification and elevation and contact between James and his father.

As Mr. Flood testified there was evidence of a loyalty contract between Ms. Sharp and James, and the other children as well, in that they must push away Mr. Shindorf in order to maintain the love and affection of their mother, and this leads to a shutdown of the children and there's certainly evidence of that. There was also evidence provided by Mr. Reider and Randy Flood that the mother was engaging in behavior consistent with parental alienation and resistance dynamics. Mr. Reider indicated that the children told him that mother said that Aaron Reider would force them to have more time with their father, and also Mr. Reider indicated that part of his opinion with regards to this issue came from the language that was being used by the children, that the language that the children were using wasn't consistent with childlike language but adult language, and that is also a key component in the Court's finding today.

Ms. Sharp wants to blame Fountain Hill and the Court feels that that blame is misplaced, that Fountain Hill and Mr. Flood were engaged because of their

> reputation and their ability. The Court doesn't see any evidence that they would be for any reason be biased against the plaintiff in this matter. There's really no reason for it. It's—their opinion is based on what they observed and that's a valid opinion.
>
> Then also additional evidence comes from the fact that the mother seemed to intentionally stop the counseling the children were engaged in with Brains. She claimed that it was because of Brains and scheduling issues, but no one from Brains substantiated that claim. The Court is left with the firm impression that it was Ms. Sharp who decided to thwart that counseling and stop the process and delay the process. That's also her intent—her intent is also evidenced by reports from her own therapist at Brains and also from the (inaudible) from Fountain Hill with regards to mom's reluctance to engage in reunification therapy.
>
> So, for all those reasons the Court feels that there is evidence beyond a reasonable doubt that criminal contempt and also evidence, clear and unequivocal evidence with regards to finding of civil contempt.

The court also ordered that father's child support should be recalculated as a sanction. This Court peremptorily reversed that order, noting that, contrary to the trial court's ruling, mother's "alleged involvement in the estrangement of the parties' children from [father] and her purported failure to comply with the judge's orders are not circumstances that render the [Michigan Child Support Formula] 'unjust or inappropriate' under MCL 552.605(2).[10]

Mother now appeals from the trial court's orders finding her in contempt and ordering her to pay all reunification costs.

II. CONTEMPT

Mother argues that the trial court abused its discretion when it found her in civil and criminal contempt. We agree.

A. PRINCIPLES OF LAW

In order to enforce their orders, courts have the power to hold various persons, under certain circumstances, in contempt. *In re Moroun*, 295 Mich App 312, 331; 814 NW2d 319 (2012). "Contempt of court is defined as a willful act, omission, or statement that tends to . . . impede the functioning of a court." *In re Dudzinski*, 257 Mich App 96, 108; 667 NW2d 68 (2003) (quotation omitted). "In civil contempt proceedings, a trial court employs its contempt power to coerce compliance with a present or future obligation, including compliance with a court order, to reimburse the complainant for costs incurred as a result of contemptuous behavior, or both." *Moroun*, 295 Mich App at 331. Civil contempt "sanctions are of indefinite duration, terminable upon the contemnor's compliance or inability to comply." *DeGeorge v Warheit*, 276 Mich App

[10] *Shindorf v Shindorf*, unpublished order of the Court of Appeals, entered March 26, 2021 (Docket No. 355695).

587, 592; 741 NW2d 38 (2007). "By contrast, the purpose of criminal sanctions is to punish past disobedient conduct by imposing an unconditional and definite sentence." *Id.*

"[I]n a civil contempt proceeding, the accused must be accorded rudimentary due process, i.e., notice and an opportunity to present a defense, and the party seeking enforcement of the court's order bears the burden of proving by a preponderance of the evidence that the order was violated." *Porter v Porter*, 285 Mich App 450, 456-457; 776 NW2d 377 (2009). Willful disobedience is not required; rather, neglectful failure to obey a court order is sufficient. *In re United Stationers Supply Co*, 239 Mich App 496, 501; 608 NW2d 105 (2000). In contrast, a criminal contempt proceeding must carry many of the same due process safeguards as an ordinary criminal trial, including the presumption of innocence and the right against self-incrimination. *DeGeorge*, 276 Mich App at 592. "In a criminal contempt proceeding, a willful disregard or disobedience of a court order must be clearly and unequivocally shown, and must be proven beyond a reasonable doubt." *Id.* (citations omitted). Additionally, persons charged with contempt are entitled to be informed of the specific charges, to an opportunity to prepare a defense, and to be informed whether the contempt proceedings are civil or criminal. *Id.*

This Court reviews for an abuse of discretion a trial court's order to hold an individual in contempt. *Dudzinski*, 257 Mich App at 99. "A trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes." *People v Duncan*, 494 Mich 713, 722-723; 835 NW2d 399 (2013). Additionally,

> Whether a party has been afforded due process is a question of law, subject to review de novo. A trial court's findings in a contempt proceeding are reviewed for clear error and must be affirmed on appeal if there is competent evidence to support them. The appellate court may not weigh the evidence or the credibility of the witnesses in determining whether there is competent evidence to support the findings. Clear error exists when this Court is left with the definite and firm conviction that a mistake was made. [*In re Contempt of Henry*, 282 Mich App 656, 668; 765 NW2d 44 (2009) (citations omitted).]

We finally observe that father has neither appeared nor participated in this appeal. Father's abstention from this appeal does not constitute a confession of error or relieve mother of the burden of showing that an error occurred below. *Redmond v Heller*, 332 Mich App 415, 435 n 9; 957 NW2d 357 (2020). Nevertheless, father cannot contend that we have overlooked any arguments he could have made but chose not to make.

B. NOTICE OF CIVIL CONTEMPT

Mother argues that the trial court failed to provide her with proper notice that the contempt proceedings would encompass civil contempt. We agree.

As discussed, the trial court sua sponte entered an order to show cause on April 22, 2020. That order unequivocally stated that mother was ordered to show cause why she should not be held in criminal contempt only. The order was on a form, and in two separate places, the trial court placed a check next to "criminal" and no check next to "civil." The trial court's admonishments to mother seemingly indicated that it wanted *both* to punish her for not complying with its orders

and to compel her to comply with its orders. However, the trial court warned that it "may use its contempt powers" if mother failed to comply with its orders, but provided little detail. Thus, the trial court seemingly used the *threat of* contempt as an inducement to mother, but the clear import of its statements, consistent with checking only "criminal" in its order, was that intended any actual *use of* its contempt powers to be punitive. Mother was not provided with adequate notice that the trial court might also consider civil contempt.

C. VIOLATION OF COURT ORDERS

Mother also argues that the trial court erred in finding that she willfully violated the court's orders. We agree.

We first emphasize that the trial court only provided mother with notice of criminal contempt proceedings, which, as discussed, entitled mother to the presumption of innocence and required proof of *willful* disobedience beyond a reasonable doubt. We also reiterate that the trial court was clearly under the apprehension that the gap in the children's therapy at the end of 2019 was in violation of a court order that we cannot find in the record. In any event, there is no evidence to contradict mother's testimony that the gap was accidental. Furthermore, the trial court repeatedly denied, wrongly, that it had never refused to permit mother to call Dr. Wolff as a witness. When Dr. Wolff was finally permitted to testify, he confirmed that the children were not, in fact, ready to see their abuser yet. Notably, Burgess did not state that parenting time should occur, but rather that parenting time should be supervised. Dr. Brooks, despite recommending parenting time, emphasized that father's re-integration must occur at the children's pace, not father's. Flood opined that mother was unintentionally interfering with the process because she was opposed to it, but that conclusion was entirely speculative and, importantly, was evidence that any disobedience by mother to the trial court's orders was not willful.

Mother repeatedly told the trial court, accurately, that the children's counselors had unwaveringly believed the children were not ready to begin the reunification process. The evidence showed that mother was nevertheless participating in therapy, even if she did not necessarily believe it was doing any good. Mother brought the children to their therapy sessions, other than a gap that was not actually a violation of any order we can find and that no actual evidence shows was anything other than inadvertent.[11] Although persons must comply with court orders irrespective of their belief in the correctness of such orders, a person cannot be guilty of contempt for failing to achieve the impossible. *Kirby v Mich High School Athletic Ass'n*, 459 Mich 23, 40-41; 585 NW2d 290 (1998). There is simply no competent evidence in the record to support a finding that mother *willfully* disobeyed or disregarded any court orders. Rather, the evidence shows that the trial court's insistence on forcing a particular timetable and punishing mother into, as father's counsel literally and inappropriately stated, "suck[ing] it up," caused the

[11] We remind the trial court that doubt about credibility is not, itself, evidence of guilt. *People v Wolfe*, 440 Mich 508, 519; 489 NW2d 748 (1992).

children further trauma and is the real cause of the delays in reunification.[12] The trial court erred by holding mother in contempt.

III. REUNIFICATION COSTS

Mother also argues that the trial court erred in its April 23, 2020, order continuing its requirement that mother pay 100% of the costs of reunification therapy at the Fountain Hill Center. We agree. This Court reviews for an abuse of discretion the imposition of sanctions. *Casey v Auto Owners Ins Co*, 273 Mich App 388, 404; 729 NW2d 277 (2006).

In her application for leave to appeal, mother did not challenge the trial court's September 19, 2019, order imposing 70% of the Fountain Hill costs upon mother, nor did she challenge the trial court's February 19, 2020, order imposing 100% of the Fountain Hill costs upon mother. Our grant of leave to appeal was "limited to the issues raised in the application and supporting brief." We nevertheless take note of the fact that the trial court's September 19, 2019, order was entered following a rushed hearing and the trial court's refusal to permit mother to present testimony Dr. Wolff. Although the propriety of that order is not directly before us, we think the order was minimally not adequately thought through, as further illustrated by our discussion above. The trial court's February 19, 2020, order was entered after the trial court denied having refused mother to present testimony from Dr. Wolff.

Nevertheless, although we are constrained from touching the trial court's September 19, 2019, and February 19, 2020, orders, the trial court's remarks made it clear that it intended to consider reducing mother's share of the Fountain Hill costs if it saw what it perceived to be "progress." The trial court improperly considered only whether the children complied with the court's and father's demanded timetables for overcoming the trauma inflicted by father, rather than whether mother was actually endeavoring to facilitate reunification. Notably, all of the children *had* shown progress. Although JS regressed, when mother was finally permitted to present her evidence to the trial court, it was explained that nobody could figure out why JS had regressed, but the progress he initially made was inconsistent with interference by mother. The older children began actually participating in therapy, and if the trial court had waited one more day, Reider would have been able to report that the older children continued their sessions with him despite being upset about Reider's role. Incongruously, the trial court even expressed pleasure that mother was willing to engage in co-parenting therapy with father.

We hold that the trial court abused its discretion by continuing its order requiring mother to pay 100% of the cost of reunification therapy. The trial court should, minimally, have recognized that progress was being made and followed through on its promise to reduce mother's share of the reunification therapy costs by a minimal amount. However, in light of the father's egregiously unacceptable attitude that mother should just "suck it up," the trial court's own contribution to the children's additional traumas and the ensuing delay in reunification, and the trial court's failure to afford mother reasonable due process, we order that mother's share of the

[12] We also have difficulty understanding the trial court's apparent belief that it could sanction mother into trusting that the court was actually interested in her or the children's best interests, especially when the trial court repeatedly demonstrated the opposite.

reunification costs should be reduced to 50% effective as of April 23, 2020. We leave it to the trial court's discretion how best to effectuate mother's reimbursement for overpayment.

The trial court's orders holding mother in contempt and continuing mother's responsibility for 100% of the cost of reunification therapy are reversed, and the matter is remanded for proceedings consistent with this opinion. We retain jurisdiction.

/s/ Amy Ronayne Krause
/s/ Thomas C. Cameron
/s/ Michelle M. Rick

Court of Appeals, State of Michigan

ORDER

Stacie Ann Shindorf v Wade Damon Shindorf

Docket No. 355083

LC No. 17-057901-DM

Amy Ronayne Krause
Presiding Judge

Thomas C. Cameron

Michelle M. Rick
Judges

Pursuant to the opinion issued concurrently with this order, this case is REMANDED for further proceedings consistent with the opinion of this Court. We retain jurisdiction.

Proceedings on remand in this matter shall commence within 28 days of the Clerk's certification of this order, and they shall be given priority on remand until they are concluded. As stated in the accompanying opinion, the matter is remanded for proceedings consistent with this opinion. The proceedings on remand are limited to this issue.

The parties shall promptly file with this Court a copy of all papers filed on remand. Within seven days after entry, appellant shall file with this Court copies of all orders entered on remand.

The transcript of all proceedings on remand shall be prepared and filed within 21 days after completion of the proceedings.

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

December 2, 2021
Date

Chief Clerk