

## ***In re Vesco* – Historical Background**

DENNIS KOSON, M.D.\*

This trial results from a petition filed by Donald Vesco to obtain custody of his son, Robert, from his ex-wife, Mary Lou, who has had custody of the boy since their divorce six years ago. Donald and Mary Lou were married thirteen years ago, and their only child, Robert, was born a year later. Mary Lou suffered a miscarriage in their third year of marriage, and there were no further pregnancies. In the seventh year of their marriage, after some quarreling and estrangement, Donald left their home and they were formally separated. Their divorce became final one year later, Robert having remained with Mary Lou as part of the agreement. In addition, Donald agreed to pay \$50.00 weekly support and retained the house and mortgage while Mary Lou lived with her parents. He was granted visitation rights one day a month. The divorce was uncontested, on the grounds of incompatibility, though both agree privately that there was another woman, Shirley, whom Donald married one month after the divorce decree became final. Shirley had two daughters by a previous marriage. They were seven and eight years old. Robert was then six years old. Six months ago, six years after the divorce, Donald and his new wife sued for custody of Robert, alleging that Mary Lou was an unfit mother. They produced a hospital record to the effect that, while intoxicated, Mary Lou fell and struck her head, requiring treatment. Upon receiving notice of the hearing, Mary Lou, believing the hearing related to support, did not attend, and custody was granted to Donald and his wife. With the help of her mother, Mary Lou sought the services of an attorney on a low fee basis. He petitioned for a re-hearing of the custody issue.

The family court judge ordered an examination of both families by a court-appointed psychiatrist (Dr. Robey). His report went to the judge and to both attorneys. Mary Lou's attorney, on seeing the report from the court psychiatrist, obtained a private, independent examination of Mary Lou and Robert from Dr. Sadoff. The reports from each psychiatrist follow. Prior to this point in the hearing, certain evidence has already been developed and presented by the attorneys in the form of statements or depositions, which the attorney will discuss.

### **MICHIGAN FORENSIC SERVICES**

P. O. BOX X607 • ANN ARBOR, MICHIGAN 48107 • (313) 663-1300

#### **REPORT OF PSYCHIATRIC EVALUATION OF THE VESCO FAMILY**

##### **HISTORY OF PRESENT LITIGATION**

The litigants in this issue are Mary Lou Vesco and Donald and Shirley Vesco, concerning the custody of Robert Vesco; DOB: 6/26/62.

Donald and Mary Lou Vesco were divorced on August 19, 1968. Robert Vesco remained in the custody of his mother until September 3, 1974, when, following default on a hearing brought by the father and his second wife Shirley, custody was awarded to the father. Subsequent thereto, Mary Lou Vesco, through her attorney, petitioned for a

\*Dr. Koson is Director of Research, Center for Forensic Psychiatry, Ann Arbor, Michigan.

rehearing of the custody issue; after initial negotiations on this issue, the undersigned was appointed by the Court to examine all members of the family.

#### EVALUATION OF MARY LOU VESCO

Mary Lou, the petitioner, presented herself as a moderately attractive, thin, white, divorced female, 5 feet 7 inches in height and weighing 125 pounds. She was fairly anxious, particularly at the beginning of the interview, and attempted to show herself in the best possible light. Her anxiety was evidenced, among other things, by a tremor of her hands which she attempted to hide, and by chain-smoking — during the course of a 90-minute interview she managed to smoke almost an entire pack of cigarettes.

Initially in the interview she resented the “trick” that her ex-husband had played on her by bringing a custody suit. She did admit, however, that she had not read the legal document she had received and had just assumed that it dealt with the issue of support. She indicated that she had forwarded the papers to her previous lawyer but had not heard from him. When Robert was thereafter placed with her ex-husband, she became extremely upset and did not know where to turn. It was with the help of her mother, with whom she lives, that she sought a new attorney who petitioned for a rehearing on the custody of Robert. She spent a considerable amount of time in the interview talking about how hard it was to be without Robert and, from her conversations with him, how unhappy she felt he was. She displayed some anger, particularly at Shirley Vesco, the present wife of Robert’s father, although, interestingly enough, she did not express as much direct anger at her ex-husband, despite her statement that she had been “tricked.”

She stated, upon being questioned, that she had already seen a psychiatrist who had been obtained by her lawyer. The fact that past historical material was relatively easily given indicated that she had previously gone over this material repeatedly with her lawyer, her therapist and the psychiatrist.

In the interview, despite her height and what is assumed to be her usual bearing, she sat somewhat slumped after an initial period of sitting very straight and tense, and a general picture of long-term neurotic depression became clear. When she was questioned about this, there was evidence of a basically depressed personality going back many years, but the more acute signs of depressive neurosis seemed to revolve predominantly around the death of her father in March, 1974. She admitted that drinking had been a problem for her in the past, although never a very severe one, but following her father’s death she had quit her job as a clerk in a bank and trust company. She remained relatively acutely depressed for about four months and then, deciding she must do something with her life, had started school on state funding, while on welfare, to get a degree in accounting. She managed to do fairly well during the first term, and during the present term her marks continue at about a B average. She seems very determined to obtain her accounting degree, although she recognizes that it will take another year.

A milder and more chronic level of depression shows an origin approximately one year before her divorce from Donald. It was in September, 1973, after her drinking had become somewhat worse and she was feeling particularly depressed, that she had finally made the choice to enter psychotherapy and had started seeing a social worker in a clinic near her mother’s home. She remained in treatment with him for almost a year but stopped treatment when she entered accounting school. However, she again began drinking and had a marked increase in anxiety and depression, and reentered therapy with the same therapist four months ago. At that time, he had a doctor place her on antidepressants — Elavil, 25 mg t.i.d.; she also takes Valium, 5 mg, when she is excessively anxious. She finds these medications have caused some improvement. She indicates that she has now stopped drinking completely, although there is indication that this is only because of the loss of the custody of Robert and her determination to get him back.

In reference to Mary Lou’s care of Robert, it seems clear that, particularly since her father’s death, her mother has taken over more and more of his care. Indeed, her mother

has always had a fairly active role in raising Robert ever since the divorce, and even before that time. Mary Lou indicates that her mother does all of the cooking and cleaning, and at the present time in any case she is far too busy with school to manage any of this work. She describes a relationship with Robert that would appear to be somewhat too close, with the boy being somewhat infantilized and not being allowed to develop as one would expect of a boy just entering his teens. While she is very supportive of him, she tends to be somewhat over-protective and allows him relatively little freedom. Most of her emotional investment seems to be solely with Robert. She has had some occasional dates and indeed went with one boyfriend for almost a year and a half, but this broke up quite a while ago and she is not presently dating anyone. She indicates no foreseeable plan for marriage, although she does not imply in any way that she will never again get married. It would appear that her predominant investment at this time is in school and in Robert. The only regular activity beyond school is attendance at church, which seems to occur partly because of her fairly rigid Catholic upbringing and partly at the continued request of her mother. Robert is always included in religious activities.

In reference to her ex-husband and his present wife, Shirley, Mary Lou at first indicated that she did not want to say anything bad about them. However, she did admit shortly thereafter that she thought that Shirley was cold and selfish and that she did not like the thought of Robert's living with them. She later admitted that particularly when she had been drinking, she would often make far stronger comments about both Donald and Shirley, although she is vague on these and indicates that it was mostly her mother that told her of the things she had said. For example, her mother had indicated that once when she was intoxicated she had been yelling that "if Donald cheats on her it will serve her right, the bitch." She allowed that this did seem to upset Robert, who would be quieter than usual the following day after she had been intoxicated; it was finding him crying once, although he would not tell her why, that had finally caused her to go back into therapy and cease drinking. She indicated that she has had nothing to drink at all since she reentered therapy four months ago.

Investigation of her relationship with her father indicates that she had felt very close to him and that his death had been a severe loss to her. She said that her therapist had told her that perhaps she was leaning too much on Robert to fill the void she felt, and she shrugged as she said, "He may be right."

In reference to her past life, she finally expressed the attitude that she felt she had done poorly with it and that for the first time she really appreciated her mother, with whom she had never really gotten along well in the past, for giving her the opportunity to start over again.

While there was no evidence of any psychotic thought disorder and her sensorium failed to indicate any evidence of organic brain disease, she presented herself predominantly as a somewhat narcissistic hysterical character disorder with passive-aggressive features and a continuing overlay of a neurotic level of depression which, at the present time, while partially controlled with medication, is still very much apparent. She tried to indicate that she was doing very well, emphasizing throughout the interview how much she was working out in therapy; how wonderful her therapist was; that she now felt far more able to cope with life on her own, and that she was well on her way to finishing her accounting career. Early material supplied from the court indicated that she was near finishing school, but it would appear that her degree is going to take at least another year, and it is suspected that as she comes closer to completing her degree, there will be increased self-questioning about whether this is a role she wishes to take. While it is not anticipated that she will become depressed to the point of being suicidal, it is certainly expected that she will need to continue in therapy and may very possibly revert to drinking unless her therapist can help her work through her own role identity.

## EVALUATION OF ROBERT VESCO

Robert is a 12-9 year old Catholic male who was born June 26, 1962, an only child. He was interviewed alone to ascertain his own wishes in the present litigation of which he is the subject and to evaluate his degree of maturity. He was also seen a second time with his father and stepmother and her children in a conjoint interview, and then alone briefly.

During the interview, Robert presented himself as a trifle immature boy who is 4'10" and slightly overweight — 118 pounds. While he was uncomfortable at the beginning of the interview, he relaxed fairly rapidly and was able to talk comfortably and relevantly. The area that gave him the most difficulty was his mother's depression and her past tendency to drink. He showed evidence of depression himself and a certain degree of over-compliance although he was capable of expressing his own opinions. Signs of depression included occasional depressive countenance, and he also described not infrequent difficulty sleeping. He is slightly overweight, and when this was mentioned he became somewhat defensive about it, indicating that his grandmother cooked a lot of desserts and that he stayed home a great deal. Probing in this area revealed a tendency towards over-protection by his mother, with her being relatively restrictive about his playing with other children, riding his bike alone, staying at friends' houses, etc. He covered this area, however, by saying that his mother needed him and that he had many duties around the house as the "man of the family." While he attends church regularly with his mother and grandmother, it would appear that this is more a requirement of theirs and he is not in any way fully invested in religion. He added in passing that he did not like the new parish priest.

The remainder of the mental status was relatively normal. He showed above average intelligence and was able to discuss the whole area of his placement and his feelings about his mother and father. He was well aware of the present legal situation and the problems involved.

When asked about his own wishes concerning custody, he indicated that he would prefer to stay with his mother and grandmother, but that he did love his father and did not want to cause any trouble in the present situation. While he expressed the fact that his father was excessively busy and that he had little free time, he indicated that over the past few months that he has been staying with his father and stepmother, his father was usually home on weekends, although he might have come home somewhat later than his scheduled hours during the week days. When asked to review some of those areas he felt were advantages to living with his father, he indicated that his father had started him on judo lessons, that he had his own room, that there were fewer requirements for chores around the house than with his mother and grandmother, and that he had more freedom with his friends, although he was further removed from them, which made seeing them outside of school somewhat difficult. He indicated that he was beginning to develop some friends in the neighborhood.

In a subsequent interview where Robert was seen in the company of his father, stepmother and two stepsisters, Robert was more positive about his father and the feelings he had for him, but he again indicated, when asked, that the amount of companionship with his father was less than he would like. He recognized that his father is hoping for a desk job at headquarters and held out the belief that he would have more time with his father when this change occurs. The most negative comment he made about his father was how "meek his father gets when his stepmother gets dominant and wins an argument." He gave the impression that he finds the same behavior in himself and is seeking the male identification figure that will present a more aggressive-assertive ego-ideal.

In reference to his stepmother, he indicated that she is nice and pleasant but he implied that there is nowhere near the closeness, both emotionally and physically, that he has with his natural mother. When asked why this might be so, he indicated that she is perhaps more partial to the two girls, but he added, "Maybe she hasn't had any

experience with boys." He did concede that as he lived there longer, if this were the court's choice, this would probably change for the better.

In discussing his relationship with his father, the parish priest and one of Mary Lou's boyfriends, it appeared that Robert misses a male figure. His teachers are all female but one in gym and one in math. This feeling of loss which appears to be important in Robert's depressive appearance seems to relate in part to the death of his grandfather, to whom the boy was very attached. He talked only briefly about his grandfather, and it was at this time that he looked close to tears.

Robert presents an overall picture of a mildly depressed individual who seems to carry an underlying un verbalized responsibility for the break-up of his parents' marriage. He would appear to have been infantilized to a degree by his mother and grandmother and, while doing very well academically, prior to moving to his father's home he had reduced opportunities to associate with peers. It would seem as though he were, in many ways, searching for an adult male figure with whom to identify.

### EVALUATION OF DONALD VESCO

Mr. Vesco is a 33-year-old, white, divorced/remarried Catholic male State Police Sergeant. It was he, with his present wife's support and urging, who brought the original action to gain custody of Robert in August, 1974. He presented himself as a well-developed, well-nourished white male who is in good physical condition, being approximately 5'10" and 165 pounds. His hair is relatively close-cropped and his general demeanor appeared to be controlled and authoritarian in nature. The initial portion of the interview was conducted with Robert, who sat next to his father, Shirley and her two daughters, Susan and Denise. None of the children participated actively in the interview except when spoken to. The older girl, Susan, age 15, was a little overtly flirtatious; Denise showed little evidence at the present time of any developing interest in boys. Secondary sexual characteristics in her are minimally developed, despite the fact that she has just turned 14.

During the initial stage of the interview, the parents spoke of their wanting Robert so that he could have a family with a father, a mother and other children as well as the greater opportunities his income would allow. Donald seemed particularly warm towards Robert, to which the boy clearly responded, although he was cooler — albeit polite — with Shirley. The two girls seemed to react quite positively towards Robert and seemed genuine in their wish to have him live with them.

After an initial evaluation of the interaction of the entire family, the children were taken out of the interview room and Robert was spoken to once again for a few moments while the parents waited. The interview with them was then continued and historical material concerning both Donald and Shirley was obtained.

Mr. Vesco, in giving some past history of his own life, indicated that following graduation from high school he made the decision that he would like to apply for the State Police, and he started in a community college in the area to meet the two-year college credit requirements for admission to the State Police Academy. He remained at school, getting adequate marks, from September, 1960, through June, 1962. It was during his first year of college that he met Mary Lou, and they were married in June, 1961. He indicated that she was very helpful to him, both in his second year of college and in the police academy itself. His entire career over the past 13 years has been in uniform, and while he has taken and passed both corporals' and sergeants' exams and was promoted to sergeant approximately a year ago, there is some indication that he has been less than highly motivated to move up in the ranks of the state police. He has not, for example, taken opportunities to move into investigative work. He admitted that particularly in the early years, when he greatly enjoyed his work, he had many friends on the force, would work a great deal of overtime, and often was away from home at night and on weekends. He admitted that his heavy investment in his work had caused Mary

Lou to complain constantly about his absences, and they had quarrelled more and more frequently. He gave indication of Mary Lou's increasing coldness and sexual rejection of him as the years went by, and he admitted that as he gained more seniority in his job, he had fewer weekends to work but used the opportunity provided thereby to see his present wife. This relationship continued on a clandestine basis for approximately a year. He found himself becoming more distant to Mary Lou, and it was during the summer of 1967 that she discovered about his relationship with Shirley and separated from him. The divorce became final August 19, 1968, and he stated that he promptly married his present wife. He states that he had met Shirley in the course of his police duties and had on impulse asked her out. Her husband had been killed some two years before in a freeway accident during a heavy fog, and she had managed with the two girls on her own. He indicated that the present marriage was very good, although he admitted to some minor arguments. He indicated, however, that these were far fewer than with his first wife and that Shirley does not get depressed and drink as Mary Lou had.

Following the award of custody of Robert to Mary Lou, he was allowed visitation rights once a month, which he faithfully kept. He became increasingly disturbed when he would pick up Robert and find her somewhat intoxicated, but he did not at that time take any specific action to gain custody. In August, 1974, when he went to pick up Robert, his wife was not there and he found out from the boy that she was in the hospital because she had been drinking and had fallen and hurt herself. Following a discussion between himself and Shirley, he decided to take immediate legal action. The first hearing was held September 7, 1974, and with the failure of Mary Lou to appear, custody was granted to the father; Robert came with them to stay on a full-time basis the next day.

In reference to his attitude towards Robert, he indicated that he was quite concerned with how little his mother let him play with others and that he felt that he was somewhat frightened of other boys. It was at this point that the father decided to enroll him in judo lessons. He felt that Robert was adjusting extremely well to the change in custody and that they were giving him far more than he had had with his mother. He indicated that they both encourage Robert to play with others, but that the first friends he has found in the neighborhood have been somewhat younger than himself. He admitted that his activities have kept him fairly busy, not only in his job but also with his activities with the PTA at the girls' school and the Kiwanis. He stated that he expects to receive a Desk Sergeant's position within the coming year, and he feels that he will have more time available for the whole family then. Donald, in passing, noted frequent absences had required him to be quite strict with Robert when he was younger because of Mary Lou's permissiveness, but he felt that he could give him far more freedom now because he was quite responsible.

In reference to Mary Lou, he stated that he was very careful to avoid any condemnatory remarks in front of the children, although occasionally Shirley would make some. He added, with her nod of agreement, that she generally was fairly careful about this also. He indicated that he did not wish to deprive Mary Lou of Robert's company, but that even with her involvement in therapy, he got indications, largely through Robert, that the old pattern was still present, and this, combined with her over-protection of Robert and her new relatively heavy investment in pursuing an accounting degree, led him to believe that Robert's custody being awarded to him would provide much more for the boy's future.

Basically, Donald presents a fairly well-adjusted individual who is perhaps slightly dependent on his present wife but compensates for this through his work and his increasing self-confidence. The marriage seems stable and the home life salutary.

#### EVALUATION OF SHIRLEY (JONES) VESCO

Shirley is a 33-year-old, white, widowed/remarried mother of two children, who was born November 11, 1941. Relatively little history was gained from her in the joint

interview with Donald. She presented herself as certainly well dressed, neat and at ease. She is relatively plain looking and slightly overweight, being 5 feet 6 inches tall and weighing 135 pounds. When the question of her age was raised, she indicated that she was 3 months older than her husband. She first married in 1960 and had two children a year apart. A determination was made between her and her first husband that they would have no more than that. She stated that her husband worked terribly hard and that his death in a freeway accident had come as quite a tragedy. She had managed, through the insurance he carried and by getting a job, to keep things together and to continue raising the children. While she had thought of remarriage, it was not until Donald met her that she then decided. She said, with a laugh, that she had had to ask him to marry her.

During the interview with the children present, she seemed to be more open and relaxed, but the emphasis concerning Robert when she was with Donald was that the change in custody was for Robert's good. While there were no overt condemnatory statements towards Mary Lou, she appeared to have neither sympathy nor understanding for any of Mary Lou's problems.

In regard to her own children, she said that they were doing very well but that she had begun to feel some slight concern about Susan's interest in boys and the occasionally flirtatious way she deals with Donald.

Overall, Shirley presented herself as a relatively capable woman who manages the house and actively participates in decisions. She admitted that she does get annoyed with her husband at times, particularly for ignoring some of the chores, but she stated that she has only so far suggested that Robert help his father with them. She admitted to feeling a little uncomfortable with Robert, feeling that she has no concept of how to bring up boys, but she added that she is learning rapidly.

## DISCUSSION

As indicated above, the major issue is the custody of Robert. While the boy himself indicated some preference for staying with his mother, the lack of a male identity figure and the general over-protectiveness with which his mother treats him certainly indicate that for his own best interest the presence of a male identity figure is fairly important. The only male present in the mother's family constellation (other than the father when he visited once a month) has been one boyfriend who would occasionally take Mary Lou and Robert to a picnic. The natural father provides the adult male that Robert needs at this point.

Another problem is the degree of depression that has been shown on a more acute basis recently and on a chronic basis for a long period in Mary Lou. In many ways, the relationship between Mary Lou and Robert is more one of siblings than of mother and son, and the over-protection she shows could be interpreted as unconscious hostility directed toward him. The relatively sudden rejection of her role as the mother and her turning to a full-time career in accounting (assuming that she is capable both psychologically and financially of achieving this goal) further indicate that custody should remain with the father and stepmother. It can even be speculated that Mary Lou's failure to appear at the hearing in September, 1974, represented an unconscious rejection of her maternal role.

On the basis of all the above, it is my opinion that the best interests of Robert Vesco for his emotional and physical development during adolescence indicate that custody should remain with his natural father, Donald Vesco.

Respectfully submitted,  
Ames Robey, M.D.

AR/v