

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

Ivory Isabel Lukens

Plaintiff

-vs-



CSEA:

MAGISTRATE'S ORDER SUA
SPONTE REMOVING MINOR
CHILD'S THERAPIST

Judge:

Magist

Defendant

Now comes the Court and *sua sponte* issues the following order.

1. The Court finds *sua sponte* it is in the best interest of [REDACTED] to terminate and remove [REDACTED] ("Ms. [REDACTED] as [REDACTED] therapist. The Court is aware that it was previously determined that [REDACTED] trusts Ms. [REDACTED] and the Court did not find any issue with Ms. [REDACTED]. However, based on recent testimony and evidence presented during the trial on this matter, the Court finds that [REDACTED] continuing therapy with Ms. [REDACTED] is no longer in the child's best interest. Credible and convincing evidence was presented to show Ms. [REDACTED] actions or inactions are failing to help [REDACTED] and there is a lack of progress in [REDACTED] treatment with Ms. [REDACTED]. Therefore, E.J.L. is not benefiting from her sessions with Ms. [REDACTED]. Moreover, the Court finds that [REDACTED] continuing therapy with Ms. [REDACTED] is detrimental to [REDACTED] best interests, and her mental and physical development.

2. Ms. [REDACTED] has been treating [REDACTED] on a weekly basis since August 17, 2021, with a few missed weekly sessions due to holidays and/or unavailability of the therapist. In reviewing Ms. [REDACTED] reports in Plaintiff's Exhibit 20, Ms. [REDACTED] had 78 individual therapy sessions with [REDACTED] between September 2021 and September 2023 (Ex. 20, page 26). Ms. [REDACTED] reported in her September 23, 2023 Mental Health Summary Report that in August 2021, [REDACTED] mom indicated that [REDACTED] had been experiencing anxiety, distractibility, impulsivity, mood shifts, panic attacks, fears, recurring thoughts, sleeping problems, and worrying (Ex. 20, page 29). In Ms. [REDACTED] Psychotherapy Notes from October 4, 11, & 18, 2023, Ms. [REDACTED] noted that [REDACTED] was still

suffering from many of the same symptoms from August 2021. Specifically, on October 18, 2023, Ms. [REDACTED] noted that, [REDACTED] demonstrated anxiety while discussing her dad during sessions as evidenced by her saying “don’t tell my dad” in a panicky voice, trying to avoid the topic, and being restless (Ex. 20, page 40). Ms. [REDACTED] Monthly Report – September 2022 notes that on September 28, 2022, [REDACTED] demonstrated anxiety while discussing her dad during session as evidenced by her saying “don’t tell my dad” in a panicky voice, trying to change the subject, and fidgeting more than usual.” (Ex. 20, page 4). These reports indicate that in 13 months of therapy and approximately 50 sessions with Ms. [REDACTED] was still reporting the same exact anxiety levels when discussing her dad with Ms. [REDACTED]

3. Moreover, Ms. [REDACTED] Mental Health Summary Report from September 11, 2024 (Ex. 20, page 41) continues to report and cite to the same incidents previously reported, including an event that occurred four years prior in June 2020 when [REDACTED] was 6 years old involving [REDACTED] allegedly shooting a raccoon while with Father. The Court also notes that in a letter from Ms. [REDACTED] sent to Mother via email on July 19, 2025, Ms. [REDACTED] reports [REDACTED] being visibly upset during her therapy session that day, which was evidenced by [REDACTED] “fidgeting, having a shaky voice, and being easily distracted”. Ms. [REDACTED] goes on to report that [REDACTED] conveyed an increase in her fear of her dad and this fear was a result of actions taken by dad when [REDACTED] was five years old involving shooting a raccoon, spanking [REDACTED] “really hard”, and other instances involving Father’s previous girlfriend, [REDACTED] and dog, Kimber. These same incidents were reported in Ms. [REDACTED] Mental Health Summary Report from September 25, 2023 (Ex. 20, page 27), and again in her Mental Health Summary Report from September 11, 2024 (Ex. 20, page 42). Ms. [REDACTED] continues to report the same incidents from 5 years ago, as a basis for her current concerns for [REDACTED] and her reported fear of Father.

4. Ms. [REDACTED] report from September 11, 2024 also includes reports made by [REDACTED] of Father making [REDACTED] pay \$1 for every time she said “I’m sorry” for something that wasn’t her fault (Ex. 20, page 45). This incident was first reported by Ms. [REDACTED] on December 22, 2022 (Ex. 20, page 13), and was still being reported in her report of September 25, 2023 (Ex. 20, page 34), and then again in her September 2024 report, two years after the initial report was made by [REDACTED] to Ms. [REDACTED]

5. In reviewing all of the reports and notes from Ms. [REDACTED] from September 2022 until September 2024, many of the symptoms and behaviors of [REDACTED] reported by Ms. [REDACTED] are very similar, if not identical, and the same “incidents” that caused the symptoms are repeated

throughout Ms. [REDACTED] reports and notes. Ms. [REDACTED] testified [REDACTED] has not received any new diagnoses since November of 2022 and none of Ms. [REDACTED] reports indicate improvement in [REDACTED] symptoms in the last 3 years. [REDACTED] has now been seeing Ms. [REDACTED] as a therapist for four years on a weekly basis and is showing no signs of benefit from the therapy with Ms. [REDACTED]. This is according to Ms. [REDACTED] own reports and notes.

6. Credible and convincing evidence was presented to show Ms. [REDACTED] is acting as an inequitable advocate on behalf of Mother over [REDACTED] best interest. Ms. [REDACTED] testified to her lack of ability to maintain objectivity in the therapeutic relationship with [REDACTED] regarding Mother and Father. Ms. [REDACTED] testified she has testified on behalf of Mother in four separate court proceedings, including a hearing on a Petition for Domestic Violence Civil Protection Order ("DVCPO") filed by Mother against Father on behalf of E [REDACTED] in July 2025. Ms. [REDACTED] testified she has spoken with two of Mother's attorneys regarding [REDACTED] therapeutic treatment to prepare for her testimony. Ms. [REDACTED] testified she is aware that [REDACTED] does know that spending less time with her Father would please her Mother.

7. Ms. [REDACTED] testified that she had a zoom therapy session with [REDACTED] on Saturday July 19, 2025. Ms. [REDACTED] testified she generally does not see clients on Saturdays but saw [REDACTED] on this particular Saturday after she was directly contacted by Mother due to [REDACTED] missing her scheduled therapy appointment on July 16, 2025, during Father's parenting time. During the Saturday July 19, 2025 zoom session, Ms. [REDACTED] testified [REDACTED] reported an incident that occurred on the night of July 12, 2025 into the early morning hours of July 13, 2025 when [REDACTED] was with her Father. Ms. [REDACTED] testified [REDACTED] reported to her an upsetting event of an argument between Father and his girlfriend at that time, [REDACTED]

8. Ms. [REDACTED] email letter to Mother dated July 19, 2025 reports details of the argument as conveyed to Ms. [REDACTED] by [REDACTED] things that were overheard by [REDACTED] during the argument, and discussions [REDACTED] had with [REDACTED] during and after the argument. The letter further states that Mother reported to Ms. [REDACTED] that since [REDACTED] has returned home from Father's after the argument, [REDACTED] has asked Mother several times if Mother will help [REDACTED] if [REDACTED] texts E.J.L. for help. Ms. [REDACTED] testified that based on the information provided by [REDACTED] L. during the session, Ms. [REDACTED] as a mandated reporter, contacted Hamilton County Jobs and Family Services ("JFS") to report Father's behavior as expressed to her by [REDACTED] Ms. [REDACTED] testified she contacted JFS the following day to see if JFS had opened an investigation on the alleged abuse. JFS informed Ms. [REDACTED] that they had opened an investigation. Ms. [REDACTED] testified that she has called JFS to

report Father's conduct towards or in front of [REDACTED] as reported by [REDACTED] during therapy sessions, at least 3, maybe 4 times prior to the call she made on July 16, 2025. None of the previous calls resulted in an investigation. The July 16, 2025 allegation resulted in an investigation against Father for reports of neglect, physical abuse, and emotional maltreatment/mental injury of [REDACTED]. All allegations resulted in a finding of "unsubstantiated" on September 17, 2025. The JFS case worker, [REDACTED] testified she spoke to Mother, Father, and [REDACTED] privately and [REDACTED] did not confirm the allegations as reported to JFS. The JFS investigation determined there was no evidence that any child abuse or neglect had occurred by Father.

9. The evidence presented to the Court and testimony by Ms. [REDACTED] established Ms. [REDACTED] personal dislike of Father, her close relationship with Mother, and her refusal to provide Father with therapeutic information on [REDACTED] which is required under Ohio law. Ms. [REDACTED] testified she communicates with Mother via text, phone, email, and in person. Ms. [REDACTED] testified she has not communicated with Father or provided any records of E.[REDACTED] to Father since June 2024. Pursuant to R.C. [REDACTED] subject to section 3125.16 and division (F) of section 3319.321 of the Ohio Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. This Court has never determined that it is in [REDACTED] best interest for Father not to have access to her therapy records. Moreover, any keeper of a record who knowingly fails to comply with permitting record access is in contempt of Court.

10. Additionally, evidence was presented of Ms. [REDACTED] providing recommendations that extended beyond the scope of her professional duties and responsibilities as a child therapist. Although Ms. [REDACTED] highlighted in her Monthly Report – September 2022, dated September 30, 2022 that according to the 2014 American Counseling Association Code of Ethics that it is not within a therapist's scope of practice to make parenting time recommendations (Ex. 20, page 4), Ms. [REDACTED] made parenting time recommendations in her Mental Health Summary Report – September 25, 2023 (Ex. 20, pages 25 and 37).

therapist [REDACTED]
mental and physical development. Based on Ms. [REDACTED] admitted bias towards Father,

inappropriate recommendations, and the lack of progress or benefit of the therapy provided to E.J.L. while under Ms. [REDACTED] care, the Court finds that it is in the best interest of [REDACTED] to seek alternative therapeutic support for [REDACTED]. **IT IS HEREBY ORDERED** *sua sponte* that [REDACTED] shall be removed as the child therapist for [REDACTED] effective immediately.

12. Mother shall obtain a second opinion on [REDACTED] mental health. Mother shall contact and schedule the initial evaluation/assessment appointment for [REDACTED] with either BRIGHT Counseling Services, LLC, located at [REDACTED] or Best Point Education & Behavioral Health located at [REDACTED] 45227 within seven (7) days of the date of this Order to ensure continuity of care for [REDACTED]. The assessment appointment shall take place at the first available appointment with a therapist, but no later than thirty (30) days from the date of this Order. Any out-of-pocket costs associated with the second opinion of [REDACTED] shall be divided equally between the parents.

[REDACTED] verification of the scheduled appointment and the therapist contact information within five (5) days of receiving the appointment. Mother shall provide to the Court and to Father the final determination or diagnosis of [REDACTED] upon completion of the evaluation. Both parents shall be involved in [REDACTED] second opinion evaluation. The information for the Court shall be emailed to the Court's support staff, [REDACTED].

14. The therapist shall evaluate the previous diagnoses of [REDACTED] individual therapy needs of [REDACTED], reunification therapy between [REDACTED] and Father, and refer [REDACTED] to the appropriate therapist(s), if determined. If the referred individual therapist or the reunification therapist are not available for an intake appointment within thirty (30) days of the referral, the referring therapist shall refer [REDACTED] to a different therapist as soon as possible. A copy of this Order shall be provided to all therapists.

15. All evaluation/assessment results and therapy referrals shall be communicated to both parents by the therapist(s). Both parents shall follow the recommendations of the assessing therapist, including, but not limited to, therapy frequency, further testing, further evaluation, communication with the therapist and continuation of therapy, type of therapist, frequency of therapy, and dates and times of therapy.

16. All therapy appointments shall be conducted in person, unless the therapist(s) recommend otherwise.

17. Communication between [REDACTED] therapist(s) and parents shall only be initiated by the therapist(s) as the therapist(s) believe is necessary and beneficial for treatment of [REDACTED]. All communications with individual therapists shall include both parents. The parties shall follow all communication boundaries set by the therapist(s).

18. All therapy appointments shall be input into the OFW calendar within twenty-four (24) hours of setting the appointment by Mother; however, if the appointment occurs three days or less from the date of scheduling, Mother shall input the appointment within one (1) hour of scheduling AND send the other parent a message on OFW regarding the same.

19. Neither parent shall schedule therapy, testing, or evaluations of [REDACTED] outside of or independent of the selected assessing therapist or the individual therapist(s) referred by the assessing therapist, without a referral from the treating therapist AND written consent from the other parent.

20. All consents necessary for therapists to treat the minor children shall be executed by the parties within forty-eight (48) hours of receipt.

This matter is scheduled for a phone status report on **November 20, 2025 at 11:30 AM for 30 minutes** before Magistrate [REDACTED] for a report on the status of counseling and reunification therapy.

IT IS SO ORDERED.

Copies of this order have been mailed to the parties or their counsel. This Order is effective immediately. Either party may appeal this order by filing a Motion to Set the Order Aside within ten days of the date this order is entered. The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this order until [REDACTED]

[REDACTED]
Cincinnati, OH

[REDACTED]
t - 9000 Plainfield



Court of Common Pleas
Division of Domestic Relations
Hamilton County, Ohio

PHONE CONFERENCE HEARING NOTICE

[REDACTED]

Plaintiff Name

VS

[REDACTED]

Defendant Name

Date: [REDACTED]

[REDACTED]

Judge: [REDACTED]

Magistrate: [REDACTED]

The above captioned case is set for a **Phone Conference Status** on [REDACTED] at 11:30 AM for **30 minutes** before Magistrate [REDACTED]

The party who filed the motion, or counsel, if applicable, is directed to coordinate a conference call with all parties and then contact the court at [REDACTED] time and date to be connected to the assigned Magistrate for the **Phone Conference Status**, unless a Magistrate's Order provided a different phone number.