

730 PSYCHOLOGICAL EVALUATION/REVIEW OF  
MOELTER FAMILY MATTER, INCLUDING  
ALLEGATIONS OF SEXUAL ABUSE

Parents:

Name: Eric Moelter (father)  
Place Seen: Encinitas office  
Dates Seen: 3/4/08

Name: Cindy Dumas (mother)  
Place Seen: N/A  
Dates Seen: N/A (mother refused to participate in evaluation process)

Children:

Name: Damon  
Birth Date: \_\_\_\_\_  
Place Seen: San Diego office  
Dates Seen: 2/2/08 (individually and together with siblings),  
2/5/08 (interviewed with Court-appointed attorney)

Name: R Moelter  
Birth Date: \_\_\_\_\_  
Place Seen: San Diego office  
Dates Seen: 2/2/08 (individually and together with siblings)

Name: E Moelter  
Birth Date: \_\_\_\_\_  
Place Seen: San Diego office  
Dates Seen: 2/2/08 (individually and together with siblings)

Date of Report: July 6, 2008  
Case No: D477012

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**SOURCE AND REASON FOR REFERRAL:**

The above-referenced family was referred for a 730 Family Psychological Evaluation by the Honorable Loma Alksne, Judge of the Superior Court, on a somewhat urgent basis given the circumstances of the family dynamic and the hope that some resolution could be brought to this matter as expeditiously as possible.

Allegations of sexual abuse of Damon Moelter perpetrated by the father have been ongoing since approximately February 2003. No conclusive findings were made regarding the allegations, the mother became frustrated and discouraged with the investigators and the Court's lack of protective action, and ultimately the Court was considering that full custody be awarded to the father. A day or so before the court hearing on this matter, on November 5, 2004, the mother went into hiding with the three children and did not return until sometime in January or February of 2008 - approximately three years.

The mother elected to return with the children with the understanding that a new evaluation of the matter would be conducted.

**RELEVANT HISTORY AND INFORMATION:**

The Court is well aware of the history and dynamics involved in this case. Upon the mother's return with the understanding that a new evaluation would be conducted, the Court appointed separate attorneys for the three children - Timothy Smith, Esq. for Evan Moelter, David Schulman, Esq. for Ryan Moelter, and Gary Plavnick, Esq. for Damon Moelter. The children were placed in protective custody with a family friend, with the mother having supervised visits and the father having no visits pending the outcome of the evaluation.

Apparently, the attorneys for the parents, William Henrich, Esq. for the father and Barbara Weiser, Esq. for the mother, agreed upon the undersigned to serve as the independent evaluator for this matter, whereupon the judge directly called the undersigned and asked him if he would take the case. Subsequently, the mother has released Ms. Weiser as her attorney and has been representing herself.

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