

1 DAYS," AND YOU CLEARLY STATED "THAT'S A CHANGE OF
2 CUSTODY," EVEN THOUGH I DID NOT ASK FOR CHANGE OF CUSTODY,
3 SO THE SAME SITUATION APPLIES --

4 THE COURT: I'VE NEVER TOLD YOU THAT A SHIFTING A DAY
5 FOR VISITATION IS A CHANGE IN CUSTODY.

6 THE RESPONDENT: THAT WAS THE CASE, BECAUSE HE WAS
7 SAYING, "OH, SHE ASKED FOR DECREASE IN TIME."

8 AND I SAID, "NO, I JUST ASKED TO SHIFT THE DAY,
9 WEDNESDAY TO TUESDAY, OR FRIDAY TO THURSDAY."

10 AND THE COURT STATED THAT THAT'S A REQUEST FOR
11 CHANGE OF CUSTODY, AND YOU WANT SOME EXPERT TESTIMONY.

12 AND ALSO, AS A MATTER OF FACT, HE'S ASKING FOR
13 CHANGE IN LEGAL CUSTODY. HE WANTS SOLE DECISION --

14 THE COURT: NO. HE WANTS -- YOU ALL HAVE JOINT LEGAL
15 CUSTODY. AND HE WANTS ME TO GET RID OF THE PROVISION THAT
16 YOU HAVE FINAL DECISION-MAKING AS TO SCHOOL, AND THAT'S
17 THE ONLY THING THAT YOU HAD FINAL DECISION-MAKING AS TO.

18 THE RESPONDENT: CORRECT.

19 THE COURT: AND I AM REVOKING THAT.

20 THE RESPONDENT: ON WHAT GROUNDS?

21 THE COURT: BECAUSE I DON'T THINK IT'S FAIR, AND I
22 DON'T THINK IT'S WORKING OUT WITH YOU ALL.

23 THE RESPONDENT: BUT HE DID PRESENT THAT IT'S NOT
24 WORKING OUT? BECAUSE THAT'S THE RECOMMENDATION WAS MADE
25 BY THE EVALUATOR -- THAT I HAVE FINAL SCHOOL MAKING
26 DECISION.

27 THE COURT: THAT WAS IN 2014. THIS IS NOW 2018.

28 THE RESPONDENT: WHAT DID HE PRESENT THAT -- THAT IT

1 GIVES GROUNDS FOR THE COURT TO REVOKE THE --

2 THE COURT: THE ENTIRE HISTORY OF THIS CASE IS THE
3 GROUNDS.

4 THE RESPONDENT: BUT WHAT DID HE EXACTLY PRESENT FOR
5 A CHANGE IN SCHOOL DECISION-MAKING, TO TAKE AWAY FROM ME?
6 WE TOOK THROUGH -- WE WENT THROUGH \$15,000 EVALUATION FOR
7 ME TO GET THAT RIGHT, AND THIS IS WHAT EVALUATOR
8 RECOMMENDED. AND NOW, ON SIMPLE R.F.O., BASED ON HEARSAY
9 STATEMENTS, YOU'RE REVOKING THE LEGAL RIGHT FOR ME TO MAKE
10 SCHOOL DECISION-MAKING? WHAT GROUNDS, YOUR HONOR?

11 THE COURT: MA'AM, I HAVE TO MAKE MY OWN OBSERVATIONS
12 AS TO THE WILLINGNESS AND ABILITY OF PARTIES IN THIS AND
13 ANY OTHER CASE TO BE REASONABLE AND FLEXIBLE.

14 THE RESPONDENT: OKAY. SHOW ME ONE STATEMENT. I
15 SHOWED YOU 150 STATEMENT HOW I KEPT HIM INFORMED, HOW I'M
16 LOOKING FOR SCHOOLS, HOW I'M APPLYING FOR SCHOOLS. HE'S
17 NOT GOING THROUGH ANYTHING UNTIL I INVITE HIM.

18 THE COURT: MA'AM --

19 THE RESPONDENT: IT'S NOT FAIR TO TAKE THE RIGHT AWAY
20 FROM ME. BECAUSE HE WANTS SO?

21 EVERYONE WOULD COME, SAY, "I DON'T LIKE THIS
22 ORDER. CHANGE YOUR ORDER."

23 DID HE PRESENT YOU A CASE WHERE I'M NOT ABLE TO
24 MAKE FINAL DECISION-MAKING?

25 THE COURT: MA'AM, I THINK -- AS I SAID, THE COURT
26 HAS TO MAKE ITS OWN OBSERVATIONS AS TO THE WILLINGNESS AND
27 ABILITY OF THE PARTIES IN THIS AND ANY OTHER CASE TO BE
28 REASONABLE AND FLEXIBLE --

1 THE RESPONDENT: SO --

2 THE COURT: -- AND TO CO-PARENT.

3 THE RESPONDENT: -- OKAY. SO WHAT DID HE PRESENT?
4 I'M VERY CURIOUS. IF I'M INVOLVED WITH HIM, EVERY SINGLE
5 STEP, I'M NOTIFYING HIM --

6 THE COURT: MA'AM, I DON'T HAVE TO -- I HAVE GIVEN
7 YOU MY ANSWER.

8 THE RESPONDENT: I'M SORRY. I'M NOT CLEAR. WHAT ARE
9 THE GROUNDS TO TAKE MY DECISION-MAKING ON SCHOOLING AWAY
10 FROM ME?

11 THE COURT: THE COURT HAS TO MAKE ITS OWN
12 OBSERVATIONS IN THIS AND ANY OTHER CASE AS TO ITS OWN
13 BELIEF, AS TO WHETHER OR NOT ANY PARENT IS WILLING AND
14 ABLE TO BE FLEXIBLE AND REASONABLE IN THEIR
15 DECISION-MAKING.

16 THE RESPONDENT: HOW I'M NOT FLEXIBLE AND REASONABLE?

17 THE COURT: MA'AM, I DON'T HAVE TO ANSWER THAT.

18 THE RESPONDENT: YOU DON'T HAVE TO ANSWER THAT?
19 OKAY. SO YOU TAKING MY -- YOU TAKING MOTHER'S --

20 THE COURT: NO. YOU ALL --

21 THE RESPONDENT: -- FINAL DECISION-MAKING ON
22 SCHOOLING, BASED ON OBSERVATIONS WHICH PETITIONER HAS NOT
23 PROVIDED ANY PROOF --

24 THE COURT: NO. WE HAD LONG DISCUSSIONS IN THIS CASE
25 SINCE THE EVALUATION WITH REGARD TO SOPHIE STARTING
26 PRE-SCHOOL AND MONTESSORI AND ALL OF THAT. AND WE HAD A
27 GREAT DEAL OF DIFFICULTY WITH THAT. THE HISTORY OF THIS
28 CASE --

1 THE RESPONDENT: YES.

2 THE COURT: -- AND THE COURT'S OWN OBSERVATIONS HAVE
3 TO BE TAKEN INTO CONSIDERATION IN THE COURT-MAKING
4 DECISION.

5 YOU ALL HAD JOINT, LEGAL CUSTODY BACK IN 2014.
6 THE RECOMMENDATION WHICH THE COURT ADOPTED AT THAT POINT
7 IN TIME WAS FOR THE MOTHER TO HAVE FINAL DECISION-MAKING
8 ON EDUCATION, BECAUSE I DO NOT BELIEVE THAT THAT IS
9 APPROPRIATE OR NECESSARY OR REASONABLE OR EXPEDITIOUS OR
10 EFFECTIVE IN THIS CASE ANY LONGER.

11 THE RESPONDENT: BUT WHAT -- LIKE, WHAT ARE THE
12 INSTANCE? I'M NOT CLEAR. THAT --

13 THE COURT: MA'AM --

14 THE RESPONDENT: -- THAT'S NOT GROUNDS. THAT'S NOT
15 EVIDENCE. YOU KNOW, YOU CAN -- THEN PEOPLE CAN TAKE KIDS
16 AWAY FROM ANY PARENT JUST BECAUSE. THERE SHOULD BE SOME
17 REASONS.

18 THE COURT: MA'AM, I'M GOING TO MAKE ORDERS THAT I'M
19 GOING TO MAKE PENDING FURTHER EVALUATION IN THIS CASE.

20 I AM REVOKING THE FINAL DECISION-MAKING ON
21 EDUCATION TO MOTHER.

22 WITH RESPECT TO THE CUSTODY AND VISITATION, THE
23 COURT IS GOING TO ORDER THAT PENDING FURTHER EVALUATION --
24 WELL, FIRST OF ALL, THE COURT FINDS THAT THE INTENT AND
25 SPIRIT OF THE CUSTODY ORDERS AND RECOMMENDATIONS OF THE
26 EVALUATOR IN THIS CASE IN 2014 WAS THAT FATHER WAS TO HAVE
27 INCREASING AMOUNTS OF TIME WITH SOPHIE.

28 THERE HAS BEEN NO INCREASE SINCE THE BEGINNING

1 WITHOUT PREJUDICE -- ORDERS PENDING EVALUATION.

2 THE COURT BELIEVES THAT IT WAS ALWAYS THE INTENT
3 OF THE EXISTING ORDERS AND THE RECOMMENDATIONS FOR
4 FATHER'S CUSTODIAL TIME TO INCREASE WITH THE MINOR CHILD.

5 IT HAS NOT IN THE PAST TWO YEARS.

6 THE COURT FINDS THAT IT IS IN THE BEST INTEREST
7 OF THE MINOR CHILD TO HAVE INCREASED CUSTODIAL TIME WITH
8 THE FATHER.

9 THE ORDERS THAT THE COURT IS MAKING WITH REGARD
10 TO LEGAL CUSTODY AND THE MODIFICATION OF FATHER'S
11 CUSTODIAL TIME, WHICH IS AN INCREASE IN HIS VISITATION OF
12 CUSTODIAL TIME -- NOT A CHANGE IN CUSTODY -- ARE INTERIM,
13 WITHOUT PREJUDICE ORDERS, PENDING THE CHILD CUSTODY
14 EVALUATION.

15 THE RESPONDENT: WHILE YOU CHANGE THE VISITATION
16 RIGHT NOW, NON-EVIDENTIARY HEARING, CAN WE GET AN ASSESS
17 WITH SOPHIE BY THE THERAPIST AS WELL, PER DOCTOR'S
18 RECOMMENDATION?

19 THE COURT: I DON'T HAVE ANY TESTIMONY BEFORE ME
20 REGARDING THAT.

21 THE RESPONDENT: WE HAVE HER RECOMMENDATION LETTER
22 FROM THE DOCTOR FOR HER TO BE IMMEDIATELY ASSESSED.

23 THE COURT: I CAN'T READ A LETTER FROM A DOCTOR --

24 THE RESPONDENT: BUT IT'S A MEDICAL RECOMMENDATION.
25 AND WE HAVE JOINT LEGAL CUSTODY, AND NOW IN FRONT OF YOUR
26 COURT RIGHT NOW, WHILE WE'RE HERE.

27 THE COURT: NO, NOT AT THIS TIME.

28 THAT WILL BE THE ORDER.

1 THE RESPONDENT: SO I WANT TO GO OVER THE ORDER --

2 THE CLERK: WHO IS GOING TO PREPARE --

3 THE RESPONDENT: -- THE VISITATION ORDER AGAIN --

4 THE COURT: MR. ELGIN, PLEASE PREPARE THE ORDER. GET
5 A TRANSCRIPT FROM THE REPORTER.

6 THE PETITIONER: YES.

7 THE RESPONDENT: YOUR HONOR, I ALSO WANT TO POINT OUT
8 THE MEDIATOR SUGGESTED TO HAVE A MINOR'S COUNSEL PRIOR TO
9 MAKING ANY CHANGE IN CUSTODY.

10 THE COURT: NO. MINOR'S COUNSEL IN THIS CASE WILL BE
11 SOMEONE ELSE THAT BASICALLY -- THE PARTIES IN THIS CASE DO
12 NOT -- DO NOT SEEM TO UNDERSTAND BOUNDARIES. AND I DO NOT
13 THINK THAT IT WOULD BE FRUITFUL TO APPOINT A MINOR'S
14 COUNSEL IN THIS CASE, AS THE MINOR'S COUNSEL, I
15 ANTICIPATE, WOULD BE UNREASONABLY AND INAPPROPRIATELY
16 BOMBARDED.

17 THE RESPONDENT: ALSO, YOU MADE A HUMONGOUS CHANGE
18 RIGHT NOW, WHILE SOPHIE ALREADY GOING THROUGH THE STRESS
19 AND ALSO --

20 THE COURT: I KNOW NOTHING EXCEPT ALLEGATIONS. AND I
21 HAVE BEEN TRYING TO GET AN EXPERT TO DO THESE CHANGES FOR
22 THE LONGEST --

23 THE RESPONDENT: BUT WHY WE CHANGING RIGHT NOW BEFORE
24 GETTING AN EXPERT OPINION? HOW IS SOPHIE GOING TO REACT
25 RIGHT NOW? SHE'S GOING TO SCHOOL --

26 THE COURT: MA'AM, I UNDERSTAND YOU DON'T LIKE IT.
27 YOU DON'T AGREE --

28 THE RESPONDENT: IT'S NOT "DON'T LIKE IT." I WANTED

1 SOPHIE TO BE ASSESSED BY AN EXPERT, MA'AM.

2 THE COURT: AND SHE WILL BE.

3 THE RESPONDENT: WHEN I'M LAST HERE, WHEN I CAME TO
4 COURT ASKING FOR MINOR SHIFT, YOU SAID YOU WANT EXPERT
5 OPINION. NOW YOU SIMPLY MADE HUMONGOUS CHANGE WITHOUT
6 EXPERT OPINION, WHILE I'M SEEKING JUST AN ASSESSMENT FROM
7 PSYCHOLOGIST. ALSO, YOU SAID THAT SOPHIE'S NOT TO BE --

8 THE COURT: MA'AM, THE COURT IS DONE.

9 THE RESPONDENT: ALSO WE HAVE AN ISSUE --

10 THE COURT: THOSE WILL BE THE ORDERS.

11 COURT IS IN RECESS.

12 THE RESPONDENT: REGARDING EXTRA-CURRICULAR
13 ACTIVITIES --

14 THE BAILIFF: THAT'S IT.

15 THE RESPONDENT: -- WHAT DO WE DO NOW? SHE'S
16 ENROLLED IN CLASSES.

17 THE BAILIFF: THAT'S IT.

18 THE RESPONDENT: I MEAN --

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20 (PROCEEDINGS CONCLUDED AT 11:34 A.M.)

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