

1 Q. And so have you been around either Jamie or
2 Chris since February 2 -- 23rd until now?

3 A. Um, a couple of days ago Jamie contacted me
4 and I visited with her in the evening for about --

5 Q. But you've had no contact from February until
6 now?

7 A. Correct.

8 Q. And so, um, isn't it true you currently have
9 an action or lawsuit pending against Devra West?

10 A. Not a lawsuit, it's an unemployment case, and
11 it's already, like I said before, determined twice that
12 they -- they said that it was hostile workplace
13 environment. But she's taking me with her attorney,
14 Jack Quatman, to a third hearing -- the first hearing
15 but the third time to be determined.

16 Q. So is it fair to say you're seeking money
17 from unemployment or whatever claims?

18 A. No, I'm not seeking anything. The -- I got
19 sixteen hundred dollars worth of unemployment and then
20 went back to work.

21 Q. So you're currently working again?

22 A. Correct.

23 Q. And isn't it true that you have been
24 acquainted with Jamie's family for a long period of
25 time?

1 A. Um, my two sons are 26 and 28, of course
2 Jamie's 23, but I met, um, Jamie's older sister back in
3 the early '80's through a mutual co-worker.

4 Q. Um, have you ever witnessed Jamie smoking
5 pot?

6 A. No.

7 Q. And isn't it true that in your unemployment
8 claim you were seeking \$40,000 in benefits?

9 A. No.

10 Q. Do you know a John Watkins?

11 A. No. I know a John Watson but not Watkins.

12 Q. Watson, I'm sorry I made a mis -- couldn't
13 read my own writing. Do you know a John Watson, who is
14 he?

15 A. Evidently he's a former co-worker of Devra
16 West that's been on a five year campaign to stop her
17 from doing what she's been doing to people. And in the
18 middle of my unemployment issues and trying to get away
19 from working for her, um, I continuously woke up in the
20 middle of the night from a dead sleep very stressed out
21 and I contacted him via his website and gave him a
22 little bit of information of what I was going through.
23 And against my request he posted it all on the
24 internet.

25 Q. Is that the same website that, um -- I'm

1 sorry, I withdraw that. Is that a website that, um,
2 are you are aware that Jamie has posted anything on?

3 A. Well, I heard her mention that she was going
4 to try to. But I forewarned her to stay away from the
5 situation.

6 Q. What --

7 A. That there were -- well, that there was more
8 important issues at hand than worrying about giving
9 John Watson who's on this hate campaign any
10 information.

11 Q. Did you provide John Watson with any
12 information?

13 A. I just said that earlier I did and asked him
14 specifically not to post it and he did anyway. And
15 he's since written me several apologies.

16 MS. JOHNSON-GILCHRIST: No further
17 questions.

18 THE COURT: Question?

19 MR. MOORE: I have nothing further, Your
20 Honor.

21 THE COURT: You may step down.

22 MS. WEST: Thank you.

23 //

24 //

25 //

1 Thereupon,

2 LADÉAN MISCAMPBELL,

3 a witness of lawful age, having been first duly sworn
4 to tell the truth, the whole truth and nothing but the
5 truth, testified upon her oath as follows:

6 DIRECT EXAMINATION

7 BY MR. MOORE:

8 Q. Would you state your -- yeah, get up there
9 close to the mic.

10 A. Yeah.

11 Q. State your name for the record, please?

12 A. Ladean Miscampbell.

13 Q. Okay. You go by the name of Sissy?

14 A. Sissy, yes.

15 Q. Okay. Um, you've been out of the Courtroom
16 during this proceeding, is that correct?

17 A. Yes, I --

18 Q. And -- but your name has come up a number of
19 times and -- and an exhibit was introduced that in 1992
20 you had a conviction that was related to dangerous
21 drugs?

22 A. Yes.

23 Q. Okay. And what basically were you charged
24 with there?

25 A. Um, I was charged -- um, driving my brother's

1 drugs down the road is what I was charged with and I
2 served time for that.

3 Q. Okay. What do you do for a living now?

4 A. I'm a casino runner at Cattleman's.

5 Q. Okay. How long have you worked there?

6 A. 14 years.

7 Q. 14 years? Um, were you incarcerated as a
8 result of the '92 conviction?

9 A. Oh, yes.

10 Q. And, um, did you work at Cattleman's before
11 that --

12 A. No, no, no.

13 Q. When -- when then did you get out?

14 A. I got out -- I think I got out in 1992 --
15 wait a minute, I think it was in '90 when I got in
16 trouble, it was '92, '93 when I went to work at
17 Cattleman's right after that.

18 Q. Okay.

19 A. And I started employment there.

20 Q. So how long were you actually incarcerated?

21 A. Um, I think it was about a year and a half
22 and then I did a prerelease for four and a half months.

23 Q. Okay. Um, since that time have you consumed
24 any drugs?

25 A. No.

1 Q. None of any kind?

2 A. No, I have -- I don't even drink.

3 Q. You don't -- do not drink at all?

4 A. No.

5 Q. Um, so you -- you are totally clean?

6 A. Uh-huh.

7 Q. And have been for 14 years?

8 A. Yes, I had to take UA's, I did all that, did
9 all this stuff for the courts, I bought a home, I've
10 been with my same job, I've done everything I was
11 supposed to do, I paid my price and I've done
12 everything right by the book since then.

13 Q. You feel like you're a good citizen at this
14 time?

15 A. Oh, yes, yes.

16 Q. Okay. Um, and my understanding is that your
17 home is available to Jamie and Sasha if the Court
18 chooses to give Jamie temporary custody?

19 A. Yes.

20 Q. Are there any drugs that are used in your
21 house?

22 A. No. No, I do -- I do supplements and stuff
23 from my naturalist but that's all that's in my home.

24 Q. Okay. How about other people, do you have
25 any unruly people that you have in the house?

1 A. No. It's just me right now that lives in the
2 house.

3 Q. And is there adequate room in your house for
4 Sasha and for Jamie?

5 A. Yes, she has her own bedroom there besides my
6 bedroom, I have a full backyard double fenced all the
7 way around with all toys, all that. I have other
8 grandkids that come and stay with me off and on.

9 Q. Okay. And is Sasha familiar with you?

10 A. Very.

11 Q. And can you describe your relationship with
12 the child?

13 A. Very good, she's -- she's a loving little
14 girl. She likes a lot of attention, so we give her a
15 lot of attention. I'm usually in the backyard playing
16 with her, I've got a swing set back there that I take
17 her out there and play all the time. Make her meals,
18 you know, watch her, do whatever, you know, she's a
19 really good little girl.

20 Q. Okay. And -- and is there any aspect of her
21 care that you're not capable of doing?

22 A. No.

23 Q. And you have watched her in the past --

24 A. Oh, yes.

25 Q. -- as well?

1 A. Oh, yes.

2 Q. Okay. And you would be willing to assist
3 Jamie if Jamie gets a job and --

4 A. Oh, very much so, yeah.

5 Q. Okay. Um, you've had an opportunity at that
6 point to observe Jamie with the children as well?

7 A. Yes.

8 Q. With both Sasha and Sandra?

9 A. Yes, I have.

10 Q. Okay. And can you describe how Jamie does
11 with the kids?

12 A. She does good. She, you know, like all new
13 mothers they get a little tension going, she'll call me
14 crying and "Mom, I got a hard time" or something and
15 we'll talk or she'll come over with the kids. And, you
16 know, I help her out if she's got too much going on,
17 then I'll take Sasha or something and give her a break --

18 Q. Okay.

19 A. -- 'cause that's a lot to strap on her when
20 she's as young as she is to -- all the stuff that she's
21 had to go through.

22 Q. Okay. How about as far as her parenting
23 skills when she is around you, does she have --

24 A. She's very good with her parenting skills
25 around me. You know, she's usually the one that

1 changes her pants and we give her the baths or all
2 that, she's -- she's the one right on there. She makes
3 her all of her meals, we cook her all good meals all
4 from scratch, we don't use anything, package or nothing
5 from when I got sick.

6 Q. Well, what were your observations relative to
7 the extent to which Chris parented the children?

8 A. Not very well, he -- I never seen him -- I
9 mean he'd hold her and walk around with her but I've
10 never seen him feed her, change a diaper, any of that.
11 It's always Jamie that does it, puts her to bed, takes
12 care of her, she's the one that usually always puts her
13 to bed 'cause she, you know, she'll lay down with her
14 and make sure that, you know, she's comfortable and
15 goes to sleep, but I've never seen him put her to bed,
16 no.

17 Q. Okay. Um, there's been some testimony about
18 Chris having an anger problem and -- and that
19 occasionally becomes verbally abusive or even
20 physically abusive, have you witnessed any of that?

21 A. Uh-huh. Yes, I have.

22 Q. Can you explain to the Court what it is you
23 have witnessed?

24 A. Well, when they've had fights before and
25 stuff she'll come to my house and I'll have like 14

1 messages on my machine all very verbal. And then when
2 this one came about, he threatened me -- threatened me,
3 he would take my home, my family, my job, my life.
4 That the Haywood hammer was coming down which I all
5 have recorded and saved that I was threatened. He
6 threatened my friends, he called my boss, his wife, and
7 told them I was dealing drugs at their business which
8 my boss knows me for 14 years, I've been a very good
9 employee and he laughed it off. But, no, he's been
10 very threatening. He threatened all of us, but he
11 threatened he would take me down somehow and this is
12 how he's trying to do it. He thinks I'm the one that --
13 that has created this with Jamie. I -- I stayed out of
14 their marital problems, I didn't meddle in them. She
15 would come to me if she was upset and hurt, or -- and
16 this time she came to me with bruises on her and that's --

17 Q. Bruises where?

18 A. On her face right through here (indicating).

19 Q. Chris indicated that she's self-inflicted
20 those bruises, has she ever done that in the past, --

21 A. No.

22 Q. -- that you can remember?

23 A. I've seen her get upset, she's one of them
24 foot stompers and little tam -- but I've never her beat
25 herself. I've spanked her but she didn't spank

1 herself.

2 Q. Um, the Court's got to try and make a
3 determination as to what's in the best interest of
4 Sasha right now and this ruling from today will go
5 until the matter is heard on its merits whenever that
6 may be. Do you have a belief relative to where Sasha --
7 where Sasha's best interests would be served?

8 A. I believe they should be with her mother and
9 me. We're -- you know, that's -- she's only known her
10 mother. This is the first time we've been -- you know,
11 she's ever been away from her for this length of
12 period, you know. We were willing to work with him
13 with custody and all of this and then all of this came
14 up. It was like -- you know, we were willing to be
15 nice people and work through this, and this is what we
16 got slammed with, let alone slandering me and my family
17 and my friends. You know, this got way out of hand.

18 MR. MOORE: Okay. I have no further
19 questions.

20 THE COURT: Cross-examine?

21 CROSS-EXAMINATION

22 BY MS. JOHNSON-GILCHRIST:

23 Q. And you go by Sissy, is that correct?

24 A. Yes, I do.

25 Q. And, Sissy, you -- first of all, you stated

1 you live in your house by yourself?

2 A. Yes, I have a -- he's a -- my daughter's ex-
3 boyfriend stays once in awhile there and helps out with
4 my lawn and stuff like that. He's working --

5 Q. What is his name?

6 A. Mitch, what's his last name -- it just went
7 blank -- Hall, Mitch Hall.

8 Q. And does he have a record?

9 A. Not that I know of.

10 Q. Has he ever been to prison?

11 A. No, no. He's only 21 years old.

12 Q. And who gave Jamie away at Jamie and Chris'
13 wedding?

14 A. My -- my -- what I can my husband, we've been
15 together 14 years.

16 Q. Does he live in the home with you?

17 A. He's working in California right now.

18 Q. But he normally lives in the home?

19 A. Yeah.

20 Q. What's his legal name?

21 A. Jay Jones.

22 Q. J-A-Y?

23 A. J-A-Y.

24 Q. And is he -- he is your husband?

25 A. I consider my husband, yes.

1 Q. Does he have any kind of a record or ever
2 been to jail or convicted of anything?

3 A. I know that he had DUI's back in when he was --
4 he's -- he's the same age as I am, 50. He had some
5 DUIs when he was in his early twenty's and things, but
6 as far as any charges, no, not that I know of.

7 Q. Isn't it -- isn't it true that he has kept
8 firearms -- or there are firearms in your home?

9 A. No, there are no firearms in my home.

10 Q. Um, now, did Jamie prior to giving birth to
11 Sasha, did she work outside the home?

12 A. She worked for Devra.

13 Q. How much?

14 A. I am not sure what days she worked, I know
15 she worked three, four days a week.

16 Q. Do you know what hours, how many hours a day?

17 A. I don't know, from four to six hours
18 depending -- she was doing work there and then come see
19 me and then she would have to go back and clean her
20 house or make their dinners or -- she was always doing
21 something.

22 Q. And after Sasha was born did Jamie work?

23 A. Um, I don't remember if she worked very much.
24 Might have helped out again in the office for awhile I
25 think and then -- 'cause, yeah, 'cause she did -- she

1 was doing -- yeah, she did, she was doing janitorial
2 work for her because she'd take Sasha with her to work
3 and then be able to clean and stuff while she had Sasha
4 with her. Yes, she did.

5 Q. And then did Jamie began working at the
6 Cattleman's where you worked?

7 A. She worked a couple of days, two days is what
8 she -- or she had if -- or one in the keno room and one
9 as a day -- a day bartender helping out -- in there.

10 Q. When did she start doing that?

11 A. Gosh, that was a few months back, five months
12 ago or less.

13 Q. And where did Sasha stay while Jamie worked?

14 A. I watched her.

15 Q. And --

16 A. -- there between me and --

17 Q. -- every time?

18 A. Pardon?

19 Q. Every time that Jamie worked?

20 A. I would take her and then he would -- Che
21 would come over and he would take her just before Jamie
22 got off to go home. But I usually kept -- yeah.

23 Q. But he would come take her home and take care
24 of her?

25 A. Yeah, well, she was right behind it, maybe an

1 hour difference, it'd be about an hour just before she
2 got off.

3 Q. And how many hours did she work at a time at
4 a shift at Cattleman's?

5 A. Um, the day shift in there was, um -- we
6 worked from eight in the morning 'til five at night,
7 and then the other one was eleven to six -- only two
8 shifts a week.

9 Q. And what hours do you work?

10 A. I work five 'til two o'clock in the morning.

11 Q. Now, were you often in Chris and Jamie's home
12 in Lakeside?

13 A. No, not very often. I never felt comfortable
14 there.

15 Q. Okay. So you never were -- had an
16 opportunity to observe Chris with the children -- or
17 rarely did in their home?

18 A. When I was out there, what I seen that he
19 would pick her up and hold her even at my house, but
20 never no care as far as feeding, putting her to bed.

21 Q. But you weren't there in their home?

22 A. Yeah. Not a lot but I was in there before,
23 yes.

24 Q. Now, you stated you promote that Chris should
25 be, um -- you wanted to work with him and him have

1 parenting time with Sasha and so on, um, isn't it true
2 Chris called your home and you denied Jamie was there?

3 A. Jamie wasn't there, she was out -- we were
4 camping, we were all going out camping.

5 Q. Did you tell him where she was?

6 A. No.

7 Q. Okay. And in fact when the police came
8 looking for -- trying to find Jamie and the baby
9 assisting Chris, did you tell them that Jamie wasn't
10 there?

11 A. Yeah.

12 Q. And did you tell them where Jamie was?

13 A. No.

14 Q. Why?

15 A. Because I didn't -- she did not want me to
16 devout any information -- that's between those two, she
17 just told me not to say nothing and so I didn't. Plus
18 we didn't have our restraining --

19 Q. But you knew where she -- you knew she --
20 where she was?

21 A. Of course, I did.

22 Q. So isn't it true that you lied to the police --

23 A. Yes, I probably did.

24 Q. -- that you didn't know where she was?

25 Um, does Jamie have a problem with her teeth

1 currently?

2 A. A little bit on one side, I mean she needs a --
3 couple cavities in there.

4 Q. Did you take -- are -- are you familiar with
5 a woman named Anita?

6 A. Nita.

7 Q. Nita?

8 A. Yes.

9 Q. Would you spell that?

10 A. N-I-T-A.

11 Q. Okay. And did you take Jamie to Nita to work
12 on her ankle when Jamie hurt her ankle?

13 A. We go up there -- or I go up there for my
14 health reason -- reasons up there. Jamie follows up
15 there with us once in a while, we talk, we sit around.
16 She's my nutritionalist.

17 Q. How -- is she an M.D.?

18 A. No.

19 Q. How did Jamie hurt her ankle, do you recall?

20 A. No, I don't. I don't know what she was
21 doing.

22 Q. You don't recall that she was stamping her
23 foot and hurt it?

24 A. She's done that a hundred times, so I mean,
25 that's what I said she's -- throws tantrums -- not a

1 tantrum but she gets excitable but -- I've done it.

2 Q. Is there any reason you believe that Chris
3 should not spend time --

4 A. In the beginning I thought that --

5 Q. -- with Sasha?

6 A. -- that would have been the best -- that we
7 were trying to work out a parenting program for both of
8 them. And then he made the statement that he wanted it
9 all instead of going 50/50 like we tried -- she tried
10 to get -- to give him the weekends and he thought we
11 were setting him up at the lawyer's office, he wouldn't
12 come down there and talk. And then turn around and do
13 this. We were willing to work with him 100 percent.
14 And now it -- it's gotten way out of hand.

15 Q. So discounting the events of the last couple
16 of weeks since Jamie left and took Sasha and basically
17 hid her, and didn't respond to his inquiries where his
18 child was, um, prior to that or -- or other than that,
19 do you have any reason why he shouldn't have -- you
20 stated at least 50 percent of the time with Sasha?

21 A. At one point he was a good father, I always
22 thought he was, he was good with Sandra at times and he
23 was good with Sasha. But not on a every day caring for
24 an eleven month old child who's running constantly when
25 he's hurt and can't -- his back hurts, his hip hurts,

1 he can't pick her up, he can't stand long with her,
2 he's laying down sleeping most of the time. But I mean
3 as far as the parenting plan, we tried to work that
4 out.

5 MS. JOHNSON-GILCHRIST: No further
6 questions.

7 REDIRECT EXAMINATION

8 BY MR. MOORE:

9 Q. Did -- Chris would -- would bring Sasha to
10 your house on some of those days Jamie was working --

11 A. Uh-huh.

12 Q. -- is that correct?

13 A. Yes.

14 Q. Did he ever intimate that he had any concerns
15 about the quality of your care?

16 A. No.

17 Q. Did he ever intimate to you that he believed
18 that you were a methamphetamine user or --

19 A. Oh, God. No.

20 Q. Did he ever show a concern about that your
21 house was a drug and alcohol environment?

22 A. No, no, no.

23 MR. MOORE: I have nothing further.

24 THE COURT: You may step down.

25 MS. MISCAMPBELL: Thank you, sir.

1 MR. MOORE: And I have no further
2 witnesses, Your Honor.

3 THE COURT: Rebuttal testimony?

4 Before you do that to -- just from right
5 where you're seated, to Jamie Haywood, when was the
6 last time you used marijuana?

7 MS. HAYWOOD: Before I was pregnant.

8 THE COURT: So it's been over -- you're
9 talking a -- almost two years -- a year and a half?

10 MS. HAYWOOD: Yep.

11 THE COURT: And it's --

12 MS. HAYWOOD: A year and a half.

13 THE COURT: And it's been at least that
14 long since you've used methamphetamine?

15 MS. HAYWOOD: A -- way longer. Ever since
16 I was 16, Your Honor.

17 THE COURT: Thanks.

18 MS. HAYWOOD: Thank you, sir.

19 THE COURT: Rebuttal?

20 MS. JOHNSON-GILCHRIST: Not at this time,
21 Your Honor.

22 THE COURT: Okay. We're going to take
23 about -- oh, ten, fifteen minutes, we'll come back in,
24 we'll try and figure out what to do with this.

25 MS. JOHNSON-GILCHRIST: Thank you.

1 THE COURT: About 15 minute break.

2 (Whereupon, the proceedings were in recess
3 at 1:28:03 p.m., and subsequently reconvened at
4 1:55:42 p.m., and the following proceedings were had
5 and entered of record:)

6 THE COURT: There's been a number of
7 allegations from both parties with regards to substance
8 abuse. I think these allegations are important, for
9 that reason, um, Mrs. Haywood, you are to immediately
10 go to the Glacier Center for Families which is Tenth
11 Street East and Fourth Avenue East and do a UA. When
12 you, um, Mr. Haywood, you can spend the next half hour
13 while she does that with the child in the lobby. When
14 she returns, you're to go have a UA. When he returns,
15 they will call us with the results, we'll be back in
16 the Courtroom, then the Court will announce what's
17 going to happen.

18 At the same time they do these UA's they're
19 going to take a sample of hair from both of you which
20 will go back six months for the use, um, substances,
21 um, mainly drugs. We won't have that result today, but
22 at least they will have the ability to do that. Okay?

23 MR. MOORE: Your Honor, I have a Social
24 Security hearing in 15 minutes at the Hampton.

25 THE COURT: Uh-huh.

1 MR. MOORE: So --

2 THE COURT: How long?

3 MR. MOORE: I'm guessing that it will run
4 an hour.

5 THE COURT: Okay. They say that her test
6 will take at least a half an hour, whatever, then Mr.
7 Haywood is to go have a test and so when you get done
8 come back, then we'll come back into Court.

9 MR. MOORE: Okay.

10 THE COURT: Okay?

11 MS. HAYWOOD: Thank you, Your Honor.

12 (Whereupon, the proceedings were in recess
13 at 1:57:08 p.m., and subsequently reconvened at
14 4:27:54 p.m., and the following proceedings were had
15 and entered of record:)

16 THE COURT: We're back in Court, the
17 parties and counsel are present. Both parties were
18 requested to take a UA screening test. Um, there was
19 some difficulty in -- in getting Mrs. Haywood there,
20 she was confused and went to the Chemical Dependency
21 Center. We did verify that she was in fact there, so I
22 think that was explainable.

23 Um, the results of the tests, um, Mr.
24 Haywood's came out negative although he did admit to
25 the people that took the test that he had smoked

1 marijuana within the last month and a half, um, which
2 was contrary to his testimony. Ms. Haywood's came out
3 positive for, um, a downer similar to valium which she
4 test to -- or she told those people that she purchased
5 off the street last night, it also came out positive
6 for THC, she said she smoked marijuana about a week
7 ago. Again, contrary to your testimony.

8 Both -- both of you, um, basically lied under
9 oath. Um, and I'm going to tell you that in any future
10 court hearings if you were to do something so silly as
11 this, this was a material fact, I would request that
12 the county attorney charge you both with perjury. This
13 isn't a game, this isn't a competition, this isn't
14 something that the first liar doesn't stand a chance
15 because the last liar gets to make up the biggest
16 story. Um, it's absurd.

17 This Court, based on Petitioner's Affidavit,
18 removed a ten month old child from the mother and
19 placed the child with the Petitioner, father.
20 Considering the testimony presented at today's hearing
21 the Court finds that most of the allegations on which
22 this Court relied in its decision to grant the
23 Petitioner's Ex Parte Order have not been established
24 by competent evidence.

25 There is little question that both parties

1 have at times and particularly June 21st in particular,
2 um, have acted inappropriately in the presence of both
3 of their children. There is testimony today that both
4 parents have the ability to properly parent the child.

5 If both parents will refrain from the use of
6 alcohol or drugs and each party's continued sobriety is
7 important in and -- and - it's almost determinative as
8 to who's going to end up as the primary parent.

9 Reaching the decision -- and this is a
10 decision with regards to today's hearing only that the
11 Court has considered each party's desire and I think
12 intention to allow co-parenting by the non-custodial
13 parent. Um, Mr. Haywood, I think you would -- um, it
14 would be absolutely impossible for the Respondent to
15 co-parent if this Court were to grant you primary
16 custody. Um, the age of the child and the fact that
17 this child is ten months old, has been primarily
18 parented by the mother.

19 This having been said, the Court is going to
20 order that the child be returned to the mother.

21 MS. HAYWOOD: Thank you.

22 THE COURT: But both parties are to be
23 randomly tested -- UA tested and Ms. Haywood, if you
24 start taking, um, downers off the street, if you test
25 positive, if this marijuana level for both of you

1 doesn't start going down, the Court will change that
2 custody in a heartbeat, you understand that?

3 MS. HAYWOOD: I do. Thank you, sir.

4 THE COURT: Um, the Petitioner's to have
5 age appropriate visitation as agreed by the parties but
6 as a minimum, that's what's set out in our Exhibit A,
7 this Court's Exhibit A, and I'm sure both counsel are
8 aware of that. That's two three hour times per week
9 and one weekend day for up to six hours, this is for a
10 child between six to eighteen months.

11 At the request of either party the Court
12 would refer this matter to Family Court Services, who
13 after their investigation would have the authority to
14 implemate - implement whatever interim plan they felt
15 to be in the best interest of the child pending further
16 order of the Court.

17 Again, um, Family Court Services -- Child
18 Protective Services have had representatives here
19 throughout this day and, um, in the event the Court
20 found that that child was abused by both parents, the
21 Court would have ordered the child be turned over to
22 the Department. But they can set up things for you to
23 do and they can set up this random drug testing which I
24 think both of you have to do because without that
25 there's no assurance that either one of you would

1 testify truthfully.

2 Mr. Moore, you'll prepare an appropriate
3 order?

4 MR. MOORE: I'll try, Your Honor.

5 THE COURT: Okay. Submit it to Ms.
6 Johnson so she gets a look at it.

7 MS. JOHNSON-GILCHRIST: And in the order
8 we would consent to referral to Family Court Services
9 immediately, so if you want to place that in there with
10 the appropriate language, that would be --

11 MR. MOORE: Okay.

12 MS. JOHNSON-GILCHRIST: -- fine.

13 THE COURT: Okay. Perhaps -- I think and
14 no -- no disrespect but I know, um, Paula does a lot
15 more family work than you -- than Mr. Moore, so I'll
16 have her do the order, submit it to you and then I'll
17 sign it with the appropriate referral to Family Court
18 Services.

19 And again Family Court Services if they
20 determine that something's changed and it's not in the
21 best interest of this child to be with the mother,
22 it'll be with the father. Okay?

23 MS. JOHNSON-GILCHRIST: Um, Your Honor, on
24 the random testing, I'm -- frankly I don't -- I'm not
25 sure exactly what -- do you want something in the

1 order, how do you want that to be phrased?

2 THE COURT: I think that they'd need to
3 set it up and just do it so they can be able to
4 establish at any future hearing what's happening.

5 MS. HAYWOOD: Thank you, Your Honor.

6 THE COURT: If you don't do it --

7 MS. JOHNSON-GILCHRIST: But how --

8 THE COURT: -- I'm going to assume you're
9 using drugs.

10 MS. HAYWOOD: Thank you, Your Honor.

11 MS. JOHNSON-GILCHRIST: How -- how do you
12 do it random if we set it up on set days? That's my --

13 THE COURT: Well, you go through Gla --
14 the people from Child Protective Services can explain
15 but they set you up and they call you every morning and --
16 not every morning but once a week or once whatever
17 period of time, they say come in. And then you go in
18 and you get tested. Isn't that the way that works?

19 CINDY CHAR: No, they -- they get put on a
20 random drug pool.

21 THE COURT: Okay.

22 CINDY CHAR: Um, through Glacier Family
23 Center -- which the two have went today and they get
24 put on a pool. And then what they do, they have --
25 have to call every day and then -- then Glacier, the UA

1 people, will tell them that -- whether they need to
2 come in today or, you know, whatever day. And that's
3 random.

4 THE COURT: But it's up to you people to
5 set it up through Glacier Family Center.

6 MS. JOHNSON-GILCHRIST: Do I need to put
7 to put this in the order that they will set it up?

8 THE COURT: Uh-huh.

9 MS. JOHNSON-GILCHRIST: And through
10 Glacier Family Center, is that the name of it?

11 CINDY CHAR: Yes. And -- and just for a
12 word. When -- when you guys call in you have to be
13 there within an hour -- within an hour, no later.

14 MS. JOHNSON-GILCHRIST: And is there any
15 particular period or length of time to do this or just
16 some --

17 (Off the record.)

18 MS. JOHNSON-GILCHRIST: Okay.

19 And, Your Honor, I do -- a couple of other
20 clarification items, as far as exchanging the child
21 where, um, for these visitation periods, um, is there
22 any Court direction on that or --

23 THE COURT: I would hope that you and Mr.
24 Moore could work out something.

25 MS. JOHNSON-GILCHRIST: Okay -- we'll

1 talk.

2 THE COURT: Okay.

3 MS. JOHNSON-GILCHRIST: Thank you.

4 THE COURT: If you can't, give a yell.

5 Everybody's got to realize that there's going to be two
6 parents to this child and you're going to co-parent, it
7 isn't going to be one person deciding that one parent
8 doesn't get any time either way. And get used to it
9 and work hard at it and it'll work out.

10 That's it.

11 (Whereupon, the proceedings were
12 concluded.)

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C E R T I F I C A T E

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2
3 STATE OF MONTANA)
4) : ss.
County of Flathead)

5
6 I, VICTORIA WALTERS, Official Electronic Court Reporter
7 of the District Court of the Eleventh Judicial
8 District, Department 3, State of Montana,

9 DO HEREBY CERTIFY:

- 10 • That the foregoing proceedings were
11 electronically recorded using an FTR Gold
Reporter Digital Recording System.
- 12 • That the electronic recording has been in the
13 custody of the Court.
- 14 • That the recording has not been changed or
altered in any way.
- 15 • That the recording is a full, true and accurate
16 record of these proceedings.
- 17 • That the recording has been transcribed to
writing by the undersigned.
- 18 • That the foregoing pages constitute a full, true
19 and accurate transcription of the above-entitled
20 proceeding, had and taken in the above-entitled
matter at the time and place hereinbefore
21 mentioned.

22 Dated this 3rd day of August, 2007.

23
24 

25 Victoria Walters