

MONTANA SEVENTH JUDICIAL DISTRICT
RICHLAND COUNTY

IN RE THE MARRIAGE OF: Cause No.: DR-19-14

BRAXTON RYAN GREENLOW,

Petitioner,

and

TARA M. LOSINSKI,

Respondent.

FULL TRANSCRIPT OF PROCEEDINGS
ORDER TO SHOW CAUSE HEARING
Tuesday, October 18, 2022

HELD AT: District Court Courtroom
Richland County Law & Justice Center
300 12th Avenue NW
Sidney, MT 59270

BEFORE: HONORABLE KATHERINE M. BIDEGARAY
DISTRICT COURT JUDGE

APPEARANCES: BRAXTON RYAN GREENLOW
Petitioner Pro Se
Sidney, MT 59270

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ORDER TO SHOW CAUSE HEARING

Tuesday, October 18, 2022

8:48 a.m.

THE COURT: All right. Okay. So, we are here on In re the Marriage of Braxton Ryan Greenlow, Petitioner, and Tara M. Losinski, Respondent; the cause number is DR-19-14. We have the Petitioner in the courtroom; we have the Respondent and her attorney, Kathy Coleman, on the video. And we're here on a petition for contempt that the Petitioner filed on October 3, 2022.

So, before we started the hearing, I guess, the Petitioner emailed some exhibits to the Court and to the Respondent's attorney. I haven't looked at them cuz I asked Ms. Coleman to look at them first.

Have you had the chance to review them, Ms. Coleman?

MS. COLEMAN: Minimally. So, Your Honor, I will respond and, just to say up front, you know, I've had the opportunity to read the transcripts from the prior hearings and so, I don't want to add any (inaudible) here today, but I am going to object to a few of these.

I'm going to object to-do you want the numbers that I'm objecting to?

THE COURT: Yes. So, then, since I haven't looked at them, I don't know what they look like. Do they-does each of them have a number?

MS. COLEMAN: It appears so. There's one that I

1 can't read the number very well; it's either 3 or 4 and
2 it's in the upper lefthand corner as I look at the page.
3 Your Honor, there are a few that there would be-I'm
4 arguing there would be no foundation for.

5 THE COURT: Okay. So, to make that we're talking
6 apples and apples. Which one-what does the one that you
7 can't tell the number on, can you say something
8 identifying about so Mr. Greenlow can tell you what
9 number he meant to put on it?

10 MS. COLEMAN: Sacred Heart School permanency
11 record. I thought it looked like a 5, but it might be a 3
12 because it comes before 4.

13 THE COURT: So, Mr. Greenlow, what ...

14 THE PETITIONER: That would be Exhibit 3, Your
15 Honor.

16 THE COURT: Okay, Exhibit 3. Okay.

17 MS. COLEMAN: Your Honor, so number 3-do you want
18 me to take these-there's only a handful.

19 THE COURT: Yeah. Tell me the ones to which you
20 have objections.

21 MS. COLEMAN: Okay. And the easier way might be
22 to say that we're, we are comfortable with the texts
23 coming in because Mr.-the parties are here that I can
24 question them, but the others are without proper
25 foundation. So, number 4 ...

1 THE COURT: Ms., Ms. Coleman, every time you turn
2 down to ...

3 MS. COLEMAN: Oh, sorry, you bet.

4 THE COURT: ... (inaudible) your microphone is not
5 picking you up.

6 MS. COLEMAN: Sure. So, I'm objecting to numbers
7 3, 4, 5. I'm saying that there is no foundation unless
8 Mr. Greenlow can say he is going to have someone who can
9 lay foundation for those. I'm also not able to read
10 number 5 clearly. And I have a couple more, Your Honor.

11 (Pause.)

12 MS. COLEMAN: I have an objection to number 8. It
13 is-it isn't complete information and I would say that,
14 therefore, it is prejudicial. I'm not exactly
15 understanding quite what that is. And the other thing,
16 Your Honor, um, well, I would also say, that based on
17 timing, in order for my client to present phone records
18 that would arguing against some of these, we would have
19 had the time to (inaudible) that. So, again, I would
20 argue that what Mr. Greenlow is presenting in number 8 is
21 prejudicial.

22 THE COURT: How many are there?

23 THE PETITIONER: Your Honor, I have 28 exhibits.
24 However, for my opening statement, I will only be using
25 Exhibits 1 through 4. The rest of it is there for mostly

1 in case it becomes relevant; a counter measure, if you
2 will.

3 THE COURT: Okay. So, then, can somebody tell me-
4 so, as to 1 through 4, Ms. Coleman has an objection to 3
5 and 4. I don't know what they are cuz I didn't look at
6 them yet.

7 What is 3?

8 THE PETITIONER: 3 is the paperwork that Ms.
9 Losinski filled out for my daughter to start attending
10 school at Sacred Heart School.

11 THE COURT: Okay. And where did you get it?

12 THE PETITIONER: I was emailed that from Sacred
13 Heart School upon a 24-hour written request ...

14 THE COURT: Okay.

15 THE PETITIONER: ... to them that I was required to
16 make.

17 THE COURT: So, you received it from them?

18 THE PETITIONER: Yes.

19 THE COURT: And what is-what is the point you
20 were going to make with presenting 3?

21 THE PETITIONER: So, in the affidavit, I did
22 mention a part of the parenting plan in which Ms. Losinki
23 is required to put me on paperwork. The school is
24 required to be aware, aware of the split household and I
25 have-this is one of multiple examples that I am going to

1 present to the Court in which Ms. Losinski is failing to
2 do that willfully.

3 MS. COLEMAN: Now that I understand, Your Honor,
4 what number 3 is, we're fine. That can come in.

5 THE COURT: No objection to 3. Okay. Then, 4,
6 what is 4?

7 THE PETITIONER: 4 is just a-it's one of many
8 evaluations done for my son. It's another example of ...

9 THE COURT: What's the date on it? Like how
10 recent is the evaluation?

11 THE PETITIONER: Um, there is actually not a date
12 on the paperwork from this evaluation.

13 THE COURT: Okay. Where did you get it?

14 THE PETITIONER: I was emailed this by Zaxton's
15 ABA professional, Kim Deaner.

16 THE COURT: What's the name of the professional
17 again?

18 THE PETITIONER: Kim Deaner.

19 THE COURT: How do you spell the last name?

20 THE PETITIONER: I believe it is D-e-a-n-e-r.

21 No, it's Beaner, I'm sorry. Hold on, I can look it up,
22 one second, Your Honor.

23 THE COURT: Well, do you know-Ms. Losinski, can
24 you tell us what that person's last name is?

25 THE RESPONDENT: (Inaudible.)

1 THE COURT: So, the microphone is not picking her
2 up at all.

3 MS. COLEMAN: I'm (inaudible), Your Honor. I have
4 it turned it up 100% and I'm not sure on my ...

5 THE COURT: No, I think what's happening is
6 wherever the microphone is located, I'm not, you know,
7 directing your mouth toward that area, it's not picking
8 up. Like when you look away, it doesn't pick it up.
9 That's the issue, I think. I can hear you clearly, right
10 now, when you're looking straight this way, it picks you
11 up pretty well.

12 MS. COLEMAN: Let's try and you speak
13 (inaudible).

14 THE RESPONDENT: It's Kim Beaner.

15 THE COURT: Kim ...

16 MS. COLEMAN: Sounds like B as in boy.

17 THE COURT: Yeah, but how do you spell Beaner?

18 THE RESPONDENT: (Inaudible.)

19 THE COURT: It's not picking her at all.

20 THE PETITIONER: So, so, I was correct in my
21 spelling, Your Honor. It is D-e-a-n-e-r. D as in dog.

22 THE COURT: D as in dog?

23 THE PETITIONER: Yes.

24 THE COURT: Okay. D-e-a-n-e-r. Alright.

25 MS. COLEMAN: Your Honor, We're looking at the

1 paperwork. It happens to be a B, not that this is life or
2 death, but.

3 THE COURT: Yeah.

4 THE PETITIONER: Sorry. My apologies.

5 THE COURT: B? Okay. Alright. So, when did you
6 get that?

7 THE PETITIONER: I got it at the beginning of the
8 summer when I started my summertime with the kids this
9 year.

10 THE COURT: Okay. And does it include the email
11 from-is Kim a man or a woman, I guess, cuz it can be
12 either?

13 THE PETITIONER: She is a woman.

14 THE COURT: Whoever Kim is, it doesn't matter. Is
15 the email that you-with which you received this
16 evaluation part of Exhibit 4 so that, Ms. Coleman can see
17 that that's where it came from?

18 THE PETITIONER: No. But for authentication
19 purposes, Ms. Losinski's signature is on the last page of
20 this exhibit.

21 MS. COLEMAN: Your Honor, I would still, I would
22 still object for laying foundation. If we were going to
23 have therapists and counselors come in and be a part of
24 this, we would be more than happy to do so, but we would
25 need the opportunity to ...

1 THE COURT: Okay. However, it depends on the
2 purpose for which-all of those things depend upon the
3 purpose for which he's offering it.

4 What is the-what's your purpose in wanting to offer
5 Exhibit 4?

6 THE PETITIONER: The last page of the exhibit is
7 only relevant part. It's basically just to show the
8 Court, again, that my signature is not on this paper; it
9 was never given to me. Until I requested it is kind of my
10 point.

11 THE COURT: Okay. And then, on the-so, I've
12 written down, you said that your complaints are that
13 she's violating part 3, paragraph c-and I don't know,
14 when you say part, what do you mean-I want to make sure.

15 Ms. Coleman, do you know which parts he was referring
16 to then, now, or not?

17 MS. COLEMAN: I do not, Your Honor.

18 THE COURT: Okay. So, maybe let's start there.
19 Can you-let me find your parenting-the parenting plan
20 that's in effect here. Just a second.

21 THE PETITIONER: I did provide a copy of the
22 parenting plan in the scan or, at least, I believe I did.

23 THE COURT: Well, it doesn't matter; it's part of
24 the court file. You're referring to the amended parenting
25 plan that I issued the second time you filed a petition

1 for contempt. Is that right?

2 THE PETITIONER: That is correct. But in the one
3 that I provided, and I can't be 100% I included it, but I
4 did highlight in there the specific places in which I'm
5 referring to in the affidavit.

6 MS. COLEMAN: Can I just make sure that I'm on
7 the right one? March ...

8 THE COURT: Okay, just a second. What did you
9 attach that too? Your highlighted version?

10 THE PETITIONER: With the exhibits I emailed; I
11 can doublecheck.

12 THE COURT: Okay. Because I'm under-my position
13 is that the applicable parenting plan is the Amended
14 Final Parenting Plan filed March 16, 2022.

15 THE PETITIONER: Yes, Your Honor.

16 THE COURT: Is that one? Okay. Is that the one
17 that you sent?

18 THE PETITIONER: Yes, Your Honor.

19 THE COURT: Okay. And what number did you give it
20 when you highlighted it so, Ms. Coleman can look at her
21 ones there?

22 THE PETITIONER: So, on the second page, I have a
23 spot highlighted.

24 THE COURT: No, no, no, no. So, when she looks
25 through what you emailed her, what document number is it?

1 Is it one of the 28? Like does it have a number on it
2 when you emailed them?

3 THE PETITIONER: No, it's not an exhibit, it's
4 just ...

5 THE COURT: Okay. So, you just sent it to her in
6 the same email with which you sent the 28 exhibits?

7 THE PETITIONER: Yes, Your Honor.

8 THE COURT: Okay. Now, do you see it, Ms.
9 Coleman?

10 MS. COLEMAN: Your Honor, I absolutely, I see it
11 and I'm aware. I'm just not clear which he's linking that
12 to. You know, the question I was thinking that the Court
13 was asking me what piece of the parenting plan that he is
14 going to say that Tara's not following, I'm not sure
15 which.

16 THE COURT: Okay. So, this is what we'll do. Mr.
17 Greenlow, raise your right hand to be sworn and we'll
18 have you go ahead and tell us everything what's going on
19 here.

20 BRAXTON GREENLOW

21 Having been sworn to tell the truth, the whole truth
22 and nothing but the truth, testified upon the oath as
23 follow:

24 THE PETITIONER: Okay. So ...

25 THE COURT: Okay. Just a second though, just a

1 second because you speak. I'm going to look at these ex-
2 so then, Ms. Coleman, your objections, so far, are to 4,
3 5, and 8.

4 MS. COLEMAN: Yes.

5 THE COURT: And he's not even talking about 5 or
6 8 just yet so, 4 is at issue.

7 So, when we get to the part of you talking about 4,
8 Mr. Greenlow, we need to address her objection, okay? And
9 then, I'm going to look now, I'm going to try to look at
10 what you sent, I guess, so that I can look, at least, at
11 the highlighted version of this email er this parenting
12 plan.

13 (Pause.)

14 THE COURT: Oh, it's one big thing? It's all
15 lumped together?

16 THE PETITIONER: They should be in order.

17 THE COURT: No, no, but, I mean, they're not each
18 separate documents; it's one thing.

19 THE PETITIONER: Yes, Your Honor. It was an email
20 that I had sent to myself from Boss, here in Sidney, and
21 I just had them do it all at once.

22 THE COURT: Okay. So, it's with purple highlight.
23 Okay. No, yeah, go ahead.

24 DIRECT EXAMINATION

25 BY THE COURT:

1 Q. Go ahead, okay. So, what is your name?

2 A. Braxton Greenlow.

3 Q. Are you the Petitioner in this case?

4 A. I am.

5 Q. And you filed the Petition to hold the Respondent
6 on October 3, 2022?

7 A. Yes.

8 Q. And is everything that you said in your Affidavit
9 something you would have said again today while under
10 oath?

11 A. I am going to exclude, in the Affidavit, where I
12 had mentioned part 7, paragraph g; a is still relevant.

13 Q. Okay.

14 A. Other than part 7, paragraph g, yes, everything is
15 I would still testify under oath.

16 Q. Okay. Go ahead then and explain the ways in which
17 you are claiming that Ms. Losinski is violating those
18 paragraphs?

19 A. Okay. I would like to enter Exhibit 1 into the
20 record.

21 THE COURT: So, I'm going to say that Exhibit 1,
22 2, and 3 are already admitted into evidence because Ms.
23 Coleman doesn't have an objection to them.

24 A. Okay. And I would like to ...

25 Q. So, what does Exhibit 1-in what way does Exhibit 1

1 show that Ms. Losinski violated a paragraph or a portion
2 of the Amended Parenting Plan the Court adopted on March
3 16, 2022?

4 A. Okay. So, if you look at Exhibit 1 and you read
5 the first page in the first message from Ms. Losinski.
6 Ms. Losinski expresses that she threw an ultrasound
7 picture that I had given to my daughter upon my
8 daughter's request. My daughter wanted to take that
9 ultrasound picture home with her. Ms. Losinski says, in
10 the text, that if I send another one home that she will
11 throw it away like she did the first one.

12 Furthermore, she tells me that if I try and talk
13 about the pregnancy with my daughter, on the phone, that
14 she will hang up the phone on me because my personal life
15 needs to stay in my house. And she concludes, at the end
16 of her message, that she had talked to her therapist, and
17 the child's therapist, and they thought it was very
18 immature of me throw that in her face.

19 The other two pages of Exhibit 1 are simply just to
20 show that I did respond to that message and, you know,
21 about 48 hours later, I even doublechecked with her and
22 asked her if she was going to respond to that message,
23 giving her plenty of opportunity to go back on what she
24 was trying to say.

25 Furthermore, when I got my daughter again, the next

1 weekend, my daughter is aware of the fact, Ms. Losinski
2 told our daughter that she threw away that ultrasound
3 picture. And when I asked Ms. Losinski, in this text
4 message, is she considered our daughter's feelings and
5 which she was not able to reply to me so, I asked my
6 daughter myself how that makes you feel. And she said
7 'well, it's okay, it's okay because mommy ...

8 MS. COLEMAN: Your Honor, I object. The child
9 isn't here. He's repeating; I'm just saying that that's
10 hearsay.

11 Q. What's the purpose for which you want to tell me
12 what your child said?

13 A. Part 3, paragraph c, of the parenting plan, "To
14 maintain the children's emotional stability and minimize
15 the children's exposure to parental conflict." I am not
16 comfortable with having my daughter here to testify,
17 however, things that my daughter say to me in confidence,
18 in my own home, I, I do believe I should be able to
19 express that.

20 Q. Well, if the-the hearsay rules prohibit you from
21 telling me things that people other than Ms. Losinski
22 said. Unless the purpose for which you're having me hear
23 what someone else said is different than having me
24 believe that the person said that. So, I guess, what you
25 can tell me this is that you asked your daughter and the

1 response she gave you reached you, led you to conclude
2 something.

3 A. Right.

4 Q. You can tell me that.

5 A. So ...

6 Q. So, you asked your daughter and said something and
7 whatever she said led you to conclude what?

8 A. The conclusion is that my daughter was very upset
9 it.

10 Q. Okay. So, and you could observe-and in this
11 interchange, you could observe your daughter and you're
12 her father and your conclusion was your daughter was
13 upset.

14 A. Yes, Your Honor.

15 Q. About-and she was upset about what?

16 A. She was upset that she was not able to have the
17 ultrasound picture at her mom's house.

18 Q. Okay. And, I guess, I'm just-you didn't explain
19 any of this, but you're in another relationship and you
20 must be having another baby and this must be an
21 ultrasound of this baby that's going to be born?

22 A. Right. So, Andrea, my wife, and I, married for
23 three months, in a relationship for two and half, almost
24 three years, we found out in July that we were pregnant.
25 We waited until the second trimester of that pregnancy to

1 tell our daughter and that just happened to be the
2 weekend before this text message was sent in which, you
3 know, she was very excited. She held onto that picture;
4 she kind of took it with her everywhere the whole
5 weekend.

6 Q. Okay. Continue.

7 A. So-I'm sorry.

8 Q. Go ahead.

9 A. So, in Exhibit 1, alone ...

10 Q. So, wait a second so, just a second. I forget
11 which child is which because they got just a different
12 middle name. One is six and one is five, right?

13 A. Yes, Your Honor.

14 Q. Okay. Tell me, the one that's born October of
15 2016, Z.D.G, what's that child's name? First name?

16 A. That is Zara Greenlow.

17 Q. That's Z-a-r-a?

18 A. Yep.

19 Q. And that's your daughter? And then, your five-
20 year-old?

21 A. That is Zaxton Lawrence Greenlow.

22 Q. So, Zaxton. Got it, Okay, go on.

23 A. Okay. So, I've already mentioned ...

24 Q. So, this violates para-so, let's see, this
25 violates paragraph which?

1 A. 3, paragraph c.

2 Q. Okay. And when you say that you're talking about
3 the numbers I gave and then, you highlighted it. So,
4 paragraph 3c. Okay, go ahead.

5 A. Also in the parenting plan, if you go to page 4.

6 Q. Yep.

7 A. Part 6, paragraph b talks primarily that neither
8 parent shall prohibit telephone contact between the
9 children. Ms. Losinski outright says in here that if I
10 talk about this specific subject that she will hang up on
11 me. And I never tested that out of the fear that it might
12 confuse my daughter even more as to-it just wouldn't make
13 any sense to my daughter and so, I did, I did quit
14 talking about the pregnancy on the phone. Whether or not
15 Ms. Losinski was bluffing or not, I'm not really, I can't
16 really be sure, but she was threatening to hang up the
17 phone on me if I talked about that specific subject.

18 Q. Okay. Continue.

19 A. Part 5, paragraph d, "The parents have an
20 unrestricted right to send cards, letters, and packages
21 to the children. Nether parent may interfere with that
22 right." That ultrasound picture is not an exclusion to
23 those things. It's a small sentimental item that my
24 daughter wanted and should not have been thrown away.

25 Q. Go ahead. Keep going because we really have to be

1 done before 11:00.

2 A. Okay, I'm sorry. Part 7, paragraph a(i), "Each
3 parent shall promote a healthy beneficial relationship
4 between the children and the other parent shall not
5 demean or speak negatively in manner that damage the
6 relationship between the parent and the children." This
7 is damaging to my relationship with my daughter. Since
8 Ms. Losinski has stopped allowing me to express
9 excitement over the phone, I thought it imperative that I
10 also not speak about it at home until after we were able
11 to address this in court. It's ridiculous that it has to
12 come to this over, over the pregnancy of a newborn, of a
13 new child.

14 I'd to direct the Court's attention to Exhibit 2 and
15 Exhibit 3. Starting with Exhibit 2, this is a text
16 message from me to Ms. Losinski; this was when I was
17 getting things in order for the summer regarding my son's
18 special education for his autism. I asked Ms. Losinski
19 what is the name of Zara's school and I expressed to her
20 that I had called Zaxton's school and that she had not
21 put me on the paperwork, period, no name, no nothing.

22 She did not respond to that; she did not dispute it.
23 But if you look at the paperwork for my daughter's
24 school, you can see Ms. Losinski put my name on there in
25 the father's place.

1 Q. Whoa, stop. Okay, Exhibit 2 is that she didn't put
2 your name on Zaxton's school?

3 A. Yes, Your Honor.

4 Q. And Exhibit 3 is the one that she did put it on?
5 Refer back to the exhibits for me so, I can see what
6 you're talking about when you say it. You said did not
7 put dad's name on the paperwork for Zaxton; that's
8 Exhibit 2. Right?

9 A. Yes, Your Honor.

10 Q. What is the one that she did put your name on
11 Zara's school?

12 A. That is Exhibit 3.

13 Q. Okay.

14 A. However, what I'd like to point out that Ms.
15 Losinski only put my name on that paperwork. She did not
16 put my phone number; she did not provide the school with
17 information on the split custody agreement that we had.
18 When I obtained this information, I had to send a copy of
19 the parenting plan to the school to even prove that I had
20 a right to obtain it and I had to send in a photocopy of
21 my ID in order to obtain this information.

22 Q. Okay.

23 A. If you look at the parenting plan, part 9,
24 paragraph b, Emergency Decisions, "Regardless of the
25 allocation of decision making in this parenting plan,

1 each parent shall be authorized to make emergency
2 decisions affecting the health and safety of their
3 children." Ms. Losinski can put her own phone-on Exhibit
4 3, Ms. Losinski put her own number and, in the emergency
5 contacts, she puts her mother's number and her mom's
6 name. The school has no way of getting ahold of me; they
7 call Ms. Losinski, they call her mother and then, it's up
8 to their discretion as to whether or not I ever find out
9 about these things.

10 Furthermore, in the parenting plan, part b er I'm
11 sorry, part 11, paragraph c, "Each parent shall provide
12 the other parent with ...

13 Q. Wait a second, which paragraph are you on right
14 now because I'm having to scroll here from your exhibits
15 to your parenting plan. Which one are you on now?

16 A. So, this is page 8, Your Honor.

17 Q. Okay. And you're talking about paragraph 11c er
18 11C.

19 A. Right. The second part ...

20 Q. Okay, go ahead, continue.

21 A. ... of this is "the children's school shall be
22 notified of the split households and advised to send
23 copies of the children's school documents to each
24 parent." Ms. Losinski should have given that school, at
25 least, my phone number, but she definitely should have

1 also provided my mailing address or advised the school to
2 contact me for that information.

3 Q. Okay.

4 A. I am going to refer to Exhibit 4 now, which there
5 was an objection to.

6 THE COURT: One second, please. I have to deal
7 with something here, just one second.

8 (Pause.)

9 Q. Okay. Let's hear about Exhibit 4.

10 A. Okay. So, in Exhibit 4, I would ask that we just
11 look at the last page of the exhibit. These evaluations
12 for my son are done every six months. Until I have-other
13 than asking or requesting to receive these things from
14 Kim, the ABA specialist, myself, I have never received
15 one of these evaluations from Ms. Losinski. I've never
16 been given the opportunity, other than this summer when I
17 was actually doing ABA with Zaxton, the opportunity to be
18 a part of these things.

19 Information-Ms. Losinski has sat in here quite a few
20 times addressing my son's autism and the importance, and
21 it is important, however, it's imperative that I get this
22 information and that I be given the opportunity to be
23 part of it. That concludes the exhibits that I want to go
24 through.

25 And the last thing I would like to touch base on is

1 if you refer to Ms. Losinski's previous contempt
2 citation, in Bidegaray, in your own handwriting, the
3 reason for contempt was unreasonable restriction of the
4 parent, petitioner's contact with his children. Dictating
5 what I am and am not allowed to talk to my kids about on
6 the phone and telling me that she's going to hang up on
7 me is that that. And if you go back to the first time
8 that Ms. Losinski received a contempt citation from this
9 court, it was because she was just outright refusing to
10 give me my kids for my summertime. If you look at, step
11 by step, and you look at it as a whole, this is all, it's
12 all not giving contact to the kids, not giving me the
13 kids, dictating what I'm allowed to talk to them about.
14 It's parental alienation; it's back dooring parental
15 alienation. It's dangerous. And it's not creating a
16 healthy environment for our children.

17 With that being said, Ms. Losinski is, for one,
18 unable to purge herself from her previous contempt
19 charge. And I recommend that the Court fully enforce that
20 and I would also recommend to the Court, out of concern
21 for Ms. Losinski's continued actions, that we amend the
22 parenting plan allowing myself primary custody of the
23 children where they will stay with me primarily and allow
24 Ms. Losinski every other weekend during the school years,
25 during school months, and during the summertime, six

1 weeks, where she would do one week on and one week off in
2 order to minimize Ms. Losinski's power to keep doing
3 these things.

4 With that, Your Honor, I am concluded.

5 Q. Before I have Ms. Coleman cross examine you, if
6 the Court were to hold Ms. Losinski in contempt and
7 determine that she failed to purge herself of her
8 previous contempt, and that included jail time, I think
9 it was 30 days, 30 days in jail, what would you do with
10 the kids for those 30 days? If the Court didn't amend the
11 parenting plan to say you have primary er basically, the
12 children primarily reside with you as a parenting plan,
13 if it was short of changing it, what would you do? And
14 then, if the Court did, say, as a punishment for the
15 contempt that the parenting plan is changed, tell, say
16 what you plan to do in either scenario. It's either 30
17 days or it's from now on.

18 A. Okay. So, if the parenting plan was changed, if I
19 had the kids for 30 days, I don't think I could
20 realistically enroll them in school here. I wouldn't be
21 able to take them to school in Miles City either. The
22 kids are in preschool and kindergarten. It is important
23 that Zara attend kindergarten; that is way I am not
24 actually getting the kids Thursday through Sunday right
25 now, as the parenting plan dictates. If I were to get my

1 kids every Thursday, like I'm supposed, my daughter would
2 miss so much school that she would be unable to advance
3 to the next grade.

4 However, if you were to amend the parenting plan, I
5 do have things in place. Our kids could be in school as
6 soon as, what is today, Wednesday, as soon as probably
7 Monday or Tuesday of next week. And considering that the
8 kids don't have school this month on the 20th and the
9 21st, I don't really see that that would be a problem.

10 As far as Zaxton, getting into school, he would
11 attend a special education school-preschool in which he
12 would receive all of the same things that he does in
13 Miles City. He would receive occupational therapy in that
14 school and he would receive speech therapy in that
15 school. The only thing I would need is a current IEP for
16 my son and I do believe that wouldn't be very hard to get
17 and I have him in school, as well, next week of Monday or
18 Tuesday.

19 Q. And what would the special education preschool
20 that he would be attending if the parenting plan were
21 changed to have them live primarily with you?

22 A. One second, Your Honor.

23 Q. And is it described in one of the exhibits that
24 you've sent to Ms. Coleman?

25 A. No, it is not. I have it written down here

1 somewhere; it's kind of a mess here.

2 Q. We'll take ...

3 A. It's going to be Westside School for both Zara and
4 Zaxton.

5 Q. Okay. And within Westside School, they have
6 special education?

7 A. Yes, Your Honor. Zaxton would also receive
8 additional occupational therapy and speech therapy at the
9 hospital. As far as his ABA, I would have to talk to his
10 ABA specialist in Miles City; I do believe she is still
11 working with kids in the area in Sidney, but I would have
12 to double-check with her on that.

13 THE COURT: Okay. Ms. Coleman, I'll give you-do
14 you need a couple of minutes to organize your cross or
15 are you ready to go?

16 MS. COLEMAN: I'm ready to go. I'll have to ask
17 for some clarification.

18 THE COURT: Okay, go ahead.

19 CROSS EXAMINATION

20 BY MS. COLEMAN:

21 Q. Okay. So, Mr. Greenlow, and if you can't hear me,
22 please tell me and I'll move my computer.

23 THE COURT: The way that you have it, right now,
24 is very clear.

25 MS. COLEMAN: Okay.

1 Q. So, Mr. Greenlow, did I understand you to say that
2 the thing that Tara's in contempt of parenting plan under
3 5d, which is on page 4, of the last parenting plan. To
4 start with, are you saying that under "the parents have
5 unrestricted right to send cards, letters, and packages
6 to the children", that something happened-or are you
7 saying something happened with a ultrasound, thank you,
8 such that you're saying that Tara is in violation. Did I
9 understand that correctly?

10 A. Yes.

11 Q. Okay. So, do your children reside at your home
12 part of the time?

13 A. Yes, Your Honor, or yes. Sorry.

14 Q. That's fine. Would you have had-would your
15 daughter have had the opportunity to have a picture of
16 the ultrasound at your home?

17 A. Yes.

18 Q. Do you think that it is somewhat heady or
19 vexatious, on your part, to come into court on the topic
20 of an ultrasound for your child, that you are expecting,
21 to be kept in your ex-wife's home?

22 A. No, I do not.

23 Q. I'm asking, wasn't there another solution to this?
24 And I'm not conceding yet that Tara threw it away, but ...

25 A. The solution would have ...

1 Q. ... I'm just asking, if you have an ultrasound of
2 your new coming baby, couldn't you just have kept a copy
3 at your home?

4 A. My daughter specifically asked me if she could
5 take one home with her. I was not going to deny her that
6 opportunity. And if you want to talk about pettiness,
7 throwing it away ...

8 Q. No, Mr. Greenlow, Mr. Greenlow, we haven't gotten
9 to that yet. But, Mr. Greenlow, so you're the adult. Why
10 did the child make the decision? Wouldn't it have been
11 better for you to make the decision that it just stays at
12 your home?

13 A. The kids are only at my home six days a month,
14 give or take a couple days depending on which month it
15 is.

16 Q. And what you're-are you saying to me that your
17 daughter continual access to an ultrasound picture was
18 imperative for her?

19 A. It was not imperative, but it definitely wasn't-it
20 was definitely acceptable.

21 Q. Mr. Greenlow, do you think that you are being
22 controlling about what happens in Tara's home?

23 A. No, not at all.

24 Q. By demanding that the picture of your future child
25 be kept in her home?

1 A. No, I do not.

2 Q. Mr. Greenlow ...

3 A. The parenting plan specifically states that I'm
4 allowed to send letters, items of sentimental value. Am I
5 being controlling if I sent an ultrasound in the mail as
6 opposed to letting my daughter take it with her with a
7 letter attached possibly?

8 Q. Mr. Greenlow, Mr. Greenlow, I'm asking you
9 questions, not vice versa.

10 THE COURT: So, Mr. Greenlow, you can just say
11 your answer in an answer form instead of questioning the
12 attorney. Okay?

13 A. Okay. My apologies.

14 Q. Mr. Greenlow, do you think that you impacted your
15 child's emotional stability by making this an issue?

16 A. No, I do not. I went through great efforts and
17 lengths to make sure that Zara was not impacted. For
18 instance, not talking about the pregnancy on the phone
19 so, Ms. Losinski would not hang up on me. Even going as
20 far as not talking about as much as possible in my own
21 home so that Zara didn't take that excitement back to her
22 mother's with her out of fear that Ms. Losinski might
23 show some contemptment towards that.

24 Q. Mr. Greenlow, do you think that these are issues
25 that come up all the time between parents who are

1 divorced and then, move onto another partner and have
2 children? Do you think this happens frequently?

3 A. I certainly hope not.

4 Q. You don't think, you don't think the topic of
5 additional children being born in a new family comes up
6 frequently with divorced parties?

7 A. I'm sure it does, but when the person is
8 divorcing-when two people divorce and they do it
9 mutually, the other parent, they are allowed to move on.
10 They are allowed to have their separate lives and do the
11 things that they want to do and they are allowed to
12 express and have their children, that they have together,
13 a part of those things.

14 Q. Absolutely. So, Mr. Greenlow, last question on
15 this particular piece of this. Are you saying that you
16 believe that you have acted in the best interest of your
17 child by what you have done with the ultrasound of your
18 soon to be child?

19 A. Yes.

20 Q. Okay. And then, are you also linking, under-on
21 page 4, 6b, I wasn't clear, you mentioned 6b, "neither
22 parent may deny the other parent telephone or video
23 contact". Did you somehow link that to the ultrasound as
24 well?

25 A. No.

1 Q. Okay. So, can you tell me then, I'm moving onto
2 the 6B, you are saying on page 4, 6b, that Tara has
3 violated something, correct, related to that?

4 A. Yes.

5 Q. Okay. So, can you tell me that again. In light of
6 the fact that these exhibits just came in moments before
7 we started, I need you to reiterate ...

8 THE COURT: So, just a second. I'm going to-
9 because this is what I understood it to say about 6b. I
10 think what he said is that he is saying that Tara said if
11 he were to bring up the impending birth of his child,
12 during a phone or video call, she was going to hang up.

13 MS. COLEMAN: Okay, thank you.

14 THE COURT: That's how he said it.

15 MS. COLEMAN: That's what I thought perhaps he
16 said.

17 Q. So, Mr. Greenlow, are you, again, you brought
18 contempt, a contempt charge against Tara based on what
19 you anticipate her future action to be?

20 A. I could have very well tried to talk about the
21 pregnancy and tested Ms. Losinski to see if she would
22 hang up, but that would not have been in the best
23 interest of our kids. It legitimately would have been bad
24 for my daughter to experience that. So, yes, Ms.
25 Losinski, I am saying that she is in contempt by

1 dictating what I am and am not allowed to talk to my kids
2 about and telling me that if I do talk about those
3 things, she will hand up the phone on me. And I'm sorry
4 that I'm not willing to go as far as to, to push that
5 issue with her and test it, test those limits. But, yes,
6 I do believe Ms. Losinski is very much in contempt for
7 doing so.

8 Q. Mr. Greenlow, do you think that you and Tara need
9 to figure out how to communicate more effectively?

10 A. I have expressed to Ms. Losinski several times
11 that we need to communicate more efficiently. During the
12 summer, I expressed to her often that we need to for the
13 sake of our children, come to better terms and be able to
14 work with each other more efficiently as co-parents.

15 Q. Have you suggested counseling for the two of you?

16 A. No, I have not.

17 Q. Or even the three of you?

18 A. No, I have not.

19 Q. Meaning your wife?

20 A. No, I have not. No, I'm sorry. Actually, I take
21 that back. The counselor here in Sidney, Montana, that my
22 daughter was going to, she was going reach out to Ms.
23 Losinski and she had suggested reaching out to her about
24 some sort of group counseling sessions, but I'm not sure
25 if she got out to her. I couldn't say whether or not she

1 did.

2 THE COURT: So, I want to track that. So, when
3 was your daughter seeing a counselor in Sidney?

4 A. During the summer months between June, the
5 beginning of June to the end of July.

6 THE COURT: And who was the counselor?

7 UNKNOWN VOICE: Kysa.

8 A. Kysa. I'm sorry.

9 THE COURT: Kysa Rasmussen?

10 A. Yes.

11 THE COURT: Okay. Continue, Ms. Coleman.

12 Q. So, Mr. Greenlow, I'm going to move onto the
13 discussion about the form for Sacred Heart School. At the
14 last hearing, were you given the names of the schools
15 where your children attend?

16 A. Yes.

17 Q. And, pardon me, and have your children been in the
18 same school for a period of time? Each of them?

19 A. Yes.

20 Q. So, have you reached out to each of those schools
21 and make sure that your contact information is registered
22 with the school?

23 A. Yes, I have. I expressed it in Exhibit 3, you can
24 see it in Exhibit 2.

25 Q. So, the schools have your contact information. Is

1 that what you are saying here today?

2 A. I have given the schools my contact information;
3 they do have it now.

4 Q. So then, and again, I'm going to ask you, do you
5 feel that this is worth the Court's time if the schools
6 have your contact information?

7 A. Absolutely. I have expressed to Ms. Losinski
8 several times I have been left off of paperwork, left off
9 of medical documents. Over and over and over, it's a
10 repeating cycle, it's not a ...

11 Q. Do you have those exhibits? Have you brought those
12 here today, Mr. Greenlow?

13 A. Just the two exhibits that I brought today.

14 Q. So, and one of those is for Sacred Heart, correct?
15 Is that correct?

16 A. Yes.

17 Q. Exhibit number 3. And the other you are referring
18 to, the other exhibit?

19 THE COURT: I think they were Exhibit 2 and 3.
20 Exhibit 2, the point of Exhibit 2 is to show that she,
21 that your client is being accused of not even putting his
22 name on the paperwork for Zaxton. And the point of
23 Exhibit 3 is that she put his name on the paperwork for
24 Zara, but did not include his phone number, address, or a
25 copy of the Amended Parenting Plan. And the paragraph

1 that he is saying that violates is paragraph, I gotta
2 find it here, the one that says they're supposed to let
3 the school know about the split household.

4 Which paragraph is that?

5 A. 11...

6 THE COURT: I'm having to toggle between things.

7 A. Page 8, I believe.

8 THE COURT: Page 8, paragraph 11c, "Each parent
9 shall provide the other parent with grade reports and
10 notices from school as they are received, and the
11 children's school shall be notified of the split
12 households and advised to send copies of the children's
13 school documents to each parent" is one, yeah.

14 Q. So, can I just confirm. Is the date on the Sacred
15 Heart, Exhibit 3, I believe, 5-10-22? My question is
16 going to be is this from last spring and do you have any
17 information for this fall?


18 A. This is from this year when Ms. Losinski enrolled
19 Zara; this is their current, this was their most current
20 up-to-date form. When I called ...

21 Q. How do you, how do you know that? This is dated 5-
22 10-22.

23 A. Because I was sent it two weeks ago maybe; I could
24 look and check the date in which it was sent to me, but.

25 Q. So, are you saying, Mr. Greenlow, that you haven't

1 communicated with the school and added your information
2 after the school year started?

3 A. My daughter just enrolled in kindergarten this
4 year. As far as preschool goes, there are no, you know,
5 sports or musical programs or things like that that I'm
6 going to have to concern myself with being able to 
7 attend.

8 Q. I'm sorry and I'm not following you. The record,
9 and I also apologize for referring to the wrong grade
10 level, but this is dated 5-10-22 for Zara.

11 THE COURT: So, I'm going to take judicial notice
12 that enrollment for the fall of the 2022-2023 school year
13 would probably not happen any earlier than 5-10 and
14 probably would happen as early as 5-10 because that the
15 end of the prior school year and that would be when you
16 would enroll or provide information to get on a waiting
17 list or whatever.

18 Sacred Heart is a private school, right? It's a
19 catholic private school in Miles City, right?

20 A. Yes, Your Honor.

21 THE COURT: Okay. So ...

22 MS. COLEMAN: Your Honor, but, Your Honor, we
23 don't and I'm not ...

24 THE COURT: Does your client have-I guess, this
25 is the thing. He's saying that the school sent this as

1 the last application for school that they had. If your
2 client has a later one, I will look at it.

3 MS. COLEMAN: So, Your Honor, but we could, we
4 could certainly file one later today. I'm assuming that
5 he's added the information. We also have ...

6 THE COURT: I know. But I think his point is your
7 client is the one who signed their child, that they
8 together have, for this private school and that she did
9 it in May and when she did it, she just mentioned-let's
10 see. For her, she gave his name, but didn't give his
11 phone number, she didn't give his address, and she didn't
12 provide a copy of the parenting plan that showed that
13 they share parenting of this child. That's what I think
14 he's saying.

15 MS. COLEMAN: Sure, Your Honor. And I'll take
16 testimony from Tara. She's expecting that there should be
17 another one.

18 Again, the Court asked us a question of do we have
19 something to answer this. Well, no, we didn't know that
20 this was going to be presented until, you know, a few
21 minutes before this started.

22 THE COURT: Well, that's the nature of a contempt
23 proceeding. I mean, it's not-you get there and you find
24 out what the people are going to present and the
25 supporting documentation.

1 But so, I think that's his allegation. His allegation
2 is she is the one that signed up their child and when she
3 signed up their child, she mentioned his name, but
4 nothing else about him, and didn't mention the split
5 parenting arrangement. And that's what he's complaining
6 about.

7 MS. COLEMAN: And I would-and I would ask again.

8 THE COURT: I mean, I'm just saying that's what
9 his-that's what he's saying.

10 MS. COLEMAN: So, Your Honor, I don't have
11 anything further to ask Mr. Greenlow. I would call Tara
12 when the Court allows.

13 THE COURT: Got it.

14 REDIRECT EXAMINATION

15 BY THE COURT:

16 Q. Mr. Greenlow, do you have anything by nature of
17 direct examination of yourself to add to the answers you
18 gave to those questions that Ms. Coleman asked in her
19 cross examination.

20 A. Possibly. Your Honor, the Tara not putting me on
21 documents and things like that stems all the way back to
22 the very beginning of the divorce. When Zaxton received
23 his first autistic diagnosis in Billing, Montana, I was
24 requesting those documents from that hospital; they
25 didn't have my name on their paperwork. I had to send in

1 a photocopy of my I.D. and a birth certificate of my son
2 with my name on there as the father. When I went to take
3 my son to speech and occupational therapy practice in
4 Miles City, they didn't have my name anywhere on their
5 documentation. I had to enter myself into their system as
6 the father and my number as the father.

7 If the defense is that I'm not making the phone calls
8 and doing it myself then, that's ridiculous because it's
9 just time and time again. I don't know, I not ever going
10 to know every single person, every single institute that
11 I need to call to get my name on these, on these
12 documents.

13 Q. Okay. Anything more?

14 A. And that's all I have.

15 THE COURT: Okay. Anything-recross on what Mr.
16 Greenlow just said, Ms. Coleman?

17 MS. COLEMAN: Yes, just one.

18 RE CROSS EXAMINATION

19 BY MS. COLEMAN:

20 Q. How could it be possible that you wouldn't know
21 the places that your children attend or seek help from,
22 seek care from in such small communities? Like do you
23 exchange text messages with Tara?

24 A. Yes.

25 Q. Have there been discusses about the schools where

1 the children attend?

2 A. Upon request usually, but yes.

3 Q. Have there been discusses, via text, about
4 counseling or any medical issues about the children?

5 A. Yes.

6 MS. COLEMAN: Okay. I don't have anything
7 further, Your Honor.

8 THE COURT: Okay. Do you have any other
9 witnesses, Mr. Greenlow?

10 THE PETITIONER: I do not, Your Honor.

11 THE COURT: First witness, Ms. Coleman?

12 MS. COLEMAN: Your Honor, I'm going to call Tara
13 Losinski.

14 THE COURT: Okay. Could you raise your right hand
15 to be sworn and, once you're sworn, Ms. Coleman will
16 begin taking your testimony. You're going to both have to
17 be kind of careful about directing your voice to wherever
18 that microphone is located on your device.

19 THE CLERK: Can you raise your right hand?

20 TARA LOSINSKI

21 Having been sworn to tell the truth, the whole truth
22 and nothing but the truth, testified upon the oath as
23 follow:

24 THE COURT: Go ahead.

25 MS. COLEMAN: Was the Court able to hear Tara?

1 THE COURT: Yes. I thought I heard her.

2 MS. COLEMAN: Okay, thank you.

3 DIRECT EXAMINATION

4 BY MS. COLEMAN:

5 Q. So, Tara

6 THE COURT: So, your name is Tara Losinski,
7 right?

8 A. Right.

9 THE COURT: And you're the Respondent?

10 A. Yes.

11 THE COURT: Okay. Go ahead.

12 Q. Okay. Tara, are you-thank you. Are you aware-has
13 there been somewhat of discussion, ongoing discussion
14 about a ultrasound picture?

15 (Pause.)

16 THE COURT: I can't hear her, I guess, if she's
17 talking, but it doesn't look like she's talking.

18 Q. So, can you tell the Court what transpired with
19 the ultrasound picture? Did your daughter have an
20 ultrasound picture?

21 A. (Inaudible) out of the vehicle. Andrea walked from
22 the other side of the vehicle and handed Zara an
23 ultrasound picture and I took the kids in to use the
24 bathroom and Zara obviously dropped it on the ground and
25 Andrea actually came and followed us through the entire

1 gas station up to counter and told Zara, she's like you
2 must have dropped this and Zara is like oh, yes, I
3 dropped it.

4 Q. Alright. When you say got out of the car, are you
5 talking about an exchange of (inaudible)?

6 A. Braxton was sitting outside of the vehicle with
7 Zara, giving her a hug, and Zaxton was still on the other
8 side, but Andrea walked all the way around the vehicle
9 just hand Zara the ultrasound.

10 Q. Are you telling-did this take place at a handoff
11 of the children? Did it take place in Glendive?

12 A. Yes.

13 Q. Okay. And were you at a gas station?

14 A. Yeah, we were at Town Pump.

15 Q. Okay. And Andrea is Braxton's wife, correct?
16 Right?

17 A. Yes.

18 Q. Okay. And did you see this interaction between
19 Andrea and your daughter?

20 A. Yes.

21 Q. Okay. So, you watched Andrea hand the ultrasound
22 picture to Zara?

23 A. Yes.

24 Q. Okay. And how old is Zara?

25 A. She was five at the time.

1 Q. So, she ...

2 THE COURT: So, Ms. Coleman, somehow, now, it's
3 not picking up your voice all the time.

4 MS. COLEMAN: Yeah, Your Honor, I apologize. I'm
5 on my desktop, and I swear to you I'm looking for the
6 speaker. I apologize.

7 THE COURT: That's okay. We can hear you now.

8 Q. Okay. So, did you just say ...

9 THE PETITIONER: I can't hear them. I don't know
10 if you can hear them, Bidegaray, but I'm unable to hear
11 anything on my side.

12 THE COURT: Okay, okay. I don't think she's
13 saying thing right now.

14 Q. Sorry, sorry. I'm just saying, I'm just saying.
15 So, Tara, did you say that your daughter dropped the
16 ultrasound picture that had been handed to her by Andrea?

17 A. Yes because she didn't have it when we up at er at
18 the counter because Andrea followed us and had to bring
19 it back to her telling her that she dropped it.

20 Q. Okay. So, what then happened to the ultrasound
21 picture from there?

22 A. Zara didn't it anymore.

23 Q. But why would you think that?

24 A. I have no idea.

25 Q. Did Zara say anything to you?

1 A. No.

2 Q. Do you think this is an unfortunate interaction
3 between two homes?

4 A. (Inaudible.)

5 Q. Was this malicious on your part?

6 A. No.

7 Q. Do you think your daughter should be brought into
8 a drama about an ultrasound picture?

9 A. No, she shouldn't.

10 Q. So, how did this happen that Braxton's complete
11 information isn't on Zara's permanency record at Sacred
12 Heart?

13 A. Because I forgot to put his cell phone number, but
14 they've been well aware, for over two years, that there's
15 a split household.

16 Q. So, you're saying that (inaudible).

17 THE COURT: We can't hear you, Ms. Coleman.

18 Q. So, do you think ...

19 THE COURT: It's not picking you up again. It's
20 still not-I know you're looking right at it, it's just
21 not.

22 MS. COLEMAN: Yeah, sorry.

23 THE COURT: Now you are.

24 Q. Okay. So, are you that the schools, there are two
25 schools involved, correct, for your children?

1 A. Yes.

2 Q. And are you saying that both of them know that
3 there is--there are split households here?

4 A. Yes.

5 Q. So, was an error that you didn't put Braxton's
6 information on there?

7 A. (Inaudible.)

8 Q. Okay. Did you ever try to remedy or did you know
9 it wasn't on there?

10 A. (Inaudible.)

11 Q. But what do you mean?

12 THE CLERK: We're not getting--Ms. Coleman? We
13 can't hear her, at all, in the courtroom; we're really
14 struggling here.

15 MS. COLEMAN: Okay. Your Honor, the only thing I
16 could do, and it would only take two seconds, I have my
17 other computer here. I could dial in really fast.

18 THE COURT: Yeah, do that.

19 MS. COLEMAN: Okay.

20 THE COURT: Let's take a little break. If anybody
21 needs to use the restroom, do that, and then, we'll get
22 back.

23 THE CLERK: Thank you.

24 BREAK 9:53 a.m.

RESUME: 10:00 a.m.

25 THE COURT: Okay. Are we all set up again?

1 MS. COLEMAN: Yes, Your Honor, thank you.

2 THE COURT: Can you say something, Ms. Losinski?

3 THE RESPONDENT: Yes.

4 THE COURT: Okay. That's so much better. Okay, go
5 ahead.

6 MS. COLEMAN: Okay. Bear with me, Your Honor.

7 DIRECT EXAMINATION CONTINUES

8 BY MS. COLEMAN:

9 Q. So, Tara, the discussion has been about, with
10 Exhibit number 3, about whether you had added full
11 information for Braxton onto the Sacred Heart school
12 record. So, Zaxton attend school?

13 A. Yes (inaudible).

14 Q. And do you know if you supplied complete
15 information to the school about Braxton for Zaxton's
16 school?

17 A. Yes.

18 Q. If you needed to, could you produce that later
19 today and we could file it with the Court?

20 A. Yes.

21 Q. So, do you know if Braxton has communicated with
22 the schools about his children?

23 A. (Inaudible.)

24 Q. But how do you know that?

25 THE COURT: I didn't make out what she-it's

1 picking Ms. Losinski, but it's a little bit muffled. I
2 guess, I can't-what did you just say, Ms. Losinski?

3 A. That he hasn't contacted Zaxton's school.

4 Q. But I want to ask how you know that.

5 A. Because I speak with Joann Gresen almost every
6 day.

7 Q. Okay. Why do you speak with her every day?

8 A. Because he goes to special service school and
9 there's only a couple kids in each one of her class and
10 she meets me at the door to let Zaxton in because the
11 school's doors are locked.

12 Q. So, does that bring up any concerns you have
13 (inaudible).

14 THE COURT: Okay. Now, it's not picking up again.
15 I don't know what's going on.

16 Q. Okay. So, so, alright, last question on this. Do
17 you-does it bring up for you any concern about Braxton's
18 interaction with the school?

19 A. Yes.

20 Q. I'll wait until the (inaudible).

21 MS. COLEMAN: Oh, thank you, Your Honor, it went
22 blank for a second.

23 Q. So, regarding the other exhibit, which would be
24 Exhibit number 4, which is regarding Zaxton, correct?

25 A. Yes.

1 Q. And Braxton, Mr. Greenlow, brought up that his
2 name is not at the bottom of this form. And this form
3 that I'm referring, is it signed by Kim Beaner?

4 A. (Inaudible.)

5 Q. And again, who is Kim Beaner related to your son?

6 A. (Inaudible).

7 Q. Okay. And ABA stands for?

8 A. (Inaudible.)

9 Q. Alright.

10 THE COURT: Can you say it again? It's really
11 picking you up fine, Ms. Coleman, but not Ms. Losinski.

12 A. Kim Beaner works at ABA; it's applied behavior
13 analysis and Zaxton goes five days a week.

14 Q. Do you-is it your understanding that Ms. Beaner
15 was expecting to meet with Braxton about Zaxton?

16 A. Yes, she's expressed numerous times that she's
17 contacted him to meet and he keeps blowing her off is
18 what she said. He was supposed to meet with her all
19 summer and he's actually supposed to be meeting with her
20 today at 1:00 was the last I heard yesterday.

21 Q. (Inaudible), do you know if Braxton has ever met
22 Zaxton's counselor, Kim Beaner?

23 A. They met a couple times and he's actually signed
24 of these forms, which I could get from Kim later today.

25 Q. So, (inaudible) would that not be between Ms.

1 Beaner and Braxton?

2 A. Yes.

3 Q. Would that have anything to do with you?

4 A. No.

5 THE CLERK: We're not hearing anything in the
6 courtroom.

7 MS. COLEMAN: We weren't-we weren't speaking.
8 Sorry, I had us muted for a moment.

9 THE CLERK: Oh, sorry, I just saw you moving.
10 Thank you.

11 MS. COLEMAN: I know, I know. Your Honor, I don't
12 have any further questions for Tara. I certainly have a
13 statement to make the Court, but I don't have any further
14 questions.

15 THE COURT: Cross examination, Mr. Greenlow?

16 THE PETITIONER: Yes, Your Honor.

17 CROSS EXAMINATION

18 BY PETITIONER:

19 Q. So, the statement that my daughter dropped the
20 picture or that the picture was handed to her outside the
21 car, when I woke up my daughter from the trip to Glendive
22 to meet Tara, my daughter had that picture ...

23 THE COURT: Wait a second.

24 Q. ... in her hand.

25 MS. COLEMAN: Your Honor.

1 THE COURT: Okay. Here's the thing. I will allow-
2 I guess, I'll allow it to be kind of like rebuttal and
3 then, I will let your client do surrebuttal.

4 Okay. Go on.

5 Q. Okay. In any case, she was holding the picture
6 when I woke her; she had it dead-gripped in her hand and
7 she dropped it outside of the car and Andrea handed it
8 back to her while we were hugging and saying goodbye.
9 It's not like we gave it to her the second we got there
10 as they're trying to make it sound.

11 And furthermore, if the defense is that like I'm
12 making this big deal out of this ultrasound picture but,
13 the truth is, is it's not just about the picture, it's
14 continued behavior like this. The persistent behavior,
15 the not allowing me to ...

16 MS. COLEMAN: Your Honor, Your Honor. I going to
17 object. And again, I don't want to add to the
18 contentiousness here, but I was thinking this was Mr.
19 Greenlow's opportunity to cross examine.

20 THE COURT: So, you'll be able to do a closing
21 statement. Do you have questions? So, let's do it like
22 this. Do you have questions you're going to her?

23 THE PETITIONER: Okay, yes.

24 THE COURT: I will give you the opportunity-okay,
25 do that.

1 Q. So, I'm curious. The evaluation that you're saying
2 that I have signed, is that the evaluation done for
3 Zaxton over the summer while he was attending ABA at my
4 house?

5 (Pause.)

6 THE COURT: Did you hear the question, Ms.
7 Losinski? Because if you answered, we didn't hear your
8 answer.

9 A. That would be between you and Kim, but she said
10 that you signed it and you informed her that you would be
11 signing everything from now on.

12 Q. Okay. I'm not fully remembering that conversation,
13 however, I do remember signing an evaluation. It's the
14 only evaluation I was ever a part of.

15 So, Ms. Losinski, you say this evaluation is between
16 you and Kim and that the evaluations that happen at your
17 house are between you and Kim. Do you not think that it's
18 important that both parents be aware of the results of
19 these evaluations?

20 A. Yes and that is why you were supposed to be
21 meeting with Kim weekly and she stated that to you
22 numerous times.

23 Q. That's hearsay, okay. Anything that you are saying
24 that you talked to Kim about ...

25 THE COURT: Sustained, sustained. Go on.

1 Q. And then-so, are you, when you say that I have not
2 contacted Zaxton's school, you're saying that that is
3 because you spoke to his teacher? But you have seen
4 Exhibit 2 that I presented earlier, correct?

5 MS. COLEMAN: We're just viewing what Exhibit 2
6 is.

7 Q. In a message, in Exhibit 2 that I presented, it
8 says, "What is the name of Zara's school? Also, I called
9 Zaxton's school today and you didn't put me on the
10 paperwork as the father. Is it also like that at Zara's
11 school?"

12 It was a question that I asked Ms. Losinski and she
13 was unable to answer me, at all. She can look it up in
14 the phone, her own phone records and see that there was
15 no response. It was a simple question; I wanted the name
16 of my daughter's school and I wanted to know why I was
17 not on the paperwork at Zaxton's school. If you would
18 have responded to that message then, there would have
19 been a discussion had and you'd know more about that
20 conversation between me and Zaxton's teacher.

21 A. Is this a message referring to last month?

22 (Ms. Coleman and Respondent talking.)

23 THE COURT: What day was it?

24 THE PETITIONER: March 31st, Your Honor. Is was
25 while I was preparing Zaxton to get set up for special

1 services in Sidney, Montana for the summer.

2 A. Haven't you had all of his information since last
3 March?

4 THE COURT: Wait a second. Just like he can't
5 ask-he wasn't able to ask your attorney questions when
6 she was cross examining him, you can't ask him questions.
7 So, I think he just asked you a yes or no question. Do
8 you remember it?

9 MS. COLEMAN: Can he repeat it, Your Honor?

10 THE COURT: Do you remember what you asked her?

11 Q. Yes. In the message it says-sorry.

12 THE COURT: Go ahead.

13 Q. In the message it says, "What is the name of
14 Zara's school?" Oh, I'm sorry. Yeah, you said that I have
15 not contacted Zaxton's school. Right here in the message,
16 in Exhibit 2, I tell you that I have, you did not
17 respond. If you were-if you had responded, there would be
18 a conversation between you and I where you would have
19 more details about that conversation between mine and
20 Zaxton's teacher.

21 A. You've only provided part of the conversation.

22 Q. Right because I'm not going to print off the
23 entire textbook of our conversations between now and God
24 knows when. However, you can clearly see ...

25 THE COURT: Well, this is actually Exhibit 1,

1 this part of Exhibit 1.

2 THE PETITIONER: Exhibit 2, Your Honor, I'm
3 sorry.

4 THE COURT: No, Exhibit 2 is what is the name of
5 the school. Exhibit 1 is oh, what's the name of the
6 school.

7 I don't see where it says you contacted them. You're
8 asking where is the school.

9 THE PETITIONER: In Exhibit 2, "also, I called
10 Zaxton's school today and you didn't put me on the
11 paperwork as the father."

12 THE COURT: Okay. I guess, I'm not looking-I see
13 something that says Exhibit number and it just looks like
14 a fish so, I'm assuming it's 2.

15 THE PETITIONER: Yes, that's 2.

16 THE COURT: The one before is scribbled out at
17 the time; the one before that is nothing, nothing, and it
18 says Exhibit 1. On the ones I've got, it says Exhibit 1
19 and Exhibit 1 has one, two, three pages and then, Exhibit
20 2 is one page and it says 12:01 at the top and it's just
21 one page of ...

22 THE PETITIONER: Yes, yes. That's Exhibit 2, Your
23 Honor. The first message in Exhibit 2 is the message I am
24 referring to.

25 THE COURT: Oh, I called Zaxton's school today.

1 Okay, got it.

2 Q. Okay, so, I guess, my question is ...

3 THE COURT: So, basically, did you answer that
4 email-did you answer the text message, Ms. Losinski? He's
5 saying you didn't.

6 THE PETITIONER: Right. Yeah, I'm saying she has
7 not.

8 A. (Inaudible) and he knows. I even gave him all the
9 information.

10 THE COURT: Okay. So, here's the thing. She
11 didn't present an answer so, go onto something else. You
12 presented the question; she didn't present an answer. I
13 take it as she didn't answer it.

14 THE PETITIONER: Okay. That is, that's all I have
15 for my cross examination, Your Honor.

16 THE COURT: Okay. Do you have any redirect, Ms.
17 Coleman?

18 MS. COLEMAN: I don't, Your Honor.

19 THE COURT: I'm sorry, it came out cross-muffled.
20 What?

21 MS. COLEMAN: I (inaudible.)

22 THE COURT And now it cut out. I don't know why
23 it's going that. Go ahead.

24 MS. COLEMAN: I don't, Your Honor.

25 THE COURT: Okay. Do you have any other

1 witnesses?

2 MS. COLEMAN: I do not.

3 THE COURT: Okay. And, Mr. Greenlow, do you have
4 rebuttal?

5 THE PETITIONER: Yes, I do, Your Honor.

6 THE COURT: Okay. Well, who is your-what,
7 yourself?

8 THE PETITIONER: Myself and I would also like to
9 call one witness.

10 THE COURT: Okay. So, rebut-do what you're going
11 to say right now for rebuttal.

12 THE PETITIONER: Okay.

13 THE COURT: Cuz you're still under oath.

14 THE PETITIONER: So, as I stated before when I-
15 so, when the ultrasound picture was given to Zara, it was
16 given to her at our house; she was extremely excited
17 about it. And I will note how-when Zara's ultrasound
18 picture was thrown away, her excitement really was
19 nonexistent after that.

20 When I say that I tried very hard not to speak about
21 the pregnancy at my house. The only time I ever did speak
22 about is when Zara brought it, which was not very often,
23 and she herself did not bring it up on the phone after
24 the matter.

25 This isn't just about the ultrasound picture; it is

1 about Tara's control over the matter and the impact that
2 it has on Zara is more than just the picture itself. It
3 is a statement made by Tara that she is not happen about
4 this and our daughter sees that. In the conversation I
5 had with my daughter and what she expressed to me, she
6 knew and I knew that Zara's interpretation of this was
7 that her mother did not like this pregnancy, this
8 situation.

9 And for as both schools not knowing the split
10 households, Ms. Losinski, her defense is that this was
11 unintentional. You can only do this so many times before
12 you really have to wonder whether or not it is
13 intentional. However, when you look at Exhibit 2 and I
14 expressed to Ms. Losinski-and Exhibit 2 is March 31st of
15 this year. This is before the kids even started going to
16 school; it was the beginning of the summer. And Ms.
17 Losinski did this paperwork at Zara's school in 5-10;
18 that is May, May 10th, after I had told her my concerns
19 about being put on paperwork. So, to say that it was
20 accidental or intentional, I don't buy that, it's not.

21 I would like direct to the Court's attention to
22 Exhibit 22.

23 MS. COLEMAN: Your Honor, I object. Mr. Greenlow
24 said, in the beginning of this, that he wasn't going to-
25 he was only going to deal with Exhibits 1 through 4.

1 THE COURT: Well, but this is rebuttal. I think
2 he said they were in case he needed them for rebuttal.

3 What is 22?

4 THE PETITIONER: This is ...

5 THE COURT: Without saying the guts of it, like
6 what is it?

7 THE PETITIONER: It's from the Sidney Health
8 Center. When I enrolled Tara and I's son up for
9 occupational speech or occupational therapy and speech.

10 THE COURT: What's the point of it? What's the
11 point of it?

12 THE PETITIONER: It is just an example of what
13 paperwork should look like between parents.

14 THE COURT: Okay.

15 THE PETITIONER: And I have another exhibit.

16 THE COURT: And is it something that you filled
17 out? Is it something you filled?

18 THE PETITIONER: Yes, this is something I filled
19 out.

20 THE COURT: Okay. The objection is overruled.
21 Objection overruled.

22 Exhibit 22 you said?

23 THE PETITIONER: Yes.

24 THE COURT: And so, basically, this is something
25 you filled out and I take it that you must have put her

1 name on it and her contact information on it when you
2 enrolled your son, is that right?

3 THE PETITIONER: Yes, Your Honor.

4 THE COURT: I understand. Go onto something else.

5 THE PETITIONER: Okay. If the Court would give me
6 one second to find this one.

7 (Pause.)

8 THE PETITIONER: Okay, right here. Exhibit 20,
9 Your Honor.

10 THE COURT: What is that?

11 THE PETITIONER: Exhibit 20 is a message-Exhibit
12 20 is a message from myself to Tara where I inform Tara
13 that Zara went to her first therapist appointment. I sent
14 her a picture of the therapist's card, but I also tell
15 Ms. Losinski that her name is on the paperwork, she's
16 listed as one of the emergency contacts, and that the
17 therapist should actually be getting a hold of her
18 because I advised the therapist that Ms. Losinski might
19 like the opportunity to fill out the same paperwork for
20 Zara to be enrolled into this therapy. Just another
21 example of how things should work versus how things are
22 clearly working.

23 THE COURT: Okay. Ms. Coleman, any objection to
24 20?

25 MS. COLEMAN: No, but we have a response to 22

1 about who actually handed that in, but that's fine.

2 THE COURT: You'll get the chance.

3 20 is also admitted and 4 is admitted too from before
4 if I hadn't said it because I think I said 1, 2, and 3,
5 and I hadn't addressed 4.

6 THE COURT: Okay, go on. Anything else?

7 THE PETITIONER: I would like to call on my wife,
8 Andrea Clarke.

9 THE COURT: Okay. Come forward and be sworn.

10 ANDREA CLARKE

11 Having been sworn to tell the truth, the whole truth
12 and nothing but the truth, testified upon the oath as
13 follow:

14 DIRECT EXAMINATION

15 BY THE PETITIONER:

16 Q. In Ms. Losinski's defense, she says that Zara
17 dropped the picture in the bathroom and that ...

18 THE COURT: Well, first of all, what is your
19 name?

20 A. My name?

21 THE COURT: What is your name? Yes.

22 A. Andrea Clarke.

23 THE COURT: And are you the wife of Braxton
24 Greenlow.

25 A. Yes, Your Honor.

1 THE COURT: Okay. Now, go on, Mr. Greenlow.

2 Q. Alright. So, Andrea, can you please explain your
3 accounts of that day that Ms. Losinski is talking about
4 where we dropped Zara off and you had returned the
5 ultrasound picture to her from the moment that the kids
6 were in Ms. Losinski's care and then, I'll just kind of
7 tell you when to stop.

8 A. Okay. So, when we drop off, I make sure that I get
9 to say goodbye to both children; it's important to me.
10 So, with Zara dropping the ultrasound, it was basically
11 because she was just waking up. After that, Tara did have
12 the children in her care; they were brought to the
13 bathroom. And after I purchased some things from the
14 store, I went to the restroom; and they were in the big
15 stall, and I was in another one. From my, you know,
16 knowledge, Tara had no idea that I was in the restroom.
17 Tara, you know, in the shuffle of kids going to the
18 bathroom, obviously, a parent needs to wash hands, and
19 from my understanding, she did have it in her hand. Now,
20 when I left the bathroom ...

21 Q. Just to clarify, just to clarify, when you say she
22 had it in her hand, are you talking about Zara?

23 A. No, I am talking about Tara.

24 Q. Okay. And why, why ...

25 THE COURT: So, what did Tara have in her hand?

1 What did Tara have in her hand?

2 A. From my understanding that Tara did have the
3 ultrasound in her hand while she was helping Zara wash
4 her hands?

5 Q. And why would you think that?

6 A. Because she said, 'well let me take-let me grab
7 this'.

8 Q. Right. So, you heard, from the bathroom stall, you
9 heard Ms. Losinski ask Zara to hold the ultrasound
10 picture. You heard that verbally, is that what you're
11 saying?

12 A. Yes.

13 Q. Okay. Please continue.

14 A. Then I left the restroom and, on my way, out, in
15 the long hallway of Town Pump, I found the ultrasound
16 crumpled up on the ground.

17 Q. Okay, that's it. That's all I have for you. Thank
18 you.

19 THE COURT: Cross examination, Ms. Coleman?

20 MS. COLEMAN: I don't have any, Your Honor.

21 THE COURT: Any other witnesses, Mr. Greenlow?

22 THE PETITIONER: No, Your Honor.

23 THE COURT: Okay. You may step down.

24 Any surrebuttal, Ms. Coleman?

25 MS. COLEMAN: No questions, Your Honor.

1 Certainly, again, a statement, a closing statement, but
2 no questions.

3 THE COURT: Okay. Alright, go ahead. Mr.
4 Greenlow, it's your Petition for Contempt so, you get to
5 make a statement first if you wish, but you've already
6 kind of done that. do you have anything more to say by
7 way of statement?

8 THE PETITIONER: Yes.

9 THE COURT: And can somebody move the camera back
10 so, I can see him.

11 THE PETITIONER: Yes. So, one last thing. The
12 ultrasound picture; the dictating what I can and cannot
13 talk to the kids on the phone about; going all the way
14 back to the first and second contempt charges, not giving
15 me the kids for my time, not giving me video contact with
16 my son, who is nonverbal, every single one of these
17 things; it all paints a really ugly picture. And you
18 cannot deny that the defense wants to sit and say that
19 I'm being petty by bring them for something as simple as
20 an ultrasound picture, but it's not just an ultrasound
21 picture. The whole situation, the entirety of it is bad
22 and it's just continuing and continuing.

23 Ms. Losinski has been warned what would happen if she
24 did continue to be contemptuous and she just does not
25 care. She's going to keep abusing her power as the

1 primary custodial parent of our children. And that is,
2 you know, come to point where we really need to be
3 concerned about that.

4 That's all I have, Your Honor.

5 THE COURT: Okay. Ms. Coleman?

6 MS. COLEMAN: Your Honor, regarding, first of
7 all, the ultrasound. I certainly understand why Mr.
8 Greenlow and his wife are excited about that picture. I
9 think it's absolutely inappropriate that they brought
10 that topic before the Court. I think that is not a good
11 use of the Court's time. I think that they, being the
12 grownups, could have handled that situation much better
13 and it would have been in the better interest of their
14 children.

15 I-in response to Mr. Greenlow's discussions about
16 whether he has been listed on the school information,
17 again, what he has presented today are from older dates.
18 We're into a new school year; if the Court wants us to
19 gather that information from the school and file it as
20 exhibits, we're more than happy to do so.

21 I think the more important thing would be not just
22 mainly a discussion about who's name is on a form, but
23 the actual interaction by a parent with counselors,
24 teachers, therapists. And, Your Honor, had we had the
25 time, we would have subpoenaed those individuals. They

1 expressed to Tara that they would be pleased to testify
2 about Mr. Greenlow's communications with them, any
3 interactions he's had with them, or any lack thereof.

4 Regarding, Your Honor, Mr. Greenlow just instructing
5 the Court about what was best for the Court to do about
6 Tara, keeping the contact between the children, Mr.
7 Greenlow has continual and consistent, steady contact
8 with his children. There has been no evidence, presented
9 today, that he has missed out on continual visits
10 throughout the months, especially since the last order
11 that was put in place that put the emphasis on video
12 visits.

13 So, Your Honor, Your Honor, I don't think that Mr.
14 Greenlow has carried the burden, at all, that Tara is
15 contempt. I would, though, say in reading the transcripts
16 from the prior hearings, it does seem to be one of these
17 unfortunate situations where there are some challenges in
18 communication between these parents. And, Your Honor, if
19 the Court is able to do so, I would ask that the Court
20 would order them to mediation through 44-301, if the
21 Court believes that they have the power to do so. And the
22 point to the mediation would be to see if these people
23 can learn-and I would ask-I would ask-I would suggest
24 that it incorporate Andrea for some of it, but with the
25 goal to help these individuals learn how to communicate

1 more effective.

2 Again, just to close, if the Court isn't willing to
3 that suggestion then, I would absolutely ask that the
4 Court would allow an additional hearing where we could
5 subpoena, again, counselors, therapists, teachers to
6 testify about what is in the best interest, making their
7 presentation about what is the best interest of these
8 children as to where they reside and how much interaction
9 there has been by Mr. Greenlow. Your Honor, that is my
10 final statement to the Court on the topic.

11 Thank you.

12 THE COURT: Any reply, Mr. Greenlow?

13 THE PETITIONER: Yes. As far as mediation goes, I
14 would not argue against that. However, I would ask that
15 parenting plan still be amended and if things can get
16 better then maybe we can come back, revisit this.

17 However, the continued abuse of power, on Ms.
18 Losinski's part, it's apparent, it's absolutely apparent
19 in what I've present just today alone. Telling me that I
20 can't talk to my kids about my personal life or about
21 this pregnancy, it's just another, just another thing
22 that she's done. But that's all I have, Your Honor.

23 THE COURT: Okay. Okay. I believe that Ms.
24 Losinski is in contempt. That text message in which she
25 says yeah, I threw it away and don't bring it up and

1 whatever; I think Mr. Greenlow has met his burden of
2 showing that she's in contempt.

3 We don't live in la-la land. We're going to sit there
4 and pretend that there's not going to be a new sibling
5 that going to be coming into this world. I think that
6 it's unhealthy.

7 And I don't know who these counselors are, but
8 probably be ready to have them testify at some hearing
9 that will be scheduled after Mr. Greenlow files a
10 petition to amend the parenting plan. The petition that
11 he filed for contempt didn't say in it that one of the
12 things would be amendment of the parenting plan and I
13 don't want to make a decision about changing the
14 parenting plan so that he is the primary custodian
15 without having the full benefit of input from people that
16 would have a say as to what's in the children's best
17 interests.

18 So, you're going to have to file a separate petition
19 if you want the parenting plan changed. We'll set a
20 hearing. Ms. Losinski will have notice; she'll be able to
21 get the people lined up to do that.

22 But it's contemptuous, for you, to throw away that
23 picture or to make, in anyway, make your child feel like
24 it's bad that she's going to have another sibling. And I
25 just don't think that-I don't know what these therapists

1 are saying. If they say that it was immature for her dad
2 to bring that up to you, I completely disagree. It's not
3 immature; it's-you can't sit there and pretend that this
4 child isn't coming into this world.

5 Then, the other thing is I cannot believe that you
6 don't put his name on all the paperwork. Why should he be
7 doing the hunt and search as to every place where your
8 children are being taken by you. And why would you be
9 putting your mother as their emergency contact. You could
10 include her, because she probably lives in Miles City,
11 but you certainly should include, as an emergency
12 contact, the father. If something horrible happens in
13 school-if I change this so that he's got custody, you
14 wouldn't like it if the schools in Sidney didn't know
15 that you exist. And so, I think that that's unbelievable
16 especially when the parenting plan says that you make
17 them informed.

18 Mr. Greenlow did a good point of showing that the
19 exhibits here, and I'm going to say the wrong ones, but
20 one of the exhibits was on March 31 when he asked you
21 what are the names of the school and those sorts of
22 things. You never even replied to that and you've got
23 them in a private schools so, it's a legitimate question
24 for them for him to ask because you could be putting them
25 in public school, you would be putting them in the

1 private school, you would be putting them wherever. But
2 he shouldn't be having to contact every school in Custer
3 County to find out where his kids are enrolled. You
4 should be able to answer that question.

5 As far as takin your kids to different appointments
6 in different places, you should be telling them that they
7 have a dad and this is what his name is and this is what
8 his contact information is, this is everything. He
9 shouldn't be having to go after the fact to medical
10 places, to evaluation places, to any place like that,
11 places that provide counseling, and have to prove to them
12 that he has-that he is the father of the child that you
13 have enrolled in that service.

14 As far as his contact with these counselors and
15 medical providers, if you don't even tell him or you
16 don't them about him, how do you expect there to be good
17 and free communication between these providers for your
18 children, whether they be medical, education, whatever,
19 and their father when already in the past, he's had to go
20 through hoops to prove that he's even entitled to get
21 information about his own kids by presenting IDs,
22 presenting birth certificates, presenting whatever else
23 is ridiculous.

24 So, his Exhibits 22 and 20 are good examples of the
25 manner in which you should be providing information to

1 any place where you take the children that the two of you
2 popped out into this world together.

3 And so, you are in contempt. I need to think about-I
4 need to think before I say what the punishment for the
5 contempt is. I'm not going to be in a position to issue
6 the contempt citation until tomorrow and it will spell
7 out-I'm going to think whether-what I do about the fact
8 that I already ordered you to spend 30 days in jail in
9 March, on March 16 and I ordered you to, I don't
10 remember, I've got to look back at the citation of August
11 of 2020 when I had you spend-say that you were going to
12 spend 15 days in jail. That at that time, you had
13 deprived the dad of contact with his kids and so, you had
14 to let him have four weeks of parenting time and I don't
15 remember if I also said plus follow the parenting plan.
16 So, you could potentially be looking at 45 days in jail
17 already just based on past behavior on your part.

18 I don't know-I did agree that you need to go to some
19 sort of therapy together or whatever to communicate, but
20 I don't know what kind of a therapist it takes to teach
21 somebody when the dad says what schools are you putting
22 our kids and you don't even reply. I mean, I don't know.
23 The communication, that's a basic communication skill;
24 you would just reply to that and say I'm putting Zara
25 here and I'm putting Zaxton here. I don't know why you

1 need counseling to know how to answer that question or
2 why you would think it's okay not to answer that
3 question.

4 So, I'm going to think about what the punishment is;
5 I'm going to think about what effect this latest contempt
6 has on your prior two contempts; and I'll be issuing
7 orders tomorrow so that you know exactly what's
8 happening.

9 I am not going to modify the parenting plan to do
10 such a radical change as to say that the punishment means
11 that children now live with their father. I will address
12 that in a separate petition where you had, you know, due
13 process, notice that that's what's being requested, and
14 you have opportunity to present your evidence as to why I
15 should change that. So, that'll be addressed separately.

16 Okay. That'll conclude this matter for today.

17 THE PETITIONER: Thank you, Your Honor.

18 (Proceedings concluded at 10:38 a.m.)
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CERTIFICATE

I, Jennifer J. Blekestad, Official Court Reporter for the State of Montana, do hereby certify:

That the foregoing proceedings were electronically recorded using an FTR Reporter 2.1 Digital Recording System; that the electronic recording has been in the custody of the Court; that the recording has not been changed or altered in any way; that the recording is a full, true and accurate record of these proceedings; that the undersigned arranged to have the recording transcribed to writing; that the undersigned has compared the electronic recording with the written transcription and the foregoing 3 through 72 pages constitutes a full, true and accurate transcription of the above-entitled proceedings had and taken in the above-entitled matter at the time and place hereinbefore mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 22nd day of November, 2022.

Jennifer J. Blekestad
Jennifer J. Blekestad
Electronic Court Reporter

Jennifer J. Blekestad, Electronic Court Reporter, Seventh
Judicial District, State of Montana, (406)433-5939