

MONTANA SEVENTH JUDICIAL DISTRICT COURT

RICHLAND COUNTY

* * * * *

BRAXTON RYAN GREENLOW,)	
)	
Petitioner,)	
-vs-)	DR 19-14
)	
TARA MARIE LOSINSKI,)	
)	
Respondent.)	

FULL TRANSCRIPT OF PROCEEDINGS

**MOTION FOR CONTEMPT
AND MOTION TO AMEND PARENTING PLAN**

DAY 1 OF 2

FEBRUARY 15, 2023

HONORABLE KATHERINE M. BIDEGARAY, JUDGE PRESIDING
RICHLAND COUNTY DISTRICT COURT
300 12TH AVENUE NW, SUITE 2
SIDNEY, MONTANA 59270

Tami Corner
Electronic Court Reporter/Transcriptionist

original

APPEARANCES

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Appearing for Petitioner Braxton Greenlow

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Appearing for Respondent Tara Losinski
Both appear via Zoom

JUDGE BIDEGARAY - appearing via zoom

Z.G.1 is the son

Z.G.2 is the daughter

EXAMINATION OF / BY:**PAGE:**Joann Gresens

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MOTION FOR CONTEMPT

AND MOTION TO AMEND PARENTING PLAN

DAY 1 OF 2 - FEBRUARY 15, 2023

(Note: Zoom connection goes in and out during conversations, people interrupt each other on zoom which makes some sentences inaudible. Transcriptionist will type in "inaudible" during those instances. Z.G.1 is son, Z.G.2 is daughter.)

THE COURT: We are here on *Braxton Greenlow vs. Tara Losinski*. Richland County Cause Number DR-19-14. We have two matters pending before the Court; the Amended Motion for Contempt that was filed January 11, 2023, and the Motion to Amend Parenting Plan with Supporting Affidavit that was also filed on January 11, 2023.

We have the Petitioner and his attorney in the courtroom. We have the Respondent and her attorney on the video. And the first question I guess -- and then also, I received from the Respondent's attorney this morning a number of exhibits. I don't know that I've received exhibits from the Petitioner. Did you send any, Mr. Scheveck?

MR. SCHEVECK: Judge, everything was attached

1 to our --

2 THE COURT: Mr. Scheveck?

3 MR. SCHEVECK: Yes, Judge.

4 THE COURT: Those microphones don't work in
5 the courtroom unless you speak directly into the
6 tip.

7 MR. SCHEVECK: So, Judge, I believe that our
8 exhibits --

9 THE COURT: They still --

10 MR. SCHEVECK: -- were filed with our motion.

11 THE COURT: -- maybe -- it's okay if you don't
12 look at me cuz --

13 MR. SCHEVECK: Okay.

14 THE COURT: -- when you're trying to look at
15 me on the TV, then that draws your voice away
16 from the microphone. So, just look -- speak
17 directly into the microphone --

18 MR. SCHEVECK: Right.

19 THE COURT: -- so we all can hear you.

20 MR. SCHEVECK: Judge, our exhibits were filed
21 with our original Petition, Judge.

22 THE COURT: So, they're all attached to -- so,
23 for each of them, they're attached to the end of
24 them?

25 MR. SCHEVECK: That is correct, Judge.

1 THE COURT: Did you mark them?

2 MR. SCHEVECK: Yes, Judge.

3 THE COURT: I guess I read the body of
4 everything again this morning, but I didn't look
5 at exhibits, so. For future documents that are
6 already in the file, you don't have to mark as
7 exhibits. So, your Exhibits 1 and 2 are -- I'm
8 just going to take -- they're part of the file.
9 I don't need -- same for Exhibit Number 3.

10 MR. SCHEVECK: Right. Same as Number 4.

11 THE COURT: Four.

12 MR. SCHEVECK: Yep.

13 THE COURT: Okay. All right. So, then I
14 guess we have two matters that we're hearing
15 today. We have a number of people that are on
16 here who I assume are witnesses. The first
17 question is is there a request to sequester
18 witnesses until they're called?

19 MR. SCHEVECK: Yes, Judge. Under Rule 615 we
20 ask that all witnesses be excluded.

21 THE COURT: Okay. There are people in the
22 courtroom. Are any of those people witnesses?

23 MR. SCHEVECK: Yes, Judge.

24 THE COURT: Okay. Could you please ask those
25 who are witnesses please to step out into the

1 hallway until they're called?

2 MR. SCHEVECK: They're doing so.

3 THE COURT: Okay. And so, we have here --
4 okay. So, on the screen I have Kim Beaner. Is
5 she a witness?

6 MR. SCHEVECK: She is.

7 MS. COLEMAN: She is, Your Honor.

8 THE COURT: Okay. I'm going to -- Ms. Beaner,
9 I'm going to put you in a waiting room until you
10 are called to testify, okay? Then Kenny Vincent
11 McGlothlin, is he a witness?

12 MR. SCHEVECK: Yes, Judge.

13 THE COURT: Okay. I'm putting you in a
14 waiting room, too. Michelle Monsen, a witness?

15 MR. SCHEVECK: Yes, Judge.

16 THE COURT: Okay. Lauren -- well, she's my
17 probation -- some of my staff is on here, so I
18 don't -- you're not calling any of my staff,
19 right?

20 MR. SCHEVECK: I don't think so, Judge.

21 THE COURT: Joann Gresens, is she a witness?

22 MS. COLEMAN: Yes, Your Honor.

23 THE COURT: Okay. Ms. Gresens, I'm putting
24 you also in a waiting room.

25 Okay. Then we've got these two matters

1 pending before the Court. So, I could hear them
2 separately or you can present your testimony
3 related to both of them all at the same time.
4 What is your request, Mr. Scheveck, since you're
5 the one who filed the motions?

6 MR. SCHEVECK: Judge, we can do it at the
7 exact same time.

8 THE COURT: Okay. Ms. Coleman, are you okay
9 with that?

10 MS. COLEMAN: Again, Your Honor, what I would
11 ask that we have the -- just one second, Your
12 Honor. I just have to ask my... Your Honor, I
13 apologize. I would ask the Court to have my
14 client go first. The Petitioner's allegations
15 are filed within the four corners of his Motion
16 for Contempt. And my client is now in the
17 position of answering at what began as a Show
18 Cause Hearing for some allegations of contempt
19 against her. She is threatened with
20 incarceration and with the loss of her role as
21 the primary parent in her children's lives. And
22 so, I would therefore ask that we be allowed to
23 go first today.

24 THE COURT: You mean on the Motion for
25 Contempt?

1 MS. COLEMAN: Yes, Your Honor.

2 THE COURT: Then I guess I'll hear them
3 separately.

4 MR. SCHEVECK: Okay.

5 THE COURT: And then we'll proceed with her
6 showing cause why she shouldn't be held in
7 contempt.

8 MS. COLEMAN: Okay. Thank you, Your Honor.
9 May I then call -- well, you tell me when
10 (inaudible).

11 THE COURT: Excuse me. What?

12 MS. COLEMAN: I was just waiting for you to
13 tell me -- I'll call one of my witnesses back in
14 when you say it's appropriate.

15 THE COURT: Go ahead.

16 MS. COLEMAN: Your Honor, I would like to call
17 Joann Gresens back in, if I may.

18 THE COURT: Ms. Gresens, we brought you back
19 into the courtroom cuz you're the first witness.
20 Ms. Coleman will begin taking your testimony
21 after you raise your right hand to be sworn. Can
22 you start your video and unmute yourself so you
23 can be sworn and have your testimony taken,
24 please?

25

1 **JOANN LYNN GRESENS,**
2 called as a witness herein, after having been
3 duly sworn, was examined and testified as
4 follows:

5 MS. COLEMAN: Thank you.

6 THE WITNESS: Thank you.

7 **DIRECT EXAMINATION**

8 BY MS. COLEMAN:

9 Q. So, Ms. Gresens, can you state your full
10 name for the record?

11 A. My name is Joanne Lynn Gresens.

12 Q. Thank you. And please, Ms. Gresens, or
13 Your Honor, if someone tells me that my sound is
14 too loud and you want me to turn mine down, I
15 gladly will. It seems like I'm shouting.

16 So, Ms. Gresens, can you tell us what
17 your profession is?

18 A. I am currently the Preschool Special Ed
19 teacher in Miles City, Montana.

20 Q. And what school are you at?

21 A. I am now at Highland Park Elementary.

22 Q. And what do you teach there? You just
23 told us you're the Special Ed teacher; is that
24 correct?

25 A. Correct. And currently, I teach

1 Preschool Special Ed. So, and I've taught that
2 for 28 years for Special Ed. So, and all but
3 about I think five years in preschool.

4 Q. Okay. So, can you tell us a little bit
5 about --

6 THE COURT: Somebody is connecting. I don't
7 know who this person is. "Tara" it says. Who's
8 that?

9 MR. SCHEVECK: I believe that's the
10 Respondent.

11 THE COURT: Well, somebody just joined us with
12 the name Tara. Who are you? There's a man
13 standing behind you. Who are you two?

14 MS. COLEMAN: Your Honor, I think that's my
15 client's father. So, he doesn't yet know that he
16 needs to be sent out.

17 THE COURT: Okay. What's his name so I can
18 put the right name on here. It says "Tara." So,
19 are --

20 MR. LOSINSKI: Michael Losinski.

21 THE COURT: Mike Losinski, okay. I'm going to
22 put you -- I'm going to put your name on this and
23 then I'm going to move you into a waiting room
24 until it's your turn to testify.

25 MR. LOSINSKI: Okay.

1 BY MS. COLEMAN:

2 Q. So, Ms. Gresens, you were telling us --
3 you told us a little bit about your experience.
4 Can you also tell us about your training?

5 A. I have a double major K-8 with the
6 Montana certificate and also K-12 Special Ed
7 teacher certificate, so. And then I also have a
8 Masters in curriculum.

9 Q. Thank you for that. Is Z.G.1 one of your
10 students?

11 A. Yes, he is.

12 Q. And how old is -- and is Z.G.1 the child
13 of Tara Losinski and Braxton Greenlow?

14 A. Yes, he is.

15 Q. And how old is Z.G.1?

16 A. Z.G.1 turned five, oh gosh, I want to say
17 in November. But I don't remember all my kids'
18 birthdays. But he just turned five during the
19 schoolyear, so.

20 Q. And how long have you worked with him?

21 A. I worked with Z.G.1 since he turned his
22 third birthday. That's one of the things in the
23 Early Childhood Program in Montana. They -- once
24 they turn three, it doesn't -- it's not a certain
25 date like the schools have for the older kids,

1 once they turn three, they -- if they qualify for
2 services, I can get them on their third birthday,
3 so. And I did with Z.G.1

4 Q. So, did he qualify for your services?

5 A. Yes, he did.

6 Q. And why did he qualify for your services?

7 A. He qualified under autism. And that
8 autism label was actually given to him by Dr.
9 Young which needs to happen as far as autism. We
10 also identified him as a child with a disability.
11 So, developmentally delayed. That would be the
12 DD label. And then also a speech language label.

13 So, to briefly give you an idea of what
14 DD label is, these little kids are too hard to
15 test. And so, if they qualify, we do a global --
16 it's a global delay that they meet. And so, it a
17 lot of times covers speech. Like I said, the
18 doctor had to do the autism label. And then once
19 he turns now, right before he turns his ninth
20 birthday, he will be retested to determine what
21 disability he may have at that time. However,
22 the autism label sticks with him due to it being
23 a medical diagnosis.

24 THE COURT: Okay. Ms. Coleman, I'm going to
25 interrupt you right now for a second. Because

1 the allegations on the Motion for Contempt are
2 about your client not informing the Father about
3 certain things. The testimony you're eliciting
4 right now are reasons maybe why you're going to
5 argue that the Parenting Plan shouldn't be
6 admitted. But what -- the testimony you're
7 eliciting isn't shedding any light to me on
8 whether your client did or did not do the things
9 that her ex-husband or the father of her child is
10 accusing her of having done. So, I feel like
11 we're maybe addressing the wrong motion here,
12 which would be a motion that Mr. Scheveck would
13 be presenting first.

14 MS. COLEMAN: Correct. I appreciate, Your
15 Honor, the feedback. I just wanted to give a
16 little bit of background and her interaction with
17 Z.G.1 But I can immediately move into --

18 THE COURT: But does she know anything about
19 whether the Mom told (inaudible) --

20 MS. COLEMAN: Yes --

21 THE COURT: -- that?

22 MS. COLEMAN: Yep, you bet. Yes, Your Honor.
23 And I'm so sorry. Video is awkward. I didn't
24 mean to cut the Court off. Yes, Ms. Gresens
25 can -- is going to address some of these

1 allegations.

2 BY MS. COLEMAN:

3 Q. So, Ms. Gresens, can we talk about was
4 there an IEP for Z.G.1 somewhat recently?

5 A. Yes, there was.

6 Q. And may I just -- can you just briefly
7 explain what an IEP is?

8 A. When he qualified for services, then an
9 IEP technically is an Individualized Educational
10 Plan. And that's where --

11 THE COURT: Ms. Coleman --

12 THE WITNESS: -- we go ahead and write goals.

13 THE COURT: -- I'm familiar with IEP's. I'll
14 take judicial notice that I know what an IEP is.

15 MS. COLEMAN: Okay.

16 THE COURT: But I don't know the specific IEP
17 for this child. But I don't need anybody to
18 explain what an IEP is.

19 MS. COLEMAN: Thank you.

20 THE COURT: Just so you know.

21 MS. COLEMAN: (inaudible).

22 THE COURT: But I do know what that is.

23 BY MS. COLEMAN:

24 Q. Ms. Gresens, so then when did the IEP
25 take place for Z.G.1?

1 A. The IEP took place on October 26, 2022.

2 Q. And are you the case manager, meaning,
3 are you the lead for that?

4 A. Yes, I am.

5 Q. How many people participated in that IEP?

6 A. The people that participated were myself,
7 Kendra Walker, our SPED Director, Brook
8 Hollowell, speech, Erica Norland, our
9 occupational therapist, Braxton Greenlow over the
10 phone, Kim Beaner from DEAP, and myself as I
11 stated.

12 Q. And Ms. Gresens, was the IEP schedule
13 ahead of time?

14 A. Technically, we were getting ready to set
15 it up. However, there was some legal issues
16 going on. And I had told Tara, I said I -- first
17 off, his IEP was due November 3, 2022. I
18 needed -- wanted to make sure this child's IEP
19 was current, if he were being, you know, if he
20 was going to be moving to Sidney. And I wanted
21 to make sure I was in compliance also. So, it
22 got set up really fast. So, because I didn't
23 have that extra week that I thought I was going
24 to have. So, it was like the day before I told
25 Tara, I said I think that we can get this pulled

1 together. And so, it did happen fast.

2 THE COURT: So, you told -- I want to
3 understand what you just said. You told Tara,
4 Z.G.1's Mom, the day before, so on October 25 you
5 told her there would be an IEP meeting on October
6 26th; is that what you're telling us?

7 THE WITNESS: Yes. Because -- and usually, I
8 don't do it that fast, honestly.

9 THE COURT: Okay. But I'm just wanting to
10 make sure I'm not assuming dates from what you
11 said. So, on October 25 you told Z.G.1's Mother
12 that there would be an IAP on October 26th?

13 THE WITNESS: Correct.

14 THE COURT: Okay. Go on, Ms. Coleman.

15 MS. COLEMAN: Thank you.

16 BY MS. COLEMAN:

17 Q. Ms. Gresens, was there a call made to
18 Tara, Mrs. Losinski, saying -- asking her if she
19 was available?

20 A. I very seldom call Tara because I see her
21 daily because she drops off Z.G.1 for school and
22 would pick him up for school. So, it would've
23 been the -- when she dropped him off on the 25th
24 when I said, okay, let me make sure I can get our
25 team together, so.

1 THE COURT: What time does drop-off happen
2 just so I can keep chronologically correct here?

3 THE WITNESS: Technically, we start at 11:30
4 in, you know, in the morning. So, anyway, yeah.

5 THE COURT: Thank you.

6 BY MS. COLEMAN:

7 Q. And so, did Braxton participate in the
8 IEP?

9 A. Yes, he did. I'm sorry. It just caught
10 me with the Z.G.1 and Braxton. Yes, he did.
11 That was one of the things our Special Ed
12 Director Kendra Walker had stated, let's go ahead
13 --

14 MR. SCHEVECK: Judge, objection.

15 THE WITNESS: -- and give Braxton a call --

16 MR. SCHEVECK: Hearsay.

17 THE WITNESS: -- and see if he is available.

18 MR. SCHEVECK: Judge, objection. She's
19 eliciting hearsay from outside of court
20 statement, Judge.

21 THE COURT: Is the SPED Director going to be
22 testifying?

23 MS. COLEMAN: No, Your Honor.

24 THE COURT: Okay. But, so, did you know --
25 did you have contact information for Braxton on

1 October 25 when you told Tara that there would be
2 a (inaudible) meeting the next day?

3 THE WITNESS: No, I did not.

4 THE COURT: Okay. So, and when -- do you know
5 when the school, I guess, let Braxton know that
6 there was this meeting? If you don't know --

7 THE WITNESS: (inaudible) --

8 THE COURT: -- were you the one in charge of
9 that or was somebody different (inaudible) --

10 THE WITNESS: I am in charge of that.
11 However, at the time when we asked Braxton, it
12 was all of us involved in the meeting were
13 sitting around and he was on speakerphone.

14 BY MS. COLEMAN:

15 Q. But may I just clarify something, Ms.
16 Gresens. Do, you just -- did you just say that
17 you don't have Braxton's contact information?

18 A. No, I do not. It was one of the other
19 people who participated in our meeting, and I'll
20 say the name if you're okay with that, had the
21 contact information. And so, that's why we went
22 ahead and called him at the time.

23 Q. But the school -- do you know if the
24 school has his information?

25 A. No. As far as I know, no. I do not have

1 his information.

2 Q. And -- okay. So, did Braxton participate
3 in the full IEP?

4 A. Yes, he did. And it was done in two
5 parts.

6 Q. And why was it done in two parts?

7 A. It was done in two parts because it --
8 Tara had to go pick up the kids. It went on a
9 little longer than she thought. And so, during
10 that time, it was Kendra Walker, our Special Ed
11 Director, and all of us, and Braxton included,
12 was asked if we could continue on or if we needed
13 to reschedule. And at the time, everybody agreed
14 that it was fine if once Tara brought the kids
15 back that we would continue on with the meeting
16 and that's what we did until it was time.

17 Q. So, just would it surprise you to know
18 that Braxton signed a sworn affidavit on the 6th
19 of December saying that he had not been informed
20 of his child's IEP meeting and that it had
21 prevented him from being involved in a very
22 instrumental portion of his child's education,
23 mental health development and changing needs?

24 A. Yeah, it would. Because the IEP actually
25 was taken to him. And he not only signed that he

1 participated, but he signed in the spot where I
2 only need one signature that he agreed to the
3 entire IEP.

4 Q. So, Ms. Gresens, thank you. I'm going to
5 move on to the Christmas program. But just one
6 question as it relates to contact information.
7 Have you ever been contacted by Braxton?

8 A. Yes, I was. I was contacted by him March
9 31, 2022 at about 10:10 in the morning. And I
10 briefly visited with him, and he -- we talked a
11 little bit about the two different schools,
12 because they moved my classroom to another
13 school. And also, he wanted to know what school
14 I was at and where Z.G.1 went. And he also asked
15 me if I knew where his daughter went to school
16 at, and I told him I did not know, so, because I
17 don't know his daughter, so.

18 Q. Okay. Thank you.

19 A. I did --

20 Q. Go ahead.

21 A. -- I did ask him if I could get him to
22 please call back because I was just getting ready
23 to have kids again. And he did tell me that he
24 would call me back after noon, 12, and -- but I
25 never did hear back from him, so. And that's the

1 only time he's contacted me.

2 Q. And that was March of '22?

3 A. March 31st of '22, yes.

4 Q. Okay. Thank you. Okay. So, let's
5 switch topics to the Christmas program. Was
6 there a Christmas program at your school this
7 past Christmas?

8 A. Yes, there was.

9 Q. And does the school send out notices or
10 how do parents know about a Christmas program?

11 A. No, the school does not send out
12 Christmas -- or invites to the Christmas program.
13 I, like I say, stated I'm in pretty close contact
14 with all my parents, like, daily. And so, I had
15 mentioned to Tara that we should have him come
16 for the Christmas program. However, he does not
17 come on Wednesdays and --

18 THE COURT: Just -- I'm sorry. I just want to
19 make sure I'm not assuming the wrong "him." You
20 told Tara that you should have "him" come. Do
21 you mean Z.G.1?

22 THE WITNESS: Z.G.1, yes, yes.

23 THE COURT: Okay. Can you use names so that I
24 don't misinterpret what you're saying?

25 THE WITNESS: Yep, I will. Thank you so much.

1 I'm sorry. Yes, I did ask Tara to go ahead and
2 bring Z.G.1. And I wasn't -- honestly, I was not
3 even thinking what that entailed. Because, like
4 I said, I'm in close contact with all of my
5 parents. It's kind of like having a parent-
6 teacher conference daily. So, I -- anyway. So,
7 I -- that was the deal. I did ask him, Z.G.1 to
8 be brought for that. So, however, not even
9 paying attention that it was on a Wednesday and
10 he does not come on a Wednesday. And so, I --
11 like I said, I wasn't even thinking about that.
12 So, and that that was a big conflict.

13 BY MS. COLEMAN:

14 Q. So, may I just clarify? So, the
15 Christmas -- was the Christmas program on a
16 Wednesday?

17 A. Yes, it was December 14th.

18 Q. And does Z.G.1 go to school on
19 Wednesdays?

20 A. No. And so, he does not actually even
21 participate in the music class because it is on a
22 Wednesday, so.

23 Q. And was the music class linked to the
24 Christmas program?

25 A. Yes, it was.

1 Q. Okay. So, do you know when you decided
2 to have Z.G.1 possibly participate in the
3 Christmas program?

4 A. When I decided to have him come?

5 Q. Yeah.

6 A. You know, it would've been probably --
7 I'm thinking, because I was thinking the program
8 was later than it was. So, I'm, you know, I just
9 really couldn't say for sure. But it would've
10 been the very, probably first week of December,
11 so.

12 Q. And so, do you know for sure that you
13 told Tara about the Christmas program the first
14 week of December?

15 A. Yes.

16 Q. You do know?

17 A. Yes, I did tell her that we were having
18 the Christmas program.

19 Q. And in telling her, did that mean that
20 you knew that -- or was it -- were you telling
21 her as in her child was going to participate?

22 A. Yes. And that's where I said I was the
23 one at fault, so.

24 Q. And I'm sorry. Ms. Gresens, I don't
25 understand that part, what you're saying. Can

1 you just explain further?

2 A. Yes, I can. I -- like I stated, I just
3 forgot that he was not in our music program, to
4 need to be there to participate in the Christmas
5 program.

6 Q. Okay. And so, did Z.G.1 participate in
7 the Christmas program?

8 A. No, he did not. And I will basically
9 state I visited with our school principal and my
10 SPED Director and said okay, I said I totally did
11 not think about him participating and that he
12 should be there to participate. And they both
13 said, you know what --

14 MR. SCHEVECK: Judge, objection.

15 THE WITNESS: -- he is not in the Christmas --

16 MR. SCHEVECK: Judge, objection. Hearsay.

17 MS. COLEMAN: It's fine. And thank you. I'll
18 withdraw the question. I think Ms. Gresens has
19 answered what I had asked.

20 So, Your Honor, I have a great other --
21 well, a lot of great many, but I do have other
22 questions that I would ask, but they (inaudible)
23 be pertaining to the Parenting Plan. Those are
24 the topics, two topics on the Motion for Contempt
25 that Ms. Gresens could address.

1 THE COURT: Mr. Scheveck, cross examination.

2 MR. SCHEVECK: Thank you, Judge.

3 **CROSS EXAMINATION**

4 BY MR. SCHEVECK:

5 Q. Ms. Gresens, you are employed at Highland
6 Park Elementary; is that correct?

7 A. Correct.

8 Q. Okay. And you're stating is that you
9 informed Tara on the 25th of October, 2022,
10 correct?

11 A. Correct.

12 Q. And you're saying you also stated that
13 you do not have Braxton's phone number; is that
14 correct?

15 A. Correct.

16 Q. So, would you be surprised dated October
17 24, 2022 regarding a Confirmation of Parent
18 Contact Information, have you seen those
19 documents before?

20 A. No.

21 Q. Would you be surprised that you signed
22 Joann Gresen's Confirmation of Parent Contact
23 Information dated on October 24, 2022?

24 A. Probably, yes.

25 Q. So, you're telling -- but you told the

1 Court that you did not have Braxton's contact
2 information on the 25th of 2022, correct?

3 A. What I do have is his contact information
4 from the current IEP.

5 Q. Okay. And under the Father's contact
6 information dated October 24th of 2022, what is
7 Father's contact information on that date?

8 A. Of 2000... did you say '23?

9 Q. October 24, '22.

10 A. Without looking at the files in the
11 school, I could not tell you because I do not
12 personally keep them.

13 Q. Would you agree with me his phone number
14 is 406-480-2210? Do you agree with that?

15 A. Just a second, please. I do not
16 currently have his phone number in Z.G.1's file.

17 Q. No. I'm talking about Braxton Greenlow,
18 the parent of the children.

19 A. Correct, correct. I know who you're
20 talking about. However, it's Z.G.1's file that I
21 have is Dad's address on. But I do not have his
22 phone number that I would have in my records.
23 So, that would have to be in the school records.
24 And I am not presently at the school.

25 Q. So, you don't remember signing a

1 Confirmation of Parent Contact Information dated
2 October 24, 2022 and your name is first written
3 and signed by you, do you remember that?

4 A. It's on the (inaudible) profile; is that
5 correct?

6 THE COURT: Ms. Gresens, we can't hear you
7 when you turn away from your device. So, I
8 don't --

9 THE WITNESS: I'm sorry.

10 THE COURT: Okay. So, the question I think is
11 did you sign that Confirmation on October 22, I
12 think, of what date was that, Mr. Scheveck?

13 MR. SCHEVECK: There's two dates, October 24,
14 2022. That's on the top of the page.

15 THE COURT: What's the other date?

16 MR. SCHEVECK: October 26, 2022.

17 THE WITNESS: Okay. I do recall Tara bringing
18 me information that she wanted to share with me
19 for Braxton, yes, so.

20 BY MR. SCHEVECK:

21 Q. When --

22 THE COURT: Do you remember what date? I
23 guess I'm confused now because the form has the
24 two different days, October 24 and October 26.

25 THE WITNESS: The 24, and then I have the 26

1 because of the IEP, so, yes.

2 THE COURT: So, when you sign a form like that
3 acknowledging that you got information about a
4 parent, you don't put it in that child's file?

5 THE WITNESS: I do not have it in his file.
6 It goes into the school -- that particular goes
7 into the school file.

8 THE COURT: But do you have access to the
9 school file into which it goes?

10 THE WITNESS: Yes, I do.

11 THE COURT: So, did I understand you correctly
12 on direct examination to say as far as IEP is
13 concerned, you're the person in charge of
14 rounding up the people who need to participate in
15 it?

16 THE WITNESS: Yes, I am.

17 THE COURT: Okay. And so, to round up the
18 people for the October 26, 2022 IEP, that
19 would've been your job. But then I thought you
20 said something about on that particular one you
21 didn't, somebody else --

22 THE WITNESS: I understand your question. The
23 deal was is we were all sitting around the table
24 at the meeting. And I have not had, other than
25 the one contact with the Dad, and I will say that

1 I would've been the person to miss to not
2 directly say beforehand we need to contact
3 Braxton. We were sitting around the table.

4 THE COURT: Okay. So, the meeting had already
5 started. And was Tara one of the people sitting
6 around the table?

7 THE WITNESS: The meeting had not started on
8 the 26th when we stated we need to go ahead and
9 contact and see if Braxton is available to
10 participate in the meeting. And that is when Kim
11 Beaner said, "I have his contact phone number
12 right here." And that's how come we contacted
13 him right then.

14 My phone was not -- my cellphone was not
15 charged well enough to -- that I was going to
16 make sure it was going to go through the whole
17 meeting. And Ms. Beaner said, "I've got my phone
18 right here" and she said, "I've got his contact
19 number." And so, that's when we contacted him
20 and asked him if he would be available at the
21 time, and he stated positively yes.

22 MR. SCHEVECK: So, Judge, I believe she's
23 tried to answer your question. But I'm confused,
24 too, Judge.

25 BY MR. SCHEVECK:

1 Q. Is -- was Tara there at the meeting on
2 the --

3 A. Yes.

4 Q. -- 26th of October?

5 A. Yes.

6 Q. Okay. When did you inform Tara --

7 THE COURT: Then whose -- just before that,
8 then whose idea -- who realized that the Dad
9 wasn't there, you did?

10 THE WITNESS: Well, actually, it was our SPED
11 Director --

12 THE COURT: Okay.

13 THE WITNESS: -- and said let's contact Dad.

14 THE COURT: Okay. Go ahead, Mr. Scheveck.

15 BY MR. SCHEVECK:

16 Q. When did you inform Tara of the IEP
17 meeting on the 26th of October?

18 A. As stated previously, on the 25th.

19 THE COURT: Okay. So, just so every -- this
20 is what I understand. Tara drops the kids off
21 around 11:30. At 11:30 AM on October 25, you
22 told her let's have an IEP meeting tomorrow at
23 1:00.

24 THE WITNESS: And at 1:00.

25 THE COURT: Okay. And so, you told her that

1 at -- well, a little more than 24 hours before
2 the meeting, on the 25th at 11:30.

3 THE WITNESS: Correct.

4 THE COURT: Okay. Go ahead, Mr. Scheveck.
5 Cuz that's already been established.

6 MR. SCHEVECK: Okay.

7 BY MR. SCHEVECK:

8 Q. And then what time was the IEP meeting on
9 the 26th?

10 A. The IEP meeting was at 1:00.

11 Q. And when did you decide to call Braxton?

12 A. As I stated before, we were there as a
13 team and that was the team decision we did right
14 away before the actual meeting started because we
15 wanted to have him involved.

16 Q. So, let me ask you this. The meeting
17 started at 1 PM, correct?

18 A. Correct.

19 Q. Would you be surprised that you didn't
20 call him until 1:14 PM?

21 A. That would not be unusual because the
22 meeting is not going to be precise. We were
23 waiting for everybody to be there. We have
24 occupational therapists, speech, myself, our SPED
25 Director, Kim Beaner was there because she's --

1 he's -- he comes -- we keep in contact with DEAP.
2 And so, she comes as a -- because we work so
3 close together. So, yeah, by the time we get
4 everybody all together and we start, that -- it
5 would not be unusual.

6 Q. Okay. So, let me ask you this. Your
7 main contact regarding the children is with Tara,
8 correct?

9 A. Yes.

10 Q. Right. And you told her well more than
11 24 hours in advance regarding this IEP meeting,
12 correct?

13 A. Correct.

14 MR. SCHEVECK: No further questions, Judge.

15 THE WITNESS: Thank you.

16 THE COURT: Wait, wait, wait, Ms. Gresens.
17 Ms. Coleman has the right to redirect examine
18 you.

19 THE WITNESS: Okay.

20 THE COURT: Do you have any redirect
21 examination, Ms. Coleman?

22 MS. COLEMAN: Just a couple.

23 **REDIRECT EXAMINATION**

24 BY MS. COLEMAN:

25 Q. Ms. Gresens, is it your job to contact

1 parents regarding IEP's?

2 A. Yes, it is.

3 Q. Do you think if you had more contact with
4 Braxton, would you have been more likely to
5 contact him?

6 A. Honestly, since I've only heard from him
7 the one time, I just honestly have not even
8 thought about him being involved as a parent.

9 MS. COLEMAN: I don't have anything further,
10 Your Honor. Again, I was going to ask some
11 further questions. But nothing more on --
12 related to the contempt.

13 THE COURT: I do have a couple of questions.
14 You said that there were legal issues that
15 caused -- what were the legal issues that you
16 mentioned in your direct when Ms. Coleman was
17 direct examining you that were causing a problem
18 about the IEP, was it the issue --

19 THE WITNESS: It was --

20 THE COURT: -- involving Z.G.1's parents?

21 THE WITNESS: Yes. It was evidently some,
22 excuse me, contempt. And so, that's why I
23 brought the meeting up earlier in days because,
24 first off, I do not want to be out of compliance
25 for this child's IEP. And the next is if he was

1 going to move to Sidney, I wanted him to have a
2 current IEP. Because, you know, they're done
3 every year.

4 THE COURT: Okay. And then the next question
5 is, is Z.G.1 the only student you have who has
6 parents living in different homes?

7 THE WITNESS: No. I have one other one, but I
8 have both moms and dads that I talk to all the
9 time because they're with one a couple of days,
10 they're with mom, like, three days a week and the
11 dad four days a week. They could be swapped
12 around there, yes. So, I do have another one.

13 THE COURT: Okay. And so, in this instance,
14 the parents live in different towns. So, you
15 said that you keep close contact with parents.
16 But where was -- I mean was October of 2022 the
17 first time you were provided any contact
18 information for Z.G.1's Father?

19 THE WITNESS: He did contact me, but I did not
20 have a phone number at the time. So, because he
21 was supposed to call me back.

22 THE COURT: Okay. So, he contacted you in
23 March of 2022?

24 THE WITNESS: Correct.

25 THE COURT: Okay. But the first time Mom gave

1 you contact information for Dad was October 24
2 and 26 of 2022?

3 THE WITNESS: Yes.

4 THE COURT: Okay. Mr. Scheveck, any recross?

5 MR. SCHEVECK: Judge, just one.

6 **RECROSS EXAMINATION**

7 BY MR. SCHEVECK:

8 Q. Ms. Gresens, is -- are you aware that
9 Braxton has called you multiple times and you
10 called him back in March of 2022?

11 A. That is the one time that I contact --
12 that I've talked with him. So, he's called the
13 school, but not me.

14 THE COURT: But were you the one who called
15 him back in March?

16 THE WITNESS: I did have to call him back
17 because --

18 THE COURT: So, you did have his phone number
19 in March?

20 THE WITNESS: Yes.

21 THE COURT: Okay. All right.

22 BY MR. SCHEVECK:

23 Q So, I'm just confused then. Is -- on
24 direct you said you didn't have Braxton's phone
25 number or contact information in October of 2022.

1 But now you stated that you had his contact
2 information in March of 2022. So, which one is
3 it?

4 A. Would you please restate that?

5 Q. Okay. You stated on direct is that you
6 did not Braxton's contact information until,
7 let's say, October 24th or October 26, 2022. You
8 agree with that statement?

9 A. The first time I talked to Braxton was
10 March 31st of '22.

11 Q. So, no. My question is in October 24th
12 or the 26th of October you stated you did not
13 have Braxton's contact information, correct?

14 A. That is what Tara gave me in his file,
15 the school file.

16 Q. Well, that's --

17 THE COURT: I'm just going to -- this is what
18 I think happened. So, March 31, 2022 he had
19 called you a number of times. You called him
20 back and you had his number, but you didn't put
21 it in Z.G.1's file?

22 THE WITNESS: Correct.

23 THE COURT: So, the only time it made its way
24 into a file at the school for Z.G.1 was on
25 October 24 or 26 of 2022, and even then, you

1 didn't put it in your file for Z.G.1?

2 THE WITNESS: Correct.

3 THE COURT: Okay.

4 MR. SCHEVECK: No questions.

5 THE COURT: Okay. Now, here's the thing. I'm
6 sure she's -- today is Wednesday. And so, she
7 probably has students or whatever. Are you okay,
8 Mr. Scheveck, if we allow on the other motion,
9 the Motion to Amend, Ms. Coleman to ask her
10 whatever she was going to ask her?

11 MR. SCHEVECK: If it's okay with the
12 opposition party, Judge.

13 THE COURT: So, we're done with this witness
14 and let her go?

15 MR. SCHEVECK: That would make sense, Judge.

16 THE COURT: Okay. So, Ms. Coleman, go ahead
17 and ask this (inaudible) have asked on the Motion
18 to Amend the Parenting Plan.

19 MS. COLEMAN: Thank you, Your Honor. I just
20 have a few.

21 **DIRECT EXAMINATION ON MOTION TO AMEND**

22 BY MS. COLEMAN:

23 Q. Ms. Gresens, can you talk to me about
24 your interactions with Tara as a parent of one of
25 your students?

1 A. As I stated before, I see her daily,
2 other than the Wednesdays, because she would
3 bring him to school. She brings him to school
4 for me and drops him off and she picks him up.
5 So, and she's done that since he was three years
6 old.

7 Q. Does she take much initiative related to
8 his services and education with you?

9 A. Yes, she does. Also --

10 Q. what ways?

11 A. -- she is constantly involved with him.
12 Where -- I work closely with DEAP, also with
13 Z.G.1 and because the ABA is such a big part of
14 him and helping him. And so, she is always
15 taking him and bringing him for school, she takes
16 him back to -- for ABA.

17 And then if there's something that pops
18 up and he, say, for instance, you know, when he's
19 sick or -- and needs to be picked up, she is
20 there quick. There's been a time when -- or a
21 couple of times when she's like oh, my gosh, I
22 forgot the backpack. And she will go home,
23 she'll get a backpack, she'll get a coat, she'll
24 get anything she needs for him at the time.

25 Or, you know, if it's something that I

1 will say, you know what, he doesn't need that.
2 You know, she's always into hats and mittens for
3 this child and he does not like to wear them.
4 And so, you know, sending him outside in the cold
5 it is just too cold. And so, I had mentioned to
6 her, I says, Tara, I said I've got it figured
7 out. I said we have him wearing long socks and
8 he can't pull those mittens off and then he's
9 just happier being outside.

10 So, or if -- there's been a couple of
11 times when he's just been tired, we all get that
12 way, you know, so, and I will just say, hey, you
13 know, he is not going to make it through the day.
14 And she has then said oh, my gosh, she said he's
15 been up since like 4:00 this morning. And she
16 said I wondered how he would do. And so --

17 THE COURT: And Ms. Gresens --

18 BY MS. COLEMAN:

19 Q. Yeah. So, thank you. And I don't mean
20 to interrupt. I just know that the Judge wants
21 us to be cognizant of the time you're taking.

22 A. Okay.

23 Q. So, are you a mandatory reporter of
24 suspected child abuse?

25 A. Yes, I am, absolutely.

1 Q. And have you ever seen bruises on Z.G.1?

2 A. No. And I will state that we have had to
3 help him with bathroom issues. So, no, that has
4 never been a question.

5 Q. And when you say helping him with
6 bathroom issues, are you saying that -- do you
7 mean you see quite a bit of his physical body?

8 A. Yes. So, we would go in and help him
9 pull down his pants, get back up on the toilet.
10 It's not so much in the last, oh, six months. We
11 still go in there because sometimes he will
12 decide he wants to play or just look. And so, we
13 need to just get him to move along. So, yeah.

14 Q. And has Z.G.1 ever come to school filthy,
15 dirty?

16 A. No.

17 Q. Inappropriately dressed?

18 A. No.

19 Q. Okay. So, anything else, Ms. Gresens,
20 that you would think the Court should know about
21 Z.G.1 and interactions, and you with his teacher,
22 with his parents?

23 A. No. I just -- as a parent, as all my
24 parents, I wish that they were all as involved as
25 Tara is.

1 Q. And why do you say that?

2 A. Because, like I said, if I need
3 something, she's right there. If she anticipates
4 a possible issue, she will tell me. And state,
5 you know, hey, if you have any questions or you
6 need something, just call me. She says you know
7 you can just call. And I know, so, yes.

8 Q. Do you think that she's looking out for
9 the best interests of her child?

10 A. Yes, I do.

11 MR. SCHEVECK: Judge, objection. That's
12 speculation, Judge.

13 THE COURT: Yeah. And I don't -- that's a
14 decision I have to make, so.

15 MS. COLEMAN: I don't have anything further,
16 Your Honor.

17 THE COURT: Any cross?

18 MR. SCHEVECK: Yes, Judge.

19 **CROSS EXAMINATION ON MOTION TO AMEND**

20 BY MR. SCHEVECK:

21 Q. So, Ms. Gresens, your role at the school
22 is you're with the ABA.

23 A. No. ABA is with DEAP.

24 Q. Right.

25 A. And like I stated, we have got a --

1 permission to share information between each
2 other signed.

3 Q. So, your role when it comes to, let's
4 say, Z.G.2 is what?

5 A. Z.G.2?

6 Q. Yeah.

7 A. As I stated before, when I have nothing
8 to do with Z.G.2. Because even Dad asked what
9 school she went to. I don't know.

10 Q. So, the answer is you don't -- you're
11 playing an educational role towards Z.G.2; that's
12 fair to say?

13 A. Correct.

14 Q. Okay. So, your only involvement is with
15 Z.G.1; is that correct?

16 A. Correct.

17 Q. Okay. And he has an IEP at Highland; is
18 that correct?

19 A. Correct.

20 Q. Is there anything regarding Z.G.1's
21 participation at school would affect his hygiene
22 or would he go get dirty at school?

23 A. All kids can get dirty at school, yes.

24 Q. Okay. So, you're doing the IEP out of
25 Miles City, okay.

1 A. Correct.

2 Q. The only issue I have is, you know,
3 Braxton has tried to reach out to you; is that
4 correct?

5 A. I have talked to him --

6 Q. Right.

7 A. -- the one time, as I stated.

8 Q. And you're obviously aware that this
9 Court has held Tara in multiple contempts, you're
10 aware of that, aren't you?

11 A. I've been told, yes.

12 Q. And Tara is the one who told you; is that
13 correct?

14 A. Yes.

15 Q. Okay. And you guys have talked about
16 this case on multiple occasions, right?

17 A. Did you say Tara has --

18 Q. Yeah.

19 A. -- talked about it?

20 Q. You guys have talked about this case on
21 multiple occasions, correct?

22 A. Briefly in and out when we're trying to
23 get something planned for Z.G.1, yes.

24 Q. How many times have you talked to her
25 about this case?

1 A. Honestly, I couldn't tell you, 8, 10,
2 recently, since the last couple of weeks, the
3 attorney.

4 Q. So, you stated on direct is that you
5 haven't seen bruises on Z.G.1; is that correct?

6 A. Correct.

7 Q. However, you haven't really been looking
8 in the last six months so, correct?

9 A. I also have a para that goes in with him,
10 yes.

11 Q. So, the answer to my question is you
12 really haven't been looking in the last six
13 months; is that fair to say?

14 A. I'm not looking any other times either.
15 But yes. It's just I don't check all my kids
16 over. I just am helping them.

17 Q. All right.

18 THE COURT: Are you done, Mr. Scheveck?

19 MR. SCHEVECK: Yes, Judge.

20 THE COURT: Any redirect, Ms. Coleman?

21 MS. COLEMAN: Just this.

22 **REDIRECT EXAMINATION**

23 BY MS. COLEMAN:

24 Q. Ms. Gresens, how likely do you think it
25 is that you would see bruising on Z.G.1

1 considering that he has to be helped to go to the
2 bathroom sometimes?

3 A. Even if I'm not the one and it's my para
4 educator that would take any of my children into
5 the bathroom, it would be likely. It's not that
6 I'm always taking them, but that a para educator
7 is. And then I am alerted immediately, so that I
8 can come in. And also, we don't want to just,
9 you know, be searching on a child for direct
10 bruising, like, to say oh, my gosh. At that
11 point, then we would contact CPS.

12 Q. So, are your paras trained to alert you
13 if they see something questionable?

14 A. Absolutely.

15 MS. COLEMAN: I don't have anything further,
16 Your Honor.

17 THE COURT: Any recross?

18 MR. SCHEVECK: No, Judge.

19 THE COURT: Okay. Is this witness free to go
20 then? As far as you're concerned, Mr. Scheveck,
21 you're not wanting to call her back?

22 MR. SCHEVECK: No, Judge.

23 THE COURT: Okay. Ms. Gresens, you're free to
24 leave.

25 THE WITNESS: Thank you.

1 THE COURT: Who's your next witness, Ms.
2 Coleman?

3 MS. COLEMAN: Kim Beaner, Your Honor.

4 THE COURT: Ms. Beaner, can you start your
5 video and unmute yourself and raise your right
6 hand to be sworn? After the Clerk swears you in,
7 Ms. Coleman will begin taking your testimony.

8 **KIMBERLY BEANER,**
9 called as a witness herein, after having been
10 duly sworn, was examined and testified as
11 follows:

12 **DIRECT EXAMINATION**

13 BY MS. COLEMAN:

14 Q. So, Ms. Beaner, can you state your full
15 name for the record?

16 A. My full name is Kimberly K. Bredburg
17 Beaner.

18 Q. And Kimberly, what is your profession?

19 A. I'm a BCBA. I'm also the Director of
20 Autism at the DEAP Office in Miles City.

21 THE COURT: What did you -- could you tell me
22 again, what was that little acronym that you just
23 said? You're a what?

24 THE WITNESS: I'm a Board Certified Behavior
25 Analyst.

1 THE COURT: Okay.

2 THE WITNESS: A BCBA.

3 BY MS. COLEMAN:

4 Q. So, Ms. Beaner, the Court -- we're on a
5 couple of hearings and the Court has asked that
6 we address matters related to one hearing first,
7 so I'm going to do this out of order than I
8 normally would, then I'll come back and ask you
9 some more broad questions. Do you interact with
10 Z.G.1?

11 A. Yes.

12 Q. And in what capacity?

13 A. I oversee the ABA program here in Miles
14 City.

15 Q. Okay. Does Z.G.1 receive Applied
16 Behavioral Analysis services with you?

17 A. Yes, he does.

18 Q. And then and again in a moment I'm going
19 to ask some further questions about what that
20 exactly is. But did you participate with Z.G.1
21 on an IEP last October?

22 A. Yes, I did.

23 Q. And did you have anything to do with
24 contacting parents about that IEP?

25 A. No.

1 Q. And did Tara participate in the IEP?

2 A. Yes.

3 Q. And did Z.G.1's Dad Braxton participate?

4 A. Yes, he did.

5 Q. Did Braxton participate fully or was he
6 only there for part of it?

7 A. He participated fully.

8 Q. And do you know how each of those parents
9 were notified about the IEP?

10 A. My understanding it was a last-minute
11 IEP.

12 Q. Do you have any -- do you know any
13 recollection of why it was a last-minute IEP?

14 A. My understanding is they wanted an IEP
15 because they were going to go to court in case he
16 would be moving over to Sidney.

17 Q. Okay. And do you know who -- how Braxton
18 joined in the IEP, do you know how that took
19 place?

20 A. Yes.

21 Q. Can you explain?

22 A. Yes. He joined in, I called him on my
23 phone.

24 Q. And did you call partway through the IEP?

25 A. No, I did not.

1 Q. Does that mean you called him prior to it
2 beginning?

3 A. I called him when the IEP started, a
4 little bit before the IEP started.

5 Q. And was Braxton able to participate in
6 the whole IEP?

7 A. Yes.

8 Q. Okay. Would it surprise you to know that
9 Braxton signed a sworn affidavit in December
10 saying that he had not been informed about the
11 IEP meeting and that he'd been prevented from
12 being involved in that?

13 A. Yes, that would surprise me cuz he
14 participated in the full IEP.

15 MS. COLEMAN: Okay. I don't have anything
16 further on the IEP topic, Your Honor. I have
17 many more questions to ask Ms. Beaner.

18 THE COURT: Cross examination, Mr. Scheveck?

19 MR. SCHEVECK: Yes, Judge.

20 **CROSS EXAMINATION**

21 BY MR. SCHEVECK:

22 Q. So, regarding the contempt issue, Ms.
23 Beaner, is -- are you aware that Tara was
24 informed of the IEP on the 24th or the 25th of
25 October 2022, are you aware of that?

1 MS. COLEMAN: Your Honor, objection. Unless
2 I'm confused, there's been no mention of the
3 24th. And again, I apologize if I'm confused.
4 But Mr. Scheveck just said the 24th and 25th. I
5 don't remember the 24th being mentioned.

6 MR. SCHEVECK: Judge, let me --

7 THE COURT: The 24th is mentioned a number of
8 times because there's some document that I think
9 you had your client sign confirming that she let
10 everybody know information; isn't that right?
11 And that same document has both dates, 24th and
12 26th on it --

13 MR. SCHEVECK: Correct.

14 THE COURT: -- is that right, Mr. Scheveck?

15 MR. SCHEVECK: That is correct.

16 THE COURT: Yeah. We've been talking about it
17 with the last witness.

18 MS. COLEMAN: Your Honor, it was my
19 understanding that the last witness said the
20 25th, so I --

21 THE COURT: Well, the last one said that she
22 told Mom on the 25th about this meeting at 11:30
23 AM. But she also said she signed a document
24 confirming receipt of Dad's contact information
25 and it had two dates on it, 24th and 26th.

1 MS. COLEMAN: Sure. Right.

2 THE COURT: (inaudible) document.

3 MS. COLEMAN: Yes. But that topic of signing
4 receipt of Dad's information had two dates on it.
5 But the discussion about notification about the
6 IEP from our last witness was --

7 THE COURT: I know. I know. But I think he's
8 asking her about this -- aren't you asking her
9 about that form?

10 MR. SCHEVECK: I was about to go there, Judge,
11 but not at that question, no.

12 THE COURT: Okay. Go ahead and just ask a
13 different question, I guess. But just so you
14 guys all know, this is what I understand. The
15 form says that Mom gave information on the 24th.
16 The last witness said she told Dad about -- she
17 told Mom about this meeting at 11:30 on the 25th
18 and told her that it was going to be 1:00 the
19 next day.

20 BY MR. SCHEVECK:

21 Q. So, Ms. Beaner, are you aware that Tara
22 knew about the IEP on the 25th at 11:00 PM -- or
23 11:00 AM?

24 THE COURT: 11:30.

25 MR. SCHEVECK: 11:30.

1 THE WITNESS: On the 25th?

2 MR. SCHEVECK: Correct.

3 THE WITNESS: Not that I recall, no.

4 BY MR. SCHEVECK:

5 Q. Okay. And the only time you contacted
6 Braxton was the 26th at 1:15 PM, correct?

7 A. Correct.

8 Q. Did Ms. Gresens call Braxton or was it
9 you?

10 A. I called Braxton.

11 Q. And how did you get that information, how
12 did you get Braxton's information?

13 A. I work with Braxton in his home. I have
14 his phone.

15 MR. SCHEVECK: Okay. Judge, regarding the
16 contempt, I have no further questions.

17 THE COURT: Any redirect, Ms. Coleman?

18 MS. COLEMAN: No, Your Honor.

19 THE COURT: On this witness, too, then I guess
20 Mr. Scheveck, I mean some of these people I just
21 (inaudible) take up the whole day. Do you -- are
22 you okay with us taking testimony?

23 MR. SCHEVECK: Yeah, Judge. I'm perfectly
24 okay with that. She's our witness, too, Judge.

25 THE COURT: Okay. So, you go ahead first then

1 cuz it's your motion. The other motion is yours,
2 so you go ahead --

3 MR. SCHEVECK: Okay.

4 THE COURT: -- and ask her questions on that
5 motion first.

6 **MR. SCHEVECK'S MOTION**

7 BY MR. SCHEVECK:

8 Q. So, Ms. Beaner, now we're on a -- we're
9 kind of putting on a different hat, different
10 issue. Is -- I guess, is how involved has
11 Braxton been with the children or with a child
12 and the ABA?

13 A. With ABA, we worked with him over the
14 summer of 2022 starting in June through the end
15 of July. I started providing in-home services
16 as -- such as parent training in September of
17 2022 until this month.

18 Q. I guess is -- how long does DEAP or ABA,
19 how long does it end or what age does it end for
20 a child?

21 A. It can go all the way up to age 21.

22 Q. So, I guess is -- what happens when the
23 child starts school regarding ABA?

24 A. It's dependent on what the parents want
25 to do. If their parents want to continue with

1 the ABA, we can continue with ABA.

2 Q. And when is -- when is Z.G.1, when does
3 he start school?

4 A. He's in school right now.

5 Q. K through 12. Kindergarten?

6 A. You're asking about kindergarten?

7 Q. Yep.

8 A. He starts kindergarten in the fall of --

9 Q. So, at that time --

10 A. -- 2023.

11 Q. So, at that time, it would be up to the
12 parents regarding the services of ABA, correct?

13 A. Yes. My understanding he would go to
14 school Monday through Thursday. If they choose,
15 we can do ABA on Friday or during the weekend.
16 We've provided ABA after school in some places.

17 Q. All right. And is there ABA services
18 here in Sidney, Montana?

19 A. There's very limited ABA services. The
20 closest place would be Chatter in Williston.

21 Q. So, let me ask this. How often do you
22 come up to Sidney then?

23 A. I come up once a month.

24 Q. Okay. Is -- how involved has Braxton
25 been with the ABA?

1 A. He was actively involved this summer and
2 I meet with him on a monthly basis in September
3 of 2022.

4 Q. Okay.

5 A. He came down and asked questions in the
6 summer of 2021. And his now-wife Andrea
7 participated in an ABA session.

8 Q. So, what is a normal transition when a
9 child, let's say, of Z.G.1, when he starts
10 kindergarten at ABA?

11 A. It really, as I said, before it really
12 depends on the parent. The child receiving
13 school services, a lot of times we stop services
14 or we have limited services.

15 Q. It's fair to say the normal course of
16 Z.G.1 will transition out of ABA for the most
17 part since he starts -- when he starts
18 kindergarten; it's fair to say?

19 A. That would be dependent on the parents.

20 Q. But that is the normal transition,
21 correct?

22 A. Some parents choose that, yes.

23 Q. Now, does Z.G.1 have OT and speech
24 therapy or providers --

25 A. Yes, he has --

1 Q. -- in the --

2 A. I'm sorry. Yes, he has occupational
3 therapy and speech therapy through the school
4 here in Miles City and he also receives
5 supplemental speech and OT.

6 Q. Okay. Are you aware that there's a lot
7 of services here in Sidney regarding OT and
8 speech therapy where Z.G.1 can get those
9 services, correct?

10 A. I'm aware they have an occupational
11 therapist. I believe that they have a traveling
12 speech therapist, but I have limited contact with
13 them.

14 Q. Right. Is -- have you talked to Tara
15 regarding Braxton?

16 A. No.

17 Q. No. How often do you go to Tara's house?

18 A. I go -- we used to be in her house almost
19 at least once or twice a month --

20 Q. When was the last time --

21 A. -- primarily --

22 Q. -- you were in their house?

23 A. What?

24 Q. When was the last time --

25 A. We were in her --

1 Q. -- you were in her house?

2 THE COURT: Just a second. I didn't hear Mr.
3 Scheveck's question. Can you ask that question
4 again?

5 MR. SCHEVECK: Yeah.

6 BY MR. SCHEVECK:

7 Q. Ms. Beaner, when was the last time you
8 were in Tara's house?

9 A. I'd say probably about a month ago.

10 Q. What did it look like inside?

11 A. She was working on remodeling. I was in
12 the living room, had toys out, the kids were
13 happy.

14 Q. How many bedrooms are there?

15 A. I cannot say how many bedrooms cuz I did
16 not go back there. I was primarily in the living
17 room-kitchen area.

18 Q. Is there a bed in the living room?

19 A. There's a couch in the living room.

20 Q. So, there's not a mattress?

21 A. I do not recall a mattress in the living
22 room.

23 Q. Do you know if Tara's father also lives
24 in that home?

25 A. I believe that Tara's father lives in

1 Jordan.

2 Q. And how many children are under that
3 roof?

4 A. Well, she has the two children from
5 Braxton and then she has an older child, so
6 three.

7 Q. Do you know what Tara does for a living?

8 A. What does she do for a living?

9 Q. Yeah.

10 A. I believe that she takes care of her
11 kids.

12 Q. Okay.

13 A. She did work at a daycare.

14 Q. Right.

15 A. And she did -- I'm sorry.

16 Q. But what does she do now, any idea?

17 A. I think she's pretty much busy running
18 her children to different activities and
19 therapies and ABA and school which is --

20 Q. How old is Z.G.2?

21 A. -- a full-time --

22 Q. How old is Z.G.2?

23 A. I believe kindergarten, so I believe that
24 she's six.

25 Q. Are you aware that Tara forces Z.G.2 to

1 sleep with her?

2 A. I'm not aware.

3 Q. Okay. Would you be surprised if that
4 occurred?

5 A. I don't -- I cannot say.

6 Q. How long has Tara been remodeling her
7 house?

8 A. I cannot say. I do not know.

9 Q. Do you see exposed wire in her house?

10 A. Not in the room I was in, no.

11 Q. Are you allowed in any other room or just
12 the living room?

13 A. I could probably be allowed in any room I
14 chose to go into, but we work primarily in the
15 living room-kitchen area.

16 Q. So, let's focus on Braxton now. Is --
17 you've been to his residence, correct?

18 A. Yes.

19 Q. How well does he interact with the Z.G.1?

20 A. He interacted fine.

21 Q. How was the interaction, is he engaging,
22 is he not engaged, is he playing with the child,
23 what is your observation when you see him
24 interacting with Z.G.1?

25 A. I felt that he engaged with the Z.G.1.

1 Q. Do you believe that he's a -- he can
2 parent Z.G.1 with no issues?

3 A. I think that he is a good father.

4 Q. Why do you say that?

5 A. Why do I say he's a good father?

6 Q. Yeah.

7 A. I think that he -- when we had arrived
8 there, Z.G.1 was playing in his bedroom reading,
9 he asked questions. He seemed to have a good
10 relationship with Z.G.1.

11 Q. And does Z.G.1 have his own bedroom?

12 A. He showed me his bedroom, yes.

13 Q. What -- tell me what the bedroom looks
14 like for Z.G.1.

15 A. That would be this summer. I'm trying to
16 think back. I believe it had a bed and he had
17 toys in it.

18 Q. Okay. Do you believe that Braxton
19 provides stability for Z.G.1 when he's at his
20 house?

21 A. I believe so, yes.

22 Q. What about continuity?

23 A. As far -- please explain what you're
24 asking of me.

25 Q. Is -- basically, safety for the children

1 in the house.

2 A. Are the children safe in his house?

3 Q. Yeah.

4 A. I believe so, yes.

5 Q. Okay. Well, you've been doing the ABA
6 with Z.G.1 for, I want to say three years; is
7 that fair?

8 A. No, two years.

9 Q. Two years. And do you believe that
10 Braxton has been informed of all the meetings
11 with ABA or even with IEP meetings? Do you think
12 he's been informed of every stage -- every step?

13 A. I do not know if you've been informed or
14 not. I can say that if he has not been informed,
15 that he has personal responsibility to make
16 himself informed.

17 Q. So, let me just ask you this then, Kim.
18 Is -- if you're not aware of a meeting, you're
19 saying it was his obligation to find out what
20 that meeting is; is that what you're telling me?

21 A. That's what I'm telling you. If my
22 husband felt that I was not giving him the
23 information that he wanted, he would call the
24 schools, he would be actively involved to find
25 out what was going on in his child's life.

1 Q. Do you believe -- so, you provide ABA
2 services here in Sidney, right?

3 A. Yes.

4 Q. And how --

5 A. On an hourly basis.

6 Q. -- and how are those providers here
7 regarding the ABA?

8 A. How are they?

9 Q. Yeah, here in Sidney.

10 A. I'm not understanding what you're asking
11 of me, I'm sorry.

12 Q. Is -- I guess, is -- you just come to
13 Braxton's house and you provide basic ABA
14 services, right?

15 A. Correct.

16 Q. But you don't take the child to, like, OT
17 or speech therapy here in Sidney; is that
18 correct?

19 A. No.

20 Q. So, I want to talk about this summer,
21 though. Is -- are you aware of the Parenting
22 Plan or the ABA services that Z.G.1 and Z.G.2 are
23 going to have this summer?

24 A. Z.G.2 does not have ABA services.

25 Q. Just regarding Z.G.1. My apologies.

1 A. Yes, we provided ABA services over the
2 summer.

3 Q. Right. Can you tell me what the normal
4 schedule is during the summer?

5 A. The normal schedule was two days a week
6 on Thursday and Friday. He could've had more if
7 he decided to go to Glendive.

8 Q. So, Thursday and Friday for the summers,
9 right?

10 A. Correct.

11 Q. And then when the child reaches school
12 age, it's going to taper off to a Friday,
13 correct?

14 A. If that's what the parents choose.

15 MR. SCHEVECK: Right. No questions, Judge.

16 THE COURT: Cross exam, Ms. Coleman?

17 MS. COLEMAN: Your Honor, I have called Ms.
18 Beaner as my witness as well. So, I would like
19 to just ask her all the questions I was going to
20 ask. Some of those would be in response to those
21 questions. But I have a full litany of
22 questions.

23 THE COURT: Any objection to that expanding
24 beyond cross --

25 MR. SCHEVECK: No, Judge.

1 THE COURT: -- so that we don't have to come
2 back?

3 MR. SCHEVECK: No objection.

4 THE COURT: Go ahead, Ms. Coleman.

5 MS. COLEMAN: Thank you.

6 **CROSS EXAMINATION**

7 BY MS. COLEMAN:

8 Q. Ms. Beaner, okay, so can you just
9 describe briefly, we're going to try to move
10 quickly for timing, but can you describe briefly
11 you are education and training and experience?

12 A. I have a Master's degree in education and
13 I'm certified -- I'm a Board Certified behavior
14 analyst. I have worked for DEAP for 29 years
15 working with children with disabilities and
16 autism. I have a son that has autism and I have
17 two daughters that I have adopted with bipolar.

18 Q. Okay. And do you remember do you mind if
19 I refer to Applied Behavioral Analysis as ABA?

20 A. That's fine.

21 Q. Have you previously worked for CPS?

22 A. Yes. I worked for CPS for five years in
23 the Cut Bank and Browning area and Miles City.

24 Q. And what type of training did you receive
25 there?

1 A. I received a lot of training. I worked
2 with, I don't know, it was several years ago that
3 I worked with them. But abuse and neglect
4 training and we went to Helena.

5 Q. And in what capacity did you work for
6 CPS?

7 A. I was a community social worker.

8 Q. So, did you have direct interaction with
9 the families?

10 A. Yes, I had direct interactions with
11 families.

12 Q. Okay. Thank you. Switching back to ABA.
13 So, how does ABA interact with autistic children,
14 why is ABA -- do you think ABA services are
15 important for autistic children?

16 A. I believe that ABA services are very
17 effective working with children with autism, yes.

18 Q. And how long have you worked with Z.G.1?

19 A. We started services on February 1, 2021.

20 Q. And how did he come to you?

21 A. He was referred by his mother.

22 Q. Okay. And how often -- can you just tell
23 me again, I believe Mr. Scheveck asked, but how
24 often do you see him, Z.G.1?

25 A. I see him Monday through Friday.

1 Q. Okay.

2 A. And he --

3 Q. Okay.

4 A. Sorry.

5 Q. Thank you. And what's his -- what is
6 Z.G.1's diagnosis?

7 A. He was diagnosed with autism, speech
8 delays, and global -- speech delays and global
9 impairment.

10 Q. And what were his deficits when he
11 started ABA services?

12 A. He wasn't able to communicate. I have it
13 written down. He wasn't able to communicate. He
14 did a lot of hand clapping and jumping, he did a
15 lot of echolalia, which is repeating. He
16 couldn't attend to a task, except preferred tasks
17 such as coloring, he liked to color.

18 Q. And where was -- oh, sorry. I'm so
19 sorry. I didn't mean to cut you off. I thought
20 you paused.

21 A. I probably did pause. He wasn't able to
22 dress himself, he wasn't toilet trained, he
23 wasn't using utensils.

24 Q. How did that compare to other children
25 his age when he started?

1 A. Starting ABA or?

2 Q. Yes, yes, starting ABA. Thank you.

3 A. Well, everybody -- each child is unique.
4 So, they have -- they bring to the table
5 different deficits. Those were his deficits.
6 Usually, the kids that I work with are diagnosed
7 with autism.

8 Q. Okay. How has he progressed while he's
9 been receiving services?

10 A. He has wraparound services here in Miles
11 City. He has made a lot of progress. When he
12 first started, he was below one year in most
13 skills on the (inaudible) testing except for fine
14 motor and physical. Now, he is actually at the
15 three years for all his tests, over three years
16 in all developmental levels.

17 Q. And thank you. What do you -- and can
18 you tell us what you mean by wraparound services?

19 A. Wraparound services means that he gets
20 school services, he gets speech, he gets
21 occupational therapy, and then he gets ABA
22 services. And he also gets supplemental
23 services. And that means that we all collaborate
24 to be working on the same goals and working
25 together to make sure that we are meeting his

1 needs.

2 Q. So, is it accurate to say there's a team
3 of individuals working with Z.G.1?

4 A. Yes.

5 Q. Okay. So, relating to the ABA services,
6 how do you think ABA services relate to an
7 autistic child the rest of their lives, like,
8 talk to me about if someone has services versus
9 doesn't at Z.G.1's age.

10 A. ABA is one of the most effective,
11 according to the Surgeon General. What it does
12 is breaks things down to the simplest form and
13 builds it up. So, like, if you're working on a
14 task, you're breaking everything down to a lower
15 level and then you're building it up. It's
16 easier to work on coping skills and addressing
17 the behavior at a younger age, teaching them the
18 speech and language than it is a child that's
19 destroying a classroom when they become older.

20 Q. So, there was a little bit of discussion
21 with Mr. Scheveck about Sidney. Are there
22 similar services in Sidney, what you do?

23 A. The only services that are similar to
24 mine would be at Chatter Clinic in Williston.

25 Q. And do you know what all is available at

1 Chatter in Williston?

2 A. I do not. I know there is speech therapy
3 available, but I do not know what other services.

4 Q. Okay.

5 A. I have a child that goes to Chatter for
6 speech therapy.

7 Q. Okay. Is there something -- do all ABA
8 programs have people who go into the homes to
9 work with parents?

10 A. Chatter is a center-based program. So,
11 the family would have to transport and work at
12 the center.

13 Q. Okay. And that is different than what
14 you provide; is that correct?

15 A. We provide -- I'm sorry. We provide both
16 center-based and in-home services.

17 Q. And again, what's the benefit of in-home
18 services for ABA?

19 A. There's quite a few benefits. One of the
20 benefits is you get to see what the child is
21 doing in its home environment and how it reacts
22 with parents and other siblings.

23 Q. Okay. So, do you think there's benefit
24 to continuity of care when it comes to an
25 autistic child?

1 A. Yeah, yes. Children on the spectrum do
2 better with consistency and routine. Change is
3 difficult for -- it's difficult for Z.G.1 --

4 Q. In what ways --

5 A. -- and most --

6 Q. -- in what ways is it difficult?

7 A. They like a very strict routine. So,
8 when you change that routine, it throws them off.
9 Then they'll have tantrums or meltdowns.

10 Q. Do you think that negatively impacts
11 their ability to learn other things?

12 A. Well, if they're having a meltdown, yes.
13 A lot of times you'll see regression if there's
14 been changes in his life or in most of the kids I
15 work with.

16 Q. Do you interact with Tara much?

17 A. If I am at my office, which I try to be
18 every morning. Then I talk to Tara when she
19 drops off Z.G.1.

20 Q. Okay. Do you think she's understood the
21 importance of early intervention in Z.G.1's life
22 for services?

23 A. Yes.

24 Q. And is -- are the -- is she similar with
25 other parents you work with?

1 A. I work with a range of parents. And
2 she's one of the most consistent parents on
3 getting him to ABA services and with follow
4 through to the other therapies.

5 Q. Okay. Thank you. So, there was a
6 discussion here previously with Mr. Scheveck
7 about did you provide services. Did I understand
8 that you provided some services to Z.G.1 when he
9 was with Braxton last summer; is that correct?

10 A. That is correct, yes.

11 Q. And who lined those services up?

12 A. Well, I talked to Braxton and myself
13 lined the services up.

14 Q. Okay. So, have you ever seen bruises on
15 Z.G.1?

16 A. I'm sorry. I didn't hear you.

17 Q. I jump topics a bit. Have you ever seen
18 bruises on Z.G.1?

19 A. I went through all her notes. There was
20 no bruises indicated in any of the notes that we
21 had. And we teach potty training, we're working
22 on dressing. If we seen bruises, there wouldn't
23 be anything that was not typical of a child his
24 age.

25 Q. Has he --

1 A. All my --

2 Q. Sorry.

3 A. -- staff are mandated reporters. I
4 myself are a mandated reporter. If we saw
5 something out of the usual, we will contact DFS.

6 Q. Has Z.G.1 ever come to you dressed
7 inappropriately?

8 A. No, he's dressed appropriately, he's
9 clean.

10 Q. Those are the only questions I have.
11 Unless, is there anything else that you think
12 would be important for the Court to know about
13 Z.G.1 or your interactions with these parents?

14 A. No.

15 MS. COLEMAN: Okay. I don't have anything
16 further, Your Honor.

17 THE COURT: Redirect/recross.

18 MR. SCHEVECK: Yes, Judge.

19 **REDIRECT EXAMINATION**

20 BY MR. SCHEVECK:

21 Q. So, you do -- you provide ABA services in
22 Sidney. Is -- do you work with other teams in
23 Sidney regarding any wraparound teaching or
24 counseling?

25 A. I work with one other kiddo in the Sidney

1 area. We do provide -- I primarily work with or
2 have had contact with his teacher. He receives
3 services such as speech therapy in Chatter -- at
4 Chatter.

5 Q So, you provide other services for other
6 children in Sidney, right?

7 A. We provide limited services in Sidney.

8 Q. And how often do you come to Sidney then
9 per week?

10 A. Right now, we are coming three days a
11 week, three to four days a week depending on the
12 week.

13 Q. And right now, Z.G.1 is getting four days
14 a week of ABA?

15 A. He's getting five days a week of
16 services.

17 Q. He's getting --

18 A. We work with him Monday through Friday.

19 Q. Okay.

20 A. But our staff drives two hours to get
21 there. So, I'd have to hire another staff
22 member --

23 Q. Right.

24 A. -- to work with Z.G.1.

25 Q. And how long is the ABA, how long is it

1 per day in Sidney?

2 A. It's usually about three hours.

3 Q. Three hours, okay. And you work with
4 teachers in the Sidney area, correct?

5 A. I work with one teacher in the Sidney
6 area, yes.

7 Q. So, you work with teachers regarding ABA
8 services, right?

9 A. In the Sidney area?

10 Q. Yeah.

11 A. With one teacher, yes.

12 Q. Okay. So, what was the ABA schedule last
13 summer?

14 A. He received services on Thursday and
15 Friday.

16 Q. Okay. Do you work with the speech
17 pathologist or special education teachers, do you
18 work with them at all or no?

19 A. Here in Miles City, yes.

20 Q. What about Sidney?

21 A. We hire the Special Ed teacher to -- for
22 the summer.

23 Q. Okay. Do you work with OT providers here
24 in Sidney?

25 A. No, I do not.

1 Q. No. So, let me understand this. Is --
2 special education kind of takes over ABA when the
3 child turns five or when school starts; is that
4 fair to say?

5 A. It can take over, yes.

6 Q. And usually that's what happens is
7 special education takes over the services of ABA,
8 correct?

9 A. I have several children that I've worked
10 with past the age of five.

11 Q. Well, no, my question is usually that
12 special education takes the role of ABA when the
13 children start school; is that fair to say?

14 A. I can say that it's based on what the
15 parents, what they want to do.

16 Q. Well --

17 A. But yes, it can take over ABA.

18 Q. I guess, you've had 20-plus years of
19 education and training, right?

20 A. Yes.

21 Q. And the normal transition is special
22 education takes over ABA, correct?

23 A. What I'm having problem (sic) is the
24 school district does not take over ABA. The
25 school district does not provide ABA services in

1 the school. We can provide ABA services. They
2 provide school services to the child which is
3 different than ABA services.

4 Q. And then on top of OT speech, OT
5 providers, speech pathologists, you want -- and
6 then ABA services, right; is that what you're
7 saying?

8 A. I'm saying that the parents make a
9 decision whether or not they want services past
10 the age of five.

11 Q. Okay. Do you work with Michelle Monsen
12 at all?

13 A. I know that name, but no.

14 Q. Do you work with Vince McGlothlin?

15 A. I know Vince when he covered occupational
16 therapist, was an occupational therapist for the
17 school district near Miles City.

18 Q. Is he a pretty good occupational
19 therapist?

20 A. That's been several years ago.

21 Q. Right.

22 A. I would assume yes, cuz he's still in
23 business.

24 Q. So, you know him in a -- he's in charge
25 of occupational therapy and speech therapy,

1 right?

2 A. My understanding he's an occupational
3 therapist.

4 MR. SCHEVECK: Okay. Judge, no further
5 questions.

6 THE COURT: What's the name of the teacher
7 that you work with in Sidney?

8 THE WITNESS: I was just -- I cannot recall
9 her name cuz I was going to tell you. She's the
10 Special Ed teacher. She --

11 THE COURT: There are a lot of Special Ed
12 teachers in Sidney.

13 THE WITNESS: She's a preschool teacher. And
14 her name is escaping me. I can get back to you
15 on it. She worked for me last summer.

16 THE COURT: No, that's fine. I just -- Ms.
17 Coleman, do you have any further questions?

18 MS. COLEMAN: Just one I believe, Your Honor.

19 **REDIRECT EXAMINATION**

20 BY MS. COLEMAN:

21 Q. So, Ms. Beaner, in your professional
22 opinion, do you think Z.G.1 would benefit from
23 ADA services beyond the age of five?

24 A. One of the nicest things is we can go
25 into the school district and provide ABA

1 services. It's also nice to be a support person
2 for the parents.

3 Q. Okay. And so, you have just described
4 ways that you could interact with him. Do you
5 think that it would benefit him, do you have an
6 opinion on it?

7 A. I see benefits to ABA services. I also
8 continue -- I do continue to work on a limited
9 basis when kids go into school full-time. It
10 does make a very long day for the child.

11 MS. COLEMAN: Okay. All right, great. Thank
12 you. I don't have anything further, Your Honor.

13 THE COURT: Okay. Before I ask Mr. Scheveck,
14 so, Ms. Beaner, what is your service area?

15 THE WITNESS: We actually cover 17 counties.
16 But I do not provide ABA in those 17 counties.

17 THE COURT: Okay.

18 THE WITNESS: I also do testing, ADOS testing,
19 diagnostic testing.

20 THE COURT: Yeah, that's not what I'm asking.
21 So, the -- I know DEAP covers a large area. And
22 so, there are 17 counties. How many counties do
23 you provide ABA services in or are there other
24 people besides you who are also on behalf of DEAP
25 providing those services?

1 THE WITNESS: I have registered behavior
2 technicians working with the kiddos one-to-one.

3 THE COURT: In 17 counties?

4 THE WITNESS: As I said, we do not cover all
5 17 counties. We can, but most of our kiddos are
6 in the Glendive and Miles City area.

7 THE COURT: But you cover Sidney, right?

8 THE WITNESS: I have enough staff to cover.
9 Right now, I currently do not have enough staff.

10 THE COURT: Do you know how many autistic kids
11 there are in those 17 counties?

12 THE WITNESS: I do not know. I know there's a
13 lot that are not able to get services.

14 THE COURT: Okay.

15 THE WITNESS: I've had requests from all the
16 way up to Great Falls.

17 THE COURT: Okay. So, all right. Do you have
18 any -- I'll give you the last chance for
19 questions, Mr. Scheveck. Do you have a question?

20 MR. SCHEVECK: Yes.

21 **RECROSS EXAMINATION**

22 BY MR. SCHEVECK:

23 Q. Ms. Beaner, would you -- would Jordan
24 Huffman ring a bell regarding Special Ed teacher?

25 A. Yes.

1 Q. Was that dd

2 A. I was just trying to look up her name.

3 Q. Is that who you're referring to?

4 A. Yes. She's a Special Ed teacher at -- in
5 Sidney --

6 Q. And how often --

7 A. -- at preschool.

8 Q. -- do you interact with Ms. Huffman?

9 A. I interacted with her this summer quite a
10 bit. But I have limited contact with her through
11 the schoolyear unless I attend IEP's.

12 Q. So, you provide -- you do provide ABA
13 services in Sidney, Montana; is that correct?

14 A. We provide limited services of ABA, yes.

15 Q. Okay. And when the children reach the
16 age of starting school, is -- they could ask for
17 ABA services in addition to special education,
18 correct?

19 A. Yes.

20 MR. SCHEVECK: Okay. No further questions.

21 THE COURT: Ms. Coleman, are you done?

22 MS. COLEMAN: Yes, Your Honor, I am finished.
23 Thank you.

24 THE COURT: Ms. Beaner, you're free to leave.
25 Who's your next witness, Ms. Coleman?

1 MS. COLEMAN: Your Honor, related to contempt,
2 I would be calling my client.

3 THE COURT: Okay.

4 MS. COLEMAN: May we take a five-minute
5 break --

6 THE COURT: Yes.

7 MS. COLEMAN: -- or is that too soon?

8 THE COURT: No. Let's take a break to use the
9 restroom or whatever.

10 MS. COLEMAN: Thank you.

11 (Whereupon, a break was taken.)

12 THE COURT: Okay. Do we have everybody back?

13 MR. SCHEVECK: I believe so, Judge.

14 MS. COLEMAN: Yes, Your Honor, yes.

15 THE COURT: Okay. Next witness. I guess it's
16 you, Ms. Losinski. So, if you could raise your
17 right hand to be sworn and then Ms. Coleman will
18 begin taking your testimony.

19 **TARA LOSINSKI,**
20 called as a witness herein, after having been
21 duly sworn, was examined and testified as
22 follows:

23 MS. COLEMAN: Okay. So, Tara -- and so, Your
24 Honor, we're hearing an echo cuz we're in the
25 same room. Is there an echo for the Court?

1 THE COURT: Not yet. I don't know when she
2 speaks what happens, but when you're speaking,
3 no.

4 MS. COLEMAN: Okay. Okay.

5 MR. SCHEVECK: Now I don't hear anything,
6 Judge.

7 MS. COLEMAN: Yeah, Mr. Scheveck, I apologize.
8 I was just trying to fix my sound.

9 THE COURT: One second. I'll let you work on
10 your sound. Just one sec, I have to take the
11 (inaudible).

12 MS. COLEMAN: Thank you. Mr. Scheveck?

13 MR. SCHEVECK: Ms. Coleman.

14 MS. COLEMAN: That was just a test. I just --
15 we're working with our sound. I just wanted to
16 see what was happening in the courtroom. Thank
17 you.

18 MR. SCHEVECK: Sounds good.

19 THE COURT: Okay. Do you think you have the
20 sound okay?

21 MS. COLEMAN: I do, Your Honor. I'm going to
22 try this with Ms. Losinski next to me just
23 because there's this horrible echo. We're on two
24 different computers, so we'll give it our best
25 shot. If you can't hear her, we'll have to go

1 back.

2 THE COURT: Okay.

3 MS. COLEMAN: Thank you. Okay.

4 **DIRECT EXAMINATION**

5 BY MS. COLEMAN:

6 Q. So, can you please state your full name
7 for the record? And maybe speak pretty loudly.

8 THE COURT: We can't hear her.

9 MR. SCHEVECK: Yeah, I can't hear.

10 THE COURT: Okay. Can you move it closer to
11 you?

12 MS. COLEMAN: Yeah.

13 THE WITNESS: Tara Marie Losinski.

14 BY MS. COLEMAN:

15 Q. And are you the mother of Z.G.2 Z.G.1?

16 A. Yes.

17 Q. So, okay. So, we were just addressing
18 contempt issues first, so let's talk about the
19 IEP. All right. So, tell the Court what's your
20 recollection of notification about the IEP?

21 A. I just remember getting a phone call from
22 Joann at, I think it was like 12:55, asking if I
23 could stop over and to get the IEP done. And I
24 had sent her a text at 12:56 saying that I would
25 be late cuz I had to take Z.G.1 into OT and drop

1 him off.

2 Q. (inaudible).

3 A. Yes, we wanted to in case cuz of the
4 last --

5 THE COURT: We didn't hear your question, Ms.
6 Coleman.

7 MR. SCHEVECK: Yeah.

8 MS. COLEMAN: (inaudible) one time. And then,
9 Your Honor, if that (inaudible), we'll switch
10 back.

11 BY MS. COLEMAN:

12 Q. Did you, Tara, do something (inaudible)?

13 A. Yeah, I wanted to make sure that
14 everything was up to date in case the Court
15 contempt charge (inaudible) like that.

16 Q. (inaudible).

17 THE COURT: It isn't picking you up, Ms.
18 Coleman. I don't know why. You seem closer to
19 the device.

20 MS. COLEMAN: I know. All right. We'll
21 switch this back. Ms. Losinski is just stepping
22 back to the other computer and I'm going to then
23 just try to live with the weird echo. Okay. So,
24 thank you.

25 BY MS. COLEMAN:

1 Q. So, I was asking you, Tara, if after our
2 last contempt hearing was there concern on your
3 part that prompted you to sort of ask somebody
4 about doing an IEP?

5 A. Yes. I asked Joann.

6 Q. Was this a really definitive conversation
7 or what happened, like, what --

8 A. No, it was just I told them about the
9 contempt charges, and said that I wanted to make
10 sure everything was up to date with all of his
11 records in case they had to be sent over to
12 Sidney.

13 Q. And what did Ms. Gresens say to you, your
14 best recall?

15 A. She said that it was fine, that everyone
16 was already in the school anyways.

17 Q. Oh, you're referring to the day, the
18 actual day?

19 A. Yeah.

20 Q. Okay. So, Ms. Gresens has said today
21 that she told you a day ahead. And you just said
22 that you recall you kind of notified last minute-
23 ish. How -- help the Court to understand,
24 what -- which is accurate?

25 A. It was the day of, because I went through

1 and looked at my text messages and that's when I
2 found out.

3 Q. Do you think that you could be mistaken
4 about Ms. Gresens telling you the day before?

5 A. She might've got it confused. She does
6 work with a lot of children and parents.

7 Q. So, when they contact -- okay. So, let's
8 say that you did receive a call 15 minutes ahead
9 of time. Did it occur to you to contact Braxton
10 right away?

11 A. No. I was busy dropping my son off at OT
12 and then I had to talk to the OT specialist.

13 Q. Okay. So, talk more to that, though,
14 Tara. You know, you're being held accountable
15 for not -- you've been accused of purposely not
16 telling him stuff. Is that what has happened
17 with the IEP?

18 A. No.

19 Q. Explain further. Why do you say no?

20 A. I just didn't think about it because he
21 had stopped being concerned with Z.G.1's
22 services. He -- in 2021 he would come down to
23 ABA, he'd come to speech and OT, and then all the
24 sudden he had just stopped.

25 Q. Okay. And can I -- is it -- is this --

1 did you just say that there was a change in his
2 interactions with Z.G.1?

3 A. Yes.

4 Q. So, do you have a concept that makes you
5 think he doesn't want to be involved?

6 A. That's what I thought before.

7 MR. SCHEVECK: Judge, objection. That's
8 speculation, Judge. The court record says
9 otherwise.

10 THE COURT: She can say what she thinks. That
11 doesn't mean that she's right about what it is.
12 She can say what she's thinking.

13 BY MS. COLEMAN:

14 Q. So, and when you say before, Tara, what
15 do you (inaudible)?

16 A. Sorry. What'd you say?

17 Q. So, well, I just asked if they're -- you
18 indicated that there had been some sort of a
19 change in Braxton's interactions with Z.G.1; is
20 that correct?

21 A. Yes.

22 Q. Can you tell us about the timeframe?

23 A. He was really excited to help out and
24 everything at the end of 2021. And then it was
25 around, like, the beginning of 2022 when he just

1 stopped. He wouldn't message or ask about school
2 or anything.

3 Q. Okay. Did you purposely not tell him
4 about the IEP?

5 A. Absolutely not.

6 Q. As you sit here today, do you regret how
7 this took place?

8 A. Yes.

9 Q. What would you have done different?

10 A. I wish I would've asked if we could've
11 made it for a different day, wo we could've gave
12 Braxton more time.

13 Q. Did Braxton (inaudible) best you can
14 recall, when it did take place, did he express
15 any hesitation in being able to do it that day?

16 A. Absolutely not. He was excited that we
17 had called.

18 Q. Okay.

19 A. And said that he had no problems doing
20 it.

21 Q. Okay. Thank you. All right. So, let's
22 switch topics to the school pictures. All right.
23 Do Z.G.2 and Z.G.1 go to different schools?

24 A. They do.

25 Q. Okay. Z.G.2 goes -- does Z.G.2, sorry,

1 does go to Sacred Heart School in Miles City?

2 A. Yes, she does.

3 Q. And so, does Z.G.1 go to Highland Park
4 Elementary in Miles City?

5 A. Yes.

6 Q. All right. As it relates to Z.G.2's
7 school pictures, have you seen a notice on Sacred
8 Heart's website that indicated the date that the
9 pictures were going to take place this last
10 schoolyear, this schoolyear?

11 A. I seen it on their yearly calendar.

12 Q. You saw it where?

13 A. On the yearly calendar that they send out
14 to all the families.

15 Q. Okay. And have you seen it, is that the
16 same calendar that's on their website?

17 A. I don't get on Sacred Heart's website.

18 Q. Okay. So, Tara, if I showed you this
19 exhibit, which is Exhibit B, Your Honor.

20 (inaudible-feedback) May I (inaudible). Your
21 Honor, I'd like to approach my client with
22 Exhibit B.

23 THE COURT: (inaudible).

24 MS. COLEMAN: Your Honor. I'm sorry. I can't
25 hear you.

1 THE COURT: Go ahead. But just give her the
2 whole stack. Or I -- don't you have two sets,
3 one for you and one for her so we don't have
4 to -- cuz it really does mess up the audio when
5 you're trying to do that.

6 MS. COLEMAN: Okay, okay.

7 THE COURT: Two sets or no?

8 MS. COLEMAN: I don't because I thought we
9 would be sitting next to each other.

10 THE COURT: Okay. I don't -- what is the
11 device that you are on, Ms. Coleman?

12 MS. COLEMAN: I am on my desktop.

13 THE COURT: Okay. And do you know where on
14 your desktop the microphone is so that maybe you
15 guys can just take turns looking at -- I mean
16 looking at (inaudible).

17 MS. COLEMAN: I know, Your Honor. We did
18 this -- I'm going to try one more time. We did a
19 hearing once and it worked here with (inaudible).
20 I'll try one more --

21 THE COURT: Maybe can you get her off of the
22 one she's on now and come back to you so that you
23 can both be looking at these exhibits? Cuz I
24 think it'll be hard otherwise.

25 MS. COLEMAN: All right, Your Honor. Thank

1 you. All right. I'm handing my client Exhibit
2 B.

3 BY MS. COLEMAN:

4 Q. Does that appear to be a calendar from
5 Sacred Heart School?

6 A. Yes.

7 Q. Does that indicate a day for school
8 pictures?

9 A. Yes.

10 Q. What date is the school picture for the
11 2020 -- '22-'23 schoolyear?

12 A. (inaudible).

13 Q. So, do you think that Braxton would have,
14 not would, but could have access to that
15 information?

16 A. (inaudible).

17 MS. COLEMAN: Your Honor, I'd like to enter
18 Exhibit B into the record.

19 MR. SCHEVECK: No objection.

20 THE COURT: Any objection, Mr. Scheveck?

21 MR. SCHEVECK: No, Judge.

22 THE COURT: B is admitted.

23 MS. COLEMAN: Thank you very much.

24 BY MS. COLEMAN:

25 Q. If you'll look at Exhibit C. Is that

1 a -- does indicate a text between you and
2 Braxton?

3 A. Yes.

4 Q. And who is the sender of that text?

5 A. (inaudible).

6 Q. And in that text, are --

7 THE COURT: Wait, wait, wait. I didn't
8 catch -- if she said who the sender was, I didn't
9 catch it.

10 THE WITNESS: (inaudible).

11 MS. COLEMAN: She's saying she is.

12 THE COURT: Tara sent it, okay. It's not
13 picking her up really well now. I don't know
14 why. So, Tara sent a text to Braxton?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Go on.

17 BY MS. COLEMAN:

18 Q. (inaudible) a picture of Z.G.1 being
19 silly?

20 MR. SCHEVECK: Judge, we can't --

21 THE WITNESS: Yes, there a couple pictures.

22 MR. SCHEVECK: Judge, we couldn't hear 90
23 percent of that.

24 MS. COLEMAN: (inaudible).

25 THE COURT: Well, she led her and said is that

1 a picture of Z.G.1 being silly, and she said yes,
2 and sent several pictures like that or something
3 like that she said.

4 MR. SCHEVECK: Okay.

5 BY MS. COLEMAN:

6 Q. Does the text say to Braxton -- did you
7 say I'll try to remember to send a copy of her
8 school picture with her?

9 A. (inaudible).

10 Q. (inaudible) referencing Z.G.2?

11 A. Yes.

12 Q. And then does he respond, yes, please
13 remember?

14 A. Yes.

15 Q. And then do you respond -- and then did
16 he ask you does Z.G.1 have pictures this year?

17 A. Yes.

18 Q. And then did you respond no, he doesn't,
19 probably (inaudible) the spring I'll see if I can
20 find his last school picture from last year?

21 A. Yes.

22 MS. COLEMAN: Okay. Your Honor, I'd like to
23 enter Exhibit C (inaudible).

24 THE COURT: (inaudible).

25 MS. COLEMAN: We can't hear you. I'm sorry,

1 Your Honor, we can't hear you.

2 THE COURT: Oh, I'm muted. Mr. Schevek, I
3 can't hear you. Do you have an objection?

4 MR. SCHEVECK: Judge, when was this date --
5 when was this picture taken?

6 THE COURT: Yeah. So, okay, this is the
7 thing. I think maybe the proper way to introduce
8 an exhibit is to say the name of the exhibit,
9 have the person identify what is this, it's text
10 messages before whatever. And then before you
11 ask questions about the content of it, offer it,
12 you know. And they'll also have it identified
13 enough that you say like the date. And you
14 didn't -- I don't know. When did this
15 (inaudible), what's this supposed date of this
16 text message? If you're speaking, Ms. Coleman --

17 MS. COLEMAN: I'm not. I wasn't. I was
18 just -- sorry. So, Your Honor, this particular,
19 yeah, I need this, this picture doesn't have
20 dates. I know that in previous hearings Mr.
21 Greenlow provided exhibits without exact dates.
22 But I can --

23 THE COURT: Okay. For purposes of today's
24 hearing, I need dates cuz --

25 MS. COLEMAN: Okay.

1 THE COURT: -- I need to know what happened
2 after I told her she's supposed to be telling him
3 about things happening at the school.

4 MR. SCHEVECK: Right.

5 MS. COLEMAN: Okay.

6 THE COURT: So, what is the date of this?

7 MS. COLEMAN: That one I don't have a date.

8 THE COURT: Then I'm not admitting it.

9 MS. COLEMAN: Okay. So, Your Honor, as it
10 relates to the pictures were Z.G.2, I then don't
11 have any further questions for my client. I have
12 asked her if the information is available on the
13 website about the date for the pictures. So, my
14 next question to my client is this.

15 BY MS. COLEMAN:

16 Q. Have your children gotten school pictures
17 taken in the past?

18 A. (inaudible).

19 Q. And have you ever provided a copy or
20 shown them to Braxton?

21 A. (inaudible).

22 Q. Did he ever --

23 THE COURT: Did she answer that question, cuz
24 if she did, I didn't hear the answer.

25 MR. SCHEVECK: I didn't either.

1 THE WITNESS: Yes.

2 MS. COLEMAN: (inaudible).

3 THE COURT: You guys are both close to each
4 other. I don't understand why it's not picking
5 you up both up. Okay. So yes, you have provided
6 pictures in the past. I don't really care about
7 that. I want to know after I ordered her to,
8 well, after I adopted the Amended Parenting Plan,
9 which has the following paragraph 11(c) in it
10 that says, "Each parent shall provide the other
11 parent with grade reports and notices from th
12 school as they are received, and the school be
13 notified of those households." That's what I
14 want to know. I want to know from after that
15 date, which was March 13, 2022, okay? So,
16 probably it's going to be for this last
17 schoolyear, you know, cuz that was in the spring.
18 So, let's just confine it to that. I don't care
19 what happened before then for purposes of
20 contempt.

21 MS. COLEMAN: Right.

22 BY MS. COLEMAN:

23 Q. So, Tara (inaudible).

24 MR. SCHEVECK: Judge, we can't -- Judge, we
25 can't hear her.

1 THE COURT: It's not -- I think you're
2 talking, Ms. Coleman, but we can't hear you. I'm
3 sorry.

4 MS. COLEMAN: Okay.

5 THE COURT: Maybe can you turn it back and
6 forth, like when you ask a question, like, that's
7 picking up your voice perfectly and then turn it
8 toward her when she answers?

9 MS. COLEMAN: Thank you for your patience.

10 BY MS. COLEMAN:

11 Q. So, Tara, did you receive any notices
12 from Sacred Heart School about pictures, when
13 pictures would take place?

14 A. I just saw it on the calendar.

15 Q. And how (inaudible) and then what about
16 for Z.G.1's school, anything for Z.G.1's school?

17 A. (inaudible).

18 THE COURT: Say that again, please.

19 THE WITNESS: I didn't get any picture
20 information for Z.G.1 from the school.

21 BY MS. COLEMAN:

22 Q. So, does Z.G.1's school send notices to
23 parents about a picture day?

24 A. No.

25 Q. What notices does Z.G.1's school send to

1 parents?

2 A. (inaudible) progress reports in IEP's.

3 Q. We're understanding that each class at
4 Z.G.1's school, each teacher is responsible for
5 providing information to parents.

6 MR. SCHEVECK: Judge, could we get proper
7 foundation? How does she know this?

8 THE COURT: And it's kind of leading, too. I
9 don't know.

10 MS. COLEMAN: Well, I don't (inaudible).

11 MR. SCHEVECK: I can't hear.

12 THE COURT: So, if that's an objection, that's
13 sustained. There needs to be foundation. It's
14 not picking you up. Turn it.

15 MS. COLEMAN: I'll ask it again. I'm asking
16 Tara if she received notice from Z.G.1's school
17 about pictures.

18 THE COURT: She already said no.

19 MS. COLEMAN: Okay. Then I don't have --

20 BY MS. COLEMAN:

21 Q. Have you ever provided, just to be clear,
22 Braxton with copies of your children's pictures,
23 school pictures?

24 A. Yes.

25 Q. Do you understand why Braxton is saying

1 that you've not provided notice of pictures?

2 A. No.

3 Q. How have -- you said -- did you say that
4 your children had previous school pictures taken?

5 A. (inaudible).

6 Q. And how did Braxton get copies of those
7 pictures?

8 MR. SCHEVECK: Judge, we cannot hear her,
9 Judge.

10 THE COURT: Yeah.

11 THE WITNESS: Yeah, I just sent him a text
12 message when I get the pictures.

13 MS. COLEMAN: I am now going to, Your Honor,
14 as it relates to contempt, ask Tara about the
15 Christmas event. And I don't believe there are
16 any exhibits related to the actual Christmas
17 event at the school. One of the contempt
18 allegations is that she's not informing him of
19 things. So, I want to take testimony.

20 So, do you want to go back to
21 (inaudible). Tara is going to move back to the
22 other computer because I don't have --

23 THE COURT: (inaudible) How about are there
24 any exhibits related to the disability benefits
25 or the social, let's see, or these other things,

1 like, let's cover everything that's with exhibits
2 first and then she can talk about the non-exhibit
3 things. Well, now she's there. Whatever. Go
4 ahead.

5 MS. COLEMAN: Well, Your Honor, then that
6 would be helpful. Let's (inaudible) in the
7 Motion for Contempt I believe it's the Parenting
8 Plan that discusses the disability.

9 THE COURT: Well, I don't know. It's from --
10 I did my little summary of what they're claiming
11 is contemptuous. This is what I wrote down. I
12 wrote down that Mom didn't tell Dad about an
13 October 26, 2022 IEP. Mom didn't tell Dad about
14 November 3, 2022 school picture. Mom didn't tell
15 Dad about December 11, 2022 Christmas program.
16 Mom didn't tell Dad that she was trying applying
17 for disability benefits from Social Security and
18 something happened on December 14, 2022 related
19 to that. And then the last one I have is... I
20 can't even read my own handwriting, Mom didn't
21 allow Dad parenting time on a Thursday, December
22 22, 2022 when the parenting (inaudible) is he's
23 supposed to get visits on Thursdays, but he had
24 agreed that while school is in session not to get
25 them on Thursdays because they have school on

1 Friday, one of them anyway, and that she didn't
2 let him have the visit on December 22, 2022.

3 Those are the one, two, three, four, five
4 things I've written down that I thought he was
5 claiming were contemptuous. Did I get them
6 right, Mr. Scheveck?

7 MR. SCHEVECK: Yes.

8 THE COURT: Is that what you're claiming?

9 MR. SCHEVECK: That is correct, Judge.

10 THE COURT: Okay. So, that's my notes to
11 myself.

12 MS. COLEMAN: Okay. Your Honor, then I
13 apologize. And I appreciate the Court's
14 patience. I can fix this. I'm going to send
15 Tara back to the desk. I'm going to turn this
16 around so that you -- everybody can hear us. And
17 I we will be able to pull up the exhibits on my
18 other computer and she can have my book. So, we
19 can now -- it'll be quick.

20 THE COURT: Oh, okay.

21 MS. COLEMAN: Yep.

22 THE COURT: (inaudible).

23 MS. COLEMAN: (inaudible) spin this around and
24 open it up, it's fine.

25 THE COURT: Okay. But we're going to go to

1 Christmas now, right?

2 MS. COLEMAN: Yes, Your Honor.

3 THE COURT: Okay.

4 MS. COLEMAN: Okay, Your Honor. Thank you
5 again.

6 BY MS. COLEMAN:

7 Q. Tara, related to the Christmas holiday
8 program at the school, was there a Christmas
9 program at Z.G.1's school?

10 A. Yes.

11 Q. And do you know when you learned that
12 that that had been (inaudible) to take place?

13 A. I found out the Friday before it was
14 supposed to happen that they were thinking about
15 letting him stand up there.

16 Q. Does Z.G.1's school send out notices to
17 parents about the -- about -- did they send out
18 notices about the Christmas program?

19 A. No. I don't get anything from Z.G.1's
20 class.

21 Q. So, do you get -- what do you mean when
22 you say you don't get anything from Z.G.1's
23 class?

24 A. Like, I don't get pages. I got a
25 Valentine's Day card that he made me. But other

1 than, that they keep all of his worksheets and
2 everything to -- for each month to see his
3 progress and what he needs to work on and not
4 work on. So, they keep all of that for their
5 records.

6 Q. So, do you recall at all being told by
7 Z.G.1's teacher Ms. Gresens, that we heard
8 earlier today, that you -- about when the
9 Christmas program would take place?

10 A. Yes. She told me Friday, I think it was
11 the 9th or something like that, that when I
12 picked him up from school that he could stand up
13 there.

14 Q. Was that the Friday before the following
15 Wednesday when the Christmas program took place?

16 A. Yes.

17 Q. All right. When did you tell Braxton
18 about that?

19 A. On Sunday when I sent him the weekly
20 schedule for the kids.

21 Q. Okay. And did Z.G.1 participate in the
22 Christmas program?

23 A. He did not.

24 Q. You just mentioned sending a weekly
25 calendar or what do you send to Braxton on a

1 weekly basis letting him know what's going on at
2 the schools and with the kids?

3 A. I send him the schedules for sports and
4 school and appointments and therapy sessions.

5 Q. And how do you do that, in what form, is
6 it a text, is it an email?

7 A. I usually send -- it's in an email and
8 then sometimes I'll take a screenshot of the
9 email and text it to him --

10 Q. Okay.

11 A. -- when he forgets.

12 Q. Have you -- has there been a discussion
13 about you and Braxton using Our Family Wizard?

14 A. Yes.

15 Q. Did you and I -- did I ask Braxton's
16 attorney if Braxton would be willing to
17 participate in Our Family Wizard?

18 A. Yes.

19 Q. Did Braxton communicate with you about
20 it?

21 A. Not til recently.

22 Q. And what did he communicate?

23 A. He said that it was too expensive and he
24 wanted to try a different path.

25 MR. SCHEVECK: Judge, I believe this is --

1 MS. COLEMAN: (inaudible).

2 THE WITNESS: Yes.

3 MR. SCHEVECK: -- starting to get into 408.

4 BY MS. COLEMAN:

5 Q. Do you remember what it was called?

6 MR. SCHEVECK: Judge, I believe this is
7 getting into settlement 408.

8 THE WITNESS: And it's called (inaudible)

9 MS. COLEMAN: (inaudible) called App
10 (inaudible)?

11 THE WITNESS: Yes.

12 THE COURT: Wait. Mr. Scheveck is saying
13 something. But Mr. Scheveck, you've got to speak
14 directly into that mic cuz I don't hear you.

15 MR. SCHEVECK: Judge, I'm literally, like,
16 mouthing this thing. But we believe it's an
17 objection. This is 408 settlement negotiations
18 to try to settle this, Judge. But as for -- it's
19 objectionable.

20 THE COURT: Sustained.

21 MS. COLEMAN: Your Honor, I just want to be
22 clear so I preserve the record in anticipation of
23 any appeal that would take place. There have
24 been no settlement discussions between the
25 parties.

1 THE COURT: What was your question again?

2 MS. COLEMAN: I was asking -- Tara is accused
3 of not providing information to Braxton. Some of
4 the allegations are specific, but some of them
5 are very broad. And so, I'm asking her if we've
6 asked if he could participate in an app, an
7 application that would benefit them to record
8 information back and forth.

9 THE COURT: There may be some from the Amended
10 Parenting Plan. But I don't know that that's
11 going to fix the contempt. And I think the
12 accusations on the contempt, the allegations are
13 very specific cuz they have very specific dates
14 and very specific content. So, it's just right
15 now we're just addressing the contempt.

16 MS. COLEMAN: Okay. Thank you, Your Honor.
17 All right. I'm going to move on to Exhibit M.
18 Your Honor, I am -- just one moment. Tara, I
19 (inaudible). Your Honor, I'm just having Tara
20 turn to Exhibit M.

21 THE COURT: Did you say M as in Mary or N as
22 in Nancy?

23 MS. COLEMAN: I said M as in Mary.

24 THE COURT: Okay, thanks.

25 MS. COLEMAN: Your Honor, I'm presenting

1 Exhibit M. There's some questions that I want to
2 ask Tara about. Exhibit M is information from a
3 government entity about applying for disability
4 for children. And under Rule 902, it's a self-
5 authenticating document. And I am directing --
6 I'm going to direct Tara to the bottom of page 4.

7 THE COURT: And so, are you offering M?

8 MS. COLEMAN: I am offering M.

9 THE COURT: Mr. Scheveck, do you have an
10 objection to M or is it something -- what's your
11 position on M, Mr. Scheveck?

12 MR. SCHEVECK: I mean, Judge, it is -- I mean
13 it is self-authenticating. I mean no objection.
14 It's a government -- it came from the government,
15 Judge, so no.

16 THE COURT: Okay. So, M is admitted. Go
17 ahead, Ms. Coleman.

18 BY MS. COLEMAN:

19 Q. Tara, does Z.G.1 receive disability
20 benefits?

21 A. Yes.

22 Q. And when -- did you apply for those
23 benefits?

24 A. Yes. I had Kim help me.

25 Q. And is -- are you referring to Ms.

1 Beaner?

2 A. Yes.

3 Q. That we heard from earlier?

4 A. Yes.

5 Q. Okay. And do you know when you applied
6 for the benefits for Z.G.1?

7 A. It was May of 2021.

8 Q. And have you had any discussion with
9 Braxton about the topic of disability benefits?

10 A. Yes. I told him that Kim had told me
11 that he did probably apply for benefits or be
12 qualified for it for all the services that he's
13 getting and Braxton said that would be amazing.

14 Q. And so, when you say "he," are you
15 referring to Z.G.1?

16 A. Yeah, Z.G.1.

17 Q. So, are you saying that Braxton expressed
18 an opinion about the topic of Z.G.1 possibly
19 receiving disability benefits?

20 A. Yes.

21 MR. SCHEVECK: But Judge, where did she get
22 this information from, is it from a third party
23 such as Kim or did Tara hear that from Braxton?

24 THE COURT: So, maybe establish how she knows
25 this, Ms. Coleman, so I can tell whether it's

1 hearsay or if it's admissible somehow.

2 MS. COLEMAN: Your Honor, I certainly will.
3 I'm not clear --

4 THE COURT: well, maybe explain --

5 MS. COLEMAN: (inaudible) --

6 THE COURT: -- explain, this is for your
7 client saying that Braxton knew she was applying
8 for these benefits.

9 MS. COLEMAN: Your Honor, I will ask again.
10 But my client is just providing testimony that
11 she communicated that to him, is what she has
12 just said.

13 BY MS. COLEMAN:

14 Q. So, Tara, did you discuss with Braxton
15 that you were going to apply for disability
16 benefits for Z.G.1?

17 A. Yes.

18 Q. And what -- based on your recollection
19 what was Braxton's response?

20 A. He was -- he said that it would probably
21 help us out.

22 Q. And help us?

23 A. Like, me and the kids with having to take
24 Z.G.1 to all of his appointments.

25 Q. And do you mean financially?

1 A. Yes.

2 Q. All right. so, in filling out the -- how
3 did you fill out the application, was it a hard
4 copy or was it online?

5 A. Online.

6 Q. In filling out the application, was
7 there -- what was asked about your finances?

8 A. Just told me to fill out everything in
9 that -- that's in my household only.

10 MS. COLEMAN: Okay. Your Honor, I would
11 direct you to page 4 of Exhibit M, the last
12 square (inaudible).

13 BY MS. COLEMAN:

14 Q. Tara, in looking at the bottom of page 4,
15 the last little square, does that indicate that
16 (inaudible) prepared in filling out an
17 application for benefits that provide information
18 for your household?

19 A. Yes.

20 Q. Does -- was Braxton living in your
21 household at the time that you filled these --
22 this application out?

23 A. No.

24 MS. COLEMAN: All right. I don't have
25 anything further on that, Your Honor. All right,

1 Your Honor, I'm going to move on to the Christmas
2 holiday. Your Honor, I'd like to direct the
3 Court to Exhibit 4 which is the Amended Final
4 Parenting Plan. And I would like to offer it
5 into the record as an exhibit that I'll ask
6 questions about. Your Honor, I'm just going to
7 have to do without the Christmas holiday. Your
8 Honor, may I move forward? I was just waiting
9 for a response, and I couldn't hear it.

10 THE COURT: Oh, no. You don't need to -- just
11 go, do your thing.

12 MS. COLEMAN: All right. I just couldn't
13 hear. Thank you. All right.

14 BY MS. COLEMAN:

15 Q. So, Tara, in the Parenting Plan that is
16 in place, and looking at Exhibit F, does that
17 indicate that Father, Braxton, gets Christmas
18 holidays on even years?

19 A. Yes.

20 Q. And would that have been December 24th
21 and 25th?

22 A. Yes.

23 Q. And in this past year was that a Saturday
24 and a Sunday?

25 A. Yes.

1 Q. But does it also say up at the top of
2 that same page under C, that Father's visits when
3 it's his weekend visits, they fall from Thursdays
4 at 6 until Sundays at 6?

5 A. Yes.

6 Q. So, was this last Christmas weekend one
7 that was supposed to be Braxton's visitation?

8 A. What was that?

9 Q. Was this last Christmas holiday, which
10 took -- we just confirmed took place on a
11 Saturday, the 24th and 25th were a Saturday and
12 Sunday. But was that also Braxton's visit
13 weekend, parenting time weekend?

14 A. Yes.

15 MS. COLEMAN: Okay. Your Honor, I'd like to
16 present Exhibit G and enter it as an exhibit that
17 I'd like to ask the parties about. I will take
18 testimony from Tara that this is an agreement
19 that she signed.

20 THE WITNESS: Yes.

21 THE COURT: Wait. Mr. Scheveck, do you have
22 an objection to Exhibit G?

23 MR. SCHEVECK: Judge, this was signed on
24 December 2020, Judge. The Amended Final
25 Parenting Plan was March 16th of '22, Judge.

1 THE COURT: Okay. So, it's not admitted.

2 MS. COLEMAN: All right. I, yeah, I was just
3 trying to -- and again, trying to preserve a
4 record, Your Honor. I apologize. I was trying
5 to give a history here. But I'll move on.

6 All right. In moving to Exhibit H, I'd
7 like to present Exhibit H as a text between the
8 parties on Wednesday, August 31st of 2022.

9 MR. SCHEVECK: No objection, Judge.

10 THE COURT: H is admitted. Tell me the date,
11 so --

12 MS. COLEMAN: August 31st of 2022.

13 THE COURT: Okay. Go ahead.

14 BY MS. COLEMAN:

15 Q. Tara, did you receive a text from Braxton
16 that indicated his need to switch his parenting
17 weekend days from -- so that they started on
18 Friday instead of Thursday?

19 A. Yes.

20 Q. And did you agree to that?

21 A. Yes.

22 Q. And based on that text that you received
23 before, what was the reason that you were going
24 to change it?

25 A. So, Z.G.2 could graduate to first grade.

1 Q. Okay. So, in the last months has
2 Braxton's parenting time started on a Friday?

3 A. Yes.

4 Q. And is that by mutual agreement between
5 the two of you, you and Braxton?

6 A. Yes.

7 Q. And that would be different than what is
8 indicated in the Parenting Plan that you're
9 presently under -- or is that different than the
10 present Parenting Plan you're presently under?

11 A. Yes.

12 MS. COLEMAN: Okay. Your Honor, I would like
13 to present Exhibit I as a text between the
14 parties, September 15, 2022.

15 THE COURT: What was the exhibit letter?

16 MS. COLEMAN: I.

17 THE COURT: Exhibit I?

18 MS. COLEMAN: September 15, 2022 as an
19 indication of communication between the parties
20 about the days that they will meet weekend
21 visits.

22 THE COURT: Any objections, Mr. Scheveck?

23 MR. SCHEVECK: Judge, let me look at it real
24 quick.

25 THE COURT: I have all of your exhibits, but

1 I'm not looking at them cuz I didn't want to look
2 at them until I knew it was admitted. So,
3 September, what was the date again?

4 MS. COLEMAN: 15th, Your Honor, 2022.

5 MR. SCHEVECK: Yeah, no objection there.

6 THE COURT: I is admitted. Go ahead.

7 MS. COLEMAN: Thank you.

8 BY MS. COLEMAN:

9 Q. Tara, in that Exhibit I is that a text
10 exchange between you and Braxton about what day
11 his -- of the week his weekend parenting time
12 begins?

13 A. Yes.

14 Q. Does he indicate -- do you indicate to
15 him that reminding him that you agreed to meet on
16 Fridays not Thursdays?

17 A. Yes.

18 Q. And did he respond in the affirmative,
19 does he say, "All right, sorry"?

20 A. Yes.

21 Q. So, Tara, did you receive communication
22 from Braxton about the Christmas holiday and
23 visitation?

24 A. Yes.

25 Q. So, what communication did you receive

1 from him?

2 A. He had texted me asking if he could have
3 the kids on Thursday.

4 Q. And is that -- are you referring to
5 Thursday, December 22nd?

6 A. Yes.

7 Q. And what did you respond?

8 A. I believe it was that Z.G.2 had
9 gymnastics and we were going to see how the
10 weather was because it was very bad.

11 Q. So, what's your further recollection
12 about whether the week before Christmas in Custer
13 County?

14 A. That we were supposed to get a bunch of
15 snow and negative 50-degree wind chills.

16 Q. Why did you wait to see how the weather
17 played out before saying yes to changing to a
18 Thursday?

19 A. For the safety of the children not being
20 traveling on icy, closed down roads.

21 Q. Did -- Your Honor, I'd like to present
22 Exhibit L as an exchange -- or I'm sorry. It is
23 an email from Mr. Scheveck to myself regarding
24 this topic, this topic being the Christmas
25 holiday weekend.

1 THE COURT: Mr. Scheveck?

2 MR. SCHEVECK: I'm looking at it, Judge. No
3 objection.

4 THE COURT: Okay. L is admitted.

5 BY MS. COLEMAN:

6 Q. Tara, in looking at Exhibit L, do you
7 remember me forwarding that message to you from
8 Braxton's attorney?

9 A. Yes.

10 Q. Did you -- how -- did you interpret that
11 text or that email to mean that Braxton assumed
12 his weekend starts on a Friday?

13 A. Yes.

14 Q. Did you interpret that email to mean
15 they're asking to start a day early?

16 A. Yes.

17 Q. Did you through your attorney respond
18 that you would be willing, very willing to have
19 Braxton start his Christmas weekend/holiday
20 early, but early by a few hours, not a day?

21 A. Yes.

22 Q. So, did we offer -- did you offer through
23 me that you could meet Braxton early on Friday?

24 A. Yes.

25 MR. SCHEVECK: So, Judge --

1 MS. COLEMAN: What time are you --

2 MR. SCHEVECK: -- objection, Judge. This is
3 regarding --

4 THE WITNESS: 4:30.

5 MR. SCHEVECK: -- settlement negotiations.

6 THE COURT: Well, you agreed that it could
7 come in. I don't know. I thought you were going
8 to object because of that, but you didn't. I
9 mean here's the thing. I can read what it says,
10 so. But that's been admitted. Let me open it up
11 here.

12 MS. COLEMAN: Your Honor, Mr. Scheveck has
13 already filed this as an exhibit with the Court.

14 THE COURT: I know. And he also didn't
15 object, or I admitted it. So, I think I can read
16 it, so you don't have to tell me -- you don't
17 have to go through the whole thing. It speaks
18 for itself.

19 BY MS. COLEMAN:

20 Q. So, Tara, were you trying to withhold the
21 kids from Braxton on Christmas?

22 THE COURT: Well, wait a second. Exhibit L is
23 just a request from him to you.

24 MS. COLEMAN: Correct.

25 THE COURT: Then it doesn't say anything about

1 what you said back.

2 MS. COLEMAN: So, I was taking testimony from
3 Tara about what her answer was.

4 THE COURT: So, what was your objection, Mr.
5 Scheveck?

6 MR. SCHEVECK: Judge, I didn't object to the
7 exhibit not being introduced cuz it's -- I
8 mean -- but as for --

9 THE COURT: I understand that.

10 MR. SCHEVECK: But I --

11 THE COURT: I understand that. It establishes
12 that you made the request.

13 MR. SCHEVECK: But I believe --

14 THE COURT: But what is your --

15 MR. SCHEVECK: Is -- what -- the testimony
16 that her counsel is trying to elicit is regarding
17 Christmas. I mean it's they're trying to
18 negotiate regarding missing time on the Thursday
19 and Friday to -- for a holiday. I mean that's
20 settlement negotiations in that aspect, but not
21 as for -- not what's in the Exhibit L.

22 THE COURT: Okay. So, Ms. -- okay. This
23 request was for Thursday to Sunday. The date of
24 this email is December 21. So, it was for
25 December 22nd, Thursday until the Sunday which

1 would've been, what, the 24th? Was Christmas on
2 Monday this year or on Sunday?

3 MS. COLEMAN: Sunday.

4 THE COURT: Sunday, okay. So, through the
5 25th. And you're saying that your response was?

6 BY MS. COLEMAN:

7 Q. Tara, did you offer to meet Braxton early
8 on Friday giving him more time --

9 A. Yes.

10 Q. -- for the weekend? Okay. Is one of the
11 reasons that you said that you would meet him
12 early on Friday was so that Z.G.1 could do his
13 ABA services on Friday morning?

14 A. Yes. He had speech and ABA.

15 Q. So, just to review. When Braxton asked
16 you earlier in the week if he could have the kids
17 on Thursday, did you say let's wait and see what
18 happens with the weather?

19 A. Yes.

20 Q. And then later in the week did you
21 respond to Braxton and not hear back?

22 A. I believe so. Eventually, I got the
23 letter from you.

24 Q. So, you two didn't resolve this on your
25 own?

1 A. No.

2 Q. All right. So, then again, did you
3 eventually offer for Braxton to have the kids a
4 few hours earlier than his weekend visit?

5 A. Yes. I said I could meet him after Z.G.1
6 got done.

7 Q. Okay. What time did you meet him?

8 A. I asked him if he wanted to meet at 1 or
9 1:30 and because Z.G.1 got done at 12. And it
10 takes about an hour to get to Glendive, so we met
11 at 1:30.

12 Q. All right. And what time does his
13 weekend visits normally begin?

14 A. At 4:30.

15 Q. So, on that Friday, did you meet him
16 three hours early?

17 A. Yes.

18 MS. COLEMAN: All right. I don't have
19 anything further on the Christmas visit. So,
20 Your Honor, I believe that I have asked my
21 client -- I have other things to ask her later.
22 But I believe that I've addressed the IEP, the
23 school pictures, the Christmas program at Z.G.1's
24 school, and the Christmas holiday.

25 THE COURT: Cross examination, Mr. Scheveck?

1 MR. SCHEVECK: Yes, Judge.

2 **CROSS EXAMINATION**

3 BY MR. SCHEVECK:

4 Q. So, let's start with Exhibit H and
5 Exhibit I. Let's start with the most recent one,
6 the 22nd through the 25th. Now, you agree with
7 me that he's supposed to receive the Parenting
8 Plan, the most current one, is every other
9 weekend starting Thursday to Sunday, right?

10 A. Yes.

11 Q. Okay. So, let's go -- let's look at
12 Exhibit H. That's where Braxton texts you and
13 says hey, you know what, obviously, that I
14 believe Z.G.1 has -- or Z.G.2 has school on
15 Friday and you want her to graduate -- you guys
16 both want her to graduate on time, right?

17 A. Yes.

18 Q. But you agree with me in the last
19 sentence, though, is that it states that, "So,
20 after this weekend we need to find some kind of
21 compromise where I can make up the days that I
22 won't have the kids on," keywords here, "school
23 days." Do you agree with me that's what it says?

24 A. Yes.

25 Q. Because he's -- as -- what the Court

1 ordered is Thursday through Sunday, but Z.G.2 has
2 school on Friday, right?

3 A. Yes.

4 Q. So, he voluntarily gave up more days so
5 that the children -- there's less chaos when it
6 comes to the transportation, right?

7 A. He gave up days so our kid could graduate
8 to first grade.

9 Q. Right. Because it's not feasible to pick
10 up the kids on Thursday night when the kids have
11 school -- or one of the kids had school on
12 Friday, right?

13 A. Yes.

14 Q. But you agree with me that is only in
15 regard to just school, correct?

16 A. No.

17 Q. Well, then let's look at Exhibit I. And
18 now, Exhibit I is what did you respond to
19 Braxton?

20 A. I said tomorrow we can meet at 4:30 and I
21 can leave here by 3:30 when I get them from
22 school. I remember we agreed to meet on Fridays
23 and -- Fridays, not Thursdays because of school.

24 Q. Because of why?

25 A. Because of school.

1 Q. Okay. So, you agree with me that is a
2 change regarding the Thursdays to Fridays is
3 because of school, correct? Correct?

4 A. It's not just because of school.

5 Q. Well, that's what you said in text, you
6 agree with that?

7 A. Yes, because I was agreeing that the kids
8 have school.

9 Q. Right. But on that Friday, though, I
10 believe the weekend of the 22nd to the 25th
11 neither child had school on that Friday, correct?

12 A. They still had services.

13 Q. No, that's not my question. My question
14 is did the children --

15 A. No, they didn't have --

16 Q. -- have school on --

17 A. -- school on Friday.

18 Q. -- that Friday?

19 A. No.

20 Q. So, and also in their Parenting Plan are
21 you supposed to set up appointments on Braxton's
22 time?

23 A. The appointments were set up because we
24 switched days --

25 Q. No.

1 A. -- to Fridays.

2 Q. That's -- you switched days because of
3 school. You agree with that, that in the text
4 message in writing by you to Braxton, correct?

5 A. Yes.

6 Q. Okay. And now the reasons for you to
7 deny his right for the children on the Thursday
8 is I believe you gave three reasons, one of those
9 reasons is -- was Z.G.2 has cheer, right?

10 A. Yes.

11 Q. Then it was oh, the kids have therapy,
12 can't do it, right?

13 A. Yes.

14 Q. And then all of a sudden oh, the weather
15 is bad, right?

16 A. Because it was.

17 Q. I have a question. Were the roads
18 closed?

19 A. It was severe driving conditions only.

20 Q. That's my -- my question --

21 A. Oh, it was --

22 Q. -- is were the roads closed?

23 A. -- emergency travel only.

24 Q. Was the road closed?

25 A. Emergency travel only.

1 Q. I'm sorry. Was that a yes or no?

2 A. No. Some of the roads were.

3 Q. How about from --

4 A. The Glendive road --

5 THE COURT: Was the road between Miles City
6 and Sidney closed, was every way that you can get
7 from Miles City to Sidney closed?

8 THE WITNESS: Glendive was closed.

9 THE COURT: Okay. And are there other ways to
10 avoid Glendive to get to Sidney?

11 THE WITNESS: Probably, going through Jordan
12 and Circle.

13 THE COURT: Yeah, okay.

14 BY MR. SCHEVECK:

15 Q. So, let me ask you this, Tara. Is --
16 there is -- there was a simple way of going from
17 Sidney to Miles City, the roads were open,
18 correct?

19 A. Not in Glendive.

20 Q. Do you believe that -- do you know from
21 your personal knowledge there was other ways to
22 get to Miles City from Sidney without taking the
23 Glendive route?

24 A. I'm sure there is.

25 Q. Through Richey, do you agree with that?

1 A. I'm assuming.

2 Q. Right. Okay. So, nonetheless, you
3 decided to keep the kids for that Thursday night
4 and then just the bottom of your heart you said
5 you know what, I'll give you some extra time on
6 Friday, though, right?

7 MS. COLEMAN: Your Honor, I object. I think
8 that's argumentative and mocking my client.

9 MR. SCHEVECK: I'll withdraw.

10 THE COURT: Sustained.

11 BY MR. SCHEVECK:

12 Q. So, let's go with the disability here.
13 Is -- did you provide any documentation to
14 Braxton regarding disability benefits, yes or no?

15 A. No.

16 Q. No. And you stated on direct is what you
17 told Braxton that you're applying for disability
18 benefits for Z.G.1, correct?

19 A. Yes.

20 Q. But you guys usually communicate through
21 text or email, right?

22 A. No. We talk in person, too.

23 Q. Right.

24 A. I have the audios.

25 Q. And do you have -- I guess is -- can you

1 explain to me regarding the disability benefits?
2 When you apply for those services, do you get
3 updates on appointments?

4 A. On appointments?

5 Q. Yeah.

6 A. No.

7 Q. No. You just apply for the benefits,
8 right?

9 A. I had to put everything that Z.G.1 does
10 in there and all the specialists that work with
11 him.

12 Q. Okay. So, let's go with the school
13 pictures, right. Is -- regarding Z.G.1, did
14 Z.G.1 have any pictures this year or 2022?

15 A. No.

16 Q. Okay. So, the real issue is Z.G.2 -- or,
17 yeah, Z.G.2, correct?

18 A. I don't think there's an issue.

19 Q. Okay. Well, do you know that --
20 actually, did you put Braxton as one of the
21 contacts for receiving information with -- at
22 Sacred Heart?

23 A. He did. He said that in the last court
24 hearing or a couple court hearings ago.

25 Q. Would you be surprised that he did not

1 get the calendar when it came to --

2 A. I would.

3 Q. -- dates on it?

4 A. I would be surprised.

5 Q. Is it online or is it in the mail?

6 A. They mail it.

7 Q. Okay. And did you --

8 A. I'm sure it's probably online, too,
9 actually. They have a Facebook page.

10 Q. You also said is you don't know if it's
11 online, if it's on their website or not, right,
12 that's what you stated on direct?

13 A. I'm sure it's on their Facebook page.

14 Q. But you don't -- you haven't gone on
15 there and looked at it, right?

16 A. I don't really get on Facebook, no.

17 Q. So, you're just assuming that it's on
18 there without knowing that it is?

19 A. Well, I'm sure, yeah, it's on there.
20 They put everything on there cuz that's how my
21 oldest son's grandma tells me what's going on
22 it's because she says that on there.

23 Q. So, you haven't gone on and actually
24 looked, have you? Have you?

25 A. Actually, yes, I have.

1 Q. Now --

2 A. -- because I had to look for sports. I
3 forgot. I had to look at my son's basketball
4 records on there. And they do put the school
5 menus and all that and stuff on the Facebook
6 page.

7 Q. All right. I got another one for you
8 regarding the IEP meeting. It's fair to say that
9 you and Joann talk every day, right?

10 A. Yes.

11 Q. But you're telling the Court -- is --
12 she's just confused on what she told you, right?

13 A. Yes.

14 Q. But you heard her testify that she called
15 you the day before on the 25th of October, 2022,
16 correct?

17 A. Well, that's what she said.

18 Q. So, have you talked to her --

19 A. No, that's not what she said.

20 Q. So, have you talked to her --

21 A. That's not what she said.

22 Q. -- on obviously October 26, 2022, you
23 talked to her then, right?

24 A. On October 26th?

25 Q. Yeah.

1 A. Yes.

2 Q. And you agree with me that you guys talk
3 everyday, right?

4 A. Yes.

5 Q. So, it's fair to assume that you talked
6 to her on the 25th of October, correct?

7 A. I would've been picking my son up. It
8 was a Tuesday.

9 Q. So, it's fair to -- it's a reason to
10 believe that she told you about the new IEP
11 meeting the day before, correct?

12 A. No, she didn't.

13 Q. So, she's just making this up, your
14 provider is making this up, right?

15 A. I didn't say she was making it up. I
16 think she got her dates confused.

17 Q. Right. And did you ever call --

18 MS. COLEMAN: Your Honor, I just --

19 MR. SCHEVECK: -- Braxton --

20 MS. COLEMAN: -- again, I just object. I
21 object to Mr. Scheveck saying "Right" when he
22 talks to my client. I don't think that there
23 needs to be any more animosity added into these
24 proceedings.

25 MR. SCHEVECK: Judge, if I may respond. It's

1 a question at the end, Judge.

2 THE COURT: (inaudible).

3 MR. SCHEVECK: Judge, we can't hear you.

4 MS. COLEMAN: We can't hear you, sorry.

5 THE COURT: It wasn't a question at the end.

6 It was a comment. So, just ask questions, okay?

7 MR. SCHEVECK: Okay.

8 BY MR. SCHEVECK:

9 Q. Did you -- when you found out about the
10 IEP, did you call Braxton?

11 A. No. I was at the hospital with our son.

12 Q. What did you find out about the IEP?

13 A. When I got called at, like, 12:54.

14 Q. But someone else called Braxton, right, I
15 believe that was Kim?

16 A. Yes.

17 Q. What were you doing on --

18 A. She had (inaudible).

19 Q. -- what were you doing around 11:30 on
20 the 25th of October?

21 A. What was I doing when?

22 Q. October 25th around 11:30?

23 A. I would've been dropping off Z.G.1 at
24 school.

25 Q. Did you -- what day did you talk to Joann

1 that day?

2 A. I talk to her every day when I drop Z.G.1
3 off at school and pick him up.

4 Q. So, you saw Joann around 11:30 that day,
5 right?

6 A. Yes.

7 Q. And she testified -- is -- she told you
8 around 11:30 on the 25th, right?

9 A. That's what she said.

10 Q. Now, the kids, do they have a dentist?

11 A. Yes.

12 THE COURT: You know what we're going to do?
13 It's 12:01. So, we're going to take a break
14 until 1:15.

15 MR. SCHEVECK: Okay.

16 THE COURT: I'm going to let all the people in
17 the waiting room in and let them know. And
18 maybe -- they've been waiting all morning, a
19 bunch of them. Maybe you attorneys can get
20 numbers from them and when it's you want to call
21 them, we can't take a break so you can call them
22 to get on rather than having them sit all day in
23 here. But now where's my waiting room. I don't
24 know if everybody left. Oh, there's the waiting
25 room, okay. I'm going to let them in here and

1 I'm going to tell them what we're doing.

2 Okay. So, all of you in the waiting room
3 I've let back in here -- wait. Mike Losinski is
4 in yet, so let's wait for him. Okay, now I think
5 we have everybody in here.

6 We're still going through the first
7 motion. We didn't get the chance to call you
8 yet. It's into the lunch hour. So, we're going
9 to take a break. I think we'll take a break
10 until 1:15. And I've asked the attorneys to get
11 your numbers so that you don't have to rejoin at
12 1:15 and just sit there like you've been all
13 morning, and they can just call you and tell you
14 where they're going to, you know, when they want
15 you to rejoin the zoom, so that you can get on
16 with your day.

17 I should've -- when you were out of
18 sight, I forgot you're all sitting in there. So,
19 let's see. Does -- do -- whoseever going to call,
20 I'm going to go through how I see everybody.
21 Whoseever going to call Michelle Monsen, do you
22 know how to get ahold of her?

23 MR. SCHEVECK: Judge, we do.

24 THE COURT: Okay. Whoseever going to call Mike
25 Losinski, do you know how to get a hold of him?

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

2 THE COURT: And whosever going to call Kenny
3 McGlothlin, do you know how to get a hold of him?

4 MR. SCHEVECK: We do, Judge.

5 THE COURT: Okay. All right, then. I'm going
6 to go ahead and disconnect us all and we'll
7 reconnect at 1:15. But those of you who are
8 witnesses, you don't need to connect at 1:15 cuz
9 we're still in the middle of the testimony of
10 another witness. And so, the attorneys will call
11 you when you need to get back on to testify,
12 okay? All right. Have a nice lunch everyone.

13 (Whereupon, a break was taken.)

14 THE COURT: Okay. So, we are back on the
15 record on DR-19-14. We were taking the testimony
16 of Ms. Losinski and Mr. Scheveck was conducting
17 cross examination.

18 MR. SCHEVECK: Yes, Judge.

19 THE COURT: I just want to put on the record
20 that Mr. Greenlow's sister was sitting outside in
21 the hallway right next to the door where you can
22 hear into the courtroom, which not okay. And I
23 don't know why she would've chosen to sit on the
24 floor right by the door instead of sitting on the
25 benches that are available by the windows. Those

1 doors aren't soundproof and so she probably could
2 hear. So, whatever testimony she might have to
3 give, I might not let her testify.

4 MR. SCHEVECK: That's okay, Judge.

5 THE COURT: And then we have Heidi Brown, who
6 I told she could hang up because she -- and that
7 whoever is going to call her was going to let her
8 know. Since she's here, I'm just going to --
9 she's still here. I'm moving her into a waiting
10 room until she's called. And then we have Mr.
11 McGlothlin. And we're still taking the testimony
12 of Ms. Losinski on one of the matters. So, the
13 attorneys are prepared to call you when it's your
14 turn to go or I can -- I'll go ahead and just
15 stick you in the waiting room. If you decide to
16 hang up from the waiting room, they know that
17 they just need to call you. So, I'm moving you
18 to the waiting room, too.

19 Okay. So, now, let's continue with the
20 cross examination of Ms. Losinski.

21 BY MR. SCHEVECK:

22 Q. Ms. Losinski --

23 THE COURT: And you're still under oath since
24 it's the same day that we were taking the
25 testimony. What was that?

1 MR. SCHEVECK: Nothing, Judge.

2 THE COURT: Go ahead.

3 BY MR. SCHEVECK:

4 Q. Ms. Losinski, Layne Scheveck here. Is --
5 did you and your attorney receive an email from
6 me regarding a National Weather Service of
7 Glasgow, Montana?

8 A. Yes.

9 Q. And you testified that the roads were
10 closed on December 21, '22.

11 THE COURT: Actually, she testified no, she
12 finally said no, they weren't closed.

13 MR. SCHEVECK: I think she did testify that
14 Glendive roads were closed.

15 THE COURT: Okay.

16 BY MR. SCHEVECK:

17 Q. Did you have a chance to look at that
18 National Weather Service from Glasgow?

19 A. No.

20 Q. Want to take time with our attorney to
21 review that?

22 THE COURT: That report was for the 21st.

23 MR. SCHEVECK: Okay.

24 THE COURT: So, were you talking -- I thought
25 you were talking about the 22nd.

1 MR. SCHEVECK: I believe my question was the
2 21st and 22nd, Judge. So, I'll rephrase.

3 THE COURT: Okay.

4 BY MR. SCHEVECK:

5 Q. How about this one, Tara. Do you agree
6 with me on the 21st of December 2022 the roads
7 were not closed between Sidney, Montana and Miles
8 City, Montana, correct?

9 A. I didn't look that day.

10 Q. So, you don't know if the roads were
11 closed or not?

12 A. On Wednesday?

13 Q. On the 21st of December.

14 A. I don't know about the 21st. I thought
15 we were talking about the 22nd.

16 Q. And do you know if the roads were closed
17 on December 22, 2022?

18 A. The Glendive road was closed down to --

19 Q. Okay. So, let me ask you about the
20 Christmas --

21 THE COURT: Just -- what -- I want to know
22 what she's thinking. You think on December 22nd
23 the Glendive road was closed. What do you mean?
24 From where to where was it closed?

25 THE WITNESS: Like, I think it was outside of

1 Glendive. And then it went over --

2 THE COURT: Which side?

3 THE WITNESS: The Miles City side because we
4 got a whole bunch of snow.

5 MS. COLEMAN: And Your Honor, I object in that
6 is the question -- may I clarify? Is the
7 question about the 22nd or the 21st?

8 THE COURT: Now --

9 MR. SCHEVECK: 22nd.

10 THE COURT: -- December 22nd.

11 MS. COLEMAN: All right.

12 THE COURT: Yeah. Continue, Mr. Scheveck.

13 BY MR. SCHEVECK:

14 Q. How do you know? Did you look up online,
15 did you -- what did you do to verify the roads
16 were closed?

17 A. I have that Montana State Road Map app on
18 my phone.

19 Q. So, if we look up online right now
20 regarding the 22nd of December, and it would
21 indicate that the roads were not closed in
22 Glendive, would you be shocked?

23 A. Yes.

24 Q. Okay. Now, let me ask you about the
25 Christmas party or event. Is -- when did you

1 first find out about that Christmas event?

2 A. The Friday before.

3 Q. Do you know a date on that? Is that
4 December 11, 2022?

5 A. Yes.

6 Q. And when was that event, December 14th?

7 A. When was what?

8 Q. You were notified --

9 THE COURT: I think he said it --

10 MR. SCHEVECK: -- of the Christmas event --

11 THE COURT: -- was on the 14th.

12 THE WITNESS: Yes.

13 BY MR. SCHEVECK:

14 Q. And when did you notify Braxton regarding
15 the Christmas event?

16 A. I sent him weekly updates on Sunday
17 through email.

18 Q. So, was that the 13th?

19 A. If that was Sunday, yes. I don't have a
20 calendar in front of me.

21 Q. Oh, December 11th was the Sunday, and
22 then it was on Wednesday is the 14th, right?

23 A. Yes.

24 Q. Okay.

25 THE COURT: So, you're saying you found out

1 about an event on a Sunday?

2 THE WITNESS: No. I said I found out on
3 Friday.

4 THE COURT: Oh, okay, on Friday.

5 MR. SCHEVECK: Okay.

6 THE COURT: And so, that would've been the
7 9th.

8 MR. SCHEVECK: Okay.

9 THE WITNESS: I don't have my calendar.

10 THE COURT: The 11th was Sunday I guess was
11 (inaudible).

12 BY MR. SCHEVECK:

13 Q. So, you were informed on December 9th
14 regarding the Christmas event that was supposed
15 to be held on the 14th of December, right?

16 A. I found out the 9th, yes.

17 Q. Right. That the event started on
18 December 14th, correct?

19 A. Yes.

20 Q. And then you waited a few more days to
21 email or notify Braxton on December 11, 2022,
22 correct?

23 A. Yes, I sent him weekly updates of the
24 kids' schedule on Sundays.

25 Q. Well, did you inform him on the 9th when

1 you found out?

2 A. No, I did not.

3 Q. Did you inform him on the 10th of
4 December?

5 A. I informed him informed him on the 11th
6 in the email.

7 Q. Okay. Where do you work at?

8 A. I work from home right now until I finish
9 my director's degree and then I'm going to be a
10 director at the daycare center.

11 Q. Well, what do you do for work?

12 A. I babysit.

13 Q. How many children do you have?

14 A. I personally have three children.

15 Q. Do you babysit other kids?

16 A. Yes.

17 Q. How many other children.

18 A. Three.

19 Q. Are you licensed?

20 A. No. You don't have to be licensed if you
21 watch one person's children.

22 Q. Now, let's go with --

23 A. I only have one degree left and then I
24 will be licensed.

25 Q. Let me ask you about the disability now.

1 Is -- when did you notify Braxton regarding the
2 disability benefits?

3 A. It would've been sometime in the spring
4 of 2021 when I was informed by Kim that he could
5 probably get access.

6 Q. Do you have any emails, texts, any
7 recordings that he was notified of the disability
8 benefits?

9 A. We talked about it at Town Pump when we
10 were exchanging children.

11 Q. Well, when was that?

12 A. It would've been probably around May when
13 I started filling out paperwork.

14 Q. May of?

15 A. May 2021.

16 Q. When did you apply for the disability
17 benefits?

18 A. May of 2021.

19 Q. Okay. And do you have a copy of your
20 application for the disability?

21 A. I do not. They're supposed to be mailing
22 one because they're not allowed to email it or
23 fax it, but it hasn't shown up in the mail yet.

24 Q. When did you request it then if you've
25 completed this in 2021?

1 A. Because I didn't need that application
2 until now.

3 Q. Now --

4 THE COURT: I think he asked you when did you
5 request the copy.

6 THE WITNESS: On -- it would've been Monday
7 when the caseworker called me back.

8 THE COURT: This past Monday?

9 THE WITNESS: Yes.

10 THE COURT: So, two days ago?

11 THE WITNESS: Yeah, Monday, yeah.

12 BY MR. SCHEVECK:

13 Q. And is Braxton an authorized user of the
14 file? Could he get that information or you can
15 only grab that information?

16 A. He is listed as the Father and he is
17 not -- doesn't get granted access because it's my
18 household information. He would have to file a
19 separate disability case, as the Social Security
20 worker probably told him.

21 Q. Well, I don't know anything about that.

22 A. It goes off your home income. And they
23 know about child support and everything that he's
24 supposed to be paying.

25 Q. So, just a simple answer to my question

1 is no, he's not authorized to get that
2 information from the disability office?

3 A. Not my financial records, no.

4 Q. Because you didn't put him down as one of
5 the authorized users, you did, right?

6 A. He's listed as the Father, but he's not
7 on the main one because they told me to only put
8 household information on there. It's just like
9 WIC and Medicaid and all of that.

10 Q. Right.

11 A. He's not in the household.

12 Q. So, let me ask you -- is -- how many
13 times in the last -- how many times have you been
14 held in contempt of court, Tara?

15 A. Three, I believe.

16 MR. SCHEVECK: Right. And what we submitted
17 was Exhibit 1 through 4. And, Judge, we'd like
18 to enter those into evidence. They've already
19 been -- it's already part of the file, Judge.

20 THE COURT: Well, I already told you I'm not
21 going to admit them into evidence cuz they are
22 part of the file.

23 MR. SCHEVECK: Oh, okay.

24 THE COURT: I mean they're just -- they are --
25 I'll take judicial notice that they have been

1 issued. The file reflects that.

2 BY MR. SCHEVECK:

3 Q. So, in your last contempt order, Tara --
4 is -- do you remember when the Judge indicated
5 that at this point forward, including all contact
6 information for Braxton, to all those who provide
7 any kind of service to the party's children
8 giving Braxton prior notice of every non-
9 emergency service provided to the parties'
10 children. Do you agree with that statement?

11 A. Yes.

12 Q. Giving Braxton notice of each emergency
13 service provided to the parties' children as soon
14 as reasonably practical. Okay. Now, you agree
15 with me -- is -- you didn't tell Braxton
16 regarding the most practical, soon as possible,
17 when you found out on December 9th you waited two
18 days after to inform him of the Christmas, right?

19 A. What's your question?

20 Q. Do you think that you gave practical
21 notice when you found out on the 9th of December,
22 waiting two days to tell Braxton regarding a
23 Christmas function for one of the children?

24 A. Yes.

25 Q. And I know that you are a -- you work as

1 well. Can you just take off work when you feel
2 like it or do you have to get permission from
3 your employer?

4 A. I can take off work when they need to
5 because of my son's disability.

6 Q. Have you ever worked in a place where you
7 had to get permission before you had to leave?

8 A. Probably back in the day, yes.

9 THE COURT: Okay. Now, I'm confused. I
10 thought that you were babysitting somebody's
11 three children.

12 THE WITNESS: Yes.

13 THE COURT: I was thinking it was at your
14 home.

15 THE WITNESS: Yes.

16 THE COURT: It is?

17 THE WITNESS: Yes. I have their permission to
18 transport the children with me.

19 THE COURT: Okay. So, it's not that you're
20 working for some daycare watching these kids,
21 it's at your home?

22 THE WITNESS: Yeah.

23 THE COURT: Okay.

24 THE WITNESS: I'm just taking the director's
25 license to start working again at the daycare

1 center.

2 THE COURT: Okay. Continue, Mr. Scheveck.

3 BY MR. SCHEVECK:

4 Q. Is -- how far away are you from getting
5 your director's license?

6 A. I just have a three-hour meeting left
7 that's on March 7th.

8 Q. How much -- do you get paid cash or how
9 do you get paid, by the way?

10 A. I will get a paycheck when I start at the
11 daycare.

12 Q. No, I'm talking about right now.

13 A. Oh, I just get cash.

14 Q. Do you report that to Uncle Sam?

15 A. Do what?

16 Q. Do you report that to Uncle Sam?

17 A. Yes, I will be when I file taxes.

18 Q. Have you been doing this in 2021?

19 A. No.

20 Q. '22?

21 A. In 2021 I was working at a daycare
22 center. And in the beginning of 2022, I was
23 actually working at a daycare center, too, and I
24 got monthly checks that are recorded to Uncle Sam
25 and will be on my tax return.

1 MR. SCHEVECK: Okay. One moment, Judge.

2 Sorry, Judge.

3 BY MR. SCHEVECK:

4 Q. Is -- you testified that Braxton has been
5 disengaged in services; is that correct?

6 A. Yes, he was.

7 Q. So, how can he be disengaged when he's
8 held you in contempt three times for you not
9 following the Parenting Plan or informing him of
10 treatment therapy sessions, how could you say
11 that he's not being involved or trying to attempt
12 to be involved when he's held you in contempt for
13 frustrating the contact?

14 A. He's had all their contact information
15 and he tried saying that I never gave it to him.
16 And it's been in all the transcripts as well that
17 he's had all that information back to August 7th
18 of 2020.

19 Q. But he's been in contact with his -- with
20 Z.G.1's OT therapist, right?

21 A. No, not to my knowledge.

22 Q. He's been in contact with the speech
23 therapist at Holy Rosary, correct?

24 A. Back in 2021.

25 Q. Okay. He's been in contact with Jordan

1 Huffman here in Sidney, are you aware of that?

2 A. No, I'm not aware of that.

3 Q. He's been in great contact with Kim
4 Beaner regarding the ABA, hasn't he?

5 A. Yes.

6 Q. Yeah. But you're still saying that he's
7 just not interested in parenting, right?

8 A. I did not say that.

9 Q. He's just not engaged as he used to be;
10 is that what you're telling me?

11 A. There was like a year where he was not
12 engaged in between.

13 Q. Okay. And that is why the Court held you
14 in contempt I believe twice in one year; is
15 that -- regarding 2021 and '22?

16 A. I don't have those papers in front of me,
17 so I don't know what I'm held in contempt for
18 with those ones.

19 Q. Okay. Let's go with the Order. Okay.
20 Do you remember receiving an Order on October 20,
21 2022, does that ring a bell?

22 MS. COLEMAN: Your Honor, I'm going to object.
23 Those matters have been decided.

24 MR. SCHEVECK: Judge, it goes to the fact that
25 Braxton is -- he's really attempting to be

1 engaged in the raising of his children. However,
2 is -- Tara is frustrating the contact. That's
3 why the Court is holding her in contempt and I'm
4 reminding her of how many times that she's been
5 held in contempt.

6 THE COURT: I think she remembered how many
7 times. I have taken -- I know what's in the
8 file, those orders are in the file regardless of
9 what she says about them. So, I know what I've
10 ordered her to do. So, you can go on with a
11 different question. Cuz the point I guess you
12 need to make is that she knows about these orders
13 and she's already acknowledged that she does.

14 MR. SCHEVECK: Yes, Judge. No further
15 questions.

16 THE COURT: Any redirect?

17 MS. COLEMAN: Yes, Your Honor, just real
18 quick.

19 **REDIRECT EXAMINATION**

20 BY MS. COLEMAN:

21 Q. So, Tara, do you interpret the
22 arrangement between you and Braxton for changing
23 a meeting day for his weekend time from Friday --
24 from Thursday to Friday, do you interpret that as
25 an agreement that you have in place or at minimum

1 the schoolyear?

2 A. Yes.

3 Q. Did you interpret the email that I
4 forwarded you from Braxton's attorney on the
5 topic of the Christmas weekend handoff, did you
6 interpret that email in a manner that they agreed
7 with what we -- with what you thought?

8 A. Yes.

9 Q. Okay. So again, do you have any
10 recollection of the -- well, I don't have
11 anything further on that, Your Honor.

12 Well, lastly, do you think that this has
13 turned in a vicious discussion about roads when
14 in actuality it's a discussion about how people
15 are interpreting the agreement that's in place
16 between the two of you?

17 A. Yes.

18 Q. Are you presently accountable to provide
19 financial -- your financial information to anyone
20 other than child support?

21 A. No.

22 Q. Or are you accountable presently provide
23 your financial information for your household to
24 Braxton?

25 A. No.

1 Q. Tara, do you think this is a bit of a
2 twisting of a situation that you have been
3 accused of not providing information related to
4 disability --

5 MR. SCHEVECK: Judge, objection. That's
6 leading.

7 THE COURT: You are leading.

8 MS. COLEMAN: All right.

9 THE COURT: Sustained.

10 MS. COLEMAN: I don't have anything further on
11 that, Your Honor.

12 THE COURT: Recross, Mr. Scheveck?

13 MR. SCHEVECK: No, Judge.

14 THE COURT: Any other witnesses, Ms. Coleman,
15 on the issue of the Motion for Contempt?

16 MS. COLEMAN: No, Your Honor. Thank you.

17 THE COURT: Any witnesses from you on the
18 issue of the Motion for Contempt, Mr. Scheveck?

19 MR. SCHEVECK: Judge, we'll call Braxton
20 Greenlow.

21 THE COURT: Raise your right hand to be sworn.
22 After you're sworn, Mr. Scheveck will take your
23 testimony. I'll let you stay sitting there.

24 **BRAXTON GREENLOW,**
25 called as a witness herein, after having been

1 duly sworn, was examined and testified as
2 follows:

3 MR. SCHEVECK: Judge, is that okay if I grab
4 another mic?

5 THE COURT: I don't know if they reach. Well,
6 you can -- why don't you both move to this other
7 table --

8 MR. SCHEVECK: Oh, yeah.

9 THE COURT: -- where there are two mics.

10 MR. SCHEVECK: Oh, good thinking, Judge.

11 **DIRECT EXAMINATION**

12 BY MR. SCHEVECK:

13 Q. All right, Braxton.

14 Judge, can you hear me?

15 THE COURT: Yes.

16 BY MR. SCHEVECK:

17 Q. Braxton, can you please state your first
18 and last name for me?

19 A. Braxton Greenlow.

20 Q. And what is your occupation?

21 A. I work for Kinder Morgan.

22 Q. Okay. And why are you here today?

23 A. To testify to Tara's contempt and to try
24 to amend the Parenting Plan.

25 Q. So, basically, there's a few issues

1 regarding contempt. And one of the big ones is
2 the October 26, 2022, and that has to do with
3 being informed of IEP's or IOP's, excuse me. And
4 what were you doing at that time?

5 A. I was working.

6 Q. Where were you working at?

7 A. I was working east of Williston. More
8 specifically, I was driving on Highway 1804.

9 Q. And who were you contacted by?

10 A. Kim Beaner.

11 Q. And who is she to you?

12 A. She is my son's ABA -- primary ABA
13 specialist.

14 Q. And what did she talk to you about?

15 A. She asked me -- or what does she talk to
16 me about or what did she.

17 Q. What did she.

18 A. She asked me if I wanted to be a part of
19 my son's IEP meeting, informed me of everyone
20 that was in the room, and then in which I replied
21 yes. And then she just kept me on speakerphone
22 while the meeting commenced.

23 Q. Okay. When were you notified this IEP
24 meeting?

25 A. The moment in which I was called was the

1 first that I was made aware of the meeting.

2 Q. Okay. Did you -- at that time, did you
3 express concerns or were you grateful that you
4 just got a phone call?

5 A. I was just grateful that I got a phone
6 call.

7 Q. And then what happened after that?

8 A. I remained on the phone, lost service
9 once. Kim Beaner called me back on a separate
10 phone, well, she called me back anyways. And
11 then we took a break for Tara to pick up her kid,
12 to pick up Z.G.1 from one of his appointments.
13 And then we continued again, I think probably 20
14 minutes later.

15 Q. Okay. So, let me ask you. When were you
16 ever informed of this disability benefits
17 package?

18 A. Never.

19 Q. You heard testimony that you guys talked
20 about it while on one of the exchanges.

21 A. No, that did not happen.

22 Q. When did you -- how did you become aware
23 of this disability benefits package?

24 A. I started a -- I called and found out
25 myself. Somebody had mentioned to me that my son

1 probably would qualify for such benefits. And I
2 was curious as to whether or not my son was, so I
3 reached out to Social Security in Billings,
4 Montana. I was given instructions on how I could
5 be given the information that I was requesting
6 and I was able to obtain it that way.

7 Q. Okay. And why are you seeking you to be
8 on -- to be an authorized user of that
9 disability?

10 A. I am just trying to -- I just feel that
11 it is my right as a father to know and be a part,
12 you know, my son is on disability, I should know
13 that.

14 Q. As for to see what type of therapy
15 sessions or what type of help he's seeking?

16 A. Right.

17 Q. From your understanding, is -- what is
18 Z.G.1 seeking as part of the disability benefits
19 package?

20 A. I don't know. I'm not entitled to any of
21 that information.

22 Q. But from Tara, though, what are you being
23 told?

24 A. Nothing. What am I being told about
25 the --

1 Q. Disability benefits.

2 A. That I'm not allowed to have any of the
3 information. I'm not being told anything outside
4 of this courtroom.

5 Q. But is she keeping you updated on
6 appointments like OT or speech therapy?

7 A. Yes.

8 Q. Okay. But nothing in regards to what
9 other services the disability benefits pays for?

10 A. No, yeah.

11 Q. Is it basically do you want to be
12 authorized to see all of the therapy notes, the
13 EOB's to make sure that you're not missing any
14 appointments?

15 A. Yes.

16 Q. All right. So, let's go with December
17 21, December 22nd. Is -- I believe looking
18 at -- what was your understanding when it came to
19 the school schedule and an actual schedule that
20 was actually going on?

21 A. So, my understanding was that if Z.G.2
22 were to -- if the children were to come to my
23 house as they would according to the Parenting
24 Plan, then my daughter would miss too much school
25 and not be allowed to graduate into the next

1 schoolyear.

2 Q. What is Z.G.2's school schedule right
3 now?

4 A. Monday through Friday.

5 Q. What is the Parenting Plan right now,
6 what does it provide for your parenting time?

7 A. Monday -- I mean Thursday evening to
8 Sunday evening.

9 Q. And you have to -- where do you pick up
10 the minor children?

11 A. Glendive, Montana.

12 Q. So, what was the agreement, looking at
13 Exhibit H and Exhibit I, is -- what is the
14 agreement when it came to those Fridays?

15 A. That for the purpose of Z.G.2 being in
16 school, I would not be able to have the children
17 according to the Parenting Plan. Otherwise,
18 Z.G.2 would miss too much school. So, the
19 agreement was that on school days, on days in
20 which Z.G.2 was in school, I would not be able to
21 take them.

22 Q. So, it was mentioned a few times
23 regarding school days. Well, what does school
24 days mean as a normal person, how do you take as
25 a school day to you?

1 A. A day in which my child is in school.

2 Q. So, looking at Exhibit H, is -- did you
3 write that or did she write that?

4 A. I wrote that.

5 Q. Okay. And at that point she agreed,
6 right?

7 A. Yes.

8 Q. On that last sentence can you please read
9 that?

10 A. Yes. "So, after this weekend we need to
11 find some kind of compromise where I can make up
12 the days that I won't have the kids on school
13 days."

14 Q. And those are -- what day are you
15 referring to?

16 A. What do you mean?

17 Q. Is it a Friday?

18 A. Yes.

19 Q. Okay. And then it was brought up on
20 Exhibit I. Can you tell the Court what was the
21 reason for Exhibit I?

22 A. The reason for Exhibit I is because my
23 daughter was going to school that day. And so,
24 we were unable to meet on Thursday.

25 Q. What does the Parenting Plan state

1 regarding appointments and events on your time?

2 A. That I inform Tara within reasonable
3 notice of any appointments and such.

4 Q. Okay. Let's go with the December 22nd
5 visit of 2022. Does that ring a bell?

6 A. Yes.

7 Q. Okay. Can you tell the Court what
8 happened?

9 A. For the December 22nd visit this was
10 after -- this was Christmas weekend, correct?

11 Q. Yeah.

12 A. I picked up the kids on Friday in
13 Glendive three hours early. Tara was -- I guess
14 some appointments got moved around and Tara was
15 able to meet me earlier and offered that to me
16 and which I accepted.

17 Q. Did you ask for the children on Thursday
18 night as per the Parenting Plan?

19 A. Yes.

20 Q. And what was her response at first?

21 A. Her response was that her daughter -- our
22 daughter has cheer and that we would have to wait
23 and see. That also, the road conditions were
24 going to probably be bad.

25 Q. Was that the only excuse she made or was

1 there other ones?

2 A. That is the only excuse she made.

3 Q. What about for therapy?

4 A. That was not made at the time.

5 Q. Was cheer canceled?

6 A. It was eventually canceled, yes.

7 Q. Were the roads around Glendive closed?

8 A. No.

9 Q. No. And how do you know that?

10 A. Because I was checking the road report on
11 mt.gov.

12 Q. Okay. And so, did Z.G.2 or Z.G.1, did he
13 have -- did they have school the next day?

14 A. No.

15 Q. Did they have school on that Thursday?

16 A. No.

17 Q. No. So, you're asking for your time cuz
18 it wasn't a school day, was it?

19 A. No, it was not.

20 Q. And do these type of things happen where
21 if the children don't have school on that Friday,
22 do you get the children?

23 A. No. I mean it's the only instance in
24 which it's come up so far, but you would think.

25 Q. Are you aware of any dentist appointment?

1 A. No.

2 Q. Has she ever informed you of dentist
3 appointments for the children?

4 A. Upon request before the summer of 2022, I
5 requested information regarding the children's
6 previous dental visits. Ms. Losinski provided me
7 with the name of the dentist that the kids were
8 receiving dental work from, or going to for their
9 checkups.

10 Q. Were they referred to a specialist in
11 Billings?

12 A. Yes. Z.G.1 was referred to a specialist
13 in Billings. He was unable to receive his check
14 up, his cleanings at the time due -- he just --
15 his autism, his sensory issues.

16 Q. And at any point, do you -- have you ever
17 been informed of who the specialist was in
18 Billings?

19 A. No.

20 Q. Have you asked for that specialist's name
21 from --

22 THE COURT: Mr. -- okay. Mr. Scheveck, I know
23 Ms. Coleman is not objecting, but I don't think
24 anything about dentist appointments was raised in
25 your Motion for Contempt.

1 MR. SCHEVECK: Judge, you are right, Judge.

2 MS. COLEMAN: And Your Honor, I'm downloading
3 a response. I'd like to keep this on the record.
4 We have proof of communications about the
5 dentist.

6 THE COURT: Well, I'm not -- it's irrelevant
7 to me because it's not on the table. It hasn't
8 been raised. And so, I'm not going to
9 contemplate holding your client in contempt for
10 not telling the children's Father about dentist
11 appointments cuz that wasn't raised. So, Mr.
12 Scheveck, if you could just stick to the things
13 that you did raise, so we make sure that
14 everybody's due process rights are protected,
15 please.

16 MR. SCHEVECK: Yes, Judge.

17 BY MR. SCHEVECK:

18 Q. So, you agree you heard testimony from
19 Tara alleging that the last year-and-a-half
20 you've just been kind of backing up on raising
21 the children, did you hear that?

22 A. Yes.

23 Q. However, is -- how many times have you
24 made contact or attempted to make contact with
25 their therapist, their teachers, ABA?

1 A. Plenty.

2 Q. How often do you talk to Kim Beaner?

3 A. Almost on a weekly basis, give or take.

4 Q. How many times have you attempted to try
5 to call the Special Ed teacher, the UIP (sic)
6 professor?

7 A. Joann Gresens?

8 Q. Yep.

9 A. Once.

10 Q. And what is your relationship to her?

11 A. She is my son's primary Special Ed
12 director at the school he is attending.

13 Q. Okay. Have you been trying to -- did you
14 get a hold of the OT therapist?

15 A. Yes.

16 Q. How about the speech therapist?

17 A. Yes.

18 Q. Is there any other therapists that you're
19 aware of that you haven't tried to contact?

20 MS. COLEMAN: Your Honor, my client is the one
21 being held in contempt, so I do object to this
22 line of questioning. I'm not quite sure why Mr.
23 Greenlow is being questioned at this point about
24 his contact with (inaudible).

25 MR. SCHEVECK: Cuz, Judge, I believe that

1 there's allegations from Respondent that
2 Petitioner is disengaging in counseling, Judge.

3 THE COURT: But that was her defense for not
4 having told him something that -- well, I think
5 you already established the contact he's made
6 with people, even the counselors who've testified
7 are the people who testified in support of Ms.
8 Losinski, acknowledged the contact that had been
9 made. So, if there's anything other than what's
10 already been put on the record here today about
11 his contact with those people, go ahead and cover
12 that.

13 MR. SCHEVECK: Right.

14 THE COURT: But no sense rehashing what I
15 already know from what's been admitted already by
16 the counselors that have testified.

17 MR. SCHEVECK: So, Judge, at this point
18 regarding the -- just the contempt, no further
19 questions.

20 THE COURT: Okay. Cross examination, Ms.
21 Coleman.

22 MS. COLEMAN: Thank you, Your Honor.

23 **CROSS EXAMINATION**

24 BY MS. COLEMAN:

25 Q. So, Braxton, did you ever ask Tara about

1 disability benefits for your child?

2 A. No.

3 THE COURT: I'm sorry. I was coughing. And I
4 didn't hear. Did you ever ask Tara what?

5 MS. COLEMAN: I asked Mr. Greenlow if he had
6 ever asked Tara about disability benefits for his
7 child.

8 THE WITNESS: No.

9 BY MS. COLEMAN:

10 Q. Did you approach the disability entity of
11 SSI to find out how much you would get if you
12 were to get the benefits if you had Z.G.1 in
13 your -- at your home?

14 A. No.

15 Q. Have you ever asked Kim Beaner how much
16 money you would make from disability payments?

17 A. No.

18 Q. And you do realize, Braxton, that you're
19 under oath; is that correct?

20 A. Yes.

21 Q. Did you or your attorney ever approach
22 Tara about, I'm referring to the topic about what
23 day your Christmas visit was going to begin, did
24 you or your attorney, your attorney would be
25 approaching me, but did either one of you ever

1 approach us about changing the day under the
2 argument that you thought you were -- it was your
3 day?

4 A. The Court has already established that
5 that's my day. It would be a moot point.

6 Q. No, that's a yes or no. No, that's a yes
7 or no. I'm asking did you approach Tara or did
8 your attorney approach me as if you assumed it
9 was your day, so therefore, you had to have him?

10 A. Off the top of my head, no, I don't
11 believe so.

12 MS. COLEMAN: Your Honor, I don't have
13 anything further at this point related to these
14 topics.

15 THE COURT: Redirect?

16 MR. SCHEVECK: Yes, Judge, I'll be brief.

17 MS. COLEMAN: Your Honor, I apologize. I'm so
18 sorry. But I really did remember two important
19 things, if I may.

20 THE COURT: Go ahead.

21 MS. COLEMAN: Thank you.

22 BY MS. COLEMAN:

23 Q. Braxton, did you convey to the Court your
24 Affidavit in Support of your Motion for Contempt
25 dated December 6th that you were prevented from

1 being involved in the IEP?

2 A. No, that's not what I meant in my
3 affidavit.

4 Q. No. Is that what you said in your
5 affidavit?

6 A. I don't have my affidavit right in front
7 of me.

8 Q. Well, let's all hit pause. Because this
9 is -- I would argue that this is important
10 because I would -- I -- it's important. And
11 the -- your affidavit is part of the court
12 record. Your Honor, I did submit it as Exhibit
13 Z.

14 THE COURT: Yeah. I'm going to tell you
15 attorneys to stop doing that, stop submitting
16 things that are filed in the court file as
17 exhibits. They are in the file. So, I'm just
18 going to get into the file and look at it in the
19 file. Both of you did it. It's silliness cuz
20 it's already part of the file.

21 And, Diane, can you call the State and
22 ask them if there's some way to get this stupid
23 FullCourt to quit pausing me out or whatever when
24 I've been on it and it just kicks me off all the
25 time, like, find out why does it do that. I keep

1 having to go back in even though I'm sitting here
2 looking at documents in the file. So, if you
3 could make a note to ask IT what the heck that's
4 all about, please.

5 MR. SCHEVECK: Judge?

6 THE COURT: Yes.

7 MR. SCHEVECK: Oh, sorry.

8 THE COURT: This is already since 1:15, this
9 is the third time I've had to get on again even
10 though I'm looking at documents in it. It's
11 weird. Which affidavit are you looking at? The
12 one that I'm dealing with is the one filed on
13 January 11th.

14 MR. SCHEVECK: And that was my question,
15 Judge.

16 MS. COLEMAN: Your Honor, I am asking about
17 the one filed on December 5th where I (inaudible)
18 and Your Honor, Mr. Greenlow portrayed to the
19 Court that he didn't participate in the IEP. I
20 do realize that they filed an amended affidavit
21 and yet I'd like to ask him questions about why
22 he sent it to the Court when he hadn't
23 participated.

24 THE WITNESS: I --

25 THE COURT: What paragraph are you looking at?

1 MS. COLEMAN: Your Honor, I believe I'm on
2 Number 12. I am on Number 12.

3 THE COURT: Okay. Go ahead.
4 BY mcc

5 Q. Mr. Greenlow, in that Number 12 did you
6 say in your sworn affidavit that you --
7 Respondent had not informed you "of any of our
8 child's IEP meetings. This has prevented me from
9 being involved with a very instrumental portion
10 our child's education, mental health and
11 development and changing needs." Did you say
12 that?

13 A. Yes.

14 Q. So, do you believe it is appropriate to
15 lie to the Court?

16 MR. SCHEVECK: Judge, objection. That is a
17 misstatement of -- that's a misstatement, Judge.

18 MS. COLEMAN: It's blatant.

19 THE COURT: Well, no. Because it could mean a
20 lot of things. It could mean that you get notice
21 of a meeting that's supposed to start at 1:00 at
22 1:15 and you're at work and that's (inaudible) is
23 that the -- is that October 26th IEP the first
24 IEP (inaudible) participated in?

25 THE WITNESS: Yes.

1 THE COURT: And is it --

2 MS. COLEMAN: Your Honor, but we didn't take
3 testimony about whether there had been others.
4 And that -- I just --

5 THE COURT: I would imagine that there have
6 been others if this child has been receiving care
7 from all of these witnesses you've already
8 presented since he was three years old and he's
9 five now. I would imagine -- the one witness
10 said you have to have it every year, which I know
11 is the federal law, you have to have one every
12 year.

13 MS. COLEMAN: (inaudible).

14 THE COURT: (inaudible) been others. This
15 wasn't the first IEP.

16 MS. COLEMAN: And yet, Your Honor, and again,
17 I'm not trying to be disrespectful. I'm just
18 trying to preserve this record.

19 THE COURT: That's fine.

20 MS. COLEMAN: But there wasn't testimony
21 elicited about prior IEP's. And this said, "This
22 has prevented me." How could the Court interpret
23 that any other way than he said I didn't
24 participate, in which he had just participated in
25 two months earlier.

1 THE COURT: Okay. What he said, it's not okay
2 to lie. And I guess what's considered to be a
3 lie can be different things. That's --

4 MS. COLEMAN: (inaudible).

5 THE COURT: No. She never did tell him about
6 the -- she's telling the truth. She didn't even
7 tell him about this one.

8 MS. COLEMAN: And yet, Your Honor --

9 MR. SCHEVECK: True.

10 MS. COLEMAN: -- to portray to the Court that
11 he didn't participate elevates it. There are two
12 sides with unclean hands here, but the Court
13 isn't -- doesn't quite see it that way.

14 THE COURT: I guess I'm troubled, Ms. Coleman,
15 that just five days before the teacher says she
16 told your client that there was going to be a
17 meeting the next day at 1 PM, your client said
18 nothing to him. So, unclean hands, whatever.

19 It makes it really difficult I think for
20 a parent to be meaningfully involved in an IEP if
21 they get a call about it at 1:15 PM when it was
22 supposed to start at 1, and he's at work. What
23 the heck is he supposed -- he's at work, like, if
24 he had known about it the day before when your
25 client found out about it, I find her absolutely

1 incredible when she says that she first found out
2 about it at 12:55 when she got a text from them.
3 There's no way that I can swallow that.

4 Because she sees these people every day.
5 They all say we see (inaudible) so well, every
6 time she drops the kid off, every one of us talks
7 with her, we -- and we told -- and the teacher
8 said I talked to her on the 25th at 11:30 when
9 she dropped Z.G.1 off, and I told her there was
10 going to be a meeting the next day at 1 PM.

11 For her to tell me that she found out
12 about it at 12:55 by getting a text message, I
13 find that hard to believe. I can't imagine that
14 the school would organize an IEP and decide not
15 to tell either parent anything about it, and tell
16 the one that they see every day, they say, at
17 five minutes before the meeting was supposed to
18 start.

19 So, I think it is hard for somebody to be
20 meaningfully involved, to be involved, really,
21 when the only one they find out about is that one
22 and they found out about it at 15 minutes after
23 it's supposed to have started. So, I guess I
24 don't know. Why -- whatever. And whatever. Go
25 on with more questions. But that's where I --

1 this is what I'm thinking with what I've heard so
2 far.

3 MS. COLEMAN: So, Your Honor, I appreciate the
4 Court's candor to us. May I comment?

5 THE COURT: You may.

6 MS. COLEMAN: Thank you. Your Honor, I don't
7 think that the IEP communication went perfectly.
8 I just -- I can't say that to you, Your Honor.
9 I -- this is just -- there are two parts to this.
10 This is just my personal opinion. Ms. Gresens
11 seems like a wonderful teacher. It's just an
12 opinion. She seemed a little bit -- when I met
13 with her, what she conveyed to me when I met with
14 her last week was different than what she
15 conveyed today. She seemed a little bit
16 scattered.

17 THE COURT: I know, but one of the things she
18 said, Ms. Coleman, was that even the reason why
19 she was having this IEP that she thought needed
20 to be done by November 3rd was that your client
21 came and told her about a contempt hearing that
22 she just had, which, Your Honor, my order is
23 dated October 20th (inaudible) she must've
24 written down somewhere what day the hearing was.
25 I don't think I wrote the order on the day of the

1 hearing on that one. But she said that your
2 client came and talked to her about having had a
3 contempt hearing. And that was she was concerned
4 maybe that the child would be moving to Sidney,
5 and that that's why she was having it and having
6 this IEP meeting,

7 So, it sounded like your client was
8 involved in there suddenly having been an ISP
9 meeting. It isn't as if the school just on its
10 own decided to do that day early cuz she got done
11 saying we were doing it early because of the
12 concerns with the contempt. And so, she's a
13 little bit scattered, maybe she might've been,
14 she was really believable that the only reason
15 she was doing this on the 26th was that your
16 client had approached her about having had a
17 contempt hearing.

18 And so, it seems to me from the testimony
19 of Ms. Gresens that your client was in the know
20 about this. She knew that there was going to be
21 a meeting cuz she was requesting it.

22 MS. COLEMAN: Your Honor, again, I don't know
23 that I can completely -- how that exactly played
24 out, I mean the Court, and I might have different
25 opinions, but I mean respectfully, I don't think

1 I can, you know, argue completely with you. But
2 just in candor --

3 THE COURT: Well, go ahead and say what you're
4 thinking. But I just know that I heard from the
5 testimony you elicited.

6 MS. COLEMAN: I know. I think that there's
7 there's a possibility that it is what Ms. Gresens
8 said to me last week. But she might've found her
9 notes and maybe she told Tara about it the day
10 before. I do think Tara, out of terror from the
11 last contempt hearing, somehow got this ball
12 rolling. But I do think that there is the
13 possibility that there was a last-minute
14 communication to Tara because all these people
15 were in the building.

16 But -- and then I'll just be really
17 upfront. Then they can argue (inaudible) make
18 this argument. They could argue well, she
19 should've texted Braxton right away. Here's what
20 I just am trying to be candid with the Court. I
21 don't think the Court has a complete picture of
22 what is transpiring with these people and what
23 their history is. And I think that there needs
24 to be a different -- they need to figure out how
25 to work better together. Or else they're just

1 going to keep showing up. I mean, you know, we
2 can take testimony on some of the things, he
3 could've come before -- she could've come before
4 you for contempt on Braxton, but she couldn't pay
5 an attorney.

6 But, Your Honor, so that's my only point.
7 I have to (inaudible) IEP, okay. There's just
8 more to this story.

9 THE COURT: I'm sure (inaudible). I guess
10 what's troubling is that in this day and age,
11 when there's a way to prove that you did
12 something by just having sent him a text, which
13 is an easy thing to do, that didn't happen. And
14 this is just a few days -- this business of the
15 IEP is just a few days after my order told her,
16 you know, let him know about these things, you
17 know.

18 Plus, in March I had adopted an Amended
19 Parenting Plan that included a paragraph that
20 said people -- that the parents are going to
21 notify the other of things involving the child as
22 soon as they can. That's not the language, but,
23 you know, like, they were going to quickly let
24 each other know. And so, then she just got in
25 trouble for it. So, it's, like, it's worrisome

1 to me that she didn't say something.

2 MS. COLEMAN: I understand, Your Honor. I do
3 (inaudible) why we had -- and when I approached
4 Tara about the My Family Wizard, she said yes.
5 And I actually think Braxton might be willing to
6 do something, he just wanted to do something
7 else. I think the Court thinks that she is being
8 awful. And I think that the other side is trying
9 to take advantage of painting her that way, and
10 they can disagree.

11 But I think there are two sides to this.

12 THE COURT: Well, there always are.

13 MR. SCHEVECK: I guess, Judge --

14 THE COURT: And I -- the Family Wizard thing,
15 that might be something as -- that may be
16 something that results from this. But whether
17 she was contemptuous in what happened here is
18 a -- it'll be connected probably. But we
19 don't -- I didn't have -- we didn't have the
20 Family Wizard yet. And even despite there not
21 being Family Wizard, there are other means by
22 which you can communicate with each other and
23 have a record of that communication.

24 MS. COLEMAN: I agree, Your Honor. Unless
25 I -- I just -- I think that Tara has had some --

1 I think she has a valid argument where, you know,
2 Braxton is showing up. He's, you know, we might
3 be a little bit skeptical about his reasons why,
4 but he's showing up. I think in Tara's mind
5 there's been major periods where he didn't. And
6 that has influenced her. But --

7 MR. SCHEVECK: I guess, Judge, is --

8 MS. COLEMAN: -- I'm not arguing the IEP.

9 MR. SCHEVECK: I guess, Judge, when is this
10 going to stop? I mean this is the fourth time --

11 THE COURT: Well, I don't know. But
12 hopefully, it's going to -- we're doing to -- I
13 don't believe we're going to get done today now.
14 We haven't even finished the first motion. So, I
15 don't know when this is going to stop, actually,
16 to tell you the truth.

17 I don't want any more repeated of
18 anything that's already been covered.

19 MR. SCHEVECK: I mean I understand.

20 THE COURT: And I -- it's my job to try to
21 figure out how to make it stop here. And the
22 efforts I've made so far have failed. So, I will
23 come up with yet a different solution here at the
24 end if I conclude that she's in contempt, and
25 then we'll move on to your Motion to Amend. And

1 that might fix things too, I don't know.

2 So, let's finish this. Let's finish.
3 We're on the cross examination of Mr. Greenlow
4 (inaudible) let him finish.

5 MS. COLEMAN: No, I'm fine. I've asked a
6 couple of things I wanted to ask, Your Honor.
7 Thank you.

8 THE COURT: Okay. Do we have any redirect on
9 that?

10 MR. SCHEVECK: Not on those issues, Judge, no.

11 THE COURT: Okay. Do you have any other
12 witnesses besides your client on the issue of
13 contempt?

14 MR. SCHEVECK: No, Judge.

15 THE COURT: Okay. So, I'm going to hold off
16 until we're done with the other motion deciding
17 this one. So, let's move on to the Motion to
18 Amend the Parenting Plan. We had taken some
19 testimony of some of the witnesses already. And
20 just one second because I want to connect up my
21 notes.

22 Okay. So, what I have is that we've
23 heard from Joann Gresens, Kimberly Beaner, from
24 Ms. Losinski's side of things on the Motion to
25 Amend. Since that is Mr. Greenlow's motion, Mr.

1 Scheveck, call your first witness.

2 MR. SCHEVECK: Judge, we're going to call
3 Michelle Monsen.

4 THE COURT: Okay. Can you -- I -- she's not
5 in the waiting room because she's one of the ones
6 that I --

7 MR. SCHEVECK: We'll just call her.

8 THE COURT: -- disconnected before lunch and
9 told her that you would call her.

10 MR. SCHEVECK: We're calling her right now,
11 Judge.

12 THE COURT: Okay. So, I guess while you're
13 calling her, I'm going to go use the restroom.
14 So, if anybody else needs to use the restroom, go
15 ahead and do that, and then as soon as we're all
16 back here, let's try to get back quickly, we'll
17 take her testimony.

18 MR. SCHEVECK: Thank you, Judge.

19 (Whereupon, a break was taken.)

20 THE COURT: All right. We're back on the
21 record on DR-19-14. We have Michelle Monsen
22 who's been called as the next witness.

23 CLERK: We're missing --

24 THE COURT: If you could --

25 CLERK: -- Mr. Scheveck.

1 THE COURT: (inaudible).

2 CLERK: I'll go in the hallway --

3 THE COURT: (inaudible) other people, please.

4 DANIEL: I do see Ms. Monsen on zoom.

5 THE COURT: Well, I know she's there. But we
6 can't proceed without the attorney --

7 DANIEL: Right, yeah.

8 THE COURT: -- his client. That's who I don't
9 see in the courtroom. Okay. We've got Ms.
10 Monsen. Ms. Monsen, if you'd raise your right
11 hand to be sworn, Mr. Scheveck will begin taking
12 your testimony.

13 **MICHELLE MONSEN,**
14 called as a witness herein, after having been
15 duly sworn, was examined and testified as
16 follows:

17 **DIRECT EXAMINATION**

18 BY MR. SCHEVECK:

19 Q. Ms. Mosnen, my name is Layne Scheveck.
20 How you doing this afternoon?

21 A. I'm fine. Thank you.

22 Q. Had a pretty busy day today?

23 A. I've been just sitting here.

24 Q. Okay. So, the reason why we subpoenaed
25 you is what is your occupation, Michelle?

1 A. I'm a Special Ed Director for Sidney
2 Public Schools. Among other titles, but.

3 Q. Is -- are you a teacher or are you part
4 of the administration?

5 A. Administration.

6 Q. And how long have you been in the Sidney
7 Special Ed Education Department?

8 A. Thirty-three years, 15 as administration.

9 Q. Quite some time.

10 A. Yeah.

11 Q. Yea. Now, I guess, is -- can you tell me
12 how IEP works in Sidney, Montana?

13 A. If you're referring to Z.G.1 specifically
14 that would let me tighten it up a little.

15 Q. Yeah, that's exactly what I'm talking
16 about.

17 A. Okay. All right. So, if Z.G.1 were to
18 be enrolled in school in Sidney, we would send a
19 records request to Miles City asking them to
20 release his records. We do that electronically
21 and by mail.

22 So, once we receive records, then the
23 student and -- or the school and the parent meet
24 and they give us a reasonable time in which to
25 meet and implement the IEP. And in the state of

1 Montana, they say a reasonable time is within
2 seven days of enrollment. So, we would have our
3 meeting to determine whether or not we accepted
4 the evaluation from another district. And in
5 Montana, we do accept all over Montana.

6 Evaluations -- sorry, my lights turn off.
7 And so, he would just, you know, go right into
8 our preschool with probably an amendment on
9 times, unless his -- I have his October IEP. So,
10 if he were to come here, we would probably just
11 do an amendment of the time that he comes to our
12 program, but we would keep everything else.

13 Q. So, basically, it would maintain or stay
14 the same from Miles City to Sidney?

15 A. Yes.

16 Q. Do you guys work with ABA?

17 A. No.

18 Q. Okay. Is that totally something
19 separate, right?

20 A. Yeah. And I don't know of any ABA
21 therapists in Sidney.

22 Q. Is -- do you know what -- actually, you
23 don't. Is -- I guess, is what type of education
24 or educators in Sidney do you guys have when it
25 comes to these IEP's and these one-on-ones with

1 these kids?

2 A. We have a Special Education teacher for
3 most grade levels. Our kindergarten teacher also
4 is the -- or the preschool teacher. We have two,
5 currently two aides in the preschool and we're
6 searching for another, and that has the kids as
7 they go, first grade has its own Special Ed
8 teacher and paras, second grade, third grade,
9 fourth, fifth, sixth, seventh. And then when
10 they get to the high school, there's three for
11 four grades.

12 Q. So, just educate me here. Is -- when you
13 have an IEP, is it start still like K through 12
14 or what is the curriculum?

15 A. It is pre-K, so preschool through 12.

16 Q. Okay.

17 A. We take children once they're third
18 birthday hits.

19 Q. And who is the teacher for kindergarten
20 or preschool?

21 A. Jordan Houseman.

22 Q. Do you know where she went to school? Is
23 she a good teacher in Sidney?

24 A. Yeah, she's a great teacher. I'm not
25 sure where she went to school. She's been with

1 us for probably I want to say 10 years. She has
2 a Special Ed degree, obviously, and an
3 administrative degree.

4 Q. Is -- how many -- do you have any kids in
5 Sidney School District that are diagnosed
6 autistic?

7 A. Yes.

8 Q. And do you guys have the facilities to
9 educate those children?

10 A. Yes.

11 Q. And what is the ratio when it comes to
12 teacher-to-student with autism?

13 A. You know, autism is such a big spectrum
14 that it just determines -- it's determined by the
15 needs of the student.

16 Q. And have you read the IEP of Z.G.1?

17 A. Yes.

18 Q. Is there anything that is concerning to
19 you that Sidney could not handle?

20 A. No.

21 Q. Why do you say that?

22 A. This is, you know, typical among the
23 students that we have. I'm not sure how they
24 worked his schedule in Miles City, but it looks
25 like he had 150 minutes a week of services. And

1 we have 6 -- I think it's 600 minutes a week, or
2 540. I'd have to do the math again here. Yeah,
3 we're 360 or, I don't know. We go two-and-a-half
4 hours a day, four days a week, how's that?

5 Q. So, is that more or less than Miles City?

6 A. It would be more.

7 Q. More time, more education, right?

8 A. You bet.

9 Q. Have you tried to reach out -- have you
10 got in contact with the Respondent?

11 A. No. Well, he sent emails asking --

12 Q. Well --

13 A. -- whether or not we'd accept his student
14 into our program.

15 Q. I guess that's an unfair question. Have
16 you had contact with Tara Losinski?

17 A. No.

18 Q. Have you had contact with Braxton
19 Greenlow?

20 A. Email contact when he wanted information
21 as to whether or not Z.G.1 would be able to
22 receive services in Sidney.

23 Q. And looking at his IEP, and you being the
24 administrator for the Special Education
25 Department, does Z.G.1 qualify for your services

1 or for Sidney's services?

2 A. Yes.

3 Q. Okay.

4 A. The whole state of Montana would be
5 qualified.

6 Q. Now, part of the curriculum in Sidney is
7 do you guys offer speech therapy in your
8 curriculum?

9 A. Yes.

10 Q. Can you tell me about that curriculum,
11 the speech therapy?

12 A. Well, it's based on his needs. So, it
13 looks like vocabulary. Like I said, whatever his
14 needs are. We have a speech therapist, and we
15 have two speech aides, and they would take him
16 out of the preschool room to do speech and
17 language therapy. I think they go 80 minutes a
18 week in preschool.

19 Q. Okay. And do you guys provide OT
20 treatment?

21 A. With an aide, yes. The hospital, Vince
22 McGlothlin, is the occupational therapist that
23 provides programs for the occupational therapy
24 aides.

25 Q. So, you're telling me that Sidney School

1 District works with Sidney Health?

2 A. Yes.

3 Q. That's kind of cool. What type of
4 services does the hospital provide you guys?

5 A. They come in and do our occupational
6 therapy and physical therapy assessments, and
7 then instruct the aides in programs and they come
8 in when needed, as needed. They do annual
9 reviews and update goals. If the aide thinks the
10 student has met the goals before the annual
11 update, they'll come back and reassess and make a
12 new program.

13 MR. SCHEVECK: Ms. Monsen, I appreciate your
14 time being here today. I have no further
15 questions for you.

16 THE WITNESS: Okay.

17 THE COURT: Ms. Coleman, do you have cross
18 examination?

19 MS. COLEMAN: Just a couple.

20 **CROSS EXAMINATION**

21 BY MS. COLEMAN:

22 Q. Ms. Monsen, my name is Kathy Coleman and
23 I am Z.G.1's Mom's attorney.

24 A. Hi.

25 Q. I'll be quick. Can I just clarify what

1 you said about hours of the Special Ed that he
2 would get in a week. How many hours did you say?

3 A. They come for two-and-a-half hours a day,
4 so it'd be 10 hours a week.

5 Q. Okay. So, were you aware that Z.G.1
6 presently goes 12 hours a week in Miles City
7 11:30 to 2:30 four days a week?

8 A. No. All I see is his IEP saying that he
9 has self-help independence for four --
10 specialized services for self-help independence
11 for 40 minutes a week, the social-emotional is 60
12 minutes a week, OT and speech are 25 minutes a
13 week each.

14 Q. Which I believe your math. I believe
15 your math. I was -- I'm just asking my client
16 who's here and was just (inaudible) so, thank
17 you. So, just one other quick question.

18 A. Sure.

19 Q. So, okay. With the closing of the sugar
20 beet facility in Sidney has that even been a
21 topic in the schools yet about are there any
22 concerns that you might lose specialists or is it
23 not even an issue?

24 A. You know, that's -- our Superintendent
25 sent something out that he's going to actually

1 make a statement on -- for the newspaper. You
2 know, it pretty much looks like if we see an
3 impact, it's not necessarily going to be on our
4 staff, but it's going to be probably the students
5 that are leaving. So, I don't think any of my
6 staff members have family members working that
7 work at the sugar factory.

8 Q. And so, and are you aware -- I didn't
9 think of that. That would makes sense concerned
10 about family members. My question was
11 (inaudible) therefore, then (inaudible) lay off
12 staff or is that not an issue?

13 A. I'm sorry. You cut out.

14 Q. Sure. If you did lose students, would
15 you have to lose staff, you know, by funding or
16 is that not even an issue?

17 A. For me it's not an issue. You know,
18 there's the maintenance of effort that they have
19 to go through. So, once you start cutting
20 people, you really have to prove that you need
21 them to get them back. I've never had issues
22 getting staff. In fact, when the sugar plant was
23 closing, I thought oh, gosh, maybe -- cuz I'm
24 looking to hire a couple more aides still this
25 year. So, I thought gee, maybe somebody will

1 come my way. Yeah, yeah. I don't anticipate --
2 I mean for Special Ed we have the staff we need
3 until we don't need it then I quit advertising.

4 MS. COLEMAN: Okay. Thank you, Ms. Monsen. I
5 don't have anything further, Your Honor.

6 THE COURT: Do you have any redirect, Mr.
7 Scheveck?

8 MR. SCHEVECK: No, Judge, I do not.

9 THE COURT: Okay. You're free to go then, Ms.
10 Monsen. Who's your next witness, Mr. Schiveck?

11 MR. SCHEVECK: Vince McGlothlin.

12 THE COURT: Okay. I think he's in the waiting
13 room, so I'm going to pull him in if he's still
14 there. He is. Mr. McGlothlin, can you start
15 your video and unmute yourself and raise your
16 right hand to be sworn? And then Mr. Scheveck is
17 going to begin taking your testimony.

18 **KENNETH VINCENT MCGLOTHLIN,**
19 called as a witness herein, after having been
20 duly sworn, was examined and testified as
21 follows:

22 THE COURT: If you're speaking, Mr.
23 McGlothlin, we cannot hear you. And I guess are
24 you not on a device that we can see you? You
25 might have to rejoin because my end says you are

1 not muted. But we don't hear you. Do you have a
2 number you could call him?

3 MR. SCHEVECK: Yes, Judge. We're going to
4 call him right now.

5 THE COURT: Okay. Cuz he's not muted and yet
6 I don't hear anything.

7 MR. MCGLOTHLIN: Hello?

8 MR. SCHEVECK: Oh, there you are.

9 THE COURT: Oh, there. Are you not on the --

10 MR. MCGLOTHLIN: Can you hear me?

11 THE COURT: Well, we hear you now. Are you
12 not on a device where we can see you?

13 MR. MCGLOTHLIN: The video won't work, though.

14 THE COURT: We can hear you. Can you hear me?
15 Can you hear us? Hello?

16 MR. SCHEVECK: Kenny --

17 THE COURT: Hello, can you hear us? Call him.
18 He's got something set up wrong because he
19 apparently can't hear us. Can you hear me? Can
20 anybody hear me?

21 MR. SCHEVECK: Yes, Judge, we can hear you.

22 THE COURT: Can you hear me, Ms. Coleman?

23 MR. SCHEVECK: We can hear you.

24 THE COURT: Are you calling him to see why we
25 can't hear him --

1 MR. SCHEVECK: Yes, Judge. Yeah, we're --

2 THE COURT: -- why he can't hear us?

3 MR. SCHEVECK: We're calling him right now.

4 Promise, Judge.

5 THE COURT: Oh.

6 MR. MCGLOTHLIN: Hello?

7 THE COURT: Can you hear me now?

8 MR. SCHEVECK: Ken --

9 THE COURT: Hello?

10 MR. MCGLOTHLIN: Hello?

11 THE COURT: Can you hear me now?

12 MR. MCGLOTHLIN: Hello?

13 MR. SCHEVECK: Kenny, can you hear me?

14 MR. MCGLOTHLIN: Hello?

15 MR. SCHEVECK: Ken?

16 THE COURT: Okay. He -- I sent him a chat and
17 told him we could hear him, but he couldn't hear
18 us. He'll have to rejoin with the right sound
19 settings. He must've read the message cuz he
20 left. So, hopefully he'll rejoin the right way.

21 MS. COLEMAN: Your Honor, would it be possible
22 to have Ms. Monsen (inaudible) have her close
23 out?

24 THE COURT: She can if she wants to. Your
25 people stayed after they were done. She's -- I

1 mean it's a public hearing.

2 MS. COLEMAN: So, that's great. I didn't
3 realize they had. Thank you.

4 THE COURT: Yeah. Ms. Gresens stayed for a
5 while. And Ms. Beaner, too, for a while, Ms.
6 Gresens longer.

7 MR. MCGLOTHLIN: Hello?

8 MR. SCHEVECK: Kenny --

9 THE COURT: Hi. Can you hear us now? Can you
10 hear us? Can you hear us? Hello? Hello? I
11 don't know. Are you calling him? I guess maybe
12 give my staff his number. Maybe they can walk
13 him through how to get on. And then while he's
14 figuring out how to get on, can we take another
15 witness?

16 MR. SCHEVECK: Yeah, Judge, we'll do that.

17 THE COURT: So, maybe just give -- Dan's in
18 the courtroom, we should give it to him. He can
19 email Diane with however to get a hold of her.
20 And maybe, Dan, you can step out after you start
21 the FTR and you can walk him through how to get
22 connected cuz I don't know what else to do. Are
23 you able to do that, Dan?

24 DANIEL: Yeah, I can email. Yeah, I will
25 message Diane, yes.

1 THE COURT: Okay. Diane, do you think you
2 know how to help him get on or do you want Dan to
3 help him?

4 DANIEL: Diane can do it, yeah.

5 THE COURT: Yeah, okay. Then while we're
6 doing that, who's your next witness, Mr.
7 Schiveck?

8 MR. SCHEVECK: Judge, we call Braxton
9 Greenlow.

10 THE COURT: Okay. Mr. Greenlow, you're still
11 under oath. So, you can go ahead and start
12 taking his testimony. And, Mr. Scheveck -- I
13 guess, Ms. Coleman, I know going to be listening
14 to what he's saying, too, but Ms. Coleman, Mr.
15 Scheveck, I'm going to ask you to help me and
16 Dan, help me pay attention to when Mr. McGlothlin
17 comes back in. So, if he comes in while Mr.
18 Greenlow is speaking, I can't stick him in a
19 waiting room.

20 **BRAXTON GREENLOW,**
21 called as a witness herein, after having been
22 previously duly sworn, was examined and testified
23 as follows:

24 **DIRECT EXAMINATION**

25 BY MR. SCHEVECK:

1 Q. So, Braxton, you received an Amended
2 Final Parenting Plan around March 16, 2022,
3 correct?

4 A. Yes.

5 Q. And what is the Parenting Plan as it is
6 as of today?

7 A. It is that I receive the kids on --
8 during the schoolyear Thursday evening to Sunday
9 evening and eight weeks during the summertime.

10 Q. And how many times have you had to file
11 for contempt to see your children or to
12 understand what type of treatment they need?

13 A. Three times.

14 Q. Is this your fourth time?

15 A. This is my fourth time.

16 Q. And I guess is -- what attempts have you
17 tried making yourself to try to get engaged in
18 ABA, IEP for Z.G.1? What steps have you taken to
19 try to engage?

20 A. During the summer months --

21 DANIEL: I believe we have Mr. McGlothlin on
22 back again.

23 THE COURT: Mr. McGlothlin, will you say
24 something? He left. Okay. Continue.

25 THE WITNESS: So, you are referring to the

1 services that he was receiving in Miles City?

2 Q. Correct.

3 A. Okay.

4 Q. Yep.

5 A. So, in 2021, 2020 and 2021, I believe I
6 was working with Christina Warren. She provided
7 services for my wife and I where she just kind of
8 coached us on how to be better parents for Z.G.1.
9 She quit working with him sometime in 2021, I
10 can't be sure as to when off the top of my head.
11 I have worked with Kim Beaner since she started
12 working with Z.G.1 mostly during the summer
13 months. In 2020, in the summers of 2021 and
14 2022 -- no, in 2020 2021, I'm sorry, I went to
15 Miles City, participated in Z.G.1's speech
16 therapy, participated in his occupational therapy
17 with Heidi Brown, participated in his ABA
18 therapy, and DEAP services, asked questions, did
19 everything that I could think of to do.

20 Q. So, I only care about what has happened
21 after March 16, 2022. And you filed a Motion to
22 Amend this Parenting Plan for several reasons,
23 right?

24 A. Right.

25 Q. Right. Now, is -- you had the children

1 over the summer 2022. What was their adjustment
2 to home, school and community when they got back
3 home to you?

4 A. Their adjustment was a pretty smooth
5 transition. Z.G.2 had some small -- some issues
6 with lapse in pottying and things like that, but
7 we quickly addressed that with therapy. Other
8 than that, that is the only negative issue that I
9 can think of as far as transitioning into the new
10 custody agreement that we started in the
11 summertime.

12 DANIEL: I think we have Mr. McGlothlin back
13 on again.

14 THE COURT: Mr. McGlothlin, can you hear us?
15 Mr. McGlothlin, can you hear us? I don't know.
16 Somebody's going to have to help him figure out
17 how to get on with the right sound settings.

18 MS. COLEMAN: Judge, I've been trying his
19 cellphone. I've also tried the Sidney Health
20 Center to try to get ahold of him.

21 THE COURT: Oh, you haven't been able to get
22 ahold of him?

23 MR. SCHEVECK: No, Judge.

24 MS. COLEMAN: No.

25 MR. SCHEVECK: He's at work. He has covid.

1 MR. GREENLOW: He's at home.

2 MR. SCHEVECK: Or sorry, he's at home, Judge,
3 not at work.

4 THE COURT: Yeah. But she said she tried his
5 cellphone. Did you not give a number that you've
6 used for cellphone, Mr. Scheveck?

7 MR. SCHEVECK: I think she said she tried
8 calling the office or his office.

9 THE COURT: She said she tried his cellphone
10 and then she also tried Sidney Health Center. I
11 guess she didn't hear the part earlier this
12 morning where he has covid. So, bag the Sidney
13 Health Center. But did you give my staff his
14 cellphone number?

15 MR. SCHEVECK: Yes, Judge, yes.

16 THE COURT: Okay. And he's not answering.
17 So, I don't know. I'm just going to stick him in
18 a waiting room because I don't know if he can
19 hear or not, but I'm just going to put him in
20 there. I don't know what to do with him.
21 Continue with your testimony, Mr. Greenlow.

22 BY MR. SCHEVECK:

23 Q. Okay. Okay. So, how has been the
24 coparenting between you and Tara since March 16,
25 2022?

1 A. The same as it was before.

2 Q. Did it get worse?

3 A. It got, yes, it got worse.

4 Q. And what did you have to do to enforce
5 your parenting time?

6 A. I had to -- to enforce my parenting time
7 for the summer? What do you mean?

8 Q. Yeah. How many times did you have to
9 file Motions for Contempt?

10 A. Oh, three times.

11 THE COURT: Mr. Scheveck, I know how many
12 times he filed for contempt. I know how many
13 times I issued an order. I know all the reasons
14 why these things were -- I know the reasons why I
15 issued them. We don't need to cover any of that
16 ground over cuz it's all part of the file.

17 MR. SCHEVECK: Okay.

18 THE COURT: And I've read it. And (inaudible)
19 some of it.

20 BY MR. SCHEVECK:

21 Q. Is -- what are your wishes as a Parenting
22 Plan, as a new Parenting Plan?

23 A. My wish is to be able to have the kids
24 primarily so that the frustration of and just all
25 of this nonsense can stop. I can -- I feel like

1 there's one reasonable coparent here and there's
2 one unreasonable one, and I'm definitely going to
3 be reasonable as the -- as a primary custody
4 holder of the children.

5 Q. And what is the school schedule here in
6 Sidney, do you know?

7 A. It is Monday through Thursday.

8 Q. And what are you asking the Court for an
9 Amended Parenting Plan to be for her time and
10 your time?

11 A. I'm asking the Court to allow Tara
12 Thursday evening to Sunday evening every other
13 weekend. And then six weeks during the
14 summertime.

15 Q. And what does -- does your wife have a
16 second name?

17 A. Andrea Clark, yes.

18 Q. Does the word "Bonus Mom" come to mind to
19 you?

20 A. Yes. My daughter refers to Andrea as
21 Bonus Mom.

22 Q. And how is their interaction between, you
23 know, Andrea and Z.G.2?

24 A. It's extremely well. It's healthy.
25 It's -- Z.G.2 loves Andrea. She looks up to her.

1 She -- they're like best friends almost.

2 Q. What about Z.G.1 and Andrea?

3 A. Same. Z.G.1 definitely --

4 MS. COLEMAN: (inaudible) zoom before?

5 MR. MCGLOTHLIN: Yes.

6 THE COURT: Okay. Wait a second. Now we can
7 hear him. Mr. McGlothlin --

8 MR. MCGLOTHLIN: You can you hear me I bet,
9 but I can't hear you except through the phone.

10 THE COURT: Okay. Well, I'm going to have --
11 I don't know why. It must be the way that you're
12 joining up, not joining up with audi, wi-fi. I
13 don't know what you're doing. But right now,
14 we're taking somebody else's testimony because we
15 couldn't get you. So, I think Mr. Scheveck will
16 just call you when we're ready to get you.

17 MR. SCHEVECK: So, Kenny --

18 MR. MCGLOTHLIN: I think the problem is with
19 the video, I think that my wife thinks that it's
20 connected to her computer at work. So, the video
21 is not working. But I don't know why the sound
22 is not.

23 THE COURT: I don't know either. So, he'll
24 call you back, okay?

25 MR. MCGLOTHLIN: I can.

1 THE COURT: I'm muting him. He can't seem to
2 hear us. I'm going to stick him in the waiting
3 room because in case he starts to hear us.
4 There, now he can't hear us. Continue.

5 BY MR. SCHEVECK:

6 Q. Do you and Andrea have one on the way?

7 A. Yes, we do.

8 Q. How long is she?

9 A. She is due to give birth in five weeks.

10 Q. Okay. And is Z.G.2 or Z.G.1 are they
11 looking forward to seeing their baby brother or
12 baby sister? Z

13 A. Z.G.2 is especially ecstatic for it.

14 Q. Okay. And is there anybody else that,
15 you know, really interacts and there's a
16 relationship with Z.G.1 or Z.G.2 and do you have
17 family that live here and Sidney?

18 A. Yes, I have family that lives here in
19 Sidney. They also have friends through Andrea's
20 friends, young kids.

21 Q. Well, let me talk about your family
22 members. What type of activities does you, the
23 kiddos and your family, what do they do together?

24 A. So, lake trips, barbecues, usually a lot
25 of kids along the ride for that one, too, so it

1 gets rambunctious around the house.

2 Q. Okay. What about how is Z.G.1's -- how's
3 his adjustment when he gets home?

4 A. Z.G.1 adjusts almost immediately,
5 extremely well.

6 Q. What is his -- what does his physical
7 appearance look like when he comes home to you?

8 A. It's not -- I mean it's not good, to put
9 it -- lack of a better way of putting it, it's --

10 Q. Is -- how often do you have to make sure
11 the kids have to take a bath?

12 THE COURT: Lack of a better word it's what?
13 I didn't hear the end of that.

14 THE WITNESS: Oh, I just said --

15 MR. SCHEVECK: Lack of a better word.

16 THE WITNESS: Just not good, Your Honor.

17 THE COURT: Okay. I thought you said
18 something after. Go ahead.

19 BY MR. SCHEVECK:

20 Q. Is -- how often do you have to bathe the
21 kids immediately after you get the kids?

22 A. Yes. As soon as the kids get into my
23 house, it is straight to the bath.

24 Q. What does the bath water look like?

25 A. It's almost always cringy, sometimes even

1 brown.

2 Q. And is there times -- how is their hair,
3 how is Z.G.2's hair when she gets home?

4 A. Z.G.2's hair is almost every time matted.
5 It's 20, 30, 40 minutes brushing it out,
6 sometimes you have to soak it first in water.

7 Q. Okay. Is -- have you seen -- have you
8 FaceTimed Z.G.2 or Z.G.1 on, like, Skype or a
9 social app?

10 A. Yes.

11 Q. Where are the minor children when you
12 FaceTime them?

13 A. At their mother's house.

14 Q. What do you see when you FaceTime them?

15 A. Ratty hair, dirty house, unsafe living
16 conditions.

17 Q. Well, how many people live -- do you know
18 how many bedrooms are in her home?

19 A. I do not.

20 Q. Do you know all who lives there?

21 A. I -- according to a response from Tara, I
22 believe that in addition to Tara, our two
23 children together and Zeke, that her father is
24 also living in the home with her.

25 Q. So, there's five people living in the

1 house?

2 A. Yes.

3 Q. Is she doing remodeling to the house?

4 A. Yes.

5 Q. How long has she been doing the
6 remodeling of the house?

7 A. Since the beginning of last summer.

8 Q. From your understanding, has anything
9 been renovated?

10 A. Z.G.2's room and the main living space.
11 The living room seems to both be completed.

12 Q. Where does -- where is the mattress
13 located?

14 A. Currently, it is located in their living
15 room. You're referring to Z.G.1's mattress?

16 Q. Correct. Is -- what do you see when you
17 look through the iPad, what do you see in the
18 living room?

19 A. Toys, typical things for children mostly,
20 but also the mattress planted in the corner of
21 the room, outlet right there with, you know,
22 like, five different cords hanging off of it,
23 dirty. It's hard to tell exactly what's going on
24 with the ground, but it's dirty. It's the best
25 way I can really put it.

1 Q. So, is it fair to say that you suffer
2 from any mental health issues?

3 A. No, I do not.

4 Q. Do you suffer from any physical health
5 issues?

6 A. No.

7 Q. Does Tara suffer from any mental health
8 issues?

9 A. Not that I'm aware of.

10 Q. Okay. Has there been any allegations of
11 physical abuse between you or Tara?

12 A. No.

13 Q. Okay. Do you rent or you own?

14 A. I rent.

15 Q. And do you have a lease?

16 A. Yes.

17 Q. How long is the lease for?

18 A. One year from when we signed in April,
19 so.

20 Q. How long have you lived there?

21 A. Since April. Or, you know, yes, since
22 April.

23 Q. How many bedrooms do you have in your
24 house?

25 A. Four.

1 Q. How many people live in that house?

2 A. Currently two.

3 Q. And that is you and your?

4 A. Wife.

5 Q. And what is your wife's name?

6 A. Andrea Greenlow.

7 Q. And if you do get the kids, is -- will
8 each kid have their own different room?

9 A. Yes.

10 Q. So, is it a four-bedroom?

11 A. Yes.

12 Q. Okay. Is -- what does Z.G.1's room look
13 like?

14 A. Z.G.1 has the second largest room in the
15 house, mostly to accommodate all of his very
16 large sensory toys. He has a sensory swing, he
17 has an elevated bed so that we can fit most of
18 his toyboxes and stuff under it. He has
19 oversized foam blocks and a miniature trampoline.

20 Q. Okay. So, let me ask you this. Is --
21 what type of therapy sessions, what type of
22 classes is Z.G.1 enrolled in as of right now?

23 A. In Miles City?

24 Q. Correct.

25 A. Occupational therapy and speech therapy

1 through Holy Rosary Hospital. He receives an
2 amount of occupational therapy and speech therapy
3 through the -- his school Highland Park School
4 that he goes to. He receives ABA therapy five
5 days a week outside of school.

6 Q. So, here in Sidney, is -- have you
7 contacted an OT specialist?

8 A. Yes.

9 Q. Have you contacted a speech therapist?

10 A. Yes.

11 Q. Have you contacted Ms. Beaner regarding
12 ABA services?

13 A. Yes.

14 Q. Have you contacted other ABA services in
15 the area?

16 A. Yes. I inquired with Chatter. They do
17 not offer ABA services. They offer occupational
18 therapy and speech therapy in which Z.G.1 will be
19 getting a double dose of that here in Sidney
20 anyhow. So, that was kind of off the table. I
21 also contacted Milestone Health Partners in
22 Williston before the summer of 2020 and they
23 offered ABA services in Williston, North Dakota.
24 However, the waiting list was out till I believe
25 September. So, it was kind of off the table for

1 that time.

2 Q. Is -- what -- who would be the OT
3 specialist?

4 A. Here in Sidney?

5 Q. Correct.

6 A. It's going to be Vince McGlothlin at
7 Sidney Health Center.

8 Q. What about the -- who'd be in charge of
9 the speech therapy?

10 A. I can't remember her name off the top of
11 my head. But she is also out of Sidney Health
12 Center.

13 Q. Is it Kysa?

14 A. No, that's the therapist.

15 Q. Okay. And do the children see a
16 therapist in Miles City?

17 A. Yes, they do.

18 Q. And who do they see, do you know?

19 A. Samantha Paxson.

20 Q. And however -- is there a therapist in
21 Sidney that have seen the children before?

22 A. Yes.

23 Q. And who is that?

24 A. Kysa Rasmussen.

25 Q. Have you reached out to her regarding

1 therapy sessions?

2 A. I did at the beginning of the summer
3 2020 --

4 Q. Okay.

5 A. -- 2022, sorry. I keep saying 2020, I
6 think.

7 Q. And do they -- does Z.G.2 and Kysa, do
8 they have a relationship?

9 A. Yes, they do.

10 Q. What about her and Z.G.1?

11 A. Z.G.1 has not started therapy with Kysa.

12 Q. Okay.

13 A. However, he will be if given the
14 opportunity.

15 Q. Now, I guess, is -- what other stones do
16 you have to unturn to match or make it better
17 education for Z.G.1 here in Miles City?

18 A. The only real stone that I have to unturn
19 is just being able to participate with a speech
20 therapist, occupational therapist, just the whole
21 nine yards the way Tara has been able to.

22 Q. Is it fair to say you and Tara coparent
23 successfully?

24 A. No.

25 Q. Why do you say that?

1 A. I mean I could sit here all day and talk
2 about -- I would say that because Tara does not
3 work well with me as a coparent. I have on, off
4 the top of my head, three occasions asked Tara to
5 work better with me as a coparent; once in July
6 of 2020, once in July of -- no, once in July of
7 2021, once in July of 2022.

8 Q. So, I guess, is -- has the lack of
9 coparenting really changed your parenting style,
10 your parenting of the children?

11 A. Since the separation?

12 Q. Since I would say till 2021-2022.

13 A. Yes.

14 Q. Why do you say that?

15 A. Cuz it's difficult to -- it's affecting
16 the children in a negative way. And it's
17 difficult to exactly explain the way that it's
18 affecting Z.G.2, but it's not good. It's -- you
19 see it in her.

20 Q. How is Z.G.2 when she gets home or home
21 with you?

22 A. She's extremely happy to be there.

23 Q. Does she regress or go backwards?

24 A. No, not since the summer.

25 Q. Kind of what happened in the summer?

1 A. Well, Z.G.2 was extremely excited to
2 start spending more time at my house and then all
3 of a sudden, the first weekend came where I
4 picked her up and it was just a complete
5 opposite. And I don't -- we got her out of that
6 funk pretty quickly and we got her into therapy
7 once we found out the -- once the regression in
8 her potty training had become apparent. We ruled
9 out UTI by simple questions. And I think it was
10 10 days into our summer that she went to her
11 first therapy appointment and then she went back
12 to her mother's, and then she came back,
13 continued therapy and the regression stopped
14 almost immediately the next week that we had
15 them.

16 Q. Does Z.G.2 have her own room or does she
17 sleep alone at night?

18 A. Z.G.2 has her own room and she sleeps in
19 her bed every night.

20 Q. Is -- from -- do you think that is part
21 of the regression? I guess is -- does Z.G.2
22 sleep by herself at Mom's house?

23 A. No, she does not. And she especially did
24 not during the summer months.

25 Q. And is -- well, where does Z.G.2 sleep

1 then?

2 A. With her in her Mom's bed.

3 Q. And how old is Z.G.2?

4 A. She is six years old.

5 Q. And is -- why do you require that Z.G.2
6 has to sleep in her own bed?

7 A. Because she's a six-year-old girl and she
8 doesn't need those type of -- especially in a
9 split household, she doesn't need that type of
10 separation anxiety and it's going to lead to all
11 sorts of problems. And I've seen it. It has.

12 Q. Have you tried to reach out to Z.G.2's
13 therapist?

14 A. No, I have not.

15 Q. Do you know -- even know who it is?

16 A. I know that it is Samantha Paxson.

17 Q. I mean is there anything else that you
18 want to tell the Court today?

19 A. Yeah, regarding my child's therapist
20 Samantha Paxton. In the previous contempt charge
21 to this one, Ms. Losinski stated herself in a
22 text message that is already in the records for
23 the Court that her therapist thought it was
24 extremely immature of me to share an ultrasound
25 picture of our unborn child with Z.G.2. That

1 is -- it just made no sense to me. Reaching out
2 to the therapist at that point was already -- it
3 was already going to be difficult.

4 When Z.G.2 started therapy with this
5 therapist, we -- I almost immediately researched
6 her. She started her practice in July of last
7 year. But we also found out that this therapist
8 was friends with Tara. She had been friends with
9 Tara since before Tara and I even were married.
10 Their relationship goes all the way back to five
11 years from just what I can tell.

12 Tara and this therapist grow up together
13 in Jordan, Montana which is an extremely small
14 town, extremely small school. They're only a
15 couple years apart in age. And furthermore,
16 Tara's relationship is not with Samantha Paxson
17 isn't the end of it. Samantha Paxton is family
18 friends with Tara and her family. Her mother
19 reacting in -- on social media up to five years
20 ago, commenting on things on Samantha Paxson's
21 social media account from five years ago.

22 Reaching out to this therapist was not
23 something I was ever going to be comfortable with
24 doing. And honestly, to me it's no wonder that
25 she'd write something to the Court calling me

1 immature for something that's so clearly not
2 immature. That's all I have.

3 Q. I guess is -- why are you asking -- is
4 that why you're asking for an independent
5 therapist that already has a relationship with
6 Z.G.2?

7 A. Yes.

8 MR. SCHEVECK: Okay.

9 THE WITNESS: That's all I got.

10 MR. SCHEVECK: No further questions, Judge.

11 THE COURT: Cross examination.

12 MS. COLEMAN: Thank you.

13 **CROSS EXAMINATION**

14 BY MS. COLEMAN:

15 Q. So, Braxton, your conversation just now
16 about Ms. Paxson, are you -- we've listed her as
17 a witness. Are you concerned about what she's
18 going to say about her counseling sessions with
19 Z.G.2?

20 A. No, not particularly.

21 Q. So, is it your understanding that the
22 children come directly to you from school?

23 A. I'm sorry. Can you repeat that?

24 Q. You bet. Is it your understanding that
25 when Tara and you exchange the children in

1 Glendive that they come directly from school or
2 services?

3 A. Yes, that would be the case most of the
4 time.

5 Q. So, do you assume that the children get
6 dirty while at school?

7 A. Yes. However, we're talking about also
8 summer months here, right. So, most of the time
9 the kids come from school. But when I gave
10 testimony to them coming back dirty, matted hair,
11 things like that, it's not exclusive to coming
12 back from school.

13 Q. So, am I now understanding (inaudible) --

14 A. I'm sorry. I can't hear you.

15 Q. -- testimony is that when the children
16 come to you dirty, that's in the summer only?

17 A. Not in the summer only, but should be
18 considered.

19 Q. Do you think it's odd that the
20 professionals that interact with Z.G.1 that
21 testified today consistently said that your
22 children were clean and appropriately dressed?

23 A. No, I don't find it odd.

24 Q. Why do you not find that odd?

25 A. Well, it's really up to opinion of the

1 person speaking really. But a person is going to
2 advocate for themselves to a certain extent.

3 Q. I'm not understanding. I'm not
4 understanding what you're saying "advocate for
5 themselves."

6 A. Yes, advocate for themselves. They're
7 not going to make themselves look bad on purpose.

8 Q. Are you referring to the professionals?

9 A. Yes.

10 Q. Okay. How would it make the
11 professionals look bad by saying that your
12 children do not come to them inappropriately
13 dressed or dirty?

14 A. Oh, I'm sorry. I think I misunderstood
15 the question. Well, I don't know. I can't
16 really speak to them. I can't speak to their
17 personal experience.

18 Q. Okay. So, Braxton, have you -- you
19 said -- did you say earlier that have inquired
20 about OT and speech services in Sidney?

21 A. Yes.

22 Q. Have you set up services?

23 A. Previously, yes.

24 Q. And when you say previously, to what are
25 you referring?

1 A. The summer months of 2022.

2 Q. So, have you set them up before that?

3 A. No.

4 Q. Okay. Have you set them up now?

5 A. No.

6 Q. Did you convey to the Court in one of
7 your filings that you were going to provide
8 services for Z.G.1 over Christmas?

9 A. I conveyed to -- maybe there's some
10 clarification that needs to be made. Before it
11 was decided that Ms. Losinski and I would be
12 switching to shorter weekends for school days for
13 when Z.G.2 was attending school on Fridays, it
14 was going to have to be established that Z.G.1
15 would receive ABA services every other Friday
16 because we didn't want to interrupt his five days
17 a week schedule for ABA. Which really kind of --
18 what I'm referring to there is how I could have,
19 if given enough time, set up that appointment
20 with Kim Beaner for that Friday if it was -- if
21 we wanted to do that, if we wanted to go that
22 route.

23 Q. Well, didn't you say in your filing that
24 you had set it up and that --

25 A. If I did --

1 Q. -- and that --

2 A. -- then I was --

3 Q. -- it was all covered?

4 A. No, I don't know. If I did say that I
5 actually had already set it up, then that
6 would've have been incorrect on my part.

7 MR. SCHEVECK: Judge, we can't hear her.

8 MS. COLEMAN: Okay. I'll try to come closer.

9 BY MS. COLEMAN:

10 Q. Do the children have a pediatrician in
11 Sidney?

12 A. No.

13 Q. Don't the children need a pediatrician in
14 Sidney in order to be to be -- to do OT and
15 speech over there?

16 A. No. I mean they'll get a pediatrician if
17 they come here. But the pediatrician in Miles
18 City is more than capable of sending referrals
19 for the children that they are already seeing.

20 Q. Is that what the OT and speech people
21 have told you in Sidney or have they told you
22 that they need a pediatrician locally to refer
23 them to them?

24 A. They have told me specifically that they
25 just need a referral from a pediatrician in which

1 I was able to do that in the summer of 2022 when
2 I received a referral from their at-the-time-
3 pediatrician in Miles City.

4 Q. Well, the summer situation was just a
5 temporary setup, correct?

6 A. Yes.

7 Q. People were willing to accommodate, like
8 Kim Beaner, correct?

9 A. Yes.

10 Q. Okay. So, have you contacted the
11 pediatrician in Miles City to make the referral
12 so that -- for any services in Sidney?

13 A. No.

14 Q. Okay. So, you just inquired about
15 services in Sidney, correct?

16 A. Yes.

17 Q. Okay. So, Braxton, are you behind on
18 your child support?

19 A. Am I behind on my child support?

20 Q. Yes.

21 A. No.

22 Q. Are you paid up on your child support?

23 A. So, it's -- the question is complicated,
24 if I may clarify a little bit. Child support,
25 the way it's set up it pays out over 52 weeks.

1 The way that it happens is I gradually get behind
2 paycheck to paycheck. And then in the months
3 where there are three pay periods, it catches
4 itself back up. So, I'm always going to be 3 to
5 \$600 behind just depending on where you're
6 looking at in the year. But if you look at it at
7 the beginning of the year, it pays itself up in,
8 I think, so far it pays itself up in July and
9 December of every year. I want to say that's
10 correct.

11 Q. So, for those other months you have a
12 running tally that you're behind in child
13 support; is that correct?

14 A. Right.

15 Q. Okay. All right. So, have your children
16 resided primarily with Tara since their birth?

17 A. Yes.

18 Q. Do you think it's in the best interest of
19 your children to not be primarily with the
20 person, the parent who has been their primary
21 parent (inaudible)?

22 A. Yes.

23 Q. Do you perhaps think that it's selfish of
24 (inaudible).

25 MR. SCHEVECK: Judge, I didn't hear her

1 question, Judge.

2 THE COURT: Repeat it again.

3 BY MS. COLEMAN:

4 Q. I just asked, Braxton, do you think
5 perhaps that is selfish of you and not in your
6 children's best interest?

7 A. No, I do not.

8 Q. How does that jive when you heard the
9 testimony of professionals today who said that
10 Tara was a standout amongst parents in advocating
11 for your special needs child?

12 A. I'm not following. What are you trying
13 to ask?

14 Q. Well, if I've understood you correctly,
15 Braxton, you said that you don't necessarily
16 think it's in the best interest for Tara to
17 remain the primary parent. Do I understand you
18 correctly?

19 A. Yes.

20 Q. How does that gel or jive, or how does
21 that match with what the professional said today
22 about Tara being a standout parent in advocating
23 for your special needs child?

24 A. I can't speak to their personal
25 experience. I can only speak to my own. And my

1 own is that is quite the opposite.

2 Q. Well, Braxton, would you agree with me
3 that you two, you and Tara don't have a very good
4 relationship?

5 A. Yes.

6 Q. Do you believe that there is hope that
7 you both could do better?

8 A. That's -- yes.

9 MS. COLEMAN: All right. Your Honor, I don't
10 have anything further.

11 THE COURT: I've lost track. Is it redirect?

12 MR. SCHEVECK: Redirect, Judge. That's where
13 we're at.

14 THE COURT: Yeah, it is redirect. Okay.
15 Redirect.

16 **REDIRECT EXAMINATION**

17 BY MR. SCHEVECK:

18 Q. So, Braxton, is it about, you know,
19 throwing stones at Tara being a bad parent or is
20 it this regarding your relationship with the
21 children?

22 A. It is regarding my relationship with the
23 children.

24 Q. Why do you say that?

25 A. Because it's frustrating my relationship

1 with the children. It is -- has been since the
2 beginning of the separation. You could go all
3 the way back to 2019 when we separated, but you
4 don't have to because you already have the
5 records showing how it's frustrated the parenting
6 time.

7 Q. And is -- if you do get the children,
8 is -- are you going -- do you feel like you are
9 the one that is always giving her the
10 information?

11 A. Yes.

12 Q. Why do you say that?

13 A. I -- well, for instance, like I said
14 earlier, I have gotten ahold of Tara on several
15 occasions sending her messages like please start
16 working with me, please start communicating
17 better, please work with me in the best interest
18 for the children, it will help our children do
19 better.

20 Q. Does she even respond?

21 A. No.

22 Q. So, is -- I guess is -- you heard that
23 she's, I don't know if stand up is the word, but
24 is -- what is -- how many times have you tried to
25 play that role, but was getting basically pushed

1 out of the way?

2 A. How many times?

3 Q. Yeah.

4 A. I couldn't count off the top of my head,
5 a lot.

6 Q. How many IED's have been there with
7 Z.G.1?

8 A. IEP's, I -- one.

9 Q. You've been to one, but how many were
10 there?

11 A. Three total.

12 Q. And did you know that at the time or was
13 that after the fact?

14 A. It was after the fact.

15 Q. And is -- why are you asking to change
16 from her being the primary to you being the
17 primary, why are you asking the Court to do that
18 today?

19 A. Because Tara is always going to be made
20 aware of these things. I'm going to do a better
21 job as a coparent so that she doesn't have to
22 know, so that neither of us have to know what it
23 feels like to feel this way to go through this,
24 to avoid these sort of conflicts.

25 Q. Well said. Now, these therapists, is --

1 these pediatricians, you contacted a pediatrician
2 less than six months ago, right?

3 A. Yes... no. What do you mean?

4 Q. Well, did you have to hire -- did you
5 have a good referral --

6 A. Oh, for the summer.

7 Q. -- for a pediatrician?

8 A. Yeah, sorry.

9 Q. How difficult is it to get a referral
10 again?

11 A. It is not difficult. It is making a
12 phone call, sending an email.

13 Q. Have you reached out to OT in the
14 last -- since filing this Petition?

15 A. In Miles City?

16 Q. No, here.

17 A. Yes.

18 Q. When did you do that?

19 A. A month ago.

20 Q. What about speech therapy then?

21 A. Same, recently.

22 Q. And how long did it take you to get all
23 the pieces of the puzzle in the summer of 2022?

24 A. A week maybe.

25 Q. Let me ask you about ABA. When is ABA

1 ending?

2 A. ABA is going to come to almost -- ABA
3 ends or slows down substantially in the beginning
4 of the next schoolyear when Z.G.1 starts
5 kindergarten.

6 Q. So, when does it end again? I'm
7 confused.

8 A. The beginning of next schoolyear.

9 Q. Okay. And what replaces ABA?

10 A. Special Education school.

11 Q. And you heard Ms. Monsen that they have
12 IEP's, right?

13 A. Yes.

14 Q. And you heard that when those IEP's that
15 they have OT therapy.

16 A. Yes.

17 Q. They have speech therapy.

18 A. Yes.

19 Q. She's had a prior therapist. I believe
20 it's a licensed clinical social worker, right?

21 A. Yes.

22 Q. That she had -- that Z.G.2 has had a past
23 history with.

24 A. Yes.

25 Q. Are you willing to give open information

1 to Tara regarding any and all meetings,
2 documentations?

3 A. Yeah, absolutely.

4 Q. Parent-teacher conferences.

5 A. Yes.

6 Q. Actually, give her calendars, actually
7 give her pictures.

8 A. Yes.

9 Q. You won't have to beg for it.

10 A. Exactly.

11 Q. I mean how does it feel knowing that you
12 have to literally beg for a picture, a family
13 school photo of Z.G.2?

14 A. It feels terrible.

15 MR. SCHEVECK: No further questions, Judge.

16 THE COURT: Recross, Ms. Coleman?

17 MS. COLEMAN: Yes, Your Honor, just a couple.

18 **RECROSS EXAMINATION**

19 BY MS. COLEMAN:

20 Q. So, Braxton, when Tara asked you last
21 summer how Z.G.1's appointments went when he was
22 with you, did you just ignore and not respond?

23 A. Not to my knowledge. I'd have to see the
24 text.

25 Q. Braxton, you've just conveyed to the

1 Court via testimony how much information you
2 would freely give to Tara if you were the primary
3 parent.

4 A. Yes.

5 Q. Again, when Tara asks you for information
6 on Z.G.1, services this summer, did you respond?

7 A. I responded to several messages where
8 Tara was asking about services.

9 Q. You responded about Z.G.2. Did you
10 respond about Z.G.1?

11 A. Yes.

12 Q. We will find the text that shows
13 otherwise. But there -- so, what about when Tara
14 asked you about the therapist in Sidney, did you
15 provide that information to her?

16 A. Yes.

17 Q. So, Z.G.1 -- or Braxton, sorry, both
18 great names. Braxton, do you think it's
19 important to tell the truth when you're in court?

20 A. It is very important, yes.

21 MS. COLEMAN: I don't have anything further,
22 Your Honor.

23 THE COURT: Next witness?

24 MR. SCHEVECK: Judge, we're going to try Vince
25 McGlothlin.

1 MS. COLEMAN: Your Honor, if we can't reach
2 him, would there be any way that we could
3 interject and call our -- the therapist that
4 we're going to call? I'm just worried about her
5 schedule.

6 THE COURT: Let's let him try. If they get
7 in, they get in. But let's let them try that
8 first.

9 MS. COLEMAN: Okay.

10 THE COURT: Are you calling him now, Mr.
11 Scheveck?

12 MR. SCHEVECK: Yes. Jesse just called her.

13 MR. MCGLOTHLIN: Hello?

14 MR. SCHEVECK: Kenny.

15 THE COURT: Hello. Can you hear us? Can you
16 hear us? Hello. Can you hear us? Call him back
17 and let him know he can't hear us. I don't know
18 what kind of a device he's using. I mean most
19 everybody is able to connect.

20 MR. SCHEVECK: Yeah, I don't know, Judge. Is
21 this guy a doctor?

22 WOMAN IN BACKGROUND: He's the OT.

23 MR. SCHEVECK: Judge, is there any way you can
24 do it by phone, Judge?

25 THE COURT: I don't know. That's what he's

1 trying to do right now.

2 MR. SCHEVECK: Well, not by video.

3 THE COURT: He's not on video.

4 MR. SCHEVECK: I guess what I'm referring to
5 is the is the visual, Judge, the visual.

6 THE COURT: What do you mean the visual? He's
7 on a phone right now. He's not on a video
8 device. Have your assistant tell him I'm
9 sticking him in a waiting room again cuz I don't
10 know what he can hear or not hear. Have your
11 assistant try to figure out if she can teach him
12 how to connect. And then who's your -- so, is he
13 the last witness?

14 MR. SCHEVECK: Judge, we were going to call
15 Andrea Greenlow, Judge.

16 THE COURT: Okay. Call her.

17 **ANDREA GREENLOW,**
18 called as a witness herein, after having been
19 duly sworn, was examined and testified as
20 follows:

21 **DIRECT EXAMINATION**

22 BY MR. SCHEVECK:

23 Q. Andrea, can you please state your first
24 and last name for me?

25 A. Andrea Greenlow.

1 Q. And how do you know Braxton?

2 A. Braxton is my husband.

3 Q. And I want to talk to you about Z.G.1 and
4 Z.G.2, is that okay

5 A. Yes.

6 Q. Okay. Is -- what is your relationship to
7 them?

8 A. Z.G.2 and Z.G.1 are my stepchildren. I
9 have been in Z.G.2 and Z.G.1's life since 2020,
10 the beginning.

11 Q. So, about almost two, three years?

12 A. Uh-huh, yes.

13 Q. And do you have a nickname?

14 A. Bonus Mom.

15 Q. Who calls you that?

16 A. Z.G.2.

17 Q. And what is your relationship to Z.G.2?

18 A. Z.G.2 and I have a great relationship. I
19 love doing things with Z.G.2. We've had days
20 where we just go do things together.

21 Q. Does she look up to you --

22 A. Yes.

23 Q. -- as a stepmom or?

24 A. Absolutely.

25 Q. And are you willing to play that role as,

1 not a replacement, but a bonus mom?

2 A. Yes.

3 Q. And what is Braxton's hours?

4 A. His hours?

5 Q. Yeah, work hours.

6 A. He works Wednesday to Wednesday.

7 Q. And what is -- what are your plans?

8 A. What are my plans?

9 Q. For work.

10 A. So, I currently have my own cleaning
11 business, Ginger Snap Cleaning Services. I am
12 currently 35 weeks pregnant. And with that being
13 said, I already have been planning on lightening
14 my load as far as clients. Basically, cutting it
15 in half and I will be working part-time.

16 Q. Is it your plan or your hope is to take
17 the kids, Z.G.2 and Z.G.1, to their OT, their
18 speech therapy?

19 A. Yes.

20 Q. Their counseling.

21 A. Uh-huh, yes.

22 Q. Are you willing to put on that role?

23 A. Yes.

24 Q. Okay. Is -- do you have a valid driver's
25 license?

1 A. Yes.

2 Q. Licensed and insured?

3 A. Yes.

4 Q. Haven't got a speeding ticket?

5 A. No.

6 Q. Is -- what are the children's demeanor
7 when they come home to you and Braxton?

8 A. They are always really excited to come to
9 our home. Z.G.2 is always really excited to come
10 home to her pets and her toys. We do a lot of
11 movie nights, so she's always looking forward to
12 that. Z.G.1, of course, loves his bedroom. It's
13 set up with a lot of his little people that he
14 loves.

15 Q. How are Z.G.1 and Z.G.2's hygiene?

16 A. When they come to our home?

17 Q. Yeah.

18 A. Poor.

19 Q. Does -- do the children come in the exact
20 same clothes that they came in with each week?

21 A. They're always put in clothing that Tara
22 puts in. There's not like the same clothing
23 every time.

24 Q. Okay. So, if -- when you guys cloth the
25 children on your week, your day, do you get the

1 exact same clothes when the children return back
2 to you?

3 A. Usually, it comes back in a bag.

4 Q. What do the clothes smell like?

5 A. Awful.

6 Q. If you were to describe the smell, what
7 would it be?

8 A. Mildewy, kind of like not a very nice
9 smell, I guess. I don't know.

10 Q. I mean is there a difference between, you
11 know, kid dirty clothes and that smell?

12 A. Can you repeat that?

13 Q. Yeah. Is -- I mean is it just the smell
14 of just, you know, kids just being kids or is it
15 just clothes hasn't been washed?

16 A. I would say that sometimes the clothing
17 is washed and sometimes it's not. It's really
18 hard to tell. There definitely is a smell to the
19 clothing when they come to our house.

20 Q. How is Z.G.2's hair when she comes home?

21 A. We have to brush it every single time.
22 It's matted. There's always something in her
23 hair. It really -- it sucks.

24 Q. What is the first thing you guys make the
25 children do when they get home to you?

1 A. We change their clothes, brush their
2 hair. A lot of times they have to be bathed.

3 Q. Do you consider yourself a neat freak or
4 someone who has to always clean themselves?

5 A. Myself?

6 Q. Yeah.

7 A. Yes.

8 Q. Okay. Is it just kids being kids or is
9 it just you and Braxton want to make sure that
10 they're clean all the time every day?

11 A. The kids need to be cleaned and properly
12 cared for.

13 Q. Have you seen Tara's parenting style
14 towards the kids?

15 A. Yes. Not a whole lot, you know, cuz we
16 just have pickups and drop offs and stuff. I do
17 realize that sometimes she doesn't seem like she
18 has a lot of patience especially with Z.G.1. You
19 know, as far as over video calls that we have and
20 when we pick them up when she's in a hurry to
21 leave.

22 Q. How's your relationship with Tara,
23 though?

24 A. My relationship with Tara, the first time
25 I ever had an encounter with Tara it was she had

1 made a scene, slamming doors at the pick up, and
2 had sent a text message to Braxton asking him not
3 to bring me.

4 Q. Okay. Have you personally seen the
5 frustration of parenting against Braxton?

6 A. Yes.

7 Q. When was the first time you noticed this?

8 A. So, it was when Braxton had told me that
9 she was going to start at keeping the kids away
10 from him. And then when the kids were picked up
11 for the very first time when I went with him and
12 she had acted that way.

13 Q. What about being informed of IEP's and
14 therapy sessions, is -- why did you feel like he
15 was being cut off at the knees sort of, say,
16 regarding his parenting time?

17 A. That was in 2020. And that was when
18 covid had begun.

19 Q. Okay. And have you seen an increase or
20 decrease of frustration in the Parenting Plan?

21 A. An increase.

22 Q. Since when?

23 A. Since the last court hearing.

24 Q. And were you there at that last court
25 hearing?

1 A. Yes.

2 Q. And is -- has Tara ever asked you or have
3 you guys ever talked about this Motion to Amend
4 or Contempt of Court hearings together?

5 A. No.

6 Q. No. Do you see the emotional effect on
7 Braxton when he doesn't see his kids?

8 A. Yeah, I do.

9 Q. Does he want to go to those Christmas
10 events?

11 A. Yes.

12 Q. Does he want to be a full-time dad?

13 A. Yes.

14 Q. And how does -- what type of -- what do
15 you see when he's being shut out of the
16 children's lives?

17 A. When he is shut out, he -- it's really
18 tough. A good example is when he learned that
19 Z.G.1 was going to be standing for the Christmas
20 concert and got very little notice of that, you
21 know, it was like I will probably have to work,
22 I'm going to have to miss it. You know, and it
23 was really sad. And there's been quite a few
24 times that were like that. Knowing that Z.G.1
25 had IEP's that we weren't aware of.

1 Q. But in 2022, the summer of last summer
2 2022, is -- he did quite a bit for those kids,
3 didn't he?

4 A. Yes.

5 Q. What did he do for those kids in the
6 summer?

7 A. The summer?

8 Q. Yeah.

9 A. There was constant calling and figuring
10 out what kind of services that Z.G.1 could
11 receive during this summer at the very beginning.
12 Z.G.1 received as much as we possibly could find
13 for him. When I was at work, obviously, he was
14 caring for the kids and, you know, it's --

15 Q. What was the schedule in the summer of
16 this year -- of, yeah, last year?

17 A. Of this last year?

18 Q. Yeah.

19 A. Z.G.1 had OT and speech and he had ABA.
20 We both took the kids to those appointments. The
21 majority of the time it was equal.

22 Q. When is ABA ending and Special Education
23 begins?

24 A. When is ABA ending?

25 Q. Yep.

1 A. So, from what I understand is that at the
2 beginning of the school =year next year, ABA is
3 kind of something that phases out for kids.

4 Q. Is -- I mean how was Braxton's demeanor,
5 personality when he was making all these
6 appointments, making sure the kids are getting to
7 their IEP's and their OT and speech therapy?

8 A. Enthusiastic.

9 Q. Do you think he could step up to the
10 plate and be primary to make sure these kids get
11 to their appointments?

12 A. Absolutely.

13 Q. But most importantly, how is his
14 coparenting with Tara? I mean does he hold back
15 information or does he tell her?

16 A. She was informed of everything in the
17 summertime. And actually, multiple times of
18 things.

19 Q. Is Braxton one of those people that will
20 not tell you something unless you ask for it or
21 what is he?

22 A. Braxton informed her of everything,
23 even --

24 Q. Even without being asked?

25 A. Yes.

1 Q. How many times has Braxton had to beg to
2 get a school picture from Tara?

3 A. Quite a few times.

4 Q. Do you think he -- Braxton provides
5 continuity and stability of care in the household
6 for those kids?

7 A. Yes.

8 Q. Does he have a good job?

9 A. Yes, he does.

10 Q. Is it a constant job?

11 A. Yes.

12 Q. Have you ever talked to Tara about what
13 she did for a living?

14 A. No.

15 Q. Do you know what she does for a living?

16 A. No.

17 MS. COLEMAN: (inaudible).

18 THE COURT: Excuse me?

19 MS. COLEMAN: I apologize, Your Honor. That
20 was me. I apologize.

21 THE COURT: Oh, okay. I just didn't know if
22 there was an objection. Go ahead. Continue.

23 BY MR. SCHEVECK:

24 Q. Why do you say that Braxton provides
25 continuity of care in the household?

1 A. Why do I say it?

2 Q. Yeah. Why do you believe he provides,
3 you know, safety and structure in the home?

4 A. Because I'm there every day.

5 Q. Is this your first kiddo?

6 A. Yes.

7 Q. Is it? Okay. What steps has Braxton
8 done to make sure that there's extracurricular
9 activities for Z.G.2 and Z.G.1 for their things
10 to do?

11 A. Multiple phone calls, he's made very -- a
12 lot of phone calls. When we called the school
13 here, it was a lot of calling back and forth
14 because teachers are busy. And also, you know,
15 he called Chatters and another place in Williston
16 to see what they offered. We searched high and
17 low.

18 Q. What does Z.G.2 like to do for fun?

19 A. She likes to paint.

20 Q. What does Z.G.1 like to do for fun?

21 A. He likes to take a bath and jump on the
22 trampoline.

23 Q. You want to get him involved in the
24 community?

25 A. Yes.

1 Q. Is -- do you have family in the
2 community?

3 A. Yes.

4 Q. Does Braxton have family in the
5 community?

6 A. Yes.

7 Q. Is -- how involved are your family
8 members and Braxton's family members to the kids?

9 A. Very involved.

10 Q. How often do they hang out?

11 A. My sister comes over quite often, and she
12 pops by quite a bit.

13 Q. Does Z.G.2 call her by any names?

14 A. Yeah, Auntie Colleen.

15 Q. What about Braxton's family, do they come
16 over?

17 A. Yeah, Brighton comes over quite a bit,
18 Stacey comes over, Grandma does, Stacey his
19 grandma, and, you know, there's been times where
20 Chance his brother comes over from Missoula quite
21 a bit to come see us.

22 MR. SCHEVECK: Andrea, no further questions.
23 Thank you.

24 THE WITNESS: Okay.

25 THE COURT: Cross examination?

1 MS. COLEMAN: Actually, Your Honor, I don't
2 have any. Thank you.

3 THE COURT: Okay. Any other witnesses, Mr.
4 Scheveck?

5 MR. SCHEVECK: I'm looking --

6 THE COURT: You can step down.

7 MR. SCHEVECK: You could -- you can
8 actually -- could she be excused, Judge, or?

9 THE COURT: Yeah, she's excused.

10 MR. SCHEVECK: So, you can just watch and
11 stay.

12 THE WITNESS: Okay. Thank you.

13 MR. SCHEVECK: Judge, I don't know if I should
14 cross my fingers, but hopefully we should get
15 that Kenny guy.

16 CLERK: He is on a desktop and (inaudible).

17 THE COURT: Does anybody need a break while
18 we're trying to connect?

19 MR. SCHEVECK: We could do a break.

20 THE COURT: Let's get him on, so you can get
21 your part done, so Ms. Coleman can do hers.

22 MS. COLEMAN: Your Honor, is Mr. Scheveck in
23 the courtroom? I can't see.

24 MR. SCHEVECK: Yeah, I'm here.

25 THE COURT: I don't know because the camera is

1 on the witness.

2 MS. COLEMAN: Oh yeah.

3 MR. SCHEVECK: Yes, Judge, I am.

4 MS. COLEMAN: I'm sorry. You see the same
5 thing I do. Okay. Thank you. I just didn't
6 want to say this unless Mr. Scheveck was there.
7 I just -- we've called our witness Ms. Paxson.
8 And so, if you can go with --

9 MR. MCGLOTHLIN: Hello?

10 MS. COLEMAN: -- Mr. Vincent (sic) we'll X her
11 back out.

12 THE COURT: Okay.

13 MR. MCGLOTHLIN: I logged in. I don't see
14 anybody.

15 THE COURT: I don't see her --

16 MR. MCGLOTHLIN: But it's not coming up.

17 THE COURT: Can you hear us? Can you hear us?

18 MR. MCGLOTHLIN: Yeah, I could hear her say
19 that.

20 MR. SCHEVECK: Uh-huh.

21 THE COURT: Okay.

22 MR. SCHEVECK: Holy cow.

23 THE COURT: Raise your right hand to be sworn.

24 MR. MCGLOTHLIN: No, I can hear --

25 THE COURT: I don't care where you hear it

1 from, just as long as you can hear.

2 CLERK: He was hearing you over my phone.

3 WOMAN: I think he was hearing it through the
4 cellphone, Judge.

5 THE COURT: Huh?

6 MR. SCHEVECK: As long as it works.

7 WOMAN: Do you want to call him back?

8 MR. SCHEVECK: Call again and make sure it
9 works.

10 THE COURT: What?

11 MR. SCHEVECK: I said make sure -- she's
12 calling him again to make sure it works, Judge.

13 THE COURT: He's on.

14 WOMAN: Yeah, but he can't hear us.

15 THE COURT: He's on the video right -- I mean
16 he's on the zoom right now.

17 MR. SCHEVECK: Yeah, but the issue is --

18 MR. MCGLOTHLIN: Hello?

19 THE COURT: Mr. McGlothlin, can you hear us?
20 Mr. McGlothlin, can you hear me?

21 WOMAN: He's muted again. Now he's undoing
22 it.

23 THE COURT: Hello?

24 MR. MCGLOTHLIN: Hello?

25 THE COURT: Can you hear us?

1 MR. MCGLOTHLIN: I can only hear -- I can hear
2 them through the phone.

3 THE COURT: I don't care --

4 MR. MCGLOTHLIN: I can't hear --

5 THE COURT: -- how you hear us. I don't care
6 if don't hear us through the computer. Just can
7 you hear if somebody's asking you a question or
8 if I speak? That's all I care. Can you hear us?

9 MR. MCGLOTHLIN: Yeah, I can hear you now.

10 THE COURT: Okay.

11 MR. SCHEVECK: Judge --

12 THE COURT: Raise your right hand, be sworn.
13 Mr. Scheveck, take off with this. Hurry up.

14 **KENNY VINCENT MCGLOTHLIN,**
15 called as a witness herein, after having been
16 duly sworn, was examined and testified as
17 follows:

18 **DIRECT EXAMINATION**

19 BY MR. SCHEVECK:

20 Q. Can you please state your first and last
21 name for the record, please?

22 THE COURT: Oh, God.

23 THE WITNESS: Kenny McGlothlin.

24 WOMAN: Jesse, maybe we should mute that
25 phone, so he could hear --

1 THE COURT: So, are you hearing through the
2 phone, Mr. Scheveck or what? I mean I got to fix
3 this feedback.

4 MR. SCHEVECK: That's what we're doing.

5 THE COURT: (inaudible).

6 MR. SCHEVECK: We're doing that right now,
7 Judge.

8 WOMAN: I'm saying if you mute that one --

9 THE COURT: How are you -- how is he -- how
10 are we getting the audio? Are we getting it
11 through your cellphone?

12 MR. SCHEVECK: From -- correct, Judge, Jesse's
13 cellphone.

14 THE COURT: Okay.

15 WOMAN: No, not that speaker. I'm talking
16 about --

17 THE COURT: Then I'm going to mute on this
18 device. I'm going to mute him. Now, let him
19 talk on your cellphone.

20 WOMAN: Okay. You can try that.

21 MR. SCHEVECK: Kenny, can you hear me?

22 THE COURT: And then I don't know what the
23 point is of him being on the video, I mean on the
24 zoom.

25 MR. SCHEVECK: Judge, can he just call into a

1 number?

2 THE COURT: Yeah. There's -- Dan, give them
3 the doggone number so he can call in. That's
4 what he's doing anyway. He's not on a device
5 with the video. I don't know what he's using,
6 but it's not anything normal. Dan, do you have a
7 phone number that he could call? You know how
8 this thing always tells us. Well, here let me
9 tell you.

10 DANIEL: Yeah, I can do it.

11 THE COURT: Okay. Tell him to hurry, please,
12 cuz this is, like, going on way too long to try
13 to get somebody connected. When I get people --
14 we have public defenders who have no trouble at
15 all being on with probably bad devices and they
16 still can get on. Mr. McGlothlin, can you hear
17 us? Can you hear us?

18 Okay. Ms. Coleman, ask -- call your
19 next -- call your witness.

20 MS. COLEMAN: Thank you. She's just waiting
21 on the other line.

22 THE COURT: Is she in the waiting room?

23 MS. COLEMAN: No, she's just dialing in. Your
24 Honor, Ms. Paxson is present.

25 THE COURT: Why is the machine talking to us

1 like this?

2 MR. SCHEVECK: Cuz he's -- apparently,
3 Kenny --

4 THE COURT: (inaudible) Mr. McGlothlin because
5 I think it's him. Okay. Raise your right hand
6 to be sworn, Ms. Paxson.

7 MR. MCGLOTHLIN: Hello?

8 THE COURT: Mr. McGlothlin, can you hear us?

9 MR. MCGLOTHLIN: Yes, I can hear you.

10 THE COURT: Okay. Let's do him next, then. I
11 guess I'm going to stick you in a waiting room,
12 Ms. Paxson. We'll let you out when we're done
13 with Mr. McGlothlin. I don't know who's
14 laughing, but this isn't very funny. It's pretty
15 frustrating. Raise your right hand, Mr.
16 McGlothlin. And after you're sworn, Mr. Scheveck
17 will begin taking your testimony.

18 **KENNY VINCENT MCGLOTHLIN,**
19 called as a witness herein, after having been
20 duly sworn, was examined and testified as
21 follows:

22 **DIRECT EXAMINATION**

23 BY MR. SCHEVECK:

24 Q. Mr. McGlothlin, can you please state your
25 last name for me?

1 A. McGlothlin, Kenny Vincent McGlothlin.

2 Q. Okay. What is your occupation?

3 A. I'm an occupational therapist.

4 Q. And what is your role or what do you do
5 for a living?

6 A. I treat patients of -- with various
7 medical needs.

8 Q. All right. Where do you work at?

9 A. I work at Sidney Health Center.

10 Q. How long have you worked at Sidney Health
11 Center?

12 A. Fifteen-plus years.

13 Q. Okay. And what is your title at Sidney
14 Health Center?

15 A. Occupational therapist. I'm the only
16 occupational therapist there.

17 Q. Okay. And have you had any type of
18 communication with Braxton Greenlow?

19 A. I had some communication with him last, I
20 believe it was last summer when he brought his
21 son in.

22 Q. Okay. And what type of therapy did his
23 son need?

24 A. Well, so, a pediatric evaluation. I mean
25 the majority of it looked like it was sensory

1 integrative type therapy.

2 Q. Okay. And I guess is -- the real
3 ultimate question, though, is do you guys have
4 occupational therapy at Sidney Health Center?

5 A. Yes, we do.

6 Q. Do you guys have speech therapy at Sidney
7 Health Center?

8 A. At this time, we do, yes.

9 Q. Okay. And do you work with kids that are
10 autistic?

11 A. Do I work with kids that are autistic?

12 Q. Yeah.

13 A. I have worked with kids who are autistic
14 in the past, yes.

15 Q. Okay. And do you work with Sidney
16 Education, yeah, with the Sidney Education
17 Department?

18 A. Yes. I provide consultive therapy with
19 this Sidney Public Schools.

20 Q. And is that with the IEP's?

21 A. Yes. Yeah, what we do is we come in on a
22 consultive means. We do an evaluation of sorts
23 and then we provide the Sidney Public Schools
24 para-professionals with a treatment program to be
25 carried out by them and we supervise if

1 necessary.

2 Q. So, basically, the Education Department,
3 they're the one that's in control and they hire
4 you guys for extra help?

5 A. Yeah. That's the model that the Sidney
6 Public Schools carries out for occupational
7 therapy.

8 Q. Okay. Have you met Z.G.1 at all?

9 A. I did see him briefly last summer, yes.

10 Q. And is there -- do you have any concerns
11 or issues with providing therapy to Z.G.1?

12 A. Do I have any concerns?

13 Q. Yeah.

14 A. No, I do not.

15 Q. I mean do you -- are you kind of excited
16 to deal with Z.G.1 and, you know, what he has to
17 learn?

18 A. Given the brief nature of that, I mean
19 I'm always excited to work with all kids when it
20 comes to that. I know Z.G.1 has, you know, he
21 has some issues that are unique to him. And that
22 would be something that would prove, you know, a
23 challenge to try to work through.

24 Q. Okay.

25 A. I don't mean that in a bad way. I mean

1 as a therapist, you know, you try to do the best
2 you can to try and increase functional
3 performance, so.

4 Q. Is -- do you guys have any, like, LCSW's
5 at Sidney Health Center?

6 A. You mean...

7 Q. Licensed clinical social workers or
8 therapists?

9 A. There -- as far as I know we do have
10 social workers. As far as social workers that
11 work within the pediatric population, that I'm
12 not sure of. That's something that doesn't come
13 up very often.

14 MR. SCHEVECK: Gotcha. Thank you so much.
15 Those are the only questions I have.

16 THE WITNESS: Thank you.

17 THE COURT: Cross examination, Ms. Coleman?

18 MS. COLEMAN: Just one quick question.

19 **CROSS EXAMINATION**

20 BY MS. COLEMAN:

21 Q. Sir, my name is Kathy Coleman, and I am
22 the attorney for Z.G.1's Mom. Could you just
23 clarify something that you just said? Did you
24 say that you have a speech therapist at your
25 facility at this time?

1 A. Yes, I did.

2 Q. So, does that mean you'll have that
3 speech therapist, that speech therapist will be
4 there in the future?

5 A. That I can't -- I don't know the
6 certainty of that. The current speech therapist
7 that we have on staff is traveling speech
8 therapist, so she's on a three-month rotation.

9 Q. Okay. And do you know where she's at,
10 and you might not know this, but do you know
11 where she's at in that three-month rotation?

12 A. I believe that her rotation is up in the
13 middle of March.

14 Q. Okay. And then she would be on three
15 months and then back again?

16 A. I can't clarify on that cuz I'm not sure
17 what the contract rotation is. I don't know if
18 she's looking to return for the next three months
19 or if she's done at three months. I don't have
20 dealings with that personally.

21 MS. COLEMAN: Okay. Thank you very much. I
22 don't have anything further.

23 THE COURT: Any redirect, Mr. Scheveck?

24 MR. SCHEVECK: No, Judge.

25 THE COURT: Okay. You're free to go, Mr.

1 McGlothlin. (inaudible) witness, Mr. Scheveck?

2 Mr. Scheveck, is that your last witness?

3 MR. SCHEVECK: Judge, give me one minute,
4 Judge.

5 THE COURT: Okay.

6 MR. SCHEVECK: Judge, we rest.

7 THE COURT: Well, you've already had a couple
8 of witnesses, Ms. Coleman. Your next witness,
9 Ms. Coleman?

10 MS. COLEMAN: Your Honor, can you -- can we
11 allow Ms. Paxson back in? Your Honor, I think
12 Ms. Paxson may be out in the waiting room. Did
13 you send her out? Oh, thank you.

14 THE COURT: I did. I'm letting her back in.

15 MS. COLEMAN: Thank you.

16 THE COURT: She should be coming in. Ms.
17 Paxson, can you raise your right hand to be
18 sworn?

19 **SAMANTHA PAXSON,**
20 called as a witness herein, after having been
21 duly sworn, was examined and testified as
22 follows:

23 **DIRECT EXAMINATION**

24 BY MS. COLEMAN:

25 Q. Ms. Paxton, can you state your full name

1 for the record?

2 A. Samantha Paxson.

3 Q. And what is your profession?

4 A. I'm a clinical mental health counselor.

5 Q. Can you describe for the Court your
6 education and training and experience?

7 A. Certainly. It's pretty vast. So, my
8 background is in education. And I was a teacher
9 for five years. I taught first grade for three
10 years and sixth grade for two years. Following
11 that, I finished my Master's with a dual Master's
12 in school counseling as well as clinical mental
13 health. I did five years as a school counselor
14 at a middle school. And then into agency work
15 and did agency work as a clinical mental health
16 counselor for six years. And most recently
17 opened my own private practice.

18 Q. And how long have you been in your
19 private practice?

20 A. Since July 1st of 2022, so seven months.

21 Q. Okay.

22 A. (inaudible).

23 Q. Thank you. So, Ms. Paxson, have you
24 counseled with Z.G.2?

25 A. I have.

1 Q. Can you remind the Court, if you know off
2 the top of your head, her age?

3 A. Six, I believe Z.G.2 is six.

4 Q. Over what course of time have you
5 counseled with Z.G.2?

6 A. I've seen Z.G.2 for -- since about the
7 middle of July of 2022.

8 Q. How often do you see her?

9 A. So, biweekly, every other week.

10 Q. And how did she come to you? What
11 prompted that?

12 A. So, her Mother accessed services through
13 me with some concerns following Z.G.2's behaviors
14 after spending the summer with her Dad.

15 Q. Okay. So, can you start by describing
16 Z.G.2 for the Court?

17 A. Yes, I would love to because there is a
18 lot to describe. She is very, very energetic.
19 She is very easy to engage in conversation.
20 She's eager to talk, is very descriptive, is very
21 animated, enjoys all things art related, very
22 bright and very aware. Yeah, she's very
23 enjoyable. She's a fun kid to work with cuz
24 there's always lots to do with her.

25 Q. Thank you for that answer. So, has Z.G.2

1 ever discussed her Mom and Dad and Stepdad with
2 you?

3 A. Yep, yep, quite a bit.

4 Q. So, has she ever discussed with you
5 whether she misses either parent when she's away
6 from them?

7 MR. SCHEVECK: Judge, I believe this is under
8 hearsay, Judge. It's not a DN matter, Judge.
9 There's no way to cross examine here.

10 THE COURT: Sustained.

11 MS. COLEMAN: Your Honor, I'm arguing that Ms.
12 Paxson is a treatment provider. And I'm arguing
13 that this falls under the hearsay exception of
14 medical diagnosis and treatment. So, I would ask
15 that the Court would reconsider.

16 THE COURT: Well, maybe it would help if we
17 knew what this witness has diagnosed.

18 BY MS. COLEMAN:

19 Q. So, Ms. Paxson, can you --

20 A. Absolutely.

21 Q. -- thank you. If you could tell the
22 Court what you have --

23 A. Yes.

24 Q. -- what the diagnosis is.

25 A. Absolutely. I diagnosed Z.G.2 with

1 adjustment disorder with mixed anxiety and
2 depressed mood.

3 Q. Thank you. So, going back to my
4 question. Based on that, has she ever discussed
5 with you -- does she talk about her Mom and her
6 Dad when she's with you?

7 A. Yep.

8 MR. SCHEVECK: Judge, this is a medical
9 diagnosis --

10 MS. COLEMAN: Does she occasionally --

11 MR. SCHEVECK: -- Judge, this is a medical
12 diagnosis. It's not the cause that she can
13 testify to. She can cause to (sic) with what was
14 diagnosed, but not how she received that
15 diagnosis or those symptoms to be diagnosed with.

16 THE COURT: Well, the question that was asked
17 was just a yes or a no, does she talk about her
18 Mom or Dad. She could say yes or no. And then
19 maybe when we have a follow-up question that
20 would dig further, it'll help me know if the
21 purpose for which she's saying it is within the
22 hearsay rules. So, she can answer yes or no does
23 this child talk to her about her parents.

24 BY MS. COLEMAN:

25 Q. Ms. Paxson, does Z.G.2 ever talk to you

1 about whether she -- has she discussed her
2 Stepmom with you and being mean to her?

3 A. Yes.

4 MR. SCHEVECK: Judge, how is that a medical
5 diagnosis exception when it's regarding the
6 Stepmom being mean? That would be the cause, not
7 the effect. She can talk about how she diagnosed
8 this minor child, but not with --

9 THE COURT: Here's the thing. You don't need
10 to worry. Anything this witness tells me that
11 this child said I'm not going to take as true
12 necessarily. I'm going to take it as what's the
13 basis of her diagnosis.

14 MR. SCHEVECK: Right.

15 THE COURT: I'm not going to take it that
16 really her Stepmom is mean to her. These are --
17 so, she can tell me what she says has been said
18 to her. I will judge the credibility of
19 everything based upon what's already been put on
20 the record about this whole thing.

21 BY MS. COLEMAN:

22 Q. So, Ms. Paxson, then with that in mind,
23 let's go back to this.

24 A. Okay.

25 Q. Can you tell us what led to this specific

1 diagnosis that you just told the Court?

2 A. Yeah. So, the child presents being very
3 tearful, quite anxious and worrisome at times.
4 Will have anxieties leading up to going to her
5 Dad's house. And to clarify, that is not
6 specifically everything we focus on. We focus on
7 lots of the child's needs. But the anxiety, the
8 worries and the tearfulness with the adjustment
9 of spending this large amount of time at her
10 Dad's is what led to the diagnosis of adjustment
11 disorder.

12 As opposed to if I were to diagnose her
13 with generalized anxiety disorder, then that
14 would be without the adjustment being part of
15 that. So, it is taking into account the
16 adjustment in her life as being part of the
17 depressed and anxious mood.

18 Q. So, can you speak more about your
19 professional assessment of anxiety --

20 A. Yeah, absolutely.

21 Q. -- coming from the Father's house? Not
22 said -- that question isn't said well, but.

23 A. Yeah, absolutely. So, she shares about
24 feeling very uncomfortable at Dad's. And
25 uncomfortable may be a poor word, with the lack

1 of comfort, so not necessarily discomfort, but
2 not feeling comforted or comfortable. She has
3 also shared many times, or I should say multiple
4 times, about feeling that her Dad and Andrea are
5 rude, is the word she uses. And when we further
6 explore that, that's sometimes hard for her to
7 identify what that means.

8 Now, when working with children, they
9 don't always have the words to explain what
10 they're telling you. And so, you work within
11 that feeling because that's what it means to
12 them, that's their reality even though they can't
13 always verbalize what makes them feel that way.

14 And there are certain things she said
15 that would support why she feels that way in my
16 own assessment. That doesn't make it fact. But
17 the feeling that Z.G.2 has is that she is not
18 comforted and that she feels that Dad and Andrea
19 are rude and mean.

20 Q. In her assessments to you, or relaying
21 the emotion of rude or mean, does some of it seem
22 like maybe normal parenting?

23 A. Yeah. Like, there was one time when she
24 said that they were mean because they wouldn't
25 let her in the kitchen when they were cooking.

1 And I was like well, you know, honey, like,
2 that's a thing, sometimes there's lots of hot
3 stoves, there's hot grease, like, that's a safety
4 thing. That's understandable, you know. So, we
5 can work through it to normalize some of those,
6 that these are not worries you have to have.

7 Q. Do some of her -- some of the things that
8 she conveys about rude or mean sound like normal
9 parenting?

10 A. Yeah. There was a couple instances which
11 indicated that would be very real to make her
12 feel that way. One instance was she shared that
13 she had been locked in the bathroom two times and
14 that there was no light in the bathroom. And the
15 other was that multiple times she's told me that
16 Braxton and Andrea, that her Dad and Andrea will
17 cover Z.G.1's mouth when he is screaming and
18 that's why he hits people now. That's what she
19 has told me.

20 Q. Did she tell you more about the locked in
21 the bathroom thing?

22 A. She said that there was no light and it
23 happened two times, and that she thought maybe
24 her Dad and Andrea were trying to keep them away
25 from a bad conversation was the word she used.

1 As we adults, we know that a bad conversation to
2 us is not the same thing to a kid that could
3 potentially just be something they did not want
4 her to hear, which is absolutely normal. But the
5 being locked in the bathroom without any light
6 it's very scary --

7 Q. Do you --

8 A. -- for her.

9 Q. Sure. Do you have other experience
10 dealing with children of divided homes?

11 A. Yes.

12 Q. Do you think sometimes kids are coached
13 when they come to you?

14 A. Yes. And not just coached, I think that
15 children not only can be explicitly coached, but
16 can be also manipulated or guided to believe one
17 thing or another, whether that is overhearing
18 people talking or being told things about another
19 parent that makes them feel that that other
20 parent is unsafe or not someone positive to be
21 around.

22 Q. So, what about your training lends itself
23 to being able to formulate a professional opinion
24 about when you think a child is coached or
25 manipulated versus when you think they are not?

1 A. Well, for me the most important thing I
2 can pick out is when they use adult words versus
3 childlike words. So, if they're reiterating back
4 to me words that adults would use, that's pretty
5 clear that it didn't come from them. When
6 they're using words that a six-year-old would use
7 or a child would use depending on their age and
8 are relying on a feeling, that tells me that it's
9 coming from the kid.

10 MR. SCHEVECK: Judge --

11 MS. COLEMAN: So, in the --

12 MR. SCHEVECK: -- Judge, I do have to --

13 MS. COLEMAN: -- like the bathroom incident --

14 MR. SCHEVECK: -- Judge, this is --

15 MS. COLEMAN: -- did Z.G.2 convey --

16 MR. SCHEVECK: Judge, objection. This is
17 hearsay. I understand the medical diagnosis --

18 THE COURT: Sustained.

19 MR. SCHEVECK: -- but it's been --

20 THE COURT: Sustained, sustained, sustained.

21 MS. COLEMAN: So, Your Honor, I am -- Your
22 Honor, the other option is -- would've been to
23 ask that you would interview the child.

24 THE COURT: Well, don't worry, I will.

25 MS. COLEMAN: Okay, great. Okay. That's

1 great. We were trying to do this in lieu of
2 that, but that would be great. I'm just looking
3 at my notes.

4 BY MS. COLEMAN:

5 Q. Has Z.G.2 ever touched on this a bit, but
6 has she ever conveyed to you concerns about how
7 Z.G.1 is cared for at her Dad's?

8 MR. SCHEVECK: Judge, objection. Hearsay.

9 THE COURT: Sustained.

10 BY MS. COLEMAN:

11 Q. So, Ms. Paxson, based on your work with
12 Z.G.2 --

13 A. Uh-huh.

14 Q. -- are there other perceptions of -- that
15 led to her diagnosis that you feel would be
16 relevant or helpful for the Court to hear?

17 A. Her aggression when she first started
18 seeing me towards her brothers, but particularly
19 her oldest brother, was also indicative of a
20 child who is struggling with emotions that they
21 can't necessarily process, so they lash out in
22 aggressive ways.

23 Q. And going back to the diagnosis that you
24 described, can you repeat that for me?

25 A. Yeah, adjustment disorder with mixed

1 anxiety and depressed mood.

2 Q. And how did you come to the assessment of
3 depressed mood?

4 A. Due to the tearfulness and the sadness
5 that she exhibits, well, particularly when she
6 first came to me.

7 Q. Okay. And has that -- has there been a
8 change?

9 A. Yes. I see her far less emotionally
10 activated in that way. She's far less sad and
11 seems to be -- like, the longer I work with her,
12 the more animated and silly and playful she's
13 become.

14 Q. Okay. Has Z.G.2 ever come to you
15 inappropriately dressed?

16 A. No.

17 Q. Has she ever come to you dirty?

18 A. Huh-uh, no.

19 Q. Are you, this is an obvious question, are
20 you mandatory reporter of child abuse to CPS?

21 A. I am.

22 Q. And would you report a family if you had
23 concerns about a child?

24 A. Yes. In my career I've sat on child
25 protective teams, been very involved with CPS. I

1 have made dozens and dozens of reports in the
2 last 15 years of working as a therapist for 14
3 years.

4 MS. COLEMAN: Thank you. I don't have
5 anything further, Your Honor.

6 THE COURT: Cross examination, Mr. Scheveck?

7 MR. SCHEVECK: I do, Judge. Thank you. Thank
8 you.

9 **CROSS EXAMINATION**

10 BY MR. SCHEVECK:

11 Q. Ms. Paxson, what did you -- where'd you
12 get your Master's at?

13 A. MSU Northern in Havre, Montana.

14 Q. And you said you got a double major or a
15 double Master's; is that it?

16 A. Yep, yep. At that time, they, and I
17 don't know if they still do, but they had offered
18 a Master's program where you could complete your
19 Master's in school counseling and then continue
20 for an additional 10 credits and complete the
21 clinical piece of it to also sit for your
22 licensure.

23 Q. Nice. What was your dissertation?

24 A. You only write a dissertation with a
25 Doctorate.

1 Q. So, you do not have a dissertation?

2 Trick question.

3 A. No. No, sir.

4 Q. So, that means -- is -- you never stuck
5 out your neck and out of the professional setting
6 where the people of your peers can correct your
7 work, tell you that you're right or they can tell
8 you that you're wrong, you've never done that,
9 have you?

10 A. I have never done a dissertation, that is
11 correct.

12 Q. So, you've never actually gave a
13 published work where people of your peers can
14 judge you for it to say if you were right or
15 wrong, correct?

16 A. As I repeated, I've never done a
17 dissertation nor am I a published author.

18 Q. But you've -- so, you're not published,
19 you don't have a thesis. Do you -- what was your
20 capstone then for this double Master's?

21 A. My capstone?

22 Q. Yeah, like, did you have to do --

23 A. I'm sorry. You'll have to clarify what a
24 capstone is.

25 Q. Did you have to at least complete a

1 project before you got your Master's?

2 A. We did a complete portfolio of our work
3 in an exit interview, yes.

4 Q. Did you even have to do a thesis paper?

5 A. I'm thinking back to 2011 when I
6 graduated. And I recall writing extensive
7 theoretical papers, like, I guess could kind of
8 be considered a thesis. But I guess I'm unsure.

9 Q. So, you don't even remember what your
10 thesis was in school, right? Even if you have --

11 A. There isn't one, there isn't one.

12 Q. So, you told me --

13 A. There is not one to complete your
14 Master's program.

15 Q. MSU Northern doesn't require at least a
16 thesis when you graduate?

17 A. No, sir. That is a Doctoral program.

18 Q. That is called a --

19 A. And MSU Northern does not offer --

20 Q. -- that's called a dissertation --

21 A. -- a Doctorate program.

22 Q. -- not a thesis. You understand there's
23 a difference between a thesis and a dissertation,
24 correct?

25 A. I do. A thesis is a working theory.

1 Q. Right.

2 A. Yes.

3 Q. And did you --

4 A. I understand the difference --

5 Q. -- even have to one?

6 A. -- thank you, sir.

7 Q. Did you have to do one even in your dual
8 Master's?

9 A. I appreciate your sarcasm in making fun
10 of that. And as far as a thesis on a working
11 theory of my own regarding psychology or
12 counseling, no.

13 Q. No, you don't have a thesis, you don't
14 have a working thesis as of even today?

15 A. A thesis regarding what, my theory, my
16 approach?

17 Q. Let's just say adolescent females, that'd
18 be a good start. Was your thesis regarding
19 adolescent girls?

20 A. I did not have a thesis regarding
21 adolescent girls.

22 Q. How about autistic children?

23 THE COURT: Let's not waste a bunch of time.

24 THE WITNESS: Yeah.

25 THE COURT: I think she said --

1 THE WITNESS: Yeah.

2 THE COURT: -- didn't have a thesis.

3 BY MR. SCHEVECK:

4 Q. Let me ask you this. Is -- so, you
5 testified that, you know, Z.G.2's mother she just
6 called you out of the blue, right?

7 A. Z.G.2's Mother contacted me to obtain
8 counseling for her daughter, yes.

9 Q. Right. And -- but you didn't mention
10 anything about your relationship with Tara,
11 though, did you?

12 A. That was not --

13 MS. COLEMAN: Your Honor, this is harassing.

14 MR. SCHEVECK: No, Judge. It has shown
15 bias --

16 MS. COLEMAN: If he wants to ask --

17 MR. SCHEVECK: -- Judge.

18 MS. COLEMAN: Objection.

19 THE COURT: Do you have a relationship with
20 Tara Losinski, like, do you know her from before?

21 THE WITNESS: I said it's -- yes.

22 THE COURT: And do -- how do you know her?

23 THE WITNESS: So, that's really hard. That
24 feels like breaking confidentiality is what I'm
25 being asked to do.

1 THE COURT: Well, I guess it matters to -- it
2 does matter. When did you first meet her?

3 THE WITNESS: Well, very first of all, I met
4 Tara as a child. But as an adult --

5 THE COURT: Did you grow up with her in the
6 same community?

7 THE WITNESS: Correct.

8 THE COURT: Did you go to school together?

9 THE WITNESS: We would've, yes, quite a ways
10 apart in age, but yes, correct.

11 THE COURT: Okay. How far apart in age were
12 you?

13 THE WITNESS: Four, five years. I didn't go
14 to high school with her, so whatever that means.

15 THE COURT: Okay. And where did you go to
16 school with -- what was the same school that each
17 of you attended where you would've been four or
18 five years apart?

19 THE WITNESS: Jordan Elementary School.

20 THE COURT: Okay. And which of you is
21 younger, I guess?

22 THE WITNESS: Which also may be another
23 question on my mind cuz I'm not even sure she
24 came to town school until later. She may have
25 been a country school kid. So, we might not.

1 That might've been a lie. I might've lied to
2 you, but I didn't do it on purpose.

3 THE COURT: Who's older, are you older than
4 her?

5 THE WITNESS: Yes, ma'am, I am.

6 THE COURT: So, then you would've -- so, then
7 you're saying that you graduated from high school
8 before she started high school?

9 THE WITNESS: I believe that's correct, yes.
10 I recall her being my younger sister's age is
11 what I recall. I was gone at college and I
12 recall them going to high school together.

13 THE COURT: Okay. And then besides being
14 raised in the same community, have you had
15 further contact with her before Z.G.2 became a
16 client or patient?

17 THE WITNESS: Personally or professionally?

18 THE COURT: Either way. Both, I guess.

19 THE WITNESS: Okay. I had no personal contact
20 with Tara from the time we were little kids until
21 I was working doing integrative behavioral health
22 for the clinic here at Holy Rosary. And her
23 primary care provider asked me to provide
24 services for her.

25 THE COURT: Okay. And when did that start?

1 THE WITNESS: I don't -- honestly, I don't
2 know, probably in 2021 cuz I started at the
3 clinic in 2020, in July of 2020, and I'm going to
4 guess it was within six or eight months of me
5 starting there.

6 THE COURT: Okay. So, the services you
7 provided were to Tara?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Okay. So, you have a professional
10 relationship with her, or you did, in 2021. Do
11 you still?

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Okay. Mr. Scheveck, do you have
14 other questions?

15 MR. SCHEVECK: I do.

16 BY MR. SCHEVECK:

17 Q. Do you have a nonprofessional
18 relationship with Tara?

19 THE COURT: No, she said no. She said she has
20 a professional relationship with her.

21 MR. SCHEVECK: I'm talking about in 2021 or
22 when she started at the clinic.

23 BY MR. SCHEVECK:

24 Q. did it morph into from professional to
25 nonprofessional at any time?

1 A. No, sir.

2 Q. So, you guys are not friends on Facebook?

3 A. Oh, I would guess we probably are, yes.

4 I'm sure we were long before that.

5 Q. Did you guys -- have you guys ever --

6 A. When you grow up in a community where --

7 Q. -- have you guys ever had drinks
8 together?

9 A. Nope.

10 Q. Are you guys' families -- are both your
11 families close?

12 A. Nope.

13 Q. Nope, okay. Now, you testified that
14 you've been on your own for seven months; is that
15 fair to say?

16 A. Yep.

17 Q. Okay. And was Z.G.2, was she one of your
18 first clients?

19 A. No. But when I left doing integrative
20 behavioral health work at the clinic, then I
21 opened my private practice and there were several
22 clients who transitioned their care.

23 Q. Okay.

24 A. So, no, she was not.

25 Q. Where is your office located?

1 A. In Miles City on Main Street. Like, do
2 you want the address?

3 Q. Sure.

4 A. 519 Main Street, Suite 103, Miles City,
5 Montana.

6 Q. Okay. Do you do -- you may have
7 mentioned -- is -- these counseling sessions were
8 twice a month; is that correct?

9 A. Okay, yes. Every other week, however
10 that falls.

11 Q. Right. So, that's about seven months
12 times that by two, you met her 14 times, right?

13 A. Pending whatever cancellations one or the
14 other of us may have had, we can ballpark it,
15 yep.

16 Q. Right. And do you provide services such
17 as remote counseling?

18 A. I do.

19 Q. And did you testify that these counseling
20 sessions were remote?

21 A. No.

22 Q. These were all in person, right?

23 A. Yes.

24 Q. Okay. But you do provide services that
25 are remote, right?

1 A. Yes.

2 Q. Okay. Have you tried to reach out to
3 Braxton regarding the allegations that they shut
4 the light on her in the bathroom?

5 A. No. I'm not an investigator.

6 Q. Well, I mean you're a mandatory reporter,
7 though, right?

8 A. Yes.

9 Q. If you're --

10 A. Do I view that as child abuse, no.

11 Q. -- a mandatory reporter, you would think
12 that -- if it was so concerning you would've
13 reported it, right?

14 A. Hold up, though. I don't recall saying
15 that it was so concerning it reached the level of
16 me fearing abuse.

17 Q. Well, that's what I'm getting at, but I
18 didn't say that. Is -- you state that --

19 A. No, you don't need to. It's fairly
20 obvious.

21 THE COURT: Wait, wait, wait. One at a time.
22 And listen, we're going to have to quit here in
23 about 20 minutes. So, how many witnesses do you
24 have, Ms. Coleman?

25 MS. COLEMAN: Your Honor, I have three.

1 THE COURT: Three more?

2 MS. COLEMAN: Yes. And that would be
3 including Ms. Losinski who would take a while.
4 The others will be very brief. I think we've
5 lost one for today because of the time.

6 THE COURT: Okay. Can we just continue this
7 to 1:30 tomorrow then, so we can finish
8 everybody?

9 MS. COLEMAN: I can. But I would like --

10 THE COURT: (inaudible) --

11 MS. COLEMAN: -- I'd like to do the redirect
12 of Ms. Paxson, which would be very brief.

13 THE COURT: I thought you said she would be
14 long.

15 MS. COLEMAN: No, no, Ms. Losinski. And I
16 might've, Your Honor. Sorry. We're --

17 THE COURT: Oh, no. You said the right one.
18 Mr. Scheveck, how much more do you have?

19 MR. SCHEVECK: Not much, Judge. Not much,
20 maybe one or two more questions.

21 THE COURT: Okay.

22 BY MR. SCHEVECK:

23 Q. And so, you never reached out to Braxton
24 regarding these allegations of covering Z.G.1's
25 mouth or shutting the door of the bathroom with

1 the lights off, you never reported that, right?

2 A. No, sir.

3 Q. But you thought that was alarming, right?

4 A. Concerning would be more accurate.

5 Q. Right. But you never reached out to
6 Andrea, you never reached out to Braxton?

7 A. I don't reach out to stepparents.

8 Q. Do you reach -- I'm not talking about
9 stepparents. What about Braxton, what did you
10 reach out to Braxton then?

11 A. No, sir.

12 Q. Is he a stepparent?

13 A. I had no reason. Thank you.

14 Q. Is he a stepparent?

15 A. You said Andrea. Okay. Are we going to,
16 like, I feel like I'm on repeat here. We all got
17 things to do. I did not reach out to Braxton --

18 THE COURT: Listen --

19 THE WITNESS: -- I repeated that three times.

20 THE COURT: -- listen. You're not the
21 attorney here despite your vast education. So,
22 unless the other attorney objects, you don't get
23 to. So, you just have to answer it. And if he's
24 on repeat, eventually I'll butt in, but.

25 MS. COLEMAN: Well, I do -- I would object. I

1 mean I think Mr. Scheveck is hopefully going to
2 finish here shortly, but I would object to the
3 treatment of this witness.

4 THE COURT: Well, there's a little -- well,
5 it's going both ways, actually here. So, Mr.
6 Scheveck, you said you had a couple of questions.

7 MR. SCHEVECK: Yeah, one more question.

8 THE COURT: Ask a couple questions.

9 MR. SCHEVECK: One more.

10 THE COURT: Don't repeat anything you have
11 asked. Please do not repeat another thing.

12 MR. SCHEVECK: Okay.

13 BY MR. SCHEVECK:

14 Q. Have you reached out to Tara Losinski
15 regarding what has been stated with Z.G.2?

16 A. Tara is in attendance --

17 Q. So, is that a yes or no?

18 A. -- during discussions. Well, I
19 wouldn't --

20 THE COURT: I have a question. So, you do
21 these sessions with the Mom present in the room?

22 THE WITNESS: Yes, ma'am. Not always for the
23 entirety of the session, but yes.

24 THE COURT: Okay.

25 THE WITNESS: Which is very common with

1 (inaudible) that I involve the parents in their
2 treatment.

3 THE COURT: Or one parent?

4 THE WITNESS: One parent they -- yes, the
5 parent they reside with. The parent that is --

6 MR. SCHEVECK: Judge, no further questions.

7 THE WITNESS: -- providing --

8 THE COURT: Do you have cross -- or I mean do
9 you have redirect?

10 MS. COLEMAN: I do, Your Honor. And it'll be
11 quick.

12 **REDIRECT EXAMINATION**

13 BY ms

14 Q. Ms. Paxson, okay, couple questions.
15 Pardon my ignorance. But tell me the length of
16 time it took you to get your graduate degrees.

17 A. Three-and-a-half years while working
18 full-time. So, I don't know what that would mean
19 if I weren't working, but yeah, three-and-a-half
20 years.

21 Q. Okay. So, six months longer than those
22 of us with a law degree?

23 A. It was 60 credit masters is what it is.

24 Q. Okay. So, Mr. Scheveck kept asking you.
25 If you had reported to Braxton, if you had a

1 concern about -- as a mandatory reporter, to whom
2 would you report?

3 A. I would report to the State hotline.

4 Q. And when you are asked if you reached out
5 to Braxton regarding things that Z.G.2 said to
6 you, would that be an odd set of circumstances?

7 A. That could potentially, obviously,
8 without being an investigator, that could
9 potentially be dangerous for a child if they are
10 in an unsafe situation to then alert the parent
11 that the child is reporting unsafe behaviors,
12 that could be potentially harmful for that child.
13 And that is not at all a standard practice.

14 Q. So, Mr. Scheveck also asked you -- sort
15 of focused on how long you've been in private
16 practice. How long -- can you give an estimate
17 of how many clients you've dealt with in your
18 professional career?

19 A. No. If we take away the school
20 counseling piece, cuz I was not doing clinical
21 work, that's been since 2016. So, going on seven
22 years in June that I've done clinical work. And
23 I honestly could not ballpark that for you. But
24 a few -- over 200, over 300. I don't -- I mean I
25 did my initial work. In clinical work I did CSCT

1 which is Comprehensive School and Community
2 Treatment, where I was a mental health
3 professional who worked in a school setting. So,
4 that was what I did for four years, I believe
5 four years I did that.

6 Q. Have you testified before?

7 A. Yes, ma'am.

8 Q. Have you been so vociferously attacked as
9 you have been today?

10 A. No.

11 MS. COLEMAN: Okay. I don't have anything
12 further for her.

13 THE COURT: (inaudible).

14 MS. COLEMAN: Okay. I don't have anything
15 further.

16 THE COURT: Recross? Do you have any recross?

17 **RECROSS EXAMINATION**

18 BY MR. SCHEVECK:

19 Q. Have you heard the term gatekeeping?

20 A. Have I?

21 Q. Yeah, as an expert?

22 A. Yes, sir.

23 Q. What are the two types of gatekeeping
24 then?

25 A. As it pertains to?

1 Q. Children --

2 MS. COLEMAN: Your Honor, does this have
3 something to do with the -- my questioning of Ms.
4 Paxson?

5 MR. SCHEVECK: It had to do with the Mother
6 being in the same counseling session as the
7 child, Judge. That's why I'm bringing up
8 gatekeeping then.

9 THE COURT: I understand the question, what
10 are the two types.

11 BY MR. SCHEVECK:

12 Q. What are the two types?

13 A. I -- you've got me. I'm stumped. You'll
14 have to fill me in.

15 Q. If I would refresh your memory --

16 A. I do not know. No, I cannot answer that
17 question.

18 Q. If -- does negative gatekeeping and
19 positive gatekeeping sound familiar to you now?

20 A. Yes.

21 Q. Okay. What's negative gatekeeping then?

22 A. Where the child would be kept away from
23 being able to openly and honestly express
24 themselves.

25 Q. And you did testify that the Mother was

1 at these sessions; is that correct?

2 A. Not for the entirety of the time, but
3 yes.

4 MR. SCHEVECK: No further questions then.

5 THE COURT: So, I'm -- so, that'll conclude
6 your testimony. You're free to leave if you
7 wish, Ms. Paxson.

8 Ms. Coleman, you said you have two more
9 witnesses besides this witness we just completed
10 and the two we took earlier this morning?

11 MS. COLEMAN: Yeah. They would be pretty
12 quick. But I do need some --

13 THE COURT: Who are they?

14 MS. COLEMAN: Heidi Brown, occupational
15 therapist, and then Mr. Losinski, the children's
16 grandfather.

17 THE COURT: And are you going to call your
18 client, too?

19 MS. COLEMAN: Yes, that's what I'm saying. I
20 have the two in addition to Tara.

21 THE COURT: I've got Treatment Court all
22 morning tomorrow, so that's out. I could do
23 1:15, I guess. We should be done by -- so, can
24 we continue this by 1:15 tomorrow?

25 MS. COLEMAN: It works for us.

1 MR. SCHEVECK: It does work for me as long as
2 I can appear by zoom, Judge, that'd be great.

3 THE COURT: You can.

4 MR. SCHEVECK: Okay.

5 THE COURT: Okay. So, we'll continue it to
6 1:15 tomorrow then.

7 MS. COLEMAN: Thank you very much.

8 THE COURT: Have a good evening, everyone.

9 MR. SCHEVECK: Goodnight, Judge.

10 (Whereupon, the proceedings were concluded.)

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C E R T I F I C A T E

I, Tami Corner, Official Electronic Court Reporter of the District Court of the Eighteenth Judicial District, Department 2, State of Montana, after having been duly sworn,

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 293 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.

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand this 15th day of April, 2023.

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6 /S/ TAMI CORNER

7 Tami Corner
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