

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 2 OF 2

FEBRUARY 16, 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

MR. LAYNE SCHEVECK, ESQ. -- appears by zoom

2223 Montana Avenue, Suite 103
Billings, MT 59101

Appearing for Petitioner Braxton Greenlow

MS. KATHY COLEMAN, ESQ. -- appears by zoom

321 Main Street, Suite 105
PO Box 1116
Miles City, MT 59301

Appearing for Respondent Tara Losinski
Both appear via Zoom

JUDGE BIDEGARAY - appears by zoom

Z.G.1 is the son

Z.G.2 is the daughter

EXAMINATION OF / BY:

PAGE:

Kim Beaner

Ms. Kathy Coleman, Esq. 8
Mr. Layne Scheveck, Esq. 9

Tara Losinski

Ms. Kathy Coleman, Esq. 12, 58
Mr. Layne Scheveck, Esq. 30, 61

EXHIBITS ADMITTED:

PAGE:

No exhibits admitted

1 sequestered. Or are you going to be calling her
2 again?

3 MS. COLEMAN: Your Honor, I'm going to be
4 calling her again, but it'll be really fast. I
5 mean from my end.

6 THE COURT: Okay. So, just so the record
7 reflects, she was listening most of the time
8 after she testified yesterday.

9 MS. COLEMAN: Okay. I'll still have one
10 question and then I'll see what -- how that
11 proceeds.

12 THE COURT: (inaudible).

13 MS. COLEMAN: And Your Honor, (inaudible) only
14 two. I'm only having Ms. Losinski and Ms.
15 Beaner.

16 MR. SCHEVECK: So, Judge, my issue is Ms.
17 Beaner has been listening I believe to the
18 majority of what was testified, Judge, so that's
19 my concern.

20 THE COURT: We'll see what the question is and
21 then I can sort through whether it's a problem.
22 And is -- who is Megan DeWalt?

23 MS. COLEMAN: I don't know. Is that --

24 MS. DEWALT: I'm just here for support for
25 Andrea and Braxton.

1 THE COURT: Oh, okay. I'm going to mute you.
2 There, okay.

3 MS. BEANER: Your Honor, I got off immediately
4 after the hearing, after I testified yesterday.

5 MS. COLEMAN: That must be Ms. Beaner. I
6 recognize the voice.

7 MS. BEANER: Yes, this is Kim Beaner. I got
8 off immediately after testifying yesterday.

9 THE COURT: Yeah, I know Ms. Gresens is the
10 one that was on most of the time. I thought Ms.
11 Beaner was on for part of the witness, though,
12 but maybe not. Okay.

13 MS. BEANER: No. I had a dentist appointment
14 after the -- after I testified.

15 THE COURT: Okay. Do we have a Clerk yet?

16 CLERK: Yes, I'm in the courtroom, Your Honor.

17 THE COURT: Okay. Good. All right. So,
18 we're here on Richland County Cause Number DR-19-
19 14, *Braxton Greenlow v. Tara Losinski*. Yesterday
20 we started taking testimony on the Petitioner's
21 Petition to Amend Parenting Plan. The Petitioner
22 had completed presentation of his case. The
23 Respondent was presenting her case. And so, now
24 we're ready for the Respondent's next witness.

25 MS. COLEMAN: Thank you, Your Honor. I would

1 like to call Ms. Beaner so that she can be free
2 to move on.

3 THE COURT: Sure. Ms. Beaner, if you can turn
4 on your camera and unmute and raise your right
5 hand to be sworn, the Clerk will swear you in.
6 And then Ms. Coleman will begin taking your
7 testimony.

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

12 MS. COLEMAN: Thank you.

13 **DIRECT EXAMINATION**

14 BY MS. COLEMAN:

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

17 A. My name is Kimberly Kay Bredburg Beaner.

18 Q. And just to review, how do you interact
19 with Z.G.1?

20 A. I meet with him on a monthly basis -- or
21 Z.G.1 or Braxton?

22 Q. Z.G.1, sorry. I might have said Braxton.

23 A. Braxton or Z.G.1?

24 Q. No (inaudible).

25 A. I met with him, well, we provide ABA

1 services for him.

2 Q. Thank you. Have you ever had a
3 conversation with Braxton Greenlow regarding
4 Social Security benefits or disability benefits?

5 A. I believe -- I thought we did. We had a
6 brief conversation where I just brought it up
7 about other services that are available.

8 MS. COLEMAN: Okay. Thank you. I don't have
9 anything further, Your Honor, for Ms. Beaner.

10 THE COURT: Do you have any cross examination,
11 Mr. Scheveck?

12 MR. SCHEVECK: Yes, Judge. But I'll be brief.

13 **CROSS EXAMINATION**

14 BY MR. SCHEVECK:

15 Q. Is -- did it seem like Braxton was
16 engaging with all the services that ABA or the
17 disability benefits gives to Z.G.1?

18 A. Are you asking about just Social
19 Security?

20 Q. Correct.

21 A. Or are you talking about -- okay. Social
22 Security has two components. You have to have a
23 disability and you have to meet the income.

24 Q. But it's -- was Braxton engaged in the
25 Social Security, right?

1 A. I just mentioned it briefly and I
2 mentioned other services at that time.

3 Q. And when did you and Braxton have this
4 communication?

5 A. I was trying to look it up on my notes.
6 But I was thinking it was in December.

7 Q. Of this year?

8 A. Last year 1922 -- 2022, sorry.

9 Q. And you see Z.G.1 on a weekly basis,
10 correct?

11 A. I see Z.G.1 every day, Monday through
12 Friday if I'm not traveling.

13 Q. And what time?

14 A. My office, I have what you call --

15 MS. COLEMAN: Your Honor, I'm just -- I just
16 asked Ms. Beaner about any communications she's
17 had with Braxton about the topic of disability
18 benefits or Social Security benefits. This
19 questioning seems to be -- I object. Seems to be
20 beyond my question.

21 MR. SCHEVECK: Judge --

22 THE COURT: I'll let --

23 MR. SCHEVECK: -- Judge, I believe that Ms.
24 Coleman mentioned or asked the question regarding
25 her capacity as ABA, how often she met with

1 Z.G.1. That was her first question.

2 MS. COLEMAN: I was just -- no. I asked -- I
3 was establishing for the record who Ms. Beaner
4 is, how she interacts with Z.G.1.

5 THE COURT: And your question is, Mr.
6 Scheveck?

7 MR. SCHEVECK: Is how often does she meet with
8 Z.G.1 per week.

9 THE COURT: I will allow it limited.

10 MR. SCHEVECK: Okay. So, what's --

11 THE COURT: (inaudible).

12 MR. SCHEVECK: Sorry, Judge.

13 THE COURT: Monday through Friday if she's in
14 town.

15 THE WITNESS: Uh-huh.

16 BY MR. SCHEVECK:

17 Q. What was the summer schedule with ABA and
18 Z.G.1 and Braxton?

19 A. The summer schedule is Thursday and
20 Friday.

21 Q. Is it your understanding that the Special
22 Education Department would take over --

23 MS. COLEMAN: Your Honor --

24 MR. SCHEVECK: -- when the child reaches
25 school age?

1 MS. COLEMAN: -- I object. And I'm not trying
2 to be difficult.

3 THE COURT: No. Sustained.

4 MR. SCHEVECK: No more questions, Judge.

5 THE COURT: Any redirect?

6 MS. COLEMAN: No, Your Honor. Thank you.

7 THE COURT: Okay. Ms. Beaner, you're free to
8 leave if you wish. Next witness, Ms. Coleman?

9 MS. COLEMAN: Your Honor, I'm calling Ms.
10 Losinski.

11 THE COURT: Okay. Ms. Losinski, raise your
12 right hand to be sworn. And after you're sworn
13 Ms. Coleman will begin taking your testimony.

14 **TARA LOSINSKI,**
15 called as a witness herein, after having been
16 duly sworn, was examined and testified as
17 follows:

18 **DIRECT EXAMINATION**

19 BY MS. COLEMAN:

20 Q. Tara, can you state your full name for
21 the record?

22 A. Tara Marie Losinski.

23 Q. Are you Z.G.1 and Z.G.2's Mom?

24 A. Yes.

25 MS. COLEMAN: Is there an echo?

1 THE WITNESS: I shut my sound off.

2 MS. COLEMAN: Okay. Let me see.

3 THE COURT: I don't know. Is there a -- what
4 kind of a device are you on, Ms. Losinski?

5 THE WITNESS: I'm on the laptop and she's on
6 the desktop behind me.

7 THE COURT: Maybe if we have you turn so that
8 the microphone isn't the same direction as her,
9 you know what I mean? Like, if we have your turn
10 so that they're not -- the sounds aren't going
11 toward each other.

12 MS. COLEMAN: That's how it worked yesterday.
13 Testing.

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

16 THE WITNESS: Hello.

17 THE COURT: There's a little echo, but it's
18 not as squelchy as it was.

19 MS. COLEMAN: I'm going to see if I could turn
20 mine down, my sound, sorry.

21 THE WITNESS: Cuz if I mute this computer,
22 then I can't hear the Judge or the other lawyer.

23 THE COURT: Let's try this.

24 MR. SCHEVECK: It sounds good.

25 THE COURT: Okay.

1 MR. SCHEVECK: Sounds good now, Judge.

2 THE COURT: (inaudible). That's much better.
3 We have -- you're really loud, though, Ms.
4 Coleman, but I'd rather be able to hear you than
5 not. So, I don't know if -- I'm just going to
6 lower my volume here.

7 MS. COLEMAN: Oh, sorry. I'm sorry.

8 THE COURT: Stay where you are so we can hear
9 you.

10 MS. COLEMAN: Okay.

11 THE COURT: Let's (inaudible) this now.

12 MS. COLEMAN: Okay.

13 BY MS. COLEMAN:

14 Q. Tara, are you Z.G.1 and Z.G.2's Mother?

15 A. Yes.

16 Q. Do the children primarily live with you?

17 A. Yes.

18 Q. How long have they lived with you?

19 A. Since the day they were born in 2016 and
20 2017 for my littles. And then my oldest son
21 since 2009.

22 Q. And when you say littles, are you -- to
23 whom are you referring?

24 A. Z.G.2 and Z.G.1.

25 Q. So, Tara, what have you done regarding

1 your children's visits to doctors?

2 A. I always make sure they're up to date and
3 all of their shots, their -- I always take them
4 in for the wellness checks, and OT and speech at
5 the hospital, and ABA every day, Special Services
6 School, OT and speech at the school there. The
7 two oldest children go to the same school at
8 Sacred Heart, and I take them there.

9 Q. Okay. What have you done regarding
10 Z.G.1's diagnosis?

11 A. When I first -- when he first got
12 diagnosed in February of 2020, we got a referral
13 to the DEAP Office. And I was contacted by a
14 Kim, not Ms. Beaner, a different Kim, I can't
15 remember what her last name is. But she helped
16 me get set up with Special Services over at the
17 Special Services Office who did an evaluation on
18 Z.G.1. And that got us into getting approved for
19 speech and OT.

20 But because of covid, everything got shut
21 down. So, Z.G.1 didn't get to actually -- well,
22 in the summer DEAP would come over with an OT
23 specialist and they would work in my yard because
24 that's all they were allowed to do. So, he got
25 that.

1 And then in August of 2020, he started
2 speech at Holy Rosary. In September, I believe I
3 started OT at Holy Rosary. And then in February
4 of 2021 is when he got to start ABA because we
5 had to wait till Kim finished her other Master's,
6 and so, then he got to start that. And then
7 Special Services also helped me get in touch with
8 Joann Gresens and helped. And then Z.G.1 got to
9 start November 16th of 2020 at Jefferson School
10 with Ms. Gresens. And he also receives OT and
11 speech services with them.

12 Q. Okay. Thank you. So, what have you done
13 in regards to your children's education?

14 A. I just stay in touch with all of their
15 teachers and specialists to make sure everyone's
16 on the same page, especially with the Z.G.1. I
17 make sure that they get to school every day. And
18 I just, like, I meet the teachers because, like,
19 Z.G.2's teacher she will bring Z.G.2 outside
20 every day cuz they get done noon. And so, I'll
21 discuss with her, like, how Z.G.2 is doing,
22 there's parent-teacher conference, we have those.
23 Braxton's been there. Yeah, we just -- all of us
24 just stay in touch pretty much.

25 Q. What have you done with regard to your

1 children's discipline?

2 A. The kids are actually pretty good. If
3 they do have some discipline, like, they will
4 lose their, like, hour of video games that day
5 and they'll have to do something else. Because
6 the doctors -- Dr. Griffin signed papers saying
7 that they only needed, like, an hour of videos a
8 day because of Z.G.1's diagnosis.

9 And discipline for Z.G.1 is completely
10 different. Like, he can't -- he doesn't
11 understand that if he does something wrong, you
12 can't be -- like, you can't, like, be like you
13 have to go stand in the corner, do this or that.
14 He has to -- you have to get down on his level
15 eye-to-eye. And then we have to, like, sit down
16 and talk, like, if he hits, we have to be, like,
17 nice hands.

18 And then we have to sit there and try and
19 be like can you -- and we have textbooks cuz
20 that's how he communicates. And so, we'll go
21 through that textbook and try and figure out why
22 he's frustrated. Because usually the only time
23 he gets frustrated is when he can't communicate.
24 Like, he can say some words, but -- sorry.

25 THE COURT: (inaudible) what is the textbook,

1 like a picture book or what is a textbook?

2 THE WITNESS: Yeah, it's got -- I forgot to
3 bring it, but it has like a -- it's "I want" and
4 then it's got whether he wants a certain kind of
5 food, a certain person, a building or, like, his
6 favorite one is trampoline. So, he'll -- to calm
7 down, he'll just be like "I want trampoline" or
8 his little people. And then that's what we do
9 for discipline with him is just try and get him
10 to talk and express himself.

11 BY MS. COLEMAN:

12 Q. What have you done regarding your
13 children's religious upbringing?

14 A. We try and go to church on Sundays.
15 Mondays, we haven't been getting to go lately
16 because of Z.G.2's gymnastics schedule on
17 Mondays. But I think it's every other Monday
18 they have, like, this Moms' group for mothers to
19 go and be supportive of each other and they got a
20 free playroom and daycare for the kids, so the
21 kids can all play.

22 Q. And I was just going to ask what church
23 is that, not that it matters, but.

24 A. What is it?

25 Q. What church is it at?

1 A. The Catholic Church. Z.G.2 and Zeke
2 actually get to go to mass on Fridays with school
3 in the morning.

4 Q. Okay. Who takes care of your children
5 after school?

6 A. I do.

7 Q. Do your children have grandparents in
8 this area, this area being Miles City?

9 A. Yes.

10 Q. So, who's in the area that's a
11 grandparent?

12 A. Oh, we have Zeke's grandparents live here
13 in Miles City and they treat Z.G.2 and Z.G.1 --
14 they -- Z.G.2 calls them Grandma Forman and
15 Grandpa Forman. And then my parents live -- it's
16 like 80 miles away. But with my Dad's job and my
17 Mom's second job, they are in Miles City almost
18 every day.

19 Q. And is Zeke -- who is Zeke?

20 A. Zeke is my 13-year-old son.

21 Q. Okay. Please describe the children's
22 relationship with their grandparents.

23 A. It's amazing. They're spoiled rotten
24 pretty much. Z.G.1's new favorite thing is,
25 like, when they FaceTime, he'll be like, "I want

1 Papa." And as soon as, like, Papa shows up,
2 like, no one else matters to him. It's him
3 wanting any -- and he runs up to my Dad and he'll
4 be like, "Ready." And then that's when my Dad
5 has to, like, pick him up and he's, like, "Set,
6 go," and then he, like, throws him up in the air
7 and they can do that forever.

8 Q. Can you please describe a typical weekend
9 with your children when they're in your home?

10 A. When we get weekends together, it's -- it
11 depends. Like, some days, some weekends it's
12 like a lazy weekend because our week is extremely
13 busy. And they usually -- sometimes they like to
14 just sit around. We'll go to the neighbor's
15 house and have barbecues, we have friends over,
16 we'll have bonfires. We have a giant, huge
17 corner lot yard that is, like, completely packed
18 full of toys. So, we always have all the
19 neighbor kids coming over. We -- Z.G.2 loves
20 paints and arts and crafts, so we're always,
21 like, she has her own entire station in the
22 corner of my living room.

23 Q. A what station?

24 A. An art station.

25 Q. Okay.

1 A. That is just packed full of painting and
2 ironing, toys, like, projects. And Z.G.1 loves
3 painting and coloring. So, they pretty much
4 share that whole station. And then -- yeah.

5 Q. Do your children have friends at school?

6 A. Oh, yes, they have lots. Especially
7 Z.G.2., she is a friend of everybody.

8 Q. Do they have friends in their
9 neighborhood where you live?

10 A. Yes. The one neighbor girl is at our
11 house almost every single night, like, and then
12 on the weekends, she usually spends the night
13 with us.

14 Q. So, who is Z.G.2's best friend, what's
15 the first name?

16 A. Her name is Rory.

17 Q. And whose Z.G.1's best friend, first
18 name?

19 A. That one's hard. There's a couple twins
20 in the school that he really, really likes. But
21 I think his best friend is Braylin. And that
22 would be my little brother's daughter.

23 Q. Switching topics, Tara. Did you and
24 Braxton -- your original Parenting Plan, was this
25 stipulated or how did you come to that?

1 A. The original Parenting Plan was put in
2 place because of Z.G.1's diagnosis. And that's
3 why we had it during the summer. He would get
4 them for a couple of weeks, but they had to be,
5 like, it couldn't be all set together.

6 Q. Who -- are you referring to Braxton?

7 A. Yes, Braxton and I and Braxton's lawyer.

8 Q. Okay.

9 A. And because of the school and everything,
10 the kids went to school on Fridays, so that's why
11 he would get the kids Friday till Sunday and then
12 we had, like, the summer schedule that was split
13 odd and evens. And then the summer schedule he
14 would get them, but it would have to be, like,
15 week on/week off with -- or like a week in
16 between so that none of the services and stuff
17 would ever get, like, missed out.

18 Q. Okay, okay. So, am I -- do I understand,
19 did you originally come to an agreement together
20 or did a court (inaudible) court decide?

21 A. No. We decided. And then his lawyer
22 filed it with the Court for us.

23 Q. Okay.

24 A. I did have a lawyer to begin with, but
25 she apparently did a lot of bad things and is in

1 trouble so.

2 Q. Okay. In trouble with whom?

3 A. The State.

4 Q. Okay, okay. Do you communicate with the
5 children when they're with Braxton?

6 A. Yes.

7 Q. How do you communicate with them?

8 A. I FaceTime them.

9 Q. Has Braxton ever limited any of that
10 communication?

11 A. Yes. Both him and Andrea have, actually.

12 Q. Do they -- on the flip side, do they
13 sometimes foster that or allow it? Do they
14 sometimes allow communication when the kids are
15 together --

16 A. Yes.

17 Q. -- with them? Okay, okay. Is Braxton
18 behind on child support?

19 A. Yes.

20 Q. Do you think, Tara, that it would be
21 detrimental to your children if they did not live
22 primarily with you?

23 A. Absolutely, for all three of the
24 children.

25 Q. Why do you think that?

1 A. Because they -- especially, like, Z.G.1,
2 he needs a strict routine. And it's been
3 mentioned numerous, numerous times. And to be
4 taken away -- like, I've always been their
5 primary care. And just seeing, like, the
6 regression that happened over the summer was
7 devastating to everybody.

8 Q. What's -- why do you use the term
9 regression?

10 A. Like, Z.G.2 went back to -- she can only
11 say, like, three-word sentences. She had
12 numerous accidents. Even coming back, like, I
13 have therapy sessions on Monday and she
14 actually -- when she came back from her Dad's
15 actually peed her pants in my session with Sami.

16 Q. Are you willing to coparent with Andrea?

17 A. Yes.

18 Q. Do you think you and Braxton can learn
19 some new skills to coparent together?

20 A. I really wish we could.

21 Q. Do you think it's important that you do?

22 A. I think it's very important.

23 Q. Do you wish the Judge would interview
24 your children? It was mentioned yesterday by the
25 Judge. Do you wish she would?

1 A. Yes.

2 Q. Why do you say yes?

3 A. Because, like, when you try and explain,
4 like, just Z.G.1's diagnosis to people, like,
5 even me, like, when I first found out, I didn't
6 believe it. I was, like, there's no way this
7 precious little boy could -- nothing wrong with
8 him. And when people meet him, like, you
9 realize, like, he can't talk.

10 He -- yes, he is very big for his age,
11 but he still has the mentality of, like, a two-
12 year-old. So, you got this 65-pound little boy
13 who's already half as tall as I am wanting to be
14 carried because for the first couple years of his
15 life he didn't like being touched. Like, I would
16 try and hold him all the time and -- but he
17 didn't understand love or, like, I don't even
18 know if he still does. But just like over a year
19 ago, he just started saying, like, I love you and
20 things like that.

21 So, it's -- and Z.G.2 is crazy spoken,
22 energetic and she wants to be heard, too. And,
23 like, I believe the kids should have a say in it
24 because it is what's in the best interest for
25 them.

1 Q. Do you think that they love their Dad,
2 though?

3 A. Yes.

4 Q. Do you think they love their Dad?

5 A. Yes. They just really love it here.
6 They love going over there for the nights that
7 they get to go over there. Z.G.2's --

8 MR. SCHEVECK: Judge, I do have to object.
9 This is speculation.

10 THE COURT: I don't think speculation is the
11 right objection because she's saying what's
12 happening right now --

13 MR. SCHEVECK: Based off of --

14 THE COURT: (inaudible).

15 MR. SCHEVECK: Okay.

16 THE COURT: It might be -- I mean it's maybe
17 based on hearsay, but I don't think it's
18 speculation.

19 MR. SCHEVECK: My concern -- sorry.

20 THE COURT: (inaudible). Your concern?

21 MR. SCHEVECK: My concern, Judge, is that
22 she's giving -- she's stating how the kids are
23 feeling when they're with their Mom and then
24 they're with their Dad. How does she know that,
25 how the kids feel when they're with their Dad?

1 THE WITNESS: Because they express it.

2 MR. SCHEVECK: Well, that's --

3 THE COURT: I'm discounting all of that
4 because there's no way for her to know. And if
5 they tell her that, then it's hearsay. So, I'm
6 discounting what she's saying about how they are
7 with their Dad. But she can tell me what she
8 observes when they're with her.

9 BY MS. COLEMAN:

10 Q. So, Tara, what do you wish the Judge
11 would do related to the Parenting Plan about
12 amending it?

13 A. I wish it would go back to the original
14 Parenting Plan just with some -- the very first
15 Parenting Plan that was put in place in 2020 with
16 some adjustments to it.

17 Q. So, what do you mean? Are you talking,
18 like, what do you mean?

19 A. So, like the summer, the summer weeks,
20 would -- Braxton would have them on the weeks
21 that he's not working and then the weeks that he
22 was working, the kids be with me, so we could
23 split the summer. And then go back to the Friday
24 to Sunday schedule, so we don't have to risk the
25 kids losing school and stuff. And plus, the way

1 that would work is during the summer, because
2 Braxton works Wednesday to Wednesday, he could
3 still be involved on Thursdays and Fridays with
4 all of Z.G.1's stuff, like ABA and everything.
5 And then he'd still have his weekend with the
6 kids. And then on Monday and Tuesday he could
7 still be interacting and be able to be involved
8 if he really wants to be in these meetings.

9 Q. Do you think that it would be beneficial
10 for you and Braxton to go to counseling?

11 A. Absolutely. And Andrea.

12 Q. I don't -- is there anything else that
13 you want the Court to know? And I'm not saying
14 there is. I'm just asking.

15 A. Like, I don't know. I do, after seeing
16 them over the summer, have severe concerns.

17 Q. So, what do you mean?

18 A. Because my son was locked out in a camper
19 by himself on numerous occasions.

20 MR. SCHEVECK: Judge, I do have to object.
21 That's hearsay. She does --

22 THE WITNESS: I have --

23 MR. SCHEVECK: -- not have personal knowledge
24 of it.

25 THE WITNESS: -- recordings.

1 THE COURT: No. We're going to -- no. We're
2 going to (inaudible).

3 MS. COLEMAN: I'm sorry, Your Honor, we can't
4 hear. So, I'm not sure who you're instructing.
5 I'm sorry.

6 THE COURT: Ms. Losinski, are you serious?
7 Stop talking over the top of the attorney.

8 THE WITNESS: Sorry.

9 THE COURT: You don't get to object. He's
10 trying to make an objection. You need to be
11 quiet.

12 THE WITNESS: Sorry.

13 THE COURT: Mr. Scheveck, what were you
14 saying?

15 MR. SCHEVECK: Judge, that is based off of
16 hearsay. She does not have personal knowledge,
17 Judge.

18 THE COURT: Okay. Sustained as to anything
19 that has not been directly observed.

20 MS. COLEMAN: Thank you, Your Honor. I don't
21 have anything further for Tara.

22 THE COURT: Okay. Cross examination, Mr.
23 Scheveck?

24 MR. SCHEVECK: Yes, Judge.
25

CROSS EXAMINATION

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BY MR. SCHEVECK:

Q. Ms. Losinski, what is your address?

MS. COLEMAN: (inaudible) sorry.

THE COURT: If you're speaking -- she's unmuted. What is your address, Ms. Losinski?

THE WITNESS: 403 Williams Street.

BY MR. SCHEVECK:

Q. How many bedrooms is it?

A. Five.

Q. Would you be surprised if there was -- when did it change from three to five?

A. When the previous owner added extra rooms.

Q. Where does Z.G.1 sleep, in the living room?

A. In his bedroom.

Q. Is his bedroom the living room?

A. It's sure not.

Q. Why is there a mattress in the living room?

MS. COLEMAN: Your Honor, I don't have a -- I don't have anything, like, I don't have any information that I'm trying to keep from the Court. I'm just objecting. That -- I didn't ask

1 anything related to where these children live.

2 THE COURT: Yeah, but I think it goes without
3 saying that she's allowing them to continue
4 living at that -- at her home. And I think
5 that's fair to ask --

6 MS. COLEMAN: Okay.

7 THE COURT: -- things about what --

8 MS. COLEMAN: Okay.

9 THE COURT: -- they're home is like. So, I'm
10 going to overrule the objection and then you can
11 answer the question, if remember still, Ms.
12 Losinski. If not, I'll have him repeat it.

13 THE WITNESS: Can I answer the whole question
14 or is he --

15 THE COURT: You have to answer the question
16 that's asked. If he asks -- he's in cross
17 examination.

18 THE WITNESS: Yeah.

19 THE COURT: And the way typically that an
20 attorney would want to do cross examination is
21 that they basically want to be testifying and
22 they're going to ask your questions that will
23 elicit a yes or no answer. If there's more to
24 the answer than just yep, say what's closest to
25 the answer. And if there's more to it than that,

1 your attorney will direct examine you and cover
2 these bases, okay?

3 THE WITNESS: Okay. What was the question
4 again, please?

5 BY MR. SCHEVECK:

6 Q. Is there a mattress in the living room?

7 A. Yes, there is.

8 Q. Is there a futon in the living room?

9 A. Yes, there is.

10 Q. You sleep on that futon, don't you?

11 A. I can take naps on my futon, yes.

12 Q. Is -- Z.G.1 sleeps on that mattress,
13 doesn't he?

14 A. No, he does not.

15 Q. Do you have exposed wire in your home?

16 A. No.

17 Q. You saw pictures that were provided by
18 the Petitioner of Z.G.1. Do you agree with that
19 statement?

20 A. The picture with no date or time on it?

21 Q. Are you currently remodeling your home?

22 A. Yes.

23 Q. When did you start the remodel of your
24 home?

25 A. Two years ago.

1 Q. And is there -- and you're still
2 currently remodeling, correct?

3 A. We remodel each room because it's my
4 Father's house. And my Father is the one doing
5 their remodeling, so he does one room at a time
6 because he owns a spray foam business and he's
7 spray foaming the entire house because it's a
8 1970 double-wide, so it needs insulation, so
9 that's why we're remodeling.

10 Q. So, the prior owner remodeled; is that
11 what you're saying, or you guys are remodeling?

12 A. He did two rooms. He built two extra
13 rooms and he built the double-car garage.

14 Q. Who was the prior owner then?

15 A. No clue. He passed away.

16 Q. Okay.

17 A. We bought it from my cousin.

18 Q. So, you stayed -- how many bathrooms are
19 in your home?

20 A. Currently there's one.

21 Q. So, there's five bedrooms allegedly and
22 there's one bathroom, correct?

23 A. Yes.

24 Q. And you want to put a daycare in there;
25 is that correct?

1 A. Yes. I've been working with the State.

2 Q. Okay. And you testified on direct that
3 you think the Parenting Plan should change; is
4 that correct?

5 A. Yes.

6 Q. And do you agree with me that there's a
7 substantial change in the last Parenting Plan,
8 right?

9 A. What's that?

10 Q. And you agree that there's a substantial
11 change in the Parent -- from the last Parenting
12 Plan; is that correct?

13 A. Yes.

14 Q. Okay. It's fair to say that you do not
15 like Andrea; is that correct?

16 A. No.

17 Q. It's not a fact that you tell the kids
18 don't call her mom or don't call her stepmom; is
19 that correct?

20 A. That's false.

21 Q. In fact, you tell the children don't call
22 her Bonus Mom; is that correct?

23 A. That's false. Braxton's the one that
24 actually told Z.G.2 not to call me Mama.

25 Q. And that is -- you agree with me that's

1 hearsay, right?

2 A. Yeah.

3 Q. Is it fair to say that Andrea and Braxton
4 are a team?

5 A. Sure.

6 Q. And is it fair to say that they depend on
7 whether another; is that correct?

8 A. I can't vouch for their house.

9 Q. Okay. And is it fair to say that Braxton
10 is a good father to the children?

11 A. Yes.

12 Q. In fact, in the summer of 2022 he got all
13 the requirements from ABA and OT and speech
14 therapy for Z.G.1; is that correct?

15 A. No. I actually had to send that
16 information over myself. I had to call the
17 hospital and contact Mandy Hall to have the
18 records transferred over to Sidney.

19 Q. And that is because you like to withhold
20 information against Braxton.

21 A. Absolutely not.

22 Q. Are you sure about that?

23 A. Yes.

24 Q. Right. You know you've been held in
25 contempt multiple times. One of those is

1 refusing to give information to Braxton, right?

2 A. Which he had.

3 Q. How old is Z.G.1?

4 A. Five.

5 Q. He's -- what is his weight?

6 A. Like, almost 60 pounds.

7 Q. What's his favorite fast-food restaurant?

8 A. Wendy's.

9 Q. How often do you take Z.G.1 to Wendy's?

10 A. Whenever he asks.

11 Q. Do you think a child of that age should
12 determine what he eats?

13 A. If he wants a snack, yes.

14 Q. So, if he wants fast food, you're just
15 going to give it to him, right?

16 A. Just like they do.

17 Q. But you don't know that cuz you're not
18 with Braxton or Andrea at their parenting time,
19 right?

20 A. No. But I FaceTime and I see what the
21 kids are eating.

22 Q. Okay. Now, you testified -- is -- that
23 Braxton or Andrea would hold communication
24 between you and the kids, right?

25 A. Yes.

1 Q. Is that because you keep calling 10, 15
2 times until you get ahold of them on FaceTime?

3 A. I've never called them that many times in
4 a day.

5 Q. Do you keep calling multiple times until
6 you get ahold of them?

7 A. I've tried calling a couple times a
8 couple of days, yes --

9 Q. Right.

10 A. -- because I went days without getting to
11 speak to my children.

12 Q. And one of those was their -- Andrea and
13 Braxton's wedding is you kept on calling, knowing
14 that Andrea and Braxton were busy and so were the
15 kids --

16 A. I was never --

17 Q. -- and you kept on calling?

18 A. -- told what day their wedding was.

19 THE COURT: Okay. Ms. Losinski, can you wait
20 until --

21 THE WITNESS: Sorry.

22 THE COURT: -- he's --

23 THE WITNESS: Sorry.

24 THE COURT: -- asking the question so that we
25 can make our clear record. Thank you.

1 BY MR. SCHEVECK:

2 Q. And you kept on calling even though you
3 know the children and Braxton and Andrea are
4 busy, correct?

5 A. I didn't know they were busy.

6 Q. And -- but other than that, is --
7 Braxton, he communicates well with you such as
8 giving you information, correct?

9 A. No.

10 Q. No. Now you testified that the --
11 you -- the Court should interview the kids; is
12 that right?

13 A. Yes.

14 Q. And we had a hearing yesterday, correct?

15 A. Yes.

16 Q. Did you talk to your kids yesterday?

17 A. No. When I got home, they were sleeping.

18 Q. And do you believe that the kids are --
19 and you believe that the kids are of age to make
20 their own decisions on a Parenting Plan, right?

21 A. No.

22 Q. Because they're pretty young, you agree
23 with me with that, right?

24 A. Yes.

25 Q. And Z.G.1 has a -- he's special needs,

1 correct?

2 A. Yes.

3 Q. But you want the Judge to interview them
4 even though those issues, correct?

5 A. I just want people to meet my son, yes.

6 Q. But no, that's not what you said on
7 direct. Is -- direct is you want the kids to
8 talk to the Judge about their placement, correct?

9 A. And meet Z.G.1, yes.

10 Q. So, the answer is yes or no to --

11 THE COURT: I'm going -- just so I don't cause
12 confusion. I never ask kids where they want to
13 live. That's not a decision for them to make. I
14 just want to meet the kids. So, I'm not -- so
15 neither have you need expect that that's what I'm
16 going to be asking them.

17 BY MR. SCHEVECK:

18 Q. And you agree with me that the
19 coparenting, there's been a lack of communication
20 on your end; is that correct?

21 A. On both sides, yes.

22 Q. On your end; is that correct?

23 A. Sometimes.

24 Q. Right. And let's talk about your therapy
25 sessions. When did you first meet Samantha

1 Paxson?

2 A. My therapy sessions aren't a part of
3 this.

4 Q. Well, I believe the mental health of --

5 THE COURT: Actually --

6 MR. SCHEVECK: -- all individuals --

7 THE COURT: -- I'm just going to tell you it
8 is because I have to make a decision based on the
9 best interests of the children. And Montana law
10 defines best interest of children to include the
11 mental health of the parents and the children,
12 and physical health as well.

13 BY MR. SCHEVECK:

14 Q. So, Tara, when did you first meet
15 Samantha Paxson?

16 A. I first met her because we lived in the
17 same town together.

18 Q. You guys grew up together, right?

19 A. Yes.

20 Q. And you guys -- your family is friends
21 with her family; is that correct?

22 A. It's a small town, yes.

23 Q. Okay. And did you guys meet in
24 elementary school?

25 A. No. She was older than I was. I went to

1 school with her sister.

2 Q. Okay. But you knew her since, let's say,
3 20-plus years; fair to say?

4 A. Not talking to her, no.

5 Q. But you knew her for 20-plus years,
6 correct?

7 A. Probably.

8 Q. Okay. Then you decided to see Samantha
9 Paxson on a professional setting; is that
10 correct?

11 A. My doctor prescribed me to her, yes.

12 Q. So, you started seeing Samantha Paxson on
13 a professional setting, correct?

14 A. Yes.

15 Q. So, you're saying that your doctor
16 referred you to specifically Samantha Paxson; is
17 that what you're telling the Court?

18 A. Yes. Because she was working at Holy
19 Rosary.

20 Q. And when -- or why did you start seeing
21 Samantha Paxson?

22 A. Because of all the court.

23 Q. Well, what date -- what month and date
24 did you start seeing Samantha Paxson?

25 A. I don't know. I think it was like a

1 year-and-a-half ago or something like that.

2 Q. Okay. Were you ever diagnosed with any
3 ailments?

4 A. Anxiety.

5 Q. Are you taking --

6 A. Yes, I take anxiety meds.

7 Q. What other -- has Ms. Paxson diagnosed
8 you with anything besides anxiety?

9 A. The doctor is the one that prescribed the
10 anxiety to me. I just talked to Sami about
11 things that are going on in my life and work
12 through things.

13 Q. Has she diagnosed you with PTSD or
14 bipolarness (sic)?

15 A. Not Sami, that I know of.

16 Q. Has a doctor diagnosed you being bipolar?

17 A. No.

18 Q. Who was this other doctor you've never
19 mentioned?

20 A. I see Dr. McGlothlin.

21 Q. The guy that testified yesterday?

22 THE COURT: No, that was your client or your
23 witness Vince McGlothlin. He's an OT, isn't he?

24 MR. SCHEVECK: He is.

25 THE COURT: Occupational therapist. She's

1 seeing a different -- what -- who's your doctor?

2 THE WITNESS: My doctor is Dr. McGlothlin
3 or... yeah, or no, McIntyre. Sorry.

4 THE COURT: (inaudible) McLaughlin,
5 McGlothlin, I think.

6 THE WITNESS: Yeah, Mc... I don't know. It's
7 a weird name.

8 BY MR. SCHEVECK:

9 Q. When did you start seeing Dr. McIntyre
10 then, is that who referred you to Samantha
11 Paxson?

12 A. Yes, I believe so.

13 Q. And when was the last time did you see
14 that doctor?

15 A. Last month.

16 Q. In what capacity?

17 A. What do you mean?

18 Q. Why were you seeing Dr. McIntyre?

19 A. Because I was stressed out over the
20 court.

21 Q. Did he diagnose you with anything?

22 A. Yes. Because of my past, she diagnosed
23 me with PTSD and severe anxiety.

24 Q. And that's when they referred you to
25 basically an LCPC; is that correct?

1 A. That's when they referred me to Sami,
2 yes.

3 Q. Because they worked at the same hospital,
4 right?

5 A. Yes.

6 Q. That's not because you know Samantha
7 Paxson; is that what you're telling me?

8 A. I didn't even know she worked there at
9 the time.

10 Q. So, then you decided -- it's fair to say
11 that you and Samantha Paxson have a great
12 relationship?

13 A. Professionally, yes.

14 Q. Is it -- is that professional
15 relationship great, is it good?

16 A. She's very good at her job, yes.

17 Q. Does it feel like she's on your side?

18 A. No.

19 Q. No. So, you thought it'd be a good idea
20 to have the kids see your own counselor; is that
21 correct?

22 A. I just put them with the same counselor I
23 was going to cuz it's easier to make
24 appointments.

25 Q. Right. So, do you think that there's a

1 conflict there regarding you seeing Samantha
2 Paxson and the kids that seeng Samantha Paxson?

3 A. Absolutely not. She's very professional
4 at her job.

5 Q. Okay. Have you guys ever hung out on a
6 nonprofessional setting?

7 A. No.

8 Q. So, during the summer months is Paxson
9 (sic) was to receive (inaudible) actually during
10 the schoolyear is Thursday through Sunday,
11 correct?

12 A. To what?

13 Q. Thursday through Sunday, correct?

14 A. What about it?

15 MS. COLEMAN: I didn't understand the question
16 either.

17 THE COURT: I think that you didn't
18 (inaudible) the beginning of the question must've
19 cut off. So, could you say the whole question
20 again, please?

21 BY MR. SCHEVECK:

22 Q. Braxton was -- is to receive the children
23 Thursday through Sunday every other weekend,
24 right?

25 A. Yes, that's what the Parenting Plan says.

1 Q. Yeah, that's my question. Okay. So,
2 during the -- during that time then, is the ABA
3 services would actually come to Sidney, correct?

4 A. Yes.

5 Q. And also, in the summer as well ABA would
6 provide services in Sidney, correct?

7 A. Very little, yes.

8 Q. So, the answer is yes, correct?

9 A. Yes.

10 Q. And when does Special Education start for
11 Z.G.1?

12 A. He's already in Special Education.

13 Q. I'm talking about when does school start
14 for the kiddo?

15 A. He's in school.

16 Q. What happens at the end of this summer?

17 A. He will still have ABA and OT and speech.

18 Q. No, that's not my question. He'll be in
19 Special Education or kindergarten or preschool,
20 correct?

21 A. Not in the summer he won't be.

22 Q. My question is after summer is over,
23 he'll be entering a school setting, correct?

24 A. Yes, just like he is now.

25 Q. And at that time ABA will take a

1 backseat, correct?

2 A. Only if the specialists and the parents
3 all agree.

4 Q. So, if the parents agree, correct?

5 A. And all the specialists that work with
6 him, yes.

7 Q. So, if the parents don't -- I guess is --
8 ABA right now provides services Monday through
9 Friday, correct?

10 A. Yes.

11 Q. So, I guess when does the Special Ed
12 Department, when does -- when that takes over,
13 what's the calendar there, what's the schedule
14 there?

15 A. We're working right now to get him so he
16 goes to school in the morning and continues ABA
17 services in the afternoon.

18 Q. And have you ever even discussed this
19 with Paxson (sic)?

20 A. No, cuz I'm waiting to hear from the
21 school. And he's been in contact with Kim, so
22 this has all been discussed in our meetings.

23 Q. So, you heard the testimony that it would
24 only -- ABA would be on Fridays then. Did you
25 hear Ms. Beaner state that?

1 A. If we backed out.

2 Q. Yeah.

3 A. She also said that we could do it in the
4 afternoons and evenings on weekends to make up
5 for that time --

6 Q. Right.

7 A. -- if the days were too long.

8 Q. So, it's fair to say that the Education
9 Department or Special Education Department
10 provides OT and speech therapy, correct?

11 A. Yes.

12 Q. Right. And that's what -- right now
13 that's what ABA does as of right now, correct?

14 A. ABA doesn't do OT and speech.

15 Q. But they sure help out, don't they,
16 regarding OT and speech therapy, correct?

17 A. I don't understand your question, I
18 guess.

19 THE COURT: Does ABA supplement what Z.G.1 is
20 getting at the school for OT and speech?

21 THE WITNESS: ABA is completely different.
22 The school does OT and speech. And then Z.G.1
23 also gets OT and speech at Holy Rosary on
24 different days. Because it all has to -- we have
25 to have it all on certain days or else the

1 insurance won't accept it.

2 THE COURT: Understood. So, ABA is basically
3 Behavioral --

4 THE WITNESS: Yes, Applied Behavioral
5 Analysis.

6 THE COURT: Right. And it's got -- there's
7 pros and cons to it. It's got a lot of people
8 that critique it. I mean are you familiar with
9 that, that it's critiqued?

10 THE WITNESS: Yes. In much bigger cities --

11 THE COURT: (inaudible).

12 THE WITNESS: -- and stuff I have read --
13 sorry. Like, I've read in, like, much bigger
14 cities they do have a lot of issues with, like,
15 the ABA. But, like, with here, he gets -- like,
16 he works -- it's the same routine. He gets,
17 like, the same exact person. And so, he's shown
18 so much progress. Like, a year ago, like, he --

19 THE COURT: (inaudible) people who were -- who
20 are now adults who had ABA as children who are
21 very critical of it --

22 THE WITNESS: Yeah.

23 THE COURT: -- not just adults? Okay

24 THE WITNESS: Yes. My best friend is actually
25 autistic.

1 THE COURT: Right. But have you read the --
2 that's fine. You know, I have autistic
3 (inaudible).

4 THE WITNESS: No, no. Like, she loved it.
5 She had a good outcome from it.

6 THE COURT: What I mean is -- so, that's just
7 not part of the study. Have you read any of the
8 studies, though, any of the reports?

9 THE WITNESS: Yes. We do -- when I do have my
10 meetings with Kim, she tells us, like, that's
11 what we go over in the meetings is, like, studies
12 and trainings and just everything that she can
13 try and teach us --

14 THE COURT: All right.

15 THE WITNESS: -- about ABA and ASD.

16 THE COURT: Okay. And so, she discusses with
17 you the controversies surrounding ABA?

18 THE WITNESS: Yes. We actually had a talk
19 about it when he very first started. But, like,
20 Z.G.1 absolutely loves it. When he gets up in
21 the morning, he's like, "I want car. I want
22 ABA." And he, like, does his little hopping
23 thing in there and is all happy and giggly and
24 yeah.

25 THE COURT: Okay. So, then Mr. Scheveck, so

1 let's re-compartmentalize these (inaudible). ABA
2 is behavioral modification, whatever, which is
3 different from OT and speech therapy. Go onto
4 another question.

5 BY MR. SCHEVECK:

6 Q. So, did you ever -- when did you first
7 find out about ABA?

8 A. It would've been -- I'm not sure, maybe
9 like December of 2020 --

10 Q. And at that time --

11 A. -- (inaudible).

12 Q. (inaudible).

13 A. When Kim was talking about getting her
14 degrees and stuff during covid.

15 Q. And then I guess, when did you sign up
16 for the ABA services?

17 A. We signed up in I believe it was February
18 when he got to start.

19 Q. So, did you discuss with Braxton the
20 controversies with ABA?

21 A. I'm assuming Kim did cuz she has her own
22 meetings with him.

23 Q. No. My question is did you, before
24 entering Z.G.1 into ABA, did you talk to him
25 about the issues with ABA?

1 A. I told him about ABA, yes.

2 Q. But did you talk to him about the
3 controversies with ABA?

4 A. I don't remember. That was a long time
5 ago.

6 Q. Right. So, when did you actually -- when
7 did Z.G.1 get enrolled with ABA or approved?

8 A. In February.

9 Q. And when did you tell Braxton that you
10 were -- you're getting Z.G.1 --

11 THE COURT: Wait a second. I'm confused. I'm
12 getting confused about the timeline. The autism
13 diagnosis was February of 2020, your (inaudible)
14 December 2020, and you enrolled him in it in
15 February 2021?

16 THE WITNESS: Yes.

17 THE COURT: Okay.

18 BY MR. SCHEVECK:

19 Q. When did you inform Braxton that you
20 enrolled Z.G.1 in ABA?

21 A. When I was enrolling him because we had
22 to sign the papers. And I put all of his address
23 and stuff on it.

24 Q. So, did you discuss with Braxton -- so,
25 did you discuss the decision to get Braxton -- or

1 Z.G.1 into ABA --

2 A. Yes.

3 Q. -- prior to him being enrolled?

4 A. Yes.

5 Q. But you don't remember -- I believe you
6 testified that you don't -- you didn't know if
7 you had a conversation with Braxton regarding the
8 issues of ABA.

9 A. Yes.

10 Q. Okay. So, Z.G.2 likes gymnastics, right?

11 A. Yes.

12 Q. Are you aware that there's a gymnastics
13 in Sidney?

14 A. Yes.

15 Q. You testified that you have an art
16 station at home, correct?

17 A. Yes.

18 Q. Are you aware that Braxton has an art
19 station for Z.G.2 and Z.G.1?

20 A. Yes.

21 Q. Now, let's talk about the disciplining.
22 It's fair to say that your guys' coparenting and
23 communication is terrible.

24 A. Yep.

25 Q. Okay. Did you ever discuss the

1 disciplining of Z.G.2 and Z.G.1?

2 A. Yes.

3 Q. And anything in your information you
4 received did you mention anything about a
5 textbook regarding discipline?

6 A. Did I receive a textbook?

7 Q. Or did you ever indicate that there's a
8 textbook to Braxton regarding this textbook?

9 A. What textbook?

10 Q. I believe you testified that for
11 punishment is you write things down.

12 A. No. It's his textbook, it's his
13 communication book.

14 Q. Did you ever give a copy to -- did you
15 ever indicate that there was a book for Z.G.1 --

16 A. I did --

17 Q. -- for Braxton?

18 A. -- and I sent him an Amazon link as well
19 as Kim sent him the Amazon link, and I gave him
20 copies that Kim gave me from the DEAP Office to
21 make his own book, too.

22 Q. So, let's talk about Mike and Rhonda
23 Losinski. Is -- they own the house, right?

24 A. Yes.

25 Q. Okay. Where does Mike and Rhonda live,

1 though?

2 A. They have a couple houses in Jordan and a
3 ranch out in (inaudible).

4 Q. You testified they lived 80 miles away,
5 correct?

6 A. Yes.

7 Q. That's a little north of an hour,
8 correct?

9 A. Yes.

10 Q. What does Mike and Rhonda do for a
11 living?

12 A. My Mother drives the senior bus for the
13 Senior Center and brings people in for their
14 doctor's appointments and stuff here. She also
15 has bartended for 20-some years. My Father owned
16 a grain company and now he owns two spray foam
17 businesses.

18 Q. Okay. And most of the communication is
19 through FaceTime; is that correct?

20 A. With them?

21 Q. Yeah.

22 A. No. It's in person a lot of time, too.
23 They're in town almost every day.

24 Q. They drive 80 miles just to see the kids;
25 is that what you're telling me?

1 A. No. They have other business and stuff
2 they have to do. So, every time they come to
3 town they stop and see the children.

4 Q. In your observation with the kids, do the
5 kids -- do they love Andrea?

6 A. Do they love who?

7 Q. Andrea.

8 A. I have no idea.

9 Q. Have they ever expressed that to you or
10 gave you the feeling that they love Andrea?

11 A. We usually don't ever talk about that
12 stuff, I guess.

13 Q. Right.

14 A. Like, if they go and do something, they
15 mention -- Z.G.2 will tell us if they, like, went
16 somewhere or something.

17 Q. Are you aware that Z.G.2 and Z.G.1 have a
18 lot of friends in Sidney?

19 A. No, I'm not.

20 Q. No. You said that there's -- I believe
21 Z.G.2 and Z.G.1 have a neighborhood friend; is
22 that correct?

23 A. Yes, they have quite a few.

24 Q. What about Z.G.1 then, does he have a
25 neighborhood friend?

1 A. Yes.

2 Q. What's his name or her name?

3 A. Rory.

4 Q. Okay. You testified that regarding these
5 meetings, you testified that Braxton really
6 wanted to go to these meetings. Do you remember
7 stating that on direct?

8 A. In the beginning, yes.

9 Q. Yeah. In fact, he's asked you multiple
10 times when these meetings are, hasn't he?

11 A. And he's been told yes.

12 Q. And you don't respond to those text
13 messages, do you?

14 A. Yes, I do.

15 Q. Oh. So, you're just telling me and the
16 Court that he just doesn't show up to these
17 meetings, right?

18 A. I can't speak for him.

19 Q. Right. Or maybe the fact is you just
20 simply don't tell him --

21 MS. COLEMAN: Your Honor, I -- again, I am
22 objecting to Mr. Scheveck's repeated, right,
23 right. She's answering his questions.

24 THE COURT: Okay. Don't say right, right.
25 Just ask your question, let her answer, ask your

1 question.

2 MR. SCHEVECK: No further questions, Judge.

3 THE COURT: Do you have any redirect?

4 MS. COLEMAN: Just a couple.

5 **REDIRECT EXAMINATION**

6 BY MS. COLEMAN:

7 Q. Tara, you said when answering Mr.
8 Scheveck that coparenting with Braxton is
9 terrible; is that correct, did you just say that?

10 A. Yes.

11 Q. Has coparenting ever been better than it
12 is now?

13 A. We used to get along really well for a
14 little bit, and then we'd have our fights
15 bickering, and then we'd get along again. It's
16 always just been off and on.

17 Q. Do you think it can get better again?

18 A. Absolutely.

19 Q. Mr. Scheveck asked you about the
20 Parenting Plan that you're presently under, the
21 Amended Parenting Plan, he asked you if the
22 weekend visits for Z.G.1 are Thursday to Sunday;
23 is that -- and did you -- is that correct?

24 A. Yes.

25 Q. Have the two of you, you and Braxton,

1 agreed that it's presently Friday to Sunday?

2 A. Usually during the winter and when it
3 gets dark is early is when we've always changed
4 it to earlier times. And then for school this
5 year he changed it to Fridays for the schoolyear.

6 Q. Do you consider Miles City and Sidney
7 small communities?

8 A. Yes, they both are.

9 Q. Do you think that sometimes people in
10 small towns go to professionals that they know
11 somehow?

12 A. Oh, yeah.

13 Q. Do you think of those communities as
14 having limitless options for professional
15 services, whether they're attorneys or doctors or
16 counselors?

17 A. Yes.

18 Q. No. Do you think that they're -- no.
19 I'm sorry. Did you just say do you think there
20 are limitless options?

21 A. Yes, there is limited options.

22 Q. No. Oh, so, you said limited. I was
23 asking limitless.

24 A. Oh, sorry. It's like --

25 Q. No, I know --

1 A. -- echoing back and forth.

2 Q. -- I know, sorry. I just wanted to make
3 sure. I'm not trying to -- I want -- you say
4 whatever you think. I just want to make sure
5 that I'm clear.

6 A. No. I keep hearing you on this and then
7 back there, so it's --

8 Q. Mr. Scheveck asked you if you had ever
9 talked to Braxton about controversies with ABA.
10 Has Braxton ever talked to you about any
11 controversies with ABA?

12 A. No.

13 Q. Do you think it would be appropriate for
14 Braxton to investigate ABA services?

15 A. Yes.

16 MR. SCHEVECK: Judge, objection. That's
17 speculation.

18 MS. COLEMAN: I don't have anything further.

19 THE COURT: Overruled. That's not
20 speculation. Do you have anything further?

21 MS. COLEMAN: No thank you.

22 THE COURT: Do you have any recross, Mr.
23 Scheveck?

24 MR. SCHEVECK: I do, Judge.

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REXCROSS EXAMINATION

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BY MR. SCHEVECK:

Q. Tara, If you want to look at, I believe your Exhibit H and I for a quick second.

THE COURT: You know what? I'm going to tell you this about that. I know they sent text messages to each other saying so that she could go to first grade or move on from first grade. Whatever. But the Parenting Plan has not been changed. So, those -- I think those exhibits speak for themselves and the law will, you know, I mean, like, the Parenting Plan has never changed. The Parenting Plan says Thursday to Sunday.

BY MR. SCHEVECK:

Q. So, you do you think -- Tara, do you believe it's appropriate that the kids see the same counselor as you?

A. Yes.

Q. You don't see that there's any -- there's a conflict there?

A. No.

Q. Did Z.G.2 and Z.G.1, did they get a referral to Samantha?

A. No. I just put all three of my children

1 in the therapy. I didn't realize how much it
2 helped.

3 Q. And Zeke also -- is also seeking therapy
4 as well?

5 A. In therapy with Sami, yes.

6 Q. So, everyone in that household is seeking
7 some type of therapy, right?

8 A. It does people good, yes, to talk to
9 somebody.

10 Q. Now, I believe your counsel asked you
11 about the communication was terrible; is that
12 correct?

13 A. Between who?

14 Q. You and Braxton.

15 A. Yes.

16 Q. And it used to be okay; is that correct?

17 A. We've had our bad spells and our good
18 spells.

19 Q. And that's because he didn't have a
20 significant other; is that fair to say?

21 A. Absolutely not. We had problems in our
22 marriage as well where we had good days and bad
23 days.

24 Q. Right. It's not because you just don't
25 get along with Andrea, that could be it, correct?

1 A. I have no problem with her.

2 Q. But the increase in the fighting is
3 Andrea was there; is that correct?

4 A. No.

5 MR. SCHEVECK: Okay. No further questions,
6 Judge.

7 THE COURT: Any other witnesses, Ms. Coleman?

8 MS. COLEMAN: No, Your Honor.

9 THE COURT: Any rebuttal witnesses, Mr.
10 Scheveck?

11 MR. SCHEVECK: No, Judge.

12 THE COURT: Okay. When are the kids in Sidney
13 again?

14 MR. SCHEVECK: Braxton?

15 MR. GREENLOW: It would be this weekend, a
16 couple days.

17 THE COURT: They'd get there when?

18 MR. GREENLOW: Can you guys hear me?

19 THE COURT: Yeah, we heard you.

20 MR. GREENLOW: Oh, sorry.

21 THE COURT: When do they get there?

22 MR. GREENLOW: They get here Friday. They
23 have school on Thursday and Friday, so they'll
24 get here Friday evening. We'll meet in Glendive
25 at 4:30 PM.

1 THE COURT: Okay. And then when are they
2 again back? When is there not school -- is there
3 school Monday?

4 MR. GREENLOW: School is for Monday through
5 Friday.

6 THE COURT: No, I know. But Monday is a
7 holiday for government. So, is Monday a holiday
8 for --

9 MR. GREENLOW: What is it?

10 THE COURT: Presidents Day.

11 MR. GREENLOW: I would be willing to bet that
12 they go to school.

13 THE COURT: Do you know?

14 MS. COLEMAN: Your Honor, Ms. Losinski says
15 they do go to school this Monday.

16 THE COURT: Okay. Okay, let's see. So,
17 you'll have them... So, Ms. Losinski, you will
18 be meeting Mr. Greenlow in Glendive at 4:30 on
19 Friday?

20 MS. LOSINSKI: Yes. I pick the kids up from
21 school at 3:30.

22 THE COURT: Okay. And what is their bedtime?

23 MS. LOSINSKI: They go to get bed at 8:00
24 here.

25 THE COURT: So, do you typically go straight

1 to Sidney with the kids after you pick them up,
2 Mr. Greenlow?

3 MR. GREENLOW: Yes, Your Honor.

4 THE COURT: So, do you generally get back
5 around 5:30-ish or what?

6 MR. GREENLOW: Yes, Your Honor. The Parenting
7 Plan is set up for 6:30. But during the winter
8 because of the hours, but yes, right now that's
9 the way it's working.

10 THE COURT: Hey, Dan?

11 DANIEL: Yes, Judge?

12 THE COURT: Are you around this weekend?

13 DANIEL: I was actually planning to go to
14 Billings, but I --

15 THE COURT: Okay. No, you do that. I was
16 just trying to figure out a way that maybe --

17 DANIEL: I could try and come back early.

18 THE COURT: I want to find a place -- no, no.
19 Do not do that. No. I want input -- a neutral
20 place on Saturday where those kids could be
21 without Mr. Greenlow in the room with them to,
22 like, FaceTime me, so I can talk to them that
23 way, I guess. Do you guys have a mutual friend?

24 MR. GREENLOW: We have -- we do have people
25 that are more than capable of handling that.

1 There's also, you know --

2 THE COURT: But I mean the --

3 MR. GREENLOW: (inaudible).

4 THE COURT: -- I know. I don't want them to
5 go to the police station.

6 MR. GREENLOW: Yeah, that's (inaudible).

7 THE COURT: Do you have -- do you and Ms.
8 Losinski have a mutual friend that Ms. Losinski
9 feels comfortable with that they could be the
10 ones making sure that you're not there listening
11 in on what (inaudible) say?

12 MR. GREENLOW: If Tara could agree to Charlie
13 Clifton. Charlie was a good friend of Tara and I
14 and he was not -- he was comfortable testifying
15 on my behalf, but because he was a mutual friend
16 of ours, he was not comfortable testifying
17 against Ms. Losinski.

18 MS. LOSINSKI: If needed -- Your Honor, sorry.

19 MR. GREENLOW: No, you're good.

20 MS. LOSINSKI: If needed, I could take them
21 over to the DFS Office or the DEAP Office and --
22 because the supervisor doesn't know me. And I
23 could give them to Kim and the supervisor could
24 FaceTime you today.

25 THE COURT: I don't want them to be at any of

1 those offices.

2 MS. COLEMAN: What about --

3 THE COURT: And I don't want to do it today.
4 I want to do it, like, Saturday.

5 MR. GREENLOW: Sorry. My sister was hanging
6 on speaker cuz she couldn't zoom in. They can
7 hear us right now.

8 MS. COLEMAN: Your Honor, does Mr. -- does
9 Braxton have another suggestion of anybody
10 mutual?

11 MR. SCHEVECK: Andrea and Braxton, do you guys
12 have another person in mind?

13 MR. GREENLOW: We could speak to, like, Joann
14 Gresens. There are professionals here. Kysa
15 Rasmussen might agree to it if I got ahold of
16 her.

17 THE COURT: Kysa who?

18 MR. GREENLOW: The child therapist that was
19 here. But then again --

20 THE COURT: Was is it Rasmussen? I know that
21 she can't. I know she can't do it this weekend
22 cuz she's in --

23 MR. GREENLOW: Okay, okay.

24 THE COURT: -- she's involved in something
25 that I should be involved in --

1 MR. GREENLOW: I think my sister --

2 THE COURT: -- (inaudible).

3 MR. GREENLOW: -- had a suggestion. She tried
4 to chime in, but I think she thinks that --
5 Brighton, can you hear us?

6 BRIGHTON: Yeah, I can. I just didn't know if
7 I was supposed to speak.

8 MR. GREENLOW: Did you have a suggestion for a
9 person?

10 BRIGHTON: Yes. My salon is a pretty mutual
11 environment and I will be in town on Saturday.

12 MR. GREENLOW: No.

13 THE COURT: No, no, no. Well, not her.

14 MR. GREENLOW: Thank you.

15 THE COURT: Okay. Let me make a phone call.
16 If you can take them to Prairie Hills Recovery
17 Center at 10:00 on Saturday, the person who owns
18 that place will be there and can put them in a
19 room where there's a zoom setup and then shut the
20 door so they're privately in there.

21 MR. GREENLOW: You said Prairie Hills at 10 AM
22 on Saturday?

23 THE COURT: Yes.

24 MR. GREENLOW: Okay. Yeah, we can definitely
25 make that happen.

1 THE COURT: And then are the attorneys able to
2 send Proposed Orders to me by, like, Monday?

3 MS. COLEMAN: Yes. May we -- do you mean
4 by -- I know -- like (inaudible).

5 THE COURT: Proposed Orders.

6 MS. COLEMAN: End of the day, I mean it's a
7 holiday, but I --

8 THE COURT: Oh, Monday, yeah. By the end of
9 the day Tuesday. I apologize.

10 MS. COLEMAN: Thank you. No, that's fine.

11 THE COURT: I don't (inaudible) --

12 MS. COLEMAN: -- (inaudible). Yeah, that's
13 fine.

14 THE COURT: Okay. And then if you can send
15 them in Word format, please, like, if you send me
16 a courtesy copy or something, send it in Word
17 format.

18 MR. SCHEVECK: And on Tuesday, Judge?

19 THE COURT: End of the day Tuesday, yeah.
20 Okay. Anything more from the Petitioner?

21 MR. SCHEVECK: Judge, how do you want to
22 handle the contempt, Judge?

23 THE COURT: I'll handle it. So, I just want
24 the Proposed Orders on the Motion to Amend. But
25 I'm not going to handle it right now. I'm still

1 thinking. Anything from the Respondent?

2 MS. COLEMAN: No, Your Honor. Thank you.

3 THE COURT: Okay. All right. Everybody have
4 a good weekend. I will disconnect us. Dan, can
5 you call Officer Norby and tell him I'm ready for
6 him now then?

7 DANIEL: Yes, Judge.

8 THE COURT: Thanks.

9 MR. SCHEVECK: Have a good weekend, Judge.

10 MR. GREENLOWS: Thank you, Your Honor.

11 THE COURT: You bet.

12 (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 70 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.

