IN THE SUPREME COURT OF THE STATE OF NEVADA

JANEA CALKINS, Appellant, vs. WAYLON HUBER, Respondent.	)	Case No. 83053 District Court Case No. CV 20464

Electronically Filed
Sep 20 2021 10:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from *Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order*, issued May 12, 2021

In the Sixth Judicial District Court, Humboldt County, Nevada

APPELLANT'S APPENDIX

VOLUME 1

BITTNER LEGAL, LLC
ELIZABETH M. BITTNER
Nevada Bar No. 9329
1225 Westfield Ave., Suite 7
Reno, NV 89509
Tel (775) 357-8733
Counsel for JENEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Docket 83053 Document 2021-27198

ALPHABETICAL INDEX OF DOCUMENTS IN APPENDIX

DOCUMENT	DATE	VOL.	PAGES
Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing" and Affidavit of Janae Huber in Support of Ex Parte Motion for Return of Minor Children	May 17, 2017	1	A0226-A0232
Affidavit of Janea Huber in Support of Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0285-A0288
Audio Transcription of Hearing	July 15, 2020	4	A0847-A0982
Case Appeal Statement	June 10, 2021	5	A1085-A1088
Delivery of Affidavit	May 11, 2017	1	A0195-A0197
Discharge of Attorney and Substitution in Propria Persona	February 1, 2018	2	A0403-A0404
Emergency Ex Parte Motion to Change Custody	May 24, 2019	1	A0537-0549
Emergency Noticed Motion to Suspend Visitation and Request For Expedited Hearing	May 9, 2017	1	A0117-A0141
Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0103-A0112
Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0047-A0053
Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0060-A0077
Ex Parte Motion For Order Shortening Time	May 9, 2017	1	A0142-A0170
Ex Parte Motion For Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion	May 9, 2017	1	A0171-A0190

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Ex Parte Emergency Motion to Suspend Visitation	June 9, 2017	1	A0269-A0280
Ex Parte Motion to Compel	May 16, 2018	2	A0410-A0413
Ex Parte Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0468-A0480
Ex Parte Motion to Produce Children and Grant Third-Party Custody Pending Reunification	June 26, 2019	4	A0795-A0819
Ex Parte Request for Submission	June 26, 2019	4	A0820
Findings of Fact, Conclusions of Law and Decree of Divorce	April 1, 2016	1	A0001-A0004
Marital Settlement Agreement	March 21, 2016	1	A0005-A0031
Memorandum of Costs and Fees	May 23, 2017	1	A0233-A0239
Minutes (May 4, 2017 hearing)	May 4, 2017	1	A0096-A0097
Minutes (June 22, 2017 hearing)	June 22, 2017	2	A0352-A0353
Minutes (January 5, 2018 hearing)	January 5, 2018	2	A0397-A0399
Minutes (March 30, 2018 hearing)	March 30, 2018	2	A0405-A0409
Minutes (October 24, 2018 hearing)	October 24, 2018	2	A0418
Minutes (November 20, 2018 hearing)	November 20, 2018	2	A0422-A0424
Minutes (February 26, 2019 hearing)	February 26, 2019	2	A0458
Minutes (March 14, 2019 hearing)	March 14, 2019	2	A0459
Minutes (November 26, 2019 hearing)	November 26, 2019	3	A0566
Minutes (February 27, 2020 hearing)	February 27, 2020	4	A0781-A0785
Minutes (July 15, 2020 hearing)	July 15, 2020	4	A0843-A0846

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Motion for Change of Custody	March 8, 2021	5	A1011-A1024
Motion for Change of Custody	April 12, 2021	5	A1025-A1032
Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent	May 26, 2021	5	A1078-A1079
Motion to Change Location of Therapeutic Reunification	August 15, 2019	3	A0551
Motion to Continue Hearing	July 13, 2020	4	A0832-A0834
Motion to Enforce Divorce Decree and Motion to Modify Custody due to Change in Circumstance	August 16, 2019	3	A0553-A0554
Motion to Lift Restriction of Husband	January 23, 2019	2	A0434-A0435
Motion to Modify Custody and Related Relief	January 23, 2019	2	A0436-A0443
Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0481-A0493
Motion to Reopen Discovery	January 23, 2019	2	A0444-A0445
Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing"	May 16, 2017	1	A217-A0225
Motion to Strike Father's May 5, 2017 Request for Submission	May 23, 2017	1	A0240-A0242
Motion to Vacate and Reschedule Hearing	November 22, 2019	3	A0560-A0562
Motion to Withdraw as Attorney of Record	January 23, 2019	2	A0446-A0447
Motion to Withdraw as Counsel (Carucci)	September 13, 2017	2	A0372-A0376
Non-Opposition to Motion to be Relieved as Counsel	September 13, 2017	2	A0377-A0378
Notice of Appeal	June 10, 2021	5	A1089-A1099

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Notice of Appearance (Dolan Law, LLC)	May 12, 2020	4	A0793-A0794
Notice of Appearance (Maddox)	April 28, 2017	1	A0082-A0083
Notice of Appearance of Counsel (Carucci)	April 24, 2017	1	A0079-A0081
Notice of Appearance of Counsel (Evenson)	January 29, 2018	2	A0400
Notice of Entry of July 1, 2020 Order	July 2, 2020	4	A0825-A0831
Notice of Entry of Order	July 24, 2020	5	A0983-A0997
Notice of Entry of Order	May 12, 2021	5	A1066-A1075
Notice of Expert Witness	June 15, 2017	2	A0327-A0342
Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0386-A0387
Notice of Intent to Appear by Telephonic Transmission Equipment	June 16, 2017	2	A0343-A0345
Notice of Hearing	December 5, 2017	2	A0392-A0393
Notice of Hearing	January 31, 2018	2	A0401-A0402
Notice of Witnesses (Maddox)	April 28, 2017	1	A0084-A0086
Notice of Witnesses (Maddox)	June 16, 2017	2	A0346-A0348
Opposition To Father's "Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	1	A0243-A0246
Opposition to Mother's Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0289-A0307
Opposition to Mother's Motion to Change Custody and Cross Motion for Permanent Custody Order	May 3, 2021	5	A1038-A1053

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Opposition to Motion to Continue Hearing	July 14, 2020	4	A0835-A0842
Opposition to Plaintiff's Memorandum of Costs and Fees	June 5, 2017	2	A0263-A0268
Order	November 21, 2018	2	A0425-A0427
Order	February 8, 2019	2	A0456-A0457
Order	March 15, 2019	2	A0460-A0463
Order	November 22, 2019	3	A0563-A0565
Order	March 6, 2020	4	A0786-A0792
Order After Hearing	November 30, 2018	2	A0428-0430
Order After May 4, 2017 Emergency Hearing	June 16, 2017	2	A0349-A0351
Order After Mediation	December 9, 2019	3	A0570-A0572
Order Allowing Withdrawal of Counsel for Respondent	September 14, 2017	2	A0381
Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	May 10, 2021	5	A1058-A1065
Order Denying Request for Hearing	October 24, 2017	2	A0384-A0385
Order Granting Immediate Custody of Children	April 14, 2017	1	A0054-A0056
Order Modifying Temporary Custody of Two Minor Children and Other Related Matter	July 24, 2020	5	A0998-A1010
Order Regarding Improper Service	April 22, 2021	5	A1035-A1037
Order Scheduling Mediation and Hearing Dates	December 9, 2019	3	A0567-A0569
Order Suspending Visitation	June 9, 2017	2	A0281-A0282

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Order Suspending Visitation	July 3, 2017	2	A0369-A0371
Order to Immediately Produce Minor Children to Court and Notice of Expedited Hearing RE: Custody	July 1, 2020	4	A0821-A0824
Order to Show Cause	November 2, 2018	2	A0419-A0421
Order to Submit "Motion to Change Custody due to Change in Circumstance"	April 23, 2019	3	A0510
Order to Submit Emergency Ex Parte Motion to Change Custody	May 24, 2019	3	A0550
Order to Submit Ex Parte Motion to Modify Custody due to Change in Circumstance	January 24, 2019	2	A0448
Order to Submit Uncontested "Motion to Change Location of Therapeutic Reunification"	September 3, 2019	3	A0557
Plaintiff's Motion in Limine	February 20, 2020	3	A0574-A0575
Pre-Hearing Statement	February 20, 2020	3	A0576-A0580
Proof of Payment	December 31, 2018	2	A0431-A0432
Proof of Personal Service	June 22, 2017	2	A0354-A0358
Proof of Service	May 16, 2018	2	A0414-A0415
Proof of Service	February 1, 2019	2	A0449-A0450
Proof of Service	March 25, 2019	2	A0494-A0495
Proof of Service	April 23, 2019	3	A0511-A0512
Proof of Service	August 15, 2019	3	A0552
Proof of Service	December 23, 2019	3	A0573

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Proof of Service	February 20, 2020	3	A0581
Proof of Service	March 15, 2021	2	A0464-A0465
Proof of Service	April 12, 2021	5	A1033
Proof of Service	May 5, 2021	5	A1054-A1056
Proof of Service	May 26, 2021	5	A1080-A1081
Proof of Service (Motion to Enforce Divorce Decree)	August 16, 2019	3	A0555
Proof of Service (Motion to Modify Custody due to Change in Circumstance)	August 116, 2016	3	A0556
Proof of Service for Request for Submission	June 9, 2021	5	A1082-A1083
Proof of Service for Supplement to Motion to Modify Custody	May 7, 2019	3	A0519
Proof of Service for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0583
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0057-A0058
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0078
Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0039-A0044
Reply in Support of Motion to Modify Custody due to Change in Circumstances	April 23, 2019	3	A0513-A0518
Reply To Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing	May 23, 2017	I	A0247-A0251
Reply to Motion to Lift Restriction on Husband	February 1, 2019	2	A0451

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Reply to Motion to Modify Custody and Related Relief	February 1, 2019	2	A0452
Reply to Motion to Reopen Discovery	February 1, 2019	2	A0453
Reply to Opposition for Motion for Order to Show Cause for Order Regarding Defendant's Consent to Obtain Passports	July 19, 2021	5	A1122-A1124
Reply To Opposition To Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion For Return of Minor Children; and Opposition To Mother's Emergency Motion to Suspend Visitation	May 11, 2017	1	A0198-A0216
Reply To Opposition To Fathers Motion To Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 25, 2017	2	A0256-A0260
Request for Hearing	October 17, 2017	2	A0382-A0383
Request for Hearing	November 9, 2017	2	A0388-A0389
Request for Hearing	January 4, 2019	2	A0433
Request for Hearing	May 17, 2019	3	A0535-A0536
Request for Submission of "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	2	A0252-A0253
Request for Submission of Defendant's "Ex Parte Motion For Return of Minor Children: Opposition To Father's May 8, 2017 Ex Parte Motion"	May 9, 2017	1	A0193-A0194

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission of Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0113-A0114
Request for Submission of Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0059
Request for Submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce	May 8, 2017	1	A0115-A0116
Request for Submission of Ex Parte Emergency Motion to Suspend Visitation	May 9, 2017	2	A0283-A0284
Request for Submission of Ex Parte Motion To Shorten Time	May 9, 2017	1	A0191-A0192
Request for Submission of Memorandum of Costs and Fees and Order For Attorney Fees	May 23, 2017	2	A0254-A0255
Request for Submission of Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion To Suspend Visitation and Request For Expedited Hearing	May 25, 2017	2	A0261-A0262
Request for Submission of Motion to Withdraw as Counsel	September 13, 2017	2	A0379-A0380
Request for Submission of Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0390-A0391
Request for Submission of "Order After May 4, 2017 Emergency Hearing"	June 15, 2017	2	A0316-A0326
Request for Submission of the Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0045-0046
Request for Submission	June 15, 2018	2	A0417
Request for Submission	April 12, 2021	5	A1034
Request for Submission	May 5, 2021	5	A1057
Request for Submission	June 9, 2021	5	A1084

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission for Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0498
Request for Submission for Supplement to Motion to Modify Custody	May 7, 2019	3	A0520
Request for Submission for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0582
Request for Submission of Ex Parte Motion	May 16, 2018	2	A0416
Request for Submission of Ex Parte Motion to Change Custody	March 25, 2019	3	A0496-A0497
Request for Submission of Second Supplement for Ex Parte Motion to Change Custody	March 29, 2019	3	A0509
Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees	June 13, 2017	2	A0308-A0315
Second Supplement to Ex Parte Motion to Change Custody	March 29, 2019	3	A0504-A0508
Subpoena (Dunkhorst) with Acceptance of Service	April 28, 2017	1	A0093-
Subpoena Duces Tecum	March 29, 2019	3	A0504-A0508
Subpoena Duces Tecum (DCFS) with Acceptance of Service	April 28, 2017	1	A0087-A0092
Subpoena (DCFS)	December 29, 2017	2	A0394-A0396
Subpoena To Appear and Testify (Ochoa)	June 22, 2017	2	A0364-A0368
Subpoena To Appear and Testify (Schmelling)	May 4, 2017	1	A0098-A0102
Subpoena To Appear and Testify (Schmelling)	June 22, 2017	2	A0359-A0363
Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0499-A0503
Supplement to Motion to Modify Custody	May 7, 2019	3	A0521-0534

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Supplement to Pre-Hearing Statement	February 24, 2020	3	A0584-A0744
Supplement to Pre-Hearing Statement (continued)	February 24, 2020	4	A0745 A0780
Withdrawal of Attorney (Dolan Law, LLC)	May 25, 2021	5	A1076-A1077
Withdrawal of Attorney (Manson)	June 23, 2016	1	A0035-0038
Withdrawal of Counsel (Whitehead)	April 11, 2016	1	A0032-A0034

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

CASE NO. CV 20,464

DEPT. NO. 2

2016 APR -1 AM 9:39

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-o0o-

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE

On March 21, 2016, Waylon J. Huber and Janea Huber reached a settlement in the above-referenced case on the division of property, spousal support and child custody and support. This Court, having reviewed the pleadings and papers on file and the parties' Marital Settlement Agreement finds, concludes and orders as follows.

FINDINGS OF FACT

1. RESIDENCY. Waylon J. Huber, is now and for more than six (6) weeks immediately preceding the commencement of this action has been an actual and bona fide resident of the State of Nevada and has been actually and physically present and domiciled in said State during all of the said time with the intention to make the State of Nevada his residence and domicile for an indefinite period of time.

2. DATE AND PLACE OF MARRIAGE. Plaintiff and Defendant were married in Reno, Nevada on the 30th day of December, 2010 and now are husband and wife.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

3. CHILDREN. There are two minor children of the marriage, Brynlee J. Huber, born May 8, 2012 and Bryson W. Huber, born May 8, 2012. Defendant is not pregnant. All matters pertaining to the care, custody, control and support of the parties' minor children have been settled by way of the written Marital Settlement Agreement of the parties, dated March 21, 2016 (Exhibit "A" hereto.)

4. PROPERTY, DEBTS AND SPOUSAL SUPPORT. All matters pertaining to the community and separate property of the parties and to their community and separate debts, and to their marital and support rights have been settled by way of the written Marital Settlement Agreement of the parties, dated March 21, 2016 (Exhibit "A" hereto).

5. GROUNDS FOR DIVORCE. Plaintiff and Defendant have conflicts in personalities and dispositions so deep as to be irreconcilable, which render it impossible for the parties to continue a normal marital relationship with each other, and as a result, incompatibility exists of such a character as to destroy the legitimate objects of matrimony and to render it impossible for Plaintiff and Defendant to live together as husband and wife and to make a reconciliation between the parties impossible.

CONCLUSIONS OF LAW

From the foregoing facts, the Court makes its Conclusions of Law as follows:

1. The Court has jurisdiction over the subject matter herein and the parties hereto and the Plaintiff is entitled to an absolute and final decree of divorce from Defendant on the ground of incompatibility.

2. The Martial Settlement Agreement attached as Exhibit "A" settles all child custody and support, property, support and marital rights of the parties and all claims of each of them against the other and provides for the best interests of the parties' children. The Marital Settlement Agreement should be ratified, approved and adopted by this Court, and incorporated by reference and Merged in the Decree of Divorce entered by this Court and the parties ordered to

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

comply therewith.

DECREE OF DIVORCE

It is, therefore, hereby ordered, adjudged and decreed as follows:

1. DECREE OF DIVORCE. Plaintiff is hereby granted a Decree of Divorce, final and absolute in form and effect, from the bonds of matrimony now and heretofore existing between Plaintiff and Defendant, and the parties are restored to the status of unmarried persons.

2. APPROVAL OF MARITAL SETTLEMENT AGREEMENT. The Marital Settlement Agreement of the parties attached as Exhibit "A" is hereby ratified, approved and adopted, is incorporated by reference and merged into this Decree of Divorce and the parties are ordered to comply with the terms set forth therein.

3. The Court expressly relinquishes jurisdiction to modify or award alimony except as set forth in the parties' Marital Settlement Agreement.

4. PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to a child who willfully detains, conceals or removes a child from a parent, guardian or other person having lawful custody or a right of visitation with a child in violation of an Order of this Court, or removes a child from the jurisdiction of the Court without the consent of either the Court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

5. HABITUAL RESIDENCE OF THE MINOR CHILDREN: The United States of America is the habitual residence of Brynlee and Bryson Huber. The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

6. The parties are on notice an order for child support may be reviewed once every three years and may be reviewed at any time upon a showing of changed circumstances.

DATED this 1ST day of April, 2016.

DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

NO. CV 20464

FILED

2016 MAR 21 AM 10:23

IN THE SIXTH JUDICAL DISTRICT COURT OF
THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLT

WAYLON J HUBER

VS

JANEA HUBER

MARITAL SETTLEMENT AGREEMENT

Exhibit "A"

MARITAL SETTLEMENT AGREEMENT

THIS AGREEMENT, made this 21 day of March, 2016, by and between JANEA MARIE HUBER, of Winnemucca, State of Nevada, reinafter referred to as "Wife", and WAYLON JAY HUBER, of Winnemucca, State of Nevada, hereinafter referred to as "Husband";

W I T N E S S E T H:

WHEREAS, the parties were married on December 30, 2010, at Reno, Nevada, and ever since that date have been and are presently Husband and Wife; and,

WHEREAS, certain irreconcilable differences have arisen between Husband and Wife which have caused the irremediable breakdown of the marriage, as the result of which the parties have decided to separate and hereinafter permanently live apart; and,

WHEREAS, there are two (2) minor children born the issue of the parties' marriage, to wit: BRYNLEE J. HUBER, born on May 8, 2012, and BRYSON W. HUBER, born May 8, 2012; and,

WHEREAS, the parties wish to incorporate in a single document three (3) severable marital settlement agreements, one concerning the marital and community property rights and obligations of the parties, one concerning matters of spousal support, and the other concerning matters of custody, support and related matters pertaining to the parties' said minor children, all of which are made in consideration of and to be submitted to a Court for approval and to be merged and incorporated in a final Decree of Divorce, if and when the same shall be obtained by the

J.M.H. W.J.H.

parties, terminating and dissolving their marital relationship.

The purpose of this Marital Settlement Agreement is to make final and complete settlement of all rights and obligations between Husband and Wife, including their respective property rights and their rights and obligations regarding the matters of spousal support, and all matters pertaining to the parties' said minor children.

This Marital Settlement Agreement contains the entire agreement of the parties on the matters it covers and supersedes any previous agreement(s) between Husband and Wife. No other agreement, statement or promise made by or to either of the parties, or to the agent or representative of either of them, shall be binding upon Husband and Wife, unless it is in writing and signed by both, or contained in an order of a Court of competent jurisdiction.

Both Husband and Wife acknowledge that each has had the opportunity to be represented in the negotiations for and in the preparation of the within Marital Settlement Agreement by counsel of their own choice, and that each has had the opportunity to have the agreement read to them and explained to them by counsel of their own choice, and each is fully aware of the contents and legal effect of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and warranties herein contained, it is mutually agreed this Agreement shall be submitted to a Court of competent jurisdiction for incorporation and merger in a final Decree of Divorce, and accordingly, the parties agree as follows:

J.M.H. W.J.H.

1. **SPOUSAL SUPPORT.**

Husband agrees to pay to Wife as and for alimony and/or spousal support, after the sale of the parties' marital residence, the lump sum of $5,000.00 from Husband's share of the proceeds from the sale of the residence. Husband and Wife shall execute an escrow instruction consistent with this provision so that Wife is paid directly from escrow.

Husband has no obligation to pay alimony and/or spousal support after the death or remarriage of the Wife, or after the payment of the alimony set forth above, except as set forth in paragraph 2 below. Pursuant to Internal Revenue Code Section 71, the alimony and/or spousal support payments shall be included as income on Wife's separate income tax returns. In addition, such payment shall be a deduction on Husband's separate income tax returns pursuant to Internal Revenue Code Section 215.

The aforementioned sum is intended to be maintenance and support of Wife and is not designed nor intended to be a property division.

2. Both Husband and Wife agree that jurisdiction over the issue of spousal support, each of them to the other, shall be retained by the Court for the sole purpose of protecting one against the other from defaulting on the payment of community debts as set forth below. The purpose of the retention by the Court as to the possibility of spousal support is to ensure that neither party declares bankruptcy on the debts included herein which results in the non-declaring party's assumption of such debts without recourse or the non-payment of such debts being

J.M.H. W.J.H.

reported against them on their credit. It is the contemplation of the parties that if one party is forced to declare bankruptcy, the other party may go back to the Court to request spousal support in the amount of the debt he or she is either required to assume as a result of the declaring party's bankruptcy or for which the non-payment of such debt is reported on the non-declaring party's credit report.

Therefore, to reserve the Court's jurisdiction as set forth above and for no other purpose, each party shall owe, one to the other, spousal support in the amount of one dollar ($1.00) per year, until such time as all debts ordered to be paid herein are paid in full.

For tax purposes, the payment of spousal support under this paragraph shall not be taxable to the receiving party and shall not be deductible by the paying party.

The payment of spousal support pursuant to this section is non-dischargable under Bankruptcy Code Section 523(a)(5).

3. **CHILD CUSTODY, VISITATION, SUPPORT AND RELATED MATTERS PERTAINING TO THE PARTIES' MINOR CHILDREN.**

a) Child Custody. The parties agree that they should be awarded the joint legal and joint physical custody of their said minor children, with Husband awarded the following rights, and the Wife awarded all remaining time the children are not with Husband:

i) Two (2) weekends per month from Thursday at 6:00 p.m. until Sunday at 6:00 p.m.;

ii) Two (2) weeks during the Summer; and,

J.M.H. W.J.H.

iii) The parties shall alternate holidays as follows:

Holiday	Even	Odd
New Years Day 7:00 p.m. New Year's Eve to 7:00 p.m. New Year's Day	Wife	Husband
Easter Sunday 9:00 a.m. to 7:00 p.m.	Husband	Wife
4th of July 9:00 a.m. to 9:00 a.m. Or school July 5th	Wife	Husband
Halloween 9:00 a.m./after school to 9:00 a.m./school the following day	Husband	Wife
Thanksgiving 5:00 p.m. Wednesday to 5:00 p.m. Sunday	Wife	Husband
Christmas Eve and Christmas Day 9:00 a.m. Christmas Eve to 7:00 p.m. Christmas Day	Husband	Wife
Three (3) Day Weekends	The children shall remain with the parent having custody for that weekend	
Father's Day 8:00 a.m. to the following morning	Husband every year	
Mother's Day 8:00 a.m. to the following morning	Wife every year	

The parties shall meet half way between Winnemucca and Boise for visitation exchanges at Burns Junction.

The above provision for custody and visitation is intended to be for a temporary period of two (2) years at which time the parties shall be awarded joint legal custody and joint physical custody as set forth below.

J.M.H. W.J.H.

Accordingly, Husband hereby grants to Wife permission to temporarily relocate with the parties' minor children, to Boise, Idaho, for the purpose of completing her schooling for a maximum period of two (2) years.

Husband shall be required to maintain complete sobriety when the parties' minor children are in his custody. To ensure Husband's sobriety, for the first eighteen (18) months of visitation, Husband shall be required to use the Smart Start Alcohol Monitoring program, at the parties' equal expense, while the children are in his custody. He is required to test by blowing into the system each and every evening that the children are with him at 7:00 p.m. In the event of a malfunction or a claimed malfunction, Husband shall continue to try each and every hour, on the hour, after 7:00 p.m. until the test is complete or for a period of three (3) hours. In the event the test cannot be completed, he must telephone Wife so that she can attempt to evaluate his sobriety.

In the event Husband does maintain his sobriety, when Wife returns to Winnemucca, Nevada, the parties shall be awarded joint physical custody of their minor children, which shall be exercised on a 2/2/3 day basis as follows:

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
M	F	F	M	M	F	F
F	M	M	F	F	M	M
M	F	F	M	M	F	F
F	M	M	F	F	M	M

J.M.H. W.J.H.

Weekends shall commence Fridays after school/daycare and end Mondays after school/daycare; weekday custodial times shall begin Mondays after school/daycare, Wednesdays after school/daycare and Fridays after school/daycare.

Holidays shall be divided between the parties as set forth above. Each party is entitled to a two (2) week period for the purpose of vacation upon 60 days advance notice to the other, however, neither may usurp the other's holiday for vacation.

b) Definition of Joint Legal Custody. The parties acknowledge that the term "joint legal custody" is defined as the shared responsibility for all major decisions concerning the children's education, medical care, dental care, spiritual care, and all matters concerning the children's upbringing and welfare. For that purpose, both parties shall consult each other and confer on matters affecting the children's welfare, taking into account the children's best interests and, so far as practical, the children's wishes. Each parent shall have full authority to sign for emergency care, school attendance and other activities requiring the signature of either parent. Moreover, each party shall advise the other within 24 hours of any medical treatment sought on behalf of the minor children while in the custody, care and control of the other. This is intended to be limited to medical care sought out of the ordinary. The parties should discuss in advance with one another any ordinary appointment, i.e. checkups, etc,. so each party can attend same if appropriate.

The parties shall provide any and all school records, report

J.M.H. W.J.H.

cards or progress reports regarding the minor children. The parties shall provide and share all information regarding the children's education, including, but not limited to, notices of parent-teacher conferences and progress reports.

Each party shall be entitled to complete and full information from any doctor, dentist, consultations, psychologists, or other specialists attending the minor children for any reason whatsoever, and to have copies of any reports given to him or her as a parent. Each parent shall provide written authorizations to facilitate this provision. Each parent shall provide the name, address and telephone number of the children's doctors, dentists or other health care providers. Each parent shall inform the other as soon as possible of any non-routine medical treatment received by the children, including accidents, injuries, or serious illness. Both parties will have the right and ability to make appointments with any doctor, dentist, consultations, psychologists, or other specialists attending the minor children. If the children are in the care of the other parent when the appointment is to take place, the party making the appointment shall be responsible for providing transportation for the child/children to attend the appointment. In addition, both parties will have the authority while the children are in his or her care to seek emergency medical treatment on behalf of the minor children.

Each of the parties agrees at all times to provide the other with his or her current home telephone number. Each party agrees to allow and encourage the other to have frequent associations

J.M.H. W.J.H.

and a continuing relationship with the minor children.

Both parties agree to conduct themselves in a manner consistent with, the best interests of the minor children, and neither party shall do anything to diminish the natural affection that exists between each of them and the children. The parties further agree that neither party shall disparage the other party to the children, and that each party shall use his and her best efforts to nurture and promote the relationship of the children with the other party. Each party agrees to communicate freely and openly with the other party concerning the health, educational needs, and welfare of the children. Further, the parties understand the need for continuity, predictability, and stability in the lives of the minor children. In order to achieve this, the parent with whom the children are actually living shall have the routine daily responsibility to make those decisions which are necessary in the natural course of caring for the children.

The parties recognize that the minor children's emotional well being is greatly enhanced by the parties' mutual cooperation and expressions of good will and civility towards one another, and therefore, they will maintain the highest standards of courtesy towards one another and will encourage the children's love, respect and affection towards each of the parties.

c) Child Support. While Husband is temporarily receiving no income, Husband agrees to pay to Wife, as and for the care, support and maintenance of the parties' said minor children, the sum of $200.00 per month.

Once Husband begins receiving income again, he shall provide

J.M.H. W.J.H.

Wife with proof of his then current income, and his child support obligation shall be adjusted to comply with the statutory formula.

Said child support payments shall commence on March 1, 2016, and shall continue until such time as the minor children shall attain the age of majority or through the month of graduation if they are still in high school when they attain the age of majority. In no event shall child support be paid past the age of nineteen (19) years.

Child support payments shall commence on March 1, 2016, and shall be due and payable in two (2) equal installments, consistent with Husband's two (2) pay periods each month.

The amount of child support is based upon the provisions of NRS 125B.070, and the parties hereby agree, certify and confirm that the said amount of child support adheres to and is in conformity and compliance with the statutory formula requirements delineated in NRS 125B.070, et seq.

The child support payments are subject to the provisions of Nevada Revised Statutes, Chapter 31A, as amended by Chapter 808, Statutes of Nevada 1987, providing for the withholding of wages and commissions for delinquent payments of child support, and are subject to review every three (3) years throughout the children's minority as provided by Nevada law. The parties further agree that payment of the said child support, as long as the Husband is fully current thereon, shall not be effectuated by a wage withholding or wage assignment pursuant to Nevada Revised Statutes 125.450; and, they thereby agree that as long as

J.M.H. W.J.H.

payments are current, there shall be no requirement of compliance with the provisions of NRS Chapter 31A. The parties further agree that wage withholding or wage assignment shall not occur unless an arrearage in child support of ten (10) days or more occurs; and, that in such an event of a child support arrearage of ten (10) days or more, wage withholding procedures shall be initiated without further notice to Husband.

d) Medical and Dental. The parties shall maintain a health insurance policy on their minor children during their minority. The parties agree to utilize the most beneficial and economical policy available to either party. The parties shall equally divide the premium costs regardless of its source.

Until the minor children shall attain the age of majority or until age nineteen (19) years if they are still in high school, the Husband and Wife shall equally pay all uninsured, unreimbursed medical, dental, surgical, orthodontic, and optical expenses incurred by or on behalf of the parties' children during their respective minority, including any deductibles, any co-pays, and the health insurance premiums. The parties agree to provide all cooperation necessary and required to facilitate the submission to insurance and the prompt payment of the said medical and related bills incurred on behalf of the parties' minor children.

Each party shall promptly provide the other with copies of the children's medical and dental bills they receive within thirty (30) days of their receipt; and, the party incurring the bill shall promptly submit the same to insurance. Thereafter,

J.M.H. W.J.H.

each party shall pay in full their share of any such expense within thirty (30) days of receipt of an Explanation of Benefits (EOB), or, in the event there is no insurance coverage for the service, within thirty (30) days of receipt of the bill. In the event that a parties' share exceeds the sum of $150.00, each party is entitled to make payment arrangements directly with the medical care provider.

e) Child Dependency Exemptions. It is agreed by and between the parties that commencing with the tax year 2016, the parties shall equalize claiming the child dependency exemptions provided by their minor children, with each party claiming one child. If and when only one (1) exemption remains, the parties shall alternate it yearly claiming the one (1) exemption with Wife claiming it the first year.

f) Extra Curricular Activities. The parties agree to confer with each other before enrolling the children in any extra-curricular activity and shall equally divide the cost of any activity upon which they both agree. Both parties must consent in writing to share the cost. Each party is free to enroll the children in an extra-curricular activity without the consent of the other, however, in that event, the enrolling parent shall be solely responsible for all costs associated with such activity.

4. **COMMUNITY PROPERTY.**

It is agreed by Husband and Wife that subsequent to the parties' physical separation on or about June 1, 2015, any and all property, real, personal or mixed, acquired by either Husband

J.M.H. W.J.H.

or Wife from whatever source, shall be the sole and separate property of the party so acquiring the same unless specifically stated otherwise herein.

Husband and Wife hereby confirm the property listed hereinafter to the other, as his or her sole and separate property. Further, both Husband and Wife agree to use a carryover basis for the community property assets he or she receives; and, in the event either takes a position on his or her income tax return inconsistent with such agreement, such party shall indemnify and defend the other and shall hold the other harmless for any and all tax liabilities attributable to such an inconsistent position.

Husband and Wife hereby elect to have the division of their marital estate treated as a non-taxable transfer between spouses, pursuant to the provisions of the 1984 Tax Reform Act, which amended Section 1041 of the Internal Revenue Code. It is acknowledged by Husband and Wife that no gain or loss will be recognized on transfers of property between them which are incident to their divorce; and, it is further acknowledged that such transfers are treated as if acquired by gift so that the basis of the property remains the same as it was prior to the transfer.

a) To Wife, as Her Sole and Separate Property. The Husband agrees that the following community property shall hereafter be the sole and separate property of the Wife, without claim or interest by Husband:

(i) The sum of $10,000.00, payable as outlined herein below, which represents Wife's one-half (½) share of the Fitness

J.M.H. W.J.H.

Zone Gym;

(ii) The 2010 Yukon Denali;

(iii) 100% of Husband's 401(k) retirement account;

(iv) All household furniture, furnishings and other personal property in Wife's present possession and the following items still in Husband's possession: Apple Lap Top, Stroller, Dad's Bed, Mattress, two (2) computer desks and Wife's mountain bike;

(v) Wife's personal items and effects, including personal possessions, articles of clothing and all jewelry; and,

(vii) Any and all bank accounts of any kind or nature held in Wife's name alone.

b) To Husband, as His Sole and Separate Property. The Wife agrees that the following community property shall hereafter be the sole and separate property of the Husband, without claim or interest by Wife:

(i) 100% of the proceeds from the sale of the parties' residence at 4151 Two Rock, Winnemucca, Nevada;

(ii) The 1986 Chevrolet Truck and the 2013 Toyota Tundra;

(iii) The parties' fifty percent (50%) interest in the Fitness Zone Gym;

(iv) All household furniture, furnishings and other personal property in Husband's present possession save and except the following still in Husband's possession but awarded to Wife: Apple Lap Top, Stroller, Dad's Bed, Mattress, two (2) computer desks and Wife's mountain bike;

(v) The family dogs, Logan and Landon;

(vi) Husband's personal items and effects, including personal possessions, articles of clothing and all jewelry; and,

(vii) Any and all bank accounts of any kind or nature held in Husband's name alone.

c) Fitness Zone Gym. As set forth hereinabove, Husband shall be required to pay to Wife the sum of $10,000.00 to compensate Wife for her interest in the Fitness Zone Gym, upon

J.M.H. W.J.H.

the sale of the marital residence. Until such time as the residence has sold, Husband shall be required to pay to Wife the sum of $500.00 a month toward this obligation, commencing on November 1, 2016, as thereafter due on the 1st day of each succeeding month. Once the residence has sold, any payments made shall be deducted from the original sum of $10,000.00. Husband and Wife shall execute an escrow instruction consistent with this provision so that Wife is paid directly from escrow.

Finally, the parties agree that the Court shall retain jurisdiction over this issue to resolve any future problems which may arise or to make further orders regarding this residence.

d) Husband's 401(k). Wife is awarded 100% of Husband's 401(k) account. The parties shall jointly employ, at equal expense, QDRO Consultants to prepare and implement the QDRO necessary to transfer to Wife the entirety of this account. Once transferred to Wife, any taxes incurred as a result of withdrawals shall be the responsibility of Wife.

e) Waiver of Discovery. Each party is aware and has been informed that under the law each has broad financial discovery rights of the other party's finances, property, and interests, including, but not limited to sworn financial declarations, sworn interrogatories, oral depositions under oath, the right to have accountants and appraisers conduct appraisals, examine books, records, documents and the like, and that each is knowingly and intelligently waiving such extensive and important rights.

f) No Formal Valuation; No Warranty of Value. Distinct from the disclosure of the existence of community or separate property

J.M.H. W.J.H.

and debt, the parties have agreed on the value or amount of all assets or indebtedness' listed herein and/or any and all schedules, attachments or exhibits hereto. They acknowledge and recite that each has made an independent judgment as to the value of the property and the community and separate estates. Each party assumes the risk of his or her own judgment and estimate of value and acknowledges each is without recourse if his or her judgment or estimate is erroneous. The parties knowingly and intelligently waive their right to determine the value of the assets distributed herein by formal appraisal or professional opinion. The parties acknowledge the values set forth herein may be materially erroneous and each accepts that risk.

5. **RESPONSIBILITY FOR COMMUNITY OBLIGATIONS**.

a) Husband and Wife mutually agree and acknowledge that each party shall be solely responsible for any and all payments or obligations or debts which may be due and payable and which were incurred by either Husband or Wife alone subsequent to their physical separation on or about June 1, 2015. Regarding any such obligations, payments or debts incurred by either Husband or Wife alone subsequent to said date, Husband and Wife each agree to indemnify and defend the other and hold the other free and harmless from any and all liability or responsibility for payment of the same.

b) Each party acknowledges and understands that although one of them may be assuming debts hereunder, or may, by the terms of this Agreement, agree to pay or to be liable for a joint debt, if that party fails to pay the debt or liability, the other party

J.M.H. W.J.H.

may be held liable for the debt by the creditor. However, each party specifically agrees to indemnify and hold the other party harmless from any creditor who makes a claim on the party who has not agreed to take responsibility for the debts specifically mentioned herein.

c) Wife agrees to assume and pay as her sole and separate debts and obligations, and she shall indemnify Husband and shall save and hold Husband free and harmless from any and all liability or responsibility therefor, the following community debts:

(i) The American Express account in Wife's name;

(ii) Any and all debts or liabilities associated with any property awarded to Wife herein, including the debt owing on the 2010 Yukon, unless expressly delineated otherwise; and,

(iii) Any and all credit accounts, loans, debts or other obligations of any kind in Wife's name alone, unless expressly delineated otherwise herein.

d) Husband agrees to assume and pay as his sole and separate debts and obligations, and he shall indemnify Wife and shall save and hold Wife free and harmless from any and all liability or responsibility therefor, the following community debts:

(i) The monthly payment due Chase on the Promissory Note secured by a Deed of trust on the property located at 4151 Two Rock, Winnemucca, Nevada, until its sale;

(ii) The equity line loan for Java Town owing to U.S. Bank;

(iii) Any and all debts owing in connection with the Fitness Zone Gym, including the corporate credit card in the approximate amount of $9,000.00;

(iv) The debt owing to Wells Fargo in connection with Husband's Toyota Tundra;

(v) Any and all debts or liabilities associated with any property awarded to Husband herein, unless expressly delineated otherwise; and,

J.M.H. W.J.H.

(vi) Any and all credit accounts, loans, debts or other obligations of any kind in Husband's name alone, unless expressly delineated otherwise herein.

e) In addition, the Husband and Wife each agree to assume and to pay any and all other debts or obligations personally and alone incurred by them in the past and to indemnify and hold the other harmless from such obligations, unless otherwise expressly noted hereinabove in this Agreement. Both parties expressly warrant to the other that there are no undisclosed debts of any kind for which the other party may be held liable.

f) Upon execution of this Agreement, the parties agree that they shall not incur any debt or obligation on any credit account which the other is awarded under the terms and provisions of this Agreement; and, they shall immediately close all joint charge accounts.

g) Transfers of all property hereunder are subject to existing encumbrances and liens thereon. The transferee of such property agrees to indemnify and save and hold harmless the other party from any claim or liability that the other party may suffer or may be required to pay on account of such encumbrances or liens.

h) All insurance on the property being transferred hereunder is assigned to the party receiving such property. All insurance premiums from the date hereof shall be paid by the party to whom the insurance is assigned.

6. **SEPARATE PROPERTY AND DEBTS**.

The Husband and Wife each hereby agree and confirm that the following property and debt is the separate property and separate

J.M.H. W.J.H.

obligation of Husband in which she has no interest or claim, community or otherwise, and no obligation to pay, and which property and debt should be confirmed to Husband as his separate property free of all claims or interest of the Wife and his separate debt for which Wife has no obligation to pay:

a. The realty located at 135 E. McArthur, Winnemucca, Nevada; and,

b. The Promissory Note secured by a Deed of Trust on the property located at (Java Town) 135 E. McArthur owing to Chase.

7. **ATTORNEY'S FEES**.

Each party shall be responsible for the payment of their own attorney's fees and costs of suit associated with their divorce.

Additionally, should either party fail to perform his or her respective obligations under this Marital Settlement Agreement or the Judgment and Decree of Divorce to be entered, and the other is thereby required to incur attorney's fees, accountant's fees, or other fees or costs, then either party shall be entitled to apply to any Court of competent jurisdiction for such fees and costs against the other party. The same rights apply if either party has breached any warranties or representations set forth in the present Marital Settlement Agreement.

8. **COVENANTS AND WARRANTIES**.

It hereby is agreed by and between the parties hereto, that each has represented and warranted to the other that there is no item of marital property in existence which has not been mentioned in this Agreement, and should any such item of property be discovered in the future and be established to be marital property, it shall be equally divided between the parties.

J.M.H. W.J.H.

Except as otherwise provided in this Agreement, each party releases the other from any and all liabilities, debts and obligations of every kind or character that have been or will be incurred and from any and all claims and demands, including all claims that either party may have upon the other for support and maintenance as Husband and Wife, and it being understood that, by this present Agreement, the parties intend to settle all aspects of their marital rights. In addition to the above warranties, Husband and Wife warrant to each other that they have not incurred and covenant that they will not incur, any liability or obligation for which the other party is or may be liable; and they covenant that, if any claim, action or proceeding shall hereafter be brought seeking to hold the other party liable on account of any of their debts, liabilities, acts or omissions, they shall, at their sole expense, defend the other party against any such claim or demand, whether or not well-founded, and they shall indemnify and hold the other party free and harmless therefrom.

The parties agree that any and all property acquired by either from and after the parties' separation on or about June 1, 2015, shall be the sole and separate property of the one so acquiring the same, and each party waives any and all property rights in and to such acquisitions of property as the sole and separate property of the one so acquiring it.

Each party waives any and all right to do any and all of the following:

A. Inherit the estate of the other at his or her death;

J.M.H. W.J.H.

B. Take property from the other by devise or bequest unless under a Will executed subsequent to the effective date of this Agreement;

C. Claim any family allowance or probate homestead; or,

D. Act as personal representative upon intestacy of the other's estate (except as the nominee of another personal representative under the Will of the other), unless under a Will executed subsequent to the effective date of this Agreement.

9. **EXECUTION OF FURTHER DOCUMENTS AND/OR INSTRUMENTS.**

Each party shall execute promptly all documents and instruments necessary or convenient to vest titles and estates as provided in this Marital Settlement Agreement to effectuate its purpose and intent. The parties mutually covenant and agree, upon demand, to execute such other or further instruments or documents necessary or convenient to carry out the provisions of this Marital Settlement Agreement. Notwithstanding the failure or refusal of either party to execute any such instrument, this Agreement shall constitute a complete transfer and conveyance of the properties designated as being transferred, conveyed, or assigned by each party. If the parties fail to execute any documents necessary to effectuate the terms of this Agreement, within thirty (30) days after execution of the Agreement, and demand for execution of the document or instrument, upon ex parte application to the District Court, with three (3) days prior notice of application to the other party, the Clerk of the Court shall be appointed to execute such documents. In the event either party shall fail to comply with this provision, he or she

J.M.H. W.J.H.

agrees to pay the other party all reasonable attorney's fees, Court costs and other expenses reasonably necessary to achieve the result herein provided.

10. **AGREEMENT IS BINDING UPON SUCCESSORS.**

This Agreement shall be binding upon and inure to the benefit of both parties and to their heirs, executors, administrators, successors and assigns.

11. **AGREEMENT IS ENTIRE.**

The present Marital Settlement Agreement sets forth the entire agreement of the parties on the matters it covers and supersedes any previous agreement between the parties. No other agreement, statement, or promise made by or to either party or agent or representative of either party shall be binding on the parties unless it is in writing and signed by both parties or unless contained in an order of a Court of competent jurisdiction.

12. **CHOICE OF LAW AND FORUM.**

This Marital Settlement Agreement and the rights and duties of the parties hereunder, shall be construed and interpreted by and in accordance with the laws of the State of Nevada.

13. **PURPOSE AND EFFECT OF AGREEMENT.**

The parties further covenant and agree that this Agreement is made for the purpose of removing the subject matter hereof from the field of litigation and that in the event of a decree of divorce being granted to either party, this Agreement shall, at the request of either party, be submitted to the Court for approval, and if approved, shall be merged, incorporated in and

J.M.H. W.J.H.

made a part of the judgment and decree of divorce between the parties. This Agreement, whether or not approved by the Court, shall be binding and conclusive between the parties.

14. **MISCELLANEOUS PROVISIONS**.

A. Both Husband and Wife acknowledge that they have entered into this Agreement openly and freely, after a full disclosure by each of them and after the opportunity to obtain, seek and have independent consultations with and the advice of counsel.

B. Each party acknowledges that each is making this Agreement of his or her own free will and volition, and acknowledges that no coercion, force, pressure or undue influence has been used against either party in the making of this Agreement or by any other person or persons.

C. If any portion of this Agreement is held illegal, unenforceable, void, or voidable by any Court, each of the remaining terms shall continue in full force as a separate agreement.

D. Husband and Wife agree that each shall have the right to live separately from the other without interference or harassment.

E. No waiver of the breach of any of the terms or provisions of this Agreement shall be a waiver of any preceding or succeeding breach of the Agreement or any other provisions of it.

F. The captions of various paragraphs in this Agreement are for convenience only and none of them is intended to be any

part of the test of this Agreement, nor intended to be referred to in construing any of the provisions of the Agreement.

G. Should any property holdings of the parties, which have been community property, come into attention of the parties after the execution of this Agreement, the discovering party shall notify the other party as soon as is practicable as to the existence of additional assets and the same shall be equally divided between the parties where practicable or sold and the proceeds therefrom divided equally between the parties.

H. The parties acknowledge that neither Gary L. Manson, the Wife's attorney, nor Jonathan Whitehead, the Husband's attorney, have made any representations or given any advice regarding the tax obligations or consequences to either party as a result of this Agreement and that each party has been specifically advised to seek independent tax advice concerning those matters. The parties each indemnify and hold harmless Gary L. Manson and Jonathan Whitehead for and against any claim for any liability whatsoever as a result of the tax consequences of any provision in the Agreement.

15. **NRS 125.150**. Husband and Wife acknowledge that NRS 125.150 requires that the Court, absent compelling reasons, make an equal disposition of the community property of the parties. Husband and Wife specifically state that each party has had the opportunity to seek independent counsel before executing the within Agreement and that each has voluntarily and knowingly waived their right to discovery and to conduct formal valuations of their assets as specifically set forth hereinabove, for

J.M.H. W.J.H.

several reasons, including, but not limited to the expense, delay and adversity involved in such process. Husband and Wife further acknowledge and state that the terms and provisions of the within Marital Settlement Agreement represent a fair and equitable division of their community estate, and, that in the event one party is not receiving an equal share of the community, such party hereby voluntarily and specifically waives their right to an equal distribution of community property.

WE EXECUTE THIS AGREEMENT on and make it effective upon the date first above written.

JANEA MARIE HUBER
Wife

WAYLON JAY HUBER
Husband

STATE OF NEVADA)
: ss.
COUNTY OF ~~WASHOE~~ Humboldt)

On this 21st day of March, 2016, personally appeared before me, a Notary Public, JANEA MARIE HUBER, proven to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that she executed the within and foregoing document freely and voluntarily for the uses and purposes therein stated.

NOTARY PUBLIC

DOLORES SHIELDS
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 92-2967-8 - Expires June 10, 2016

STATE OF NEVADA)
: ss.
COUNTY OF ~~WASHOE~~ Humboldt)

On this 21st day of March, 2016, personally appeared before me, a Notary Public, WAYLON JAY HUBER, proven to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the within and foregoing document freely and voluntarily for the uses and purposes therein stated.

NOTARY PUBLIC

DOLORES SHIELDS
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 92-2967-8 - Expires June 10, 2016

J.M.H. W.J.H.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero and I am not a party to, nor interested in, this action; and that on the 1st day of April, 2016, I caused to be served a true and correct copy of the enclosed **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE OF DIVORCE** upon the following parties by depositing for mailing to:

Jonathan J. Whitehead, Esq.
10389 Double R Blvd.
Reno, Nevada 89521

Waylon Huber
4151 Two Rock Dr.
Winnemucca, Nevada 89445

Gary L. Manson, Esq.
85 Keystone Ave.
Reno, Nevada 89503

Janea Huber
5977 South Manzanita Ave.
Boise, Idaho 83709

Kathy Brumm
Judicial Assistant

JONATHAN J. WHITEHEAD, ESQ.
Nevada Bar No. 4415
Whitehead & Whitehead
10389 Double R Blvd.
Reno, NV. 89521
(775) 823-7700

FILED
2016 APR 11 AM 11:47
C. Smoot

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON JAY HUBER,

Plaintiff,

vs.

JANEA MARIE HUBER,

Defendant.

Case No.: CV 20, 464

Dept. No.: 2

WITHDRAWAL OF COUNSEL

Jonathan J. Whitehead, Esq. of Whitehead & Whitehead hereby withdraws as counsel of record for Plaintiff Waylon Huber. All further papers and pleadings should be mailed directly to Plaintiff Waylon Huber at 4151 Two Rock Drive, Winnemucca, NV 89445.

///

///

///

///

///

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned affirms that the preceding document does not contain the social security number of any person.

DATED this 8th day of April, 2016.

WHITEHEAD & WHITEHEAD

Jonathan J. Whitehead, Esq.
Nevada Bar No. 4415
10389 Double R Blvd.
Reno, Nevada 89521
(775) 823-7700

Attorney for Plaintiff

WHITEHEAD & WHITEHEAD
10389 DOUBLE R BLVD.
RENO, NV 89521
(775) 823-7700

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the law offices of Whitehead & Whitehead, and that on this date, I served the foregoing ***Withdrawal of Counsel*** on the party(ies) set forth below by:

____X____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

addressed as follows:

Gary L. Manson, Esq.
LAW OFFICES OF GARY L. MANSON
85 Keystone Avenue
Reno, NV 89503

Waylon Huber
4151 Two Rock Drive
Winnemucca, NV 89445

DATED this 8th day of April, 2016.

Tuesday Lynch

WHITEHEAD & WHITEHEAD
0389 DOUBLE R BLVD.
RENO, NV 89521
775) 823-7700

GARY L. MANSON, ESQ.
Bar No: 000930
85 Keystone Ave., Ste. G
Reno, Nevada 89503
(775)324-5060
Attorney for: Defendant

FILED
2016 JUN 23 AM 11:20
DIST. COURT CLERK
C. Smock

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON JAY HUBER,

Plaintiff,

vs.

JANEA MARIE HUBER,

Defendant.

Case No: CV 20,464

Dept. No: 2

WITHDRAWAL OF ATTORNEY

COMES NOW, GARY L. MANSON, Esquire, and hereby withdraws as attorney for Defendant, JANEA MARIE HUBER, pursuant to Supreme Court Rule 46.

DATED this 21st day of June, 2016.

GARY L. MANSON, ESQ.

GARY L. MANSON
Attorney At Law
85 Keystone Ave., Suite G
Reno, Nevada 89503
(775)324-5060
Fax (775)324-3918
Bar No. 000930

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, whose title is contained on page number 1, filed in Case No:

__x___ Does not contain the social security number of any person

_____ Does contain the social security number of a person as required by:

_____ A specific state or federal law, to wit:

_____
(State specific state or federal law)

Or

_____ For the administration of a public program

Or

_____ For an application for a federal or state grant

Date: 6-26-16

GARY L. MANSON, ESQ.
Attorney for Defendant

GARY L. MANSON
Attorney At Law
85 Keystone Ave , Suite G
Reno, Nevada 89503
(775)324-5060
Fax (775)324-3918
Bar No 000930

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Gary L. Manson, Esq., over the age of 18, and that on the date set forth below, I served a true copy of the attached document to on the partie(s) listed below by:

X Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

_____ Personal Delivery.

_____ Facsimile to the following number: ( )

_____ Federal Express or other overnight delivery.

_____ Legal Express or other courier.

_____ Certified Mail, Return Receipt Requested.

_____ Electronic Service via ECF System.

addressed to:

Jonathan Whitehead, Esq.
Whitehead & Whitehead
10389 Double R Blvd.
Reno, Nevada 89512

DATED this 16th day of June, 2016.

NICHOLE GOODIN

GARY L. MANSON
Attorney At Law
85 Keystone Ave., Suite G
Reno, Nevada 89503
(775)324-5060
Fax (775)324-3918
Bar No. 000930

LAW OFFICES OF
GARY L. MANSON
ATTORNEY AT LAW
85 KEYSTONE AVENUE, SUITE G
RENO, NEVADA 89503

TELEPHONE:
(775)324-5060

FACSIMILE:
(775)324-3918

June 14, 2016

HUMBOLDT COUNTY CLERK'S OFFICE
50 W. 5th Street Room 207
Winnemucca, NV 89445

Re: Huber v. Huber

Dear Clerk:

I am enclosing herewith an original and 1 copy of a Withdrawal of Attorney.

Please file the enclosed document and return the file stamped copy to me in the enclosed, self-addressed, stamped envelope.

Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

Gary L. Manson, Esq.

GLM/ng
enclos.
cc: Janea Huber

RECEIVED
JUN 23 2016
HUMBOLDT COUNTY CLERK

CASE NO.: CV 20,464

DEPT. NO.: 2

FILED

2016 JUL 19 PM 4:04

DIST COURT CLERK

ORIGINAL

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

_____/

QUALIFIED DOMESTIC RELATIONS ORDER

UNION PACIFIC AGREEMENT EMPLOYEE 401K RETIREMENT THRIFT PLAN

Upon consideration of the Parties' Motion for Entry of a Qualified Domestic Relations Order, of the Sixth Judicial District Court for Humboldt County, hereby orders as follows:

PART I - DEFINITIONS

For purposes of this Order, the following terms shall have the respective meanings set forth below, unless a different meaning is plainly required by the context:

1. Account shall mean the bookkeeping account maintained under the Plan for the

Participant or the Alternate Payee, as the case may be.

2. Alternate Payee shall mean Janea Huber, whose date of birth is 01/28/1987 and whose mailing address is 5977 S. Manzanita Ave., Boise ID 83709. Relationship to Participant, the Alternate Payee is the former spouse of the Participant.

3. Participant shall mean Waylon Huber, whose date of birth is 04/09/83 and whose mailing address is 4151 Two Rock Dr., Winnemucca, NV 89445.

4. Date of marriage was 12/30/2010 and the date of divorce was 04/01/2016.

5. Plan shall mean the Union Pacific Agreement Employee 401(k) Retirement Thrift Plan.

6. Plan Administrator shall mean Vanguard, appointed as the Named Fiduciary-Plan Administration of the Plan.

Mailing Address: c/o Union Pacific Railroad
1400 Douglas, STOP 1650
Omaha, NE 68179

PART II – DISPOSION OF BENEFITS

The Court hereby orders the Plan to pay the Alternate Payee as follows:

A. Division of Participant's Benefits.

1. Portion of Participant's Benefits Assigned to Alternate Payee:

(a) There is hereby assigned to the Alternate Payee 100% of the value of the vested portion of the Participant's Account under the Plan, determined as of the valuation date under the

Plan coincident with or next following 04/01/2016, provided that in no event shall the amount allocated to the Alternate Payee's Account exceed the balance in the vested portion of the Participant's Account (reduced by the balance of any then outstanding loan to the Participant) immediately before the establishment of the Alternate Payee's Account in accordance with this Order.

(b) The amount allocated to the Alternate Payee's Account shall be withdrawn on a pro rata basis from each of the Participant's subaccounts under the Plan and pro rata from each investment fund in which such subaccount is invested, other than subaccounts or portions thereof invested in the Plan's loan fund, as of the date specified in Part II.A.1.(a), above, and shall be disposed of as specified below. For federal income tax purposes, if the Alternate Payee is the spouse or former spouse of the Participant, the amounts assigned to the Alternate Payee pursuant to this Paragraph shall be attributed to the Participant's after-tax contributions in accordance with the provisions of Section 72(m)(10) of the Internal Revenue Code of 1986, as amended (the "Code").

2. Accounting and Investment

(a) The amount assigned to the Alternate Payee pursuant to Part II.A.1, above, shall be credited to the Alternate Payee's Account as soon as administratively practicable following the Plan Administrator's determination that this Order is a qualified domestic relations order under Section 414(p) of the Code and Section 206(d) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

(b) The Alternate Payee shall have the same rights with respect to investments allocable to the Alternate Payee's Account (including the right to give investment directions and to give voting and tender offer instructions) as are granted under the terms of the Plan to the Participant with respect to investments allocable to the Participant's Account; provided that the

Alternate Payee shall not be entitled to borrow from the Plan. Until the Alternate Payee exercises her investment direction rights under the Plan, any amounts that are subject to investment direction by the Alternate Payee shall be allocated among the Plan's investment funds in the same proportions that applied, immediately before the establishment of the Alternate Payee's Account, to the portion of the Participant's Account that was subject to investment direction by the Participant.

(c) The value of the Alternate Payee's Account shall be adjusted, in accordance with the terms of the Plan, to reflect the portion of the Plan's investment experience allocable to the Alternate Payee's Account after the date specified in Part II.A.1.(a), above.

3. Form in Which Alternate Payee's Benefit Shall Be Paid.

(a) The Alternate Payee may elect, in accordance with such procedures as the Plan Administrator may prescribe; to receive the value of her Account in any form that is available to the Participant, and that is permitted under the terms of the Plan and applicable law, as of the date distribution begins to the Alternate Payee. In accordance with the applicable terms of the Plan, the Alternate Payee shall have the right to elect to receive or to begin receiving her Benefit as of any date on or after the later of (i) the date specified in part II.A.1(a), above, or (ii) the date the Plan Administrator determines that this Order is a qualified domestic relations order under section 414(p) of the Code and Section 206(d) of ERISA and on or before the latest date until which the Participant may defer payment under the terms of the Plan.

(b) Payment of Benefits After Death of the Participant. The Alternate Payee's right to receive her Benefit pursuant to Part II.A., above, shall not be altered in any way (neither increased, decreased, amended, nor terminated) as a result of the Participant's death after the Plan Administrator has determined that this Order is a qualified domestic relations order under Section 414(p) of the Code and section 206(d) of ERISA.

(c) Payment of Benefits After Death of Alternate Payee.

The Alternate Payee may designate a beneficiary to receive any portion of the designate a beneficiary to receive any portion of the Alternate Payee's Account that has not been distributed before the Alternate Payee's death. The Alternate Payee's designation of a beneficiary shall not be effective unless it is made in accordance with the terms of the Plan governing designations of beneficiary. If the Alternate Payee dies without having designed a beneficiary, or if the Alternate Payee's designated beneficiary does not survive the Alternate Payee, the terms of the Plan shall determine the appropriate beneficiary, the form in which benefits shall be paid, and the dates on which benefits shall commence.

PART III – Understandings and Conditions.

The assignment of a portion of the Participant's benefits to the Alternate Payee and the payment of benefits to the Alternate Payee pursuant to the terms of the Order shall be subject to the following understandings and conditions:

A. Remarriage. The subsequent remarriage of either party shall not affect the disposition of benefits pursuant to this Order.

B. Name and Address. The Participant and the Alternate Payee, respectively, shall each advise the Plan Administrator in writing of any changes in its mailing address or legal name as set forth in Part I, above.

C. Qualified Domestic Relations Order. This Order relates to the provisions of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of the Participant, and is made pursuant to the domestic relations order law of Nevada. This Order is intended to be a qualified domestic relations order within the meaning of Section 414(p) of the Code and Section 206(d) of ERISA. Nothing contained herein shall be construed to require the plan or the Plan Administrator:

(1) To provide any type or form of benefit, or any option, not otherwise provided under the Plan;

(2) To provide increased benefits determined on the basis of actuarial value; or

(3) To provide benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another order previously determined to be a qualified domestic relations order.

D. Notice to Plan Administrator. Each party shall deliver a true copy of this Order to the Plan Administrator, at the address specified in Part I, above, as soon as practicable after this Order is entered.

E. Qualification. If the Plan Administrator determines that this Order is not a qualified domestic relations order within the meaning of Section 414(p) of the Code and Section 206(d) of ERISA, the parties shall request the Court to modify this Order to cause it to qualify as a qualified domestic relations order.

F. Jurisdiction. The Court retains jurisdiction to amend this Order.

IT IS SO ORDERED this 19 day of July 2016.

DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

DATED: 4/13/16

WAYLON J. HUBER

DATED: 4/13/16

JANEA HUBER

FILED

2016 JUL 19 AM 11:10

DIS E COURT CLERK
C. Smoot

CASE NO.: CV 20,464

DEPT. NO.: 2

ORIGINAL

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

_____/

REQUEST FOR SUBMISSION

I, Janea Huber, request that the Union Pacific Agreement Employee 401K Retirement Thrift Plan Qualified Domestic Relations Order be submitted to the Court for consideration and determination.

Pursuant to NRS 239B.030 this document does not contain the Social Security Number of any individual.

DATE: 7.8.16

Janea Huber
5977 S. Manzanita Ave.
Boise, ID 83709

QDRO CONSULTANTS, LLC

July 18. 2016

Sixth Judicial District Court of Humboldt County
Attention: County Clerk
50 W. 5th St., Room 207
Winnemucca, NV 89445

Re: draft Qualified Domestic Relations Orders for Waylon Humber V Janea Humber

Court Clerk:

I have enclosed the signed draft Qualified Domestic Relations Order and the Request for Submission documents for case #CV20,464. Please have the judge review and sign the original. I have also enclosed an additional copy of the draft order, a check for $3.00 and a postage paid envelope for a certified copy of signed QDRO.

Please feel free to contact me with any questions or additional information you might need.

Sincerely,

Melinda C. Cameron
QDRO Consultants, LLC
401 Court St.
Reno, NV 89501
775-815-3966

RECEIVED
JUL 19 2016
HUMBOLDT COUNTY CLERK

Enclosures

Code: 1670
Name: Waylon Huber
Address: 4451 Two Rock Dr
Winnemucca NV 89445
Telephone: (775) 527-0272
Email: Waylon Huber @ ~~[illegible]~~ MAIL.COM
Self-Represented Litigant

2017 APR 14 AM 10:13

Efiled

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ Humboldt

Waylon Huber, Petitioner,
vs.
Janea Huber, Respondent.

Case No. CV 20464
Dept. No. 1

EX PARTE EMERGENCY MOTION REGARDING CHILDREN

MOTION TO change of custody motion
(Fill in the name of this motion)

Waylon Huber, appearing in Proper Person, hereby move this
(Your name)

Court to issue an emergency order, without notice to Janea Huber
(The Other Party's name)

granting the following:

State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.

I ~~want~~ would like the court to order temporary Full custody to Father Waylon Huber.

A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was entered on March 21st 2016 (Date the Decree or Order was filed). To the best of my knowledge, the last order concerning this matter was entered on March 21st 2016 (Date last order entered in this case) and that order concerned Divorce settlement Agreement (Print what the last order was about, such as child support, visitation, TPO, etc.)

The child(ren) involved in the matter are:

NAME	AGE	DATE OF BIRTH
Bryson Huber	4	5/12/2012
Brynlee Huber	4	5/12/2012

Fully explain why you believe this is an emergency situation

I believe this is an emergency and an order should issue from this Court immediately because: I believe my children are immediate in immenent danger with their mother Janae Huber. Janae Huber has a multi convicted felon Justin Calkins who was just released on parole aproximotley three months ago and is residing in the home with Janae Huber and my twins Brynlee and Bryson Huber. I, Wayon Huber just recieved information from detective Cory Dunckhorst that there is an open investigation with physical evidance that my four year old daughter Brynlee Huber is being sexually molested.

I have been cleared of all allegations through me, by taking a lie detector test at the Winnemucca Police Department.
I believe as of now the children need to be placed here in my home where it is proven safe until further investigation has cleared all parties.
Janae Huber has an extensive history of sexual abuse from her immediate family members who all also reside in ID and are also in direct contact with children.
On top of all these Issues, I feel Janae is a flight risk at this point. I have not spoken to my children for over a week and she will not respond to any communication on my children.
Yesterday 4/13/17 was my scheduled custodial time. We meet halfway in Burns Junction, Janae Huber was nowhere to be found and has not responded to any messages. I have no Idea where my children are at this point and I feel they are in danger. Pictures are of missed exchanged and lack communication.

Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

I feel Janae Huber is a flight risk and has taken off with the children before while I was married to her. I have submitted a TPO with more information on this matter on 4/13/17 with more [redacted] evidence.

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

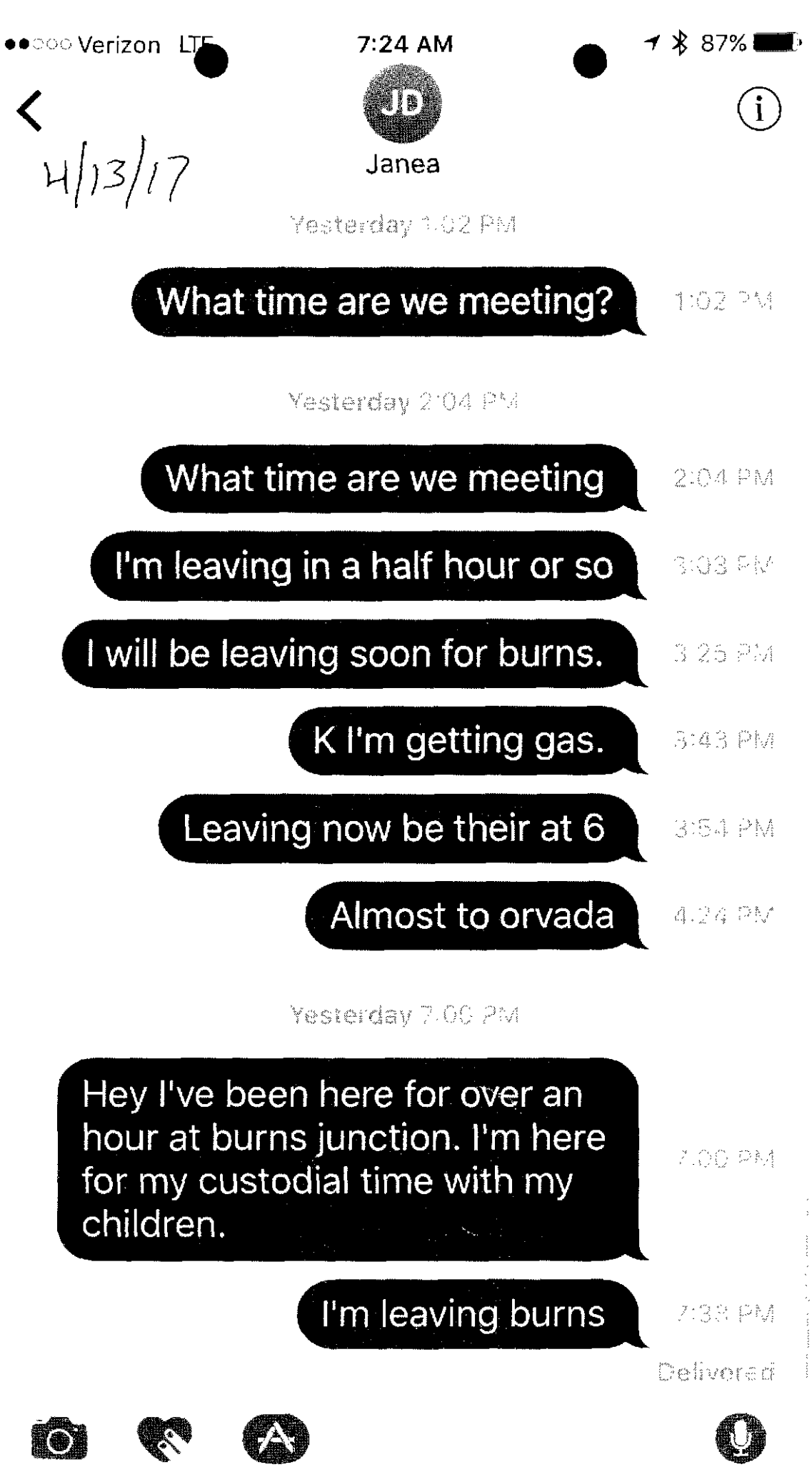
This document does not contain the Social Security Number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

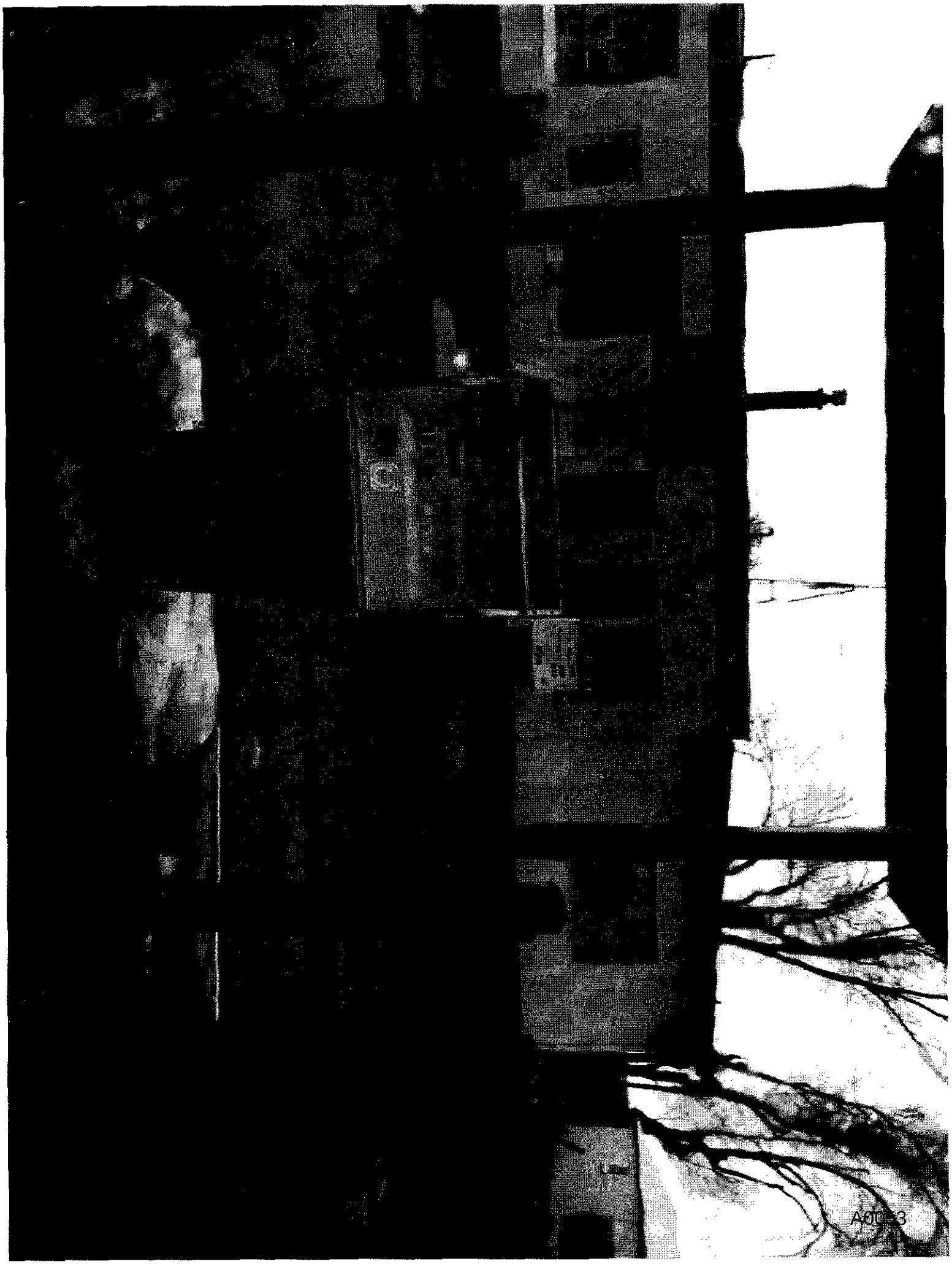
DATED this 17 day of April, 2017.

(Signature)

Waylon Huber
(Printed Name)


Verizon LTE
7:24 AM
87%
JD
Janea
4/13/17
Yesterday 1:02 PM
What time are we meeting?
1:02 PM
Yesterday 2:04 PM
What time are we meeting
2:04 PM
I'm leaving in a half hour or so
3:03 PM
I will be leaving soon for burns.
3:25 PM
K I'm getting gas.
3:43 PM
Leaving now be their at 6
3:54 PM
Almost to orvada
4:24 PM
Yesterday 7:00 PM
Hey I've been here for over an hour at burns junction. I'm here for my custodial time with my children.
7:00 PM
I'm leaving burns
7:33 PM
Delivered

A0051


A0053

Case No. CV 20,464

Dept. No. 2

FILED

2017 APR 14 PM 3:41

TAMI RAE SPERO
DIST. COURT CLERK
E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Petitioner,

vs.

ORDER GRANTING IMMEDIATE CUSTODY OF CHILDREN

JANEA HUBER,

Respondent. /

GOOD CAUSE APPEARING THEREFORE, and it appearing from the Ex-Parte Emergency Motion for Change of Custody of Minor Children, and further, the best interest and welfare of the minor children would be served during the pendency of this action by issuance of this order against Respondent as hereinafter set forth;

FURTHER, this Court is aware of the Application for Temporary Protection of Children filed in the Union Township Justice Court, which will be transferred to this Court to be included in the file.

//

//

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

NOW, THEREFORE, IT IS HEREBY ORDERED that until such time as a hearing on the above-entitled cause may be had, or until the further order of the court, the court hereby makes the following order:

1. Petitioner is hereby granted immediate joint legal custody and the sole temporary physical care, custody and control of the minor children of the parties, to-wit: BRYSON HUBER, born May 12, 2012 and BRYNLEE HUBER, born May 12, 2012.

This Order shall be in full force and effect immediately and until such time as a hearing may be had on the above-entitled case, and the same determined by this court, or until such time as the same may be modified upon the notice and hearing. The court sets the hearing on this matter for the 4th day of May, 2017, at the hour of 10:00 a.m.

IT IS SO ORDERED this 14th day of April, 2017.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Honorable Michael R. Montero and that on this 14th day of April, 2017, I delivered a copy of the foregoing **Order Granting Immediate Custody of Children,** addressed to the following:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445

Janea Huber
6017 S. Pearl Jensen Ave.
Boise, Idaho 83709

Kathy Brumm
KATHY BRUMM
Judicial Assistant

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-522-0272
Email: Waylon Huber@mail.com
Self-Represented Litigant

2017 APR 14 AM 10:13

E family

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ Sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ Humboldt

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

vs.

Janea Huber,
Defendant / Respondent / Joint Petitioner.

/

Case No. CV 20464

Dept. No. 1

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the Change of custody motion filed on (Name of document(s) served)

4/14/17 (Date of filing) in the manner(s) and at the location(s) described below. A copy of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A0057

A copy of the above named document(s) was served upon the following people:

1. Name: Jenea Huber (Name of the person who was served) Date: 4/14/17 (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☒ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 6017 S Pearl Jensen Ave
(Mailing address or physical address where service took place)

Boise ID 83709

2. Name: _____ (Name of the person who was served) Date: _____ (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____
(Mailing address or physical address where service took place)

_____

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 4/14/17

Signature: _____

Print Your Name: Waylon Huber

Code: 3860
Name: Waylon Huber
Address: 4151 Tub Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: Waylon Huber@mail.com
Self-Represented Litigant

2017 APR 14 AM 10:13

E-family

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ Sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ Humboldt

Waylon Huber
Plaintiff/Petitioner,

vs.

Janea Huber
Defendant/Respondent.

Case No. CV 20464

Dept. No. 1

REQUEST FOR SUBMISSION OF EX PARTE MOTION

I, Waylon Huber, request that the Ex Parte Motion
(print your name here)

Change of custody motion filed on 4/14/17,
(Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

be submitted to the Court for it's consideration and Order.

This document does not contain the Social Security number of any person.

DATED this 14 day of April, 2017.

Signature: [signature]

Print Your Name: Waylon Huber

Code: 1670
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: Waylonhuber@mail.com
Self-Represented Litigant

2017 APR 13 P 12:39

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Waylon Huber
Petitioner,

vs.

Janea Huber
Respondent.

Case No. 20,464

Dept. No. 1

EX PARTE EMERGENCY MOTION REGARDING CHILDREN

MOTION TO Enforce change of custody
(Fill in the name of this motion)

Waylon Huber
(Your name), appearing in Proper Person, hereby move this Court to issue an emergency order, without notice to Janea Huber
(The Other Party's name) granting the following:

State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.

I am asking the court to issue mother Janae Huber an order to return Brynlee and Bryson Huber to father's residence within 48 hrs or a warrant to be issued for her arrest for contempt of court.

A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was entered on March 21st 2016 (Date the Decree or Order was filed). To the best of my knowledge, the last order concerning this matter was entered on April 14th 2017 (Date last order entered in this case) and that order concerned Change of custody (Print what the last order was about, such as child support, visitation, TPO, etc.)

The child(ren) involved in the matter are:

NAME	AGE	DATE OF BIRTH
Brynlee Huber	4	5/12/12
Bryson Huber	4	5/12/12

Fully explain why you believe this is an emergency situation

I believe this is an emergency and an order should issue from this Court immediately because: Friday April 14th an order granting Immediate change of custody was signed by honorable Judge Montero for Brynlee and Bryson Huber. Saturday April 14th, I, Waylon Huber, drove up to Boise ID to 6017 S Pearl Jensen Ave, Janae Huber's residence to obtain custody of my 2 children Brynlee and Bryson Huber. No one was at the residence and I believe she has kidnapped my children and is hiding them from me. Janae Huber is well aware of this order.

Deputy michael Geisel at the Ada Canty Sheriffs office breifed Janae Huber of the ramifications of not following this most recent order to give custody to father and decided to blatantly disregard the order. I have reached out with numerous texts and calls trying to find my children and recieved one text back from Janae Huber on April 14th at 5:50 pm, stating that CPS instructed her not to give up the children. I proceeded to call her CPS case worker Kim Pickins (208) 577-4454 who explained to me that she never instructed Janae Huber to violate the order and hide the children from father. I have no contact with children and do not know where they are at this time and have had zero communication with Janae Huber on their whereabouts. I need the courts assistance in locating and transferring the children into father's care.

Fully explain why you believe the other party should not be contacted and have time to respond to this Motion before the Motion is considered by the Judge

Janae Huber is a flight risk and is currently in violation of a court order. She is getting increasingly unstable and I feel my children Brynlee and Bryson are not safe.

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

DATED this 18th day of April, 2017.

(Signature)

Waylon Huber
(Printed Name)

A copy of the above named document(s) was served upon the following people:

1. Name: Seneca Huber (Name of the person who was served) Date: 4/18/17 (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☒ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 6017 S Pearl Jensen Ave Boise, ID 83709 (Mailing address or physical address where service took place)

2. Name: _____ (Name of the person who was served) Date: _____ (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____ (Mailing address or physical address where service took place)

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 4/18/17 Signature: _____

Print Your Name: Waylon Huber

case#121884

ADA COUNTY SHERIFF'S OFFICE

Stephen Bartlett, Sheriff

Deputy Michael Geisel

7200 Barrister Drive
Boise, Idaho 83704
www.adasheriff.org

OFFICE: 208.577.3000
CELL: 208.573.7441
FAX: 208.577.3009
NON-EMERGENCY DISPATCH: 208.377.6790
mgeisel@adaweb.net

making safer places for you to live, work and play

9900∀

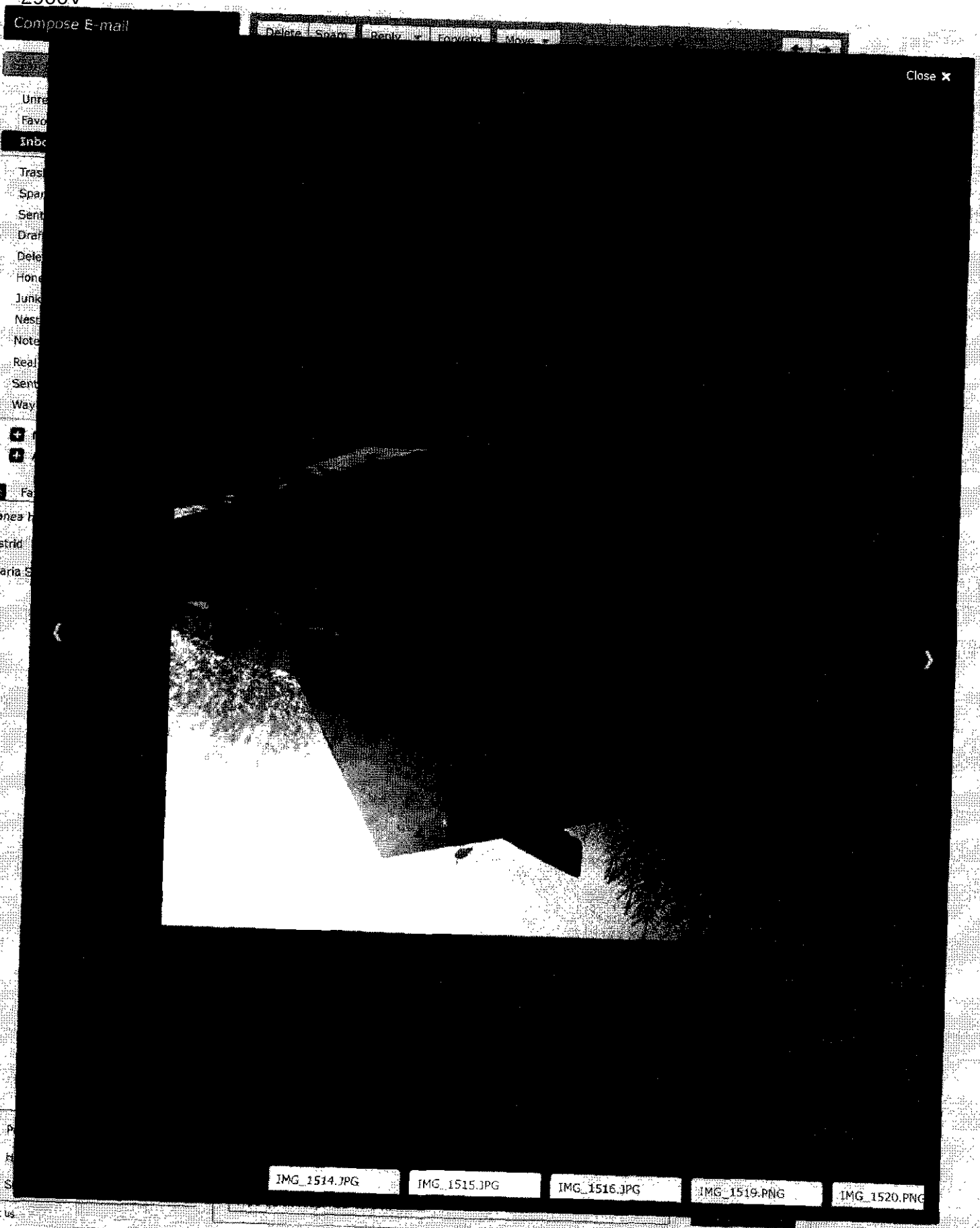
Compose E-mail

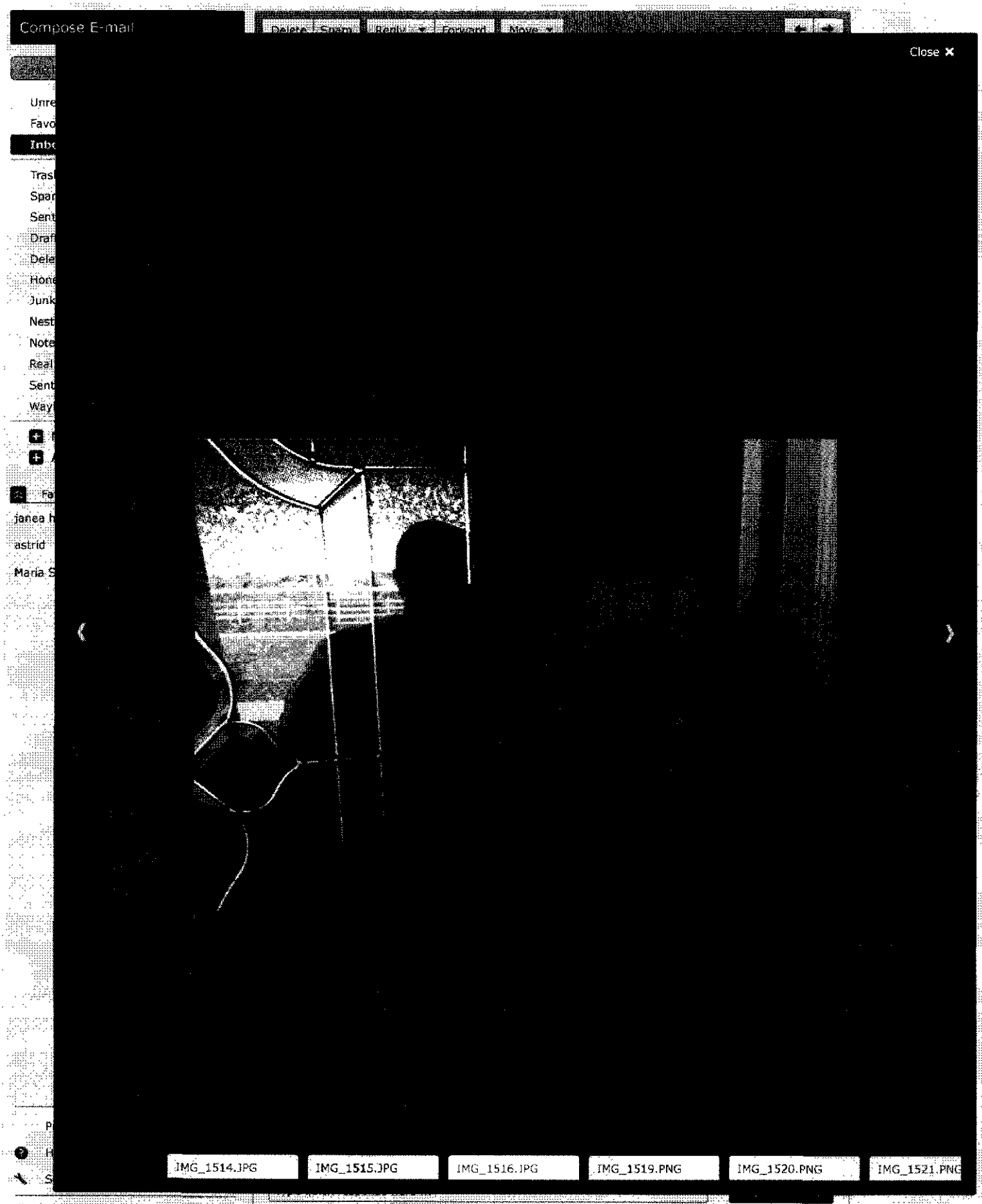
Delete Spam Reply Forward Move

Close ✖

IMG_1514.JPG IMG_1515.JPG IMG_1516.JPG IMG_1519.PNG

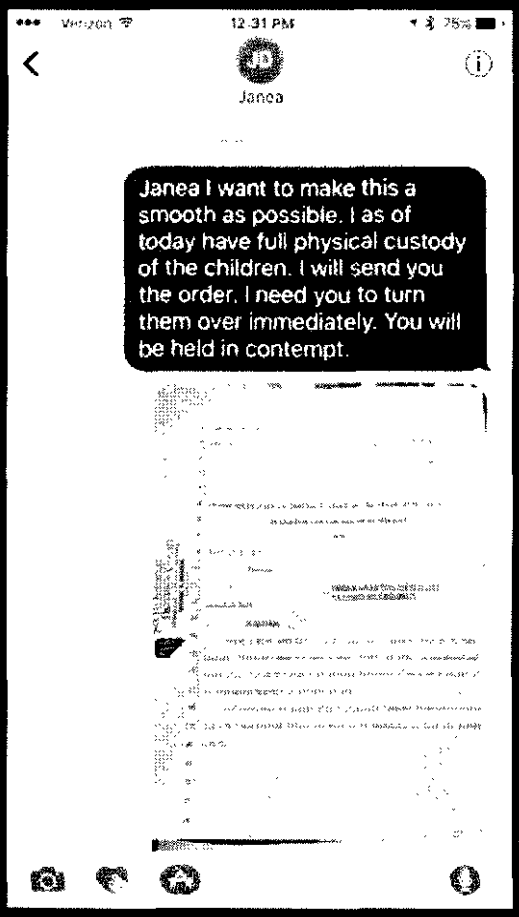
A0067


Compose E-mail
Close
IMG_1514.JPG
IMG_1515.JPG
IMG_1516.JPG
IMG_1519.PNG
IMG_1520.PNG


Compose E-mail
Close
IMG_1514.JPG
IMG_1515.JPG
IMG_1516.JPG
IMG_1519.PNG
IMG_1520.PNG
IMG_1521.PNG

Compose E-mail

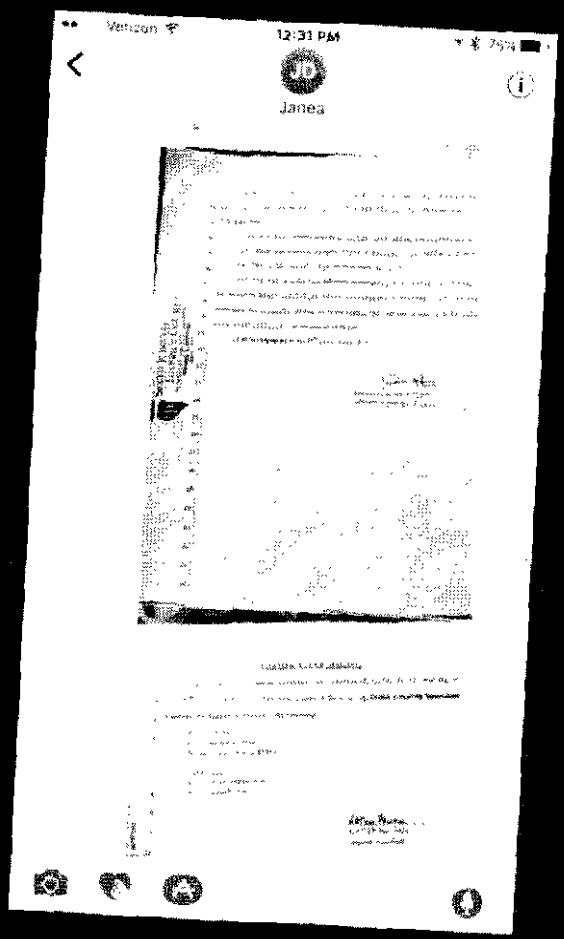
Close ✖



514.JPG | IMG_1515.JPG | IMG_1516.JPG | IMG_1519.PNG | IMG_1520.PNG | IMG_1521.PNG | IMG_1522.PNG

Compose E-mail

Close



IMG_1516.JPG

IMG_1519.PNG

IMG_1520.PNG

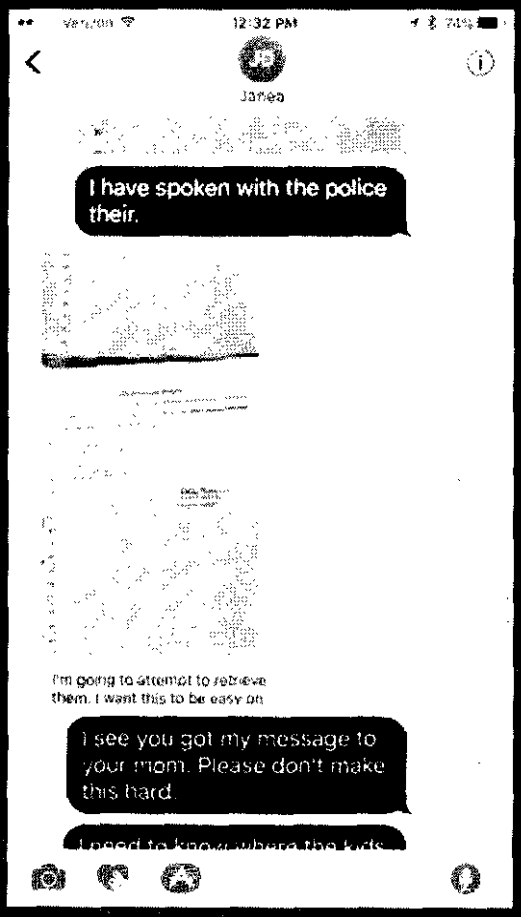
IMG_1521.PNG

IMG_1522.PNG

IMG_1523.P

Compose E-mail

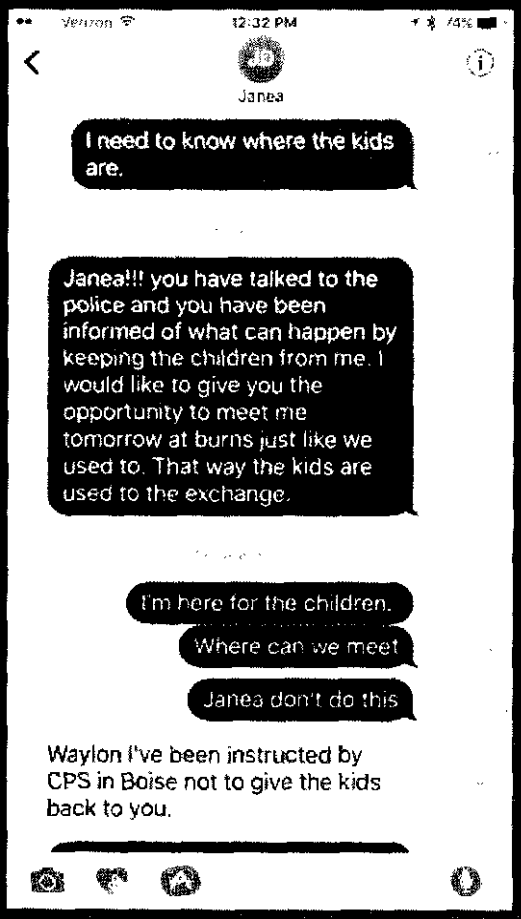
Close ✖

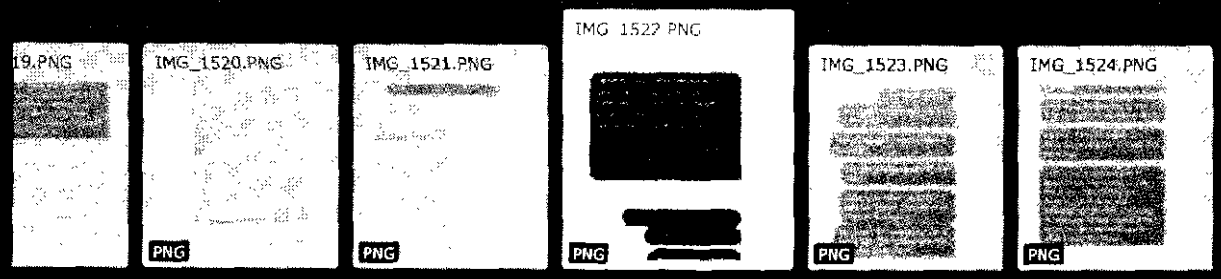


IMG_1516.JPG IMG_1519.PNG IMG_1520.PNG IMG_1521.PNG IMG_1522.PNG IMG_1523.PNG IMG_1524.PNG

Compose E-mail

Close ✖

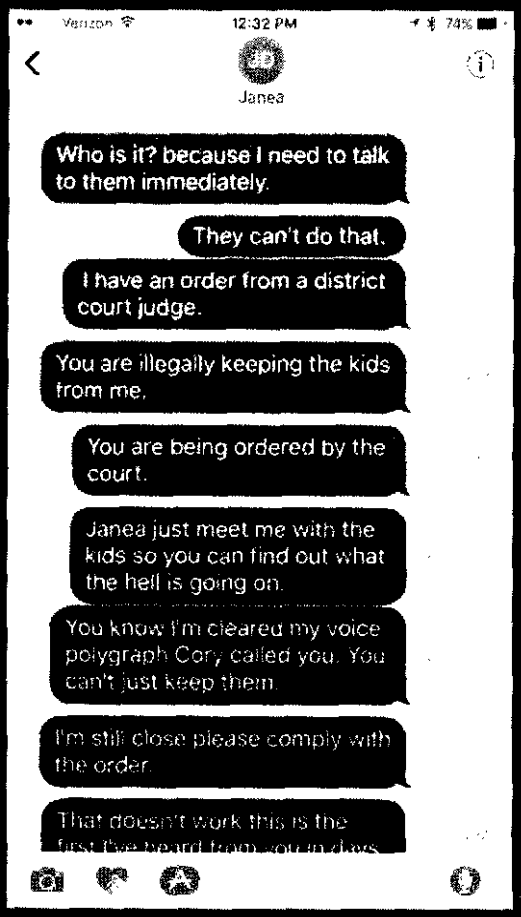




A0072

Compose E-mail

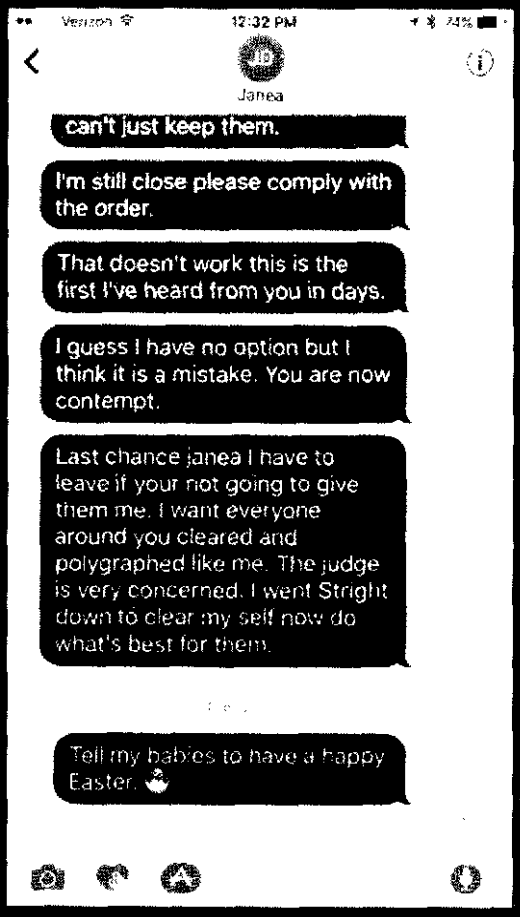
Close ✖

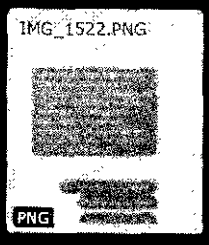


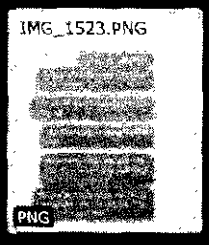
520.PNG IMG_1521.PNG IMG_1522.PNG IMG_1523.PNG IMG_1524.PNG

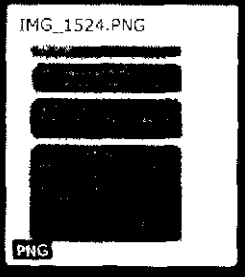
Compose E-mail

Close ✖









A0074

Case No. CV 20,464

Dept. No. 2

FILED

2017 APR 14 PM 3:41

JAMIE M. SPERO
DISTRICT COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Petitioner,

vs.

ORDER GRANTING IMMEDIATE CUSTODY OF CHILDREN

JANEA HUBER,

Respondent. /

GOOD CAUSE APPEARING THEREFORE, and it appearing from the Ex-Parte Emergency Motion for Change of Custody of Minor Children, and further, the best interest and welfare of the minor children would be served during the pendency of this action by issuance of this order against Respondent as hereinafter set forth;

FURTHER, this Court is aware of the Application for Temporary Protection of Children filed in the Union Township Justice Court, which will be transferred to this Court to be included in the file.

//

//

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

NOW, THEREFORE, IT IS HEREBY ORDERED that until such time as a hearing on the above-entitled cause may be had, or until the further order of the court, the court hereby makes the following order:

1. Petitioner is hereby granted immediate joint legal custody and the sole temporary physical care, custody and control of the minor children of the parties, to-wit: BRYSON HUBER, born May 12, 2012 and BRYNLEE HUBER, born May 12, 2012.

This Order shall be in full force and effect immediately and until such time as a hearing may be had on the above-entitled case, and the same determined by this court, or until such time as the same may be modified upon the notice and hearing. The court sets the hearing on this matter for the 4th day of May, 2017, at the hour of 10:00 a.m.

IT IS SO ORDERED this 14th day of April, 2017.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Honorable Michael R. Montero and that on this 14th day of April, 2017, I delivered a copy of the foregoing **Order Granting Immediate Custody of Children,** addressed to the following:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445

Janea Huber
6017 S. Pearl Jensen Ave.
Boise, Idaho 83709

Kathy Brumm
KATHY BRUMM
Judicial Assistant

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: WaylonHuber@mail.com
Self-Represented Litigant

2017 APR 18 PM 12:39

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. 20,464

Dept. No. 1

vs.

Jenea Huber,
Defendant / Respondent / Joint Petitioner.

/

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the

Enforce change of custody
(Name of document(s) served)

filed on

4/18/17
(Date of filing)

in the manner(s) and at the location(s) described below. A copy of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A0078

CASE NO.: CV20,464

DEPT. NO.: 2

2017 APR 24 PM 1:20

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

NOTICE OF APPEARANCE OF COUNSEL

Undersigned counsel, Roderic A. Carucci, Esq. and the law firm of Carucci and Associates, serves notice of their appearance in the above captioned matter on behalf of respondent, Janea Huber. Please serve all further pleadings and notices upon undersigned counsel at the address set forth below.

DATED: April 19, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on April 19, 2017, I served a true and correct copy of:

Notice of Appearance of Counsel

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Waylon Huber
4151 Two Rock Drive
Winnemucca, NV 89445

Bryttanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

April 19, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Notice of Appearance of Counsel in regards to the above-referenced case. Please file both copies and return a file stamped copy to our office. I have included a self-addressed, stamped envelope for convenience.

I appreciate your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
APR 24 2017
HUMBOLDT COUNTY CLERK

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

APR 28 2017

TAMI RAE SPERO
1ST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Petitioner,

vs.

NOTICE OF APPEARANCE

JANEA HUBER,

Respondent.

PLEASE TAKE NOTICE that Respondent, WAYLON HUBER, has retained the services of MILLER LAW, INC. and WENDY N. MADDOX, ESQ. to represent him in this matter.

DATED this 28th day of April, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, MICHELLE MILLER, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ., and that on the 28 day of April, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail in Winnemucca, Nevada, entitled *Notice of Appearance*, to:

Janea Huber
6017 S. Pearl Jensen Ave.
Boise, ID 83709

MICHELLE MILLER

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

APR 18 2017

TAMI RAE SPERO
DIST. COURT CLERK

E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

NOTICE OF WITNESSES

Pursuant to NRCP 16.2 you are hereby notified that Plaintiff, WAYLON HUBER, by and through her attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., intends to call the following witness during their case:

1. WAYLON HUBER, c/o MILLER LAW, INC. and WENDY N. MADDOX, ESQ., 115 West 5th Street Box 7 Winnemucca, NV 89445. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

2. ASHLIE HUBER, 4151 Two Rock Drive, Winnemucca, Nevada 89445. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

3. JANEA HUBER, c/o RODERIC A. CARUCCI, ESQ., 702 Plumas Street, Reno, Nevada 89509. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

4. CORY DUNKHORST, 500 East Winnemucca Blvd., Winnemucca, Nevada 89445. It is anticipated that this witness will testify as to the criminal investigation as pertaingin to the minor children, the parties cooperation with said investigation, and other relevant information.

5. JIM DIKMEN, Winnemucca, Nevada. It is anticipated that this witness will testify as to the facts of the case, the behavior of Plaintiff, the behavior of the minor children, Plaintiff's parental capacity, and other relevant information.

6. Rebuttal witnesses as necessary.

7. All of JANEA HUBER's witnesses.

This list is preliminary and intended solely as a means to preserve the right of WAYLON HUBER to present said witnesses, not as a guarantee that said witnesses, or any of them, will be called to testify. Discovery is continuing and WAYLON HUBER reserves the right to amend this list as appropriate.

DATED this 28th day of April, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 28 day of April, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, in Winnemucca, Nevada, entitled *Notice of Witnesses*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 28 day of April, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

APR 28 2017

TAMI RAE SPERO
DIST COURT CLERK

E. Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

SUBPOENA DUCES TECUM

JANEA HUBER,

Defendant. /

THE STATE OF NEVADA SENDS GREETINGS TO:

Division of Child and Family Services
475 W. Haskell
Winnemucca, Nevada 89445

You are hereby commanded, that all and singular, business and excuses set aside, to appear before, the attorney for Plaintiff, WENDY N. MADDOX, ESQ., or some other officer authorized to administer oaths, at 50 W. Fifth Street, Winnemucca, Nevada 89445, on or before May 4, 2017, at 10:00 a.m., then and there to testify on the part of Plaintiff. You are further commanded to bring with you by the above stated time and place the following:

Any and all records of WAYLON HUBER and JANEA HUBER, in regards to their minor children, BRYSON HUBER, born May 12, 2012, and BRYNLEE HUBER, born May 12, 2012, specifically, all original documentation and records pertaining to the child welfare investigation for the above mentioned children, including but not limited to, unity notes for the parties cases as a whole, including other states, police reports, and any records regarding the parties and the minor children the last three (3) years, as more particularly described in "Exhibit A".

//

If copies of the items requested in "Exhibit A" are produced by May 2, 2017, by 4:00 pm to Miller Law, Inc. at 115 W. 5th Street, Winnemucca, Nevada 89445 (phone 775-623-5000) you will not have to appear on May 4, 2017, at 10:00 a.m. to testify to said documents.

Issued under my hand and seal of Court, CLERK OF COURT.

DATED this 28 day of April, 2017.

CLERK/DEPUTY CLERK

ITEMS TO BE PRODUCED

See list of Required Materials attached hereto at "Exhibit A".

EXHIBIT A

You are required to produce by the date and time listed above for production, inspection, and copying all of the documents and tangible things in your possession, custody or control related to Any and all records of WAYLON HUBER and JANEA HUBER, in regards to their minor children, BRYSON HUBER, born May 12, 2012, and BRYNLEE HUBER, born May 12, 2012, specifically, all original documentation and records pertaining to the child welfare investigation for the above mentioned children, including but not limited to, unity notes for the parties cases as a whole, including other states, police reports, and any records regarding the parties and the minor children the last three (3) years, as more particularly described in "Exhibit A". This request includes, but is not limited to memoranda and communications in any form, to any person or by any person, including but not limited to the following:

1. Any and all recorded, documents, electronically stored information or otherwise, related to Any and all records of WAYLON HUBER and JANEA HUBER, in regards to their minor children, BRYSON HUBER, born May 12, 2012, and BRYNLEE HUBER, born May 12, 2012, specifically, all original documentation and records pertaining to the child welfare investigation for the above mentioned children, including but not limited to, unity notes for the parties cases as a whole, including other states, police reports, and any records regarding the parties and the minor children the last three (3) years, as more particularly described in "Exhibit A".

As used herein, "person" includes a corporation or other legal entity, its present or former attorneys, agents, representatives, employees, assigns, and all other assigns or entities acting or purporting to act on its behalf.

As used herein, "document" includes any writing, including the original or a copy of handwriting, typewriting, printing, photographing, and every other means of recording upon any tangible thing and form of communication or representation, including letters, words, pictures, sounds, or any retrievable date or information, however stored, recorded, or coded, or any e-mail or other computer-generated messages or communications.

As used herein, the term "related to" means mentioning, discussing, summarizing, comprising, constituting, describing, reflecting, containing, including, referring to, regarding, depicting, connected with, embodying, concerning, reporting or involving an act, occurrence, event, transaction, fact, thing or course of dealing

EXHIBIT B

N.R.C.P. 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is

addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.
[As amended; effective January 1, 2005.]

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

ACCEPTANCE OF SERVICE

JANEA HUBER,

Defendant.

Please take note that I, Neil Lowery, accept service of the SUBPOENA DUCES TECUM, in the above entitled action on the 28 day of April, 2017.

SIGNATURE

STATE OF NEVADA)
)ss:
COUNTY OF HUMBOLDT)

Subscribed and sworn to before me, a notary public, this 28 day of April. 2017, by Neil Lowery.

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-3 - Expires October 31, 2017

NOTARY PUBLIC

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

APR 18 2017

JAN RAE SPERO
DISTRICT COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Petitioner,

vs.

SUBPOENA

JANEA HUBER,

Respondent. /

THE STATE OF NEVADA SENDS GREETINGS TO:

Cory Dunkhorst
500 East Winnemucca Blvd.
Winnemucca, Nevada 89445

WE COMMAND YOU, that all and singular, business and excuses being set aside, you appear and attend before the Sixth Judicial District Court, County of Humboldt, State of Nevada, at the Court Room of said Court in said County and State at the address listed below, on the 4th day of May, 2017, at 10:00 a.m. then and there to testify on the part of Petitioner, and for a failure to attend you will be deemed guilty of contempt of Court.

IN WITNESS, WHEREOF, I have hereunto set my hand this 28th day of April, 2017

Jan Rae Spero
CLERK

Judy Clark
DEPUTY CLERK
50 W. 5th Street
Winnemucca, Nevada 89445
775-623-6379

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

APR 28 2017

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Petitioner,

vs.

ACCEPTANCE OF SERVICE

JANEA HUBER,

Respondent.

Please take note that I, Cory Dunkhorst, accept service of the SUBPOENA, in the above entitled action on the 28 day of April, 2017.

SIGNATURE

STATE OF NEVADA)
)ss:
COUNTY OF HUMBOLDT)

Subscribed and sworn to before me, a notary public, this 28 day of April, 2017, by Cory Dunkhorst.

NOTARY PUBLIC

M.L. MILLER
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 15-1289-9 - Expires October 31, 2019

CV 20464

Waylon Jay Huber, Plaintiff vs. Janea Marie Huber, Defendant.

Judge: Montero

Clerk: Jody Clark

MAY 4, 2017 **HEARING ON EX PART EMERGENCY MOTION**

PRESENT: Plaintiff, Waylon Jay Huber, present with counsel, Wendy Maddox. Defendant, Janea Marie Huber, present with counsel, Kelly Vaneburgt.

Vaneburgt invoked the rule of exclusion as well as motioned the Court to close the hearing.

The Court granted the rule of exclusion. The Court will decide if he will close the hearing later.

The Court gave some procedural history regarding this case. The Court further stated that the controlling document is the Findings of Fact, Conclusions of Law and Decree of Divorce filed on April 1, 2016. The Court further stated that the Plaintiff filed an Ex Parte Emergency Motion Regarding children on April 14, 2017, and the Court granted the motion and issued an Order Granting Immediate Custody of Children that was then filed on April 14, 2017. At the time the Plaintiff filed the Ex Parte Motion he was acting in proper person. The Defendant filed no response.

The Court stated that counsel had met with him in chambers prior to coming into Court and shared with him that there are a number of witnesses subpoenaed. Further the Court stated that Vaneburgt had asked the Court to oversee as one family one judge the case before Judge Shirley regarding the Plaintiff's current wife and her ex-husband. Also, the Court stated that Maddox had made a reference that the Court's wife may have been involved with the children as a counselor through the Humboldt County School District. The Court believes his wife is no longer involved but he will look into it. The Court does not want any conflicts.

The Court addressed the fact that he has issued two (2) separate Court orders in this matter in which the Defendant has failed to comply with. The Court further stated his concerns with the Defendant not complying with the Court's order. The Court further informed the Defendant that should she not comply with the Court's orders he would hold her in contempt. Should the Defendant object to something she needs to file the appropriate documents. The Court further stated that based upon the statements of the plaintiff in his motion on page two the Court issued the ex parte order.

The Court addressed Kevin Pasquale, Humboldt County Deputy District Attorney from the galley regarding a possible investigation with the Defendant and/or Plaintiff.

Pasquale responded.

The Court asked Vaneburgt for an offer of proof regarding an investigation in Idaho.

Vaneburgt concurred that there is an ongoing investigation in Idaho.

The Court offered Maddox the same.

Maddox stated they are aware of the investigation in Idaho but has no knowledge of CPS being involved in Idaho.

The Court stated he is inclined to issue an order that the Defendant's boyfriend is to stay away from the minor children. The Court will give counsel time to discuss this with their clients.

After a brief recess, Vaneburgt informed the Court that the Defendant is willing to say with her mother in Idaho and limit contact between her boyfriend and children.

The Court stated he would be ordering no contact with the children.

Vaneburgt stated the Defendant would comply.

Maddox objected to Vaneburgt offer. Maddox further stated that the Plaintiff does not feel the Defendant would comply with the Court's order as previously seen with the other Court orders.

The Court ordered that the Defendant's boyfriend is not to reside in the home with the minor children. The Court further stated that Nevada has current jurisdiction and failure to comply could affect future custody orders. The Court further ordered that the temporary order shall be dissolved and the boyfriend shall not be allowed any contact with the minor children pending further order of this Court. There must be a motion filed and an order issued before any contact will be allowed. Should the Defendant fail to comply with this Court order the Court shall take into consideration who shall have primary physical custody of the minor children. Further, the Defendant shall pay the Plaintiff's attorney fees for today in defiance of the Court orders. Maddox is to submit a memo as to attorney fees to the Court with the appropriate affidavit. Should Maddox wish some form of sanction for the Defendant violating the visitation order, she would need to present evidence. As to the other issues of possible conflict of interest, the Court shall look into the matter and if need shall recuse himself. As to the motioned for one family one judge the Court shall determine if there is a conflict of interest first.

Vaneburgt to prepare the order regarding the vacating of the emergency temporary order to include in the order that the Defendant's boyfriend is to have no contact with the minor children.

Maddox motioned the Court for a makeup visit between the Plaintiff and his children.

Vaneburgt stated the matter is not before the Court today.

The Court suggested Vaneburgt speak with her client regarding the visit.

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

MAY [illegible]

[illegible]

J. Clark

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

SUBPOENA TO APPEAR AND TESTIFY

TO: Kimberly Schmelling
Supervisor at DFCS
475 W. Haskell Street, Box 7
Winnemucca, NV 89445-3781
775-623-6555

YOU ARE COMMANDED to appear at the Sixth Judicial District Court, Family Division, Department 2, 25 West 5th Street, #212, Winnemucca, Nevada 89445, on the 4th day of May, 2017, at 10:00 a.m. to testify under oath at the trial in the above-captioned matter on behalf of Respondent.

Any person failing to appear without adequate excuse to obey a subpoena may be deemed in contempt of court, and shall be liable to the party injured in the sum of $100.00, and for such damages as may be sustained by him/her on account of such neglect or

///

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

refusal. [Nevada Rules of Civil Procedure, Rule 45(e)]

Dated this 26th day of April, 2017.

Carucci & Associatse
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) AND 45(d)

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF HUMBOLDT)

I, Roderic Carucci, Esq., do hereby swear under penalty of perjury that the following assertions are true:

1. That I am not a party to this action and I am over 18 years of age;
2. That I personally served a copy of the "Subpoena to Appear and Testify" on Kimberly Schmelling, at her place of employment Division of Child and Family Services, 475 W. Haskell Street, Winnemucca, NV 89445, on April 27, 2017.

FURTHER YOUR AFFIANT SAYETH NOT.

DATED this May 2, 2017

RODERIC A. CARUCCI, ESQ.

SUBSCRIBED AND SWORN to before me,
a Notary Public, on May 2, 2017
by Roderic A. Carucci, Esq.

NOTARY PUBLIC

BRYTTANIE McNEFF
Notary Public - State of Nevada
Appointment Recorded in Washoe Co
No: 16-3796-2 - Expires September

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

May 2, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Subpoena to Appear and Testify in regards to the above-referenced case. Please file both copies and return a file stamped copy to our office. I have included a self-addressed, stamped envelope for convenience.

I appreciate your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
MAY 04 2017
HUMBOLDT COUNTY CLERK

A0102

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

EX PARTE EMERGENCY MOTION FOR TEMPORARY CUSTODY

COMES NOW, Plaintiff, WAYLON HUBER (hereinafter "Father"), by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and hereby moves this Court to grant Father temporary sole legal and sole physical custody of BRYNLEE HUBER and BRYSON HUBER, born May 12, 2012. Father believes that this is an emergency and respectfully requests the court to issue an order immediately due to his children being in immediate danger with their mother, Janae Huber. This motion is based on the following Points and Authorities.

DATED this 5th day of May, 2017

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

Points and Authorities

The parties were divorced on March 21, 2016. Per the parties' divorce decree, Father granted Mother permission to temporarily relocate with the parties children to Boise, Idaho, for the purpose of completing her schooling for a maximum period of (2) two years. Mother has been in a relationship with violent Felon, Justin Caulkins who resided with her and the children while on felony probation. Once Justin Caulkins was released from parole, he returned to reside with Mother and children. Father expressed his concerns to Mother as well as to Justin Caulkins parole officer in Idaho. Sometime thereafter information was received from Detective Dunkorst with the Winnemucca Police Department that there is an open investigation with physical evidence of Father's 4 year old daughter Brynlee being sexually abused.

Mother had been refusing to give the children to Father during his custodial time, when Father learned his daughter has been sexually molested he worked with Winnemucca Police Department to clear any allegations Mother had made against him and filed a motion with the court. Based on an Ex Parte Emergency Motion filed on April 14, 2017, Father was granted immediate and sole pending physical custody of the minor children the same day. Mother refused to return the children to Father's custody based on the order indicating that CPS has told her not to give the children back to Father.

On the morning of May 4th, 2017, Mother, the children, and Justin Caulkins arrived at CPS in Winnemucca, Nevada and Mother refused again in front of officers to return the children to Father. Justin Caulkins walked into the CPS office with Father's children.

A hearing was held on May 4th, 2017, and after Mother informed the Court that she and her children would be residing with her mother (maternal grandmother of Idaho) and that the children would have no contact with Justin Caulkins, the court dissolved the Order Granting Immediate Custody of Children to Father.

Immediately after the hearing, based on the Courts order, Law enforcement located the vehicle being driven by Justin Caulkins, removed the children from him and secured the children. Police officers then awaited interpretation of the parties' divorce decree to decipher who was to have physical custody of the children. The divorce decree indicated that Father is to have custody

of the children two weekend a month, but leaves which weekends up to the interpretation of the parties.

Officers were aware that Mother, Justin Caulkins, and children arrived in Winnemucca from Idaho in the same vehicle and were working with Mother to decipher if she would be allowing the weekend after the hearing to be one of Father's two weekends of the month or if she would be returning to Idaho with the children and allowing Father's weekend to occur the next weekend. Officers also made Mother aware that she and Justin Caulkins could not return to Idaho together in the same vehicle if the children were with them due to the no contact order. Mother agreed that Father could exercise his custodial weekend with the children after the hearing and Mother chose to return to Idaho with Justin Caulkins.

After the hearing, throughout this past weekend, Brynlee made outcries in the presence of Father and Step Mother raising similar issues presented to the court at the most recent hearing as well as new information that indicates to Father that the children are in imminent and immediate danger in their Mother's presence and at Mother's residence. Father appropriately reported this information to Law Enforcement as well as to CPS.

Because this is an open investigation, Father does not feel it is appropriate to jeopardize the integrity of that investigation by disclosing information that has come to his attention since the most recent hearing. If the Court, feels it is appropriate, Father would consent to the Court speaking with law enforcement regarding this matter without his or Mother's presence. It would then be imperative that information related to the Court through that proceeding be sealed and not made available to the parties.

Furthermore, over the weekend Father requested make up days from Mother and Mother indicated through text that she does not owe Father makeup days. The court was very clear that Father was due makeup days for visitation that Mother refused him and that if Father were to Motion for makeup days, the Court would grant them (See attached Exhibit "1").

In the same text message, Father requested confirmation from Mother in regards to where Mother will be living and Mother replied "MY house". Mother indicated to the court that she and her children would be living at her Mother's home with the children. Father believes that if

Mother had told the Court that she would be continuing to live at her house, the most recent order granting him physical custody would have stayed in place. Father is concerned that Justin Caulkins is continuing to reside with Mother at her residence. As the Court is aware, parole officer require confirmation as to where the parolee is living and confirm that the parolee is residing where he says he will be. Father has spoken with Justin Caulkins parole officer in the past few months and Father is only aware that the parole officer has approved the 6017 S. Pearl Jensen Ave. Boise Idaho.

Lastly, after the hearing, Mother had a choice as to whether she could have immediate custody of her children and she would be exchanging custody with Father the following weekend. Mother instead chose to return to Idaho with Justin Caulkins and to leave her children with their Father. Mother's actions speak louder than words. Mother knows the children are safe with Father and she has no plans to remove Justin Caulkins from her life. A protective mother would have picked her children and told Justin Caulkins to find his own ride back to Idaho.

Legal Authority

And pursuant to NRS 125C.0045(1)(a)

> **1.** In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:
>
> **(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest.**

NRS 125C.0035(4)(a-l) states that:

> 4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:
>
> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
>
> (b) Any nomination of a guardian for the child by a parent.
>
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
>
> (d) The level of conflict between the parents.
>
> (e) The ability of the parents to cooperate to meet the needs of the child.
>
> (f) The mental and physical health of the parents.
>
> (g) The physical, developmental and emotional needs of the child.
>
> (h) The nature of the relationship of the child with each parent.
>
> (i) The ability of the child to maintain a relationship with any sibling.
>
> (j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

NRS 125C.0045(5) states that:

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

Father through his attorney requested that CPS do a safety plan to keep these children safe in Idaho. Kimberly Schmeling, the CPS investigator in Winnemucca has indicated that if the children go to Idaho, only Idaho can do a safety plan and that she/ CPS in Winnemucca would have no jurisdiction once the children leave the State of Nevada.

It is in the children's best interest to be placed with Father on a temporary basis until the investigation of this matter is complete. Father also needs to appropriately address any immediate concerns and get the children into counseling or seen by a psychologist.

Father is aware that the Court is hesitant of these types of motions and only grants them if specific factors indicating the children are in imminent and immediate danger. The facts of this case are a sufficient basis to warrant temporary custody to ensure the safety of the children while the investigation is ongoing and until the Court has sufficient assurances Mother will move in with her Mother as she represented to the Court and is not living with Justin Caulkins.

The Court can set a hearing and address the issues raised herein, which is what constitutes this matter an emergency and in order to allow this court to immediately take action to ensure the safety of the children without a hearing. The law contemplates such authority when the safety of a child or children is at issue as in this case.

//

//

//

WHEREFORE, based upon the foregoing, Father respectfully seeks an immediate order granting him temporary sole legal and sole physical custody of BRYNLEE HUBER and BRYSON HUBER, born May 12, 2012.

DATED this 5th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEVADA)
)ss.
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, under penalties of perjury, being first duly sworn, deposes and says:

That I am the Petitioner in the above-entitled action; that I have read the foregoing Petition and know the contents thereof; that the same is true of my own knowledge, except those matters therein stated on information or belief, and that as to those matters, I believe it to be true.

DATED this ____ day of May, 2017.

WAYLON HUBER

SUBSCRIBED and SWORN to before me, a notary public, and this ____ day of May, 2017, by WAYLON HUBER.

NOTARY PUBLIC

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 8 day of May, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, entitled *Emergency Motion for Temporary Custody*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 8 day of May, 2017.

JENNIFER ADAIR

Exhibit 1

Exhibit 1

Verizon

11:21 AM

27%

Janea

[redacted]

No we are sticking to the decree to a "T"

[redacted]

No I do not. We are sticking to the decree to a "T" I will see you Sunday

[redacted]

[redacted]

At MY house.

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

REQUEST FOR SUBMISSION

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that the EX PARTE EMERGENCY MOTION FOR TEMPORARY CUSTODY be submitted to the judge for decision.

DATED this 8th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 8 day of May, 2017, I mailed a true and correct copy of the foregoing or attached document in U.S. Mail, in Winnemucca, Nevada, entitled *Request for Submission*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 8 day of May, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

TAMI RAE SPERO
DIST COURT CLERK

E Formly

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs. REQUEST FOR SUBMISSION

JANEA HUBER,

Defendant. /

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that the EX PARTE EMERGENCY MOTION REGARDING CHILDREN: MOTION TO ENFORCE CHANGE OF CUSTODY (in Re: Contempt) be submitted to the judge for decision.

DATED this 5th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the ___ day of May, 2017, I mailed a true and correct copy of the foregoing or attached document in U.S. Mail, in Winnemucca, Nevada, entitled *Request for Submission*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

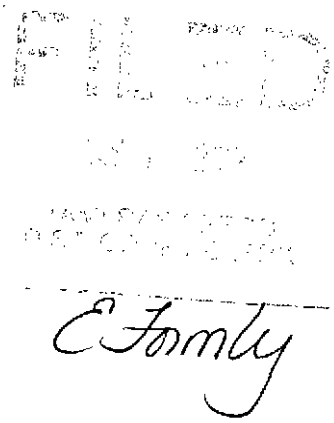
DATED this ___ day of May, 2017.

JENNIFER ADAIR

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.



CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and moves this Court on an emergency basis to temporarily suspend Plaintiff, Waylon Huber's ("Father") visitation with the two minor children. Mother also requests that an expedited hearing be set on this matter due to the ongoing investigation of sexual abuse of the minor child, Brynlee, by Father; the investigations are ongoing in both Idaho and Nevada. This motion is made and based upon all the pleadings and papers on file herein, the following memorandum of points and

authorities, and the separately filed supporting declaration of Janea Huber.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012. Brynlee and Bryson are twins. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree incorporated the parties' Marital Settlement Agreement, which provides that the parties share joint legal and joint physical custody of the minor children. Mother resides in Boise, Idaho and Father resides in Winnemucca, Nevada. The MSA states in relevant part:

> The parties agree that they should be awarded the joint legal and joint physical custody of their said minor children, with Husband awarded the following rights, and the Wife awarded all remaining time the children are not with Husband:
>
> (i) Two (2) weekends per month from Thursday at 6:00 p.m. until Sunday at 6:00 p.m.;
>
> (ii) Two (2) weeks during the Summer
>
> . . .
>
> The parties shall meet half way between Winnemucca and Boise for visitation exchanges at Burns Junction.
>
> The above provision for custody and visitation is intended to be for a temporary period of two (2) years at which time the parties shall be awarded joint legal custody and joint physical custody . . .

The MSA also requires that Father maintain complete sobriety when the parties' minor children are in his custody, and he is required to test daily when he has custody of

the children. This was due to Father's alcohol abuse during the parties' marriage. There is a companion and related Humboldt County case, presided over by Judge Shirley, Case Number CV 19,723, captioned *Pettis v. Pettis*. Orders have been entered in the *Pettis* case pertaining to Waylon Huber's alcohol consumption because he is now married to Ashlie Pettis.

Ongoing Investigation:

On April 9, 2017, when the children returned to Mother's custody following their weekend visitation with Father, Brynlee informed Mother that she was feeling pain in her vaginal area. Upon further inquiry, Brynlee informed Mother that while she was watching a movie with Father, Father put his fingers inside her vagina. The child demonstrated Father's actions for Mother, and also indicated this behavior had occurred on other occasions usually when she was going to bed.

Immediately upon learning of this information, Mother took Brynlee to a hospital for an examination at St. Luke's Children's Hospital in Idaho. Upon examination, the doctor informed Mother that he observed redness in the child's vaginal area and observed that her hymen was partially detached. The hospital referred this information to the Ada County Sheriff's Office in Idaho for further investigation. (Exhibit 1, letter from St. Luke's Children's Hospital dated April 24, 2017). A report was also made with the Idaho Department of Health and Welfare. On information and belief, these investigations are ongoing and these Idaho agencies have been slow or reluctant to share their partial investigative findings with the authorities and CPS in Nevada thus far. However, Mother has personally spoken with both the caseworker with the Idaho Department of Health and Welfare, and the Ada County Sheriff's office regarding these allegations of sexual abuse. The caseworker represented to Mother that Brynlee informed her of the same allegations of Father inappropriately touching her. Mother was advised by the Department of Health and Welfare that Father posed a threat to the minor child and advised her not to allow additional visitation pending the investigation. Upon that advice, Mother then applied

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

for a temporary protection order against Father on the minor child's behalf in Idaho (Exhibit 2). The request was denied for jurisdictional reasons between the two states; Father resides in Nevada and the alleged sexual molestation also occurred in Nevada. Mother then sought to file for a protection order in Humboldt County, Nevada, but was informed that she could not file her application because she was not a resident of the State of Nevada.

Mother has also contacted the authorities in Winnemucca regarding this incident, including the Division of Health and Family Services and the Humboldt County Sheriff's office. The Humboldt County Sheriff's office has an ongoing investigation as of the date of this writing. A day after Father was interviewed by the Humboldt Sheriff's office, Father filed an emergency motion with this Court seeking sole custody of the minor children based upon allegations that Mother's boyfriend was unfit to be around the children and that Mother "kidnapped" the children. Father also failed to disclose to the Court that there was an ongoing investigation of sexual abuse to which *he was the subject of*. **The timing of Father's motion one day after learning he was being investigated for child molestation is highly suspect.**

On May 4, 2017, Kimberly Schmeling of the Humboldt Division of Health and Family Services interviewed both children regarding the alleged incident. She was subpoenaed to testify as to her findings at the May 4, 2017 emergency hearing. Ms. Schmeling has represented to counsel that Brynlee collaborated the allegations against Father, which is consistent with her interview in Idaho with their protective services department.

The parties appeared before the Court for an emergency hearing on May 4, 2017; the sole subject was Waylon Huber's two emergency motions. Neither Waylon Huber, nor his counsel, ever served or produced the April 14, 2017 emergency motion on opposing counsel or upon Mother. Mother and her counsel were only served with the April 18, 2017 emergency motion, and only became aware of the other motion after the hearing.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

At the emergency hearing, Father argued Mother's boyfriend, Justin Calkins, was an "immediate danger" to the children due to his criminal history. This is the first time Father has raised this allegation, even though Mother has been in a dating relationship with Mr. Calkins for more than a year, a fact of which Father was well aware. Ironically, Father's objection to Mr. Calkin's involvement with the children arose suddenly, **one day to be exact**, after Father was interviewed by the Humboldt County Sheriff's office about molesting his daughter. Father's sudden concerns for the children's "immediate danger" are highly suspect. Additionally, following Husband's meeting with the Humboldt County Sheriff's office, he sent Mother a text stating "I want everyone around you cleared and polygraphed like me." (Exhibit 3). Father's motion and allegations against Mr. Calkins were retaliatory in nature and out of anger after he learned *he* was being personally investigated for molesting his 4 year old daughter. Additionally, Father sent Mother's mom (maternal grandmother) a text message on May 5, 2017, admitting that he believed Mr. Calkins was not the person who was molesting Brynlee. (Exhibit 4). As such, his allegations against Mr. Calkins being an "immediate danger" to the children are unfounded, even by his own admission, and were not made in good faith.

It is worth commenting to the Court that in the course of the *Pettis* case before Judge Shirley, Ashlie, Waylon's wife, was arrested for child endangerment, approximately three months later she was arrested and convicted of a DUI, and a week after that she failed a drug test conducted by the Guardian ad Litem assigned to the case. At the time of Ashlie's DUI arrest, Father was in the car and was also arrested for obstructing the officer. Father has also been in rehab multiple times for alcohol and drug related issues, most recently for 90 days at a rehab facility in California, returning only a few months ago. Father is not the perfect parent he attempts to portray himself to be before this Court. Father has been court ordered to test by this Court and Judge Shirley in the related case. Since the emergency court hearing on May 4, 2017, Father has refused to provide his daily alcohol testing results to Mother upon her request. (Exhibit 5). This is not the first time Father has refused to take an alcohol test, in violation of this Court's

orders.

Following the hearing on May 6, 2017, Mother received a video of Brynlee being interrogated by Ashlie Pettis about the sexual abuse. This video was sent by Father to the child's maternal grandmother. Interviewing children about sexual molestation is a highly specialized skill. Both law enforcement personnel and clinical psychologists receive specialized training about how to conduct such interviews to avoid contaminating the witness and testimony. Clearly Brynlee is being interrogated about the incident during Father's custodial time. This is conduct is highly inappropriate and should be admonished by the Court as it compromises future testimony of the child, which is the intent of Father.

Conclusion

Based upon the child's admissions, the ongoing investigation with both the Idaho Ada County Sheriff's office and their child protective services, the ongoing investigation with the Humboldt County Sheriff's Office, as well as the child's statements to the Humboldt County Division of Child Welfare that Father was the party who was molesting Brynlee, it is appropriate that an expedited hearing be set and that Father's visitation be temporarily suspended until these allegations can be investigated further.

Wherefore, Mother requests that the Court enter an order:

1. Temporarily suspending Father's visitation pending completion of the ongoing criminal and CPS investigations in both Idaho and Nevada;
2. That an expedited hearing be set in this matter to address the serious allegations of sexual abuse upon this 4 year old child;
3. For an order requiring the release of the relevant records to the Court for review *in camera* from any investigating or involved governmental agency and compelling the testimony of any investigating official of such agency before this Court.
4. That this case be transferred to Judge Shirley under the one family one judge rule due to Judge Shirley's familiarity with the parties and his prior orders specifically as to Waylon Huber;

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

5. That the Court award attorney's fees for having to bring this motion to protect these children.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

by:

___ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

_X__ Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT INDEX

Huber v. Huber

Exhibit Number	Description	Number of Pages
1	St. Luke Children's Hospital Letter	1
2	Application for protection order in Idaho and Order	6
3	Waylon text message regarding polygraph test	1
4	Waylon test message regarding Mr. Calkins	1
5	Waylon text message regarding alcohol testing	2

EXHIBIT 1

EXHIBIT 1

St Luke's Children's

April 24, 2017

RE: Brynlee Huber (DOB: 5/8/2012)

To Whom It May Concern,

Brynlee Huber was evaluated at St Luke's Children's CARES (Children At Risk Evaluation Services) on March 31, 2017, after a referral was made by the Ada County Sheriff's Office.

Sincerely,

Matthew Cox, MD
Medical Director
St. Luke's CARES
208-577-4460

EXHIBIT 2

EXHIBIT 2

☒ No address, email and telephone are given because I do not want my information on this petition.

Filed _____ at _____
CHRISTOPHER D. RICH
CLERK OF THE DISTRICT COURT
By _____
Deputy Clerk

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

Janea' Huber
Petitioner
(Person Seeking Protection Order),

vs.

Waylon Huber
Respondent
(Person You Want Restrained)

Case No. CV 01 1706682

SWORN PETITION FOR PROTECTION ORDER

Select:
☒ Domestic Violence (I.C. § 39-6304)

☐ Malicious harassment, stalking, telephone harassment (I.C. § 18-7907)

THE LAW REQUIRES THAT THE RESPONDENT BE GIVEN A COPY OF THIS COMPLETED FORM AND ALL ATTACHMENTS.

1. **Protected Person(s).** I am seeking a protection order for:

☒ Myself.
☒ The following minor child/ren (first and last names): Brynlee W Huber & Bryson Way Huber

My relationship to child/ren is: ☒ Custodial parent ☐ Non-custodial parent ☐ Guardian
☐ The following family or household member (first and last names): _____

☐ The following adult who has or is dating Respondent (first and last names): _____

2. **Relationships.** Please check all that apply to the relationship between the Respondent (person you want restrained) and you or the person(s) for whom you are seeking protection.

☐ spouse
☒ former spouse, state and county where divorce was filed: Nevada, Humboldt
☐ living together
☒ previously lived together, we last lived together on (date) 3.1.2015

SWORN PETITION FOR PROTECTION ORDER

☐ child in common
☐ intimate partner
☐ parent
☐ related by blood, adoption or marriage, Relationship: _____
☐ are dating, or ☐ previously dated and our last date was (date) _____
If a dating relationship please describe: (complete for adult or minor):
Length of time of the dating relationship _____
Time since the relationship ended _____
☐ Other, Explain: _____

3. **Residence.**
☒ I live or am staying in ADA County, Idaho. Respondent lives in HUMBOLDT County, State of NEVADA.
☒ The Respondent does not live with me.
☐ I live with Respondent at _____
Our home is rented or owned ☐ by both of us ☐ by me ☐ by the Respondent.
☐ I have left the residence where I lived with Respondent. I want to return ☐ yes ☐ no.
If yes, ☐ to live ☐ to get personal belongings ☐ other _____
☐ A business is run from the home. Type of business: _____
The business is run ☐ by me ☐ by Respondent ☐ by both of us.

4. **Child/ren affected by the protection order.**
I am the natural/adoptive parent or legal guardian of the following child/ren:

Name (First, Middle Initial, Last)	Birth Date	Sex	How Child is Related to: Petitioner	Respondent	State(s) where child lived last 6 months
BRYNLEE JO HUBER	5.8.12	F	Daughter	Daughter	Idaho
BRYSON WAY HUBER	5.8.12	M	SON	SON	Idaho

During the last six (6) months the child/ren have lived with mother-Janea Huber

5. **Other court cases.** List any other court cases relating to the minor child/ren who will be affected by this protection order (divorce, child protection, guardianship, adoption, protection order, etc.) DC.FC, CPS, (Courts may request orders)

☒ I have applied for a protection order(s) before in the county of Humboldt on (date) 2015, against (name) Waylon Huber

☐ The Respondent has applied for a protection order(s) before in the county of _____ on (date) _____, against (name) _____

☒ The Respondent has been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) DUI's, Domestic Violence & Child abuse Humboldt County NV

☐ I have been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) _____

6. Information about domestic violence, malicious harassment, stalking, and/or telephone harassment.

If you are filing for a protection order for:

1. **Domestic Violence:** Complete **Section 6.a.** only.
2. **Malicious harassment, stalking, and/or telephone harassment:** Complete **Section 6.b.** only.
3. **Both:** Complete both **Sections 6.a. and 6.b.**

6.a. Domestic violence means physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

Describe the most recent acts or threats of domestic violence committed by the Respondent against you or the person(s) for whom you are seeking protection.

When? (date and time) 23rd - 26th of MARCH 2017

Where? (address or general location) 4151 Two Rock DR. Winnemucca NV 89445

Who was present? (minor children, friends, family, etc.) Brynlee Huber (minor) Bryson Huber (minor)

Describe the recent acts or threats of domestic violence? Alleged Sexual Abuse against Brynlee Huber (minor)

Do not write on the back of this page. Include a separate page if you need more room.

Describe any injuries: Inflammed Vagina & Part of Hymine no longer intact.

Was a weapon involved? ☒ No ☐ Yes How? _____

Is there anything else you want the judge to know about what happened? _____

Describe past acts or threats of domestic violence including dates: _____

_____

_____

_____

_____

Do not write on the back of this page. Include a separate page if you need more room.

6.b. **Stalking** means repeated acts of nonconsensual contact that alarms, annoys, or harasses another person causing the person emotional distress, fear of death, physical injury or fear of death or physical injury of a family or household member.

Malicious harassment means to intimidate or harass another person to cause physical injury, damage, destroy or deface real or personal property or the threat thereof due to a person's race, color, religion, ancestry, or national origin.

Telephone harassment is the use of telephone to annoy, terrify, threaten, intimidate, harass or offend by lewd or profane language, requests, suggestions or proposals, threats of physical harm or disturbing the peace by repeated calls.

Describe the most recent acts or threats (within the last 90 days) of malicious harassment, stalking, and/or telephone harassment committed by the Respondent against you or the person(s) for whom you are seeking protection.

When? (date and time) _____

Where? (address or general location) _____

Who was present? (name, relation, friends, family, etc.) _____

Describe the recent acts or threats within the last 90 days? _____

_____

_____

_____

_____

_____

Do not write on the back of this page. Include a separate page if you need more room.

Describe any injuries. _____

Was a weapon involved? ☐ No ☐ Yes How? _____

Is there anything else you want the judge to know about what happened? _____

_____

_____

Describe past acts or threats of malicious harassment, stalking, and/or telephone harassment, including dates: _____

_____

_____

_____

Do not write on the back of this page. Include a separate page if you need more room.

7. **I ask the Court to order the following:**

a. **Personal Conduct Order.**
The Respondent shall not harass, stalk, annoy, disturb the peace of, telephone, contact, or otherwise communicate with (either directly or indirectly, in person or through any other person) the protected person(s) indicated in Section 1 of this petition.

b. **Stay Away Order.** The Respondent shall at all times stay away from:
- ☐ My residence at _____
- ☒ No address is given because I do not want my address on this petition.
- ☒ Protected Minor's residence at: _____
- ☐ My workplace and/or school at: _____
- ☐ Protected Minor's workplace and/or school at: _____
- ☒ My child/ren's school and/or childcare at: Desert Sage Elementary
- ☐ Other: _____

c. ☐ **Move-out Order.** The Respondent shall move from the residence at _____ and take from the dwelling only items needed for employment and necessary personal effects (at peace officer's discretion).

d. ☒ **Child Custody.** Temporary custody of the minor child/ren named in Section 4 above, be awarded to: ☒ me ☐ Respondent. The other parent should have:
- ☒ Visitation as follows (list specific days and times) NO Visitation
- ☐ Neutral drop off and pick up location at _____
- ☐ Transportation provided by _____
- ☐ Supervised visitation, why and supervised by whom _____
- ☒ No visitation.

e. ☐ **Treatment/counseling.** The Respondent be ordered to participate in treatment or counseling services for (purpose) _____

f. ☐ **Other relief requested:** _____

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: 4.12.17

JANEA HUBER
Typed/printed name

Janea Huber
Signature

Filed: April 12, 2017 at 3:43 PM
Fourth Judicial District, Ada County
Christopher D. Rich, Clerk of the Court
By: Austin Lowe Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

Janea Huber
Petitioner,
vs
Waylon Huber
Respondent.

Case No. CV01-17-06682
Notice of Hearing

The above entitled case has been set for Hearing on April 13, 2017 at 8:30 AM. **Please appear at 8:00 AM, in Room 409C, 200 W. Front Street, Boise, Idaho.** ***Failure to appear at your hearing on time may result in the dismissal of your petition.*** **Room 409C is located on the fourth floor of the courthouse.** A volunteer from the Women's and Children's Alliance will be there and may further assist you. You will then be required to appear before the Judge named below on the aforementioned date at 8:30 AM.

Consult a "Courtroom Schedule" board to determine the courtroom that has been assigned to the Judge identified below.

CHRISTOPHER D. RICH
Clerk of the District Court

Dated: 4/12/2017

By: _____
Deputy Clerk

Judge: **Laurie Fortier**

EXHIBIT 3

EXHIBIT 3

Last chance janea I have to leave if your not going to give them me. I want everyone around you cleared and polygraphed like me. The judge is very concerned. I went Stright down to clear my self now do what's best for them.

Sun, Apr 16, 10:27 AM

Tell my babies to have a happy Easter.

Mon, Apr 17, 4:22 PM

Hey janea we need to meet so I can get the twins.

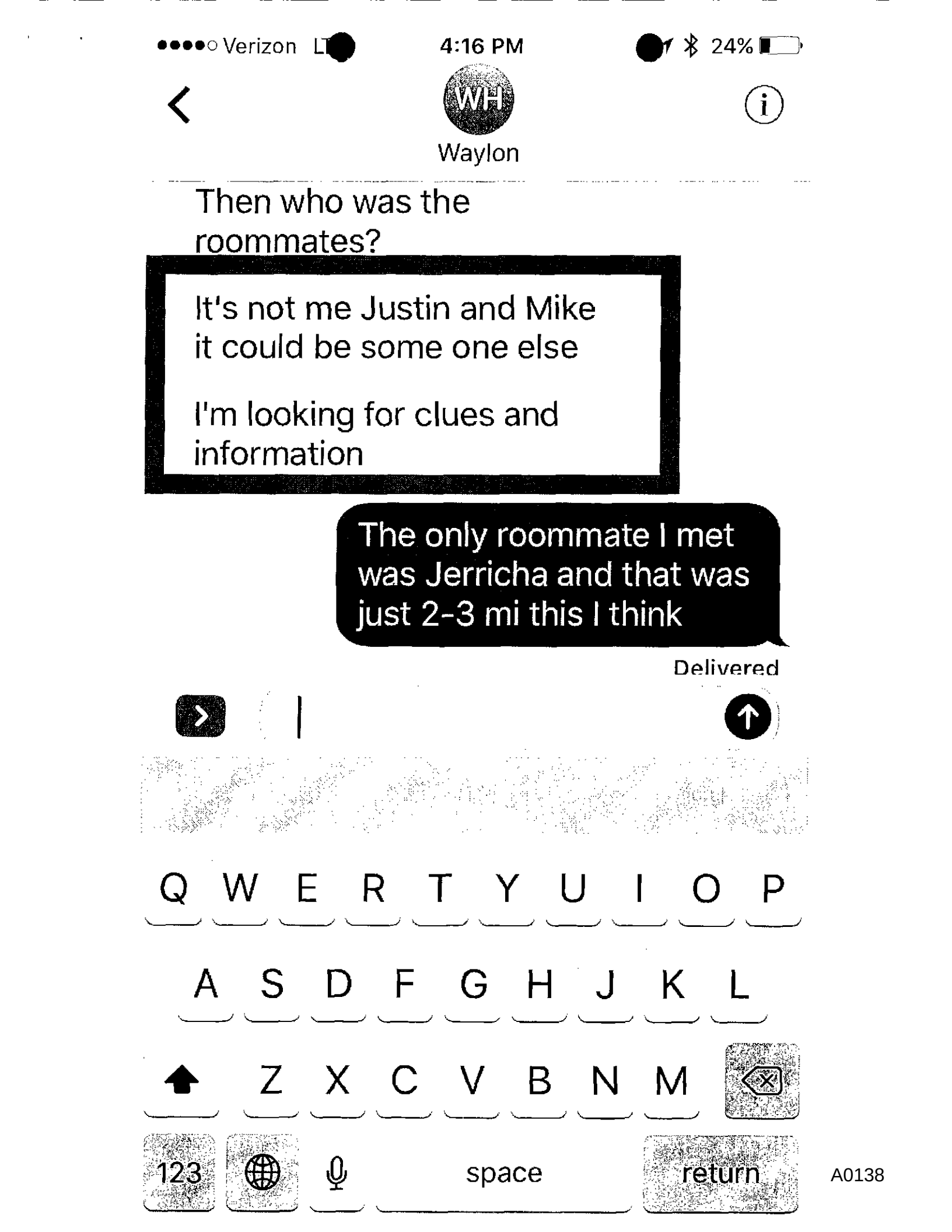
Thu, Apr 20, 8:33 PM

Janea I need to know where the twins are and if they are ok. I understand your not going to follow the order but please stop hiding them from me.

I'm not hiding them Waylon. I've been home with them. And of course they are ok. They are 100% safe

EXHIBIT 4

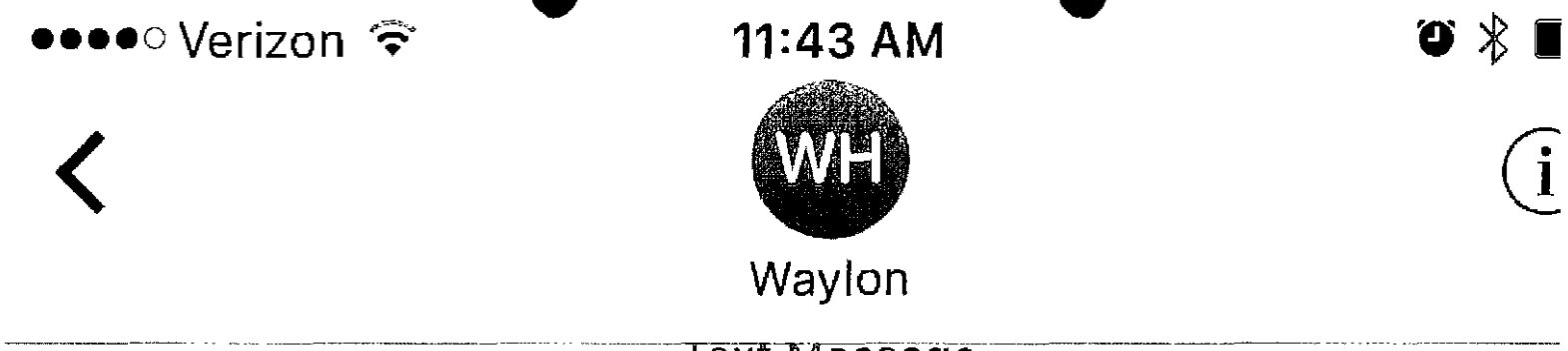
EXHIBIT 4


Verizon
4:16 PM
24%
WH
Waylon
Then who was the roommates?
It's not me Justin and Mike it could be some one else
I'm looking for clues and information
The only roommate I met was Jerricha and that was just 2-3 mi this I think
Delivered
Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M
123
space
return

A0138

EXHIBIT 5

EXHIBIT 5



Text Message
Yesterday 9:10 PM

I hope you tell my babies I love them very much and I'll see them Sunday.

I haven't seen the breathalyzer yet, it's supposed to be done every day the kids are with you

Today 8:26 AM

Ok let explain something to you. Read the decree I test daily and I don't even have to send them to you. But I have. You and you lawyer should be happy your not in jail. If I get time I more than likely send you the reports for the last month strait. Because I knew you would try to

play games. If you want to talk to the kids let me know I will not do to you what you have done to me.

*me

Will

Also who was your roommates?

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

E Family

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

EX PARTE MOTION FOR ORDER SHORTENING TIME

COMES NOW, Defendant, Janae Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and moves this Court for an order shortening Plaintiff, Waylon Huber's ("Father") time to respond to her "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing."

For good cause, a judge who will try a case may issue an ex parte order shortening time "upon a satisfactory showing that a good faith effort has been made to notify the opposing counsel of the motion." WDCR Rule 11(3).

Mother has filed a "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing" (attached hereto as "Exhibit 1") based upon allegations of sexual

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

misconduct by Father upon one of the minor children. At the May 4, 2017 emergency hearing, the Court directed the parties to raise any allegations regarding the sexual abuse in a noticed motion, but granted permission to file a request to shorten time given the nature of these circumstances which need to be addressed by the Court on an expedited basis. As such, Mother requests that Father's time to respond to her Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing be shortened to three (3) days, and that his response, if any, be filed by May 12, 2017 at 5:00 p.m.

A copy of the Emergency Noticed Motion was personally served upon opposing counsel's office on May 9, 2017, in an effort to provide as much notice as possible.

It is appropriate and necessary under the circumstances that this Court enter its order shortening the time for Father to respond to Mother's motion.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

EX PARTE MOTION FOR RETURN OF MINOR CHILDREN

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

__X__ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT 1

EXHIBIT 1

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and moves this Court on an emergency basis to temporarily suspend Plaintiff, Waylon Huber's ("Father") visitation with the two minor children. Mother also requests that an expedited hearing be set on this matter due to the ongoing investigation of sexual abuse of the minor child, Brynlee, by Father; the investigations are ongoing in both Idaho and Nevada. This motion is made and based upon all the pleadings and papers on file herein, the following memorandum of points and

authorities, and the separately filed supporting declaration of Janea Huber.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012. Brynlee and Bryson are twins. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree incorporated the parties' Marital Settlement Agreement, which provides that the parties share joint legal and joint physical custody of the minor children. Mother resides in Boise, Idaho and Father resides in Winnemucca, Nevada. The MSA states in relevant part:

> The parties agree that they should be awarded the joint legal and joint physical custody of their said minor children, with Husband awarded the following rights, and the Wife awarded all remaining time the children are not with Husband:
>
> (i) Two (2) weekends per month from Thursday at 6:00 p.m. until Sunday at 6:00 p.m.;
>
> (ii) Two (2) weeks during the Summer
>
> . . .
>
> The parties shall meet half way between Winnemucca and Boise for visitation exchanges at Burns Junction.
>
> The above provision for custody and visitation is intended to be for a temporary period of two (2) years at which time the parties shall be awarded joint legal custody and joint physical custody . . .

The MSA also requires that Father maintain complete sobriety when the parties' minor children are in his custody, and he is required to test daily when he has custody of

the children. This was due to Father's alcohol abuse during the parties' marriage. There is a companion and related Humboldt County case, presided over by Judge Shirley, Case Number CV 19,723, captioned *Pettis v. Pettis*. Orders have been entered in the *Pettis* case pertaining to Waylon Huber's alcohol consumption because he is now married to Ashlie Pettis.

Ongoing Investigation:

On April 9, 2017, when the children returned to Mother's custody following their weekend visitation with Father, Brynlee informed Mother that she was feeling pain in her vaginal area. Upon further inquiry, Brynlee informed Mother that while she was watching a movie with Father, Father put his fingers inside her vagina. The child demonstrated Father's actions for Mother, and also indicated this behavior had occurred on other occasions usually when she was going to bed.

Immediately upon learning of this information, Mother took Brynlee to a hospital for an examination at St. Luke's Children's Hospital in Idaho. Upon examination, the doctor informed Mother that he observed redness in the child's vaginal area and observed that her hymen was partially detached. The hospital referred this information to the Ada County Sheriff's Office in Idaho for further investigation. (Exhibit 1, letter from St. Luke's Children's Hospital dated April 24, 2017). A report was also made with the Idaho Department of Health and Welfare. On information and belief, these investigations are ongoing and these Idaho agencies have been slow or reluctant to share their partial investigative findings with the authorities and CPS in Nevada thus far. However, Mother has personally spoken with both the caseworker with the Idaho Department of Health and Welfare, and the Ada County Sheriff's office regarding these allegations of sexual abuse. The caseworker represented to Mother that Brynlee informed her of the same allegations of Father inappropriately touching her. Mother was advised by the Department of Health and Welfare that Father posed a threat to the minor child and advised her not to allow additional visitation pending the investigation. Upon that advice, Mother then applied

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

for a temporary protection order against Father on the minor child's behalf in Idaho (Exhibit 2). The request was denied for jurisdictional reasons between the two states; Father resides in Nevada and the alleged sexual molestation also occurred in Nevada. Mother then sought to file for a protection order in Humboldt County, Nevada, but was informed that she could not file her application because she was not a resident of the State of Nevada.

Mother has also contacted the authorities in Winnemucca regarding this incident, including the Division of Health and Family Services and the Humboldt County Sheriff's office. The Humboldt County Sheriff's office has an ongoing investigation as of the date of this writing. A day after Father was interviewed by the Humboldt Sheriff's office, Father filed an emergency motion with this Court seeking sole custody of the minor children based upon allegations that Mother's boyfriend was unfit to be around the children and that Mother "kidnapped" the children. Father also failed to disclose to the Court that there was an ongoing investigation of sexual abuse to which *he was the subject of.* **The timing of Father's motion one day after learning he was being investigated for child molestation is highly suspect.**

On May 4, 2017, Kimberly Schmeling of the Humboldt Division of Health and Family Services interviewed both children regarding the alleged incident. She was subpoenaed to testify as to her findings at the May 4, 2017 emergency hearing. Ms. Schmeling has represented to counsel that Brynlee collaborated the allegations against Father, which is consistent with her interview in Idaho with their protective services department.

The parties appeared before the Court for an emergency hearing on May 4, 2017; the sole subject was Waylon Huber's two emergency motions. Neither Waylon Huber, nor his counsel, ever served or produced the April 14, 2017 emergency motion on opposing counsel or upon Mother. Mother and her counsel were only served with the April 18, 2017 emergency motion, and only became aware of the other motion after the hearing.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

At the emergency hearing, Father argued Mother's boyfriend, Justin Calkins, was an "immediate danger" to the children due to his criminal history. This is the first time Father has raised this allegation, even though Mother has been in a dating relationship with Mr. Calkins for more than a year, a fact of which Father was well aware. Ironically, Father's objection to Mr. Calkin's involvement with the children arose suddenly, **one day to be exact**, after Father was interviewed by the Humboldt County Sheriff's office about molesting his daughter. Father's sudden concerns for the children's "immediate danger" are highly suspect. Additionally, following Husband's meeting with the Humboldt County Sheriff's office, he sent Mother a text stating "I want everyone around you cleared and polygraphed like me." (Exhibit 3). Father's motion and allegations against Mr. Calkins were retaliatory in nature and out of anger after he learned *he* was being personally investigated for molesting his 4 year old daughter. Additionally, Father sent Mother's mom (maternal grandmother) a text message on May 5, 2017, admitting that he believed Mr. Calkins was not the person who was molesting Brynlee. (Exhibit 4). As such, his allegations against Mr. Calkins being an "immediate danger" to the children are unfounded, even by his own admission, and were not made in good faith.

It is worth commenting to the Court that in the course of the *Pettis* case before Judge Shirley, Ashlie, Waylon's wife, was arrested for child endangerment, approximately three months later she was arrested and convicted of a DUI, and a week after that she failed a drug test conducted by the Guardian ad Litem assigned to the case. At the time of Ashlie's DUI arrest, Father was in the car and was also arrested for obstructing the officer. Father has also been in rehab multiple times for alcohol and drug related issues, most recently for 90 days at a rehab facility in California, returning only a few months ago. Father is not the perfect parent he attempts to portray himself to be before this Court. Father has been court ordered to test by this Court and Judge Shirley in the related case. Since the emergency court hearing on May 4, 2017, Father has refused to provide his daily alcohol testing results to Mother upon her request. (Exhibit 5). This is not the first time Father has refused to take an alcohol test, in violation of this Court's

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

orders.

Following the hearing on May 6, 2017, Mother received a video of Brynlee being interrogated by Ashlie Pettis about the sexual abuse. This video was sent by Father to the child's maternal grandmother. Interviewing children about sexual molestation is a highly specialized skill. Both law enforcement personnel and clinical psychologists receive specialized training about how to conduct such interviews to avoid contaminating the witness and testimony. Clearly Brynlee is being interrogated about the incident during Father's custodial time. This is conduct is highly inappropriate and should be admonished by the Court as it compromises future testimony of the child, which is the intent of Father.

Conclusion

Based upon the child's admissions, the ongoing investigation with both the Idaho Ada County Sheriff's office and their child protective services, the ongoing investigation with the Humboldt County Sheriff's Office, as well as the child's statements to the Humboldt County Division of Child Welfare that Father was the party who was molesting Brynlee, it is appropriate that an expedited hearing be set and that Father's visitation be temporarily suspended until these allegations can be investigated further.

Wherefore, Mother requests that the Court enter an order:

1. Temporarily suspending Father's visitation pending completion of the ongoing criminal and CPS investigations in both Idaho and Nevada;
2. That an expedited hearing be set in this matter to address the serious allegations of sexual abuse upon this 4 year old child;
3. For an order requiring the release of the relevant records to the Court for review *in camera* from any investigating or involved governmental agency and compelling the testimony of any investigating official of such agency before this Court.
4. That this case be transferred to Judge Shirley under the one family one judge rule due to Judge Shirley's familiarity with the parties and his prior orders specifically as to Waylon Huber;

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

5. That the Court award attorney's fees for having to bring this motion to protect these children.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

_X___ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT INDEX

Huber v. Huber

Exhibit Number	Description	Number of Pages
1	**St. Luke Children's Hospital Letter**	**1**
2	**Application for protection order in Idaho and Order**	**6**
3	**Waylon text message regarding polygraph test**	1
4	**Waylon test message regarding Mr. Calkins**	**1**
5	**Waylon text message regarding alcohol testing**	**2**

EXHIBIT 1

EXHIBIT 1

St Luke's Children's

April 24, 2017

RE: Brynlee Huber (DOB: 5/8/2012)

To Whom It May Concern,

Brynlee Huber was evaluated at St Luke's Children's CARES (Children At Risk Evaluation Services) on March 31, 2017, after a referral was made by the Ada County Sheriff's Office.

Sincerely,

Matthew Cox, MD
Medical Director
St. Luke's CARES
208-577-4460

CARES
417 South 6th Street
Boise, Idaho 83702
P (208) 577-4460 F (208) 577-4469

EXHIBIT 2

EXHIBIT 2

☒ No address, email and telephone are given because I do not want my information on this petition.

Filed _____ at _____
CHRISTOPHER D. RICH
CLERK OF THE DISTRICT COURT
By _____
Deputy Clerk

_____
Full Name of Party Filing Document

_____
Mailing Address (Street or Post Office Box)

_____
City, State and Zip Code

_____
Telephone

_____
Email Address (if any)

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

Janea' Huber,
Petitioner
(Person Seeking Protection Order),

vs.

Waylon Huber,
Respondent
(Person You Want Restrained)

Case No. CV 01 1706682

SWORN PETITION FOR PROTECTION ORDER

Select:
☒ Domestic Violence (I.C. § 39-6304)

☒ Malicious harassment, stalking, telephone harassment (I.C. § 18-7907)

THE LAW REQUIRES THAT THE RESPONDENT BE GIVEN A COPY OF THIS COMPLETED FORM AND ALL ATTACHMENTS.

1. **Protected Person(s).** I am seeking a protection order for:
   ☒ Myself.
   ☒ The following minor child/ren (first and last names): Brynlee W Huber 9 Bryson Way Huber
   My relationship to child/ren is: ☒ Custodial parent ☐ Non-custodial parent ☐ Guardian
   ☐ The following family or household member (first and last names): _____
   ☐ The following adult who has or is dating Respondent (first and last names): _____

2. **Relationships.** Please check all that apply to the relationship between the Respondent (person you want restrained) and you or the person(s) for whom you are seeking protection.
   ☐ spouse
   ☒ former spouse, state and county where divorce was filed: Nevada, Humboldt
   ☐ living together
   ☒ previously lived together, we last lived together on (date) 3.1.2015

☒ child in common
☐ intimate partner
☐ parent
☐ related by blood, adoption or marriage, Relationship: _____
☐ are dating, or ☐ previously dated and our last date was (date) _____
If a dating relationship please describe: (complete for adult or minor):
Length of time of the dating relationship _____
Time since the relationship ended _____
☐ Other, Explain: _____

3. **Residence.**
☒ I live or am staying in ADA County, Idaho. Respondent lives in HUMBOLDT County, State of NEVADA.
☒ The Respondent does not live with me.
☐ I live with Respondent at _____
Our home is rented or owned ☐ by both of us ☐ by me ☐ by the Respondent.
☐ I have left the residence where I lived with Respondent. I want to return ☐ yes ☐ no.
If yes, ☐ to live ☐ to get personal belongings ☐ other _____
☐ A business is run from the home. Type of business: _____
The business is run ☐ by me ☐ by Respondent ☐ by both of us.

4. **Child/ren affected by the protection order.**
I am the natural/adoptive parent or legal guardian of the following child/ren:

Name (First, Middle Initial, Last)	Birth Date	Sex	How Child is Related to: Petitioner	Respondent	State(s) where child lived last 6 months
BRYNLEE JO HUBER	5.8.12	F	Daughter	Daughter	Idaho
BRYSON WAY HUBER	5.8.12	M	SON	SON	Idaho

During the last six (6) months the child/ren have lived with mother-Janea Huber

5. **Other court cases.** List any other court cases relating to the minor child/ren who will be affected by this protection order (divorce, child protection, guardianship, adoption, protection order, etc.) D.C.F.C., CPS, (Courts may request orders)

☒ I have applied for a protection order(s) before in the county of Humboldt on (date) 2015, against (name) Waylon Huber

A0159

☐ The Respondent has applied for a protection order(s) before in the county of _____ on (date) _____, against (name) _____

☒ The Respondent has been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) DUI's, Domestic Violence & Child abuse Humboldt County NV

☐ I have been involved in crimes involving violence, child abuse, weapons, drugs or alcohol. (If checked, please describe what the charges were, when and where they were filed and convictions) _____

6. Information about domestic violence, malicious harassment, stalking, and/or telephone harassment.

If you are filing for a protection order for:

1. **Domestic Violence:** Complete **Section 6.a.** only.
2. **Malicious harassment, stalking, and/or telephone harassment:** Complete **Section 6.b.** only.
3. **Both:** Complete both **Sections 6.a. and 6.b.**

6.a. Domestic violence means physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

Describe the most recent acts or threats of domestic violence committed by the Respondent against you or the person(s) for whom you are seeking protection.

When? (date and time) 23rd - 26th of MARCH 2017

Where? (address or general location) 4151 Two Rock DR. Winnemucca NV 89445

Who was present? (minor children, friends, family, etc.) Brynlee Huber (minor) Bryson Huber (minor)

Describe the recent acts or threats of domestic violence? Alleged Sexual Abuse against Brynlee Huber (minor)

Do not write on the back of this page. Include a separate page if you need more room.

Describe any injuries: Inflammed Vagina & Part of Hymne no longer intact

Was a weapon involved? ☒ No ☐ Yes How? _____

Is there anything else you want the judge to know about what happened? _____

Describe past acts or threats of domestic violence including dates: _____

_____

_____

_____

_____

Do not write on the back of this page. Include a separate page if you need more room.

6.b. Stalking means repeated acts of nonconsensual contact that alarms, annoys, or harasses another person causing the person emotional distress, fear of death, physical injury or fear of death or physical injury of a family or household member.

Malicious harassment means to intimidate or harass another person to cause physical injury, damage, destroy or deface real or personal property or the threat thereof due to a person's race, color, religion, ancestry, or national origin.

Telephone harassment is the use of telephone to annoy, terrify, threaten, intimidate, harass or offend by kind or profane language, requests, suggestions or proposals, threats of physical harm or disturbing the peace by repeated calls.

Describe the most recent acts or threats (within the last 90 days) of <u>malicious</u> harassment, stalking, and/or <u>telephone harassment</u> committed by the Respondent against you or the person(s) for whom you are seeking protection.

[illegible]

[illegible]

[illegible]

[illegible] acts or threats within the last 90 days? _____

_____

_____

_____

_____

_____

_____

Do not write on the back of this page. Include a separate page if you need more room.

[illegible]

[illegible] No [ ] Yes How?

[illegible] the judge to know about what happened?

[illegible] of malicious harassment, stalking, and/or telephone

[illegible]

Do not write on the back of this page. Include a separate page if you need more room.

7. **I ask the Court to order the following:**

a. **Personal Conduct Order.**
The Respondent shall not harass, stalk, annoy, disturb the peace of, telephone, contact, or otherwise communicate with (either directly or indirectly, in person or through any other person) the protected person(s) indicated in Section 1 of this petition.

b. **Stay Away Order.** The Respondent shall at all times stay away from:
- ☐ My residence at _____
- ☒ No address is given because I do not want my address on this petition.
- ☒ Protected Minor's residence at: _____
- ☐ My workplace and/or school at: _____
- ☐ Protected Minor's workplace and/or school at: _____
- ☒ My child/ren's school and/or childcare at: DeSert Sage Elementary
- ☐ Other: _____

c. ☐ **Move-out Order.** The Respondent shall move from the residence at _____
_____
and take from the dwelling only items needed for employment and necessary personal effects (at peace officer's discretion).

d. ☒ **Child Custody.** Temporary custody of the minor child/ren named in Section 4 above, be awarded to: ☒ me ☐ Respondent. The other parent should have:
- ☒ Visitation as follows (list specific days and times) NO Visitation
- ☐ Neutral drop off and pick up location at _____
- ☐ Transportation provided by _____
- ☐ Supervised visitation, why and supervised by whom _____
- ☒ No visitation

e. ☐ **Treatment/counseling.** The Respondent be ordered to participate in treatment or counseling services for (purpose) _____

f. ☐ **Other relief requested:** _____

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: 4.12.17

JANEA HUBER
Typed/printed name

Janea Huber
Signature

Filed: April 12, 2017 at 3:43 PM
Fourth Judicial District, Ada County
Christopher D. Rich, Clerk of the Court
By: Austin Lowe Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

Janea Huber
Petitioner,
vs
Waylon Huber
Respondent.

Case No. CV01-17-06682
Notice of Hearing

The above entitled case has been set for Hearing on April 13, 2017 at 8:30 AM. **Please appear at 8:00 AM, in Room 409C, 200 W. Front Street, Boise, Idaho.** ***Failure to appear at your hearing on time may result in the dismissal of your petition.*** **Room 409C is located on the fourth floor of the courthouse.** A volunteer from the Women's and Children's Alliance will be there and may further assist you. You will then be required to appear before the Judge named below on the aforementioned date at 8:30 AM.

Consult a "Courtroom Schedule" board to determine the courtroom that has been assigned to the Judge identified below.

CHRISTOPHER D. RICH
Clerk of the District Court

Dated: 4/12/2017

By:
Deputy Clerk

Judge: **Laurie Fortier**

EXHIBIT 3

EXHIBIT 3

Last chance janea I have to leave if your not going to give them me. I want everyone around you cleared and polygraphed like me. The judge is very concerned. I went Stright down to clear my self now do what's best for them.

Sun, Apr 16, 10:27 AM

Tell my babies to have a happy Easter.

Mon, Apr 17, 4:22 PM

Hey janea we need to meet so I can get the twins.

Thu, Apr 20, 8:33 PM

Janea I need to know where the twins are and if they are ok. I understand your not going to follow the order but please stop hiding them from me.

I'm not hiding them Waylon. I've been home with them. And of course they are ok. They are 100% safe

EXHIBIT 4

EXHIBIT 4

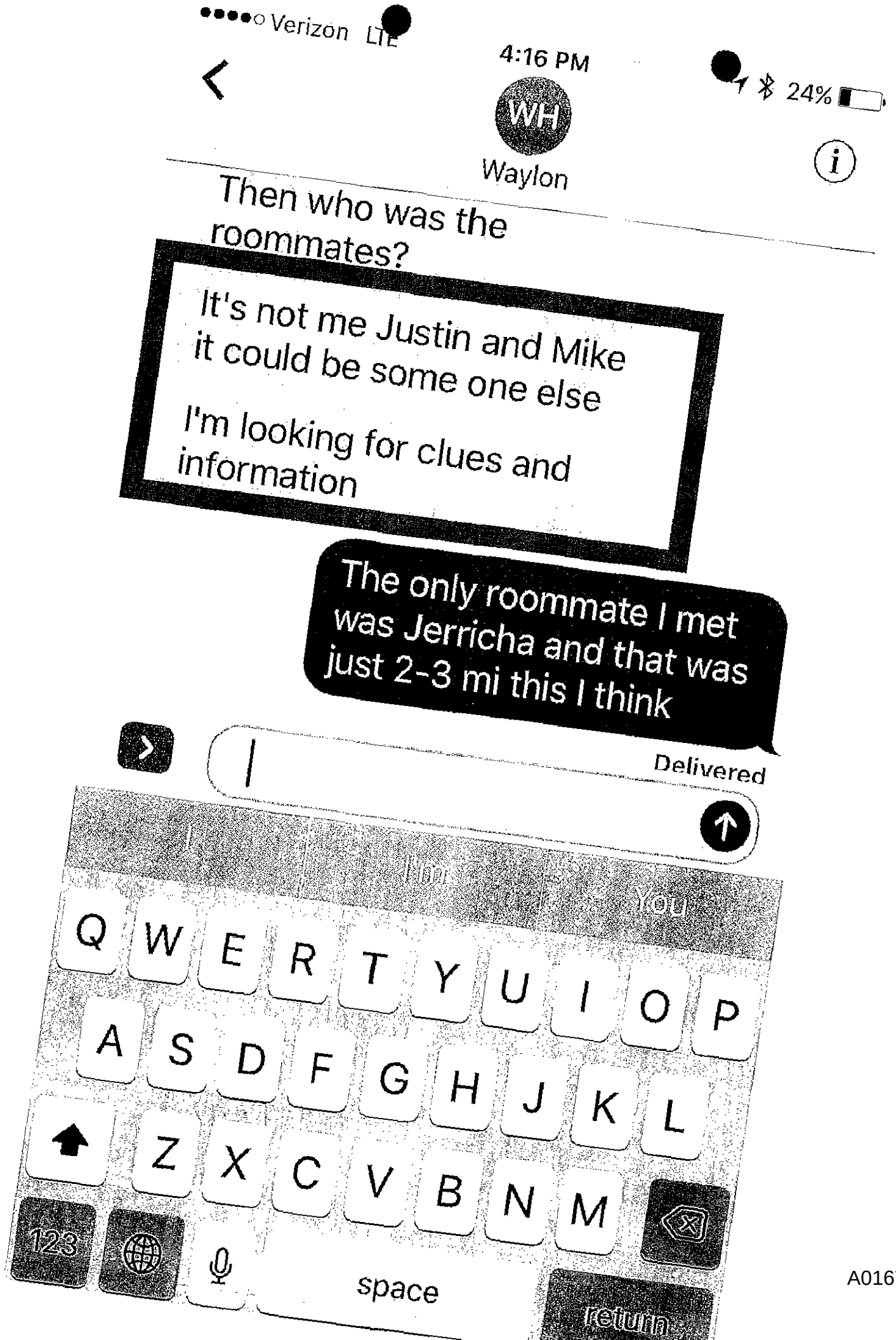
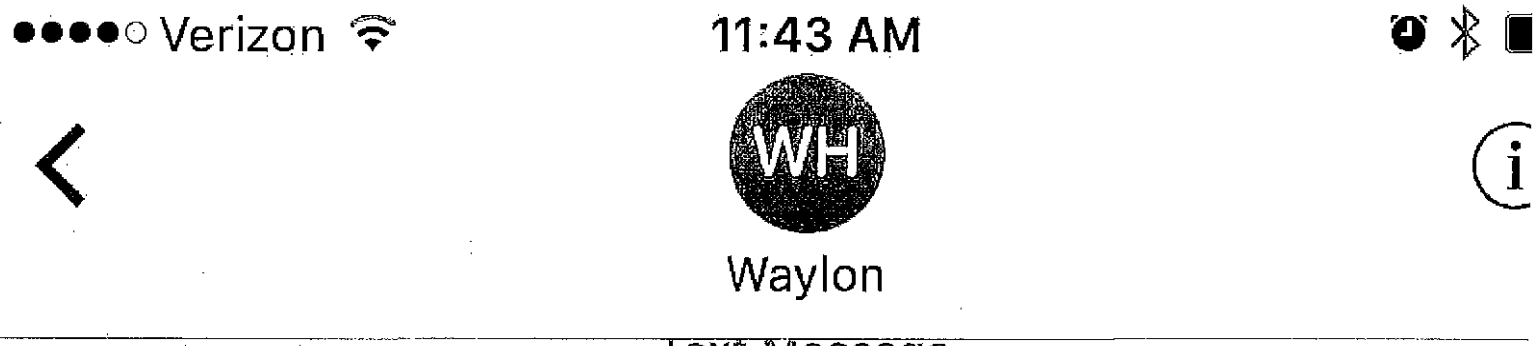

Verizon LTE
4:16 PM
24%
WH
Waylon
Then who was the roommates?
It's not me Justin and Mike it could be some one else
I'm looking for clues and information
The only roommate I met was Jerricha and that was just 2-3 mi this I think
Delivered
You
Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M
123
space
return

EXHIBIT 5

EXHIBIT 5



Text Message
Yesterday 9:10 PM

I hope you tell my babies I love them very much and I'll see them Sunday.

I haven't seen the breathalyzer yet, it's supposed to be done every day the kids are with you

Today 8:26 AM

Ok let explain something to you. Read the decree I test daily and I don't even have to send them to you. But I have. You and you lawyer should be happy your not in jail. If I get time I more than likely send you the reports for the last month strait. Because I knew you would try to

play games. If you want to talk to the kids let me know I will not do to you what you have done to me.

*me

Will

Also who was your roommates?

Text Message

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

E Formly

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER, Plaintiff, vs. JANEA HUBER, Defendant.	**EX PARTE MOTION FOR RETURN OF MINOR CHILDREN; OPPOSITION TO FATHER'S MAY 8, 2017 EX PARTE MOTION**

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and moves this Court on *an ex parte basis* for an order directing Plaintiff, Waylon Huber, to immediately return the minor children to Defendant, Janea Huber's custody in accordance with the Findings of Fact, Conclusions of Law, and Decree of Divorce. **Father has refused to return the minor children, in complete disregard of this Court's order 4 days ago, and the Court's immediate intervention is necessary at this time.** In this same pleading, Mother also responds to Waylon Huber's ("Father") latest frivolous, emergency motion filed May 8, 2017. This motion and opposition is made and based upon all the pleadings and papers

on file herein, the following memorandum of points and authorities, and the attached supporting affidavit of Janea Huber.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012 The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree incorporated the parties' Marital Settlement Agreement, which provides that the parties share joint legal and joint physical custody of the minor children. Mother resides in Boise, Idaho and Father resides in Winnemucca, Nevada. The MSA states in relevant part:

> The parties agree that they should be awarded the joint legal and joint physical custody of their said minor children, with Husband awarded the following rights, and the Wife awarded all remaining time the children are not with Husband:
>
> (i) Two (2) weekends per month from Thursday at 6:00 p.m. until Sunday at 6:00 p.m.;

(ii) Two (2) weeks during the Summer

. . .

The parties shall meet half way between Winnemucca and Boise for visitation exchanges at Burns Junction.

The parties appeared before the Court 4 days ago on Thursday, May 4, 2017 on Father's emergency motion seeking custody of the minor children based upon allegations that Mother's boyfriend was a danger to the children. Mother represented to the Court at the time that she was directed by the Idaho child protective services not to return the children to Father's custody because he was being investigated for molesting Byrnlee; that investigation is ongoing in both Nevada and Idaho. At the time of the hearing, the Court did not address the allegations of sexual misconduct (which is now the subject of Mother's other noticed motion which is being filed at the same time as this motion), but simply ordered that Mother's boyfriend have no contact with the children until further order of the Court. The Court directed Mother to have her boyfriend move out of the home. Thereafter, the Court dissolved the temporary order entered on April 14, 2017, and directed the parties to comply with the last custodial order, the Decree of Divorce.

Following the hearing on May 4, 2016, Mother allowed Father to have the children at 12:00 p.m., 6 hours earlier than his scheduled visitation which was supposed to begin at 6:00 p.m. that night. Father had the children for the weekend and was supposed to meet Mother for the custodial exchange at 6:00 p.m. on Sunday, May 8, 2017.

Mother appeared at the custodial exchange location at the date and time specified in the Decree of Divorce, and in accordance with this Court's orders at the May 4, 2017 hearing. Father failed to bring the children to the exchange. When Mother texted Father asking where the children were, Father replied that he was keeping the children. (See Exhibit 1, text messages between parties). Father made unreasonable demands upon Mother that he personally spoke with her boyfriend's parole officer, something that is wholly inappropriate and was not ordered at the May 4, 2017 hearing. Mother represented to Father that her boyfriend is no longer residing in the home, but Father ignored Mother's representations and has insisted on keeping the children. **Father has**

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

arbitrarily decided that the children are not "safe" in Mother's custody, despite the Court's orders 4 days ago. Father expressed concerns at the hearing about Mother not complying with the Court's May 4, 2017 order, then ironically he now refuses to comply himself. Such conduct is sanctionable.

Father is in violation of both the Decree of Divorce and the Court's May 4, 2017 orders following the emergency hearing due to his refusal to return the children. The parties were directed to comply with the Decree, and Father has *blatantly disregarded* this Court's orders.

In his latest emergency motion, Father argues that Mother was required to move in with her mother and is in violation of the Court's May 4, 2017 order because she is still residing in her home. While it was initially suggested that Mother move into her mother's residence with the minor children in the interim, the Court rejected this suggestion and instead ordered Mother to remain in her residence and to have her boyfriend have no contact with the children. Mother has complied with this Court's orders and he is no longer in the home.

Father's decision to refuse to return the minor children is in total disregard of this Court's orders *four days ago.* Father tries to justify his actions by stating that he learned "additional information" from the children which led him to believe the children are "in danger," but he conveniently fails to disclose this information to the Court. Such actions are disingenuous and are simply alleged in an attempt to distract the Court from his contemptuous behavior.

WHEREFORE, Mother request the following:

1. That Father's May 8, 2017 Emergency Motion be denied;

2. That the Court issue an order requiring Father to immediately return the minor children to Mother in Boise, Idaho;

3. That the Court set a hearing on Mother's Ex Parte Motion and that Father's visitation be suspended until such hearing; and,

4. That the Court grant Mother attorney's fees and costs associated with

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

bringing this ex parte motion due to Father's blatant, willful and intentional violation of this Court's orders which were entered only 4 days ago.

DATED: May 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

AFFIDAVIT OF JANAE HUBER IN SUPPORT OF

EX PARTE MOTION FOR RETURN OF MINOR CHILDREN

STATE OF IDAHO)
ss.
COUNTY OF Ada)

JANAE HUBER, being first duly sworn deposes and says:

1. That this Affidavit is based upon my personal knowledge and is made under the penalties of perjury.

2. Affiant is a party in the above captioned action.

3. This affidavit is filed in support of Affiant's attached ex parte motion for return of minor children.

4. Affiant avers upon information and belief, that all the factual allegations contained in this Motion are true and correct.

5. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

DATED: May 8, 2017

JANAE HUBER

SUBSCRIBED and SWORN to before me on May 8, 2017 by Janae Huber.

Notary Public in and for said County and State

Ada, ID - State of Idaho
My Comm Exp: 8/22/2017

JENNIFER MILLER NOTARY PUBLIC STATE OF IDAHO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

EX PARTE MOTION FOR RETURN OF MINOR CHILDREN

by:

___ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

X Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

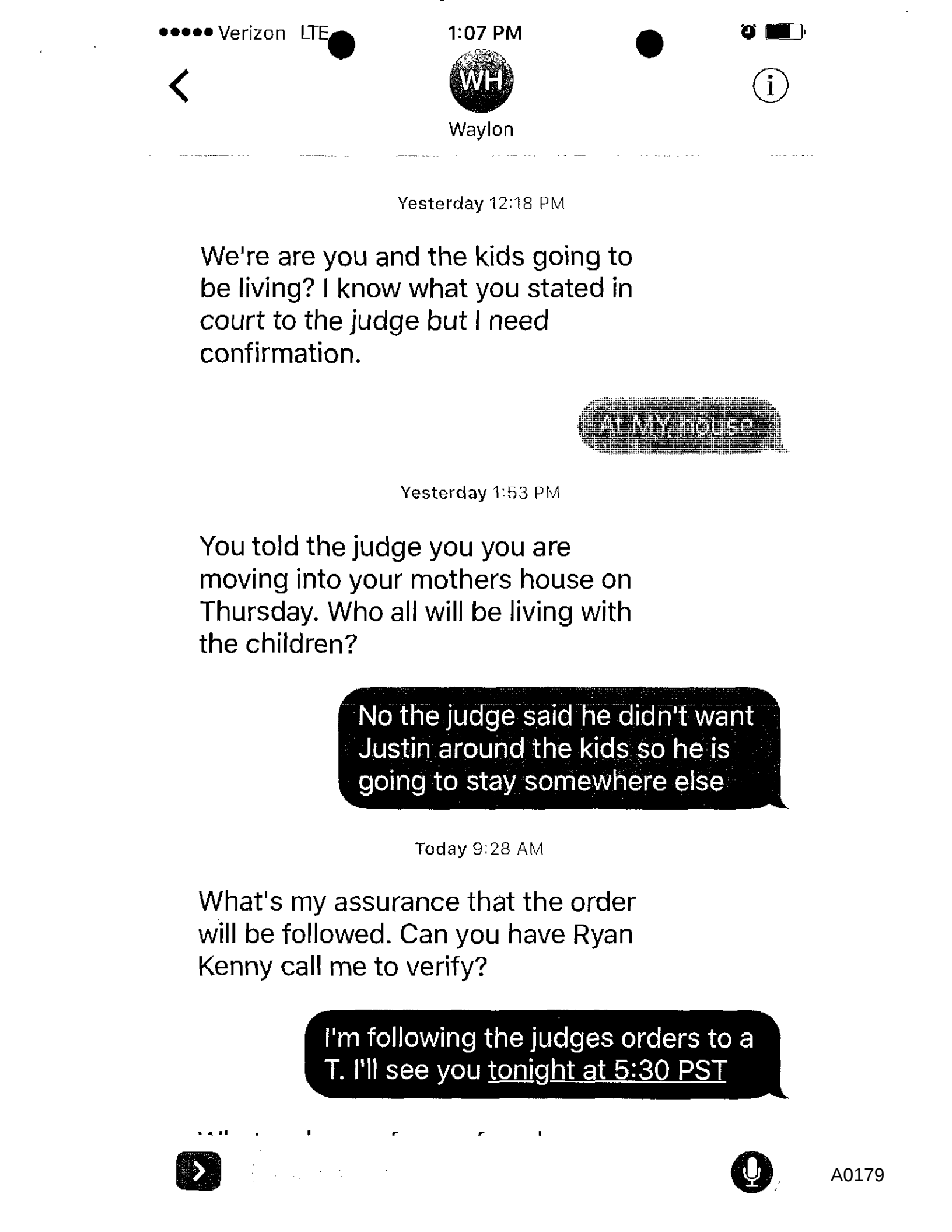
Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

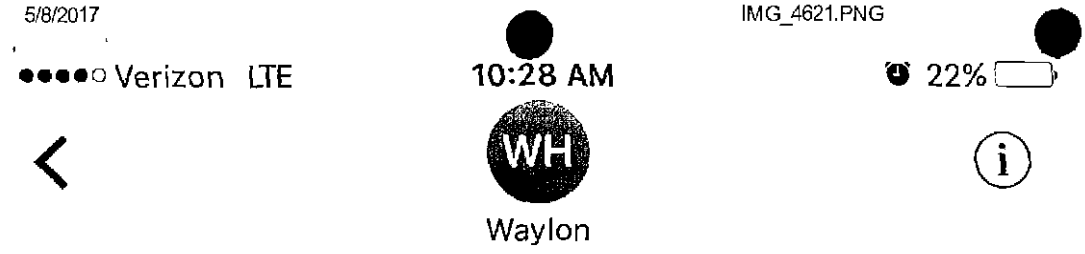
Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT 1

EXHIBIT 1


Verizon LTE
1:07 PM
WH
Waylon
Yesterday 12:18 PM
We're are you and the kids going to be living? I know what you stated in court to the judge but I need confirmation.
At MY house
Yesterday 1:53 PM
You told the judge you you are moving into your mothers house on Thursday. Who all will be living with the children?
No the judge said he didn't want Justin around the kids so he is going to stay somewhere else
Today 9:28 AM
What's my assurance that the order will be followed. Can you have Ryan Kenny call me to verify?
I'm following the judges orders to a T. I'll see you tonight at 5:30 PST



Saturday 1:53 PM

You told the judge you you are moving into your mothers house on Thursday. Who all will be living with the children?

No the judge said he didn't want Justin around the kids so he is going to stay somewhere else

Yesterday 9:28 AM

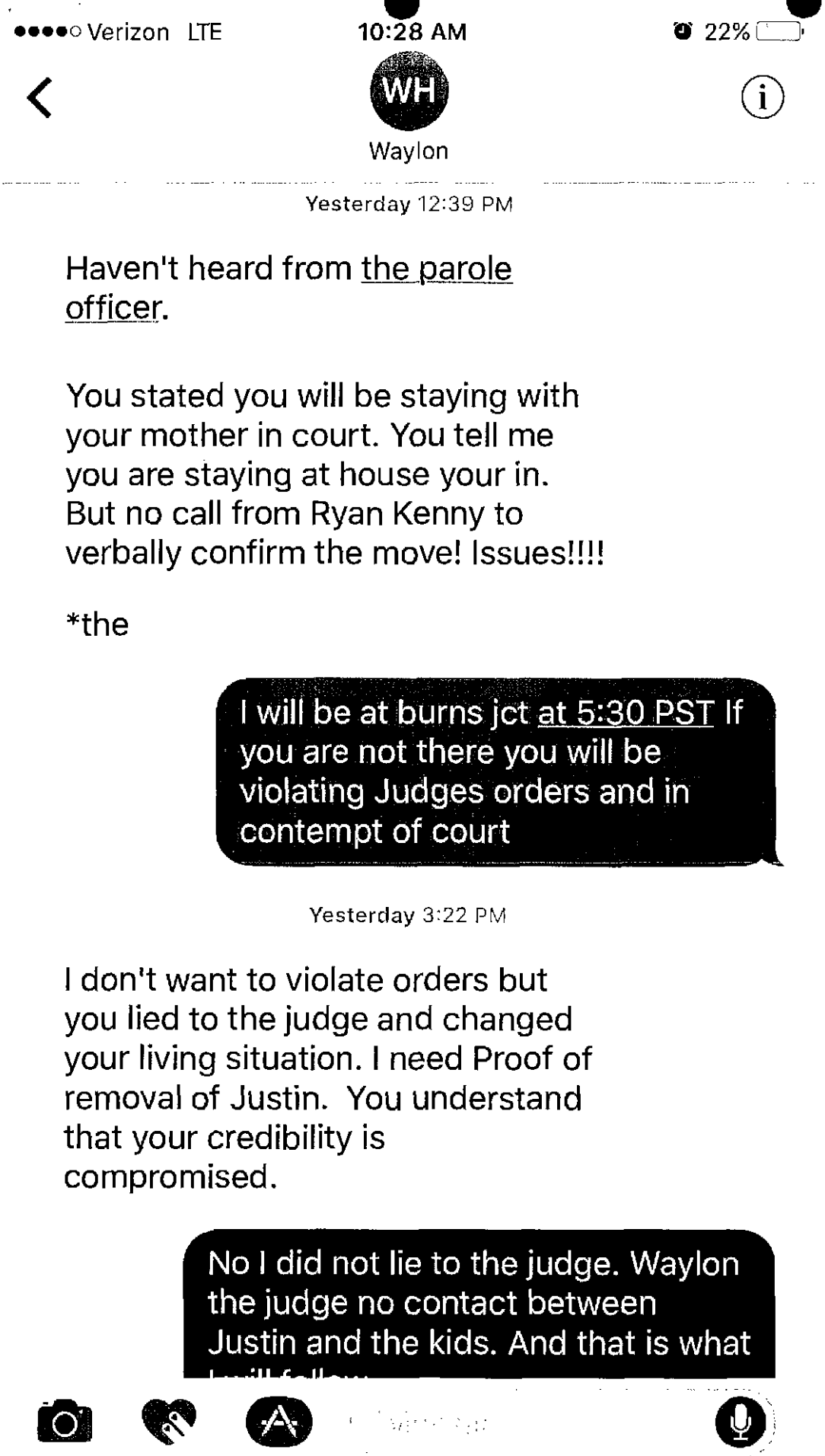
What's my assurance that the order will be followed. Can you have Ryan Kenny call me to verify?

I'm following the judges orders to a T. I'll see you tonight at 5:30 PST

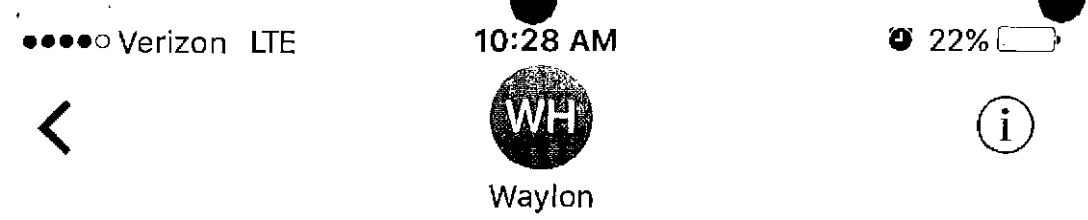
What a change from a few days ago. Don't leave until we communicate. Have Ryan Kenny call me.

Yesterday 12:39 PM

Haven't heard from the parole officer.


●●●●○ Verizon LTE
10:28 AM
22%
WH
Waylon
Yesterday 12:39 PM
Haven't heard from the parole officer.
You stated you will be staying with your mother in court. You tell me you are staying at house your in. But no call from Ryan Kenny to verbally confirm the move! Issues!!!!
*the
I will be at burns jct at 5:30 PST If you are not there you will be violating Judges orders and in contempt of court
Yesterday 3:22 PM
I don't want to violate orders but you lied to the judge and changed your living situation. I need Proof of removal of Justin. You understand that your credibility is compromised.
No I did not lie to the judge. Waylon the judge no contact between Justin and the kids. And that is what

A0181



No I did not lie to the judge. Waylon the judge no contact between Justin and the kids. And that is what I will follow. I will see you at 5:30 PST right?

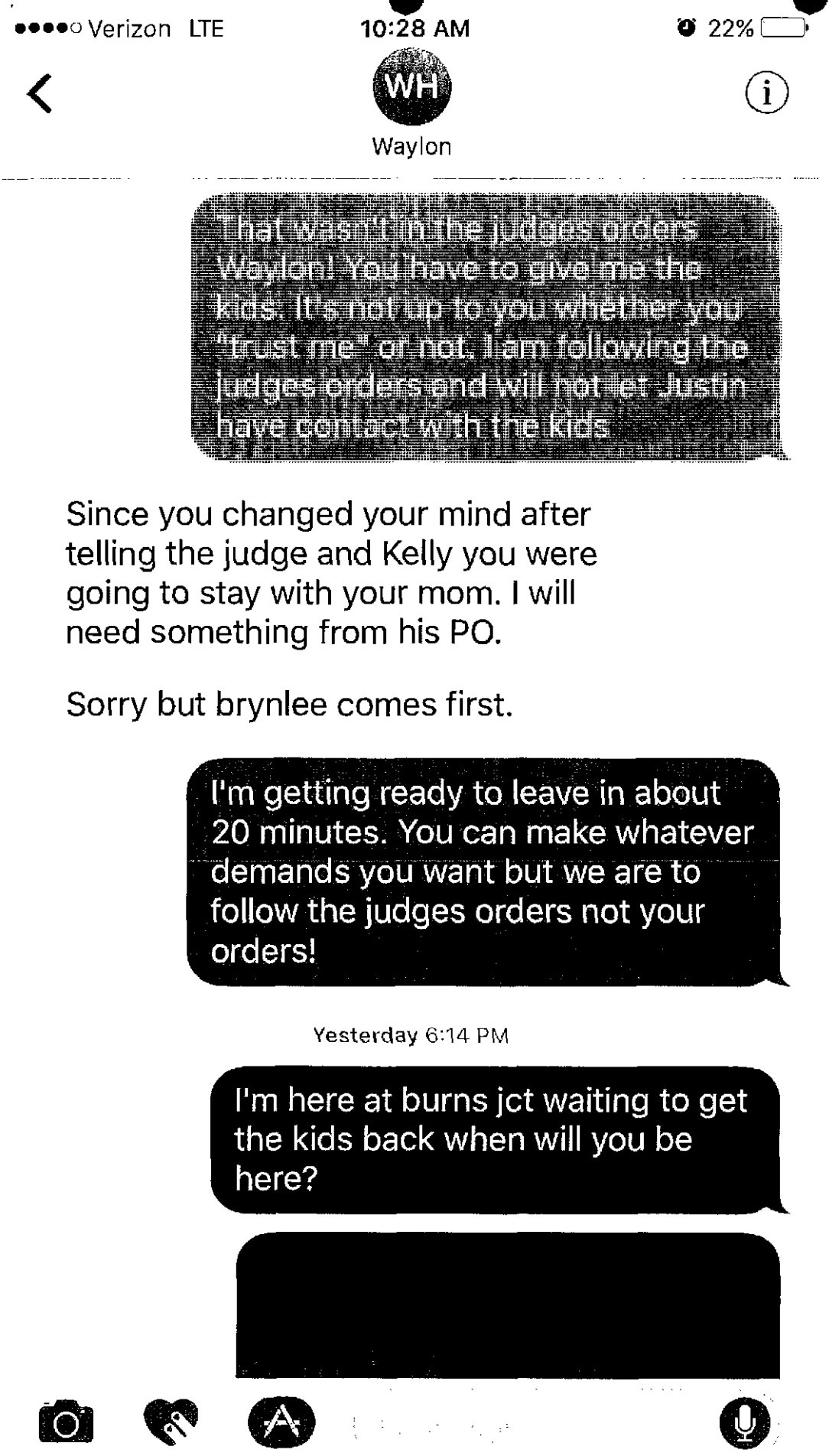
Justin did not pass the lie detector. You have exposed her and have no regard for her safety. I'm not playing games with you. With no call to confirm he's removed. I will not supply the children. I understand that I will have to answer for my decision. I do not trust you at all. I am going to see if brynlee can get in to dr lipert tomorrow. She specializes in this type of case.

Waylon I don't have to call you to say he's not here. And HES NOT GOING TO BE HERE OR HAVE CONTACT WITH THW CHILDREN!

I want his parole officer to confirm. Have him call me.

That wasn't in the judges orders Waylon! You have to give me the kids. It's not up to you whether you

A0182


Verizon LTE
10:28 AM
22%
WH
Waylon
That wasn't in the judges orders Waylon! You have to give me the kids. It's not up to you whether you "trust me" or not. I am following the judges orders and will not let Justin have contact with the kids
Since you changed your mind after telling the judge and Kelly you were going to stay with your mom. I will need something from his PO.
Sorry but brynlee comes first.
I'm getting ready to leave in about 20 minutes. You can make whatever demands you want but we are to follow the judges orders not your orders!
Yesterday 6:14 PM
I'm here at burns jct waiting to get the kids back when will you be here?

A0183

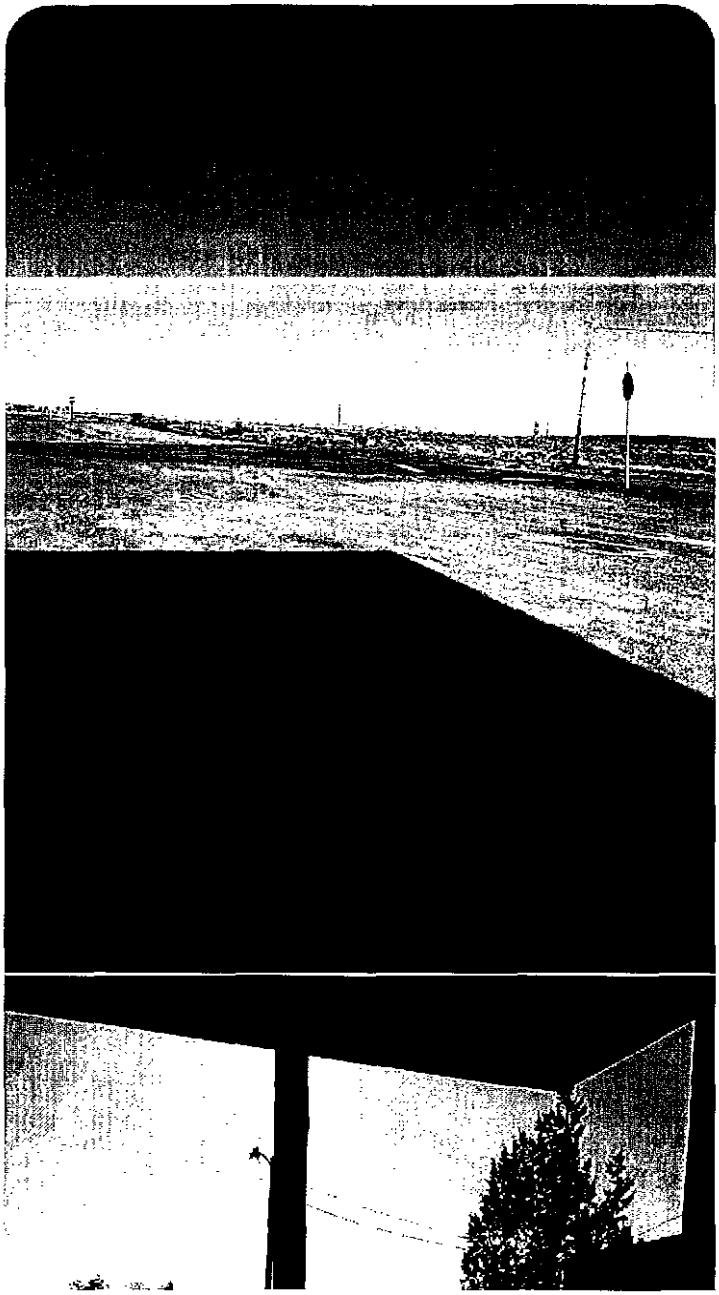
●●●●○ Verizon LTE 10:28 AM 22%

WH

Waylon

Yesterday 6:14 PM

I'm here at burns jct waiting to get the kids back when will you be here?



●●●●○ Verizon LTE 10:28 AM 22%

WH

Waylon

●●●●○ Verizon LTE 10:29 AM 22%

WH

Waylon

You have not had Justin's PO confirm with me he is out of the home where you stated you are living. You told the judge u were going to move out and live with your mother.

Waylon you are supposed to be here rn which is 5:30pm PST I will wait here until 6:00pm PST.

A0186

●●●●○ Verizon LTE 10:29 AM 22%

Waylon

Janea I told you to call before you left. Their are new issues. Your not being forthcoming as to the status of Justin the roommates and hampering the investigation. Brynlee safe here.

You will not have the PO call me. You changed your mind on we're your going to live and I'm not ok with any of that.

Dr lipper in Reno is going to see her tomorrow hopefully?guarantee that she will report on what she finds.

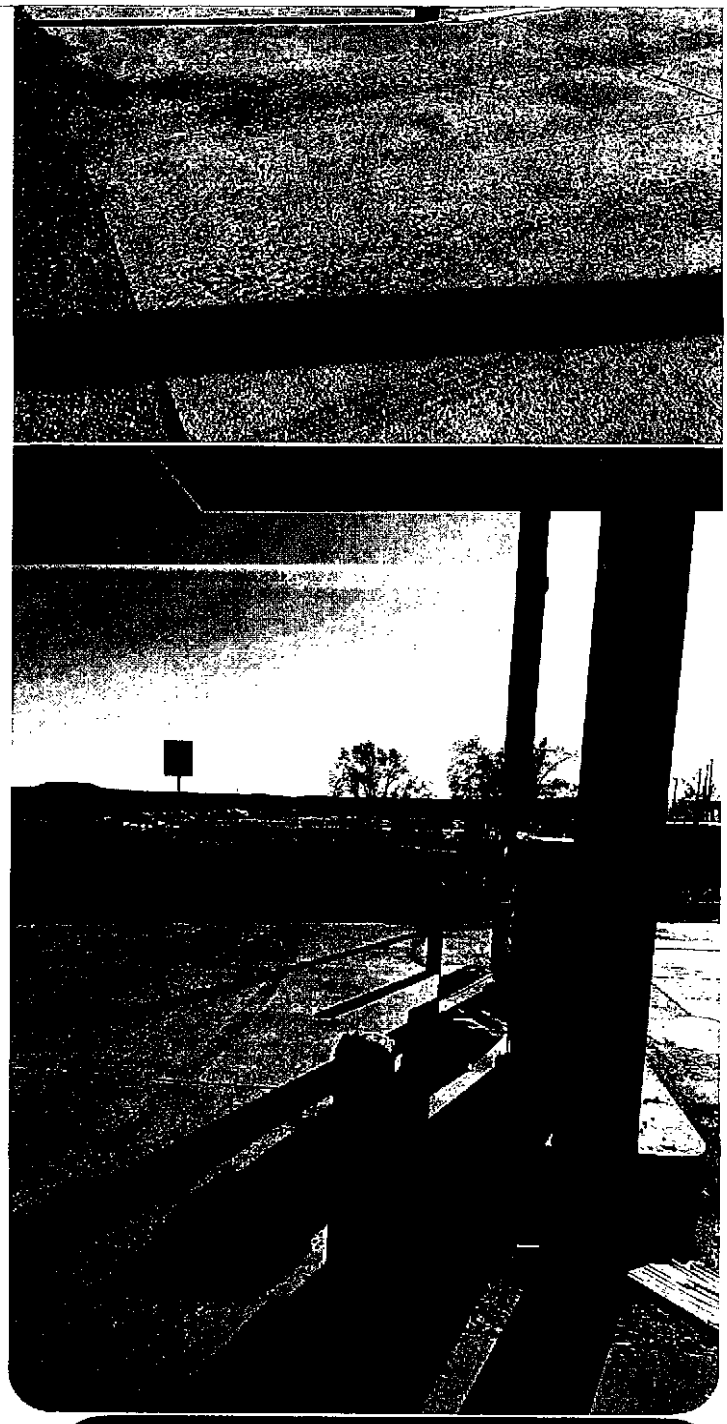
Good things

I hope you don't try to block that

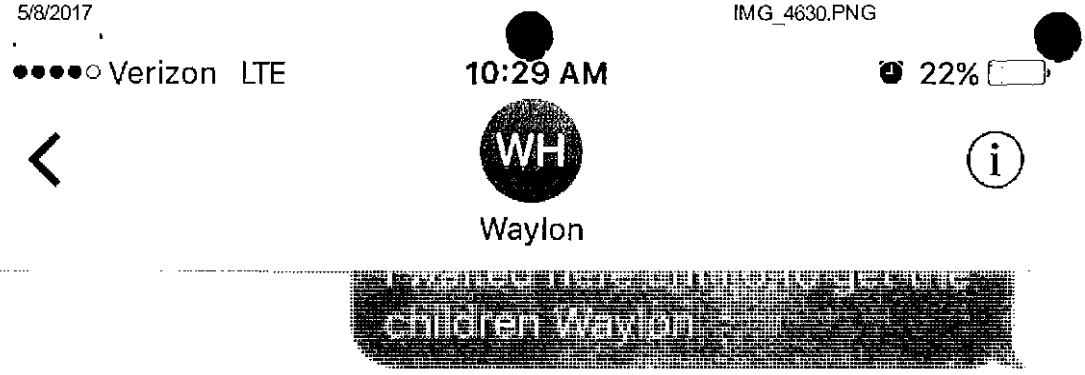
●●●●○ Verizon LTE 10:29 AM 22%

WH

Waylon

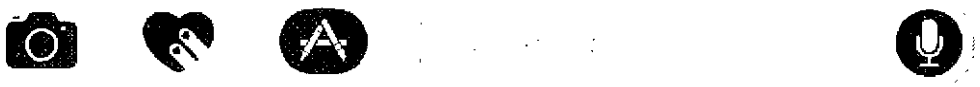


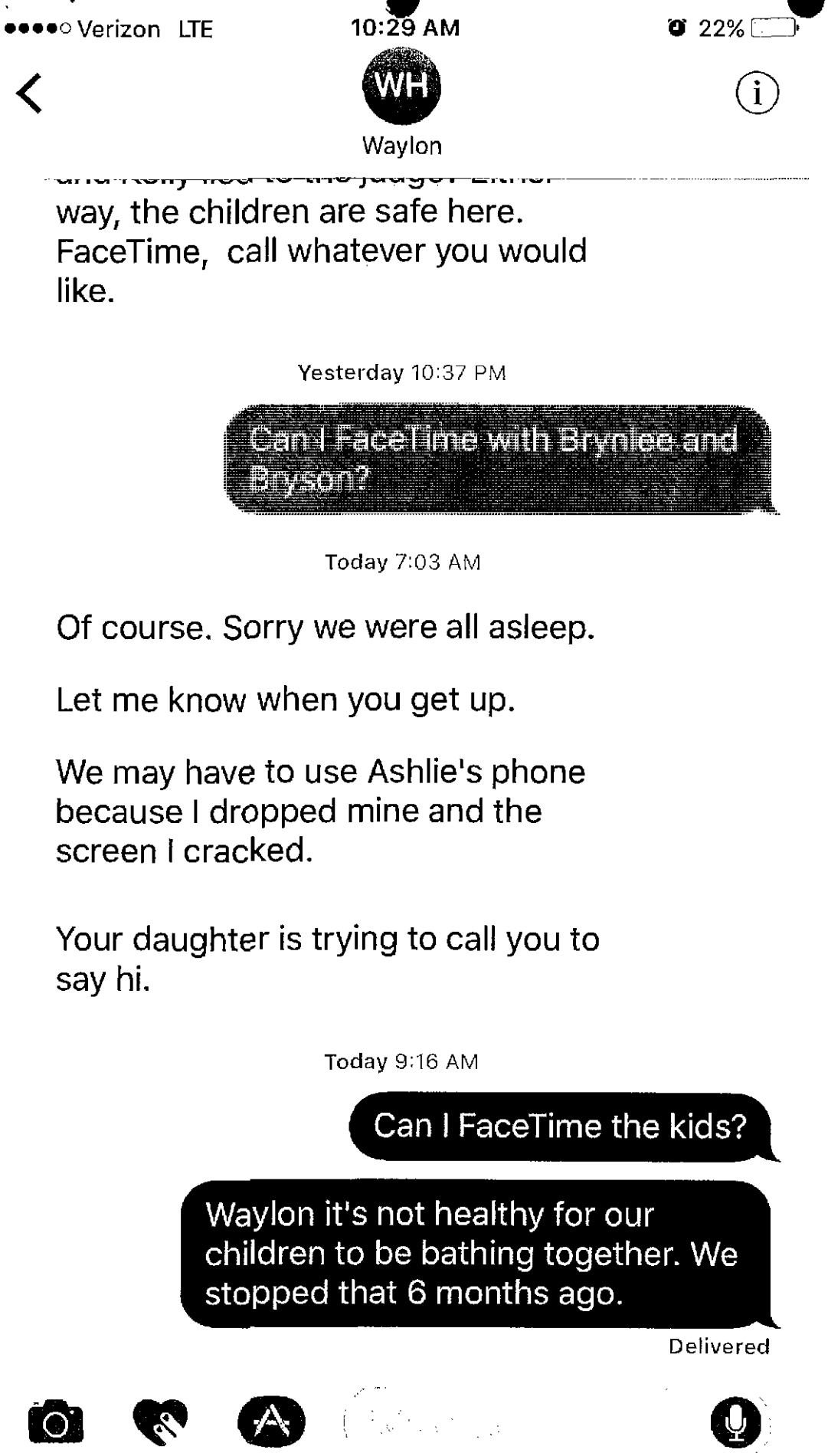
I waited here until 6 to get the children Waylon



I hope you understand you have a man living in your home that did not pass a polygraph. Call detective ferguson. I'm not keeping them fro you, but I have to make sure they are safe and you are helping with this investigation. I will have to answer to everyone if you push it, and I am willing to do that. Copy our texts and keep it. We have a psychiatrist specialist for Brynlee who will evaluate her. I don't feel the children are safe with you at this time.

Have Ryan Kinney call me to assure Justin is out of the home, since you stated you are staying in the home, then we will exchange children. I feel ur a flight risk and unstable at the moment. You lied to the judge and it is not ok. Or did u lie to Kelly and Kelly lied to the judge? Either way, the children are safe here. FaceTime, call whatever you would like.




Verizon LTE
10:29 AM
22%
WH
Waylon
way, the children are safe here.
FaceTime, call whatever you would like.
Yesterday 10:37 PM
Can I FaceTime with Brynlee and Bryson?
Today 7:03 AM
Of course. Sorry we were all asleep.
Let me know when you get up.
We may have to use Ashlie's phone because I dropped mine and the screen I cracked.
Your daughter is trying to call you to say hi.
Today 9:16 AM
Can I FaceTime the kids?
Waylon it's not healthy for our children to be bathing together. We stopped that 6 months ago.
Delivered

CASE NO: CV 20,464

DEPT. NO: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

TAMI RAE SPEED
DIST. COURT CLERK

E Formly

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

REQUEST FOR SUBMISSION OF EX PARTE MOTION TO SHORTEN TIME

Comes now, Roderic A. Carucci, Esq., of Carucci and Associates, counsel for defendant, Janea Huber, and requests that her "Ex Parte Motion to Shorten Time" be submitted to the Court.

A copy of the Motion was hand delivered to opposing counsel on May 9, 2017.

DATED: May 9, 2017

Carucci & Associates
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: Kelly VandeBurgt
Roderic A. Carucci, Esq.
Kelly VandeBurgt, Esq.
Attorney for Janea Huber

LAW OFFICES OF RODERIC A. CARUCCI
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

LAW OFFICES OF RODERIC A. CARUCCI
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION OF EX PARTE MOTION TO SHORTEN TIME

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

__X__ Personal Delivery

____ Facsimile to the following number: _____

___ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CASE NO: CV 20,464

DEPT. NO: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

REQUEST FOR SUBMISSION OF DEFENDANT'S "EX PARTE MOTION FOR RETURN OF MINOR CHILDREN; OPPOSITION TO FATHER'S MAY 8, 2017 EX PARTE MOTION"

Comes now, Roderic A. Carucci, Esq., of Carucci and Associates, counsel for defendant, Janea Huber, and requests that her "Ex Parte Motion for Return of Minor Children; Opposition to Father's May 8, 2017 Ex Parte Motion" be submitted to the Court.

A copy of the ex parte motion was hand delivered to opposing counsel on May 8, 2017.

DATED: May 9, 2017

Carucci & Associates
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: Kelly VandeBurgt
Roderic A. Carucci, Esq.
Kelly VandeBurgt, Esq.
Attorney for Janea Huber

LAW OFFICES OF RODERIC A. CARUCCI
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

LAW OFFICES OF RODRIC A. CARUCCI
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 9, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION OF DEFENDANT'S "EX PARTE MOTION FOR RETURN OF MINOR CHILDREN; OPPOSITION TO FATHER'S MAY 8, 2017 EX PARTE MOTION"

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

__X__ Personal Delivery

____ Facsimile to the following number: _____

___ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

E-Filed

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

DELIVERY OF AFFIDAVIT

vs.

JANEA HUBER,

Defendant.

The attached document is the Affidavit in Support of Motion that was filed on May 8, 2017, in the above entitled case.

DATED this 11th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775- 623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ., and that on the 11 day of May, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, entitled *Delivery of Affidavit*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 11 day of May, 2017.

JENNIFER ADAIR

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEVADA)
)ss.
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, under penaltics of perjury, being first duly sworn, deposes and says:

That I am the Petitioner in the above-entitled action; that I have read the foregoing Petition and know the contents thereof, that the same is true of my own knowledge, except those matters therein stated on information or belief, and that as to those matters, I believe it to be true.

DATED this 11 day of May, 2017.

WAYLON HUBER

SUBSCRIBED and SWORN to before me, a notary public, and this 11 day of May, 2017, by WAYLON HUBER.

NOTARY PUBLIC

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-9 - Expires October 31, 2017

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

E Tomlin

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REPLY TO OPPOSITION TO FATHER'S MAY 8, 2017 EX PARTE MOTION; and OPPOSITION TO MOTHER'S EX PARTE MOTION FOR RETURN OF MINOR CHILDREN; and OPPOSITION TO MOTHER'S EMERGENCY MOTION TO SUSPEND VISITATION

COMES NOW Plaintiff, WAYLON HUBER (hereinafter "Father"), by and through his attorneys, MILLER LAW, INC., and WENDY N. MADDOX, ESQ., and hereby replies to Defendant's, JANEA HUBER (hereinafter "Mother"), *Opposition to Father's May 8, 2017 Ex Parte Motion;* and opposes Mother's *Ex Parte Motion for Return of Children;* and opposes Mother's *Emergency Motion to Suspend Visitation and Request for Expedited Hearing*. This Reply and Oppositions are based on the following Points and Authorities.

DATED this 17th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14801
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775- 623-5000

POINTS AND AUTHORITIES

Mother will do and say anything to gain a favorable advantage regarding custody of Brynlee, so that she doesn't have to move back to Humboldt County and can instead stay in Idaho with her violent felon boyfriend. It would be important for the court to know Mothers present motivation. Will the violent felon's parole officer allow him to relocate to Winnemucca Nevada? Per the Marital Settlement Agreement signed by the parties, they share joint legal and joint physical custody of the minor children and Father only allowed Mother to move with the children to Idaho on a temporary basis. The MSA states in relevant part:

> Accordingly, Husband hereby grants to Wife permission to temporarily relocate with the parties' minor children, to Boise, Idaho for the purpose of completing her schooling for a maximum period of two (2) years.

At the hearing on May 4, 2017, as well as in previous filings by Father, the Court was made aware of a sexual assault investigation involving, four year old Brynlee Huber. In her Opposition, Ex Parte Motion, and Emergency Motion, Mother motions the court to suspend Fathers visitation on an emergency basis and requests an expedited hearing.

At the most recent hearing last Thursday, Officers were trying to decipher which of the two weekends Mother was allowing Father to exercise his visitation as the MSA states quite broadly that Father gets two weekends a Month. Mother had the option of allowing the children to go with Father over the weekend or to take the children back with her to Idaho and allow Father to exercise the following weekend of May 12th, 2017. Mother chose to allow Father to have the weekend after court and Mother chose to go back to Idaho with her violent felon boyfriend who has a present no contact order with the children. Obviously, Mother was not concerned with children being with Father. Mother's actions indicate to the Court that there is no emergency.

Mothers Attorney had served a subpoena on CPS supervisor Kim Schmeling to appear at the hearing held on May 4, 2017. Detective Cory Dunkhorst with the Winnemucca Police Department came to Fathers attorney's office and signed an acceptance of service to appear at the hearing held on May 4, 2017. Prior to the hearing, attorney Gabrielle Carr representing DCFS and Deputy Criminal District Attorney, Kevin Pasquale, appeared in an effort to seek the protection of

information to be used in a custody proceeding that would comprise investigations in Nevada or Idaho.

Prior to the hearing Law enforcement requested of Mothers attorney, the location of the children and were told the children are just a few minutes away and can be at court house if needed. Apparently, mother's violent felon boyfriend was driving the children around town. Officers located his vehicle at McDonalds. Officers placed the children into their patrol vehicles away from Mothers violent felon boyfriend due to the Judge's no contact order and allowed them to play around in their patrol vehicle until Father and his counsel arrived. Mothers counsel was present per Officers request to accompany Father to the McDonalds parking lot where the children were located. Bryson was in the front of the patrol vehicle playing with sirens and the speaker system. Brynlee was in the back seat of the patrol car when Father arrived but as soon as she saw her Father she smiled and climbed out from the back seat of the patrol vehicle to hug her Father. Father aware of how difficult things must be for Brynlee right now and her Mother not allowing contact with her Father for several weeks approached Brynlee in a slow and thoughtful manner.

Mother's boyfriend is also a Father, is his children's Mother aware of the no contact order of this court. Should she be concerned? Is the victim of his domestic violence strangulation conviction aware that Justin is no longer residing in the house as Mother alleges. Is this the same victim in his no contact order issued in Idaho?

According to mothers Facebook page, she is an esthetician who opens her home to the public for esthetician services (see attached exhibit "1"). Is Mother no longer in school? Who watched the children while Mother is tending to clients in her home? Who else is with the children in between her appointments? Obviously these are also questions law enforcement will be looking for answers to.

Father does not have the answers to all these questions, however he is working with law enforcement so that everyone can get answers. It is concerning to Father and quite obvious that to Mother this is not about Brynlee and prosecuting who might have done this, but about her being able to stay in Idaho with Justin.

All hearsay evidence in Mothers Motion should be stricken. Mother's statement about what Brynlee allegedly said is not only hearsay, but is highly suspect of what a four year old, developmentally delayed child would say. That's why the rules of evidence apply and there are experts in the field of sexual assault investigations. Mothers statement about what a Doctor allegedly told her should also be stricken as hearsay for the same reasons. Mother attempts to paint an incomplete picture of the history involving Brynlee and use hearsay statements that are beneficial to her and not use the hearsay statements that are not beneficial to her. There is much more to this case and in a custody case is not the time nor the place to discover it.

Fortunately, Prosecutors as well as law enforcement know what to look for when investigating these types of cases and any red flags that develop through their investigation. As the court is aware, other information such as forensic interviews, deception from persons of interest, coaching of children by parents, medical exams, inconsistent statements, etc are all information law enforcement will need to gather to move forward in an investigation. This ongoing investigation involves jurisdictional issues and the basics, who, what, when, where. If Law enforcement was able to answer those questions there would be a person in custody right now and either Idaho or Nevada would be prosecuting someone. Mother asserts that the Idaho agencies have been slow or reluctant to share their partial investigative findings with the authorities and CPS in Nevada. No – the truth is – those agencies are not willing to share that information with Mother to use in a Custody action that would compromise there investigation. What is most important that is getting lost in the pleadings is that there is a four year old child that may have been sexually abused and whoever did this needs to be held accountable and prosecuted. Mother is making this investigation impossible and she is preventing justice for Brynlee.

Mother has simply not provided any information that reports to be an emergency on her end. The court was made aware at the most recent hearing that there is an investigation occurring that involved Idaho law enforcement and Winnemucca, Nevada. Only that Father simply did not meet with Mother on Sunday, May 7, 2017, to exchange the minor children. Mother did not do what she relayed to the court that she intended to move herself and the minor children in with her mother, the children's maternal grandmother. Mother provides text messages that Father merely wanted

confirmation that the violent convicted felon, Justin Caulkins, was not living in the home with his children as ordered by the Court. Mother has ignored Court orders before as well. Mother told the Court that she would be living with her Mother, what has changed?

Father has not received a return call from Caulkins parole officer. As the Court is aware, a parolee is required to notify and get permission from their parole officer where they intend to live, prior to the move. Mother refused to provide such proof. If Mother or Mr. Caulkins cared at all about the serious investigation regarding sexual abuse against Brynlee they could have merely had Mr. Caulkins parole officer (Ryan Kinney) call Father or send a letter or anything to remedy the issue. Mother has provided no proof that Mr. Caulkins is no longer living in her home with the children in violation of the Courts order. Information regarding Justin Caulkins parole officer contact information attached, (see attached Exhibit "2").

Mother continues to assert that Idaho DCFS previously advised Mother to withhold the children from Father because of Brynlee's sexual abuse outcry. Prove it! If this were true, DCFS would have executed an in-home safety plan with Mother or filed a Petition for Children in Need of Protection, hypothetically, Father would have been arrested. None of these events took place. Father was never arrested, Idaho DCFS never told Mother to withhold the children, and no Petition for Protection was filed by DCFS. Mother provides that she filed for a temporary protection order in Idaho – all Mothers own statements. This application was denied and the Idaho court never entered any order against Father because Idaho has information that Father should be under investigation.

Father has cooperated 100% with DCFS and the investigator's in Nevada and Idaho. Mother continues to compromise the investigation regarding her child's safety. There is an open investigation regarding sexual abuse against Brynlee to which there are multiple suspects being investigated. Father offered to take a voice stress analysis regarding the sexual abuse investigation and passed. The same cannot be said for other suspects according to text messages mother attached to her motions. Father refuses to go into detail about information he is aware of regarding the open criminal investigation so to not compromise the active case. Father can only assert that the child has made several more outcries during the time that Brynlee was in Father's care over this last

weekend. Father has contacted the local Nevada DCFS and local law enforcement. Father would like to seek professional help for Brynlee with a child psychologist but Mother refuses unless she and her attorney can speak to the psychologist first. Play therapy may also be a viable option for a young child such as Brynlee, but Father cannot get those services without Mothers consent as they currently share Joint Legal Custody. Father believes that Brynlee has been sexually assaulted. Father believes that the child was sexually assaulted while in the care of Mother, this is why Nevada DCFS is not handling the case, Idaho is the lead on this investigation.

Mother's hearsay statement about what Social Worker, Kimberly Schmelling, allegedly told her should also be stricken. This Court knows Ms. Schmelling well and her ethical duty to not disclose and/or compromise a current investigation. Father is positive that Ms. Schmelling would not compromise this investigation just to promote civil custody litigation between the parties. Father is positive that Ms. Schmelling wants his children to be safe and protected. DCFS continues to allow the children to stay in Father's home. Once this Court ordered that the children were to visit with Father after court concluded on May 4, 2017, local law enforcement had to hunt down Mother's violent felon boyfriend and had to retrieve the children from him. Father had to meet law enforcement at McDonald's to pick up the children. Father believes Mr. Caulkins to be an immediate danger to his children. Father believes that his children should remain in Nevada where Father and this Court can more closely monitor the children and who is permitted access to the children. Nevada is their home state and Idaho was only temporary until Mother completed school.

Mother attempts to bring up Father's wife's, Ashlie Huber, custody matter that is before another judge. Ashlie's ex-husband, Forest Pettis, had been stalking and harassing Ashlie and called the police on her multiple times making false police reports of child neglect. There has never been any investigation with DCFS regarding Ashlie's children with Forest Pettis. Mother attempts to bring in old information regarding Father's rehabilitation. The information that Mother requests this court to consider as evidence has already been considered by this Court and custody was already determined based on said evidence. Father was never convicted for obstructing. Father and Ashlie continue to do Soberlink alcohol testing and provide results to Mother and Mother's counsel. Father promotes a continued relationship between Mother and the children through telephonic and video

chat visitation. Mother concealed the children from Father for two months even after this Court issued an order for the immediate return of the children. Mother does not care for the minor children's best interests. Mother only wishes to promote custody litigation tactics because Mother knows she has to move back to Nevada soon with the children and Mother's convicted felon boyfriend will not be able to come with her as his felony parole is not up for 6 more years.

Father does not believe himself to be a perfect parent. Far from it. As Mother is also not a perfect parent. Father believes that his 4-year-old daughter was sexually assaulted and that multiple suspects are being investigated. Mother only wants to point the finger at Father for civil litigation purposes. Mother doesn't want investigators to look at other suspects. Only at Father because Mother knows that her child was sexually assaulted and is willing to use this information to gain control of the children in the parties custody matter. Father had no issues with the current custody arrangement until he found that his children were in danger in Mother's care. One could conclude from Mother's pattern of reporting, that Mother knew of the sexual abuse while Brynlee was in her care, covered it up as Mother knew it would interfere with her custody arrangement, and is now using the information to attempt to bring Father in a bad light.

Because this is an open investigation, Father does not feel it is appropriate to jeopardize the integrity of that investigation by disclosing information that has come to his attention since the most recent hearing. If the Court, feels it is appropriate, Father would consent to the Court speaking with law enforcement regarding this matter without his or Mother's presence. It would then be imperative that information related to the Court through that proceeding be sealed and not made available to the parties.

Mother had a choice as to whether she could have immediate custody of her children after the last hearing and she would be exchanging custody with Father the following weekend. Mother instead chose to return to Idaho with Justin Caulkins and to leave her children with their Father. Mother's actions speak louder than words. Mother knows the children are safe with Father and she has no plans to remove Justin Caulkins from her life. A protective mother would have picked her children and told Justin Caulkins to find his own ride back to Idaho.

Mother tries to assert the one family one judge provision as a reason Judge Montero should not hear the case. Judge Montero is assigned cases in the Sixth Judicial District Court and absent a conflict of interest and an appointment of Judge Shirley by the Supreme Court this could not occur. Furthermore, the case in front of Judge Shirley involving the Pettis children is almost finalized. Mother is trying to forum shop because her counsel believes he would get more favorable results in front of Judge Shirley. Judge Shirley has no familiarity with Mother, or the children in this case. Additionally, this court has already issued orders in this matter and the law does not allow such a request to be made once a court has made orders that they believe are unfavorable. This is wholly inappropriate and Father Objects.

Legal Authority

And pursuant to NRS 125C.0045(1)(a)

> **1.** In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:
>
> **(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest.**

NRS 125C.0035(4)(a-l) states that:

> 4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:
>
> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
>
> (b) Any nomination of a guardian for the child by a parent.
>
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
>
> (d) The level of conflict between the parents.
>
> (e) The ability of the parents to cooperate to meet the needs of the child.
>
> (f) The mental and physical health of the parents.
>
> (g) The physical, developmental and emotional needs of the child.
>
> (h) The nature of the relationship of the child with each parent.
>
> (i) The ability of the child to maintain a relationship with any sibling.
>
> (j) Any history of parental abuse or neglect of the child or a sibling of the child.
>
> (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
>
> (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

NRS 125C.0045(5) states that:

> **5.** Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

Father through his attorney requested that CPS do a safety plan to keep these children safe in Idaho. Kimberly Schmeling, the CPS investigator in Winnemucca has indicated that if the children go to Idaho, only Idaho can do a safety plan and that she/ CPS in Winnemucca would have no jurisdiction once the children leave the State of Nevada. The children are currently in the State of Nevada and DCFS still will not do a safety plan. Father requests that a safety plan be issued placing the children in his home so that the children may be appropriately monitored by this Court.

It is in the children's best interest to be placed with Father on a temporary basis until the investigation of this matter is complete. Father also needs to appropriately address any immediate concerns and get the children into counseling or seen by a psychologist. Since the children have been with Father, Father allows mother to have contact with her children over the phone and through facetime/skype. The kids are all smiles enjoying being children right now (see attached exhibit "3"). Mother did not allow the children the same courtesy when they were with her the past month. All of the allegations Mother makes in her Pleadings are hearsay. Mother provides no evidence whatsoever to substantiate the claims she asserts in her Pleadings.

Father is aware that the Court is hesitant of these types of motions and only grants them if specific factors indicating the children are in imminent and immediate danger. The facts of this case are a sufficient basis to warrant temporary custody to Father to ensure the safety of the children while the investigation is ongoing and until the Court has sufficient assurances Mother will move in with her Mother as she represented to the Court and is not living with Justin Caulkins.

The Court can set a hearing and address the issues raised herein, which is what constitutes this matter an emergency and in order to allow this court to immediately take action to ensure the safety of the children without a hearing. The law contemplates such authority when the safety of a child or children is at issue as in this case.

WHEREFORE, Father prays for the following relief:

First. That Mother's *Ex parte Motion for Return of Minor Children* be denied in it's entirety.

Second. That Mother's *Emergency Motion to Suspend Visitation and Request for Expedited Hearing* be denied in it's entirety.

Third. That this Court enter an Order for the minor children to reside in Winnemucca, Nevada their Home State.

Fourth. That Father be awarded temporary sole legal and sole physical custody of the minor children.

Fifth. That Mothers request to transfer the case to Judge Shirley be denied.

Sixth. That Mother provide verification to the Court that Justin Caulkins is not residing in the home with the children.

Seventh. For attorney fees for having to bring this motion to protect the children

Eighth. For such other and further relief as to the Court may appear just and proper.

DATED this 17 day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775- 623-5000

AFFIDAVIT IN SUPPORT OF REPLY AND OPPOSITIONS

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, being first duly sworn, depose and say:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing *Reply to Opposition to Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion for Return of Minor Children; and Opposition to Mother's Emergency Motion to Suspend Visitation*, and know the contents thereof; that same are true of our own knowledge, except those matters stated on information or belief, and that as to those matters, I believe it to be true.

DATED this 11 day of May, 2017.

WAYLON HUBER

SUBSCRIBED AND SWORN to before me, a Notary Public, this 11 day of May, 2017, by WAYLON HUBER.

NOTARY PUBLIC

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-9 - Expires October 31, 2017

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 11 day of May, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, entitled *Reply to Opposition to Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion for Return of Minor Children; and Opposition to Mother's Emergency Motion to Suspend Visitation*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 11 day of May, 2017.

JENNIFER ADAIR

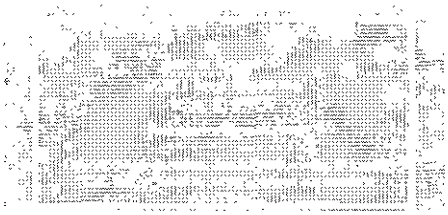
Exhibit 1

Exhibit 1

Photos

Estela Lopez You're still as beautiful as ever

Janea Huber



Friends

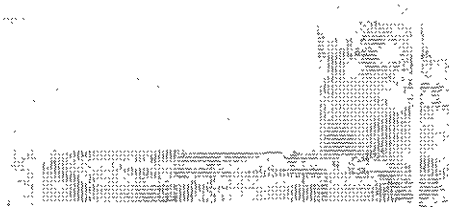
Janea Huber

Share

Stephanie N Scott Markin Wish I lived closer

Jan Harrington Congrats

Irene Brutsman congrats



Share

Hannah Rose Drake Ahhhh U nick and I need to move to Boise. It's been a disaster trying to find a lash lady and you spoiled me and I feel like no one is gonna do better lol 😊

Exhibit 2

Exhibit 2

JUSTIN SCOTT CALKINS #108287

Supervising District:	DISTRICT 4 FAIRVIEW OFFICE 10221 W. Emerald Boise Boise , ID 83704	Status:	Probation
		Age:	36
Supervising Officer:	KINNEY, RYAN		
Phone Number:	208-327-7008		

IDOC Sentence Information

Data current as of: 4:30am Monday May 01 2017

The sentence information shown is for active sentences under the jurisdiction, custody and/or supervision of the Idaho Department of Correction only.

Offense	Sentencing County	Case No.	Sentence Satisfaction Date
DOMESTIC ASSAULT OR BATTERY	ADA	CR13-5398	07/17/2023
		Released to Supervision:	02/09/2017

The Idaho Department of Correction updates this database regularly to ensure it is complete and accurate;
however, offender data can change quickly. Therefore, this site may not reflect the most current content.
location, status, scheduled termination date or other information regarding an offender.

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact Inquire@idoc.idaho.gov.

Send formal requests for copies of records to:
Records Bureau
Idaho Department of Correction
1299 N. Orchard Street, Suite 110
Boise, ID 83706

For more information:
- Idaho Commission of Pardons & Parole
- IDOC Visiting Information
- IDOC Mail Rules

Exhibit 3

Exhibit 3

To see what he shares with friends, send him a friend request

Add Friend

Intro

Investor at [illegible]

Engineer at [illegible] Railroad Company

Owner at Java Town

Co Owner/CEO at Fitness Zone [illegible]

[illegible]

Lives in [illegible] Nevada

From [illegible] Nevada

[illegible]

Add Details

Photos

[illegible] English [illegible] Español
[illegible] (Brasil) Français (France)

[illegible]

Waylon-Ashlie Huber

It's hot tub time with our littles

Huber

It's hot tub time with our littles

Like Share

Suggested Groups

Page Join

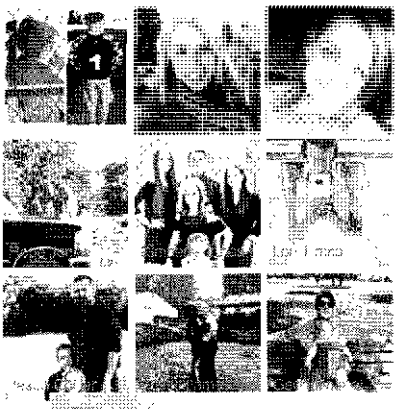
Cosmopolitan [illegible] Having a Second Baby

Like Page

A0215

Andi Gonzales Eeek! lo

Friends



Waylon-Ashlie Huber

Brynlee loves being a big sissy

Brynlee loves being a big sissy

Comment Share

I can't believe I have a 14 yr old! Happy birthday to my Abbie

Like Comment Share

Brandie Pettis Happy Birthday Miss Abbie! You are so loved! Don't ever forget

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

2017 MAY 16 PM 3:40

TANI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

MOTION TO STRIKE DEFENDANT'S AFFIDAVIT OF JANEA HUBER IN SUPPORT OF "EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING"

COMES NOW, Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC. and WENDY MADDOX, ESQ., objects to and hereby moves this Court to Strike Defendant's *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.* This Motion is based on the following Points and Authorities.

DATED this 16th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

POINTS AND AUTHORITIES

Plaintiff filed an *Exparte Emergency Motion for Temporary Custody* on May 8, 2017. Defendant filed an *Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing* on May 9th, 2017 that did not contain an Affidavit from Defendant. Plaintiff filed on May 11th, 2017 his *Reply to Opposition to Father's May 8, 2017 Ex Parte Motion and Opposition to Mothers Ex Parte Motion for Return of Minor Children and Opposition to Mother's Emergency Motion to Suspend Visitation.*

On or about May 15, 2017, Mother's counsel sent Father's counsel an Affidavit entitled *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"* in which the certificate of service is dated May 15, 2017.

Plaintiff objects to said Affidavit as inadmissible Hearsay and requests that all inadmissible hearsay be stricken in its entirety. Defendant has provided inadmissible evidence in her *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*. Said statements in Affidavits are not only Hearsay but are inaccurate and untrustworthy. Evidentiary rules generally prohibit out of court statements from being admitted in a manner such as Defendants Affidavit as witnesses must be subject to among other evidentiary requirements; direct examination, cross examination and other evaluations that judge credibility.

Furthermore, the Defendant alleges in her affidavit that that on April 9, 2017, Brynlee returned to her custody after being with Plaintiff. Brynlee did not return from a weekend with Father as Mother states in her affidavit. Plaintiff did not have the children for the weekend prior to April 9th. Plaintiff was supposed to have the children for the weekend prior to April 9th but Defendant told Plaintiff that the children were too sick to travel. Additionally, Fathers birthday was celebrated the weekend prior to April 9th and the adult attendees present can be subpoenaed to refute Mothers assertion. Exhibit 1.

///

///

///

As such, Plaintiff moves to strike the allegations made on page 2, lines 11 through and including line 28 and page 3, lines 1 through and including line 8 in her *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*. Plaintiff hereby objects to any inadmissible hearsay evidence contained in said Affidavit and opposes the same based on lack of admissible evidence.

WHEREFORE, Plaintiff prays for the following judgment:

First. That the Court Strike the allegations made on page 2, lines 11 through and including lines 28 and on page 3, lines 1 through and including lines 8 in her *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.*

Second. For attorney's fees for having to file this Motion.

Third. For such other and further relief as to the Court may seem just and proper in the premises.

DATED this 16th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

AFFIDAVIT

STATE OF NEVADA)
)ss.
COUNTY OF HUMBOLDT)

I, WENDY N. MADDOX, after being first duly sworn; depose and say:

1. That your affiant is an attorney duly admitted to practice law in the State of Nevada.

2. That your affiant is counsel for WAYLON HUBER, in this case.

3. That your affiant is of lawful age and acting under no disabilities at law.

4. That on or about May 15, 2017, I was served with a copy of Defendant's *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*.

5. That your affiant is familiar with the above referenced matter and verily believes, based upon facts, information and knowledge of the law and legal proceedings that the aforesaid information as stated in said *Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"* are true.

DATED this 16 day of May, 2017.

WENDY N. MADDOX

SUBSCRIBED and SWORN to before me, a notary public, this 16 day of May 2017, by WENDY N. MADDOX.

NOTARY PUBLIC

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-9 - Expires October 31, 2017

AFFIDAVIT

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, being first duly sworn, depose and say:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing *Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*, and know the contents thereof; that same are true of our own knowledge, except those matters stated on information or belief, and that as to those matters, I believe it to be true.

DATED this 16 day of May, 2017.

WAYLON HUBER

SUBSCRIBED AND SWORN to before me, a Notary Public, this 16th day of May, 2017, by WAYLON HUBER.

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12143-9 - Expires October 31, 2017

NOTARY PUBLIC

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a legal assistant to WENDY N. MADDOX, ESQ. and that on the 16th day of May, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, in Winnemucca, Nevada, entitled *Motion To Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearin"*., to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 16th day of May, 2017.

JENNIFER ADAIR

Exhibit 1

Exhibit 1

I was at Waylon and Ashlie Hubers house 4/9/17 10 a.m. till 10 p.m. His baby Rubee was there, but no other children. We never left the house throughout the day. Spoke with Ashlie the previous day and the children were not there. Only Rubee.

Rhonda Warrick
Rhonda Warrick
5/16/17
775-304-7620
4615 Aurora Ave
Winnemucca NV. 89445

I Hope Jones, was at Ashlie and Waylon Huber's house on 4-9-17 from 10 am - 10 p.m. The only child [redacted] present was baby Rubbee. Waylon and Ashlie never left the house.

Hope Jones
~~Hope Jones~~
775-304-0090
4615 Aurora Ave
Winnemucca, NV, 89445

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED
2017 MAY 17 PM 12:01
TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

AFFIDAVIT OF JANEA HUBER IN SUPPORT OF "EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING"

STATE OF IDAHO)
) ss.
COUNTY OF Ada)

I, JANAE HUBER, being first duly sworn deposes and says:

1. That this Affidavit is based upon my personal knowledge and is made under the penalties of perjury.

2. Affiant is a party in the above captioned action.

3. This affidavit is filed in support of Affiant's Emergency Motion to Suspend Visitation and Request for Expedited Hearing.

4. Affiant avers upon information and belief, that all the factual allegations contained in this Motion are true and correct.

5. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

6. On April 9, 2017, my 4 year old child Brynlee returned to my custody after being with her father, Waylon Huber ("Father"). At that time, she stated she had pain in her vaginal area. Upon further inquiry, Brynlee stated that while she was watching a move with her father, he put his fingers inside her vagina. Brynlee stated this was not the first time and that is occurred. Brynlee stated father had done this before while she was in bed.

7. Immediately upon learning of this information, I took Brynlee to St. Luke's Children's Hospital in Idaho for examination. The examining doctor informed me that he observed redness and a partially detached hymen. I then contacted the Ada County Sheriff's Office and the Idaho Department of Health and Welfare regarding the sexual abuse.

8. I personally spoke with a representative from the Ada County Sheriff's office and a case worker from the Idaho Department of Health and Welfare. The case worker represented to me that in her interview, Brynlee stated Father was the person who was molesting her.

9. Both Idaho agencies represented they would be contacting the Humboldt County Sheriff's office and child protective services in Nevada. I have confirmed with the Ada County Sheriff's office that a criminal investigation is pending in Idaho.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

10 I contacted the Humboldt County Sheriff's office and have confirmed a criminal investigation is pending in Nevada.

11. I have contacted he Humboldt County child protective services and have confirmed an investigation is pending.

12. I have concerns for Brynlee's safety around Father at this time given Brynlee's allegations and the pending investigations in both Idaho and Nevada. I believe it is in the minor children's best interests that Father's visitation be suspended until the investigations are completed.

DATED: May 8th, 2017.

JANEA HUBER

SUBSCRIBED and SWORN to before me on May 9th, 2017 by Janea Huber.

Notary Public in and for said County and State Ada Co State of Idaho
my comm exp: 4/22/2017

JENNIFER MILLER NOTARY PUBLIC STATE OF IDAHO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 15, 2017, I served a true and correct copy of:

AFFIDAVIT OF JANAE HUBER IN SUPPORT OF EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

by:

X Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

___ Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

X Electronic mail addressed to: wendy maddox@millerlawinc.us

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

AFFIDAVIT OF JANAE HUBER IN SUPPORT OF

EX PARTE MOTION FOR RETURN OF MINOR CHILDREN

STATE OF IDAHO)
ss.
COUNTY OF Ada)

JANAE HUBER, being first duly sworn deposes and says:

1. That this Affidavit is based upon my personal knowledge and is made under the penalties of perjury.

2. Affiant is a party in the above captioned action.

3. This affidavit is filed in support of Affiant's attached ex parte motion for return of minor children.

4. Affiant avers upon information and belief, that all the factual allegations contained in this Motion are true and correct.

5. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

DATED: May 8, 2017

JANAE HUBER

SUBSCRIBED and SWORN to before me on May 8, 2017 by Janae Huber.

Notary Public in and for said County and State

Ada, CO - State Of Idaho
My Comm exp: 8/22/2017

JENNIFER MILLER NOTARY PUBLIC STATE OF IDAHO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 15, 2017, I served a true and correct copy of:

EX PARTE MOTION FOR RETURN OF MINOR CHILDREN

by:

X Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

X Electronic mail addressed to: wendy maddox@millerlawnv.us

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff

Bryttanie McNeff
Carucci and Associates

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

May 15, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Affidavit ofr Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing" and the Affidavit of Janea Huber in Support of "Ex Parte Motion for Return of Minor Children" in regards to the above-referenced case. Please file both copies and return a file stamped copy to our office. I have included a self-addressed, stamped envelope for convenience.

I appreciate your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
MAY 17 2017
HUMBOLDT COUNTY CLERK

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

2017 MAY 23 PM 4:31

JAMI RAE SPERO
DIST. COURT CLERK
E Family

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

MEMORANDUM OF COSTS AND FEES

STATE OF NEVADA)
ss:
COUNTY OF HUMBOLDT)

Comes now, WENDY N. MADDOX, ESQ., your affiant, after having been duly sworn, under pains of penalty of perjury, under the laws of the State of Nevada, truthfully states the following:

1. That your affiant is an attorney duly admitted to practice law in the State of Nevada.

2. Your affiant is counsel for WAYLON HUBER in the above entitled case.

3. That Affiant performed legal services and paid costs for WAYLON HUBER.

4. That the items contained in the memorandum below are true and correct to the best of this Affiant's knowledge and belief; and that the said costs and fees have been necessarily incurred and paid in this action.

5. The following amounts have been expended on Plaintiff's claim as of this date:

a. Total Court Costs: $0.00

b. Total Mailing Costs: $0.00

c.	Total Attorney Fees:	$1,731.00
	TOTAL	$1,731.00 Exhibit A

6. I received a Juris Doctrate from an ABA accredited law school in 2006. I have been licensed to practice law in the State of Texas since May of 2007. I have been licensed to practice law in the State of Nevada since May of 2014. I am contracted at a general practice law firm with an emphasis in civil practice located in Winnemucca, Nevada. I provide all aspects of legal services upon request to my clients including all forms of litigation: including but not limited to cases in front of Justice Court, complaints in front of District Court in nine counties, and assistance with liens and foreclosures.

7. The fees and costs billed in this matter are reasonable and appropriate. The total time billed from May 3, 2017, through May 4, 2017, was 9.40 hours, with my hourly rate billed at $240.00 and the paralegal rate billed at $90.00.

8. My hourly rate is reasonable given my experience practicing law in general and my experience. Despite my experience and expertise, my hourly rate is lower than rates routinely charged by other attorneys who practice in this area.

9. Based upon all of the above factors, these fees and costs are reasonable and appropriate and should be awarded.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 31st day of May, 2017.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

Subscribed and Sworn before me, a notary public, this 31st day of May, 2017, by WENDY N. MADDOX.

NOTARY PUBLIC

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-9 - Expires October 31, 2017

Matter Billing Detail

A0235

Miller Law, Inc.

Date Range: 05/03/2017 to 05/04/2017
Client: 2489 - Waylon Huber
Matter: 2489-001 - Huber, Waylon v Janea Huber

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
	Balance Forward:		$0.00						
05/03/2017	Tmtk	Meeting with Gabby on Huber	$120.00		Unbilled				
05/03/2017	Tmtk	Email regarding FW: Text message to Janae at 3:55p.	$24.00		Unbilled				
05/03/2017	Tmtk	conversations with Waylon today	$24.00		Unbilled				
05/03/2017	Tmtk	Email regarding FW: Text message to Janae at 3:55p.	$24.00		Unbilled				
05/04/2017	Tmtk	hearing prep	$180.00		Unbilled				
05/04/2017	Tmtk	attendance at court	$90.00		Unbilled				
05/04/2017	Tmtk	hearing on emergency motion and preperation for hearing	$960.00		Unbilled				
05/04/2017	Tmtk	discussion with CPS, officers and client at CPS office	$240.00		Unbilled				
05/04/2017	Tmtk	Email regarding idaho at 11:30a.	$9.00		Unbilled				
05/04/2017	Tmtk	Email regarding PI at 1:55p.	$9.00		Unbilled				
05/04/2017	Tmtk	Email regarding RE: idaho at 2:21p.	$9.00		Unbilled				
05/04/2017	Tmtk	Email regarding Makeup time with Dawson at 2:37p.	$24.00		Unbilled				
05/04/2017	Tmtk	Prepared document Request for Submission 05042017.docx	$18.00		Unbilled				
		Total:	$1,731.00	$0.00					
		Balance:	$1,731.00						

Matter Billing Detail

A02366

Miller Law, Inc.

Date	Expense Code	Description		Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Total Fees Billed-			$0.00							
Total Fees Unbilled :			$1,731.00							
Total Fees Received :			$0.00							
Total Soft Cost Billed :			$0.00							
Total Soft Cost Unbilled :			$0.00							
Total Soft Cost Received :			$0.00							
Total Hard Cost Billed :			$0.00							
Total Hard Cost Unbilled :			$0.00							
Total Hard Cost Received :			$0.00							
Total Taxes Billed :			$0.00							
Total Taxes Unbilled :			$0.00							
Total Taxes Received :			$0.00							
Total Late Charges Billed :			$0.00							
Total Late Charges Unbilled:			$0.00							
Total Late Charges Received :			$0.00							
Trust Balance:			$1,034.00							

Time Ticket Diary Report

A0237

Miller Law, Inc.

Date Range: 05/03/2017 to 05/04/2017
Timekeeper: All
Client: 2489 Waylon Huber
Matter: 2489-001 Huber, Waylon v Janea Huber
Billing Type: All
Task Code: All
Hold Status: All (both Held and Non-Held)
Billing Status: Billed & Unbilled
Sorted by: Timekeeper,Date,Client

Client Number / Client Name	Matter Number	Date / Matter Description	Ticket Number	Hours	Amount	Type	Task Code	Activity Code	Held	Billing Status
JDA										
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	24	2.00	180.00	BL			No	Unbilled
Time Ticket Text:	hearing prep									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	25	1.00	90.00	BL			No	Unbilled
Time Ticket Text:	attendance at court									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	28	0.10	9.00	BL			No	Unbilled
Time Ticket Text:	Email regarding [redacted].									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	29	0.10	9.00	BL			No	Unbilled
Time Ticket Text:	Email regarding [redacted]									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	30	0.10	9.00	BL			No	Unbilled
Time Ticket Text:	Email regarding RE: [redacted].									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	36	0.20	18.00	BL			No	Unbilled
Time Ticket Text:	Prepared document Request for Submission 05042017.docx									
		Totals For:JDA		**3.50**	**315.00**					
WNM										
2489 Waylon Huber	2489-001	05/03/2017 Huber, Waylon v Janea Huber	21	0.50	120.00	BL			No	Unbilled
Time Ticket Text:	Meeting with Gabby on Huber									

Time Ticket Diary Report

A0238

Miller Law, Inc.

Client Number / Client Name	Matter Number	Date / Matter Description	Ticket Number	Hours	Amount	Type	Task Code	Activity Code	Held	Billing Status
2489 Waylon Huber	2489-001	05/03/2017 Huber. Waylon v Janea Huber	22	0.10	24.00	BL			No	Unbilled
Time Ticket Text:	Email [redacted]									
2489 Waylon Huber	2489-001	05/03/2017 Huber. Waylon v Janea Huber	23	0.10	24.00	BL			No	Unbilled
Time Ticket Text:	conversations with Waylon today									
2489 Waylon Huber	2489-001	05/03/2017 Huber, Waylon v Janea Huber	32	0.10	24.00	BL			No	Unbilled
Time Ticket Text:	Email regarding [redacted]									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	26	4.00	960.00	BL			No	Unbilled
Time Ticket Text:	hearing on emergency motion and preperation for hearing									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	27	1.00	240.00	BL			No	Unbilled
Time Ticket Text:	discussion with CPS, officers and client at CPS office									
2489 Waylon Huber	2489-001	05/04/2017 Huber, Waylon v Janea Huber	31	0.10	24.00	BL			No	Unbilled
Time Ticket Text:	Email regarding Makeup time with Dawson at 2:37p.									
		Totals For:WNM		**5.90**	**1,416.00**					

Timekeepers Totals

Timekeeper: JDA	Type	Billed	Unbilled	Total
	Billable Hours	0.00	3.50	3.50
	Total For JDA	**0.00**	**3.50**	**3.50**

Timekeeper: WNM	Type	Billed	Unbilled	Total
	Billable Hours	0.00	5.90	5.90
	Total For WNM	**0.00**	**5.90**	**5.90**

Time Ticket Diary Report

A0239

Miller Law, Inc.

Client Number / Client Name	Matter Number	Date / Matter Description	Ticket Number	Hours	Amount	Type	Task Code	Activity Code	Held	Billing Status

Firm Totals

TYPE	Billed	Unbilled	Total
Billable Hours	0.00	9.40	9.40
Grand Total:	**0.00**	**9.40**	**9.40**

ORIGINAL

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document *does not contain a social security number.*

FILED

2017 MAY 23 PM 12:28

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

MOTION TO STRIKE FATHER'S MAY 5, 2017 REQUEST FOR SUBMISSION

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby requests that the Court strike Waylon Huber's ("Father") May 5, 2017 Request for Submission as that motion has already been addressed by the Court. This motion is made and based upon all the pleadings and papers on file herein and the following memorandum of points and authorities.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012.. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree of Divorce provides that the parties share joint legal and joint physical custody of the children.

The parties appeared before the Court on May 4, 2017 for a hearing on Father's emergency motions filed April 14, 2017 and April 18, 2017. At the hearing, the Court addressed Father's concerns about the children being around Mother's boyfriend by prohibiting contact between the boyfriend and the children. The Court then dissolved the temporary order entered on April 14, 2017, and directed the parties to comply with the last custodial order, the Decree of Divorce, regarding custody and visitation.

The day after the May 4, 2017 hearing, Father resubmitted his April 18, 2017 motion to the Court. District Court Rule 13(7) provides that "No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefore, after notice of such motion to the adverse parties." As this motion was already addressed at the May 4, 2017 hearing, the submission should be stricken.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 23, 2017, I served a true and correct copy of:

MOTION TO STRIKE FATHER'S MAY 5, 2017 REQUEST FOR SUBMISSION

by:

___ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

X Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

ORIGINAL

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 MAY 23 PM 12:28

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

OPPOSITION TO FATHER'S "MOTION TO STRIKE DEFENDANT'S AFFIDAVIT OF JANEA HUBER IN SUPPORT OF EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING"

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby files her opposition to Waylon Huber's ("Father") May 16, 2017 Motion to Strike. This opposition is made and based upon all the pleadings and papers on file herein and the following memorandum of points and authorities.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012.. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree of Divorce provides that the parties share joint legal and joint physical custody of the children.

The parties appeared before the Court on May 4, 2017, for a hearing on Father's emergency motions based upon allegations that Mother's boyfriend was a danger to the children. Mother lives in Idaho. Father lives in Humboldt County, Nevada. At the hearing, Mother raised arguments that Father molested one of the minor children (which is subject to a pending investigation in both Nevada and Idaho), and the Court advised the parties that the sole issue before the Court was concerning Mother's boyfriend. The Court advised Mother that if she wished to address the issue she should do so with a motion. Following the hearing, Mother filed an Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing, as well as a Motion to Shorten time. Mother filed an affidavit in support on May 17, 2017.

Father seeks to strike Mother's affidavit but fails to provide any legal authority to do so; obviously Father's motivation is to suppress relevant evidence of his culpability as a child molester. Regarding motions and supporting affidavits, District Court Rule ("DCR") 13 states:

> 5. The affidavits to be used by either party shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains and shall be served and filed with the motion, or opposition to which it relates.
>
> Affidavits shall contain only factual, evidentiary matter, shall conform with the requirements of NRCP 56(e), and shall avoid mere general conclusions or argument. Affidavits substantially defective in these respects may be stricken, wholly or in part.
>
> 6. Factual contentions involved in any pre-trial or post-trial motion shall be initially presented and heard upon affidavits. Oral testimony may be received at the hearing with the approval of the court, or the court may set the matter for a

CARI COLAND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, ORLGON, WASHINGTON, COLORADO

> hearing at a time in the future and allow oral examination of the affiants to resolve factual issues shown by the affidavits to be in dispute.

Mother's affidavit is not "substantially defective" according to DCR 13. A detailed Affidavit was necessary to support Mother's assertions in her motion. Mother's Affidavit will be supported by her own testimony, the testimony of Child Protective Services in Idaho and Nevada, and the Humboldt County and Ada County Sheriff's office, and the treating physician. Father simply seeks to strike Mother's Affidavit because he does not like her statements as to his misconduct with one of the minor children. Father's motion should be denied outright and Mother should be awarded attorney's fees for having to respond to his frivolous and meritless motion. There is no basis to strike her affidavit.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 23, 2017, I served a true and correct copy of:

OPPOSITION TO FATHER'S "MOTION TO STRIKE DEFENDANT'S AFFIDAVIT OF JANEA HUBER IN SUPPORT OF EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING"

by:

___ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

X Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANEA CALKINS, Appellant, vs. WAYLON HUBER, Respondent.	)	Case No. 83053 District Court Case No. CV 20464

Appeal from *Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order*, issued May 12, 2021
In the Sixth Judicial District Court, Humboldt County, Nevada

APPELLANT'S APPENDIX

VOLUME 2

BITTNER LEGAL, LLC
ELIZABETH M. BITTNER
Nevada Bar No. 9329
1225 Westfield Ave., Suite 7
Reno, NV 89509
Tel (775) 357-8733
Counsel for JENEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Docket 83053 Document 2021-27198

ALPHABETICAL INDEX OF DOCUMENTS IN APPENDIX

DOCUMENT	DATE	VOL.	PAGES
Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing" and Affidavit of Janae Huber in Support of Ex Parte Motion for Return of Minor Children	May 17, 2017	1	A0226-A0232
Affidavit of Janea Huber in Support of Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0285-A0288
Audio Transcription of Hearing	July 15, 2020	4	A0847-A0982
Case Appeal Statement	June 10, 2021	5	A1085-A1088
Delivery of Affidavit	May 11, 2017	1	A0195-A0197
Discharge of Attorney and Substitution in Propria Persona	February 1, 2018	2	A0403-A0404
Emergency Ex Parte Motion to Change Custody	May 24, 2019	1	A0537-0549
Emergency Noticed Motion to Suspend Visitation and Request For Expedited Hearing	May 9, 2017	1	A0117-A0141
Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0103-A0112
Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0047-A0053
Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0060-A0077
Ex Parte Motion For Order Shortening Time	May 9, 2017	1	A0142-A0170
Ex Parte Motion For Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion	May 9, 2017	1	A0171-A0190

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Ex Parte Emergency Motion to Suspend Visitation	June 9, 2017	1	A0269-A0280
Ex Parte Motion to Compel	May 16, 2018	2	A0410-A0413
Ex Parte Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0468-A0480
Ex Parte Motion to Produce Children and Grant Third-Party Custody Pending Reunification	June 26, 2019	4	A0795-A0819
Ex Parte Request for Submission	June 26, 2019	4	A0820
Findings of Fact, Conclusions of Law and Decree of Divorce	April 1, 2016	1	A0001-A0004
Marital Settlement Agreement	March 21, 2016	1	A0005-A0031
Memorandum of Costs and Fees	May 23, 2017	1	A0233-A0239
Minutes (May 4, 2017 hearing)	May 4, 2017	1	A0096-A0097
Minutes (June 22, 2017 hearing)	June 22, 2017	2	A0352-A0353
Minutes (January 5, 2018 hearing)	January 5, 2018	2	A0397-A0399
Minutes (March 30, 2018 hearing)	March 30, 2018	2	A0405-A0409
Minutes (October 24, 2018 hearing)	October 24, 2018	2	A0418
Minutes (November 20, 2018 hearing)	November 20, 2018	2	A0422-A0424
Minutes (February 26, 2019 hearing)	February 26, 2019	2	A0458
Minutes (March 14, 2019 hearing)	March 14, 2019	2	A0459
Minutes (November 26, 2019 hearing)	November 26, 2019	3	A0566
Minutes (February 27, 2020 hearing)	February 27, 2020	4	A0781-A0785
Minutes (July 15, 2020 hearing)	July 15, 2020	4	A0843-A0846

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Motion for Change of Custody	March 8, 2021	5	A1011-A1024
Motion for Change of Custody	April 12, 2021	5	A1025-A1032
Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent	May 26, 2021	5	A1078-A1079
Motion to Change Location of Therapeutic Reunification	August 15, 2019	3	A0551
Motion to Continue Hearing	July 13, 2020	4	A0832-A0834
Motion to Enforce Divorce Decree and Motion to Modify Custody due to Change in Circumstance	August 16, 2019	3	A0553-A0554
Motion to Lift Restriction of Husband	January 23, 2019	2	A0434-A0435
Motion to Modify Custody and Related Relief	January 23, 2019	2	A0436-A0443
Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0481-A0493
Motion to Reopen Discovery	January 23, 2019	2	A0444-A0445
Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing"	May 16, 2017	1	A217-A0225
Motion to Strike Father's May 5, 2017 Request for Submission	May 23, 2017	1	A0240-A0242
Motion to Vacate and Reschedule Hearing	November 22, 2019	3	A0560-A0562
Motion to Withdraw as Attorney of Record	January 23, 2019	2	A0446-A0447
Motion to Withdraw as Counsel (Carucci)	September 13, 2017	2	A0372-A0376
Non-Opposition to Motion to be Relieved as Counsel	September 13, 2017	2	A0377-A0378
Notice of Appeal	June 10, 2021	5	A1089-A1099

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Notice of Appearance (Dolan Law, LLC)	May 12, 2020	4	A0793-A0794
Notice of Appearance (Maddox)	April 28, 2017	1	A0082-A0083
Notice of Appearance of Counsel (Carucci)	April 24, 2017	1	A0079-A0081
Notice of Appearance of Counsel (Evenson)	January 29, 2018	2	A0400
Notice of Entry of July 1, 2020 Order	July 2, 2020	4	A0825-A0831
Notice of Entry of Order	July 24, 2020	5	A0983-A0997
Notice of Entry of Order	May 12, 2021	5	A1066-A1075
Notice of Expert Witness	June 15, 2017	2	A0327-A0342
Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0386-A0387
Notice of Intent to Appear by Telephonic Transmission Equipment	June 16, 2017	2	A0343-A0345
Notice of Hearing	December 5, 2017	2	A0392-A0393
Notice of Hearing	January 31, 2018	2	A0401-A0402
Notice of Witnesses (Maddox)	April 28, 2017	1	A0084-A0086
Notice of Witnesses (Maddox)	June 16, 2017	2	A0346-A0348
Opposition To Father's "Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	1	A0243-A0246
Opposition to Mother's Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0289-A0307
Opposition to Mother's Motion to Change Custody and Cross Motion for Permanent Custody Order	May 3, 2021	5	A1038-A1053

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Opposition to Motion to Continue Hearing	July 14, 2020	4	A0835-A0842
Opposition to Plaintiff's Memorandum of Costs and Fees	June 5, 2017	2	A0263-A0268
Order	November 21, 2018	2	A0425-A0427
Order	February 8, 2019	2	A0456-A0457
Order	March 15, 2019	2	A0460-A0463
Order	November 22, 2019	3	A0563-A0565
Order	March 6, 2020	4	A0786-A0792
Order After Hearing	November 30, 2018	2	A0428-0430
Order After May 4, 2017 Emergency Hearing	June 16, 2017	2	A0349-A0351
Order After Mediation	December 9, 2019	3	A0570-A0572
Order Allowing Withdrawal of Counsel for Respondent	September 14, 2017	2	A0381
Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	May 10, 2021	5	A1058-A1065
Order Denying Request for Hearing	October 24, 2017	2	A0384-A0385
Order Granting Immediate Custody of Children	April 14, 2017	1	A0054-A0056
Order Modifying Temporary Custody of Two Minor Children and Other Related Matter	July 24, 2020	5	A0998-A1010
Order Regarding Improper Service	April 22, 2021	5	A1035-A1037
Order Scheduling Mediation and Hearing Dates	December 9, 2019	3	A0567-A0569
Order Suspending Visitation	June 9, 2017	2	A0281-A0282

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Order Suspending Visitation	July 3, 2017	2	A0369-A0371
Order to Immediately Produce Minor Children to Court and Notice of Expedited Hearing RE: Custody	July 1, 2020	4	A0821-A0824
Order to Show Cause	November 2, 2018	2	A0419-A0421
Order to Submit "Motion to Change Custody due to Change in Circumstance"	April 23, 2019	3	A0510
Order to Submit Emergency Ex Parte Motion to Change Custody	May 24, 2019	3	A0550
Order to Submit Ex Parte Motion to Modify Custody due to Change in Circumstance	January 24, 2019	2	A0448
Order to Submit Uncontested "Motion to Change Location of Therapeutic Reunification"	September 3, 2019	3	A0557
Plaintiff's Motion in Limine	February 20, 2020	3	A0574-A0575
Pre-Hearing Statement	February 20, 2020	3	A0576-A0580
Proof of Payment	December 31, 2018	2	A0431-A0432
Proof of Personal Service	June 22, 2017	2	A0354-A0358
Proof of Service	May 16, 2018	2	A0414-A0415
Proof of Service	February 1, 2019	2	A0449-A0450
Proof of Service	March 25, 2019	2	A0494-A0495
Proof of Service	April 23, 2019	3	A0511-A0512
Proof of Service	August 15, 2019	3	A0552
Proof of Service	December 23, 2019	3	A0573

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Proof of Service	February 20, 2020	3	A0581
Proof of Service	March 15, 2021	2	A0464-A0465
Proof of Service	April 12, 2021	5	A1033
Proof of Service	May 5, 2021	5	A1054-A1056
Proof of Service	May 26, 2021	5	A1080-A1081
Proof of Service (Motion to Enforce Divorce Decree)	August 16, 2019	3	A0555
Proof of Service (Motion to Modify Custody due to Change in Circumstance)	August 116, 2016	3	A0556
Proof of Service for Request for Submission	June 9, 2021	5	A1082-A1083
Proof of Service for Supplement to Motion to Modify Custody	May 7, 2019	3	A0519
Proof of Service for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0583
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0057-A0058
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0078
Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0039-A0044
Reply in Support of Motion to Modify Custody due to Change in Circumstances	April 23, 2019	3	A0513-A0518
Reply To Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing	May 23, 2017	I	A0247-A0251
Reply to Motion to Lift Restriction on Husband	February 1, 2019	2	A0451

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Reply to Motion to Modify Custody and Related Relief	February 1, 2019	2	A0452
Reply to Motion to Reopen Discovery	February 1, 2019	2	A0453
Reply to Opposition for Motion for Order to Show Cause for Order Regarding Defendant's Consent to Obtain Passports	July 19, 2021	5	A1122-A1124
Reply To Opposition To Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion For Return of Minor Children; and Opposition To Mother's Emergency Motion to Suspend Visitation	May 11, 2017	1	A0198-A0216
Reply To Opposition To Fathers Motion To Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 25, 2017	2	A0256-A0260
Request for Hearing	October 17, 2017	2	A0382-A0383
Request for Hearing	November 9, 2017	2	A0388-A0389
Request for Hearing	January 4, 2019	2	A0433
Request for Hearing	May 17, 2019	3	A0535-A0536
Request for Submission of "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	2	A0252-A0253
Request for Submission of Defendant's "Ex Parte Motion For Return of Minor Children: Opposition To Father's May 8, 2017 Ex Parte Motion"	May 9, 2017	1	A0193-A0194

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission of Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0113-A0114
Request for Submission of Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0059
Request for Submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce	May 8, 2017	1	A0115-A0116
Request for Submission of Ex Parte Emergency Motion to Suspend Visitation	May 9, 2017	2	A0283-A0284
Request for Submission of Ex Parte Motion To Shorten Time	May 9, 2017	1	A0191-A0192
Request for Submission of Memorandum of Costs and Fees and Order For Attorney Fees	May 23, 2017	2	A0254-A0255
Request for Submission of Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion To Suspend Visitation and Request For Expedited Hearing	May 25, 2017	2	A0261-A0262
Request for Submission of Motion to Withdraw as Counsel	September 13, 2017	2	A0379-A0380
Request for Submission of Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0390-A0391
Request for Submission of "Order After May 4, 2017 Emergency Hearing"	June 15, 2017	2	A0316-A0326
Request for Submission of the Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0045-0046
Request for Submission	June 15, 2018	2	A0417
Request for Submission	April 12, 2021	5	A1034
Request for Submission	May 5, 2021	5	A1057
Request for Submission	June 9, 2021	5	A1084

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission for Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0498
Request for Submission for Supplement to Motion to Modify Custody	May 7, 2019	3	A0520
Request for Submission for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0582
Request for Submission of Ex Parte Motion	May 16, 2018	2	A0416
Request for Submission of Ex Parte Motion to Change Custody	March 25, 2019	3	A0496-A0497
Request for Submission of Second Supplement for Ex Parte Motion to Change Custody	March 29, 2019	3	A0509
Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees	June 13, 2017	2	A0308-A0315
Second Supplement to Ex Parte Motion to Change Custody	March 29, 2019	3	A0504-A0508
Subpoena (Dunkhorst) with Acceptance of Service	April 28, 2017	1	A0093-
Subpoena Duces Tecum	March 29, 2019	3	A0504-A0508
Subpoena Duces Tecum (DCFS) with Acceptance of Service	April 28, 2017	1	A0087-A0092
Subpoena (DCFS)	December 29, 2017	2	A0394-A0396
Subpoena To Appear and Testify (Ochoa)	June 22, 2017	2	A0364-A0368
Subpoena To Appear and Testify (Schmelling)	May 4, 2017	1	A0098-A0102
Subpoena To Appear and Testify (Schmelling)	June 22, 2017	2	A0359-A0363
Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0499-A0503
Supplement to Motion to Modify Custody	May 7, 2019	3	A0521-0534

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Supplement to Pre-Hearing Statement	February 24, 2020	3	A0584-A0744
Supplement to Pre-Hearing Statement (continued)	February 24, 2020	4	A0745 A0780
Withdrawal of Attorney (Dolan Law, LLC)	May 25, 2021	5	A1076-A1077
Withdrawal of Attorney (Manson)	June 23, 2016	1	A0035-0038
Withdrawal of Counsel (Whitehead)	April 11, 2016	1	A0032-A0034

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

ORIGINAL

FILED

2017 MAY 23 PM 12:27

TAMI RAE SPERO
DEPUTY COURT CLERK

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REPLY TO EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby files her reply to her Emergency Noticed Motion to Suspend Visitation and Request for Expedited hearing. This reply is made and based upon all the pleadings and papers on file herein, the following memorandum of points and authorities, and the separately filed supporting declaration of Janea Huber.

//

//

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012. Brynlee and Bryson are twins. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The Decree provides that the parties share joint legal and joint physical custody of the minor children. Mother resides in Boise, Idaho and Father resides in Winnemucca, Nevada.

Mother filed her emergency noticed motion following the May 4, 2017 hearing after the Court advised her that any allegations regarding sexual abuse upon Brynlee by Father were not properly before the Court at that time. As such, Mother filed a motion seeking an order to temporarily suspend Father's visitation based upon the molestation. Mother also filed an ex parte motion after Father refused to return the minor children to Mother following the conclusion of his visitation weekend in violation of the Court's orders on May 4, 2017.

Upon learning of Brynlee's allegations that Father inappropriately touched her, Mother took the child to the emergency room for examination. Based upon this examination, the doctor referred the case to the Ada County Sheriff's office for further investigation as well as CPS. Mother also reported the abuse allegations to the authorities in both Idaho and Nevada. Thereafter, the minor child indicated to CPS workers that Father was the one who molested her. The allegations of sexual molestation are not simply allegations Mother is making up in an attempt to look favorable for the court; rather the

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

child's allegations have been supported by medical examinations, the emergency physician's observations, and Brynlee's representation to CPS. The fact that Father is not taking these allegations seriously is highly concerning as he believes this is a joke. Mother is trying to act in the best interests of Brynlee, and at this point, court intervention is necessary.

Mother requests that Father's visitation be temporarily suspended until the abuse allegation are investigated. Mother is highly concerned about Father's conduct since learning he was the main suspect of the abuse, and Father has taken it upon himself to interrogate the minor child and investigate the allegations himself. Father's Wife Ashlie has also interviewed the child and captured this on video, which Father then sent to the child's maternal grandmother. Clearly Father is interfering with the ongoing investigation and such behavior should be admonished by the Court. That same weekend, Father sought to have the minor child interviewed by a clinical psychologist without Mother's consent. Father's behavior is both harmful to the minor child, and is also interfering with the ongoing investigations, which is likely Father's intent since he is the main subject of that investigation.

Until the allegations of sexual molestation can be investigated, it is appropriate that Father's contact with the minor children, especially Brynlee, be temporarily suspended. Mother is simply tying to act in the best interest of Brynlee and trying to protect her against any harm.

Father's assertions as to Wife's boyfriend being a danger to the children are unfounded, and in accordance with this Court's orders on May 4, 2017, her boyfriend has had no contact with the minor children. Father's unreasonable demands that he must first speak to her boyfriend's probation officer and verify he is no longer in the home are unfounded and this was not an order of the Court. Mother, again, represents that her boyfriend is no longer around the children. Father's averments as to what occurred following the May 4, 2017 hearing are also incorrect as Father was not present when Mother was talking with law enforcement regarding custody of the children. Mother

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

weekend and informed law enforcement she intended to keep the children. After Father argued to law enforcement that it was his weekend, Mother and an officer looked at a calendar and determined it was actually Father's weekend since the parties alternate weekends. Mother wished to retain custody of the children, but was unable to do so since it was Father's weekend. Mother was also emotional following the hearing and did not want the children to see her like that so she allowed Father to take custody of the children 6 hours earlier. Mother did not "choose" her boyfriend over the kids as Father urges the Court to believe. Rather she was following the Court's order as she was ordered to do at the hearing. Ironically, following the same hearing in which the Court admonished the parties to follow it's orders, Father then refused to return the children to Mother's custody in accordance with the Decree, in complete and *intentional* violation of the Court's orders on May 4, 2017, 3 days earlier.

CONCLUSION:

The minor child has indicated to Mother that Father molested her. Upon learning of this information, Mother took the child to the emergency room and the treating physician verified that the child's hymen was partially detached. The treating physician referred his findings to the Sheriff's department and also child protective services. Upon being interviewed by child protective services, Brynlee also indicated it was Father who sexually abused her. In an abundance of caution, it is necessary that Father's visitation be temporarily suspended at this time, pending the completion of the investigations in both Idaho and Nevada. The Court should set an expedited hearing to address these allegations and to hear from law enforcement and CPS regarding these allegations.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 23, 2017, I served a true and correct copy of:

REPLY TO EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

_X___ Personal Delivery

____ Facsimile to the following number: _____

___ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

ORIGINAL

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 MAY 23 PM 12:27

TAMI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby requests that her "Emergency Noticed Motion to Suspend Visitation and Request for Expedited hearing" be submitted to the Court for consideration.

DATED: May 22, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on May 23, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION

by:

____ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

_X___ Personal Delivery

____ Facsimile to the following number: _____

___ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 MAY 23 PM 4:31

JAMI RAE SPERO
DIST. COURT CLERK
E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that the MEMORANDUM OF COSTS AND FEES and ORDER FOR ATTORNEY FEES be submitted to the judge for decision.

DATED this 22nd day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 23 day of May, 2017, I mailed a true and correct copy of the foregoing or attached document in U.S. Mail, in Winnemucca, Nevada, entitled *Request for Submission*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 23 day of May, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

2017 MAY 25 PM 1:23

TAMI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REPLY TO OPPOSITION TO FATHERS MOTION TO STRIKE DEFENDANT'S AFFIDAVIT OF JANEA HUBER IN SUPPORT OF EMERGENCY MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

COMES NOW, Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC. and WENDY MADDOX, ESQ., hereby replies to Mother's *Opposition to Fathers Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*. This Reply is based on the following Points and Authorities.

DATED this 25th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

POINTS AND AUTHORITIES

Plaintiff filed an *Ex Parte Emergency Motion for Temporary Custody* on May 8, 2017. Defendant filed an *Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing* on May 9th, 2017 that did not contain an Affidavit from Defendant. Plaintiff filed on May 11th, 2017 his *Reply to Opposition to Father's May 8, 2017 Ex Parte Motion and Opposition to Mothers Ex Parte Motion for Return of Minor Children and Opposition to Mother's Emergency Motion to Suspend Visitation.* On or about May 15, 2017, Mother's counsel sent Father's counsel an Affidavit entitled *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"* in which the certificate of service is dated May 15, 2017.

Father moves to strike defendant's affidavit on the basis that it is inadmissible evidence that violate the rules of evidence. District Court Rule 13 in not an exception or an exclusion in regards to the admissibility of hearsay evidence. The affidavit does not conform to DCR 13 as it does not contain **factual evidentiary matter and is inadmissible as evidence**. The Hearsay rule is codified in NRS section 51. NRS 51.065 states as a general rule "Hearsay is inadmissible except as provided in this chapter, title 14 of NRS and the Nevada Rules of Civil Procedure."

> **NRS 51.035 "Hearsay" defined.** "Hearsay" means a statement offered in evidence to prove the truth of the matter asserted unless:
> 1. The statement is one made by a witness while testifying at the trial or hearing;
> 2. The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is:
> (a) Inconsistent with the declarant's testimony;
> (b) Consistent with the declarant's testimony and offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive;
> (c) One of identification of a person made soon after perceiving the person; or
> (d) A transcript of testimony given under oath at a trial or hearing or before a grand jury; or
> 3. The statement is offered against a party and is:
> (a) The party's own statement, in either the party's individual or a representative capacity;
> (b) A statement of which the party has manifested adoption or belief in its truth;
> (c) A statement by a person authorized by the party to make a statement concerning the subject;
> (d) A statement by the party's agent or servant concerning a matter within the scope of the party's agency or employment, made before the termination of the relationship; or

(c) A statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

(Added to NRS by 1971, 793)

NRS 51.045 "Statement" defined. "Statement" means:

1. An oral or written assertion; or
2. Nonverbal conduct of a person, if it is intended as an assertion.

The Affidavit does not contain Mothers own assertions. This is illustrated by the mere preposition that Mother asserts that her affidavit will be supported by her own testimony which includes the testimony of other out of state agencies and individuals. Mother's later ability to take the stand and attempt to testify as to alleged statements of others does not change the fact that such statements are inadmissible hearsay.

WHEREFORE, Plaintiff prays for the following judgment:

First. That the Court Strike the allegations made on page 2, lines 11 through and including lines 28 and on page 3, lines 1 through and including lines 8 in her *Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.*

Second. For attorney's fees for having to file this Motion and reply to Mother's opposition.

Third. For such other and further relief as to the Court may seem just and proper in the premises.

DATED this 25th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

AFFIDAVIT

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, being first duly sworn, depose and say:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing *Reply to Opposition to Fathers Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*, and know the contents thereof; that same are true of our own knowledge, except those matters stated on information or belief, and that as to those matters, I believe it to be true.

DATED this 25 day of May, 2017.

WAYLON HUBER

SUBSCRIBED AND SWORN to before me, a Notary Public, this 25 day of May, 2017, by WAYLON HUBER.

NOTARY PUBLIC

JENNIFER ADAIR
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 13-12243-9 - Expires October 31, 2017

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a legal assistant to WENDY N. MADDOX, ESQ. and that on the 25 day of May, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, in Winnemucca, Nevada, entitled *Reply to Opposition to Fathers Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing"*,., to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 25 day of May, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 MAY 25 PM 1:23

TANI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that the *Motion to Strike Defendants Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing* be submitted to the judge for decision.

DATED this 5th day of May, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 25th day of May, 2017, I mailed a true and correct copy of the foregoing or attached document in U.S. Mail, in Winnemucca, Nevada, entitled *Request for Submission*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 25th day of May, 2017.

JENNIFER ADAIR

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 JUN -5 PM 1:18

TAMI RAE SPERO
DIST. COURT CLERK
E Family

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

OPPOSITION TO PLAINTIFF'S MEMORANDUM OF COSTS AND FEES

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby files her opposition to Waylon Huber's ("Father") Memorandum of Costs and Fees. This opposition is made and based upon all the pleadings and papers on file herein and the following memorandum of points and authorities.

DATED: May 31, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. The parties share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012.

The parties appeared before the Court on May 4, 2017 for a hearing on Father's emergency motions. Following the conclusion of the hearing, the Court granted Father permission to file a memorandum detailing fees associated with his counsel's appearance at the May 4, 2017 hearing.

I. The Memorandum of Fees and Costs Fails to Comply with *Wilfong* and *Brunzell*

Father's Memorandum fails to cite to any legal authority including the two paramount cases regarding attorney's fees, *Wilfong* and *Brunzell*. *Miller v. Wilfong*, 121 Nev. 619, 623-624, 119 P.3d 727, 730 (2005), a controlling authority relating to the adjudication of a request for attorney fees in family law cases, states:

> Although we conclude that attorney fee awards...are proper, two requirements must still be met before granting such an award. First, "[i]t is well established in Nevada that attorney's fees are not recoverable unless allowed by express or implied agreement or when authorized by statute or rule." *Schouweiler v. Yancey Co.*, 101 Nev. 827, 830, 712 P.2d 786, 788 (1985). Thus, parties seeking attorney fees must identify the legal basis for the award. (Emphasis added).
>
> Second, while it is within the trial court's discretion to determine the reasonable amount of attorney fees under a statute or rule, in exercising that discretion, the court must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Under *Brunzell*, when courts determine the appropriate fee to award in civil cases, they must consider various factors, including the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained. *Id.* at 349, 455 P.2d at 33. We take this opportunity to clarify our jurisprudence in family law cases to require trial courts to evaluate the Brunzell factors when deciding attorney fee awards. See *Ellett v. Ellett*, 94 Nev. 34, 40, 573 P.2d 1179, 1182-83 (1978). Additionally, in *Wright v. Osburn*, this court stated that family law trial courts must also consider the disparity in income of the parties when awarding fees. 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). Therefore, parties seeking attorney fees in family law cases must support their fee request with affidavits or other evidence that meets the factors in *Brunzell* and *Wright*.

Father filed a Memorandum on May 23, 2017 seeking attorney's fees in the amount

of $1,731 for 9.40 hours of time. The majority of the hearing on May 4, 2017 occurred in chambers, followed by a brief hearing on the record. The hearing started at 10:00 a.m. and ended by 11:30 p.m., making it an hour and a half hearing at most. Counsel seeks to capitalize upon this hearing by billing 9.40 hours of unnecessary work at Mother's expense. The hours billed are unreasonable and unnecessary. For example, on May 4, 2017 there are 3 entries which state the following:

5/4/17	Hearing prep	$180
5/4/17	Attendance at Court	$90
5/4/17	Hearing on emergency motion and preparation for hearing.	$960

These entries are clearly double billed as there are two separate charges for attending the same emergency hearing. There are also entries prior to the hearing and after the hearing which Mother should not be responsible for, including an entry for "Prepared document request for submission" which was the re-submission of the emergency motion which was already addressed by the Court the day before. The hours billed are unreasonable and unnecessary for an hour and a half hearing at which no evidence or testimony was required.

The Memorandum also fails to address or mention any of the *Brunzell* factors including the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained. In a rather lazy fashion, opposing counsel just attached billing statements to the Memorandum with no discussion as to what the charges were, why the charges were incurred on Father's behalf, or why Father is entitled to reimbursement for these expenses. The Memorandum also fails to address the disparity of income between the parties (which is great in this case since Mother is unemployed and Father is employed) in accordance with the requirements in *Brunzell* and *Wright v. Osburn*.

Overall, the Memorandum of fees is inadequate pursuant to the controlling case law detailed in *Brunzell, Wilfong,* and *Wright,* and provides no information as to why the charges were incurred.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

II. Father's Contempt Following the May 4, 2017 Hearing Should be Considered When Awarding Attorney's Fees

The parties appeared for an emergency hearing on May 4, 2017, at which time the Court advised both parties of the consequences of failing to comply with the Court's orders. The Court specifically directed the parties to comply with the last custodial order, which was the Decree of Divorce. Under the Decree, Father was supposed to return the children to Mother's custody on Sunday May 7 but outright refused to do so in complete and total violation of this Court's unambiguous order. Father retained the children until threatened with legal action. In response, Mother filed an emergency motion which is still pending before the Court. Father willfully and intentionally ignored this Court's order entered only 3 days prior. Father's intentional disregard of this Court's Orders should also be considered when determining attorney's fees. Mother requests that the Court hold the issue of attorney's fees in abeyance until her emergency motion is addressed by the Court.

WHEREFORE, Mother requests that the Court enter an order:

1. Denying Father's request for attorney's fees and cost due to his failure to comply with *Wilfong, Brunzell,* and *Wright* and unreasonableness of the billings.

2. That the issue of attorney's fees be held in abeyance pending the Court's determination of Mother's Emergency Motion regarding Father wrongfully withholding the minor children in violation of the Court's orders entered 3 days earlier.

DATED: May 31, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 1, 2017, I served a true and correct copy of:

OPPOSITION TO MEMORANDUM OF COSTS AND FEES

by:

X Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

___ Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

June 1, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Opposition to Plaintiff's Memorandum of Costs and Fees with regard to the above referenced case. Please file both copies and return a file stamped copy to our office. I have included a self addressed, stamped envelope for convenience.

Please don't hesitate to contact me at the number above if you have any questions. I appreciate your attention to this matter.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
JUN 05 2017
HUMBOLDT COUNTY CLERK

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document *does not contain a social security number.*

FILED
2017 JUN 12 PM 12:05
KAMI RAE SPERO
DIST. COURT CLERK

9 3 per ct direction

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

EX PARTE EMERGENCY MOTION TO SUSPEND VISITATION

COMES NOW, defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and moves this Court on *an emergency basis* to temporarily suspend plaintiff, Waylon Huber's ("Father") visitation with the two minor children of the parties based upon allegations of sexual abuse and unexplained bruising on Brynlee, the parties 5 year old child. This motion is made and based upon all the pleadings and papers on file herein, the following memorandum of points and authorities, and the separately filed supporting declaration of Janea Huber.

DATED: June 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARLUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

MEMORANDUM OF POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, twins born May 8, 2012.

This is Mother's third emergency motion filed recently based upon concerns for Brynlee's safety. The first emergency motion addressed allegations of sexual abuse by Father; the second emergency motion concerned Father's refusal to return the minor children to Mother's custody. This present motion concerns the unexplained bruising and marks on Brynlee's genitals first observed on May 29, 2017, after the child returned from having weekend visitation with Father. **The minor child, *for the second time*, has returned to Mother's custody alleging that Father has been molesting her in his basement.** The current allegations are supported by the independent medical examination of Matthew Cox, MD.

Attached as Exhibit 1 is a letter from Matthew Cox, MD, the treating physician at St. Luke's Children's Hospital in Idaho who examined Brynlee on May 31, 2017, following her most recent visitation with Father. Dr. Luke's letter states in relevant part:

> Brynlee was identified to have an unexplained bruise on the outer aspect of the left side of her genitals. This area is uncommonly injured from routine childhood play. The location of the bruise is concerning for an inflicted injury. My concerns are heightened by the statements made by the child during examination including "my daddy" and "in the basement."

Dr. Cox states he is seriously concerned about Brynlee's safety and well being, and has indicated his willingness to relay his findings to the Court. This is the second time the child has returned from Father's custody with signs of molestation. In April, the child informed Mother that her genitals hurt because her father was putting his fingers inside of her vagina. Upon examination by a physician, it was determined that the child's hymen was partially detached. On May 30th, the child returned from Father's house with bruises near her genitals indicating recent molestation. She also had other bruises indicating additional physical abuse as further explained in Dr. Cox's letter.

Father has previously attempted to deflect suspicion from himself regarding the

child abuse allegations by asserting without any proof whatsoever that it is Mother's boyfriend who is molesting Brynlee. However, that is impossible as Mother's boyfriend has had no contact with the children since the emergency hearing on May 4, 2017 in compliance with this Court's Order at that time. The most recent incident occurred during Father's visitation during the weekend of May 26, 2017. The child has stated multiple times to Mother, CPS in Idaho, CPS in Nevada, and her treating physicians that Father is the person who is molesting her.

In addition to the child having unexplained bruising near her genitals, Mother is also concerned because it has been documented that Father was consuming alcohol during Memorial Day weekend beginning, May 26, 2017, when he had custody of the two minor children. Over that weekend, Father's four step-children (Pettis children) reported to their father and their Court appointed counselor, JoAnn Lippert, Ph.D, that Waylon and his wife Ashlie were consuming alcohol all weekend while having custody of the children. A police report dated May 27, 2017 (Exhibit 2) collaborates the step-children' allegations of alcohol consumption based upon personal observations of the reporting police officer. The police were called to the Huber's residence for an incident with Father's step-children on Saturday, May 27th. Specifically, the police report states in relevant part:

> While speaking with [Waylon] Huber, I observed he had red watery eyes, slurred speech, and could smell an odor of intoxicating beverage coming from his person.

Father is subject to a no alcohol provision in the parties' Decree of Divorce. Father had custody of Brynlee and Bryson the night the police appeared at the Huber residence. The police report also indicates Father's wife, Ashlie, was also drinking that night.

Father has refused to provide Mother with his Soberlink test results which he is required to do in accordance with the Decree of Divorce. Father is required to test every day he has custody of the children. Mother is convinced Father is drinking around the children and that the children are in danger.

On May 31, 2017, Father and his wife Ashlie appeared before the Honorable Judge Shirley to address custodial issues regarding Ashlie's children from a different relation-

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

ship (Father's step-children). At that time, Waylon and Ashlie were asked by Judge Shirley to take an ETG 72 hour look back test for alcohol since there is a general no alcohol provision in that case as to both Ashlie and Waylon. Waylon outright refused to submit to an alcohol test despite multiple orders entered by Judge Shirley requiring Waylon to test upon demand. Refusal to submit is generally presumed to be a positive test result.

Ashlie took the alcohol test on May 31, 2017 and it came back positive. Father's refusal to take an alcohol test upon demand of Judge Shirley, along with his failure to send Mother his Soberlink reports, as well as the police report indicating that Father was intoxicated the night of Saturday, May 27, 2017, all argue heavily in support of Mother's assertions that Father is consuming alcohol around the minor children, in direct violation of this Court's Order. The children are at risk with Father when he is drinking and it is appropriate that Father's visitation be suspended until further order of the Court.

CONCLUSION:

Mother has valid, substantiated concerns about the minor children's safety while in Father's custody. Mother is frantic to protect her children and is frustrated that the Court has not addressed her prior emergency motions. It is appropriate that Father's visitation with the minor children be immediately suspended pending further order of the Court. The doctor who examined the child indicates the bruising he discovered was not consistent with ordinary childhood bruises and stated he has significant concerns about the children's well being when in Father's custody. It is this Court's duty to protect children; while the Court has the discretion to grant or deny Mother's motion, to simply ignore Mother's emergency motions asserting abuse of her child is a failure of the judicial system. It is appropriate that this Court err on the side of caution by intervening and protecting these children until the allegations of molestation can be fully investigated by competent professionals. The children are also in danger in Father's custody due to his alcohol consumption in violation of the provisions of the Decree.

In the related custody case before Judge Shirley involving both Waylon Huber and

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Ashlie Huber. Judge Shirley entered an order entered on May 2, 2017, appointing JoAnn Lippert, Ph.D to interview the Pettis children and their parents and make a recommendation as to the best interests of the children. Thereafter, the Court indicated it would adopt Dr. Lippert's findings.

Dr. Lippert already has familiarity with Waylon and Ashlie Huber based upon her appointment in the related case concerning Ashlie's children. It would take minimal additional effort and expense to have her perform a similar function in this case. There would certainly be greater efficiency and Dr. Lippert would be forming opinions based upon more data. Mother requests that the Court appoint Dr. Lippert to complete an evaluation of the children and parties, and report her findings back to the Court. Mother also requests that an expedited hearing be set on her motions so that this matter can be adjudicated.

Wherefore, Mother requests that the Court enter an order:

1. Temporarily suspending Father's visitation pending further order of the Court;

2. Appointing Dr. JoAnn Lippert, Ph.D to conduct an evaluation, and to make recommendations with regard to the best interests of the children; and,

3. That an expedited hearing be set in this matter to address the allegations of sexual abuse upon the parties' 5 year old child.

DATED: June 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 8, 2017, I served a true and correct copy of:

EMERGENCY NOTICED MOTION TO SUSPEND VISITATION AND REQUEST FOR EXPEDITED HEARING

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

__X__ Electronic mail addressed to: wendynmaddox@millerlawinc.us

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Bryttanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT 1

EXHIBIT 1

St Luke's Hospital

To Whom It May Concern,

Brynlee Huber is a 5 year old girl evaluated at the CARES Clinic on Wednesday, May 31st due to concerns of physical abuse. At the time of examination, Brynlee was identified to have multiple areas of bruising without a clear explanation for the injuries. Specifically, Brynlee has an unexplained bruise on the outer aspect of the left side of her genitals. This area is uncommonly injured from routine childhood play. The location of the bruise is concerning for an inflicted injury. My concerns were heightened by the statements made by the child during examination including 'my daddy' and 'in the basement'. I did not clarify this history further as I feel it important to minimize the number of people questioning the child and as a mandated reported the information she stated coupled with the injury was sufficient to make a report of suspected abuse. The remaining bruises are not specific for abuse but the bruising on the forearm, the back and the lower abdominal wall all represent traumatic injuries. The location are atypical for accidental trauma. At this time my biggest concern would be for physical abuse/inflicted skin injuries.

I am also significantly concerned about the well-being of the children discord between the parents and the dysfunction in their shared custody arrangements. Exposure of children to this level of dysfunction is detrimental mental and emotional well-being.

Matthew Cox, MD

Medical Director, CARES Program

St. Luke's Children's Hospital

EXHIBIT 2

EXHIBIT 2

INFORMATION REPORT

Case 17-0499

OFFENSES

Offenses	Description	Fel/Misd	Date Occurred	Time Occurred	Incident #
Information Only	Information Report		05/27/2017	1933	1705270133

Date Reported	Time Reported
05/27/2017	1933

Related Cases

Date Printed	Time Printed	Printed By
05/30/2017	09:13:28	D5050

Latitude	Longitude
0.000000	0.000000

Location	Beat	Area	Disposition	Dispo Date
4151 Two Rock Dr, Winnemucca, NV 89445			Information Only	

Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)
House					

Reporting Party	Drivers License	Cell Phone	Email
Huber, Waylon Jay	3600403054 NV		

Residence Address	Notified of Victim Rights	Residence Phone	DOB	Age	Sex	Race
4151 Two Rock Dr, Winnemucca, NV 89445		775-625-3083	04/09/1983	34	M	W

Business Name and Address	Business Phone	Height	Wt	Hair	Eyes
Uprr, 1 Gould, Wmca, NV 89445-	775-623-6123	6'1"	220	BRO	HAZ

Assistance Rendered/Victim Disposition	Transporting Agency	Means of Attack (Assaults)

Description of Injuries	Other Information

Mentioned - Other	Drivers License	Cell Phone	Email
Huber, Ashlie	1204822561 NV		

Residence Address	Residence Phone	DOB	Age	Sex	Race
4151 Two Rock Dr, Winnemucca, NV 89445	775-621-6432	01/05/1985	32	F	W

Business Name and Address	Business Phone	Height	Wt	Hair	Eyes
		5'4"	130	BLN	BLU

Suspect Name	Action Taken	Charges

Residence Address	Residence Phone	DOB	Age	Sex	Race

Business Name and Address	Business Phone	Height	Wt	Hair	Eyes

Identifying Features	Cell Phone	Drivers License	Arrest Number

Aliases

Val Damaged

VEHICLES

Status	Vehicle Make and Model	License/State	Vehicle Type

NEITHER THIS REPORT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH IT IS LOANED.
PROPERTY OF THE WINNEMUCCA POLICE DEPARTMENT

OFFICIAL USE ONLY
WINNEMUCCA POLICE DEPT.

OFFICERS

Prepared By	Date	Assisted By	Approved By	Date
S5052 - Ochoa, Salvador	05/27/2017		J5005 - Lynn, Jeff	05/28/2017

Routed To	Date	Routed To	Date	Notes

On 5/27/2017 at approximately 1933 hours, I was dispatched to 4151 Two Rock Dr. located in Winnemucca, NV, in reference to a juvenile incident.

Upon arrival I made contact with Waylon Huber. Huber explained that Abbie Pettis (his step-daughter) did not want to be home and wanted to run away. Huber explained that he did not want to have Pettis arrested for incorrigible. Huber just wanted an Officer to talk to her. While speaking with Huber, I observed he had red watery eyes, slurred speech, and could smell an odor of intoxicating beverage coming from his person.

I spoke with Pettis, she was upset. I asked Pettis to explain to me what occurred. At first Pettis could not tell me what was wrong. I explained to Pettis I was trying to help her and it would help if she explained to me what was going on. Pettis explained that her mother was yelling at her and that she did not "feel safe there". Pettis further explained that Huber hugs her and that she does not like that.

I then spoke with Ashlie Huber. While speaking with Ashlie I could smell an odor of intoxicating beverage coming from her person. Ashlie had red watery eyes and slurred speech. Ashley explained that the argument was over not letting Pettis go to Runamucca. Ashley then got up and spoke with Pettis. Ashley told Pettis that she wanted her to stay home. After a few minutes of Ashley and Pettis talking Ashley walked away. Pettis told me that she did not want to stay there. I asked Pettis that if I got Ashley and Huber to leave her alone for the rest of the night she would go back inside. Both Ashley and Huber agreed to leave Pettis alone until things settled over.

This report is for information purposes only.

NEITHER THIS REPORT NOR ITS CONTENTS
MAY BE DISSEMINATED OUTSIDE THE AGENCY
TO WHICH IT IS LOANED.
PROPERTY OF THE
WINNEMUCCA POLICE DEPARTMENT

OFFICIAL USE ONLY
WINNEMUCCA POLICE DEPT.

Prepared By:		Date:	Approved By:		Date:
S5052	OCHOA, SALVADOR	05/28/2017	J5005	LYNN, JEFF	05/28/2017

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

June 8, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Ex Parte Emergency Motion to Suspend Visitation, with regard to the above referenced case. Kyle Swanson filed an emailed copy already. Please file both copies and return a file stamped copy to our office. I have included a self addressed, stamped envelope for convenience.

Please don't hesitate to contact me at the number above if you have any questions. I appreciate your attention to this matter.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
JUN 12 2017
HUMBOLDT COUNTY CLERK

FILED
2017 JUN -9 PM 2:26
JANI RAE SPERO
DIST. COURT CLERK

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

v.

JANEA HUBER,

Defendant.

ORDER SUSPENDING VISITATION

CARLUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

This matter came before the Court on defendant, Janea Huber's ("Mother"), "Ex Parte Emergency Motion to Suspend Visitation." The parties have twins: Brynlee J. Huber and Bryson W. Huber, born May 8, 2012. Mother's motion raises two issues of concern to the Court:

1. Alleged child abuse of the daughter, Brynlee, while in Father, Waylon Huber's custody, which is supported by a letter from Matthew Cox, MD, Medical Director, CARES Program, St Luke's Children's Hospital, Boise, Idaho; and

2. Intoxication of plaintiff, Waylon Huber ("Father"), and his current Wife, Ashlie Huber, during the recent Memorial Day weekend, when Father had custody of both of the twins which are the subject of this case, and also custody of four minor children ("Pettis children") belonging to Ashlie Huber and Forrest Pettis. This claim is supported by a report from Salvador, Ochoa, a sworn officer with the

Winnemucca Police Department, dated May 27, 2017.

It is the function of this Court to protect the welfare and safety of minor children and this Court chooses to err on the side of caution when such serious allegations are made. The Court being fully informed in the premises and good cause appearing,

IT IS HEREBY ORDERED that Waylon Huber's contact with the two minor children the subject of this action is suspended pending further order of this Court.

IT IS FURTHER ORDERED THAT the Division of Child Protective Services investigate the claims set forth in Mother's motion and report their findings to the Court, and counsel for the parties, at the earliest possible time, but prior to the date set for a hearing on this motion.

IT IS FURTHER ORDERED that a hearing on this matter is set for the 22nd day of June, 2017 at the hour of 9:00 am.

IT IS SO ORDERED.

DATED this 9th day of June, 2017

DISTRICT JUDGE

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED
2017 JUN 9 PM 12: 05
TAMI RAE SPERO
DIST. COURT CLERK

3 per ct direction

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby requests that her "Ex Parte Emergency Motion to Suspend Visitation" be submitted to the Court for consideration.

DATED: June 8, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 8, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION

by:

_X_ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

___ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

___ E-Flex filing system

_X_ Electronic mail addressed to: wendynmaddox@millerlawinc.us

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Brittanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 JUN 13 PM 12:07

APRIL RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

AFFIDAVIT OF JANEA HUBER IN SUPPORT OF EX PARTE EMERGENCY MOTION TO SUSPEND VISITATION

STATE OF ~~IDAHO~~ NEVADA)
) ss.
COUNTY OF Washoe)

I, JANAE HUBER, being first duly sworn deposes and says:

1. That this Affidavit is based upon my personal knowledge and is made under the penalties of perjury.

2. Affiant is a party in the above captioned action.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

3. This affidavit is filed in support of Affiant's Ex Parte Emergency Motion to Suspend Visitation.

4. Affiant avers upon information and belief, that all the factual allegations contained in this Motion are true and correct.

5. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

DATED: June 12th, 2017.

JANEA HUBER

SUBSCRIBED and SWORN to before me on June 12th, 2017 by Janea Huber.

Notary Public in and for said County and State

KELLY VANDEBURGT
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-1055-2 - Expires December 14, 2019

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June _____, 2017, I served a true and correct copy of:

AFFIDAVIT OF JANEA HUBER IN SUPPORT OF EX PARTE EMERGENCY MOTION TO SUSPEND VISITATION

by:

___ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

___ Personal Delivery

___ Facsimile to the following number: _____

___ Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

___ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Brittanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

June 12, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Affidavit of Janea Huber in Support of her Ex Parte Emergency Motion to Suspend Visitation, with regard to the above referenced case. Please file both copies and return a file stamped copy to our office. I have included a self addressed, stamped envelope for convenience.

Please don't hesitate to contact me at the number above if you have any questions. I appreciate your attention to this matter.

Sincerely,

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
JUN 13 2017
HUMBOLDT COUNTY CLERK

Case No. CV 20, 464

Dept No. 2

This document **DOES** contain Social Security Numbers

FILED

2017 JUN 13 PM 2:18

E Formly

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

OPPOSITION TO MOTHER'S EX PARTE EMERGENCY MOTION TO SUSPEND VISITATION

COMES NOW, Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC. and WENDY MADDOX, ESQ., hereby opposes Mother's *Ex Parte Emergency Motion to Suspend Visitation*. This opposition is based on the following Points and Authorities.

DATED this 13th day of June 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

POINTS AND AUTHORITIES

The parties were married on December 30, 2010, and share two minor children; Brynlee and Bryson Huber, born May 8, 2012.

Divorce Decree

The parties Findings of Fact, Conclusions of Law and Decree of Divorce was entered April 1, 2016. Incorporated into the decree was the parties Marital Settlement Agreement (hereinafter, MSA) in which the parties agreed to share joint legal and joint physical custody of their minor child and in relevant part states:

> i) Two (2) weekend per month fromn Thursday at 6:00 p.m. until Sunday at 6:00 p.m.:
> ii) Two (2) weeks during the summer; and,
> iii) The parties shall alternate holidays as follows: (see msa for specifics on holidays)
> The parties shall meet half way between Winnemucca and Boise for visitation exchange at Burns Junction.
> The above provision for custody and visitation is intended to be a temporary period of two (2) years at which time the parties shall be awarded joint legal custody and joint physical custody
> Accordingly, Husband hereby grants to Wife permission to temporarily relocate with the parties' minor children, to Boise, Idaho, for the purpose of completing her schooling for a maximum period of two years.
> Husband shall be required to maintain complete sobriety when the parties' minor children are in his custody. To ensure husbands sobriety for the first eighteen (18) months of visitation, Husband shall be required to use the Smart Start Alcohol monitoring program, at the parties' equal expense, while the children are in his custody. He is required to test by blowing into the system each and every evening that the children are with him at 7:00 p.m. In the event of a malfunction, Husband shall continue to try each and every hour, after 7:00 p.m. until the test is complete or for a period of three (3) hours. In the event the test cannot be completed, he must telephone Wife so that she can attempt to evaluate his sobriety.
> In the event Husband does maintain his sobriety, when wife returns to Winnemucca, Nevada, the parties shall be awarded joint physical custody of their minor children, which shall be exercised on a 2/2/3/ basis as follows....

On April 14, 2017, the court granted immediate joint legal custody and sole temporary custody of the Minor children to Father and set the matter for an expedited hearing for May 4, 2017.

May 4, 2017 emergency hearing

The issue before the Court at the emergency hearing held on May 4, 2017, was the Courts Order entered on April 14, 2017, granting immediate custody of children to Father based on Fathers

emergency application that he believed the minor children were in immediate and imminent danger with their mother, who had an ex-felon (Justin Caulkins) living in the home with Mother and minor children. The court requested assurances from Mother that Justin Caulkins would not be living in the home with the children and Mother pending completion of ongoing investigations. Mother through her counsel represented to the Court that Mother would be willing on a temporary basis to stay with family, possibly her Mother in Idaho and that Mother would agree that Justin Caulkins would have no contact with the minor children. On May 4, 2017 the court vacated the April 14 order granting Father sole physical custody and entered an order that there be no contact between children and Mother's boyfriend, Justin Caulkins, until further order of the court.

Procedural history of filings since May 4, 2017, hearing

Since the May 4, 2017, hearing the following motions have been filed with the court

1. May 8, 2017, Father filed Request for submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce Change of Custody (in Re: Contempt).
2. May 8, 2017, Father filed Exparte Emergency Motion for Temporary Custody.
3. May 8, 2017, Father filed Request for Submission of Exparte Emergency Motion for Temporary Custody
4. May 9, 2017, Mother filed Ex Parte Motion for Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion

1. May 9, 2017, Mother filed Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing.
2. May 9, 2017, Mother filed Ex Parte Motion for Order Shortening Time to "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing".
3. May 9, 2017, Mother filed Request for Submission of Ex Parte Motion for Order Shortening Time to "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing".

4. May 11, 2017, Father filed a Delivery of Affidavit in Support of Motion filed May 8, 2017.
5. May 11, 2017, Father filed Reply To Opposition to Mother's Exparte Motion and Opposition to Mothers Exparte Motion for Return of Minor Children; and Opposition to Mother's Emergency Motion to Suspend Visitation.
6. May 15, 2017, certificate of service on Mothers Affidavit of Janea Huber in support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.
7. May 16, 2017, Father filed Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.
8. May 23, 2017, Father filed Memorandum of Costs and Fees.
9. May 23, Father filed a Request for Submission of Memorandum of Costs and Fees
10. May 23, 2017, Mother filed a Motion to Strike Fathers May 5, 2017 Request for Submission.
11. May 23, 2017, Mother filed Opposition to Fathers Motion to Strike Defendants Affidavit of Janea Huber in Support of "Emergency Motion to Suspend Visitation and Request for Expedited Hearing.
12. May 23, 2017, Mother filed Reply to Emergency Noticed Motion to Suspend Visitation.
13. June 1, 2017, certificate of service on Mother Opposition of Plaintiffs Memorandum of Costs and Fees.
14. June 8, 2017, certificate of service on Mothers Ex Parte Emergency Motion to Suspend Visitation.
15. June 8, 2017, certificate of service on Request for Submission on Mothers Ex Parte Emergency Motion to Suspend Visitation.

Mother raises several points in her most recent attempt to suspend Father's visitation. Specifically, in Mother's motion she states, "The minor child, for the second time, has returned to Mothers Custody alleging that Father has been molesting her in the basement. The current allegations are supported by the independent medical examination of Matthew Cox, MD." Matthew Cox is not Brynlee's treating physician. He is not "treating" her, he evaluated her most recently at the CARES clinic on Wednesday May 31, 2017. Matthew Cox is currently the medical director of the CARES program of St. Luke's Children's Hospital in Boise, Idaho. Formerly, Matthew Cox was head of departments at children's Hospitals in Dallas Texas dealing with child abuse cases. Dr. Matthew Cox is qualified as an expert witness in the State of Texas. This is important because the circumstances surrounding what is happening or has been happening to Brynlee Huber is getting lost in a family law custody battle.

Dr. Cox's June 7, 2017 letter does not say molestation or sexual abuse, but indicates he evaluated Brynlee on May 31,2017 due to concerns of physical abuse;

"Multiple areas of bruising without clear explanation for the injuries... an unexplained bruise on the left side of her genitals... uncommonly injured in routine child play...location is concerning for inflicted injury...locations of bruises atypical for accidental trauma."

"At this time my biggest concern is for physical abuse/inflicted skin injuries".

"I am also significantly concerned about the well-being of the children given severe discord between the parents and the dysfunction in their shared custody arrangements. Exposure of these children to this level of dysfunction is detrimental to their physical, mental and emotional wellbeing."

There are no signs of molestation as Mother indicates, but signs of inflicted non-accidental child abuse. Mother took the child to the CARES clinic, two days after the children arrived home from their Father, why did she wait two days to go to the clinic? Did this injury occur in Mother's home, where her boyfriend, Justin Caulkins, is still living? Did Mother cause these injuries to gain leverage in her custody case?

Mother lives in Boise and purportedly has taken these children to the clinic on three separate occasions. It is rare that a five-year-old child would have three examinations regarding child abuse and be only five years old. Mother has accused Father, Brynlee's teacher Haylie and Brynlee's uncle publicly of sexual abuse, and now she is accusing Father of physical abuse. The constant in

all these allegations is Mother having custody of her children. She does not protect her children, she has not removed Justin Caulkins from the equation as she has lead the court to believe.

Dr. Cox also made a report to CPS he states in his letter he is a mandated reporter. He did not state who caused these injuries, when these injuries were caused, nor did he interview the child as he knows the importance in minimizing the number of people who question a child. Dr. Cox is a medical expert used in prosecuting child abuse cases. He is only getting information regarding this situation and the custody case from Mother and he notes the dysfunction. Let Dr. Cox do his job, as well as CPS and Law enforcement and take to heart his concern that "exposure of children to this level of dysfunction is detrimental to their physical, mental and emotional wellbeing"

Father's Counsel believes Dr. Cox would be willing to testify either in person or by phone to articulate his concerns to the court if the court is so inclined. Father's counsel would request that this be in chambers and or sealed so as to not compromise a criminal investigation.

There is no information before the court that the twins (Brynlee and Bryson) are in danger in Father's presence due to alcohol. The police and CPS have gone to Father's residence on numerous occasions since the May 4, 2017, hearing and have not indicated that the children are in danger due to Father using alcohol. Father is being constantly harassed by Mother for officers to do well checks on the children, which law enforcement has repeatedly done.

CPS supervisor and law enforcement in Winnemucca have been given a copy of Dr. Cox's letter and are investigating this matter in conjunction with the agencies and law enforcement in Boise, Idaho. The paramount concern is the safety and wellbeing of the children.

Father and Dr. Lippert would object to Dr. Lippert being appointed to evaluate the Huber children and parents in this case as she is an evaluator involving the Pettis children (case in front of Judge Shirley). Dr. Lippert believes that evaluating the children and their parents in this case would possibly create a conflict of interest and to avoid any appearance of impropriety she would request that she not be appointed.

Furthermore, this court should continue to be concerned about Mother's boyfriend, CPS and Law enforcement are and they will investigate this and previous matters to the fullest to determine who, when, and where Brynlee has been abused.

Mother has lied to the court and has not moved out of her home with the children. Mother's boyfriend has also not moved out of Mother's home where the children reside and Brynlee is continuing to be hurt due to Mother's violation of this Court's orders at the May 4, 2017, hearing. While the children were in Mother's care, a surveillance investigation was performed from May 20, 2017, through May 22, 2017, by Grate Detections, Dustin E. Grate, Private Investigator. Said investigation concluded that Mother was still at the residence on Pearl Jensen and Justin Caulkins is still at the residence on Peral Jensen. See attached report, under CONFIDENTIAL SEAL, of Investigator Dustin Grate regarding surveillance at Mother and Children's residence on May 20, 2017 through May 22, 2017, Exhibit 1. For the parties' exchange on May 29, 2017, Mother was driving Justin Caulkins car, Exhibit 2. This seems especially odd, since Justin Caulkins is to have no contact with the minor children. Justin Caulkins is still living with and has access to the minor children.

CONCLUSION

Mother has no valid substantiated concerns, only additional allegations and that a medical expert that she has spoken to regarding the ongoing custody case is seriously concerned about the wellbeing of these children. The present allegation is not about sexual abuse but about physical abuse. Dr. Cox did not indicate in his letter that he is concerned about the wellbeing of the children when in Father's custody, but the court can read his letter as attached to Mother's motion. A request for Dr. Cox's availability to testify in this matter has been requested of Dr. Cox through his court scheduler, Molly in his Boise office. Counsel will supply this to the court when it is made available. Mother is frantic but not about her children. She is frantic about keeping Justin Caulkins in her life and gaining a leverage in the custody case even if it means not protecting her children and/or harming her children herself. CPS has a duty to protect children that are in immediate and inminent danger and at this point CPS has not taken protective custody of the children in either Mother's house in Idaho nor Father's in Nevada. Mother has not produced any substantiated reliable evidence that there is danger in Father's home. Mother has produced evidence that she failed to take the children to the CARES center for two days after they were returned to her custody when she picked them up in Justin Caulkins care. This is highly suspicious of Mother. The court has discretion to

grant either Mother or Father's motion and is well versed in litigation tactics in custody battles. The children are in danger in Mother's custody as she continues to take the children to CARES to document abuse while in Mother's care. The children should be placed in Father's sole care away from Mother and her boyfriend.

WHEREFORE, Father requests that this court:

First. Temporarily place the children in a home outside of Mother's home;

Second. For an appropriate order regarding Mother's failure to follow this Court's order regarding no contact between minor children and Justin Caulkins.

Third. For attorney fees for having to file this opposition.

Fourth. For such other and further relief as to the Court may seem just and proper in the premises.

DATED this 13th day of June, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

AFFIDAVIT

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, being first duly sworn, depose and say:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing *Opposition to Ex Parte Emergency Motion to Suspend Visitation* and know the contents thereof; that same are true of our own knowledge, except those matters stated on information or belief, and that as to those matters, I believe it to be true.

DATED this ____ day of June, 2017.

WAYLON HUBER

SUBSCRIBED AND SWORN to before me, a Notary Public, this ____ day of June, 2017, by WAYLON HUBER.

NOTARY PUBLIC

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a legal assistant to WENDY N. MADDOX, ESQ. and that on the 13 day of June, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, in Winnemucca, Nevada, entitled *Opposition to Ex Parte Emergency Motion to Suspend Visitation,.*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 13 day of June, 2017.

JENNIFER ADAIR

Exhibit 1

Exhibit 1

Exhibit 2

Exhibit 2

A0302

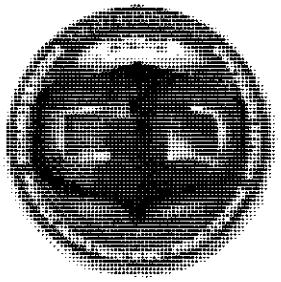
A0303

Verizon
9:41 AM
18%
Camera
Monday
5:45 PM
All Photos

Wendy Maddox

From: Dustin Grate <dgrate@spencerpinv.com>
Sent: Tuesday, June 06, 2017 1:24 PM
To: Wendy Maddox
Subject: RE: Pics of Janae driving Justin's car

That would be the one!



Dustin E. Grate - <(((><
dustin@gratedetections.com
www.gratedetections.com
Owner - "Grate" Detections LLC
(775) 691-6527 ~ Cell
1 (775) 201-0253 ~ Fax
NV P.I. Lic # 1782
CA P.I. Lic # 188095
1325 Airmotive Way
Suite 209
Reno, Nevada 89502

From: Wendy Maddox [mailto:wendynmaddox@millerlawinc.us]
Sent: Tuesday, June 06, 2017 12:59 PM
To: Dustin Grate (dgrate@spencerpinv.com) <dgrate@spencerpinv.com>
Subject: FW: Pics of Janae driving Justin's car

Is this the same car that you observed Justin driving in Boise? Is it registered to him.

Thanks,
Wendy

From: Jennifer Adair
Sent: Thursday, June 01, 2017 10:19 AM
To: Wendy Maddox
Subject: FW: Pics of Janae driving Justin's car

Jennifer Adair, Paralegal

Miller Law, Inc.
115 W. 5th Street, box 7
Winnemucca, NV 89445
775-623-5000
jenniferadair@millerlawinc.us

NOTE: This e-mail transmission, including any attachments, is intended only for the named recipient(s) and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this transmission in error, or are not the named recipient(s), please notify the sender immediately by return e-mail and permanently delete this transmission, including any attachments.

From: Ashlie Huber [mailto:ashliehuber85@gmail.com]
Sent: Thursday, June 1, 2017 10:02 AM
To: Jennifer Adair <jenniferadair@millerlawinc.us>
Subject: Re: Pics of Janae driving Justin's car

Yes, last Monday
On Thu, Jun 1, 2017 at 10:01 AM Jennifer Adair <jenniferadair@millerlawinc.us> wrote:

This was at the last exchange?

Jennifer Adair, Paralegal

Miller Law, Inc.

115 W. 5th Street, box 7

Winnemucca, NV 89445

775-623-5000

jenniferadair@millerlawinc.us

NOTE: This e-mail transmission, including any attachments, is intended only for the named recipient(s) and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this transmission in error, or are not the named recipient(s), please notify the sender immediately by return e-mail and permanently delete this transmission, including any attachments.

From: Ashlie Huber [mailto:ashliehuber85@gmail.com]
Sent: Thursday, June 1, 2017 9:51 AM
To: Jennifer Adair <jenniferadair@millerlawinc.us>
Subject: Pics of Janae driving Justin's car

Here's some pics with janae at the exchange driving Justin's vehicle. I thought that may be something to add.

Thanks,

Ashlie

Case No. CV 20, 464

Dept No. 2

This document contains no Social Security Numbers

FILED

2017 JUN 13 PM 2:17

TAMI RAE SPERO
DIST COURT CLERK
E Family

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MEMORANDUM OF COSTS AND FEES

COMES NOW Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC., and WENDY N. MADDOX, ESQ., and hereby responds to Defendant's, JANEA HUBER, *Opposition to Plaintiff's Memorandum of Costs and Fees*. This Response is based on the following Points and Authorities.

DATED this 11th day of June, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14801
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775- 623-5000

POINTS AND AUTHORITIES

Defendant's Opposition is an inappropriate pleading at best as Plaintiff did not file any "Motion for Attorney Fees". Defendant was Ordered by the Court to pay Plaintiff's attorney fees for the hearing held on May 4, 2017, for Defendant's failure to comply with two (2) court orders. This was not a suggestion by the Court. It was Ordered. The Court Ordered that Plaintiff would submit a *Memorandum of Costs and Fees* to the Court. Plaintiff did submit the required *Memorandum* on May 23, 2017. Defendant willfully withheld the minor children from Plaintiff and attempted to circumvent Plaintiff's parental rights by concealing the whereabouts of his children in Idaho. At the time of the hearing on May 4, 2017, Defendant had violated two court orders.

The hearing held on May 4, 2017, was to address Defendant's blatant disregard for this Courts Orders and to locate the whereabouts of Plaintiff's children that he had not seen for 2 months due to Defendant concealing the children's whereabouts. The costs and fees entered on Plaintiff's Memorandum are reasonable considering the nature of the case, the willful disobedience of Defendant, and the seriousness of the allegations made by Defendant.

Plaintiff's attorney did not double bill, as indicated in Defendant's pleading. Though it is an interesting concept that Roderick Carucci has filed a pleading stating that Fathers counsel did not expend the amount of time that Fathers counsel has indicated she did, as he was not even present on May 4th, 2017. Kelly VandeBurg, Esq. was present and represented Mother the day of the hearing and was present with Mother at 7:00 a.m. at the CPS offices on May 4, 2017, Fathers counsel was also present at CPS that day as Mother would not even comply with the court order once she was in Nevada. Officers were also present at CPS to enforce the court order and Mother refused to give the children to Father.

Furthermore, Plaintiff's attorney was present after the hearing at the court house, as can be verified by police officers present and court staff leaving for their normal scheduled lunch hour, as Mothers was being difficult with again complying with the orders of the court. Fathers counsel was waiting for officers to make a decision regarding the courts orders and Mother was unwilling to give them an answer as to where the children were and which parent to release them to. Once the children were located by officers at McDonalds with Justin Caulkins, who had a recently ordered

no contact order, the children and Father waited as well for a decision as to who Officers were to release the children to. Fathers Counsel was cooperative with Officers and told officers that he would take the current weekend or the next weekend. Officers waited at the Court house awaiting a decision from Mother as to which weekend. Fathers counsel was present in the event Mother would not give officers a decision and Counsel for the parties needed to speak with the Judge. It was not until the afternoon, when Mother finally gave answers to officers and the involvement of the Judge was not needed. Thus reflecting the time billed by the attorney for time after the hearing at the court house.

The costs to plaintiff did not include Motion filling for said emergency hearing as Father had attempted to represent himself so as to not occur attorney fees and costs. Additionally, Mother was not charged for drafting the memorandum of costs, which also took attorney and paralegal time. When Mother refused to abide by the court orders and Father needed to make sure his children were protected and his rights, he hired an attorney. In preparation for said hearing, information and evidence was gathered for the hearing, interviews/ meetings conducted, subpoenas issued, list of witnesses for said hearing filed and properly noticed. If Defendant, or her attorney, were to carefully review the billing that was attached to the Memorandum, they would see that the $90.00 for billing under JDA is paralegal fees and this was also represented in the Memorandum. Not only did Attorney Maddox, (WNM) prepare for and attend court, the paralegal prepared, researched, gathered and retrieved pertinent information and evidence in regards to Defendant's violent felon boyfriend, Justin Caulkins, criminal history. Said paralegals attendance at court was not only to assist Attorney Maddox in this case but to verify the documents that were intended to be provided to the court and introduced into evidence, which is a standard process for cases such as these.

Contrary to what Defendant may believe, Plaintiff has complied with this Court's Orders. The Court strongly urged Defendant to allow Plaintiff makeup time. Defendant refused to even discuss this with Plaintiff. The parties have joint legal and joint physical custody and mother refused to allow makeup visitation that the court made mother previously aware "would be an easy motion to grant" and advised Mothers counsel to discuss allowing Plaintiff makeup visitation.

At the emergency hearing held on May 4, 2017, the Court requested assistance from the parties, specifically Mother/ Defendant in removing her ex- felon boyfriend from the equation. After a brief recess, Defendant relayed to the Court that she and the minor children would be residing with family, likely her mother due to the Court ordering that Defendant's violent felon boyfriend, Justin Caulkins, was not to be around the children and the children were not to be residing with nor have any contact with Justin Caulkins. Plaintiff merely complied with this Courts Order and gave Defendant the time to arrange such accommodations so to ensure the safety of their minor children. Defendant informed Plaintiff and would not give him the assurances that she misrepresented to the court. The parties did exchange the minor children at the next reasonable date and time on that following weekend (after Father had some of his makeup visitation) and have continued to exchange the children pursuant to the order of the Court. Plaintiff did not conceal the children and did not withhold the children.

Legal Authority

Pursuant to NRS 18.110 Verified memorandum of costs: Filing and service; witness' and clerk's fee; retaxing and settling costs.

> 1. The party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and serve a copy upon the adverse party, within 5 days after the entry of judgment, or such further time as the court or judge may grant, a memorandum of the items of the costs in the action or proceeding, which memorandum must be verified by the oath of the party, or the party's attorney or agent, or by the clerk of the party's attorney, stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or proceeding.
>
> 2. The party in whose favor judgment is rendered shall be entitled to recover the witness fees, although at the time the party may not actually have paid them. Issuance or service of subpoena shall not be necessary to entitle a prevailing party to tax, as costs, witness fees and mileage, provided that such witnesses be sworn and testify in the cause.
>
> 3. It shall not be necessary to embody in the memorandum the fees of the clerk, but the clerk shall add the same according to the fees of the clerk fixed by statute.
>
> 4. Within 3 days after service of a copy of the memorandum, the **adverse party may move the court**, upon 2 days' notice, **to retax and settle the costs**, notice of which motion shall be filed and served on the prevailing party claiming costs. Upon the hearing of the motion the court or judge shall settle the costs.

If Plaintiff were submitting a "motion for attorney fees" then case law would have been appropriately cited. Plaintiff was awarded attorney fees due to Defendant's complete disregard for this Courts Orders. Nowhere does it state that Plaintiff was required to cite case law in the Memorandum. The law only requires that Plaintiff, or his attorney, submit the Memorandum with the costs and fees and that the memorandum be signed by the Plaintiff, or his attorney, under oath, to which both were completed.

If Defendant had an objection to the amount of costs and fees submitted by the prevailing party, Defendant should have submitted a Motion to retax and settle the costs. Defendant had until June 1, 2017, to submit said Motion, but Defendant did not submit any Motion and still has not. The time for Defendant to submit a Motion to retax and settle costs has now expired. Instead, Mother's Counsel attempts to circumvent the rules by filing an opposition that has a different time frame for Fathers Counsel to respond.

From re-reviewing the memorandum of costs filed May 23, 2017, Plaintiff's Counsel is aware of a $24.00 charge that should have been billed to a different matter involving Father's, current Wife's son, and has removed said billing from this matter.

WHEREFORE, Plaintiff, WAYLON HUBER, prays for the following relief:

First. That Defendant's *Opposition to Plaintiff's Memorandum of Costs and Fees* be denied in its entirety.

Second. That Plaintiff be awarded the reasonable attorney fees in the amount of $1,707.00. ($1,731.00 minus $24.00);

Third. For additional attorney fees of no less than $300.00 for having to respond to Defendant's inappropriate filing.

///

///

///

///

///

///

Fourth. For such other and further relief as to the Court may appear just and proper.

DATED this 11th day of June, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775- 623-5000

AFFIDAVIT IN SUPPORT OF REPLY AND OPPOSITIONS

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

I, WAYLON HUBER, being first duly sworn, depose and say:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing *Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees*, and know the contents thereof; that same are true of my own knowledge, except those matters stated on information or belief, and that as to those matters, I believe it to be true.

DATED this ____ day of June, 2017.

original Signature to be filed separately

WAYLON HUBER

SUBSCRIBED AND SWORN to before me, a Notary Public, this ____ day of June, 2017, by WAYLON HUBER.

NOTARY PUBLIC

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 13th day of June, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, entitled *Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees*, to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, Nevada 89509

DATED this 13th day of June, 2017.

JENNIFER ADAIR

ORIGINAL

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 JUN 15 PM 12:32

RAE SPERO
COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION OF "ORDER AFTER MAY 4, 2017 EMERGENCY HEARING"

COMES NOW, Defendant, Janea Huber ("Mother"), by and through counsel, Roderic A. Carucci, Esq. of Carucci and Associates, and hereby requests that the proposed "Order After May 4, 2017 Emergency Hearing," attached hereto as Exhibit 1, be submitted to the Court for signature.

Attached as Exhibit 2 is the correspondence with opposing counsel regarding the order, and Defendant's response to the requested changes.

DATED: June 16, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: Kelly Vandelay
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 15, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION OF ORDER AFTER MAY 4, 2017 EMERGENCY HEARING

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Kelly VandeBurgt
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT 1

EXHIBIT 1

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

v.

JANEA HUBER,

Defendant.

ORDER AFTER MAY 4, 2017 EMERGENCY HEARING

This matter came before the Court on May 4, 2017 for an emergency hearing on Plaintiff, Waylon Huber's emergency motion and Order Granting Immediate Custody entered on April 14, 2017. Plaintiff, Waylon Huber ("Father") was present and represented by counsel, Wendy Maddox, Esq. of Miller Law. Defendant, Janea Huber ("Mother") was present and represented by counsel, Kelly A. VandeBurgt, Esq., of Carucci and Associates. The Court now finds and orders as follows:

1. The parties were married on December 30, 2010, and share two minor

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. According to the Decree, the parties share joint legal and joint physical custody of the children.

2. Based upon the allegations contained in Father's emergency motion, Mother's boyfriend, Justin Calkins, shall have no contact with the minor children until further order of the Court.

3. The April 14, 2017 Order granting immediate custody shall be dissolved. The parties are directed to comply with the custodial schedule contained in the Findings of Fact, Conclusions of Law, and Decree of Divorce.

4. Mother shall pay Father's attorney's fees for his fees incurred at the May 4, 2017 hearing. Father shall file a Memorandum of Fees for his attorney's fees incurred at the May 4, 2017 emergency hearing.

5 The Court will look into whether there is a possible conflict of interest in this case.

6. All prior orders not modified herein shall remain in full force and effect.

7. PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

8. The parties are hereby put on notice that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

International Law, apply if a parent abducts or wrongfully detains a child in a foreign country.

IT IS SO ORDERED.

DATED this _____ day of June, 2017

_____
DISTRICT JUDGE

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

EXHIBIT 2

EXHIBIT 2

702 Plumas Street
Reno, NV 89509

CARUCCI & ASSOCIATES
Attorneys at Law

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

June 15, 2017

Miller Law
Wendy Maddox, Esq.
115 West 5th Street, Box 7
Winnemucca, NV 89445

RE: Huber v. Huber

Ms. Maddox,

I am in receipt of your requested changes to the proposed draft of the Order After Hearing. I have attached a copy of the Court minutes for your reference. I will address each request as follows:

1. I modified the title of the Order to include the word "emergency" as requested.

2. Paragraph 1: I modified this paragraph to reflect your requested changes.

3. Paragraph 2: The language you propose does not appear in the Court's minutes. There were no specific findings by the Court in regard to the language you request. The Court's order was simple, that Ms. Huber's boyfriend was to have no contact with the minor children. There was no evidence presented as to this issue, rather Ms. Huber volunteered to this provision at the direction of the Court. The paragraph as originally drafted accurately reflects the order of the Court.

4. Paragraph 3: I added the requested language.

5. Paragraph 4: I modified the attorney's fees language in the order to reflect the minutes.

6. The Court indicated that if Mr. Huber was seeking an award of sanctions, that he would need to "present evidence" (minutes page 2). There is no language in the minutes directing Mr. Huber to "file a motion." The original language as drafted accurately reflects the record.

702 Plumas Street
Reno, NV 89509

CARUCCI & ASSOCIATES
Attorneys at Law

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

7. I added language stating that the Court will look into whether there is a conflict of interest in this case.

A modified draft of the proposed order is attached hereto. I will be submitting this order to the Court, and attaching our correspondence to the submit.

Sincerely,

Kelly VandeBurgt

Kelly A. VandeBurgt, Esq.

MILLER LAW, INC.

115 West 5th Street, Box 7, Winnemucca, Nevada 89445
(Phone) 775-623-5000 • (Fax) 775-623-5060
info@millerlawinc.us

June 13, 2017

Kelly A. VandeBurgt, Esq.
702 Plumas Street
Reno, Nevada 89509

Dear Kelly:

In regards to your order, I would request that the following changes and additions be made to your proposed order after May 4, 2017 Emergency Hearing.

- Title. Please include the word emergency in the title of the order before the word hearing.
- Paragraph 1. Please alter to read as such; This matter came before the court on May 4, 2017, for an emergency hearing based on an Order Granting Immediate Custody of Children to Father entered on April 14, 2017. Plaintiff, Waylon Huber ("Father") was present and represented by Counsel Wendy N. Maddox, Esq. of Miller Law. Defendant Janea Huber ("Mother") was present and represented by counsel Kelly A. VandeBurgt, Esq., of Carucci and Associates. The court now finds and orders as follows:
- 1. Language okay
- 2. Please alter to read as such; The issue before the Court at the emergency hearing was the Courts Order entered on April 14, 2017, granting immediate custody of children to Father based on Fathers emergency application that he believed the minor children were in immediate and imminent danger with their mother, who had an ex-felon (Justin Caulkins) living in the home with Mother and minor children. The court requested assurances from Mother that Justin Caulkins would not be living in the home with the children and Mother pending completion of ongoing investigations. Mother through her counsel represented to the Court that Mother would be willing on a temporary basis to stay with family, possibly her Mother in Idaho and that Mother would agree that Justin Caulkins would have no contact with the minor children.
- 3 & 4 Please alter to read as such; **It is hereby ordered**
    - That the April 14, 2017 Order granting immediate custody of the minor children shall be vacated.
    - That Mother is ordered that there be no contact between children and mother boyfriend, Justin Caulkins until further order of the court.
    - That Mother will pay Fathers attorney's fees for violation of the temporary ex parte order for which litigation and today's hearing has

occurred. That Father will submit to the court a memorandum of fees with the appropriate affidavit and the court will order attorney fees that appear reasonable for violating that court order.

- That if Father wishes to request sanctions for Mothers violation of the visitation order, he shall submit his motion to enforce the ex parte order to the court.
- That the Court will look into whether a conflict of interest exists that requires he recuse himself from presiding over this case. The parties through their attorneys may submit to the court very limited information as to whether Judge Montero has a conflict of interest in continuing to preside over the current case.
- 5,6 & 7 – language okay

If you have any questions. please contact me.

Thank you,

Wendy N. Maddox, Esq.

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 JUN 15 AM 11:02

[illegible] SPERO
DISTRICT COURT CLERK

C. Smart

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs. NOTICE OF EXPERT WITNESS

JANEA HUBER,

Defendant. /

COMES NOW, Plaintiff, WAYLON HUBER, by and through his attorneys MILLER LAW, INC. and WENDY N. MADDOX, ESQ., who hereby notifies this Court that Plaintiff intends to call as expert witness in its case, the following named individual,

MATTHEW COX, MD
417 S. 6th Street
Boise, Idaho 83702

If called, the expert is expected to testify regarding facts of the case, the behavior of the child, and other relevant information. Attached is a copy of the curriculum vitae of MATTHEW COX, MD as Exhibit A.

DATED this 15th day of June, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 16 day of June, 2017 I placed a true and correct copy of the foregoing or attached document in the U.S. Mail, in Winnemucca, Nevada, entitled NOTICE OF EXPERT WITNESS, to:

Carucci and Associates
Kelly A. VandeBurgt, Esq.
702 Plumas
Reno, Nevada 89509

DATED this 16 day of June, 2017.

JENNIFER ADAIR

Exhibit A

Exhibit A

Matthew John Cox, M.D., FAAP

Office Address: Medical Director, Children At-Risk Evaluation Services (CARES)
St. Luke's Medical Center
417 S 6th Street
Boise, ID 83702
Office: 208-577-4460
Fax: 208-577-4469
Email: coxmdm@slhs.org

Education:

Medical Doctor		University of Texas Medical School at Houston Houston, Texas Graduated June 1998
Bachelor of Science in Bioengineering		Texas A&M University College Station, Texas Graduated December 1993 Magna Cum Laude

Postgraduate Medical Training:

2002-2004	Child Abuse and Neglect Fellowship Division of General Pediatrics Children's Hospital of Philadelphia Philadelphia, Pennsylvania
2001-2002	Pediatrics Chief Resident Vanderbilt University Medical Center Nashville, Tennessee
1998-2001	Pediatrics Residency Vanderbilt University Medical Center Nashville, Tennessee

Academic Appointments:

2010-2016	Associate Professor of Pediatrics University of Texas Southwestern Medical School
2004-2010	Assistant Professor of Pediatrics University of Texas Southwestern Medical School
2003-2004	Instructor of Pediatrics University of Pennsylvania School of Medicine

Medical Appointments:

2016-current	Medial director, CARES Program, St. Luke's Regional Medical Center, Boise, ID
2008- 2016	Medical director, Sexual Assault Forensic Examination (SAFE) Team, Children's Medical

		Center Dallas and Legacy Campuses
	2007-2016	Medical director, Referral and Evaluation of At-Risk Children (REACH) Program Children's Medical Center Dallas
	2007-2009	Interim medical director, Foster Care Clinic, Children's Medical Center Dallas
	2004-2007	Co-Medical director, Referral and Evaluation of At-Risk Children (REACH) Program Children's Medical Center Dallas
Clinical/Hospital Appointments:	2016-current	Attending Physician, General Pediatrics St. Luke's Regional Medical Center Boise, ID
	2004-2016	Attending Physician, General Pediatrics Children's Medical Center Dallas Dallas, TX
	2004-2016	Attending Physician, General Pediatrics Parkland Memorial Hospital Dallas, TX
	2003-2004	Attending Physician, General Pediatrics Children's Hospital of Philadelphia Philadelphia, PA
	2003-2004	Attending Physician, General Pediatrics Chester County Hospital West Chester, PA
Certification:	2009-2016	Board certified, Child Abuse Pediatrics by the American Board of Pediatrics
	2002-current	Board certified, Pediatrics by the American Board of Pediatrics
Licensure:	2016-current	Licensed to practice medicine in Idaho
	2004-2016	Licensed to practice medicine in Texas
	2002-2004	Previously held license in Pennsylvania
	2000-2002	Previously held license in Tennessee

Honors: Specialized Alternatives for Families and Youth Texas, Friend of the Children Award Recipient, March 2014

University of Texas Southwestern Medical School Medical School Teaching Award, Pediatrics, October 2012.

Collin County Child Advocate of the Year, Children's Advocacy Center of Collin County, December 2010

Distinguished Human Services Professional Award, Community Council of Greater Dallas, November 2009

Physician Award, Dallas Business Journal Healthcare Heroes, June 2009

Lt. Bill Walsh Award recipient, Dallas Children's Advocacy Center, award given to a professional in the field of child abuse exemplary service and dedication to the abused children of Dallas County, April 2009

Faculty Teaching Award, Department of Pediatrics, University of Texas Southwestern Medical School, 2006-2007.

National Association of Counties "County Courthouse Award"
Co-recipient for work with Ellis County Child Protective Services and Family Court, February 2007

University of Texas Medical School Outstanding Pediatrics Student, June 1998

Alpha Omega Alpha Medical Honor Society
University of Texas Medical School at Houston, elected May 1997

Scientific Activities

Original Research Presentations at Scientific Meetings:

Reeder K, Kwon J, Cox M, Flores G. Radiographic Characteristics of Inflicted versus Accidental Skull Fractures in Infants, Ray Helfer Society Annual Meeting, April 8, 2014

Cox M, Garcia N. Clinical Manifestations of Rib Fractures in Young Children, Ray Helfer Society Annual Meeting, April 4, 2011.

Cox M. Child Abuse and Neglect Curriculum for Pediatric Residents. Harvard Macy Institute Program of Physician Educators, May 2, 2004.

Cox M, Forbes B, Christian C. Retinal Hemorrhages in Patients with Epidural Hematomas. Ray Helfer Society Annual Meeting, Sept 19, 2003.

Publications:

Peer Reviewed Journals

Lang C, Cox M, Flores G. Maltreatment in multiple birth children. Child Abuse and Neglect 2013; 37(5): 1109-13.

Dakil S, Cox M, Lin H, and Flores G. Physical abuse in U.S. children: risk factors and deficiencies in referrals to support services. *Journal of Aggression, Maltreatment & Trauma* 2012;21:555-569.

Dakil S, Cox M, Lin H, and Flores G. Racial and ethnic disparities in physical abuse reporting and child protective services interventions in the United States. *Journal of the National Medical Association* 2011;103 (9-10):926-31.

Forbes B, Cox M, Christian C. Retinal hemorrhages in patients with epidural hematomas. J AAPOS 2008;12:177-80.

Case Reports

Lang C, Cox, M. Pediatric Cutaneous bleach burns. Child Abuse and Neglect 2013. 37(7): 485-8.

Vineeta Mittal, Meghana Sathe, David Troendle, and Matthew Cox. An 18-month-old boy with severe dermatitis, edema, muscle wasting. *Pediatric Annals* 2011;40(8):393-396.

Reviews, Chapters

Cox M, Beers S. Child Sexual Abuse: in Strange, Ahrens, Schafermeyer, and Wiebe (eds) *Pediatric Emergency Medicine*. 3rd edition, New York: McGraw Hill Medical. 2009.

Cox M, Beers S. Physical Abuse and Neglect. Strange, Ahrens, Schafermeyer, and Wiebe (eds) *Pediatric Emergency Medicine*, 3rd edition. New York: McGraw Hill Medical, 2009.

Cox, M, Moore S, Vinson L. and Sabella J. Child abuse and neglect. In Shockley L, Duvall S (eds) *Mosby's Handbook of Emergency Care*. St. Louis, Elsevier, in press.

Cox. M. and Christian C. Child Sexual Abuse: in Schwartz, M.W., Bell. L., Bingham, P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 5th Edition. Baltimore: Lippincott Williams and Wilkins, 2007.

Cox, M. and Christian C. Child Physical Abuse: in Schwartz, M.W., Bell, L., Bingham, P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 5th Edition. Baltimore: Lippincott Williams and Wilkins, 2007.

Cox, M. and Christian C. Child Neglect: in Schwartz, M.W., Bell, L., Bingham, P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 4th Edition. Baltimore: Lippincott Williams and Wilkins, 2005.

Cox, M. and Christian C. Child Sexual Abuse: in Schwartz, M.W., Bell, L., Bingham, P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 4th Edition. Baltimore: Lippincott Williams and Wilkins, 2005.

Cox, M. and Christian C. Child Physical Abuse: in Schwartz, M.W., Bell, L., Bingham, P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 4th Edition. Baltimore: Lippincott Williams and Wilkins, 2005.

Cox, M. and Christian C. Failure to Thrive: in Schwartz, M.W., Bell, L., Bingham. P., Chung, E.K., Friedman, D., Mulburg, A., and Tanel R. (Eds.) *The 5-Minute Pediatric Consult*. 4th Edition. Baltimore: Lippincott Williams and Wilkins, 2005

Cox M, Christian C. Primer on the diagnosis of child abuse and violence. *Annales Nestle*, 2004; 62(1): 13-24.

Ad hoc reviewer

2006-current	The Quarterly Update: Review of Current Child Abuse Medical Research
2003-current	Child Abuse & Neglect Journal
2003-current	Pediatric Emergency Care

Professional and Scientific Society Memberships:

The Ray E. Helfer Society, member since 2010
Academic Pediatrics Association, since 2008
American Professional Society on the Abuse of Children, since 2006
Member, American Academy of Pediatrics Section on Child Abuse and Neglect, since 2005
Texas Pediatrics Society, since 2004
The Ray E. Helfer Society, scholar member 2003-2010.
Fellow, American Academy of Pediatrics, member since 1999, Fellow since 2005
American Medical Association, member since 1995

Hospital and Community Committees:

Children's Medical Center Dallas Executive Committee, Member at Large, 2015-2016
Texas Department of Health and Human Services, Medical Child Abuse Resources and Education System (MEDCARES) Advisory Board, January 2010 – August 2016
Children's Medical Center Dallas Executive Committee, Member at Large, 2009-2011
University of Texas Southwestern Medical Center Department of Pediatrics, Division of General Pediatrics Task Force Member – Resident Education and Quality Healthcare Delivery, 2009
Children's Medical Center of Dallas Trauma Research Committee, member, 2008-2016
Children's Medical Center of Dallas Child Abuse Prevention Committee, 2008-2016
University of Texas Southwestern Medical School Colleges, Faculty Mentor, Sprague College, 2008-2016
Texas Department of Health and Human Services, Committee on Centers of Pediatric of Excellence for Child Abuse, Committee Member, 2008-2009
Dallas Children's Advocacy Center, Board of Directors, member, 2007-2014
Dallas Children's Advocacy Center Multidisciplinary Committee, 2006-2016
University of Texas Southwestern Medical Center Department of Pediatrics, Clinical Competence Committee (Resident Mentor Program), 2005-2013
University of Texas Southwestern Medical Center Department of Pediatrics, Clinical Track Committee Member, 2005
Dallas County Child and Infant Fatality Review Team, member since 2004
Children's Medical Center of Dallas Pediatric Residency Training Program, Steering Committee, July 2004-2011
Suspected Child Abuse and Neglect for Emergency Medical Services, Planning Committee, Pennsylvania Chapter of the American Academy of Pediatrics, Fall 2003
Multidisciplinary Team, Department of Human Services, Philadelphia, Pennsylvania
Philadelphia Interdisciplinary Youth Fatality Review Team, member 2002-2004
Pennsylvania Attorney General's Medical/Legal Advisory Board on Child Abuse, 2002-2004

Teaching Activities

Grand Rounds Presentations

"Controversies in Child Abuse Medical Evaluations"
Trauma Grand Rounds
Children's Medical Center Dallas
April 24, 2014

"The Effects of Child Maltreatment"
Barrett Family Lecture
University of Texas Southwestern Medical School
Department of Pediatrics Grand Rounds
October 31, 2012

"Medical Piece of the Puzzle: Understanding Abusive Injury Mechanisms"
Trauma Grand Rounds
Children's Medical Center Dallas
April 26, 2012

"Scalds, spills, scorches, and scars: Evaluating possible abusive burns"
Trauma Grand Rounds
Children's Medical Center Dallas
April 28, 2011

"Medical Controversies in Child Abuse Cases"
Trauma Grand Rounds
Children's Medical Center Dallas
April 22, 2010

"Sexual Molestation of Children: the Pediatrician's Role"
Medical City Children's Hospital Grand Rounds
Dallas, Texas
September 8, 2009

"Code Blue Ribbon: Early identification and Prevention of Child Physical Abuse"
Trauma Grand Rounds
Children's Medical Center of Dallas
April 23, 2009

"Medical Evaluation of Children with Suspected Child Abuse and Neglect"
University of Texas Health Science Center Tyler
Department of Pediatrics Grand Rounds
October 16, 2008

"Abusive Head Trauma in Dallas: Fact Fiction, and Future Directions"
University of Texas Southwestern Medical School
Department of Pediatrics Grand Rounds
January 23, 2008

"Abusive Head Injury: The Child Abuse Pediatricians Perspective"
Trauma Grand Rounds
Children's Medical Center of Dallas
October 25, 2007

"Child Abuse: Or is It"
Medical City Children's Hospital Grand Rounds
Dallas, Texas
January 16, 2007

"Vulvovaginitis in the Prepubertal Child"
Vanderbilt University Department of Pediatrics Grand Rounds
Nashville, Tennessee
October 10, 2000

Lectures by invitation

"Ignoring Doctor's Orders: Medical Neglect", "Scalds, Scorchs, and Spills: Burns in Pediatric Patients", Driscoll Children's Hospital Child Abuse Summit,
Corpus Christi, TX
April 7, 2016

"5 B's of Child Abuse", Three day trainings for Children's Advocacy Centers in Nebraska
April 6-8, 2015

"Mysterious Medical Evaluation of Child Sexual Abuse", "Controversies in Child Abuse Medical Evaluations, "5 B's of Child Physical Abuse"
26th Annual Crimes Against Children Conference
Dallas, TX
August 11-14, 2014

"Scalds, Scorches and Splashes: Burns in Children", "Firearm Injuries in Children" and "5 B's of Abuse: Bruises, Burns, Belly, Bones and Brains"
Wyoming Crimes Against Children Conference
May 21, 2014

"Medical Neglect to Muchausen: A Spectrum of Abuse"
Dallas Bar Association Child Protection Conference,
Dallas, TX
May 16, 2014

"Failure to Thrive: The Growing Evidence"
Improving Medical Provider Assessment of Childhood Trauma (IMPACT) Conference
Plano, TX
April 28, 2014

"Understanding the Medical and Scientific Evidence of Abuse"
Houston Bar Association 5th Annual Definitive Ad Litum Seminar in DFPS Cases
Houston, TX
April 11, 2014

"5 B's of Abuse", "Scalds, Scorches and Splashes: Burns in Children" , "Abusive Head Trauma: The Evidence and the Arguments"
25th Annual Crimes Against Children Conference
Dallas, Texas
August 12-15 2013

"Anogenital Anatomy and Medical Findings in Sexual Abuse" and "Sexual Abuse Post Assault Medical Prophylaxis"
2013 PREP:CAP A Review and Update of Child Abuse Pediatrics
Norfolk, VA
July 13-14, 2013

"Effects of Child Maltreatment" and "Abusive Head Trauma"
Driscoll Children's Hospital Child Abuse Summitt
Corpus Christi, TX
April 26, 2013

"Child Abuse Should Not Hurt: Child Abuse Prevention Program and Strategies"
Texas Department of Family and Protective Services Partners in Prevention Conference"
Austin, TX
February 7, 2013

"Abusive Head Trauma"
Third Annual Primer on Pediatric Neurosurgery
Dallas, TX
November 9, 2012

"Effects of Child Maltreatment"
American Academy of Pediatrics National Convention and Expo
New Orleans, LA
October 21, 2012
"Abdominal Trauma in Children"
9th Annual Seminar in Forensic Sciences
South Padre Island, TX
November 1, 2012
"What Would You Do: Genital Complaints in Children"
American Academy of Pediatrics National Convention and Expo
New Orleans, LA
October 22, 2012
"Failure to Thrive: The Growing Evidence", co-presenter with Dr Cathleen Lang
Texas Pediatric Society Annual Meeting
Plano, TX
September 2012
"Torso Trauma: Abdominal and Chest Trauma in Children"
Crimes Against Children Conference
Dallas, TX
August 2012
"Abusive Head Injury: The Evidence and the Arguments"
Crimes Against Children Conference
Dallas, TX
August 2012
"Child Abuse Prevention"
2012 Texas Injury and Violence Prevention Conference
Austin,TX
June 2012
"Medical Evaluation of Child Abuse: the 5 B's"
Laredo Children's Advocacy Center Child Abuse Conference
Laredo, TX
April 2012
"Neglecting Nutritional Neglect: Evaluating Failure to Thrive"
Facing Family Violence Conference
Plano, TX
January 2012
"Child Abuse Homicides: Lessons Learned"
Advanced Practice Conference – Children's Medical Center Dallas
Dallas, TX
October 2011
"Abusive Head Trauma" and "Case Studies of Child Abuse"
Denton County Advocacy Center Annual Conference
Gainesville, TX
March 25, 2011
"Battered Children and the role of the Medical Provider"
19th Annual Dallas/Fort Worth Case Management Society of America Conference
Irving, TX
March 24, 2011
"What Would You Do?: Suspicious Traumatic Injuries in Young Children"
Pediatric Emergency Services Network Conference
Dallas, TX

December 7, 2010

"What Would You Do? Genital Injury Cases in Children"
22nd Crimes Against Children Conference
Dallas, TX
August 10-13, 2010

"Failure to Thrive: The Bare Bones"
22nd Crimes Against Children Conference
Dallas, TX
August 10-13, 2010

"Child Abuse: The Pediatrician's Role"
42nd Annual Kenneth C. Haltalin Pediatrics for the Practitioner Conference
April 9, 2010
Dallas, TX

"Abusive Head Trauma"
West Virginia Crimes Against Children Conference
October 14, 2009
Charleston, West Virginia

"Clinical Manifestations of Abusive Injuries"
West Virginia Crimes Against Children Conference
October 14, 2009
Charleston, West Virginia

"Abusive Head Trauma: The Evidence and the Arguments"
21st Crimes Against Children Conference
Dallas, TX
August 17-18, 2009

"When Did It Happen Doctor: Clinical Manifestations of Abusive Injuries"
21st Crimes Against Children Conference
Dallas, TX
August 17-18, 2009

"Breaking the Cycle of Abuse: Identifying Child Abuse in the ED"
Crystal Charity Ball Emergency Services Network
Baylor Medical Center, Dallas, TX
March 23, 2009

"Mimickers of Child Abuse"
Collin County Children's Advocacy Center Training Institute
Plano, TX
March 19, 2009

"Evaluation of Child Abuse: A Pediatrician's Perspective"
American Translators Association National Conference
Orlando, FL
November 7, 2008

"Breaking Down Pediatric Abusive Fractures" and "Medical Evaluation of Child Sexual Abuse: Lessons Learned"
20th Crimes Against Children Conference
Dallas, TX
August 2008

"Battered and Abused Children: A Pediatrician's Role"
Texas Association of Healthcare Interpreters and Translators Annual Symposium on Language Access in Texas
Fort Worth, Texas
April 25, 2008

"Battered Children: The Medical Providers Role"
Keynote Speaker, Traumafest
North Central Texas Regional Trauma Advisory Council
Dallas, Texas
April 25, 2008

"Biomechanics of Pediatric Fractures"
Crimes Against Children Conference
Dallas, Texas
August 2007

"Conditions Mistaken for Child Abuse" and "Case Studies of Inflicted Head Injury"
19th Crimes Against Children Conference
Dallas, Texas
August 2007

"How to Ask the Tough Questions: Child Abuse and Neglect"
Collin County Council on Family Violence, "4th Annual Facing Family Violence Conference
October 20, 2006

"Conditions Mistaken for Child Abuse" and "Case Studies of Inflicted Head Injury" 18th Annual Crimes Against Children Conference
Dallas, Texas
August 21-24, 2006

"Five B's of Child Physical Abuse" – Bruises, Burns, Bones, Belly and Brains"
17th Annual Crimes Against Children Conference
Dallas, Texas
August 15-16, 2005

"Identifying and interpreting child abuse in the emergency department and school setting"
Templeton Trauma Symposium
Philadelphia, Pennsylvania
March 13, 2004

Teaching responsibilities

Medical Students

University of Texas Southwestern Medical School College Mentor, Sprague College
Small group discussion leader for 1st and 2nd year medical students to assist in developing professional clinical skills, behaviors, and attitudes of a physician. Mentor faculty chosen based on dedication to patients, teaching and professionalism. , 2008-2016

Child Abuse and Neglect
Weekly lecture for Ambulatory Pediatric Clerkship Students, University of Texas Southwestern Medical School, 2004-2016

General Pediatrics Case Discussion
Weekly Discussion for Third year Pediatric Clerkship students at the University of Pennsylvania School of Medicine, 2002-2004

Weekly lecture for Pediatric Clerkship Students at Vanderbilt University Medical School
General Pediatrics Topics, weekly lectures. Topics including Asthma, Neonatal Hyperbilirubinemia, Normal Child Development, Dehydration and Intravenous fluids, Fever and Rash, 2001-2002

Pediatric Medicine House Officers

University of Texas Southwestern Medical School Department of Pediatrics
Presenter, Resident as Effective Teachers Workshop
"Small Group Learning"
May 2005, May 2006, March30, 2007, October 2009. October 2010

Children's Medical Center Dallas
Pediatric Resident Critically Appraised Topic Conference
Program developer and advisor
2006-2011

Children's Medical Center Dallas
Pediatric Resident M&M Conference
Program developer and advisor
2005-2011

Children's Medical Center Dallas
Pediatric Resident Noon Conference
Child Abuse and Neglect Topics, quarterly lectures
2004 - 2016

CHOP Resident Continuity Clinic
Continuing Education "Genital anatomy and diseases"
Children's Hospital of Philadelphia
February 2003

Chief Resident Conference
Detailed weekly case presentation for attendings, housestaff, and students
Vanderbilt University Medical School, Department of Pediatrics
2001-2002

Pediatrics M&M Conference
Implemented new monthly resident morbidity and mortality conference for pediatrics residents
Vanderbilt University Medical School, Department of Pediatrics
2001-2002

Multidisciplinary Lectures

REACH Out to CPS Program – multidisciplinary case conference and discussion with CPS units in Dallas and Collin counties. September 2009 – current, monthly.

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-Presenter, "Making an Impact: Indentifying and Preventing Child Abuse"
April 2, 2010

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter, "Interesting Cases of 2009: Spinal cord injuries, subgaleal hematomas, blunt genital trauma, and drug ingestions"
December 4, 2009

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter, "Clinical Manifestations of Abusive Injuries"
September 4, 2009

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-Presenter, "Missed Cases of Abuse and Misdiagnosis of Abuse"
February 6, 2009

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-Presenter, "Case Study: Munchausen Syndrome By Proxy"
October 3, 2008

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds

Presenter, "Forensic Evaluation of Sexual Assaults"
May 2, 2008

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter, "Biomechanics of Pediatric Fractures
September 7, 2007

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter, "Biomechanics of Pediatric Fractures
September 7, 2007

Desoto Police Department
"Medical Evaluation of Child Sexual and Physical Abuse", 6 hour seminar
April 19, 2007

Dallas Police Department Educational Seminar
"Medical Evaluation of Child Physical Abuse", 3 hour seminar
March 14, 2007

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter, "Interesting Cases of 2006"
December 2, 2006

Collin County Council on Family Violence, "4th Annual Facing Family Violence Conference
Presenter "How to Ask the Tough Questions: Child Abuse and Neglect"
October 20, 2006

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter "Retinal Hemorrhages in Children"
October 6, 2006

Dallas Police Association Officer Training "Medical Evaluation of Suspected Child Abuse and Neglect"
September 21, 2006

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter and Moderator "Preventing Child Abuse and Neglect: It's Everybody's Business"
April 7, 2006

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Presenter "Interesting Cases of 2005"
December 2, 2005

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Moderator "Domestic Violence and the Effect on Children"
October 7, 2005

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter with Dr. Emma Raizman
"Missed Cases of Child Abuse"
March 4, 2005

Dallas County District Attorney's Office
"Medical Evaluation of Child Sexual Abuse: Examination, Injuries and STDs"
January 28, 2005

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
"Inflicted Childhood Neurotrauma"
November 5, 2004

Nursing Education Day "Child Abuse and Neglect"
Children's Hospital of Philadelphia
February 2003, July 2003, January 2004

EPIC-SCAN Presenter

Pennsylvania Chapter of AAP Educating Pediatrics in their Communities on Suspected Child Abuse and Neglect
Presenter since July 2003

Continuing Education "Child Abuse"
Elwyn Early Intervention Program staff training
May 7, 2003

New Officer Training "Child Maltreatment" 4 hour seminar
Philadelphia Police Department
Special Victims Unit Training
January 8, 2003

Dental Student Lecture "Child Maltreatment"
University of Pennsylvania Dental School
September 19, 2002

Forensic Assessment Center Network of Texas Multidisciplinary Case Staffings and Didactics
Presenter, Topics include:
"6 B's of Child Abuse: Bruises, burns, bones, bellies, brains, and between the legs"
"Mechanisms of Pediatric Fractures"
"Sexually transmitted infection in children"
"When Did It Happen: *Clinical Manifestations of Abusive Injuries*"
"Abusive Head Trauma in Children"
"Forensic evidence collection in children"

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter "Acute Sexual Assaults and Forensic Evidence collection"
May 2, 2009

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter "Conditions Mistaken for Abuse"
February 6, 2009

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter "Interesting REACH Cases of 2008
December 5, 2008

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter "Medical Child Abuse: Case Study"
October 4, 2008

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-presenter "Interesting REACH Cases of 2007
December 7, 2007

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-Presenter "Sexually Transmitted Infections in Children"
October 5, 2007

Children's Medical Center of Dallas Child Abuse and Neglect Grand Rounds
Co-Presenter "Sexually Transmitted Infections in Children"
October 5, 2007

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 JUN 16 AM 11:02

RAE SPERO
DIST. COURT CLERK

C. Smart

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF INTENT TO APPEAR BY TELEPHONIC TRANSMISSION EQUIPMENT

JANEA HUBER,

Defendant. /

You are hereby notified that in accordance with Part IX of the supreme Court Rules of the State of Nevada, Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., intends to call the following witnesses via telephone at the emergency hearing set for June 22, 2017 at 9:00 a.m.:

1. MATTHEW COX, MD, 417 S. 6th Street, Boise, Idaho 83702. It is anticipated that this witness will testify as to the facts of the case, the behavior of Defendant, the behavior of the minor child, and other relevant information. On the date and time of the said hearing in this matter, Matthew Cox will be seeing patients at the CARES clinic in Boise, Idaho. Matthew Cox can be contacted on date and time of said hearing at 208-577-4471.

2. DUSTIN GRATE, PI, 1325 Airmotive Way, Suite 206, Reno, Nevada 89502. It is anticipated that this witness will testify as to the facts of the case, the private investigation performed in this matter, and other relevant information. On the date and time of the said hearing in this matter, Dustin Grate will be in Reno, Nevada. Dustin Grates contact phone number for this hearing is 775-691-6527

///

For convenience of the witnesses, undue hardship and burden a personal appearance would cause said witnesses, and due to insufficient time constraints and short notice of the hearing, the above listed witnesses intend to appear telephonically.

DATED this 16th day of June, 2017.

MILLER LAW, INC.

WENDY K. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ., and that on the 16 day of June, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail in Winnemucca, Nevada, entitled *NOTICE OF INTENT TO APPEAR BY TELEPHONIC TRANSMISSION EQUIPMENT*, to:

Carucci and Associates
Kelly A. VandeBurgt, Esq.
702 Plumas
Reno, Nevada 89509

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 JUN 16 AM 11:01

JAMI RAE SPERO
DISTRICT COURT CLERK
C. Smoot

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF WITNESSES

JANEA HUBER,

Defendant. /

Pursuant to NRCP 16.2 you are hereby notified that Plaintiff, WAYLON HUBER, by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., intends to call the following witness during their case:

1. WAYLON HUBER, c/o MILLER LAW, INC. and WENDY N. MADDOX, ESQ., 115 West 5th Street Box 7 Winnemucca, NV 89445. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

2. ASHLIE HUBER, 4151 Two Rock Drive, Winnemucca, Nevada 89445. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

3. JANEA HUBER, c/o RODERIC A. CARUCCI, ESQ., 702 Plumas Street, Reno, Nevada 89509. It is anticipated that this witness will testify as to the facts of the case and other relevant information.

4. MATTHEW COX, MD, 417 S. 6th Street, Boise, Idaho 83702. It is anticipated that this witness will testify as to the facts of the case, the behavior of Defendant, the behavior of the minor child, and other relevant information.

5. DUSTIN GRATE, PI, 1325 Airmotive Way, Suite 206, Reno, Nevada 89502. It is anticipated that this witness will testify as to the facts of the case, the private investigation performed in this matter, and other relevant information.

6. Rebuttal witnesses as necessary.

7. All of JANEA HUBER's witnesses.

This list is preliminary and intended solely as a means to preserve the right of WAYLON HUBER to present said witnesses, not as a guarantee that said witnesses, or any of them, will be called to testify. Discovery is continuing and WAYLON HUBER reserves the right to amend this list as appropriate.

DATED this 15th day of June, 2017.

MILLER LAW, INC.

WENDY L. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 11th day of ~~April~~ June, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail, in Winnemucca, Nevada, entitled *Notice of Witnesses*, to:

Carucci and Associates
Kelly A. VandeBurgt, Esq.
702 Plumas
Reno, Nevada 89509

DATED this 11th day of June, 2017.

JENNIFER ADAIR

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

TAMI RALSTON
DIST COURT CLERK

E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

v.

JANEA HUBER,

Defendant.

ORDER AFTER MAY 4, 2017 EMERGENCY HEARING

This matter came before the Court on May 4, 2017 for an emergency hearing on Plaintiff, Waylon Huber's emergency motion and Order Granting Immediate Custody entered on April 14, 2017. Plaintiff, Waylon Huber ("Father") was present and represented by counsel, Wendy Maddox, Esq. of Miller Law. Defendant, Janea Huber ("Mother") was present and represented by counsel, Kelly A. VandeBurgt, Esq., of Carucci and Associates. The Court now finds and orders as follows:

1. The parties were married on December 30, 2010, and share two minor

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

children: Brynlee J. Huber, born May 8, 2012; and Bryson W. Huber, born May 8, 2012. The parties were divorced by this Court pursuant to a Findings of Fact, Conclusions of Law, and Decree of Divorce entered on April 1, 2015. According to the Decree, the parties share joint legal and joint physical custody of the children.

2. Based upon the allegations contained in Father's emergency motion, Mother's boyfriend, Justin Calkins, shall have no contact with the minor children until further order of the Court.

3. The April 14, 2017 Order granting immediate custody shall be dissolved. The parties are directed to comply with the custodial schedule contained in the Findings of Fact, Conclusions of Law, and Decree of Divorce.

4. Mother shall pay Father's attorney's fees for his fees incurred at the May 4, 2017 hearing. Father shall file a Memorandum of Fees for his attorney's fees incurred at the May 4, 2017 emergency hearing.

5 The Court will look into whether there is a possible conflict of interest in this case.

6. All prior orders not modified herein shall remain in full force and effect.

7. PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

8. The parties are hereby put on notice that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

International Law, apply if a parent abducts or wrongfully detains a child in a foreign country.

IT IS SO ORDERED.

DATED this 16th day of June, 2017

DISTRICT JUDGE

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CV 20,464

Waylon Huber vs. Janea Huber

Judge: Michael Montero

Clerk: Elisha Formby

JUNE 22, 2017 HEARING ON EXPARTE MOTION TO SUSPEND VISITATION

Waylon Huber, present with Wendy Maddox.

Janea Huber, present with Roderic Carucci.

The record reflected that this matter was set for an exparte motion to suspend visitation.

The Court closed the Courtroom.

The Court stated that this matter was set on the calendar for one (1) hour and he would allow each attorney thirty (30) minutes.

Counsel concurred.

Carruci stated that he would like to call three (3) witnesses that are under subpoena.

Dr. Matthew Cox, duly sworn and testified.

Direct by Carucci.

Defendant's exhibit A, report from Dr. Cox, offered and admitted.

Carucci reads exhibit A to the Court and explained that there is still an ongoing investigation with the alleged allegations against Mr. Huber.

Cross-examination by Maddox.

Discussion ensued about the shape, color and the age of the bruising that appeared on the minor child.

Redirect by Carruci.

Re-cross by Maddox.

The Court ask Carucci if Dr. Matthew Cox was under subpoena.

Carruci concurred.

The Court released Dr. Cox from said subpoena.

Duly sworn and testified, Kim Schmeling **(testimony sealed by the Court).**

The Court asked for offer of proof should Officer Ochoa be called to the stand.

Carruci stated that he was the officer that responded to a call at the Huber's home over Memorial Day weekend.

The Court stated that was already part of the record as there was a police report attached to the motion and that what Officer Ochoa has to offer in not significant in this hearing today but there may be a need in the future.

Maddox stated that she has one witness to call, Dustin Grate, but he would be appearing by telephone.

Maddox asked the Court if he is requesting an offer of proof on behalf of Dustin Grate, that she had filed a written report by him and that he has spent a significant amount of time in the children's home in Idaho.

The Court stated that he is in receipt of that report and that it was attached as an exhibit to Maddox's opposition. The Court further noted that those exhibits are filed confidential.

The Court ordered that based on the sworn testimony given in this case today, the evidence before him, the testimony and report by Mr. Cox, the testimony given by Kim Schmeling and the ongoing investigation it is the order of this Court to extend the order to suspend visitation with Waylon Huber.

The Court further admonished Ms. Huber and stated that if she was in violation of said the Court would take action on that issue and would reserve ruling on that.

Ms. Huber concurred.

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 JUN 22 PM 3:01

JANI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

PROOF OF PERSONAL SERVICE

Attached hereto is the completed Affidavit of Personal Service of the following documents:

Subpoena to Appear and Testify.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

CARUCCI & ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Kimberly Schmelling, was personally served on June 15, 2017 at 12:18 p.m.

DATED: June 20, 2017

Carucci & Associates
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: _____
Roderic A. Carucci, Esq.
Kelly VandeBurgt, Esq.
Attorney for Janea Huber

CARUCCI & ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 20, 2017 I served a true and correct copy of:

Proof of Personal Service
by:

_X_ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

___ Facsimile to the following number: _____

__Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

_____ Electronic mail addressed to:

addressed to:
Wendy Maddox, Esq.
Miller Law, Inc.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Carucci & Associates

EXHIBIT 1

EXHIBIT 1

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF HUMBOLDT)

I Kelly VandeBurgt received the within Subpoena on the 15th day of June, 2017 and personally served a copy of the same upon Kimberly Schmelling, on 15th day of June, 2017 at 12:18 p.m.

Kelly VandeBurgt
KELLY VANDEBURGT

Subscribed and sworn to before me
this 15th day of June, 2017

Bryttanie McNeff
Notary Public

BRYTTANIE McNEFF
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-3796-2 - Expires September 29, 2020

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CASE NO.: CV20,464

DEPT. NO.: 2

ORIGINAL

FILED

2017 JUN 22 PM 3:01

TAMI RAE SPERO
DIST. COURT CLERK

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

SUBPOENA TO APPEAR AND TESTIFY

TO: Kimberly Schmelling
Supervisor at DFCS
475 W. Haskell Street, Box 7
Winnemucca, NV 89445-3781
775-623-6555

YOU ARE COMMANDED to appear at the Sixth Judicial District Court, Family Division, Department 2, 25 West 5th Street, #212, Winnemucca, Nevada 89445, on the 22nd day of June, 2017, at 9:00 a.m. to testify under oath at the trial in the above-captioned matter on behalf of Respondent.

Any person failing to appear without adequate excuse to obey a subpoena may be deemed in contempt of court, and shall be liable to the party injured in the sum of $100.00, and for such damages as may be sustained by him/her on account of such neglect or refusal. [Nevada Rules of Civil Procedure, Rule 45(e)]

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Dated this 14th day of June, 2017.

Carucci & Associatse
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) AND 45(d)

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF HUMBOLDT)

I Kelly VandeBurgt received the within Subpoena on the 15th day of June, 2017 and personally served a copy of the same upon Kimberly Schmelling, on 15th day of June, 2017 at 12:18 p.m.

Kelly VandeBurgt
KELLY VANDEBURGT

Subscribed and sworn to before me
this 15th day of June, 2017

Bryttanie McNeff
Notary Public

BRYTTANIE McNEFF
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-3796-2 - Expires September 29, 2020

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 20, 2017 I served a true and correct copy of:

Subpoena to Appear and Testify
by:

_X_ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

___ Personal Delivery

___ Facsimile to the following number: _____

__Reno Carson Messenger Service

___ Certified Mail, Return Receipt Requested

___ E-Flex filing system

____ Electronic mail addressed to:

addressed to:
Wendy Maddox, Esq.
Miller Law, Inc.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Carucci & Associates

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 JUN 22 PM 3:01

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

SUBPOENA TO APPEAR AND TESTIFY

TO: Salvador Ochoa
Winnemucca Police Department
500 E. Winnemucca Blvd.
Winnemucca, NV 89445-3781
775-623-6396

YOU ARE COMMANDED to appear at the Sixth Judicial District Court, Family Division, Department 2, 25 West 5th Street, #212, Winnemucca, Nevada 89445, on the 22nd day of June, 2017, at 9:00 a.m. to testify under oath at the trial in the above-captioned matter on behalf of Respondent.

Any person failing to appear without adequate excuse to obey a subpoena may be deemed in contempt of court, and shall be liable to the party injured in the sum of $100.00, and for such damages as may be sustained by him/her on account of such neglect or refusal. [Nevada Rules of Civil Procedure, Rule 45(e)]

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Dated this 12th day of June, 2017.

Carucci & Associatse
702 Plumas Street
Reno, Nevada 89509
(775) 323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) AND 45(d)

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF HUMBOLDT)

I _____ received the within Subpoena on the ____ day of June, 2017 and personally served a copy of the same upon _____, on _____ day of June, 2017 at _____ __.m.

_____

Subscribed and sworn to before me
this ____ day of _____ , 2017

_____
Notary Public

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on June 20, 2017 I served a true and correct copy of:

Subpoena to Appear and Testify
by:

_X_ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

___ Facsimile to the following number: _____

___Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

_____ Electronic mail addressed to:

addressed to:
Wendy Maddox, Esq.
Miller Law, Inc.
115 W. 5th Street
Winnemucca, NV 89445

Bryttanie McNeff
Carucci & Associates

Case No. CV 20,464

Dept. No. 2

FILED

2017 JUL -3 PM 3:53

TERRI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

ORDER SUSPENDING VISITATION

JANEA HUBER,

Defendant. /

On June 22, 2017, the Plaintiff, Waylon Huber, with counsel Wendy Maddox and the Defendant, Janea Huber, with counsel Roderic Carucci, appeared before this Court for a hearing on Defendant's Ex-Parte Emergency Motion to Suspend Visitation.

The Court, after considering sworn testimony from Dr. Matthew Cox and Kimberly Schmeling, Supervisor of the Division of Child Protective Services, and further considering the best interest and welfare of the minor children would be served during the pendency of this action by issuance of this order against Plaintiff, as hereinafter set forth;

NOW, THEREFORE, IT IS HEREBY ORDERED that until such time that the investigation of the claims set forth in Defendant's motion are concluded, and until the further

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

order of the court, the court hereby Orders all visitation by the Plaintiff, Waylon Huber, and the minor children, BRYSON HUBER, born May 12, 2012, and BRYNLEE HUBER, born May 12, 2012, is hereby suspended.

IT IS SO ORDERED this 3rd day of July, 2017.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Honorable Michael R. Montero and that on this 3rd day of July, 2017, I delivered a copy of the foregoing **Order Suspending Visitation** addressed to the following:

Wendy Maddox
510 Melarkey Street, box 7
Winnemucca, Nevada 89445
(DCT Box)

Roderic Carucci
702 Plumas Street
Reno, Nevada 89509

Kathy Brumm
KATHY BRUMM
Judicial Assistant

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

ORIGINAL

FILED

2017 SEP 13 PM 1:31

TAMI RAE SPERO
DIST. COURT CLERK
E Formby

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Roderic A. Carucci, Esq. of Carucci and Associates, attorney for plaintiff, Janea Huber ("Mother"), in the above referenced action, and hereby files his motion seeking to withdraw as counsel pursuant to SCR 46. This Motion is supported by the attached Declaration of Roderic A. Carucci, Esq.

This firm was retained and substituted into this matter on April 19, 2017. Since that time there has been a breakdown of communication between counsel and client. Counsel has been unable to contact Ms. Huber since June, 2017. The client fails to respond to communications in any form from counsel.

Under the circumstances the attorney / client relationship has deteriorated and counsel cannot effectively represent a client who fails and refuses to communicate with counsel. Therefore, counsel seeks permission from the Court to immediately withdraw as counsel of record for Janea Huber. The undersigned is unable to prospectively represent

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Mother in this matter based upon the lack of communication.

Counsel has a written retainer agreement allowing for his withdrawal should the client fail to cooperate in the preparation and litigation of her case, or if there is an outstanding balance owed to counsel. The written agreement with the client states in relevant part: "Client shall cooperate fully with Attorney with respect to the actions, decisions and recommendations of Attorney in prosecuting the claims of Client, and further agrees to assist, aid and diligently help Attorney at all times, and provide all information, documents and facts requested by or necessary to Attorney." Mother's failure to communicate prevents counsel from participating further in this case.

Based upon the foregoing, the undersigned requests an immediate order from this honorable Court allowing this law firm to withdraw as counsel of record and substituting respondent Janea Huber *in pro per*. Janae Huber's last known address provided to counsel is: 3650 N. Bottlebrush Ave., Boise, Idaho 83713.

Opposing counsel has been contacted and states that they have no objection to counsel's withdraw as attorney of record.

DATED: September 11, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

DECLARATION OF RODERIC A. CARUCCI, ESQ. IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR JANEA HUBER

1. This Declaration is made pursuant to the provisions of NRS 53.045.

2. Declarant is an attorney at law licenced to practice in all courts of the State of Nevada, and is the principal of Carucci and Associates.

3. Declarant's firm is counsel of record for Janea Huber in the above captioned action.

4. Janea Huber does not respond to any communications from counsel since approximately June, 2017, and she is in breach of her contractual obligations, necessitating the immediate withdrawal of counsel. Client also owes substantial amounts to counsel and has failed to make any attempt to bring the outstanding balance current.

5. Declarant has had no communication with Janea Huber since her last hearing on June 22, 2017. Multiple emails were sent to Ms. Huber; numerous attempts were made to call her. Ms. Huber has ceased all communication with this office.

6. Counsel is no longer able to continue representing Ms. Huber due to the lack of communication, and because of the breakdown in the attorney client relationship.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 11, 2017

Roderic A. Carucci, Esq.
Carucci and Associates

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on September 11, 2017, I served a true and correct copy of:

MOTION TO WITHDRAW AS COUNSEL

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Wendy Maddox, Esq.
Miller Law, Inc.
115 W. 5th Street
Winnemucca, NV 89445

Janea Huber
3650 N. Bottlebrush Avenue
Boise, ID 83713

Brittanie McNeff

Brittanie McNeff
Carucci & Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

702 Plumas Street
Reno, NV 89509

CARUCCI
& ASSOCIATES
ATTORNEYS AT LAW

Phone: 775-323-0400
Free: 844-79-NVLAW
Fax: 775-323-0466

Offices in Reno, Winnemucca, Fernley, and Fallon

September 11, 2017

Humboldt County Court Clerk
Sixth Judicial District Court
50 West 5th Street, #207
Winnemucca, NV 89445

RE: Huber v. Huber
Case No.: CV20,464

Dear Ms. Spero:

Enclosed please find one original and one copy of the Motion to Withdraw as Counsel, the Request for Submission, and two (2) copies of the blank Order, with regard to the above referenced case. Please file both copies and return a file stamped copy to our office. I have included a self addressed, stamped envelope for convenience.

Please don't hesitate to contact me at the number above if you have any questions. I appreciate your attention to this matter.

Sincerely,

Bryttanie McNeff

Bryttanie McNeff
Carucci & Associates

Enclosures

RECEIVED
SEP 13 2017
HUMBOLDT COUNTY CLERK

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 SEP 13 AM 10: 28

TAMI RAE SPERO
DIST. COURT CLERK
C. Smock

OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

NON-OPPOSITION TO MOTION TO BE RELIEVED AS COUNSEL

Petitioner, Waylon Huber ("Father"), by and through counsel, Wendy Maddox, Esq., and the law firm of Miller Law, Inc., hereby files their non-opposition to Roderic A. Carucci's Motion to be Relieved as Counsel.

DATED: September 13, 2017

Wendy Maddox, Esq.
Miller Law, Inc.
115 W. 5th Street
Winnemucca, Nevada 89445
(775) 623-5000

By: _____
Wendy Maddox, Esq.
Attorney for Waylon Huber

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ~~Carucci & Associates~~ and on September 1, 2017, I served a true and correct copy of:

NON-OPPOSITION TO MOTION TO BE RELIEVED AS COUNSEL

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Roderic A. Carucci, Esq.
702 Plumas Street
Reno, NV 89509

Jennifer Adair

ORIGINAL

FILED

2017 SEP 13 PM 1:31

TAMI RAE SPERO
DIST. COURT CLERK
E Tomly

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Roderic A. Carucci, Esq. of Carucci and Associates, counsel for Defendant, Janea Huber ("Mother") and hereby requests that his Motion to Withdraw as Counsel" be submitted to the Court for consideration.

DATED: September 11, 2017

Carucci and Associates
702 Plumas Street
Reno, Nevada 89509
775-323-0400

By: _____
Roderic A. Carucci, Esq.
Attorney for Janea Huber

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on September 11, 2017, I served a true and correct copy of:

REQUEST FOR SUBMISSION

by:

__X__ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

____ Personal Delivery

____ Facsimile to the following number: _____

____ Reno Carson Messenger Service

____ Certified Mail, Return Receipt Requested

____ E-Flex filing system

____ Electronic mail addressed to:

addressed to:

Miller Law
Wendy Maddox, Esq.
115 W. 5th Street
Winnemucca, NV 89445

Janea Huber
3650 N. Bottlebrush Ave.
Boise, ID 83713

Bryttanie McNeff
Carucci and Associates

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
(775) 323-0400 FAX (775) 323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

CASE NO.: CV20,464

DEPT. NO.: 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2017 SEP 14 PM 4:26

TAMI RAE SPERO
DIST. COURT CLERK

C. Smale

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Petitioner,

vs.

JANEA HUBER,

Respondent.

ORDER ALLOWING WITHDRAWAL OF COUNSEL FOR RESPONDENT

This matter having come before the court upon motion of counsel for respondent, Janea Huber, and good cause appearing,

IT IS HEREBY ORDERED THAT:

Roderic A. Carucci, Esq. and Carucci and Associates, shall be allowed to withdraw immediately as counsel of record for Janea Huber, and that Janea Huber shall be substituted in *pro per*.

Janea Huber's last known address of record is: 3650 N. Bottlebrush Ave., Boise, Idaho 83713.

DATED this 14th day of September, 2017

DISTRICT JUDGE

CARUCCI AND ASSOCIATES
702 PLUMAS STREET RENO, NEVADA 89509
775-323-0400 FAX 775-323-0466
LICENSED IN NEVADA, OREGON, WASHINGTON, COLORADO

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 OCT 17 PM 1:27

TAMI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

REQUEST FOR HEARING

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that a status hearing be set on the above entitled case.

DATED this 17th day of October, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, NV 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 11 day of October, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail in Winnemucca, Nevada, entitled *Request for Hearing*, to:

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho

DATED this 11 day of October, 2017.

JENNIFER ADAIR

CASE NO. CV 20,464

DEPT. NO. 2

FILED

2017 OCT 24 PM 2:32

TAMI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-o0o-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant. /

ORDER DENYING REQUEST FOR HEARING

The Court hereby *Denies* the Plaintiff's Request for Hearing with the right to resubmit once information has been provided regarding the status of the investigation into claims alleged in Defendant's Motion to Suspend Visitation.

IT IS SO ORDERED this 24th day of October, 2017.

DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Nevada Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on October 24th 2017, I caused to be served a true and correct copy of the enclosed **ORDER DENYING REQUEST FOR HEARING** upon the following parties by the means stated below:

Wendy Maddox, Esq.
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
(DCT Box)

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho 83713

Kathy Brumm
Judicial Assistant

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

Case No.: CV 20,464

Dept. No.: 2

This document contains no Social Security Numbers

FILED

2017 NOV -9 PM 1:12

[illegible] RAE SPERO
DIST. COURT CLERK
E Formly

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER

Defendant. /

NOTICE OF FINDINGS OF DIVISION OF CHILD AND FAMILY SERVICES

YOU AND EACH OF YOU PLEASE BE NOTIFIED that attached is findings of the Division of Child and Family Services, filed under confidential seal.

DATED this 9th day of November. 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No.14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ., and that on the 9th day of November, 2017, I placed a true and correct copy of the foregoing or attached document in U.S Postal Service at Winnemucca, Nevada, *Notice of Findings of Division of Child and Family Services*, to:

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho 83713

DATED this 9th day of November, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 NOV -9 PM 1:13

RAE SPERO
DIST COURT CLERK
E Tomlyn

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

REQUEST FOR HEARING

JANEA HUBER,

Defendant.

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys MILLER LAW, INC. and WENDY N. MADDOX, ESQ., that the DCFS findings have been submitted to the court; and requests that a status hearing be set on the above entitled case.

DATED this 9th day of November, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, NV 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 1 day of November, 2017, I placed a true and correct copy of the foregoing or attached document in the US Mail in Winnemucca, Nevada, entitled *Request for Hearing*, to:

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho

DATED this 1 day of November, 2017.

JENNIFER ADAIR

Case No. CV 20,464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 NOV -9 PM 1:13

TAMI RAE SPERO
DIST. COURT CLERK

E Fomby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

REQUEST FOR SUBMISSION

COMES NOW, Plaintiff, WAYLON HUBER, herein by and through his attorneys, MILLER LAW, INC. and WENDY N. MADDOX, ESQ., and requests that the NOTICE OF FINDINGS OF DIVISION OF CHILD AND FAMILY SERVICES be submitted to the judge for review.

DATED this 9th day of November, 2017.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, do hereby certify that I am a paralegal to WENDY N. MADDOX, ESQ. and that on the 1 day of November, 2017, I mailed a true and correct copy of the foregoing or attached document in U.S. Mail, in Winnemucca, Nevada, entitled *Request for Submission*, to:

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho 83713

DATED this 1 day of November, 2017.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED
2017 DEC -5 AM 11:15
LARAE SPERO
COURT CLERK
J. Aguirre

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF HEARING

JANEA HUBER,

Defendant.

YOU AND EACH OF YOU PLEASE BE NOTIFIED that a review hearing in the above entitled case has been set for the 5th day of January 2018, at 2:30 p.m.

DATED this 5th day of December, 2017.

MILLER LAW, INC.

WENDOLYN. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal of WENDY N. MADDOX, ESQ., and that on the 5 day of December 2017 I placed a true and correct copy of the foregoing or attached document in the US MAIL, in Winnemucca, Nevada, entitled *Notice of Hearing*, to:

Janea Huber
3650 N. Bottlebrush Ave.
Boise, Idaho 83713

DATED this 5 day of December, 2017

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

2017 DEC 29 AM 10:46

TAMI RAE SPERO
CLERK OF COURT CLERK

E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

SUBPOENA

JANEA HUBER,

Defendant.

THE STATE OF NEVADA SENDS GREETINGS TO:

Division of Child and Family Services
Kimberly Schmeling, Social Worker
475 W. Haskell
Winnemucca, Nevada 89445

WE COMMAND YOU, that all and singular, business and excuses being set aside, you appear and attend before the Sixth Judicial District Court, County of Humboldt, State of Nevada, at the Court Room of said Court in said County and State at the address listed below, on the 5th day of January 2018, at 2:30 p.m. then and there to testify on the part of Plaintiff, and for a failure to attend you will be deemed guilty of contempt of Court.

IN WITNESS, WHEREOF, I have hereunto set my hand this 29th day of December, 2017

Tami Rae Spero

CLERK

DEPUTY CLERK
50 W. 5th Street
Winnemucca, Nevada 89445
775-623-6379

NRCP 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF NEVADA)
) ss
COUNTY OF HUMBOLDT)

CV20464

I hereby certify and return that I received the within Subpoena on the 27 day of December, 2017 and that I personally served the same upon **Kimberly Schmeling** at DCFS 475 W. Haskell, Winnemucca, in the County of Humboldt, State of Nevada, by serving Kimberly Schmeling a copy of the within Subpoena, personally, and informing her of the contents thereof, on this 27 day of December, 2017.

MIKE ALLEN
Sheriff of Humboldt County, Nevada

By: _____ #218
Deputy

CV 20,464

Waylon Jay Huber, Plaintiff vs. Janea Marie Huber, Defendant.

Judge: Michael R. Montero

Clerk: Jody Clark

JANUARY 5, 2018 **REVIEW HEARING**

PRESENT: Plaintiff, Waylon Jay Huber, present with counsel, Wendy Maddox. Defendant, Janea Marie Huber, present (telephonically) in proper person.

CLOSED HEARING

The record reflected that this matter comes before the Court as a review hearing that had been requested by Maddox. The record further stated that he had previously denied a request for hearing and at some point granted the request and set today's hearing.

The Court asked Maddox for opening comments as to what her intentions are today.

Maddox stated she intends to achieve contact between the Plaintiff and his children. Maddox continued to make additional comments.

The Court addressed the Defendant regarding an email she sent to the Court via his Judicial Assistant, Kathy Brumm.

The Defendant stated she is requesting the continuance due to her attorney being out of the country.

The Court stated he did not grant the continuance but did allow the Defendant to appear telephonically. The Court then asked the Defendant of her status in hiring counsel.

The Defendant stated her counsel is Roderic Carucci and he is out of the country so is unable to communicate with him and is waiting for additional documents.

The Court asked the Defendant if she was still represented by Carucci.

Maddox stated that Carucci filed an Order Allowing Withdrawal of Counsel on September 14, 2017.

The Court asked the Defendant if she was aware of Carucci withdrawing.

The Defendant stated she is aware and spoke with Carucci and he is willing to take her back as a client. The Defendant further stated she is in the process of gathering monies for a retainer.

The Court stated that Carucci has not filed any notice of representation as of today's date.

The Defendant stated her understanding.

The Court stated he does not intent to have an evidentiary hearing today, he just wanted an update as to the status of the matter.

Maddox informed the Court that she has obtained police reports for submission as evidence and that Kim Schmeling has been subpoenaed to testify. Maddox further motioned the Court that should he not be inclined to hear testimony, if he would then have an in-camera review of her documents.

The Court asked Maddox to explain to him what she intends him to review in-camera.

Maddox responded.

The Court stated that the Defendant should be afforded the opportunity to obtain counsel. The Court further stated that he is inclined to review the documents Maddox intends to offer into evidence subject to objection. The Court then asked to address each document.

Maddox stated the first document is the Findings of Division of Child and Family Services filed under seal.

The Court asked the Defendant if she had any objections to the Court reviewing the document in-camera.

The Defendant had no objections to the Court reviewing the document in-camera.

Maddox stated the second document is a Winnemucca Police Report.

A discussion ensued between the Court and Maddox regarding the report.

Maddox further informed the Court of the NIA Nevada Initial Assessment.

The Defendant had no objections to the Court reviewing the NIA in-camera.

The Court informed counsel and parties where he is at in the matter. The Court is inclined to review the documents with the exception of the police report at this time. The Court may consider the report at an evidentiary hearing.

The Court asked the Defendant for her position as to the Plaintiff having contact with children.

The Defendant stated she is hesitant and further stated her concerns.

A discussion ensued between the Court and Defendant regarding contact between her and the Plaintiff.

The Court took a brief recess.

After a brief recess, the Court called in Kim Schmeling to speak with her regarding documents given to Maddox.

Schmeling stated she had received a subpoena to appear today.

The Court shall review the documents discussed in-camera and will then determine if the current order suspending visitation should be modify based upon the evidence.

The Court set this matter for an Evidentiary Hearing on Friday, February 2, 2018, at 10:00 a.m.

The Court informed the Defendant that she must be present in person for the next hearing and would need to have retained counsel.

The Defendant stated Carucci would not be back by then.

The Court informed the Defendant that she would need to work the matter out with her attorney. The Court further informed counsel and parties that this matter is a second set to a criminal jury trial. The

Court further informed the parties that he would notify them if he elects not to modify the current order.

Maddox asked the Court if the children needed to be present.

The Court will not order the children to be present. Should the Court elect to modify the current order he may then order the children to be present.

Maddox stated her concerns should the order be modify to allow visitation in getting the children from Idaho to Nevada.

The Court stated he is well aware and expects if the Court is to modify the order there needs to be some re-acquaintance time and that professional assistants may be needed.

Maddox motioned the Court for some kind of contact between the Plaintiff and his children.

The Court stated he would need to review the documents first.

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED

2018 JAN 29 PM 3:43

[illegible] SPERO
DISTRICT COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER,

Defendant.

_____/

NOTICE OF APPEARANCE OF COUNSEL

Please take notice that STEVE E. EVENSON, Esq. PC, hereby enters his appearance as counsel of record for the Defendant, JANEA M. HUBER. Please serve all further pleadings and notice upon undersigned counsel at the address set forth in this document.

DATED: This 25 day of January, 2018.

_____
STEVE E. EVENSON, Esq. PC
Attorney for Defendant

Evenson Law Office
Steve E. Evenson, Esq., PC
126 S. Taylor Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Evenson Law Office, and that on the 25 day of January, 2018, I served a true and correct copy of the **NOTICE OF APPEARANCE OF COUNSEL**, by the following:

[X] **MAIL** : By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individual(s) and/or address(es) listed below addressed as follows and faxing a true and correct copy to the number below:

Wendy N. Maddox, Esq.
115 West 5th Street, Box 7
Winnemucca, Nevada 89445

_____
Lavinia Johnston, Paralegal
Evenson Law Office

FILED

JAN 31 2018

TAMI RAE SPERO
DIST. COURT CLERK

C. Smoke

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF HEARING

JANEA HUBER,

Defendant. /

YOU AND EACH OF YOU PLEASE BE NOTIFIED that a review hearing in the above entitled case has been set for the 30th day of March 2018, at 9:00 a.m.

DATED this 31 day of January, 2018.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445
775-623-5000

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal of WENDY N. MADDOX, ESQ., and that on the 31 day of January 2018 I placed a true and correct copy of the foregoing or attached document in the US MAIL, in Winnemucca, Nevada, entitled *Notice of Hearing*, to:

Steve E. Evenson, Esq.
126 Taylor Street
Fallon, Nevada 89406

DATED this 31 day of January, 2018.

JENNIFER ADAIR

Case No. CV 20, 464

Dept. No. 2

This document contains no Social Security Numbers

FILED

FEB 0 1 2018

TAMI RAE SPERO
DIST. COURT CLERK

E Tomlin

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

JANEA HUBER,

Defendant.

DISCHARGE OF ATTORNEY AND SUBSTITUTION IN PROPRIA PERSONA

The law office of MILLER LAW, INC. and WENDY N. MADDOX, ESQ., having represented the undersigned in the above-entitled action as my attorney and having performed all services in the action which they were employed, I hereby discharge said attorneys and substitute myself in their place and stead. My current mailing address is 4151 Two Rock Dr., Winnemucca, Nevada 89445.

DATED this 1 day of February, 2018.

WAYLON HUBER

CONSENT TO DISCHARGE

I, WENDY N. MADDOX, ESQ., consent to being discharged.

DATED this 1 day of February, 2018.

MILLER LAW, INC.

WENDY N. MADDOX, ESQ.
Attorney for WAYLON HUBER
Nevada Bar No. 14081
115 West 5th Street, Box 7
Winnemucca, Nevada 89445

CERTIFICATE OF MAILING

I, JENNIFER ADAIR, hereby certify that I am a paralegal of WENDY N. MADDOX, ESQ., and that on the 1st day of February 2018, I mailed a true and correct copy of the foregoing or attached document, in the US Mail, in Winnemucca, Nevada, entitled DISCHARGE OF ATTORNEY and SUBSTITUTION IN PROPRIA PERSONA to:

Steve E. Evenson, Esq.
126 Taylor Street
Fallon, Nevada 89406

DATED this 1st day of February 2018.

JENNIFER ADAIR

CV 20,464

Waylon Huber vs. Janea Huber

Judge: Michael Montero

Clerk: Elisha Formby

MARCH 30, 2018 **EVIDENTIARY HEARING**

PRESENT: Plaintiff, Waylon Huber, present in proper person. Defendant, Janea Huber present with counsel, Steven Evenson.

The Court asked the parties what evidence they had to offer to the Court today.

Waylon responded that he has subpoenaed, Kim Schmeling. Waylon stated that the agreement in the Divorce was for Janea to move to Idaho for a short period to allow her to finish school and then return to Winnemucca with the children. Waylon stated he just wants to see his kids.

Evenson responded and informed the Court that he has just recently been retained as counsel by Ms. Huber, that he had requested a copy of the file from past counsel and was unable to obtain that, that the children are enrolled in school in Idaho, it would be difficult to remove them in the middle of the year to return them to their father. Evenson further stated that he was unimpressed with the prior orders and motions and reminded the Court that the allegations against Mr. Huber are still pending and under investigation by the State. Evenson informed the Court of the children's recent diagnosis of special needs and would motioned the Court to deny the motion for the mother to relocate back to Winnemucca.

The Court stated that this matter before him today is a disaster. That the last time this matter was in Court the other party had counsel, now that party does not have counsel and the other party does have counsel. That in the mean time there are children who lives are being affected who have the right to see both of their parents. The Court further stated now Waylon states that the relocation of the children to Idaho was for a period of time to allow Ms. Huber to finish school, by the Decree it was agreed that the children would be returned to Winnemucca tomorrow. The Court stated that his hope today was that both parties would appear before him with counsel and witnesses. The Court is very concerned on how that will be accomplished now.

Waylon informed the Court that he has done everything possible to retain new counsel. Waylon stated that the allegations against him remain allegations at this point.

The Court asked Waylon where the evidence is that indicate that these are merely allegations. The Court needs testimony to prove that.

The Court address Evenson and Ms. Huber, it is not appropriate that Mr. Huber has not been allowed to see his children for over a year. The Court made the parties aware that he will be ordering supervised visitation between the children and their father.

Evenson concurred and stated he had already prepared his client of this and they fully agree with supervised visitation.

Waylon informed the Court that he had been in contact with the District Attorney's Office regarding the allegations against him and it was reported to Waylon that the State has no intention to close this case until the Statue of Limitations runs out.

The Court took a short recess to review the parties Divorce Decree and Marital Agreement.

The Court returned after a short recess and released Kim Schmeling from subpoena.

Janea Huber and Waylon Huber duly sworn.

Evenson informed the Court that he smelt alcohol coming off Waylon's breath and person when they were speaking in the hallway.

The Court addressed Waylon, the Court will need to make an assessment that Waylon is of sound mind and able to represent himself, here, today.

Waylon confirmed that he did consume alcohol last night, but has not had anything to drink today.

The Court confirms that Waylon does not appear to be inebriated or unable to represent himself.

Evenson reminds the Court of Waylon's alcohol problem.

The Court took note of Evenson's concern and will intervene if the Court feels there is a problem or if Mr. Huber becomes unable to represent himself. The Court stated that Mr. Huber gave sworn testimony that he did drink last night but has not drank today. The Court directed Evenson to move on and asked where the parties wanted to go from here without evidence or witnesses.

The Court asked Mr. Huber if he intends on hiring an attorney and if he has had any training or schooling on being an attorney.

Waylon stated he is adequate and knowledgeable to represent himself and will determine after today if an attorney is necessary.

The Court states that the evidence he was hoping to have before him, in Court today, is not here. Discussion ensued about the ongoing investigation. The Court stated all things that are being said regarding the investigation will be considered hearsay without the witness to give testimony. The Court asked Mr. Huber if he understood.

Waylon stated he understood.

The Court asked permission from Evenson to address his client about school.

Evenson concurred.

Janea answered the question put to her by the Court regarding her schooling and the children's schooling.

The Court stated there is a problem here, that the relocation of the children was temporary, that Ms. Huber was fully aware of this agreement in the Divorce Decree and signed it, that Ms. Huber has had two years to complete schooling and still has a lot of schooling left to do, that there is no motion before the Court asking him to modify the marital agreement or a request to remain in Idaho with the children any longer.

The Court address the parties and stated he is inclined to order therapeutic reunification between the children and their father. The Court asked the parties for suggestions on how this transition could occur. The Court further stated that he will be ordering supervised visitation and will allow the parties to make a schedule that works or the Court may be inclined to have Ms. Huber relocate back to Winnemucca with the children.

Evenson addressed the Court, thought this matter was set for a review hearing today, that the Court is unware of the recent circumstances, that Mr. Huber has an obligation to remain sober and cannot do that, that there is no evidence that marital agreement is in the best interest of the children. Evenson stated his concerns for Mr. Huber's drinking problem.

The Court stated he understands Evenson's concern about Mr. Huber's drinking; however the provision only states that Mr. Huber cannot drink in the presence of the children. Therefore that is not an issue today.

Evenson asked the Court to address Mr. Huber looking at him and his client in an aggressive manner.

The Court addressed Mr. Huber.

Evenson motioned the Court to enforce that Mr. Huber undergo an alcohol test prior to his visitation with the children and that Mr. Huber travel to Idaho for his supervised visitation. Evenson further stated that the children are already established with a therapist in Idaho.

The Court asked Waylon if he would be willing to agree to those terms.

Waylon asked the Court to consider allowing him visitation with the children in Winnemucca and Idaho.

The Court feels that therapeutic involvement in both Winnemucca and Idaho would be confusing to the children. That resources are limited in Winnemucca there may be more resources in Idaho.

Waylon concurred and will do anything he has to see his children, weekends are best. Waylon further agreed to seek therapeutic sessions for the children on a Friday's.

The Court asked if there were people available to provide supervision for Mr. Huber and the children in Idaho.

Evenson stated he would comply with whatever the Court sets forth.

Janea stated there are many resources in Idaho and people that will help with supervised visits.

The Court asked Mr. Huber if twice a month, supervised visitation with the children would be sufficient to start.

Mr. Huber concurred and asked the Court for a time-line to on that.

The Court stated that he wants this matter to come back before the Court for an evidentiary hearing, with proper pleadings, motions, evidence and witnesses. The addressed Mr. Huber and told him that if he continues to represent himself that he will be held to the same standard as an attorney. The Court further stated that if Mr. Huber cannot remain sober that he will not see his children.

Waylon and Evenson concurred.

Waylon informed the Court that he has an app on his phone that he can reactivate for purposes of testing.

The Court ordered that the supervised visitation and therapeutic intervention begin immediately, in Idaho. The Court also addressed Waylon and stated that if he does not arrive to see the children sober, that he will not see the children.

Waylon concurred.

The Court directed Evenson to prepare a temporary order, be realistic, arrangements need to be made and set up by April 13, 2018. The Court ordered that therapeutic sessions be set up on Friday's and that Waylon can exercise supervised visitation on Saturday's. That the extent of the supervised visits will be at the discretion of the treating therapist. That said visitation would occur twice a month.

Evenson stated that he does not want to be the intermediary on this and asked the Court to direct the parties to communicate.

The Court is looking out for the best interest of the children, that there are allegations that warranted a criminal investigation and is looking out for the children's safety. Engage in this slowly. The Court directed the parties to learn to communicate.

Evenson asked the Court if the Court was imposing that Mr. Huber test prior to visitation with the children Friday and Saturday.

Discussion ensued about a monitoring device or PBT.

The Court ordered that Waylon be sober while visiting the children, the use of a smart start alcohol-monitoring device or valid device, or an actual PBT urinalysis.

Janae stated her concerns with the smart devices that Waylon has used in the past.

The Court responded that the visitation would be taking place in a therapeutic and supervised setting, if Mr. Huber appears to be intoxicating that would be reported by the third-party.

Evenson asked the Court to clarify what his definition of "sober" is.

The Court stated that he would use .08 as the basis; if there were evidence of violation of this, the Court will address this matter at a later date.

The Court directed Ms. Huber to provide all necessary documents pertaining to the children and their therapy to counselor.

Ms. Huber concurs.

The Court stated that a therapist needs to be employed that understands that there are allegations against Mr. Huber and made aware that Mr. Huber had not seen the children is over a year. The Court will allow the therapist to determine who will or will not participate in those therapeutic sessions.

Discussion ensued about who will pay for the therapist, transportation and lodging.

The Court ordered that Waylon pay for transportation to and from the children and Janea will cover the cost of therapy.

Janea stated that the children have an established therapist in Idaho, Terry Riley.

The Court directed Ms. Huber to provide the therapist information to Mr. Huber.

Ms. Huber concurred.

The Court ordered that the therapeutic sessions and supervised visitation begin April 6th or April 13th depending on how soon the therapist can set that appointment up. The Court wants that to occur twice a month, at a schedule that works best for both parties. The Court stated that he does not want this matter to drag out any longer.

Evenson motioned the Court to rescind the No Contact Order between the children and Ms. Huber's boyfriend.

Discussion ensued.

Waylon addressed the Court on the No Contact order and objected to the Court rescinding that order. Waylon informed that Court that he has never even met Ms. Huber's boyfriend.

The Court denied the motion to rescind the No Contact Order and wants evidence on who the boyfriend is. The Court wants to meet the boyfriend.

Evenson asked if Mr. Huber would be willing to meet the boyfriend and allow the children to be around the boyfriend if there were supervised.

Waylon agrees to meet Janae's boyfriend and disagrees with the children being around the boyfriend even supervised, as he cannot enforce that from here.

The Court states that the No Contact order stands.

" EX PARTE MOTION TO COMPEL"

FILED

2018 MAY 16 AM 11:00

JAMI RAE SPERRY
DIST. COURT CLERK

C. Smock

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202
Waylonhuber@mail.com
Dept. 1

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER;

Plaintiff,

vs.

JANEA HUBER

Defendant.

Case No.: CV 20,464

"EX PARTE MOTION TO COMPEL".

As defendant JANEA HUBER was ordered on the last hearing to immediately set up a reclamation period with supervised visitation with father and minor children BRYNLEE HUBER And BRYSON HUBER, JANEA HUBER has still not set up any supervised visitation with the therapist, as was ordered by the the Honorable JUDGE MONTARO. She Did send me, WAYLON HUBER, an email written to her from their therapist that stated, "After speaking with mother she believes things should remain the same and have no contact with father". I also tried to call the therapist office and she does not work Fridays as agreed in the last hearing to be the supervised visitation period, due to my work schedule. I believe it to be in the best interest of the children to get familiar with a therapist here in Winnemucca,Nv given we have all the necessary therapeutic amenities for the children needs and to start the reclamation period with father, given the children are to be moving back here In Winnemucca as stated in the decree. The children will benefit more likely to be seeing the same therapist where they will be moving back to. It has been well over a month now and nothing has been done for my reclamation. Once AGAIN, JANAE HUBER Is not following court orders and making It impossible for a reclamation period with my children BRYNLEE and BRYSON HUBER over In BOISE, ID. I also have never received a written order from the last hearing from JANEA HUBER'S attorney Mr. Evanston.

I would like to ask the court to escalate a hearing to change the reclamation therapeutic therapy to here in WINNEMUCCA, NV, or a change in custody to father due to the lack of cooperation from JANEA HUBER.

" EX PARTE MOTION TO COMPEL"

Waylon Huber
In Pro Per

Phone Number _____

CLERK OF THE COURT

BY: _____

Clerk of the sixth judicial district court
50 W. 5th st #207
Winnemucca, NV 89445

Exhibit A

St Luke's

St. Luke's Children's Center
for Neurobehavioral Medicine
1075 E. Park Blvd.
Boise, ID 83712
Phone: (208) 381-5970 Fax: (208)381-5971

To Whom It May Concern:
Re: Brynlee and Bryson Huber, Contact with father

I have just recently starting seeing both patients again, after having a break in therapy while a court case and investigation occurred. I have not seen any legal/court documents, nor have I spoken with anyone involved in the case outside of the patients' mother. I cannot make any decision regarding involvement of biological father at this time without any information. Based on the minimal information I have had over working with both children, and just recently re-evaluating them, I can offer that until I have more information and more time spent with each patient, there should not be any changes in their worlds. Please feel free to contact me with any questions.

Sidra A Beckett LCPC

Sidra A. Beckett LCPC, NCC
Mental Health Therapist

1075 E. Park Blvd.
Boise, ID 83712
(208) 381-5970

becketts@slhs.org

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: waylonHuber@mail.com
Self-Represented Litigant

FILED
2018 MAY 16 AM 11:01
TAMI RAE SPERO
DIST. COURT CLERK
C. Smock

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV 20,464

Dept. No. 1

vs.

Janea Huber,
Defendant / Respondent / Joint Petitioner.

_____/

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the "Ex parte Motion to compel filed on
(Name of document(s) served)
5/16/2018 in the manner(s) and at the location(s) described below. A copy
(Date of filing)
of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served. If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A0414

A copy of the above named document(s) was served upon the following people:

1. Name: Mr Evenson (Name of the person who was served) Date: 5/16/2018 (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☒ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 1035 Dartmouth Ave (Mailing address or physical address where service took place)

Love Lock, NV 89419

2. Name: _____ (Name of the person who was served) Date: _____ (Date of service: month / day / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____ (Mailing address or physical address where service took place)

_____

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Signature: _____

Date: 5/16/2018

Print Your Name: Waylon Huber

FILED

2018 MAY 16 AM 11:00

JAMI RAE SPURR
DIST. COURT CLERK

C. Smart

Code: 3860
Name: Waylon HuBer
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: WaylonHuBer@mail.com
Self-Represented Litigant

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ HUMBOLDT

Waylon HuBer
Plaintiff/Petitioner,

vs.

Janea HuBer
Defendant/Respondent.

Case No. CV 20,464
Dept. No. 1

REQUEST FOR SUBMISSION OF EX PARTE MOTION

I, Waylon HuBer (print your name here), request that the Ex Parte Motion "EXPARTE Motion to compel (Print the name of the Ex Parte Motion) filed on 5/16/2018 (Date the Ex Parte Motion was filed), be submitted to the Court for it's consideration and Order.

This document does not contain the Social Security number of any person.

DATED this 16th day of May, 2018.

Signature: [signature]

Print Your Name: Waylon HuBer

" Request for submission"

FILED

2018 JUN 15 PM 2:04

DIST. COURT CLERK

E Tomly

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202
Waylonhuber@mail.com
Dept. 1

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER;

Plaintiff,

vs.

JANEA HUBER

Defendant.

Case No.: CV 20,464

"REQUEST FOR SUBMITION ".

It is requested that the "ORDER AFTER HEARING" filed in this matter be submitted to the Court for consideration. This document does not contain the personal information of any person as defined by NRS 603A.040.

Waylon Huber
In Pro Per

CV 20,464

Waylon Huber vs. Janea Huber

Court: Michael Montero

Clerk: Elisha Formby

OCTOBER 24, 2018 **STATUS HEARING**

PRESENT: Waylon Huber, present in pro per. Janea Huber, not present. Steven Evenson also not present.

The Court stated that purpose of today's hearing and the procedural history of said case. The Court noted that this matter is set for a status hearing to begin at 2:30; it is now 3:07 p.m... The Defendant and her counsel are still not present. It was reported to the Court that Mr. Evenson was seen in the Courthouse at approximately 2:53 p.m. The Court's notes indicate that this hearing was set back in August between the Court's staff and Mr. Evenson's staff. The Court notes that Mr. Huber is present in the courtroom and has been since 2:00 p.m. The Court cannot proceed without all parties and their counsel.

The Court orders that Mr. Evenson show cause why he failed to prepare an order after the evidentiary hearing held on March 30, 2108; show cause why the Defendant has failed to comply with the Court's order of March 30, 2018; show cause why the Defendant and Counsel have failed to appear for today's hearing and that the Defendant and Counsel must appear in person for the Show Cause hearing set for November 20, 2018 at 2:30 p.m.

Case No. CV 20,464

Dept. No. 2

FILED

2018 NOV -2 PM 12: 32

TAMMARAE SPEED
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

ORDER TO SHOW CAUSE

JANEA HUBER,

Defendant. /

A Status Hearing in the above-referenced matter was scheduled for the 24th day of October, 2018, at the hour of 2:30 p.m. The Plaintiff, Waylon Huber, was present in court appearing Pro Per. The Defendant, Janea Huber, and her Counsel, Steve Evenson, Esq., failed to appear. However, it was reported to the Court that Steve Evenson, Esq. was present in the Humboldt County Courthouse at 2:53 p.m. At 3:10 p.m., Steve Evenson, Esq. and the Defendant, Janea Huber, were still absent from appearing in court.

THEREFORE, IT IS HEREBY ORDERED that Steve Evenson:

1. Show cause why he failed to prepare the order after the Evidentiary Hearing on March 30, 2018, as ordered by the Court;
2. Show cause, if any, why the Defendant has failed to comply with this Court's order of March 30, 2018;

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

3. Show cause why the Defendant and Counsel failed to appear at the hearing set on October 24, 2018, at 2:30 p.m.; and

4. That the Defendant and Counsel must appear in person at the Show Cause Hearing set for the 20th day of November, 2018, at the hour of 2:30 p.m.

Dated this 2nd day of November, 2018.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 2nd day of November, 2018, I delivered a copy of the **ORDER TO SHOW CAUSE** to:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445

Steve Evenson, Esq.
101 N. Main Street
Fallon, Nevada 89406

Kathy Brumm
KATHY BRUMM
Judicial Assistant

CV 20,464

Waylon Huber vs. Janea Huber

Judge: Michael Montero

Clerk: Elisha Formby

NOVEMBER 20, 2018 **SHOW CAUSE HEARING**

PRESENT: Waylon Huber, present in proper person. Janea Huber, present with counsel, Steven Evenson.

The Court stated that this matter is set for a show cause hearing.

Evenson stated that it was his fault that the Defendant did not make it to the last hearing. She has recently had a baby and was unable to travel. Evenson informed the Court that he told Huber she did not need appear. Evenson could call Huber to testify about her medical condition that did not allow her to travel.

The Court informed Evenson that the Defendant's failure to appear at the last hearing was one of several reasons in the Show Cause.

Evenson responded.

Janea Huber, duly sworn and testified under the direct examination of Evenson. Huber testified that due to the recent birth of her baby, she was unable to travel for said hearing and that Mr. Evenson had advise her that is was not necessary for her to travel to that hearing. Huber testified to the fact that she was aware of the previous order for March of 2018. Huber informed the Court that Mr. Huber had not participated in any therapy/counseling appointments with the children as those appoints happen to be scheduled while he was on vacation with his wife. Huber stated that she has not heard from Mr. Huber until today and he has not attempted any contact with the children since the last hearing.

The Court now closed the courtroom and asked everyone to sit in the hallway.

Evenson continues to question the witness, Ms. Huber.

Huber answered questions put to her by the Court. The Court asked Huber if she was aware of the Court's previous order, ordering that the children begin therapeutic counseling immediately. Huber concurred. The Court than asked if those sessions ever occurred. Huber responded no, that she tried to arrange those with Mr. Huber, but Mr. Huber was in the hospital and then traveled to Texas and was unable to make those appointments.

Waylon Huber, duly sworn and testified under the direct examination of Evenson. Huber explained that he filed an Exparte Motion with the Court and a proposed order. Huber further explained to the Court about his recent stay in the hospital and his visit in Texas. Huber stated he continues to try to see his children. Evenson motioned to the Court to have Waylon take a BPT test. Huber objected to a BPT test.

Steven Evenson duly sworn and explained to the Court why he failed to prepare and provide a proposed order to the Court from a previous hearing. Evenson stated he would submit said order to the Court immediately after this hearing. Evenson further explained to the Court that the Defendant's failure to comply with the Court previous order is that Mr. Huber makes it impossible for the Defendant to

communicate with for purposes of the children. Mr. Huber does not make himself available and takes the orders of this Court to try and force Ms. Huber into doing things she is not comfortable doing and that Mr. Huber continues to harass Ms. Huber. Evenson further apologized to the Court for him and his client's failure to appear at the last hearing. Evenson overbooked his calendar and was trying to be in two places at one time. Evenson explained to the Court that Ms. Huber has been doing everything she can to comply with the order.

The Court stated the procedural history of said case and read aloud the Clerk's minutes from the March 2018 to the parties. The Court than asked the parties if they remember that hearing and if they understood the order of the Court. The parties both concurred. The Court than informed the parties that whether there was a paper order from the Court or Court not, that was an order and the parties were to comply. The Court further stated that based on the evidence given by Ms. Huber today, that there was a first and second attempt to the therapeutic sessions, it is now November and there still has not been any other sessions. Evenson responded. The Court does not have any evidence in front to indicate what Evenson stated is accurate. The Court further stated that if there was a problem for the parties to comply with the order than counsel should have reached out to the Court to have this matter placed on the calendar so that the Court be informed of the problem. That a non-resolution only benefits Ms. Huber. Evenson stated that he tried to encourage the parties work together. The Court also pointed out that it is the responsibility of counsel to ensure that his/her client is complying with the order. Evenson concurred, but stated that it is Mr. Huber's responsibility too. The Court is more concerned that not one visitation session has occurred between Mr. Huber and the children since the last hearing and no one is making that happen and when the Court set this matter for hearing to help assist in the matter counsel and his client did not show up.

Evenson that submitted to the Court a proposed order from the March hearing, which was marked as Exhibit "A". The Court made some modification and directed Evenson to make those appropriate changes and resubmit it to the Court by no later than tomorrow at noon.

The Court informed Mr. Huber that there is a process as to how things work when acting as your own attorney.

Waylon asked the Court about his custodial status.

The Court responded, that was the purpose of the Court ordering therapeutic sessions and visitations was to hopefully get the children comfortable and to set out a visitation schedule eventually.

The Court informed both parties that he does not want any more delays in the therapeutic sessions. Those are to begin immediately and failure to comply this time will result in direct contempt.

The Court finds that based on the evidence given today, that Mr. Evenson is Guilty of contempt and ordered to pay $500.00 to One Promise Nevada. The Court further finds the Defendant in contempt of Court for failure to appear and Ms. Huber's sanction will be that she must now appear in person at all further hearings and that Ms. Huber is no longer be allowed to appear telephonically.

Waylon Huber vs. Janea Huber

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO. CV 20,464

		I.D.	MARKED	OFFERED	ADMITTED
A	Proposed Order After Hearing	A	11/20/18		
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					
N					
O					
P					
Q					
R					
S					
T					
U					
V					
W					
X					
Y					
Z					

CASE NO. CV 20,464

DEPT. NO. II

FILED
2018 NOV 21 PM 1:25

C. Smart

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER

Plaintiff,

vs.

ORDER

JANEA HUBER

Defendant.

This Matter came before the Court on November 20, 2018 for a hearing on this Court's *Order to Show Cause*, filed on November 2, 2018. Pursuant to NRS Section 22.100(1) this Court heard testimony regarding this Matter on November 20, 2018, and determined that Steve E. Evenson was guilty of contempt.

NRS Section 22.030(1)(a) requires this Court to recite the facts constituting contempt taking place in the immediate view and presence of this Court. On October 24, 2018, Mr. Evenson failed to appear before this Court in the above named Matter constituting direct contempt. *Gipson v. State*, 102 Nev. 61, 62,714 P.2d 1007, 1008 (1986). Mr. Evenson testified on November 20, 2018 that he scheduled hearings in two separate courts at the same time, and thus missed this Court's October 24, 2018 hearing on this Matter. Consequently, enough evidence exists to find Mr. Evenson guilty of contempt.

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

Finding that Mr. Evenson is guilty of contempt, this Court **ORDERS** him to pay $500. *See* Nev. Rev. Stat. §§22.030(1)(c), 22.100(2). This amount must be paid to One Promise Nevada ("One") by December 5, 2018. Mr. Evenson is **FURTHER ORDERED** to provide this Court with proof of payment no later than December 19, 2018.

IT IS SO ORDERED.

DATED: November 21, 2018.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on November 21, 2018, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445
Via U.S. Mail

Steve Evenson, Esq.
126 S. Taylor Street
Fallon, Nevada 89406
Via U.S. Mail

Shane M. Bell
Law Clerk
Sixth Judicial District Court, Dept. II

Evenson Law Office
Steve E. Evenson, Esq., PC
126 S. Taylor Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2018 NOV 30 AM 8:03
TAMI RAE
DIST. COURT CLK
J. Koepke

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER,

Defendant.
_____/

ORDER AFTER HEARING

This matter came before the Court on a variety of motions and pleadings. Since the last Court appearance Plaintiff became In Pro Per and Defendant acquired new Counsel, Steve E. Evenson, Esq., PC. The parties and counsel were present at this hearing on March 30, 2018. The matter was scheduled for an evidentiary hearing, however, there was some indication that the matter was on calendar for a review and further proceedings after the last hearing.

In any event, neither side was prepared to move forward with an evidentiary hearing. Additionally, Mr. HUBER raised the terminology in the Decree that would require Ms. HUBER and the minor children to move back to Winnemucca by April 1, 2018, which he desired to be enforced.

The Court conducted extensive questioning of the parties regarding various factual circumstances and how to best move forward from this point, with it being made clear that the Court wanted visitation to occur with Mr. HUBER. Ms. HUBER testified that the children's counselor had advised against visitation with Mr. HUBER and that she was unsure of what the plan would be going forward.

The Court questioned the parties and Mr. Evenson about issues related to the therapy and how best to move the matter forward before the next hearing. Based upon the answers to those questions, the pleading in this matter and the arguments of the parties and counsel this Court makes the following interim ORDERS:

1) The parties shall, as soon as possible, file the appropriate pleadings, motions and requests for this Court as soon as possible. As soon as that motion practice is complete, the Court will set the matter for the appropriate evidentiary hearing and all witnesses, evidence and the like must be presented at that time.

2) That supervised visitation and therapeutic intervention begin immediately in Idaho, as approved and supervised by the children's therapist. This should occur twice per month.

3) For any visitation with the minor children WAYLON must be sober. For the purposes of this Order sober means below a .08 percent by weight of alcohol in his blood. Any device that provides a preliminary measurement will suffice for this purpose.

4) The Court wants the visitation to begin no later than April 13 and to occur twice per month on a schedule that works for both parties. The visitation must be worked out by both parties with the therapist in Idaho. If the therapist is against any visits, the matter needs to be brought back before the Court for a hearing on that issue.

5) It is expected that the parties work together to effectuate the purposes of this order and to meet the best interests of the children.

6) All other prior orders remain in effect to the extent that they do not conflict with this order, including but not limited to that Defendant shall not allow contact with the minor children and Justin Caulkins.

Dated this 29th day of November, 2018.

District Court Judge

Evenson Law Office
Steve E. Evenson, Esq., PC
126 S. Taylor Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on November 30, 2018, I caused to be served a true and correct copy of the enclosed **ORDER AFTER HEARING** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445
Via U.S. Mail

Steve Evenson, Esq.
126 S. Taylor Street
Fallon, Nevada 89406
Via U.S. Mail

Shane M. Bell
Law Clerk
Sixth Judicial District Court, Dept. II

ORIGINAL

FILED

2018 DEC 31 PM 1:47

TAMI RAE SPERO
DIST. COURT CLERK
E Tomly

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER,

Defendant.

/

PROOF OF PAYMENT

Enclosed be find proof of payment in regard to the order of this Court. Due to illness and the holidays this is filed late. Payment was made timely. Undersigned counsel apologizes for this late filing.

Steve E. Evenson, Esq., PC
Nevada Bar No. 4506
P.O. Box 1023
Lovelock, NV 89419
(775) 427-3955
Attorney for Defendant

Evenson Law Office
Steve E. Evenson, Esq., PC
101 N. Maine St.
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

DEC-10-2018 12:01 From:17752737542 Page:1/2

STEVE E. EVENSON, ESQ., P. C.
EVENSON LAW OFFICE
P O BOX 1023
LOVELOCK, NV 89419
775-273-2529

WELLS FARGO BANK, N.A.
www.wellsfargo.com
94-7074/3212

12736

12/5/2018

PAY TO THE ORDER OF NEVADA LAW FOUNDATION $ **500.00

Five Hundred and 00/100********** DOLLARS

NEVADA BAR ASSOCIATION
3100 W CHARLESTON BLVD
SUITE 100
LAS VEGAS, NV 89102

MEMO *Dedicated to Pro Bono*

AUTHORIZED SIGNATURE

⑈000012736⑈ ⑆321270742⑆ [redacted]

DEC-10-2018 12:01 From:17752737542 Page:2/2

STEVE E. EVENSON, ESQ., P. C.
EVENSON LAW OFFICE
P O BOX 1023
LOVELOCK, NV 89419
775-273-2529

PAY TO THE ORDER OF NEVADA LAW FOUNDATION

NEVADA BAR ASSOCIATION
3100 W CHARLESTON BLVD
SUITE 100
LAS VEGAS, NV 89102

MEMO *Dedicated to Pro Bono*

FILED

2019 JAN -4 PM 3:34

TAMI RAE SPERO
DIST. COURT CLERK
E Tomly

Case No. CV 20,464

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

Waylon Huber.
Plaintiff.

vs.

Janea Huber.
Defendant.

REQUEST FOR A HEARING

I, Waylon Huber (Your name), the Plaintiff (Plaintiff or Defendant) in this matter.

request a hearing regarding Change of Custody (What you are requesting a hearing for)

My reasons for requesting a hearing are as follows:

Defendant will not comply with honorable Judge Montero's orders resulting in direct emotional abuse of Brynlee & Bryson Huber.

Date: 1/14/19

Waylon Huber (Print Name)

(Signature)

4151 Two Rock Dr (Address)

Winnemucca, NV 89445

775-527-0272 (Telephone number)

A0433

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED

2019 JAN 23 PM 1:09

TAMI RAE STERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER nka
JANEA M. CALKINS,

Defendant.

/

MOTION TO LIFT RESTRICTION OF HUSBAND

COMES NOW, Defendant, JANEA M. HUBER nka JANEA M. CALKINS, by and through her attorney, STEVE E. EVENSON, Esq., PC, and hereby moves this Court to reove the restrictions placed upon her Husband JUSTIN SCOTT CALKINS, in this matter.

This Motion is made based upon the attached Memorandum of Points and Authorities and all papers and pleadings on file.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
State Bar No. 4596
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

This Court, on two prior occassions, over the strenuous objection of JANEA has issued an order to keep Mr. CALKINS away from the minor children. This order has been made solely on the basis of criminal record and without any specific finding of fact that relates to the

Evenson Law Office
Steve E. Evenson, Esq., PC
101 N. Maine Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

specific conduct of Mr. CALKINS with JANEA and the minor children.

That Order was put in place as a result of a felony domestic violence conviction in 2013, and subsequent seven month jail term served by Mr. CALKINS. Mr. CALKINS was released on probation, has successfully completed a one year domestic violence course, substance abuse course and cognitive self change course. Mr. CALKINS has not committed any other crimes and is not a risk to the minor children or to JANEA.

Despite the difficulties created by this order, Defendant and Mr. CALKINS married on August 25, 2018. JANEA and Mr. Calkins also have a child together. Due to this Court's order they continue to live separately with Defendant residing with her mother.

The restrictions placed upon the parties relationship by this Order have created a hardship for the couple, and the restriction is unnecessary and harsh and only serves to provide Plaintiff with a continuous point of attack for use against JANEA.

Should the Court or Plaintiff desire to continue to enforce the restriction, there should at the minimum be a evidentiary hearing to allow Mr. CALKINS and JANEA to appear before this Court and be give due process to show that there is not a risk to the minor children and submit themselves to whatever examination the Court feels is appropriate on the issues provided.

WHEREFORE, Defendant respectfully requests that this Court lift the restrictions placed upon Mr. CALKINS, in this matter.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Evenson Law Office, and that on the date below I served a true and correct copy of the **MOTION TO LIFT RESTRICTIONS**, by the following:

[X] **MAIL**: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to theindividual(s) and/or address(es) listed below

Waylon Huber
4151 Two Rock Dr.
Winnemucca, Nevada 89445

Dated this 23 day of January, 2019

Evenson Law Office

Evenson Law Office
Steve E. Evenson, Esq., PC
101 N. Maine Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2019 JAN 23 PM 1:09
TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER nka
JANEA M. CALKINS,

Defendant.
_____/

MOTION TO MODIFY CUSTODY AND RELATED RELIEF

COMES NOW, Defendant JANEA M. HUBER nka JANEA M. CALKINS, by and through her counsel of record, STEVE E. EVENSON, Esq., PC and hereby submits her Motion to Modify Custody and Related Relief.

This Motion is based upon the attached Memorandum of Points and Authorities and all papers and pleadings on file herein.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
State Bar No. 4596
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

The parties were divorced by Decree entered April 1, 2016. The Decree contains a primary custody provision with a time provision for JANEA to return to Nevada within two years of the Decree. That has not occurred as JANEA has forged a life for herself and the minor children, BRYNLEE J. HUBER born May 8, 2012 and BRYSON W. HUBER born May 8, 2012 that meets their best interests.

Due to actions of Plaintiff, which need not be repeated herein, there was a temporary order issued suspending visitation. Subsequent to that order, the Plaintiff has had numerous struggles with alcohol and instability that have resulted in him showing up for court reeking of alcohol, being hospitalized multiple times (including one where his family communicated with JANEA that his death may be imminent in summer of 2018), having CPS involvement, his wife not being allowed contact with their infant child and that child being placed in the custody of the her parents. Of course, Plaintiff obfuscates the truth about his drinking and his family life going so poorly, but there is overwhelming evidence of his instability.

Plaintiff has not seen the children in some time and efforts at reunification have not been fruitful. Plaintiff expects to have everything served up to him easy and is unable or unwilling to make any real or meaningful effort to rehabilitate his relationship with his children. He also remains in complete denial about his own serious life issues.

Both children have progressed positively while in the sole care of JANEA. When the Plaintiff had his serious problems. BRYNLEE suffered night terrors and would wake terrified that Plaintiff would "get her". BRYSON could not make it through the night without wetting the bed. This has now become a rarity. Both children now sleep through the night, don't have

issues falling asleep and don't become combative at bed time.

The children's eating habits have changed in that they were extremely picky eaters making meal times difficulty and challenging. Both children now happily eat a wide variety of healthy foods, BRYSON has gained weight and is in the "normal" range, he has previously been "underweight" all of his life.

The children have become more confident and grounded. They are both becoming more social and more confident in social interations. They are comfortable initiating conversations.

BRYSON, who has level two autism-which was not accounted for or mentioned in the original order-was initially extremely fearful of men, and found all interactions stressful and scarey. BRYSON hid behind Defendant when approached by male figures. BRYSON has become more confident and happy to interact with male figures.

The children are in their first year of school, they have been able to focus and appropriately participate in all of their classes. Both are in IEP's, which was also not in the original decree, for all classes, they look forward to school and both children are social and have a large group of friends.

Defendant's home is stable and free from alcohol or drug abuse. There is no chaos. Defendant and JUSTIN have created a loving and secure environment for the children. The children have flourished in the sole care of Defendant and without interaction with Plaintiff. The children have not suffered any ill consequence as a result of not seeing/communicating with Plaintiff.

The children are currently on a therapy break, but attended therapy regularly for several months. A recent change in therapist, caused through no fault of anybody involved, has again delayed contact with Plaintiff but the children are adjusted and adjusting well.

As referenced above, JANEA was been informed on July 27, 2018 by Plaintiff's father that Plaintiff had overdosed and was hospitalized but was not expected to survive. Plaintiff did survive and was signed out of hospital by his mother. Plaintiff did not go to rehab at that time.

Prior to his overdosing, on information and belief Plaintiff and his Wife ASHLIE had their infant child removed from their custody by CPS. They were found to have neglected and endangered the child and to be abusing drugs and alcohol. The infant child was in Texas with his maternal Grandparents and, perhaps, ASHLIE for several months. ASHLIE has lost all contact with her children in her custody case with her ex husband and the factual findings in that case should be used or at least referenced in this case.

Under these clearly changed circumstances, JANEA requests the following relief. The children should remain in her primary physical custody. There is little doubt that any other course of action would be destructive to the minor children and dangerous for their future development.

Visitation: Because of the above, Defendant contends that all visitation shall continue to be suspended. Until such time as both Plaintiff and ASHLIE are deemed suitable to parent and such contact is warranted by the children's therapist.

Child Support: Plaintiff shall pay child support to Defendant pursuant to NRS 125B.070 and NRS 125B.080. There is a significant arrears balance and an accounting of arrears is warranted.

Child Tax Credit: Defendant shall claim both children each year.

Heath Insurance: Defendant shall maintain health insurance for the minor children. The parties shall be responsible for any unreimbursed costs and shall follow the 30/30 rule as to re-payment.

II. LAW AND ARGUMENT

Under NRS 125C.0035, the factors to consider when determining best interest of the child are:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody. The minor children are six years old and not of capacity to make such a decision or bear the consequences thereof.

(b) Any nomination of a guardian for the child by a parent. This is not applicable.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the non-custodial parent. At this juncture, Plaintiff has provided no current contact information to Defendant, he has been in the hospital, a court in a custody action with his wife has removed the children from her care and control and he has been unable provide any sense of stability for the minor children. In short, his life is a train wreck and the children should not be forced to be a part of that until he gets himself cleaned up.

(d) **The level of conflict between the parents.** The level of conflict is high at this time.

(e) The ability of the parents to cooperate to meet the needs of the child. There is no communication between the parties at present.

(f) The mental and physical health of the parents. Defendant is healthy both physically and mentally. Plaintiff suffers lifelong from drug and alcohol addiction. His physical health is unknown to Defendant.

(g) The physical, developmental and emotional needs of the child. The minor children are putting the demons of their past behind them and are progressing positively in their secure and safe environment. They have started school and have moved positively both socially and academically.

(h) The nature of the relationship of the child with each parent. The minor children have a deep and closely loving, respectful and involved relationship with Defendant. The minor children are both extremely fearful and scared of Plaintiff or anything that reminds them of him.

This relationship is tenuous at best. The father does not pursue the relationship and only seems to be interested in the minor children on a ad hoc basis, around the time of court hearings. His addiction issues are obvious and well known even to them. As is known to the Court at the last time both parties appeared in Court Defendant admitted to having drank and smelling of alcohol before he came to court.

(i) The ability of the child to maintain a relationship with any sibling. The children now have a half sister. They are very excited to have a baby sister and are already deeply bonded.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

This case has a prolific history of abuse at the hands of Plaintiff.

(k) Whether either parent or another person seeking physical custody has engaged in an act of domestic violence against a child, a parent of the child or any other person residing with the child.

This case has a prolific history of domestic violence towards both the children and Defendant when the parties were still married.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

This is not applicable.

Under ***Ellis v. Carucci***, 12 Nev. 145, 150-151, 161 P.3d 239, 242 (2007), a two-prong test is required to modify custody. There must be (1) a substantial change of circumstances affecting the welfare of the child; and (2) the child's best interest is served by the modification.

Defendant has been the de facto primary custodian of the minor children since the Decree was entered April 1, 2016, Plaintiff has suffered many self inflicted life changing events and has not pursued a meaningful relationship with the minor children, therefore, the first prong

of the *Ellis v. Carucci* standard has been met.

As to the second prong of *Ellis v. Carucci*, Due to the Plaintiff failing to maintain a meaningful relationship with the minor children and due to his behaviors when he has seen the children, and his continued drug usage, it is in the best interests of the minor children to change custody and continue to suspend visitation. The second prong has been met.

JANEA's original affidavit supporting this motion will be filed as soon as received from her.

WHEREFORE, Defendant JANEA CALKINS, prays for the following Orders:

1. That she be awarded Primary Physical Custody of the parties two minor children, with temporary sole legal custody until Plaintiff proves his fitness and ability to be involved with the minor children.;
2. That visitation continue to be suspended until such time as Plaintiff proves his fitness and ability to have unsupervised contact with the minor children.;
3. That Plaintiff shall pay child support pursuant to statutory and case law;
4. That an amount of child support arrears shall be determined;
5. That Defendant shall continue to provide health insurance for the minor children, the parties shall equally share any unreimbursed related medical costs;
6. That Plaintiff shall claim both children each year for tax purposes;
7. For whatever other and further relief as this Court may deem just and proper.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Evenson Law Office, and that on the 23 day of January, 2019, I served a true and correct copy of the attached **MOTION**, by the following:

[X] MAIL : By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individual(s) and/or address(es) listed below addressed as follows and faxing a true and correct copy to the number below:

WAYLON HUBER
4151 Two Rocks Dr.
Winnemucca, Nevada 89445

Michelle Bakley
Evenson Law Office

A0443

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED

2019 JAN 23 PM 1:09

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER nka
JANEA M. CALKINS,

Defendant.

/

MOTION TO REOPEN DISCOVERY

COMES NOW, Defendant, JANEA M. HUBER nka JANEA M. CALKINS, by and through her attorney, STEVE E. EVENSON, Esq., PC, and hereby moves this Court pursuant to NRCP 16.21 for an Order reopening discovery in this matter.

This Motion is made based upon the attached Memorandum of Points and Authorities and all papers and pleadings on file.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
State Bar No. 4596
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

NRCP 16.2 provides that unless the Court orders otherwise, parties are prohibited from conducting discovery in post judgment domestic relations matters. For good cause shown, however, a Court may order post judgment discovery.

Filed concurrently herewith, is Defendant's Motion requesting a modification in child

Evenson Law Office
Steve E. Evenson, Esq., PC
101 N. Maine Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

custody. This matter is not yet set for Hearing. The motion for a change of custody, the factual and legal contents of which are incorporated by reference herein as if fully set forth below, clearly indicates the need for post trial discovery in this matter. This relates to Waylon's medical conditions, his wife's custody case and the factual matters contained therein, the extensive CPS and abuse history and allegations for which there appear to be records in and out of the CPS system, the potential depositions of several persons, including WAYLON, his wife, his parents and his wife's parents among others.

Due to the ongoing and contentious issues between the parties, Discovery in this matter post judgment, must be reopened to allow Defendant to conduct post judgment discovery pursuant to NRCP 33 and 34.

WHEREFORE, Plaintiff respectfully requests this Court's Order to reopen discovery in this matter.

Dated this 22nd day of January, 2019.

Steve E. Evenson, Esq., PC
State Bar No. 4596
101 N. Maine Street
Fallon, NV 89406
775-428 1967
Attorney for Defendant

Evenson Law Office
Steve E. Evenson, Esq. PC
101 N. Maine Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Evenson Law Office, and that on the date below I served a true and correct copy of the **MOTION TO REOPEN DISCOVERY**, by the following:

[X] **MAIL**: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individual(s) and/or address(es) listed below

Waylon Huber
4151 Two Rock Dr.
Winnemucca, Nevada 89445

Dated this 23 day of January, 2019.

Evenson Law Office

Case No.: CV-20464

Dept. No.: II

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2019 JAN 23 PM 1:10
TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON J. HUBER,

Plaintiff,

vs.

JANEA M. HUBER nka
JANEA M. CALKINS,

Defendant.

/

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, STEVE E. EVENSON, Esq., counsel of record for Defendant, JANEA M. HUBER nka JANEA M. CALKINS and hereby moves this Honorable Court for leave to withdraw as counsel of record in the above-mentioned matter.

This Motion is based upon the attached Affidavit of Steve E. Evenson and all papers, documents, and pleadings on file herein.

Dated this 22nd day of January, 2019.

STEVE E. EVENSON, Esq., PC
Nevada State Bar Number 4596
101 N. Maine Street
Fallon, NV 89406
Telephone: (775) 428-1967
Attorney for Defendant

AFFIDAVIT OF STEVE E. EVENSON, ESQ.

STATE OF NEVADA)
:ss
COUNTY OF CHURCHILL)

I, STEVE E. EVENSON, who being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of Nevada and am counsel of record in the above entitled matter for the Defendant JANEA M. HUBER nka

Evenson Law Office
Steve E. Evenson, Esq., PC
126 S. Taylor Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

JANEA M. CALKINS.

2. That there has a been a breakdown in the attorney client relationship, to the point that undersigned counsel feels it is absolutely necessary for him to withdraw from representation of Ms. CALKINS.

3. Nothing is to be interpreted from the above statement with regard to any legal or factual issue in this matter other than undersigned and Ms. CALKINS no longer have the relationship necessary to carry on in an attorney client capacity.

4. That the above statement negates any possibility of an effective attorney client relationship between myself and Ms. CALKINS.

6. This Motion is not being brought forward to delay this matter or hinder the process.

7. The last telephone number and mailing address given to me by Ms. HUBER is : (208) 780-9705 and 5977 S. Manzanita Ave., Boise, Idaho 83709.

8. I believe that the above reason constitutes good cause for this Court to grant this Motion To Withdraw.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

STEVE E. EVENSON, Esq., PC

SUBSCRIBED and SWORN TO before me this 22 day of January, 2019.

LAVINIA JOHNSTON
NOTARY PUBLIC
STATE OF NEVADA
COUNTY OF CHURCHILL
No. 03-83613-4 MY APPT. EXPIRES JUNE 3, 2019

NOTARY PUBLIC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(h), I certify that I am an employee of Evenson Law Office, and that on the date below I served a true and correct copy of the MOTION TO WITHDRAW AS ATTORNEY OF RECORD by the following:

[ ] **MAIL**: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mailbox at Fallon, Nevada, addressed to the individual(s) and/or address(es) listed below.

Waylon Huber
4151 Two Rock Dr.
Winnemucca, NV 89445

Ms. Janea Calkins
5977 S. Manzanita Ave.
Boise, ID 83709

Dated this 22 day of January, 2019.

Evenson Law Office

Evenson Law Office
Steve E. Evenson, Esq., PC
126 S. Taylor Street
Fallon, Nevada 89406
(775) 428-1967 Fax (775) 428-1820

Order To Submit

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-527-0272

FILED

2019 JAN 24 PM 12:47

TAMI RAE SPERO
DIST. COURT CLERK

Emily

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA HUBER

Defendant(s).

Case No.: CV.20,464

Order to submit Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Order to submit
Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Waylon Huber
In Pro Per

Code: 3720
Name: Waylon HuBer
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: WaylonHuBer@mail.com
Self-Represented Litigant

FILED
2019 FEB -1 PM 1:51
TAMI RAE SPARO
DIST. COURT CLERK
T. Koepke

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ Sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ HumBoldt

In the Matter of the Guardianship of
- [X] The Person only
- [ ] The Estate only
- [ ] The Person and the Estate

Brynlee & Bryson HuBer,
(Print Name of Minor)
A Minor.

Case No. 20,464
Dept. No. 2

PROOF OF SERVICE

I, Waylon HuBer, state as follows:
(Print name of person making service)

1. I am eighteen years of age or older.

2. I served a true and correct copy of the document(s) entitled
(Name of document(s) served)
Motion To Reopen Discovery
Motion To Modify Custody and Related Relief.
Motion To Lift Restrictions on Husband

in the following way:

A0449

Check the appropriate box, and fill in all requested information. If more space is needed, you may attach additional pages to this document. If you served by certified mail, return receipt requested, attach a copy of the certification receipts to this document.

Name of Person Served:	Address (Street, City, State, Zip Code):
Steve Evenson	P.O. Box 1023 Love Lock, NV 89419
Date of Service: 2/1/19	☒ Certified mail, return receipt requested –**OR**– ☐ Personal Service
Name of Person Served:	Address (Street, City, State, Zip Code):
Date of Service:	☐ Certified mail, return receipt requested –**OR**– ☐ Personal Service
Name of Person Served:	Address (Street, City, State, Zip Code):
Date of Service:	☐ Certified mail, return receipt requested –**OR**– ☐ Personal Service
Name of Person Served:	Address (Street, City, State, Zip Code):
Date of Service:	☐ Certified mail, return receipt requested –**OR**– ☐ Personal Service

This document does not contain the Social Security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 2/1/19

Your Signature: _____

Print Your Name: Waylon Huber

REPLY TO MOTION TO MODIFY CUSTUDY AND RELATED RELIEF.

FILED

2019 FEB -1 PM 1:51

TAMI RAE SPERO
DIST. COURT CLERK

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-527-0272

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA HUBER aka "CALKINS"

Defendant(s).

Case No.: CV.20,464

REPLY TO MOTION TO LIFT RESTRICTIONS ON HUSBAND.

The motion Mr Evenson is proposing Is a slap in the face after judge honorable montaro said the no contact order stands on November 20th 2018. I feel this has been going on and the order was never followed.

Waylon Huber
In Pro Per

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-527-0272

FILED
2019 FEB -1 PM 1:51
TAMI RAE SPEED
DIST. COURT CLERK

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA HUBER

Defendant(s).

Case No.: CV.20,464

REPLY TO MOTION TO MODIFY CUSTUDY AND RELIEF.

The motion Mr Evenson is proposing is a horrible hail marry attempt to keep the twins away from their father. This has gone on long enough.

Waylon Huber
In Pro Per

REPLY TO MOTION TO MODIFY CUSTUDY AND RELATED RELIEF.

FILED

2019 FEB -1 PM 1:5

TAMI RAE SPERO
DIST. COURT CLERK

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445
775-527-0272

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA HUBER aka "CALKINS"

Defendant(s).

Case No.: CV.20,464

REPLY TO MOTION TO REOPEN DISCOVERY.

The motion Mr Evenson is proposing I do not agree whats so ever. Their is a reason for these laws. I feel we are just keeping litigation going.

Waylon Huber
In Pro Per

Case No. CV 20,464

Dept. No. II

FILED

2019 FEB -8 PM 2:50

TAMI RAE SPERO
DIST. COURT CLERK
E Family

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF HEARING

JANEA HUBER,

Defendant. /

A Status Hearing in the above-referenced matter is scheduled for Tuesday, February 26, 2019, for 2:30 p.m., in Dept. II, Humboldt County, Winnemucca, Nevada.

It is further ordered that the parties appear in person.

DATED this 8th day of February, 2019.

MICHAEL R. MONTERO
District Court Judge

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 8th day of February, 2019, I delivered a copy of the **NOTICE OF HEARING** to:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445

Janea Huber Calkins
5977 S. Manzanita Ave.
Boise, Idaho 83709

KATHY BRUMM
Judicial Assistant

Case No. CV 20,464

Dept. No. 2

FILED

2019 FEB -8 PM 2:49

TAMI RAE SPERO
DIST. COURT CLERK
E Formby

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs. **ORDER**

JANEA HUBER,

Defendant. /

On the 23rd day of January, 2019, Steve E. Evenson, Esq., counsel of record for Janea Huber, Defendant, filed a Motion to Withdraw as Attorney of Record. The Court after review of said Motion hereby *Grants* Mr. Evenson's Motion to Withdraw as Attorney of Record.

IT IS SO ORDERED.

Dated this 8th day of February, 2019.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court, and that on the 8th day of February, 2019, I delivered a copy of the **ORDER** to:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445

Steve Evenson, Esq.
101 N. Main Street
Fallon, Nevada 89406

Kathy Brumm
KATHY BRUMM
Judicial Assistant

CV ~~20,646~~ 20,464

Waylon Huber, Plaintiff vs. Janae Huber, Defendant

Judge: Judge Montero

Clerk: Jody Clark

FEBRUARY 26, 2019 **STATUS HEARING**

PRESENT: Plaintiff, Waylon Huber, present telephonically, in proper person. Janae Huber, Defendant, present telephonically, in proper person.

The Court stated that counsel, Steve Evenson for the Defendant has filed a Motion to Withdraw as Attorney of Record on January 23, 2019. An Order granting the motion was filed on February 8, 2019.

The Court further stated that this matter was originally set to begin today at 2:30 p.m. The Defendant called chambers and informed his staff that she was unable to come to Winnemucca from Boise, Idaho due to the weather. The Court has agreed to continue the hearing. The Court is not willing to conduct further hearings in this matter and both parties must be present at any future hearings absent the Court's control as to mother nature. The Court shall set another hearing date.

The Court stated that an Order After Hearing had been filed on November 30, 2018, ordering therapeutic visitation begin between the children and their father in Idaho. To this date the visitations have not started. The Court further stated that the Defendant sent a letter to the Court stating that additional language was needed by Idaho in the order to reflect the type of therapeutic visitation that needed to occur. The Court wants the Court order followed. The Court wants the information previously sent by the Plaintiff to be emailed to his office.

The Court addressed the order entered back in April 2016, in the parties Decree of Divorce. The Court informed the Defendant that order allowed her to move to Idaho for two (2) years to continue her education. That time has run. The Court informed the Defendant to be prepared to explain to the Court why he should not enforce the temporary agreement. Why she should be given the opportunity to continue to live in Idaho when there is an order currently in place to have the Defendant return to Humboldt County after two (2) years.

The Court set this matter for a Continued Status Hearing on Thursday, March 14, 2019, at 1:30 p.m.

CV 20,464

Waylon Jay Huber, Plaintiff vs. Janea Marie Huber, Defendant.

Judge: Michael R. Montero

Clerk: Jody Clark

MARCH 14, 2019 **EVIDENTIARY HEARING**

PRESENT: Plaintiff, Waylon Jay Huber, present in proper person. Defendant, Janea Marie Huber, present in proper person.

The Court closed the hearing and directed all spectators to wait outside of the courtroom.

The record reflected that this matter is a continuance from the hearing held on February 26, 2019. At that hearing a discussion ensued regarding an order filed November 30, 2018, ordering therapeutic visitation was to begin between the children and their father in Idaho.

Waylon informed the Court that he called Janea in an attempt to set something up with the new therapist as to phone visitation with the children. Janea refused. Waylon further stated that he emailed what had been requested by the Court to his Judicial Assistant, Kathy Brumm.

Janea stated she has not heard anything regarding a new therapist and has not communicated with Waylon regarding phone visitations.

The Court directed the Clerk to swear in the parties.

Waylon Jay Huber and Janea Marie Huber, duly sworn.

A discussion ensued between the Court, Waylon and Janea regarding clarification as to the language needed in an order from this Court as to therapeutic supervised visitation in Idaho. Janea updated the Court as to how the children are doing. Waylon motioned the Court for change in custody. A discussion ensued regarding his motion.

The Court stated that the last order regarding supervised visitation and support was filed on November 30, 2019.

Waylon informed the Court that he had filed an Ex Parte Motion for Change of Custody in early January.

The Court stated he does not fine the motion in the file nor on the case summary.

A discussion ensued regarding the need for records to be subpoenaed.

The Court clarified with both parties that this Court does not subpoena records. The Court further stated that he shall modify the current order to include the language required by Idaho. The Court also informed both parties they are putting the Court in a difficult position when they file inappropriate pieces of paper. The documents mean nothing unless a properly sworn affidavit is attached.

CASE NO. CV 20,464

DEPT. NO. II

FILED

2019 MAR 15 PM 3:23

TAMI RAE SPEE...
DIST. COURT CL...

E Formly

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,
Plaintiff,

vs.

ORDER

JANEA HUBER,
Defendant.

This matter came before the Court on March 14, 2019 for a Status Hearing. On November 30, 2018, this Court ordered the parties and the minor children to complete "supervised visitation and therapeutic intervention." It was this Court's intention at the time to order "therapeutic supervised visitation" in Idaho. This Court now clarifies its November 30, 2018, *Order After Hearing*, and **ORDERS** the following:

1. The parties shall participate in Therapeutic Supervised Visitation in accordance with I.R.F.L.P. 717 with KIDS Services. Specifically, the supervised access shall include "Therapeutic Supervision" as defined in I.R.F.L.P. 717(D)(7) and as contemplated by the proposed Idaho order provided to this Court by Plaintiff.
2. Supervised Access with Plaintiff shall include the following minor children: Brynlee Huber, born May 8, 2012 and Bryson Huber, also born May 8, 2012.

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

3. Supervised access is necessary because there have been allegations of sexual abuse of the children and substance abuse by Plaintiff.
4. Costs associated with Supervised Access shall be allocated solely to Plaintiff.
5. Each party shall contact the Supervised Access provider within five days of service of this **ORDER** to make arrangements to begin visitation.
6. Supervised Access will occur twice monthly, for two hours each visit. Specific dates and times shall be negotiated with the Supervised Access Provider according to the Provider's policies and schedule. If the parties are unable to negotiate mutually acceptable dates and times, each party shall give the Provider a weekly schedule as well as a schedule for the children, and the Supervised Access Provider shall determine the access schedule.
7. This Court asks the Supervised Access Provider to provide written status reports to this Court every 30 days with information regarding the number of visits attended and the participation levels of Plaintiff.
8. For any visitation with the minor children, Plaintiff must be sober. For the purposes of this **ORDER**, "sober" means below a .08 percent by weight of alcohol in the blood. Any devise that provides a preliminary measurement will suffice for this determination.
9. Should this service be unavailable to the parties, Plaintiff and Defendant are ordered to contact this Court immediately.
10. The parties shall work together to effectuate the purposes of this **ORDER**.

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

11. All other prior orders remain in effect to the extent they do not conflict with this **ORDER**.

12. This **ORDER** is effective immediately.

IT IS SO ORDERED.

DATED: March 15, 2019.

MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on March 15th, 2019, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445
Via U.S. Mail

Janea Huber Calkins
5977 S. Manzanita Ave.
Boise, Idaho 83709
Via U.S. Mail

Shane M. Bell
Law Clerk
Sixth Judicial District Court, Dept. II

FILED

2019 MAR 15 PM 1:12

TAMI RAE SPENO
DIST COURT CLERK

J. Koepke

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr

Telephone: 775-527-0272
Email: WaylonHuber@mail.com
Self-Represented Litigant

IN THE FAMILY DIVISION

OF THE ~~SECOND~~ SIXth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ~~WASHO~~ HumBoldt

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. 20,464

Dept. No. 1

vs.

Janea Calkins,
Defendant / Respondent / Joint Petitioner.

/

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the

SuBpoena Duce tecum filed on
(Name of document(s) served)

3/15/19 in the manner(s) and at the location(s) described below. A copy
(Date of filing)

of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A0464

A copy of the above named document(s) was served upon the following people:

1. Name: Janea Calkins Date: 3/15/19
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☒ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 10323 W Breck Field Dr Boise ID 83709
(Mailing address or physical address where service took place)

_____

2. Name: _____ Date: _____
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____
(Mailing address or physical address where service took place)

_____

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 3/15/19

Signature: _____

Print Your Name: Waylon Hubert

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

FILED

2019 MAR 15 PM 1:12

TAMI RAE SPENO
DIST COURT CLERK

J. Koepke

Waylon Huber, IN PRO PER

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURT

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: 20,464
Subpoena duces tecum

I Waylon Huber am issuing a Subpoena duces tecum on all medical and school records regarding BRYSON HUBER AND BRYNLEE HUBER . Please Provide all documents to WAYLON HUBER at 4151 Two Rock DR Winnemucca, NV 89445.

Waylon Huber
In Pro Per

Documents should be provided by _____JANEA CALKINS_____. (Documents should be provided Immediately.)
If attending Court in obedience to a Subpoena, you are entitled to witness fees and mileage traveled, as provided by NRS 50.225. This Subpoena must be accompanied by the fees for one day's attendance and mileage, unless issued on behalf of the State or a State Agency.
Failure of any person without adequate excuse to obey a Subpoena served upon that person may be deemed in contempt of the Court from which the Subpoena was issued. NRCP 45(e).
This document does not contain the personal information of any person as defined by NRS 603A. 040.
Date: 3/15/2019

ISSUED BY CLERK OF THE COURT

By: J Korpke, Deputy Clerk

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Case No. CV.20,464

Dept No 1

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

WAYLON HUBER, IN PRO PER

FILED
2019 MAR 25 PM 12:32

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA HUBER

Defendant(s).

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

WAYLON HUBER
In Pro Per

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Temporary full physical, joint legal custody to Father Waylon Huber of Bryson Huber & Brynlee Huber due to neglect through parental alienation and non compliance of court orders.

Defendant Janea Huber- Calkins will not follow court orders.

Father, will set up as soon as possible counseling here in Winnemucca, Nv at the Family Support Center where they have every program available to meet all needs for the twins, Brynlee and Bryson Huber, and will help meet the needs for minor children with the change in living arrangements with father.
Twins, Brynlee and Bryson Huber to be returned to NV immediately to the temporary full physical, joint legal custody to father, Waylon Huber until further hearings.

After the March, 14th hearing an order was created to start reunification with my children Brynlee huber and Bryson huber.
Since that hearing Janea Calkins has has cut plaintiff, Waylon Huber, off of all communication, making it impossible to set any reunification visits at all for the 4th time.

Continued Disobedience shows a lack of respect for the Sixth Judicial Court and control by defendant Janea Calkins.

Janea Calkins is living with Justin Calkins who currently has a no contact order with Brynlee huber and Bryson huber. She is now married to him and has a baby with him.

There has been 3 physical hearings 1 missed hearing and one telco-phonic hearing on this issue and even contempt charges.
I request the court give father Waylon Huber Full physical joint legal custody.

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

Ex Parte Motion To Modify Custody Due To Change In Circumstance.

JANEA CALKINS (defendent) has cut off ALL COMMUNICATION with Father, (Plaintiff) WAYLON HUBER, plaintiff. Feels like JANEA CALKINS is a FLIGHT RISK.

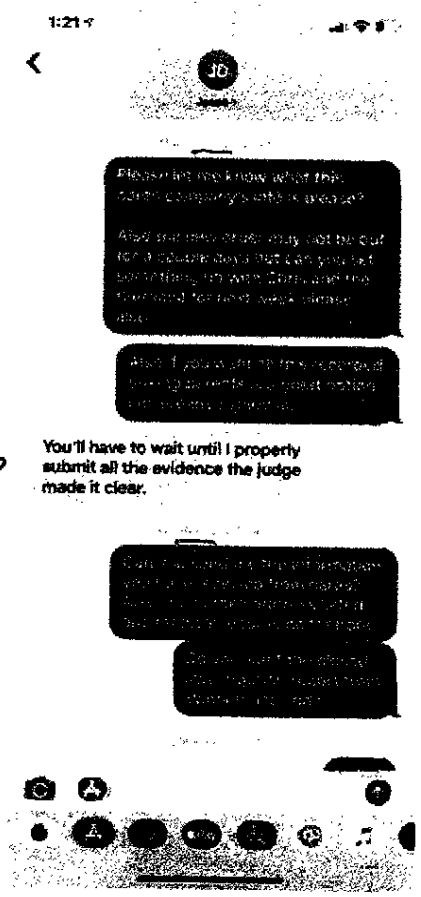
Exhibit A shows she has no plan following the order and has cut communication.

Exhibit B- Is communication with KID SERVICES, between CHRIS JONES and I, Waylon Huber.

I am also asking the court that JANEA CALKINS provides the children, BRYNLEE and BRYSON HUBER to a public place in WINNEMUCCA, NV "KOUREYS" parking lot for our exchange within 72 hours.

Through Previous Filings I have been told to send all documents to JANEA HUBERS mother DEBRA DRAKES address.

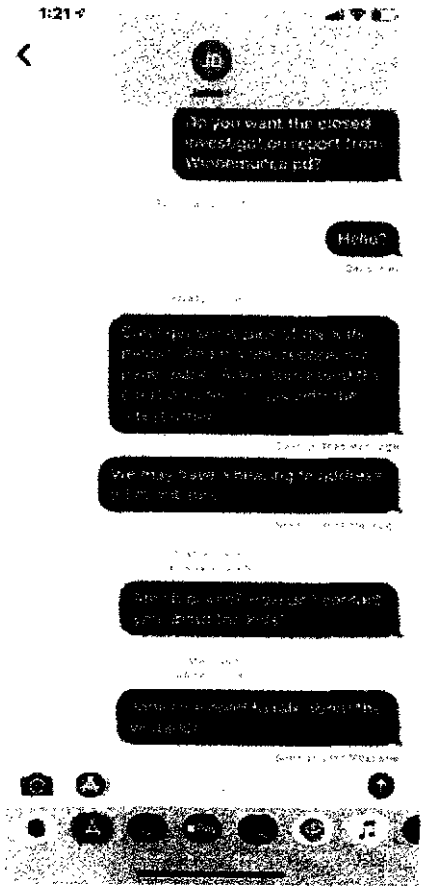
EXHIBIT A



Janea Calkins → Left Side

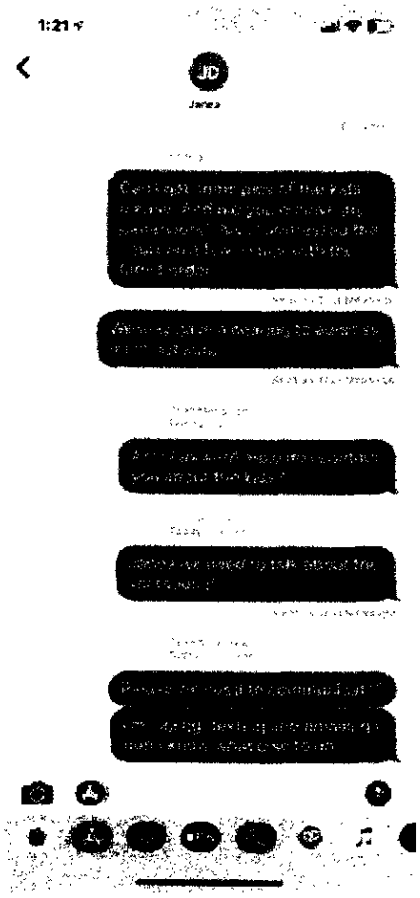
← Waylon Huber Right Side

IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG



ALL
← Waylon
Huber

IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG



IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG

Delete | Forward | Resend | Move

i need your help. Close Fullscreen

From: Waylon Huber 3/24/2019 at 2:21 PM

To: janea huber

I need your help to set this therapy up!!!!!! we are ordered to.
also the court paper work says you live at 5977 S. Manzanita and in twxt you said you live at your moms. where are my kids located?

Waylon Huber
775-527-0272

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
janea huber
Support

Premium Features
Help
Settings
About us

[redacted] - Mail to Janea [redacted] Calkins

Delete | Forward | Resend | Move

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
Support
sales2@joyzonecn.com

Premium Features
Help
Settings
About us

Information and therapies

Close Fullscreen

From: Waylon Huber
3/24/2019 at 11:46 AM

To: janea huber

Who is their therapist that will be goin to kiddie and what is your schedule?

Sent using the free mail.com iPad App

A0476

Nothing Sent [redacted]

Search | All Headers | All folders | From | To

janea

Unread E-mails
Favorites
Inbox
Trash
Spam
Sent
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
janea huber
Support

Premium Features
Help
Settings

About us

Delete | Reply | Forward | Move | Sort

Folder: Inbox

KIDS Services	FW: Huber vs. Huber	2/26/2019	270.67 KB
steve evenson	Re: Huber Vs Calkins	2/13/2019	14.3 KB
steve evenson	Re: Huber Vs Calkins	2/13/2019	11.29 KB
Waylon huber	No Subject	1/13/2019	123.44 KB
KIDS Services	Huber vs. Huber	12/22/2018	267.67 KB
Janea Huber	huberletter5.18.pdf	5/7/2018	35.86 KB
Janea Huber	Fwd: Letter/ statement f...	5/7/2018	5.83 KB
Janea Huber	Childrens medical	1/23/2017	11.28 KB
Janea Huber	Child support	12/24/2016	4.51 KB
Janea Huber	Written consent	10/24/2016	4.6 KB
1009.fours	Brynlee. Huber's day - Frida...	9/23/2016	4.74 KB
Janea Huber	Fwd: QDRO Information ..	4/12/2016	256.04 KB
Melinda C. Cameron	Re: QDRO Informatio.	4/12/2016	259.46 KB
Janea Huber	Re: Fwd: QDRO Information	4/9/2016	22.23 KB
Janea Huber	Fwd: QDRO Information	4/7/2016	29.21 KB
Janea Huber	Fwd: QDRO Information	4/7/2016	19.6 KB
Janea Huber	Fwd: QDRO Information	4/7/2016	116.7 KB
Janea Huber	Fwd: File attached: Revi ..	3/16/2016	1.73 MB
Waylon Huber	Janea text 02/02/16 and...	2/3/2016	6.05 MB
Jonathan Whitehead	RE: Janeas Home Purcha...	1/28/2016	11.22 KB
Jonathan Whitehead	Janea's dec 16 email	12/16/2015	8.09 KB
Janea Huber	Visitation	12/16/2015	13.99 KB
Janea DrAke	Re: Visitation from Waylon	12/11/2015	4.66 KB
Jonathan Whitehead	Janea's response to y...	11/6/2015	2.02 MB
Twitter	Janea Huber and Melissa M..	5/26/2014	16.65 KB
Janea Huber (via Twit..	Janea Huber sent you an in ..	5/22/2014	16.19 KB
Venettis, Andrew	RE: tax info	3/7/2014	73.74 KB
Janea Huber	tax info	3/7/2014	23.92 MB
Janea Huber	Hey honey	1/13/2014	3.59 KB
Janea	Check out this item on Targ..	1/13/2014	21.11 KB
US_Postal_Service@u...	USPS Shipment Info for EE9...	12/18/2013	8.97 KB
US_Postal_Service@u.	USPS Shipment Info for EE9...	12/18/2013	8.73 KB
US_Postal_Service@u...	USPS Shipment Info for EE9 .	12/18/2013	8.5 KB
US_Postal_Service@u...	USPS Shipment Info for EE9 .	12/17/2013	8.96 KB
US_Postal_Service@u..	USPS Shipment Info for EE9..	12/17/2013	8.06 KB
US_Postal_Service@u..	USPS Shipment Info for EE9...	12/16/2013	7.84 KB
US_Postal_Service@u.	USPS Shipment Info for EE9...	12/16/2013	8.28 KB
US_Postal_Service@u...	USPS Shipment Info for EE9.	12/15/2013	7.39 KB
US_Postal_Service@u	USPS Shipment Info for EE9	12/15/2013	7.88 KB

nothing from Janea Calkins

EXHIBIT B

Delete | Forward | Resend | Move

Re: RE: RE: RE: FW: Huber vs. Huber Close Fullscreen

From: Waylon Huber 3/22/2019 at 6:36 PM

To: KIDS Services

Hi Chris,

From my understanding this is intended to gain a relationship back with my children, because they have been kept from me for so long.
It's mandatory in the state of NV, that if they are under a certain age and haven't seen the other parent in so long, they have to have therapeutic monitored services to regain a relationship, for the sake of the children.
I am not a criminal nor have I been charged for any offenses what so ever. In fact, I've undergone every investigation possible to clear my name from my daughter and what has happened.
I have taken a VSA and have been cooperative in every aspect of this investigation.
I have been cleared.
Is this a service for offenders ect...? Because if it is, this is the wrong service and the court has been mislead.
Please advise.

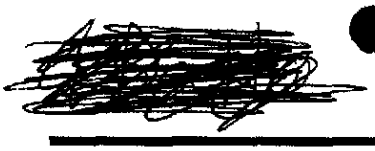
Waylon Huber

Sent using the free mail.com iPad App

On 3/22/19 at 5:59 PM, KIDS Services wrote:

> Waylon,
>
> Perhaps a few things you need to be made aware of.
>
> Therapeutic supervised visits are one hour in length.
>
> These appointments are talk therapy. You will not be playing with the girls. Eventually, the therapist may recommend regular supervised visits which will then be two hours of playing.
>
> You cannot bring their 2 year old sister. Again, this is not play time.
>
> Idaho does not have grant funding available for out-of-state orders and we do not accept insurance.
>
> We do not administer breathalyzer tests.
>
> Chris Jones
>
> KIDS Services
>
>
>
> -----Original Message-----
> From: Waylon Huber [mailto:waylonhuber@mail.com]
> Sent: Friday, March 22, 2019 6:11 PM
> To: KIDS Services
> Subject: Re: RE: RE: FW: Huber vs. Huber
>
>
>
> Just to fill you in we should be getting a new order same verbiage but I found one discrepancy with how long the order hasn't been followed, and the judge said she was to pay for services or apply for a grant or use insurance and I am to pay for all travel cost hotels, gas, food, time off ect... I'm hoping to get it started as soon as you can any day I will make time. Mornings are the best for me so I might be able to head home after. I haven't seen them in so long. Also they have a 2 year old sister I don't know if I should make sure to bring her?
>
>
>
> Hope you have a great weekend let me know if you need anything, or the background in this case.
>
>
>
> Waylon huber
>
> 775-527-0272
>

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account
Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
Support
sales2@joyzonecn.com
Premium Features
Help
Settings
About us



Supervised Access
Sexual Misconduct

Idaho Rules of Family Law Procedures 717o states for safety considerations, all providers must adhere to the following additional terms and conditions in cases involving allegations of sexual abuse.

Re: _____ (client's name)

1. There is to be no exchanges of gifts, money or cards;
2. No photographs, video or audio taping allowed;
3. No lap sitting, hair brushing, stroking, hand holding, prolonged hugging, snuggling, kissing, wrestling, tickling, rough-housing; or changing of diapers or clothes;
4. Visiting parent is not allowed to assist child in the bathroom;
5. Any physical contact is to be initiated by the child only and must be brief. Any prolonged behavior will be stopped by the staff;
6. One-on-one supervision only; and
7. No objects from home are allowed at the visit.

I have read and understand the information above. I acknowledge this has been discussed with me and I agree to comply with the additional restrictions. I understand that the original policies and procedures continue to be in effect.

_____ _____

Signed Date

Motion To Modify Custody Due To Change In Circumstance.

Case No. CV.20,464

Dept No 1

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

FILED
2019 MAR 25 PM 12:32

WAYLON HUBER, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Motion To Modify Custody Due To Change In Circumstance.

WAYLON HUBER
In Pro Per

Motion To Modify Custody Due To Change In Circumstance.

Motion To Modify Custody Due To Change In Circumstance.

Temporary full physical, joint legal custody to Father Waylon Huber of Bryson Huber & Brynlee Huber due to neglect through parental alienation and non compliance of court orders.

Defendant Janea Huber- Calkins will not follow court orders.

Father, will set up as soon as possible counseling here in Winnemucca, Nv at the Family Support Center where they have every program available to meet all needs for the twins, Brynlee and Bryson Huber, and will help meet the needs for minor children with the change in living arrangements with father.
Twins, Brynlee and Bryson Huber to be returned to NV immediately to the temporary full physical, joint legal custody to father, Waylon Huber until further hearings.

After the March, 14th hearing an order was created to start reunification with my children Brynlee huber and Bryson huber.
Since that hearing Janea Calkins has has cut plaintiff, Waylon Huber, off of all communication, making it impossible to set any reunification visits at all for the 4th time.

Continued Disobedience shows a lack of respect for the Sixth Judicial Court and control by defendant Janea Calkins.

Janea Calkins is living with Justin Calkins who currently has a no contact order with Brynlee huber and Bryson huber. She is now married to him and has a baby with him.

There has been 3 physical hearings 1 missed hearing and one telco-phonic hearing on this issue and even contempt charges.
I request the court give father Waylon Huber Full physical joint legal custody.

Motion To Modify Custody Due To Change In Circumstance.

JANEA CALKINS (defendent) has cut off ALL COMMUNICATION with Father, (Plaintiff) WAYLON HUBER, plaintiff, Feels like JANEA CALKINS is a FLIGHT RISK.

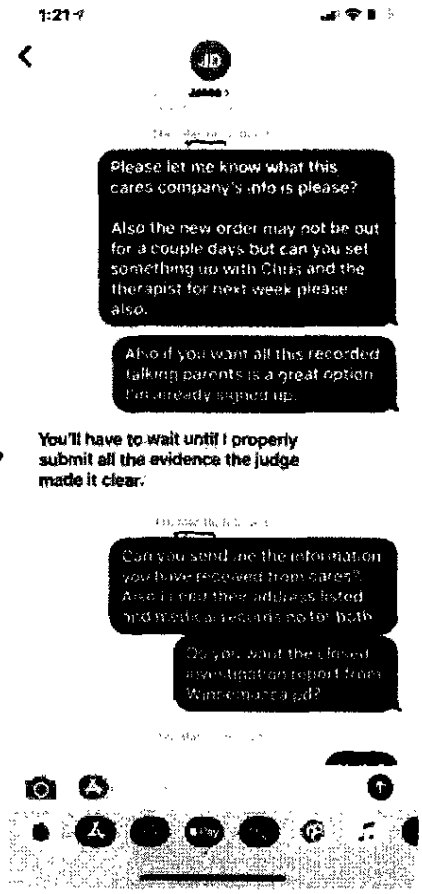
Exhibit A shows she has no plan following the order and has cut communication.

Exhibit B- Is communication with KID SERVICES, between CHRIS JONES and I, Waylon Huber.

I am also asking the court that JANEA CALKINS provides the children, BRYNLEE and BRYSON HUBER to a public place in WINNEMUCCA, NV "KOUREYS" parking lot for our exchange within 72 hours.

Through Previous Filings I have been told to send all documents to JANEA HUBERS mother DEBRA DRAKES address.

EXHIBIT A

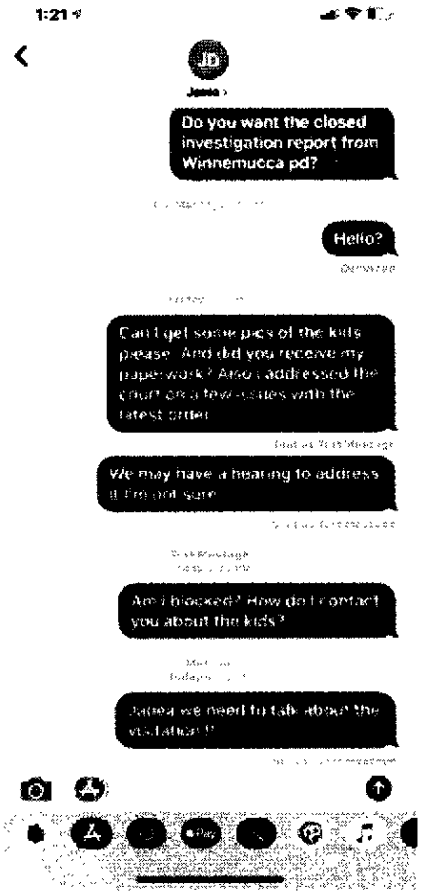


← Waylon Huber Right Side

Janea Calkins → Left Side

IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG

Delete Spam Reply Forward Move



ALL ← Waylon Huber

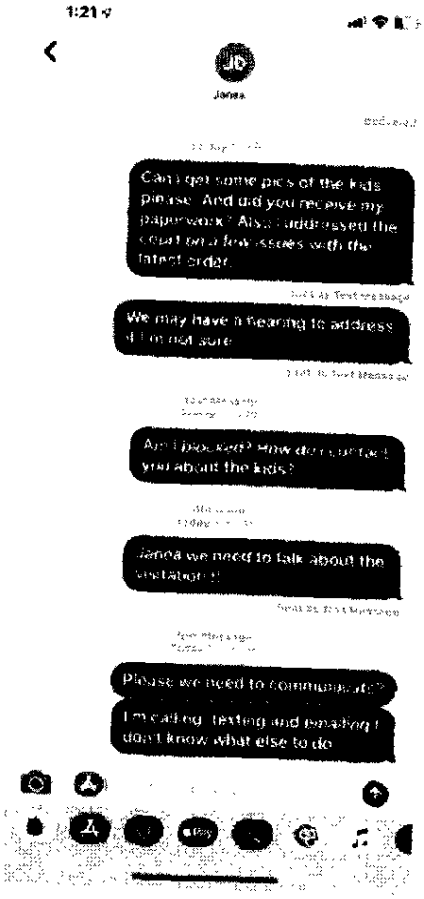
IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG

Delete | Spam | Reply | Forward | Move

Unre
Favo

Tras
Scar
Sent
Draf
Dele
Hom
Junk
Nest
Note
Real
Sent
Way

Fa
VICTOR
steve e
Kathy I
KIDS S
Waylon
Suppor
salk s23



ALL
Waylon
HuBer

P
H
S

IMG_0394.PNG IMG_0395.PNG IMG_0396.PNG

About us

Delete | Forward | Resend | Move

i need your help.

Close Fullscreen

From: Waylon Huber

3/24/2019 at 2:21 PM

To: janea huber

I need your help to set this therapy up!!!!!! we are ordered to.
also the court paper work says you live at 5977 S. Manzanita and in twxt you said you live at your moms. where are my kids located?

Waylon Huber
775-527-0272

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
janea huber
Support

Premium Features
Help
Settings
About us

[redacted]-Mail to Jan[redacted] Calkins

Delete | Forward | Resend | Move

Information and therapies

Close Fullscreen

From: Waylon Huber 3/24/2019 at 11:46 AM

To: janea huber

Who is their therapist that will be goin to kiddie and what is your schedule?

Sent using the free mail.com iPad App

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber

New folder
Add e-mail account

Favorite Contacts

VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
Support
sales2@joyzonecn.com

Premium Features
Help
Settings

About us

A0489

Nothing Sent Back

janea

Unread E-mails
Favorites
Inbox
Trash
Spam
Sent
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber

New folder
Add e-mail account

Favorite Contacts

VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
janea huber
Support

Premium Features
Help
Settings

About us

Search: All Headers ◇ All folders ◇ From To

Delete Reply Forward Move Sort

Folder: Inbox

	KIDS Services	FW: Huber vs. Huber	2/26/2019	270.67 KB
	steve evenson	Re: Huber Vs Calkins	2/13/2019	14.3 KB
	steve evenson	Re: Huber Vs Calkins	2/13/2019	11.29 KB
	Waylon huber	No Subject	1/13/2019	123.44 KB
	KIDS Services	Huber vs. Huber	12/22/2018	267.67 KB
	Janea Huber	huberletter5.18.pdf	5/7/2018	35.86 KB
	Janea Huber	Fwd: Letter/ statement f...	5/7/2018	5.83 KB
	Janea Huber	Childrens medical	1/23/2017	11.28 KB
	Janea Huber	Child support	12/24/2016	4.51 KB
	Janea Huber	Written consent	10/24/2016	4.6 KB
	1009.fours	Brynlee. Huber's day - Frida..	9/23/2016	4.74 KB
	Janea Huber	Fwd: QDRO Information ...	4/12/2016	256.04 KB
	Melinda C. Cameron	Re: QDRO Informatio...	4/12/2016	259.46 KB
	Janea Huber	Re: Fwd: QDRO Information	4/9/2016	22.23 KB
	Janea Huber	Fwd: QDRO Information	4/7/2016	29.21 KB
	Janea Huber	Fwd: QDRO Information	4/7/2016	19.6 KB
	Janea Huber	Fwd: QDRO Information	4/7/2016	116.7 KB
	Janea Huber	Fwd: File attached: Revi...	3/16/2016	1.73 MB
	Waylon Huber	Janea text 02/02/16 and .	2/3/2016	6.05 MB
	Jonathan Whitehead	RE: Janeas Home Purcha...	1/28/2016	11.22 KB
	Jonathan Whitehead	Janea's dec 16 email	12/16/2015	8.09 KB
	Janea Huber	Visitation	12/16/2015	13.99 KB
	Janea DrAke	Re: Visitation from Waylon ...	12/11/2015	4.66 KB
	Jonathan Whitehead	Janea's response to y...	11/6/2015	2.02 MB
	Twitter	Janea Huber and Melissa M...	5/26/2014	16.65 KB
	Janea Huber (via Twit...	Janea Huber sent you an in...	5/22/2014	16.19 KB
	Venettis, Andrew	RE: tax info	3/7/2014	73.74 KB
	Janea Huber	tax info	3/7/2014	23.92 MB
	Janea Huber	Hey honey	1/13/2014	3.59 KB
	Janea	Check out this item on Targ...	1/13/2014	21.11 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/18/2013	8.97 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/18/2013	8.73 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/18/2013	8.5 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/17/2013	8.96 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/17/2013	8.06 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9	12/16/2013	7.84 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/16/2013	8.28 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9...	12/15/2013	7.39 KB
	US_Postal_Service@u...	USPS Shipment Info for EE9	12/15/2013	7.88 KB

— nothing From Janea Calkins

A0490

EXHIBIT B

From Waylon

Delete | Forward | Resend | Move

Unread E-mails
Favorites
Inbox
Trash
Spam
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY-PHARMA
steve evenson
Kathy Brumm
KIDS Services
Waylonhuber@mail.com
Support
sales2@joyzonecn.com

Premium Features
Help
Settings
About us

Waylon

Chris Jones

Waylon

Re: RE: RE: RE: FW: Huber vs. Huber

Close Fullscreen

From: Waylon Huber 3/22/2019 at 6:36 PM

To: KIDS Services

Hi Chris,

From my understanding this is intended to gain a relationship back with my children, because they have been kept from me for so long.
It's mandatory in the state of NV, that if they are under a certain age and haven't seen the other parent in so long, they have to have therapeutic monitored services to regain a relationship, for the sake of the children.
I am not a criminal nor have I been charged for any offenses what so ever. In fact, I've undergone every investigation possible to clear my name from my daughter and what has happened.
I have taken a VSA and have been cooperative in every aspect of this investigation.
I have been cleared.
Is this a service for offenders ect...? Because if it is, this is the wrong service and the court has been mislead.
Please advise.

Waylon Huber

Sent using the free mail.com iPad App

On 3/22/19 at 5:59 PM, KIDS Services wrote:

> Waylon,
>
> Perhaps a few things you need to be made aware of.
>
> Therapeutic supervised visits are one hour in length.
>
> These appointments are talk therapy. You will not be playing with the girls. Eventually, the therapist may recommend regular supervised visits which will then be two hours of playing.
>
> You cannot bring their 2 year old sister. Again, this is not play time.
>
> Idaho does not have grant funding available for out-of-state orders and we do not accept insurance.
>
> We do not administer breathalyzer tests.
>
> Chris Jones
>
> KIDS Services
>
>
>
> -----Original Message-----
> From: Waylon Huber [mailto:waylonhuber@mail.com]
> Sent: Friday, March 22, 2019 6:11 PM
> To: KIDS Services
> Subject: Re: RE: RE: FW: Huber vs. Huber
>
>
>
> Just to fill you in we should be getting a new order same verbiage but I found one discrepancy with how long the order hasn't been followed, and the judge said she was to pay for services or apply for a grant or use insurance and I am to pay for all travel cost hotels, gas, food, time off ect... I'm hoping to get it started as soon as you can any day I will make time. Mornings are the best for me so I might be able to head home after. I haven't seen them in so long. Also they have a 2 year old sister I don't know if I should make sure to bring her?
>
>
>
> Hope you have a great weekend let me know if you need anything, or the background in this case.
>
>
>
> Waylon huber
>
> 775-527-0272
>

A0492

[redacted] Their Rules I Don't even agree IF I was able.

KIDS Services

Supervised Access
Sexual Misconduct

Idaho Rules of Family Law Procedures 717o states for safety considerations, all providers must adhere to the following additional terms and conditions in cases involving allegations of sexual abuse.

Re: _____ (client's name)

1. There is to be no exchanges of gifts, money or cards;
2. No photographs, video or audio taping allowed;
3. No lap sitting, hair brushing, stroking, hand holding, prolonged hugging, snuggling, kissing, wrestling, tickling, rough-housing; or changing of diapers or clothes;
4. Visiting parent is not allowed to assist child in the bathroom;
5. Any physical contact is to be initiated by the child only and must be brief. Any prolonged behavior will be stopped by the staff;
6. One-on-one supervision only; and
7. No objects from home are allowed at the visit.

I have read and understand the information above. I acknowledge this has been discussed with me and I agree to comply with the additional restrictions. I understand that the original policies and procedures continue to be in effect.

_____ _____

Signed Date

FILED

2019 MAR 25 PM 12: 32

TAMI RAE SHERO
CLERK OF COURT

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: WaylonHuber@mail.com
Self-Represented Litigant

IN THE FAMILY DIVISION
OF THE ~~SECOND~~ SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ~~WASHOE~~ HUMBOLDT

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV 20,464

Dept. No. II

vs.

Janea Calkins,
Defendant / Respondent / Joint Petitioner.

/

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the

Motion to Modify custody Due to change IN circumstance filed on
(Name of document(s) served)

3/25/2019 in the manner(s) and at the location(s) described below. A copy
(Date of filing)

of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A copy of the above named document(s) was served upon the following people:

1. Name: Janea Calkins Date: 3/25/18
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☑ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 10323 W [redacted] Brookfield Dr
(Mailing address or physical address where service took place)
Boise, ID 83709

2. Name: _____ Date: _____
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____
(Mailing address or physical address where service took place)

_____

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 3/25/2019 Signature: _____

Print Your Name: Wayion Huber

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANEA CALKINS, Appellant, vs. WAYLON HUBER, Respondent.	)	Case No. 83053 District Court Case No. CV 20464

Appeal from *Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order*, issued May 12, 2021
In the Sixth Judicial District Court, Humboldt County, Nevada

APPELLANT'S APPENDIX

VOLUME 3

BITTNER LEGAL, LLC
ELIZABETH M. BITTNER
Nevada Bar No. 9329
1225 Westfield Ave., Suite 7
Reno, NV 89509
Tel (775) 357-8733
Counsel for JENEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Docket 83053 Document 2021-27198

ALPHABETICAL INDEX OF DOCUMENTS IN APPENDIX

DOCUMENT	DATE	VOL.	PAGES
Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing" and Affidavit of Janae Huber in Support of Ex Parte Motion for Return of Minor Children	May 17, 2017	1	A0226-A0232
Affidavit of Janea Huber in Support of Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0285-A0288
Audio Transcription of Hearing	July 15, 2020	4	A0847-A0982
Case Appeal Statement	June 10, 2021	5	A1085-A1088
Delivery of Affidavit	May 11, 2017	1	A0195-A0197
Discharge of Attorney and Substitution in Propria Persona	February 1, 2018	2	A0403-A0404
Emergency Ex Parte Motion to Change Custody	May 24, 2019	1	A0537-0549
Emergency Noticed Motion to Suspend Visitation and Request For Expedited Hearing	May 9, 2017	1	A0117-A0141
Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0103-A0112
Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0047-A0053
Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0060-A0077
Ex Parte Motion For Order Shortening Time	May 9, 2017	1	A0142-A0170
Ex Parte Motion For Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion	May 9, 2017	1	A0171-A0190

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Ex Parte Emergency Motion to Suspend Visitation	June 9, 2017	1	A0269-A0280
Ex Parte Motion to Compel	May 16, 2018	2	A0410-A0413
Ex Parte Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0468-A0480
Ex Parte Motion to Produce Children and Grant Third-Party Custody Pending Reunification	June 26, 2019	4	A0795-A0819
Ex Parte Request for Submission	June 26, 2019	4	A0820
Findings of Fact, Conclusions of Law and Decree of Divorce	April 1, 2016	1	A0001-A0004
Marital Settlement Agreement	March 21, 2016	1	A0005-A0031
Memorandum of Costs and Fees	May 23, 2017	1	A0233-A0239
Minutes (May 4, 2017 hearing)	May 4, 2017	1	A0096-A0097
Minutes (June 22, 2017 hearing)	June 22, 2017	2	A0352-A0353
Minutes (January 5, 2018 hearing)	January 5, 2018	2	A0397-A0399
Minutes (March 30, 2018 hearing)	March 30, 2018	2	A0405-A0409
Minutes (October 24, 2018 hearing)	October 24, 2018	2	A0418
Minutes (November 20, 2018 hearing)	November 20, 2018	2	A0422-A0424
Minutes (February 26, 2019 hearing)	February 26, 2019	2	A0458
Minutes (March 14, 2019 hearing)	March 14, 2019	2	A0459
Minutes (November 26, 2019 hearing)	November 26, 2019	3	A0566
Minutes (February 27, 2020 hearing)	February 27, 2020	4	A0781-A0785
Minutes (July 15, 2020 hearing)	July 15, 2020	4	A0843-A0846

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Motion for Change of Custody	March 8, 2021	5	A1011-A1024
Motion for Change of Custody	April 12, 2021	5	A1025-A1032
Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent	May 26, 2021	5	A1078-A1079
Motion to Change Location of Therapeutic Reunification	August 15, 2019	3	A0551
Motion to Continue Hearing	July 13, 2020	4	A0832-A0834
Motion to Enforce Divorce Decree and Motion to Modify Custody due to Change in Circumstance	August 16, 2019	3	A0553-A0554
Motion to Lift Restriction of Husband	January 23, 2019	2	A0434-A0435
Motion to Modify Custody and Related Relief	January 23, 2019	2	A0436-A0443
Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0481-A0493
Motion to Reopen Discovery	January 23, 2019	2	A0444-A0445
Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing"	May 16, 2017	1	A217-A0225
Motion to Strike Father's May 5, 2017 Request for Submission	May 23, 2017	1	A0240-A0242
Motion to Vacate and Reschedule Hearing	November 22, 2019	3	A0560-A0562
Motion to Withdraw as Attorney of Record	January 23, 2019	2	A0446-A0447
Motion to Withdraw as Counsel (Carucci)	September 13, 2017	2	A0372-A0376
Non-Opposition to Motion to be Relieved as Counsel	September 13, 2017	2	A0377-A0378
Notice of Appeal	June 10, 2021	5	A1089-A1099

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Notice of Appearance (Dolan Law, LLC)	May 12, 2020	4	A0793-A0794
Notice of Appearance (Maddox)	April 28, 2017	1	A0082-A0083
Notice of Appearance of Counsel (Carucci)	April 24, 2017	1	A0079-A0081
Notice of Appearance of Counsel (Evenson)	January 29, 2018	2	A0400
Notice of Entry of July 1, 2020 Order	July 2, 2020	4	A0825-A0831
Notice of Entry of Order	July 24, 2020	5	A0983-A0997
Notice of Entry of Order	May 12, 2021	5	A1066-A1075
Notice of Expert Witness	June 15, 2017	2	A0327-A0342
Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0386-A0387
Notice of Intent to Appear by Telephonic Transmission Equipment	June 16, 2017	2	A0343-A0345
Notice of Hearing	December 5, 2017	2	A0392-A0393
Notice of Hearing	January 31, 2018	2	A0401-A0402
Notice of Witnesses (Maddox)	April 28, 2017	1	A0084-A0086
Notice of Witnesses (Maddox)	June 16, 2017	2	A0346-A0348
Opposition To Father's "Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	1	A0243-A0246
Opposition to Mother's Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0289-A0307
Opposition to Mother's Motion to Change Custody and Cross Motion for Permanent Custody Order	May 3, 2021	5	A1038-A1053

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Opposition to Motion to Continue Hearing	July 14, 2020	4	A0835-A0842
Opposition to Plaintiff's Memorandum of Costs and Fees	June 5, 2017	2	A0263-A0268
Order	November 21, 2018	2	A0425-A0427
Order	February 8, 2019	2	A0456-A0457
Order	March 15, 2019	2	A0460-A0463
Order	November 22, 2019	3	A0563-A0565
Order	March 6, 2020	4	A0786-A0792
Order After Hearing	November 30, 2018	2	A0428-0430
Order After May 4, 2017 Emergency Hearing	June 16, 2017	2	A0349-A0351
Order After Mediation	December 9, 2019	3	A0570-A0572
Order Allowing Withdrawal of Counsel for Respondent	September 14, 2017	2	A0381
Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	May 10, 2021	5	A1058-A1065
Order Denying Request for Hearing	October 24, 2017	2	A0384-A0385
Order Granting Immediate Custody of Children	April 14, 2017	1	A0054-A0056
Order Modifying Temporary Custody of Two Minor Children and Other Related Matter	July 24, 2020	5	A0998-A1010
Order Regarding Improper Service	April 22, 2021	5	A1035-A1037
Order Scheduling Mediation and Hearing Dates	December 9, 2019	3	A0567-A0569
Order Suspending Visitation	June 9, 2017	2	A0281-A0282

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Order Suspending Visitation	July 3, 2017	2	A0369-A0371
Order to Immediately Produce Minor Children to Court and Notice of Expedited Hearing RE: Custody	July 1, 2020	4	A0821-A0824
Order to Show Cause	November 2, 2018	2	A0419-A0421
Order to Submit "Motion to Change Custody due to Change in Circumstance"	April 23, 2019	3	A0510
Order to Submit Emergency Ex Parte Motion to Change Custody	May 24, 2019	3	A0550
Order to Submit Ex Parte Motion to Modify Custody due to Change in Circumstance	January 24, 2019	2	A0448
Order to Submit Uncontested "Motion to Change Location of Therapeutic Reunification"	September 3, 2019	3	A0557
Plaintiff's Motion in Limine	February 20, 2020	3	A0574-A0575
Pre-Hearing Statement	February 20, 2020	3	A0576-A0580
Proof of Payment	December 31, 2018	2	A0431-A0432
Proof of Personal Service	June 22, 2017	2	A0354-A0358
Proof of Service	May 16, 2018	2	A0414-A0415
Proof of Service	February 1, 2019	2	A0449-A0450
Proof of Service	March 25, 2019	2	A0494-A0495
Proof of Service	April 23, 2019	3	A0511-A0512
Proof of Service	August 15, 2019	3	A0552
Proof of Service	December 23, 2019	3	A0573

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Proof of Service	February 20, 2020	3	A0581
Proof of Service	March 15, 2021	2	A0464-A0465
Proof of Service	April 12, 2021	5	A1033
Proof of Service	May 5, 2021	5	A1054-A1056
Proof of Service	May 26, 2021	5	A1080-A1081
Proof of Service (Motion to Enforce Divorce Decree)	August 16, 2019	3	A0555
Proof of Service (Motion to Modify Custody due to Change in Circumstance)	August 116, 2016	3	A0556
Proof of Service for Request for Submission	June 9, 2021	5	A1082-A1083
Proof of Service for Supplement to Motion to Modify Custody	May 7, 2019	3	A0519
Proof of Service for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0583
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0057-A0058
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0078
Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0039-A0044
Reply in Support of Motion to Modify Custody due to Change in Circumstances	April 23, 2019	3	A0513-A0518
Reply To Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing	May 23, 2017	I	A0247-A0251
Reply to Motion to Lift Restriction on Husband	February 1, 2019	2	A0451

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Reply to Motion to Modify Custody and Related Relief	February 1, 2019	2	A0452
Reply to Motion to Reopen Discovery	February 1, 2019	2	A0453
Reply to Opposition for Motion for Order to Show Cause for Order Regarding Defendant's Consent to Obtain Passports	July 19, 2021	5	A1122-A1124
Reply To Opposition To Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion For Return of Minor Children; and Opposition To Mother's Emergency Motion to Suspend Visitation	May 11, 2017	1	A0198-A0216
Reply To Opposition To Fathers Motion To Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 25, 2017	2	A0256-A0260
Request for Hearing	October 17, 2017	2	A0382-A0383
Request for Hearing	November 9, 2017	2	A0388-A0389
Request for Hearing	January 4, 2019	2	A0433
Request for Hearing	May 17, 2019	3	A0535-A0536
Request for Submission of "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	2	A0252-A0253
Request for Submission of Defendant's "Ex Parte Motion For Return of Minor Children: Opposition To Father's May 8, 2017 Ex Parte Motion"	May 9, 2017	1	A0193-A0194

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission of Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0113-A0114
Request for Submission of Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0059
Request for Submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce	May 8, 2017	1	A0115-A0116
Request for Submission of Ex Parte Emergency Motion to Suspend Visitation	May 9, 2017	2	A0283-A0284
Request for Submission of Ex Parte Motion To Shorten Time	May 9, 2017	1	A0191-A0192
Request for Submission of Memorandum of Costs and Fees and Order For Attorney Fees	May 23, 2017	2	A0254-A0255
Request for Submission of Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion To Suspend Visitation and Request For Expedited Hearing	May 25, 2017	2	A0261-A0262
Request for Submission of Motion to Withdraw as Counsel	September 13, 2017	2	A0379-A0380
Request for Submission of Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0390-A0391
Request for Submission of "Order After May 4, 2017 Emergency Hearing"	June 15, 2017	2	A0316-A0326
Request for Submission of the Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0045-0046
Request for Submission	June 15, 2018	2	A0417
Request for Submission	April 12, 2021	5	A1034
Request for Submission	May 5, 2021	5	A1057
Request for Submission	June 9, 2021	5	A1084

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission for Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0498
Request for Submission for Supplement to Motion to Modify Custody	May 7, 2019	3	A0520
Request for Submission for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0582
Request for Submission of Ex Parte Motion	May 16, 2018	2	A0416
Request for Submission of Ex Parte Motion to Change Custody	March 25, 2019	3	A0496-A0497
Request for Submission of Second Supplement for Ex Parte Motion to Change Custody	March 29, 2019	3	A0509
Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees	June 13, 2017	2	A0308-A0315
Second Supplement to Ex Parte Motion to Change Custody	March 29, 2019	3	A0504-A0508
Subpoena (Dunkhorst) with Acceptance of Service	April 28, 2017	1	A0093-
Subpoena Duces Tecum	March 29, 2019	3	A0504-A0508
Subpoena Duces Tecum (DCFS) with Acceptance of Service	April 28, 2017	1	A0087-A0092
Subpoena (DCFS)	December 29, 2017	2	A0394-A0396
Subpoena To Appear and Testify (Ochoa)	June 22, 2017	2	A0364-A0368
Subpoena To Appear and Testify (Schmelling)	May 4, 2017	1	A0098-A0102
Subpoena To Appear and Testify (Schmelling)	June 22, 2017	2	A0359-A0363
Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0499-A0503
Supplement to Motion to Modify Custody	May 7, 2019	3	A0521-0534

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Supplement to Pre-Hearing Statement	February 24, 2020	3	A0584-A0744
Supplement to Pre-Hearing Statement (continued)	February 24, 2020	4	A0745 A0780
Withdrawal of Attorney (Dolan Law, LLC)	May 25, 2021	5	A1076-A1077
Withdrawal of Attorney (Manson)	June 23, 2016	1	A0035-0038
Withdrawal of Counsel (Whitehead)	April 11, 2016	1	A0032-A0034

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

REQUEST FOR SUBMISSION
OF EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

FILED

2019 MAR 25 AM 8:18

TAMI RAE SP...
DIST. COURT ...

Waylon Huber, IN PRO PER

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURT

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: 20,464 REQUEST FOR SUBMISSION OF EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

THIS IS A REQUEST FOR SUBMISSION OF EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

Waylon Huber
In Pro Per

REQUEST FOR SUBMISSION
OF EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

ISSUED BY CLERK OF THE COURT

By: _____ Clerk

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

Waylon Huber, IN PRO PER

FILED
2019 MAR 26 AM 11:01
TAMI RAE SEFTON
DIST. COURT CLERK

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURT

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: 20,464 REQUEST FOR SUBMISSION FOR SUPPLEMENT TO EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE

THIS IS A REQUEST FOR SUBMISSION OF SUPPLEMENT TO EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

Waylon Huber
In Pro Per

SUPPLEMENT TO EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

FILED

2019 MAR 26 AM 11:00

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

Waylon Huber, IN PRO PER

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURT

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: 20,464 SUPPLEMENT TO EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE

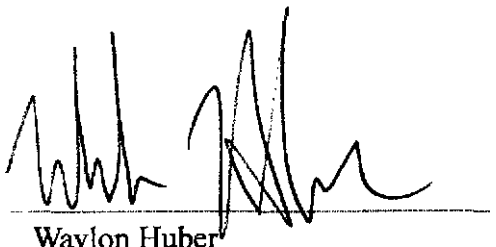
Added exhibit C email between me and chris jones at kiddie services yesterday and janea still has not contacted her 11 days after the most recent order with 3 days mailing we are 3 days past the 5 days allowed in the order. I Waylon Huber am completely blocked from all communication.

I would like to bring to the COURTS ATTENTION, the LAST 9 ORDERS THAT HAVE NOT BEEN FOLLOWED-

1. **3 SEPERATE ORDERS at hearing to REUNIFY with my children, BRYSON and BRYNLEE HUBER (6).**
2. **TELEPHONIC HEARING with VERBAL ORDER to IMMEDIATELY start REUNIFICATION.**
3. **ORDER to PAY COURT COSTS of WENDY MADDOX for NOT following FULL CUSTODY EX PARTE MOTION order to FATHER.**
4. **Went in to HIDING after EX-PARTE FULL CUSTODY was ISSUED BY the HONORABLE JUDGE MONTARO.**
5. **Currently LIVES with JUSTIN CALKINS who she is NOW MARRIED TOO, and has a BABY with now, WHO HAS A NO CONTACT ORDER IN PLACE WITH CHILDREN, BRYNLEE AND BRYSON HUBER..**
6. **NEVER SHOWED UP on SEVERAL occasions to SUPPLY the KIDS for their weeks with their SCHEDULED VISITATION with FATHER.**
7. **The divorce decree states she was to RETURN to WINNEMUCCA after schooling at the latest APRIL 2018.**
8. **SIBLING ALIENATION. The TWINS have a SIBLING, RUBEE HUBER, that mother JANEA CALKINS to BRYNLEE & BRYSON HUBER, REFUSES to give ANY opportunity to ESTABLISH ANY RELATIONSHIP with.**
9. **PARENTAL ALIENATION. JANEA CALKINS REFUSES TO FOSTER and ESTABLISH ANY KIND OF RELATIONSHIP, BETWEEN CHILDREN AND FATHER, between THE CURRENT NON CUSTODIAL PARENT.**

I WAYLON HUBER, am becoming EXHAUSTED at this point and am asking for a REMEDY from the COURT.

I ,Waylon Huber, will never see my children at this pace and disrespect for the Court showing by Plaintiff Janea Calkins.



Waylon Huber
In Pro Per

EXHIBIT C

mail.com

RE: Re: RE: RE: RE: RE: FW: Huber vs. Huber

From: "KIDS Services" <chris@kidsservices.net>
To: "'Waylon Huber'" <waylonhuber@mail.com>
Date: Mar 25, 2019 12:49:50 PM

No ← Janea Calkins Never contacted

Thank you
Chris Jones
KIDS Services

-----Original Message-----
From: Waylon Huber [mailto:waylonhuber@mail.com]
Sent: Monday, March 25, 2019 9:06 AM
To: KIDS Services
Subject: Fwd: Re: RE: RE: RE: RE: FW: Huber vs. Huber

> Hey Chris has Janea Calkins contacted you after this most recent order? I can not get a hold of her at all.
>
>
> Waylon Huber
> 775-527-0272
>
>
> On 3/22/19 at 7:04 PM, KIDS Services wrote:
>
> > It is not for offenders. This is therapeutic supervised visitation (TSV) which is often used for reintegration. Additionally, the judge put in the order the reason for the TSV is due to allegations of sexual abuse which is something the therapist will address.
> >
> > I do need to inform you that Idaho Rules of Family Law Procedures 717o states if there has ever been allegations of sexual misconduct, no matter what the outcome of the investigation, we are required to apply special rules. I have attached the document you would be required to sign and adhere to. I'm sorry, although I may not totally agree with this rule, I am mandated to follow it.
> >
> > Chris Jones
> >
> > KIDS Services
> >
> >
> >
> >
> >
> > -----Original Message-----
> > From: Waylon Huber [mailto:waylonhuber@mail.com]
> > Sent: Friday, March 22, 2019 7:37 PM
> > To: KIDS Services
> > Subject: Re: RE: RE: RE: FW: Huber vs. Huber
> >
> >
> >

A0503

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

Waylon Huber, IN PRO PER

FILED
2019 MAR 29 AM 8:09
TAMI RAE SEE
DISTRICT COURT CLERK

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURT

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: 20,464 2nd SUPPLEMENT TO EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE

Added exhibit D, Email Is between I and Chris Jones, at Kid Services yesterday.

Janea Calkins still has NOT CONTACTED KID SERVICES, now 14 DAYS's after the most recent order, the order allowed 5 days.

I, Waylon Huber, am completely blocked from all communication. I am asking a decision be made at gods speed, because I feel she may be moving and we will lose my twins.

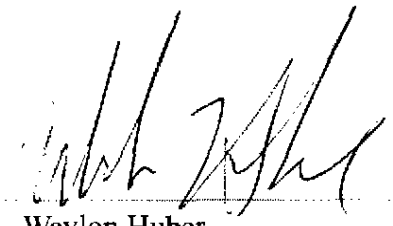
Brynlee and Bryson Huber for good.

Im not provided any information on where they go to school, their grades, pictures, friends, medical records, ect.

. This is becoming a very bad situation for the "kids" they do have a family here in winnemucca and no one has seen them in almost 2 years.

I, Waylon Huber needs assistance from the court on this matter.

I have ran in to two years of excuses and road blocks.



Waylon Huber
In Pro Per

EXHIBIT D

Delete | Spam | Reply | Forward | Move

RE: Huber's

Close Fullscreen

From: KIDS Services

3/28/2019 at 4:12 PM

Waylon,
Janea has not yet contacted us. When she does, we will let you know.

Thank you
Chris Jones
KIDS Services

-----Original Message-----
From: Waylon Huber [mailto:waylonhuber@mail.com]
Sent: Thursday, March 28, 2019 8:54 AM
To: KIDS Services
Subject: Huber's

Hey Chris good morning has Janea Calkins contacted you yet? Just checking in.

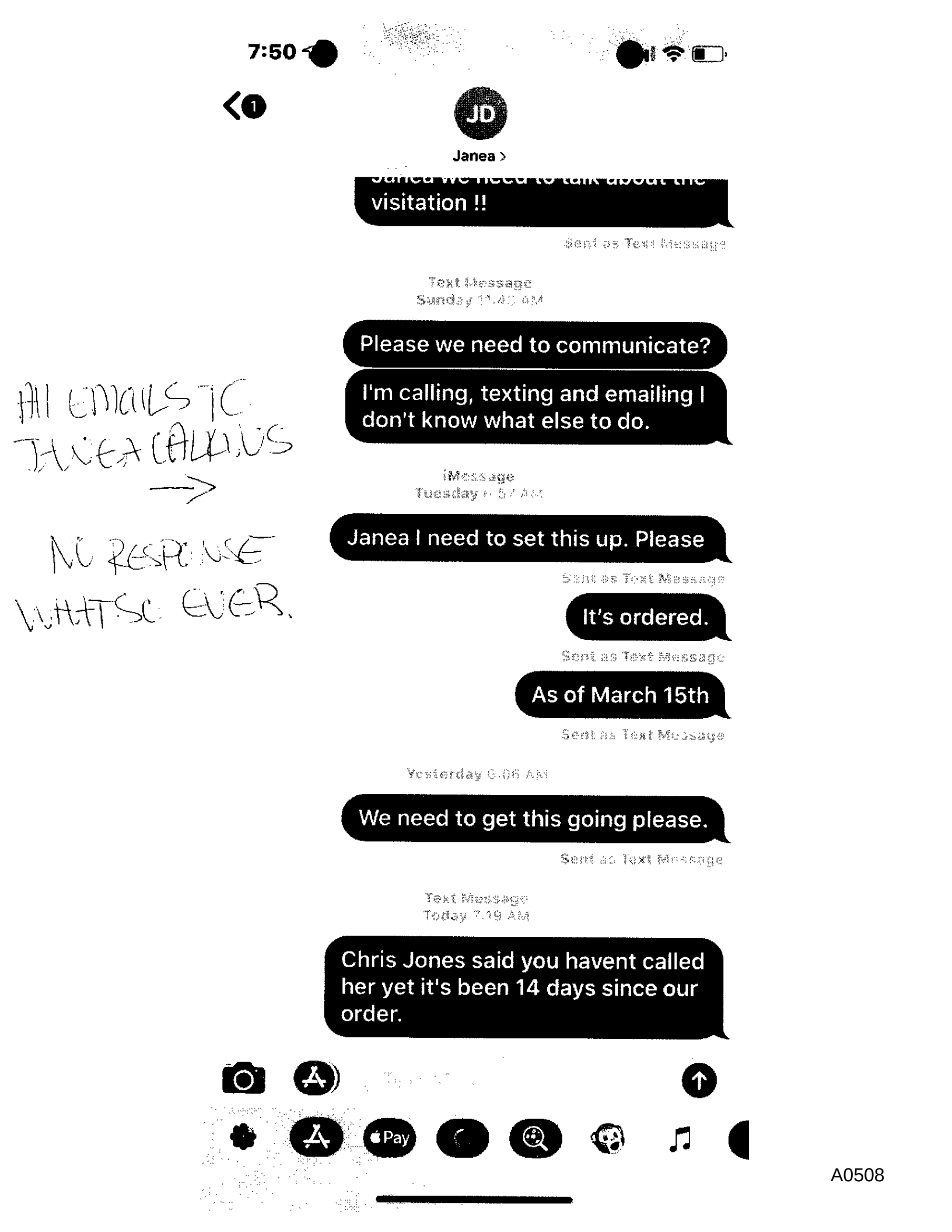
Waylon Huber
775-527-0272

Sent using the free mail.com iPad App

Unread E-mails
Favorites
Trash
Spam
Sent
Drafts
Deleted Messages
Honest few
Junk
Nest
Notes
Real Estate School of Nevada
Sent Messages
Waylonhuber
New folder
Add e-mail account

Favorite Contacts
VICTORY PHARMA
steve evenson
KIDS Services
Kathy Grumm
Waylon Huber
janea huber
Support

Premium Features
Help
Settings
About us



7:50

JD

Janea >

visitation !!

Sent as Text Message

Text Message
Sunday 11:40 AM

Please we need to communicate?

I'm calling, texting and emailing I don't know what else to do.

All emails to Janea Calkins →

No response whatsoever.

iMessage
Tuesday 6:57 AM

Janea I need to set this up. Please

Sent as Text Message

It's ordered.

Sent as Text Message

As of March 15th

Sent as Text Message

Yesterday 6:06 AM

We need to get this going please.

Sent as Text Message

Text Message
Today 7:19 AM

Chris Jones said you havent called her yet it's been 14 days since our order.

REQUEST FOR SUBMITION

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

FILED
2019 MAR 29 AM 8:09

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

"REQUEST FOR SUBMITION OF 2nd SUPPLEMENT FOR EX PARTE MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

I Waylon Huber am requesting this be submitted for consideration due to the time sensitive issues in this case.

WAYLON HUBER
In Pro Per

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@MAIL.COM

FILED
2019 APR 23 PM 2:52
TAMI RAE SEC...
DIST. COURT ...
C. Smart

Waylon Huber, IN PRO PER

SUPERIOR COURT OF THE STATE OF NEVADA SIXTH DISRICTRT COURTW

FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: 20,464 ORDER TO SUBMIT "MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE" ORDER TO SUBMIT "REPLY IN SUPPORT OF MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE".

THIS IS AN TO SUBMIT "MOTION TO CHANGE CUSTODY DUE TO CHANGE IN CIRCUMSTANCE & REPLY IN SUPPORT OF MOTION TO CHANGE OF CUSTODY DUE TO CHANGE IN CIRCUMSTANCE.

Waylon Huber
In Pro Per

Code: 3720
Name: Waylon Huber
Address: 4151 Two Rock Dr
Winnemucca, NV 89445
Telephone: 775-527-0272
Email: WaylonHuber@mail.com
Self-Represented Litigant

FILED
2019 APR 23 PM 2:52
TAMI RAE ...
... COURT CLERK
C. Smock

IN THE FAMILY DIVISION

OF THE ~~SECOND~~ Sixth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ~~WASHOE~~ Humboldt

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. 20,464

Dept. No. 1

vs.

Janea Calkins,
Defendant / Respondent / Joint Petitioner.

_____/

PROOF OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I served a true and correct copy of the order to submit and Reply in support of motion to modify Due to change in circumstance filed on
(Name of document(s) served)

4/23/19 in the manner(s) and at the location(s) described below. A copy
(Date of filing)

of this Proof of Service has been mailed or personally delivered to all parties or their lawyer.

Service Description

Fill in the information requested on the next page for each person who has been served.

If a person was served by United States Postal Service certified mail, you must attach the return receipt to this document.

A0511

A copy of the above named document(s) was served upon the following people:

1. Name: Janeen Calkins Date: 4/23/19
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☑ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: 10323 W Breckfield Dr Boise, ID 83709
(Mailing address or physical address where service took place)

_____

2. Name: _____ Date: _____
(Name of the person who was served) (Date of service: day / month / year)

By: ☐ Personal service –**OR**– ☐ Service by U.S. Mail, postage prepaid –**OR**–

☐ Certified mail, return receipt attached –**OR**– ☐ Other: _____

Address: _____
(Mailing address or physical address where service took place)

_____

If more room is needed, attach additional sheets.

This document does not contain the Social Security Number of any person.

I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.

Date: 4/23/19

Signature: _____

Print Your Name: Waylon Huber

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
775-527-0272
waylonhuber@mail.com

FILED

2019 APR 23 PM 2:52

TAMI RAE SEC. D
DIST COURT CLERK

C. Smock

WAYLON HUBER
, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: CV20,464 Reply in Support of Motion to Modify Custody Due to Change in Circumstances **DEPT: 1**

WAYLON HUBER
In Pro Per

On March 25, 2019, Father, Waylon Huber filed his Motion to Modify Custody Due to Change in Circumstances. On the same day, Father mailed a copy of said Motion with the United States Postal Service to Mother, Janea Calkins, and Mother's mother, Debra Drake. Mother's

Opposition to Motion would have been due on or before April 8, 2019. As of today, Father is not aware of any Opposition being filed.

Father has continued to reach out to Mother to begin this process, but is either being blocked again from any contact with his children and/or Mother is purposely ignoring Father and the Court's Order. (See Exhibit "1" attached hereto.)

Father has continued to honor the Court's Order and begin the reunification process with the parties' twin children, Brynlee Huber and Bryson Huber. With all Father's efforts, he still has not been able to see his children and it will be two (2) years this May. Father is hopeful that the Court will see that no matter what order is placed on Mother, she is going to have no regard for it.

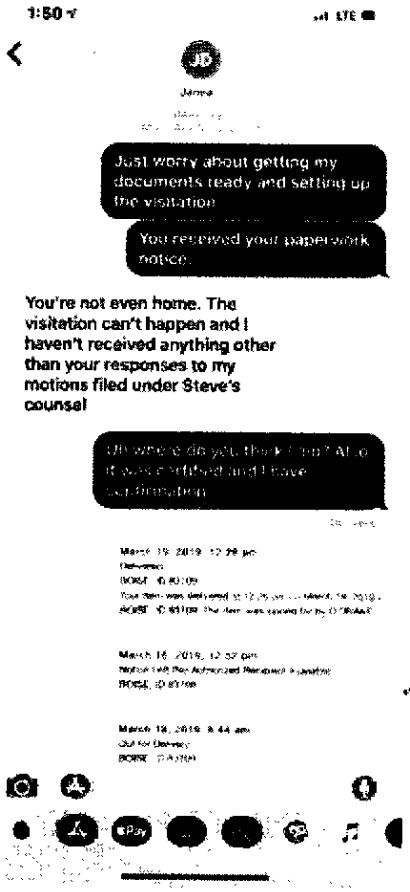
Furthermore, Father is requesting that the reunification process be transferred to the Humboldt County Family Program. The Family Program provides all the necessary resources to restore the loving relationship between Father and his children.

Father is requesting that the Court order Mother to immediately disclose the children's correct contact information which includes, but is not limited to telephone number, mailing address and physical address. Father has joint legal custody of the children and has every right to know where his children are living.

It has been approximately two years since I "Father" have seen or talked to my children. I am at my breaking point due to the defendant's lack of following of any of the honorable judge Montaro's orders. This will be the 8 in a row.

This motion is uncontested and i am seeking an immediate remedy to this situation.

EXIBIT 1



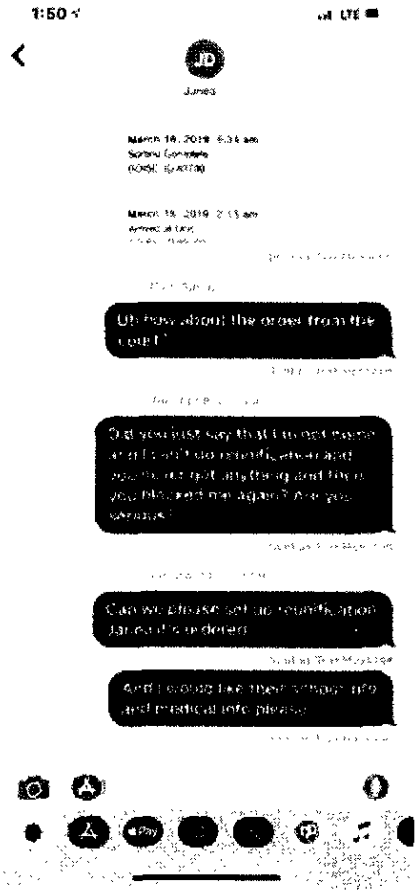
Janeen

Waylon

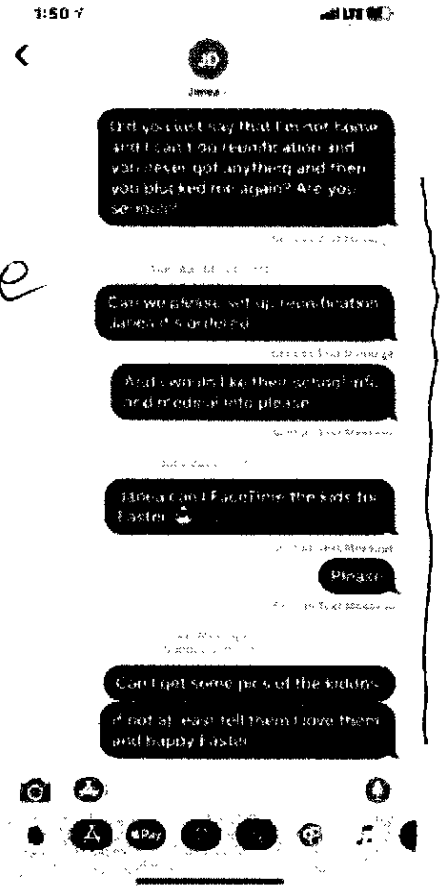
Waylon

postal conformation

IMG_0512.PNG IMG_0513.PNG IMG_0514.PNG



IMG_0512.PNG IMG_0513.PNG IMG_0514.PNG



All Waylon

NO Responce From Janeq

IMG_0512.PNG IMG_0513.PNG IMG_0514.PNG

Proof of Service For Supplement to Motion To Modify Custody Due To Change In Circumstance.

Case No. CV.20,464

Dept No 1

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

FILED
2019 MAY -7 AM 10: 17
TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No CV 20,464

Proof of Service For Supplement to Motion To Modify Custody Due To Change In Circumstance.

This is a proof of service by Certified US Mail For Document titled, to 10323 w Breakfield Dr Boise, ID 83709.

Supplment to Motion To Modify Custody Due To Change In Circumstance and Request for Submission For Supplement to Motion To Modify Custody Due To Change In Circumstance.

These documents were filed 05/07/2019

WAYLON HUBER
In Pro Per

Request for Submission For Supplement to Motion To Modify Custody Due To Change In Circumstance.

FILED
2019 MAY -7 AM 10:17
TAMI RAE SPERO
FIRST COURT CLERK

Case No. CV.20,464

Dept No 1

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

WAYLON HUBER, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No CV 20,464

Request for Submission For Supplement to Motion To Modify Custody Due To Change In Circumstance.

I Waylon Huber am requesting this supplement be submitted for immediate consideration as it is to the already submitted reply and motion for change of custody due to change in circumstance.

WAYLON HUBER
In Pro Per

Supplement to Motion To Modify Custody Due To Change In Circumstance.

FILED

2019 MAY -7 AM 10: 17

TAMI RAE SPEER
DIST. COURT CLERK

Case No. CV.20,464

Dept No 1

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

WAYLON HUBER, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Supplement to Motion To Modify Custody Due To Change In Circumstance.

WAYLON HUBER
In Pro Per

Motion To Modify Custody Due To Change In Circumstance.

Supplement to Motion To Modify Custody Due To Change In Circumstance.

Mother Janea Calkins, is now in hiding and will not communicate with father at all. Last known to father, Mother was is in Boise, ID. Father has attempted by phone, has attempted my mail, email, and social media all to no response from Mother.

Father Waylon Huber, has received several orders from the court for reunification and supervised therapeutic visitation, but has no way of getting mother to comply at all, just excuses and road blocks over and over, and now at a total severing of communication by mother Janea Calkins.

Father got worried for the children when he started receiving certified court documents back in the mail as shown in exhibit one. Father called for a child welfare check on the children on 05/04/2019 at approximately 6:30 pm. Father Waylon Huber was concerned that she had moved or something was wrong and wanted to know the children were ok due to having no communication.

Mr. Huber was informed an hour later, that Deputy Rhom for the Ada County sheriffs department, had made phone contact with Janea Calkins and with just talking with her he felt the kids were fine. There was no visual on the children to say the children were completely ok and if they were even in her presence or at the address given to do a thorough welfare check. Deputy Rhom then informed me that During the phone conversation, that due to Janea Calkin's request, that absolutely no information on her or the children's whereabouts would be given to father and told father not to ask. I informed deputy ROHM that i would be filing paperwork to the 6th District Court in Nevada and if i came to the office In ADA County with orders in hand, if he would help me locate my children

for a change in custody due to non compliance. Officer Rhom informed me that Janea Calkins explained under no circumstance would she turn them over. Deputy ROHM reminded me that this is a civil matter and I Waylon Huber, would be given no assistance by ADA county police, and that bringing any NV orders to them would be virtually pointless.

After Speaking with Deputy ROHM, I waylon Huber ,called Ada County dispatch back and asked for the deputy's sergeant to call me back. I received a call from Seargent Chris from the same department, and he explained that they would not assist me in retrieving the children if it was to come to that. I then asked Seargent Chris for a copy or statement of the conversation with Janea Calkins and deputy ROHM, and he gave me an incident number of 19-0120120. I explained to him that I do have joint legal custody and a visitation order and deserve to know where they live, go to school, their grades, and whereabouts.. ect. Seargent Chris said this is all civil and there is two sides to every pancake.

I also asked Sergeant Chris if he had any information on the kids stepdad, Justin Calkins , being around or living with my children due to a standing no contact order . He informed me that Justin Calkins had been reincarnated and has been in AdA county custody since Feb 2019. I asked Sergeant Chris the reason for why Justin Calkins was re incarcerated and he said he could not say due to Janea's request, but It was public information. I then called the ada county jail and asked about inmate Justin Scott Calkins, since I feel Justin has been living with Janea Calkins and my 2 children the entire time, concluding they married last summer and she had just had his baby in Feb. 2019. They informed me he was held on no bond for 3 different charges and was sentenced to a 10

year sentence with 2 fixed. A 2nd charge and sentence to 5 years with 1.5 fixed. Another charge that was not showing up and she would have to get back to me. She could not see why because he was on hold by the State awaiting transportation to state prison. she could tell me has was arrested in the month of february 2019.

Due to length of the sentencing of my children's step father, I am very concerned at what has been going on due to Justin Calkins long history of domestic violence and aggressive history.

The last known address that was given to father from Janea Calkins was at her mothers home 10323 W Break Field Dr Boise, ID 83709, but As Shown in court paperwork she has a 5977 s. Manzanita Ave Boise, Idaho 83709. When asked about this discrepancy she explained The Manzanita address was old and must have came from her counsel Rod Carucci then to Steven Evenson as shown in exhibit 2.

I father Waylon Huber am totally at a loss and fear i will never see or talk to my children again and worry about their safety as Janea has proven to be unstable at this time..

I don't know where to send court documents because i have been given multiple addresses, and now rejected certified mail. I don't even know where to send birthday cards because even Janea's mother has cut off communication.

Supplement to Motion To Modify Custody Due To Change In Circumstance.

I am asking the court to issue a Temporary Change of Custody or an Emergency Hearing to be held. I would ask that if a change in custody is made, that all necesaary actions are to be taken in the order to ensure Janea Calkins will comply and supply the children, due to ADA county sheriffs department explaining they will be of no assistance in civil matters, and that she has no plans on turning the children over.

I ,Father Waylon Huber Feel the children will need immediate therapy and i currently have resources to help them. This I feel is in the best interest of the children Brynlee and Bryson Huber.

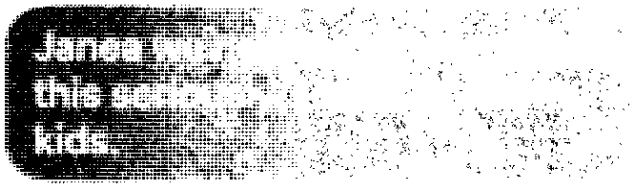
EXHIBIT 1

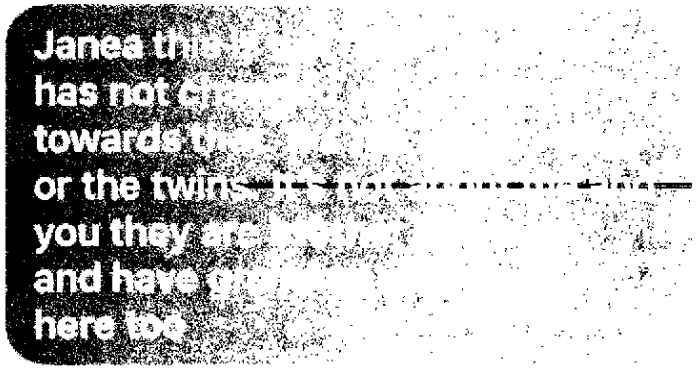
Waylon's continuous Text messages to Janea calkins with no Response.

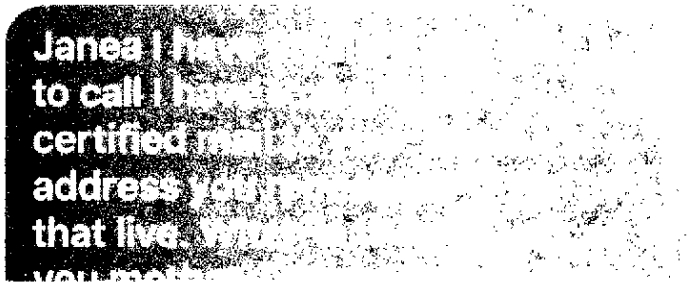
7:33

Janea

Waylon's continous text messages to Janea Calkins with no Response.







7:33

<1

Janea

Janea I have
to call I have
certified
address you
that live. Wh
you mother. I'm
social media
my children
immediately.

Waylon's continous text messages to Janea Calkins with no Response.

Ugh I'm so
let me rep
The addr
lived at, w
address.
I'm blocked
including
try to get
children
Please

We h
reunif
follow

Pay

A0529

Waylon Huber
4151 Two Rock Dr
Winnemucca, NV 89445

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®

7018 1830 0001 1929 9102

1020

83709

U.S. POSTAGE PAID
FCM LG ENV
WINNEMUCCA, NV
89445
MAR 25 19
AMOUNT
$10.10
R2304W119644-04

A0530

RESTRICTED DELIVERY

Janea Calkins
10323 Breckfield Dr
Boise, ID 83709

Notified
3-29-19

4/3 R 4/13

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janea Calkins
10323 Breckfield Dr
Boise, ID 83709

9590 9402 4748 8344 0332 02

2. Article Number (Transfer from service label)

7018 1830 0001 1929 9102

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Re

RESTRICTED DELIVERY

RESTRICTED DELIVERY

EXHIBIT 2

5:44

Janea

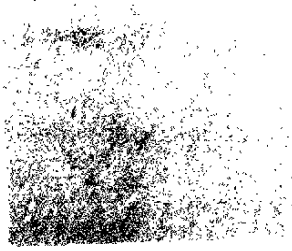
Waylon → Your attorney [illegible] is no longer [illegible] with the court [illegible] few days I need to [illegible] send correspondence, discovery and ect.

Janea → Court date?

Waylon → You should have [illegible] coming.

Janea → Ok well my moms address is still the address to use

Waylon → Janea Huber Calkins
5977 S. Manzanita Ave.
Boise, Idaho 83709



5:44

Janea

Janea Huber Calkins
5977 S. Manzanita Ave.
Boise, Idaho 83709

Waylon →

Waylon →

Case No. CV 20,464

Dept. No. 2

FILED
2019 FEB -8 PM 2:50
TAMI RAE SPERRY
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs. ORDER

JANEA HUBER,

Defendant. /

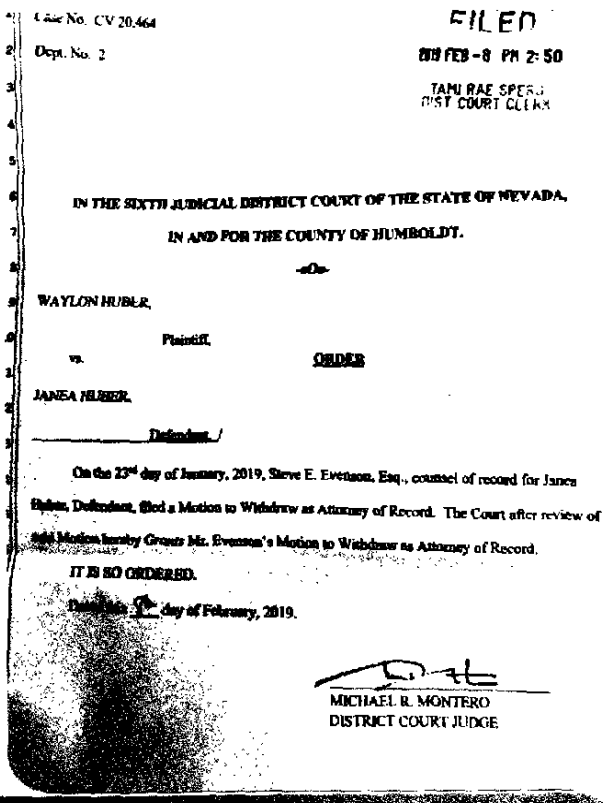
On the 23rd day of January, 2019, Steve E. Evenson, Esq., counsel of record for Janea Huber, Defendant, filed a Motion to Withdraw as Attorney of Record. The Court after review of said Motion hereby Grants Mr. Evenson's Motion to Withdraw as Attorney of Record.

IT IS SO ORDERED.

5:44

Janea

Waylon →



Case No. CV 20464

Dept. No. 2

FILED

2019 FEB -8 PM 2:50

TAMI RAE SPERO
DIST COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

ORDER

JANEA HUBER,

Defendant. /

On the 23rd day of January, 2019, Steve E. Evenson, Esq., counsel of record for Janea Huber, Defendant, filed a Motion to Withdraw as Attorney of Record. The Court after review of said Motion hereby Grants Mr. Evenson's Motion to Withdraw as Attorney of Record.

IT IS SO ORDERED.

DATED this 8th day of February, 2019.

MICHAEL R. MONTERO
DISTRICT COURT JUDGE

Waylon →

This is what the court house has listed I have to send it here. Is this not valid? Also I need your legal name it's all over the place.

Janea →

Nope that's not a valid address I'm not sure why that one is being used. That was the address I had when I retained Rod.....
Janea Calkins

Janea →

What is this date for the court hearing?

FILED

2019 MAY 17 PM 2:21

TAMI RAE SPE...
...ST. COURT C...
E Family

Case No. CV-20,464

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

Waylon Huber.
Plaintiff.

vs.

Janea Huber/Calkins.
Defendant.

REQUEST FOR A HEARING

I, Waylon Huber (Your name), the Plaintiff (Plaintiff or Defendant) in this matter, request a hearing regarding Order to Show cause + custody (What you are requesting a hearing for)

My reasons for requesting a hearing are as follows:

Defendant Janea Huber/Calkins will not follow court orders to reunify with twins Brynlee + Bryson Huber. Attached @ Email From Kid Services

Date: 5/17/19

Waylon Huber
(Print Name

[signature]
(Signature

4151 Two Rock Dr
(Address

Winnemucca, NV 89445

775-527-0272
(Telephone number

mail.com

RE: Huber's

From: "KIDS Services" <chris@kidsservices.net>

To: "'Waylon Huber'" <waylonhuber@mail.com>

Date: May 17, 2019 12:59:07 PM

I have had no contact from Janea. If we hear from her, I will let you know.

Thank you
Chris Jones
KIDS Services

-----Original Message-----
From: Waylon Huber [mailto:waylonhuber@mail.com]
Sent: Friday, May 17, 2019 1:21 PM
To: KIDS Services
Subject: Re: Huber's

Hey Chris I just wanted to clarify Janea Huber/Calkins has not set anything up nor contacted you to date 5/17/2018 on reunification with twins brynlee and Bryson Huber and father Waylon Huber. You will contact me Waylon Huber when she does.

Thanks
Waylon Huber
775-527-0272

Sent using the free mail.com iPad App

On 5/16/19 at 9:58 AM, KIDS Services wrote:

> Waylon
> I have had no contact from James. If we hear from her I will let you know.
>
> > On May 16, 2019, at 8:42 AM, Waylon Huber <waylonhuber@mail.com> wrote:
> >
> > Hey Chris its been about 50 days since my last email from you and was checking in. Has their been any changes on the twins Bryson Huber and Brynlee Huber or have you still not been contacted by Janea Huber/Calkins ? I just need to move forward since nothing is happening and i cant get a hold of Janea.
> >
> > Thanks Waylon Huber
> > 775-527-0272
> >
> > Sent: Thursday, March 28, 2019 at 4:12 PM
> > From: "KIDS Services" <chris@kidsservices.net>
> > To: "'Waylon Huber'" <waylonhuber@mail.com>
> > Subject: RE: Huber's
> > Waylon,
> > Janea has not yet contacted us. When she does, we will let you know.
> >
> > Thank you
> > Chris Jones
> > KIDS Services

A0536

"EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY"

FILED

2019 MAY 24 PM 12:00

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: CV. 20,464 "EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY"

I Waylon Huber am asking for temporary Full Physical Custody of my said minor twins, Brynlee Huber and Bryson Huber. I Have finally located where my children go to school after being completely alienated and their location being hidden from me by Janea Calkins.
Current orders are not being followed and Janea Calkins/Huber has virtually disappeared with our twins Brynlee and Bryson Huber. I have had no contact for two years now and with multiple orders guiding reunification, with no avail due to non-compliance by mother Janea Calkins.

I have located a possible address in Meridian, ID for the twins, via her social media posting that she had posted for a garage sale at the address 897 E Washakie St. Meridian, ID 83646, which is a complete different address with which Janea has provided to the court and I. The court and I were lead to believe that Janea and the twins lived with her mother at 10323 W Breckfield Dr. Boise, ID, but all certified mail is being returned and Debra Drake, "Janeas Mother", has that home and address listed up for sale.
With the address provided on Janea Huber's social Media account, I was able to locate the children's school "Prospect Elementary", which is a different district than her mother's address that she had told the court. The 897 Washakie St. in Meridian, ID is the correct address for their school.

I cross-referenced the elementary school for that area and then found the whereabouts of my children. When I called and asked for Information on grades ect.. I was informed that they were to give me no information about the twins, other than they do attend school there, and they do have an order from 2017 stating I had suspended visitation to the minor kids and to not show up without an order stating I can do so..

"EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY"

Now i know the children do not live with their grandmother at the address provided to the court and I, due to the school they attend now, and the address provided by Janea Huber's social Media account.

The principle at Prospect Elementary ,MICHELLE STORIE, then informed me that school is only in session till May 31st. Giving me 4 days in which i can pick them up at school and return them to Humboldt county, Nevada where the court retains jurisdiction, with out the use of warrants ect.. due to Janeas failed track record to follow court orders.

Janea Calkins has been continuously lying, hiding, selling belongings, severed all communication, and has not followed any and all court orders for reunification. I feel the listing for sale of her mothers residence, hiding of her and the children's whereabouts and Long term Prison sentence of her now husband, Justin Calkins, has her poised to relocate out of State or closer to her husband's prison. Janea should be considered a flight risk at this point and action needs to be taken for Janea Calkins to follow court orders and to safely return the children Brynlee and Bryson Huber to their home State of NV with father, Waylon Huber, before the children go missing completley. This I feel is justifying the reason for this emergency ex party order.

If we don't act now we may not have another chance and or it my take an extended amount of time to find her.

Attached are exhibits supporting the selling of belongings by Janea Calkins Exhibit 1, and selling of mothers Debra Drakes home Exhibit 2. Lack of contacting kid services for reunification Exhibit 3.

WAYLON HUBER
In Pro Per

EXHIBIT 1

Yard Sale of Belongings + A Different ADDress »

8:27

facebook.com

11

Like Share

Janea Calkins ...

YARD SALE!!!
897 E Washakie St
Meridian 83646

4 3 Comments 1 Share

Like Share

Janea Calkins ...

Selling this for $20! Brand new Elliana never used it! Using the money to buy her a bumbo seat ☺

EXHIBIT 2

Jana's Mothers Home For sale.

Presented by: **Carlee Bell** with **Re/Max Executives - Nampa**

Tour this property

100% free, no commitment

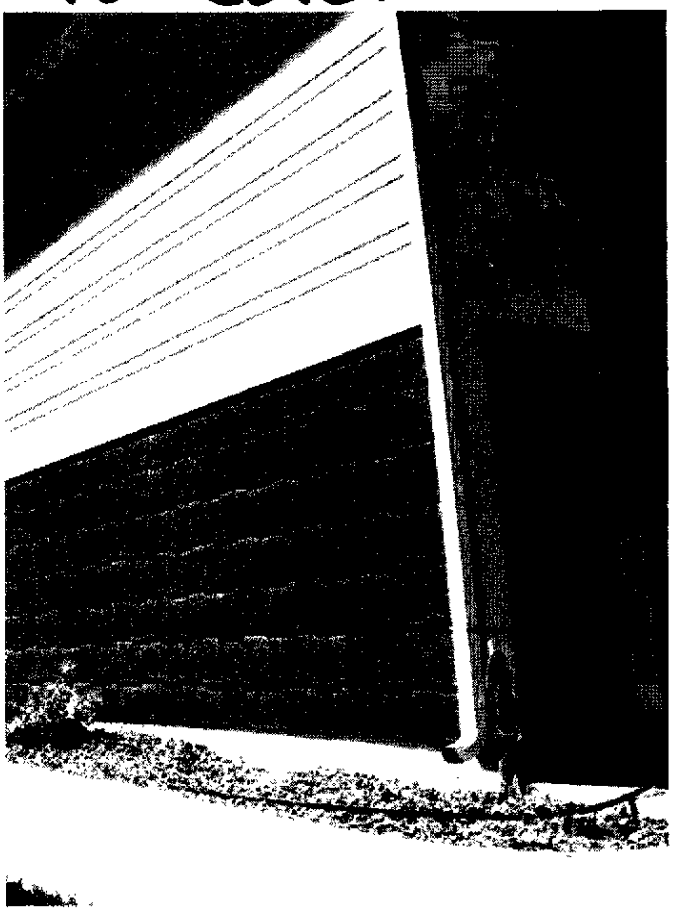
Today	Sat	Sun
24	25	26
May	May	May

Get more info

Contact agent

Connect by phone right now

Call (208)314-7912



$299,900

t

ld St,

Boise, ID 83709

Open House

ADDress Givin to Father where Twins live But Doesn't match their School and Is For sale.

Saturday

May

25

11:00 am - 2:00 pm

Can't make it to the open house?

Property Details for 10323 W Breckfield St

Status	Price/Sq Ft	On realtor.com®	Type
Active	**$137**	**17 days**	**Condo/Townhome/.**

This Townhome boasts with beautiful wood floors on the main level, granite countertops and lots of cabinet space. The bedrooms are spacious with a lot of natural light. Because of the size the third room, it could be used as a bedroom or a bonus room/den. This Townhome has the perfect front patio for entertaining and enjoying the peaceful neighhood. carpets have been cleaned as of 05/04/2019. Quiet neighborhood, YARD maintenance included with HOA dues. Back patio meets with common area.

Schools

- Elementary School: Pepper Ridge
- High School: Mountain View
- Middle School: Lake Hazel
- School District: West Ada School District

Property Features

Bedrooms

- Bedrooms: 3
- Master Bedroom Dimensions: 14 x 17
- Bedroom 2 Dimensions: 14 x 11
- Bedroom 3 Dimensions: 17 x 12
- Bedroom 2 Level: Upper
- Bedroom 3 Level: Upper

Bathrooms

- Total Bathrooms: 2.5
- Full Bathrooms: 2
- 1/2 Bathrooms: 1
- Bathrooms On Upper Level: 2

Kitchen and Dining

- Kitchen Dimensions: 17 x 12
- Kitchen Level: Main

Exterior and Lot Features

- Lot Size Square Feet: 3659

Appliances

- Breakfast Bar
- Dishwasher
- Disposal
- Microwave
- Island
- Granite/Tile Counters

Interior Features

- Fire Safety Features: Auto, Partial

Heating and Cooling

- Cooling Features: Central Air
- Fireplace Features: Gas
- Heating Features: Forced Air, Gas

Land Info

- Land Lease: No
- Lot Description: Sidewalks, Public Road, Finished Driveway
- Lot Size Acres: 0.084

Garage and Parking

- Number of Garage Spaces: 2
- Garage Description: Attached

School Information

- Elementary School: Pepper Ridge
- High School: Mountain View
- Middle School: Lake Hazel
- School District: West Ada School District

Homeowners Association

- Association Fee: 250
- Association Fee Frequency: Semi-Annually
- Calculated Total Monthly Association Fees: 42

Other Property Info

- Source Listing Status: Active
- County: Ada
- Current Use: Single
- Property Subtype: townhouse
- Source Neighborhood: Greenbriar Commons
- Parcel Number: R3271730600

- Directions: S Five Mile, E Brownstone, S Manzanita, E Breckfield
- Tax Year: 2018
- Source Property Type: Town-Home
- Area: Boise SW-Meridian - 0550
- Subdivision: Greenbriar Commons
- Zoning: Ada County-R8 Medium High
- Source System Name: C2C

Building and Construction

- Square Feet Living: 2187
- Year Built: 2006
- Builder Name: Next Gen
- Construction Materials: Frame
- Improvements: No
- Property Age: 13
- Roof: Composition Shingle
- Levels or Stories: 2
- Structure Type: Structure Features: Bath-Master, Hardwood, Tile Flooring, Carpet, Walk in Closet

Utilities

- Sewer: Yes Connected

Legal and finance

- HOA Frequency: Monthly/42
- HOA fee: $42

Nearby Schools

Rating*	School Name	Grades	Distance
4	Desert Sage Elementary School	PK–5	1.0 mi
6	Lake Hazel Middle School	6–8	0.9 mi
9	Mountain View High School	9–12	3.8 mi
8	Christine Donnell School Of Arts	K–6	0.7 mi
5	West Junior High School	7–9	2.0 mi
NR	Frank Church High (Altern) School	7–12	2.1 mi
NR	Overland Montessori Private School	K–K	2.9 mi

NR	New Way Private School	PK–2	4.0 mi

* School data provided by National Center for Education Statistics, Pitney Bowes, and . Intended for reference only. GreatSchools Ratings compare a school's test performance to statewide results. To verify enrollment eligibility, contact the school or district directly.

Neighborhood

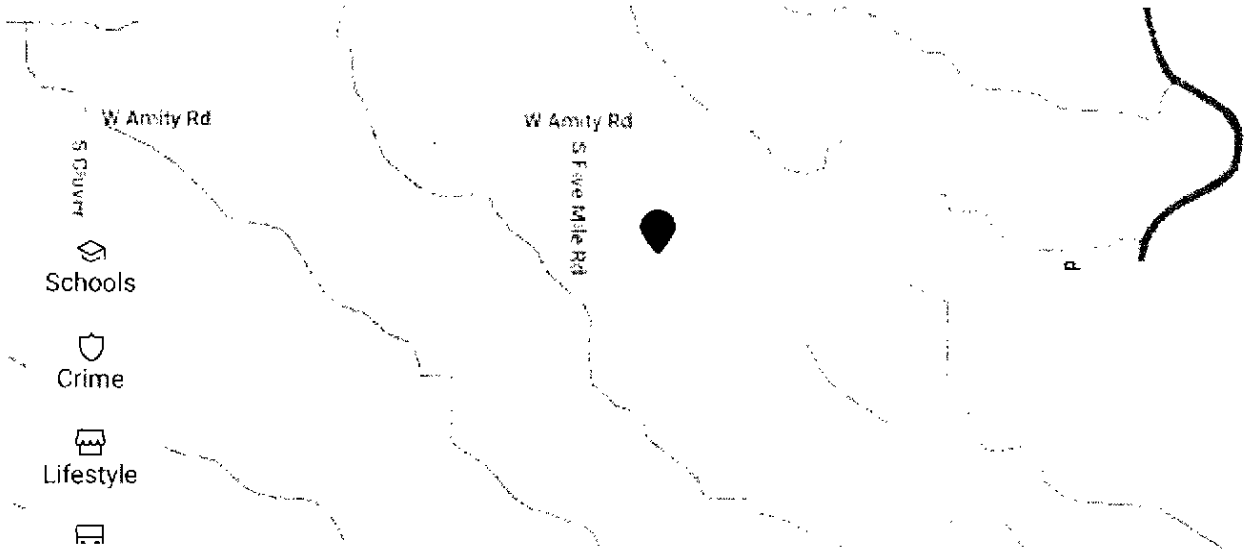
10323 W Breckfield St is located in Southwest Ada County Alliance neighborhood in the city of Boise, ID.

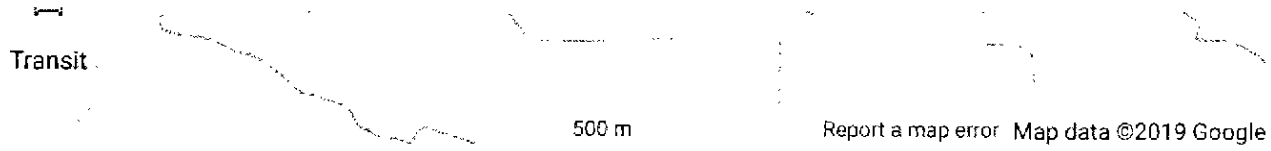
Checkout other home values in Breckfield St.

$303,500	46	$162
Median Listing Price	Median Days on Market	Price Per Sq Ft

Popular searches in Boise include: Newest Listings, Open Houses, Price Reduced.

Explore Schools, Safety, and Lifestyle around Breckfield St





Sponsored by StateFarm

Property History for 10323 W Breckfield St

Property Price

Date	Event	Price	Price/Sq Ft	Source
05/07/2019	Listed	$299,900	$137	IntermountainMLS
12/31/2009	Sold	-	—	
07/13/2006	Sold	-	—	

Property Tax

Year	Taxes	Land		Additions		Total Assessment
2018	-	$49,800	+	$192,000	=	$241,800
2017	$1,110	$39,900	+	$166,800	=	$206,700
2016	$1,312	$32,400	+	$182,500	=	$214,900
2015	$1,366	$30,200	+	$178,000	=	$208,200
2014	$929	$24,600	+	$139,300	=	$163,900
2013	$902	$24,600	+	$118,700	=	$143,300
2012	$854	$22,400	+	$110,800	=	$133,200
2011	$837	$22,400	+	$122,200	=	$144,600
2010	$891	-	+	N/A	=	-
2009	$2,093	$28,000	+	$130,400	=	$158,400
2008	$2,823	-	+	N/A	=	-

About History & Taxes Data

EXHIBIT 3

NO contact with KID services By Janea

mail.com

I have had no contact from Janea. If we hear from her, I will let you know.

Thank you
Chris Jones
KIDS Services

-----Original Message-----
From: Waylon Huber [mailto:waylonhuber@mail.com]
Sent: Friday, May 17, 2019 1:21 PM
To: KIDS Services
Subject: Re: Huber's

Hey Chris I just wanted to clarify Janea Huber/Calkins has not set anything up nor contacted you to date 5/17/2018 on reunification with twins brynlee and Bryson Huber and father Waylon Huber. You will contact me Waylon Huber when she does.

Thanks
Waylon Huber
775-527-0272

Sent using the free mail.com iPad App

On 5/16/19 at 9:58 AM, KIDS Services wrote:

> Waylon
> I have had no contact from James. If we hear from her I will let you know.
>
> > On May 16, 2019, at 8:42 AM, Waylon Huber <waylonhuber@mail.com> wrote:
> >

ORDER TO SUBMIT EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY.

FILED

Case No. CV.20,464

2019 MAY 24 PM 12:01

Dept No 1

TAMI RAE SPROUL
CLERK OF COURT

WAYLON HUBER
4151 TWO ROCK DR
WINNEMUCCA, NEVADA 89445
775-527-0272
waylonhuber@mail.com

WAYLON HUBER, IN PRO PER

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No CV 20,464

ORDER TO SUBMIT EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY.

This is an order to submit an "EMERGENCY EX PARTE MOTION TO CHANGE CUSTODY".

These documents were filed 05/24/2019

WAYLON HUBER
In Pro Per

Motion to change location of therapeutic reunification.

FILED

2019 AUG 15 PM 1:31

TAMI RAE ST...
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER Plaintiff(s), vs. JANEA CALKINS Defendant(s).	Case No.: CV. 20,464 Motion to change location of therapeutic reunification.

I, Waylon Huber am asking for the location of therapeutic reunification of Brynlee Huber(7)and Bryson Huber(7) with father, as ordered in the last several hearings that were to be held at "Kids Services" in Boise, ID, to be changed to the "Family Support Center" located in Winnemucca, NV 89445. I am asking both parents contact Family Support Center to schedule visitation no later than 3 business days if such motion is ordered.

Waylon Huber

DATE 8/15/2019

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
Phone Number (775-527-0272)

FILED
2019 AUG 15 PM 1:32
TAMI RAE S...
DIST. COURT CL...

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff, vs. JANEA CALKINS, Defendant.	Case No.: CV 20,464 Proof of Service for Motion to change location of therapeutic reunification. Dept: (2)

This is a proof of service for "Motion to change location of therapeutic reunification".

Mailed To Janea Caulkins 11335 west Bakula dr Boise ID 83709.

Document mailed on 08/15/2019 via U.S. Postal Service Certified Mail.

WAYLON HUBER

"Motion to Enforce Divorce Decree"
"Motion to Modify Custody Due to Change in Circumstance"

FILED

2019 AUG 16 PM 2:41

TAMI RAE SMITH
DISTRICT COURT CLERK

C. Smith

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

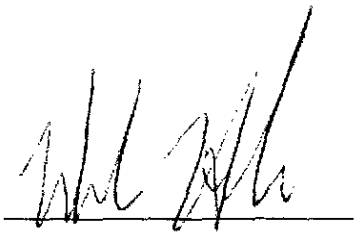
Defendant(s).

Case No.: CV. 20,464

"Motion to Enforce Divorce Decree".
"Motion to Modify Custody Due to Change in Circumstance".

I, Waylon Huber am asking the court to enforce the Divorce Decree as it is outlined, children Brynlee and Bryson Huber to return to Winnemucca, Nv and joint physical and joint legal custody with Janea Calkins will be shared on a 2/3, 3/2 schedule and vacations and holidays as outlined in Decree of Divorce, filed 4/1/2016. The Plaintiffs custody was changed to defendant having temporary full physical, joint legal custody, due to allegations on daughter Brynlee Huber, by defendant Janea Calkins, mother, while the accusations were being investigated. Plantiff, Father, was fully cleared though a full investigation by Winnemucca Police Department and Child Protective Services. Now Plaintiff feels it is in the best interest of the children Brynlee Huber(7) and Bryson Huber(7) to have their father back in their life and return to the original custody agreement and the children living back in their home State of NV in Winnemucca as stated in the divorce decree and the custody agreement followed. Plantiff Waylon Huber would like to bring it to the courts attention that several orders for reunification have been issued and not followed by Defendant Janea Calkins. Plaintiff Waylon Huber is hopeful

reverting back to joint physical and joint legal of minor children will get Mother to comply.



Waylon Huber

DATE 8/16/2019

"Motion to Enforce Divorce Decree".
"Motion to Modify Custody Due to Change in Circumstance"

FILED

2019 AUG 16 PM 2:41

TAMI RAE SMITH
DIST. COURT CLERK

C. Smock

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
Phone Number (775-527-0272)

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff, vs. JANEA CALKINS, Defendant.	Case No.: CV 20,464 Proof of Service for "Motion to Enforce Divorce Decree". "Motion to Modify Custody Due to Change in Circumstance" Dept: (2)

This is a proof of service for "Motion to Enforce Divorce Decree".
"Motion to Modify Custody Due to Change in Circumstance"

Mailed To Janea Calkins 11335 west Bakula dr Boise ID 83709.

Document mailed on 08/16/2019 via U.S. Postal Service Certified Mail.

WAYLON HUBER
In Pro Per

"Motion to Enforce Divorce Decree".
"Motion to Modify Custody Due to Change in Circumstance"

FILED

2019 AUG 16 PM 2:41

TAMI RAE SMITH
DIST. COURT CLERK

C. Smock

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
Phone Number (775-527-0272)

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff, vs. JANEA CALKINS, Defendant.	Case No.: CV 20,464 Proof of Service for "Motion to Enforce Divorce Decree". "Motion to Modify Custody Due to Change in Circumstance" Dept: (2)

This is a proof of service for "Motion to Enforce Divorce Decree".
"Motion to Modify Custody Due to Change in Circumstance"

Mailed To Janea Calkins 11335 west Bakula dr Boise ID 83709.

Document mailed on 08/16/2019 via U.S. Postal Service Certified Mail.

WAYLON HUBER
In Pro Per

FILED
2019 SEP -3 AM 10: 14
TAMI RAE SPEED
DISTRICT COURT CLERK

Waylon Huber
4151 TWO ROCK DR
WINNEMUCCA, NV 89445
Phone Number (775-527-0272)

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT.

WAYLON HUBER Plaintiff, vs. JANEA CALKINS Defendant.	Case No.: CV 20,464 Order to Submit Uncontested. "Motion to change location of therapeutic reunification". Dept: (2)

This is an order to submit the following uncontested motions. "Motion to change location of therapeutic reunification". Filed on August 15th 2019.

WAYLON HUBER
In Pro Per

Case No. CV 20,464

Dept. No. II

FILED

2019 OCT 23 AM 9:02

TAMI RAE SI
DIST. COURT CL

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

WAYLON HUBER,

Plaintiff,

vs.

NOTICE OF HEARING

JANEA CALKINS, fka,

Defendant.

_____/

A hearing on the Motion to Enforce Divorce Decree, in the above-referenced matter is scheduled for Tuesday, November 26, 2019 at 1:30 p.m. in Dept. II, Humboldt County, Winnemucca, Nevada.

DATED this 23rd day of October, 2019.

HON. MICHAEL R. MONTERO
DISTRICT COURT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Sixth Judicial District Court and that on the 23rd of October, 2019, I delivered a copy of the **NOTICE OF HEARING** to:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445
Via U.S. Mail

Janea Huber Calkins
5977 S. Manzanita Ave.
Boise, Idaho 83709
Via U.S. Mail

Or

Janea Huber Calkins
897 E. Washakie Street
Meridian, Idaho 83646
Via U.S. Mail

Or

Janea Huber Calkins
10323 W. Breckfield Street
Boise, Idaho 83709
Via U.S. Mail

Elisha Formby

ELISHA FORMBY
Administrative Specialist

FILED
2019 NOV 22 AM 8:46
TAMI RAE SPERO
DIST. COURT CLERK

Case No. CV 20,464

Dept. No. II

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

MOTION TO VACATE AND RESCHEDULE HEARING

JANEA CALKINS, fka,

Defendant.

COMES NOW, defendant Janea Calkins, and, for good causing showing, hereby submits this Motion to Vacate and Reschedule Hearing, and in support of such motion, states as follows:

1. On October 23, 2019, the Court issued a Notice of Hearing in the above-captioned action. The hearing is scheduled to take place on November 26, 2019.
2. I received a copy of the Notice of Hearing on Monday, November 4th, 2019.
3. Since receiving a copy of the Notice of Hearing, I have looked to obtain an attorney to represent me in this matter. Mr. Tonn K. Petersen is an attorney residing in Meridian, Idaho. Prior to leaving private practice, Mr. Petersen worked as an attorney at the Perkins Coie law firm. Mr. Petersen is no longer actively representing clients, but he is helping me to locate and retain local counsel in this matter. I have not yet retained local counsel, but I am still working diligently to find counsel and,

with the help of Mr. Petersen, I expect to have an attorney retained to represent me in the near future.

4. In the meantime, I am a single mother and have three dependent children (twins who are 7, and a one year old baby). I am raising and providing for my three children on my own. My 7-year old son has autism, which raises the needed level of care. I recently started a new job at US Healthcare Partners, working as a Front Office Coordinator. I started my job on October 26th 2019. Because of my new job responsibilities, as well as certain unexpected expenses associated with serving as the sole provider for my children, I currently do not have the financial means to prepare for and travel to the November 26, 2019 hearing. I am busily searching out financial resources that will allow me to travel to Nevada to participate in person in this matter, including discussing the financial resources that may be available through my church.

5. For these reasons, I respectfully request that the Court move out of and reschedule the November 26, 2019 hearing for a date and time to be determined by this Court. A long continuance is not needed. Rather, a short intervening period of time will allow me the time to retain legal counsel in this matter, and to obtain the necessary funds to attend and participate in the hearing.

For the reasons stated above, Defendant respectfully requests that the Court vacate and reschedule the November 26, 2019 hearing.

Janae Calkins
Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on the ____day of November, 2019, I served a true and correct copy of the attached MOTION by the following:

[X] Mail: By placing an original or true copy in a sealed envelope, postage fully prepaid, in a U.S. Postal Service mail station in Meridian, Idaho, addressed to the individual listed below, addressed as follows:

WAYLON HUBER
4151 Two Rocks Dr.
Winnemucca, Nevada 89445

Janea Calkins

CASE NO. CV 0020464

DEPT. NO. II

FILED

2019 NOV 22 AM 9:34

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

ORDER

JANEA CALKINS,

Defendant.

Before this Court is the Plaintiff's *Motion to Change Location of Therapeutic Reunification* and *Motion to Enforce Divorce Decree/Motion to Modify Custody Due to Change in Circumstance* filed on August 15, 2019 and August 16, 2019, respectively. No objections to the motions have been received by this Court.

Upon review of the record, the Court finds that this case is appropriate to participate in a settlement conference or the Sixth Judicial District's mediation program. Accordingly, the parties are hereby ordered to participate in good faith in a settlement conference or mediation on **November 26, 2019 at 1:30 p.m.** The settlement conference/mediation will be held before the Court Master Gabrielle J. Carr in the courtroom at the Humboldt County Courthouse. The courthouse is located at 25 W. Fifth St. in Winnemucca, Nevada. If any

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

party wishes to submit a confidential settlement conference statement to the Master, it must be submitted by Monday, November 25, 2019 via email to gabrielle.carr@hcdcnv.com or you may contact our office at 775-623-6371.

IT IS SO ORDERED.

DATED: November 22, 2019.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on November 22, 2019, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, NV 89445
Via US Mail

Janea Huber Calkins
3033 W. Divide Creek
Meridian, ID 83646
Via US Mail

E Sandoval

Eliana Sandoval
Judicial Assistant
Sixth Judicial District Court

CV0020464

Waylon Jay Huber VS. Janea Marie Huber

Judge: Gabrielle J. Carr

Clerk: Mikayla Mecham

November 26, 2019 **Settlement Conference**

PRESENT: Waylon Huber, Plaintiff, present in proper person with his wife, Ashlie Huber. Janea Calkins, Defendant, present telephonically, in proper person.

The Court stated that she was not present in any judicial capacity, rather serving as a mediator for the parties. Prior to going on the record, the parties had participated in an informal settlement conference and negotiated some terms in order to come to an agreement.

The Court directed the Clerk to swear in the parties; the parties were sworn.

Janea Calkins had agreed to contact the children's current therapist, Lenore Smith, within twenty-four (24) hours, and provide her with a copy of the order from March 15, 2019, as well as obtain an updated opinion from her as to whether she believes it is in the best interest of the children to participate in therapeutic services through a program comparable to Kid Safe Services. Further, Janea would provide a copy of the update from the therapist to the Court by December 20, 2019.

Both parties agreed to research and identify options for therapeutic supervised visitation services that are comparable to Kids Safe Services in Idaho and provide to the Court by December 20, 2019. Parties are welcome to research options in Nevada as well if they wish to do so.

Both parties agreed to a continued mediation set for one hour on December 19, 2019 at 11 a.m. as well as a continued mediation set for two hours on January 9, 2020 at 1 p.m. A hearing on the pending motions will be scheduled after January 9, 2020 and will be scheduled by Judge Montero after looking at his calendar.

Janea asked for clarification as to when the research for services available for the children should be conducted.

The Court informed the parties that they could research available services prior to having the opinion from the therapist, but that whether the children participate in those services would be dependent on the therapist's update.

The Court canvassed Janea as to her understanding of the agreement made today.

Janea stated her understanding and agreed to all terms.

The Court canvassed Waylon as to his understanding of the agreement made today.

Waylon stated his understanding and agreed to all terms.

CASE NO. CV 0020464

DEPT. NO. II

FILED

2019 DEC -9 PM 3:09

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

ORDER SCHEDULING MEDICATION AND HEARING DATES

JANEA CALKINS,

Defendant.

On November 26, 2019, the parties appeared and participated in a settlement conference within the Sixth Judicial District's mediation program. Accordingly, the parties agreed to participate in two (2) additional mediation/informal settlement conferences with Court Master Gabrielle Carr. The parties further agreed that the hearing on the pending motion would be scheduled after the two mediation dates set forth below.

Therefore, good cause appearing, it is hereby ordered that the parties participate in good faith in a settlement conference or mediation on **December 19, 2019 at 11:00 a.m.** (1 hour) and **January 9, 2020 at 1:30 p.m.** (2 hours).

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

An evidentiary hearing on the pending motions is also hereby scheduled for **February 27, 2020 at 1:30p.m.**

The settlement conference/mediation and the hearing will be held in the courtroom at the Humboldt County Courthouse. The courthouse is located at 25 W. Fifth St. in Winnemucca, Nevada.

IT IS SO ORDERED.

DATED: December 9, 2019.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on December 9, 2019, I caused to be served a true and correct copy of the enclosed **ORDER SCHEDULING MEDIATION AND HEARING DATES** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, NV 89445
Via US Mail

Janea Huber Calkins
3033 W. Divide Creek
Meridian, ID 83646
Via US Mail

E Sandoval

Elvana Sandoval
Judicial Assistant
Sixth Judicial District Court

CASE NO. CV 0020464

DEPT. NO. II

FILED

2019 DEC -9 PM 3:09

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

ORDER AFTER MEDIATION

JANEA CALKINS,

Defendant.

On November 26, 2019, the parties appeared and participated in a settlement conference within the Sixth Judicial District's mediation program. Accordingly, the parties agreed and stipulated to the following order, on the record, as follows:

IT IS HEREBY ORDERED that Janea Calkins shall contact Lenore Smith, LCSW, no later than Wednesday, November 27, 2019, provide her with a copy of this Court's Order dated March 15, 2019 and obtain a written opinion from Ms. Smith as to whether or not she would recommend that the children participate in Therapeutic Supervised Visitation, as defined in I.R.F.L.P. 717, with KIDS Services or a comparable entity. Said response from Ms. Smith shall be provided to the mediator by December 20, 2019 if possible.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

IT IS FURTHER ORDERED that Waylon Huber shall research comparable alternative programs similar or the same as KIDS Services in Idaho since that program is currently cost prohibitive. The details related to any same or similar programs shall be provided to the mediator no later than December 20, 2019.

IT IS FURTHER ORDERED that the parties shall participate in good faith in two (2) additional mediation/informal settlement conferences with Court Master Gabrielle Carr and understand that the hearing on the pending motion would be scheduled after the two mediation dates set forth in the Order Scheduling Mediations and Hearing filed separately.

The settlement conference/mediation and the hearing will be held in the courtroom at the Humboldt County Courthouse. The courthouse is located at 25 W. Fifth St. in Winnemucca, Nevada.

IT IS SO ORDERED.

DATED: December 9, 2019.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on December 9, 2019, I caused to be served a true and correct copy of the enclosed **ORDER AFTER MEDIATION** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, NV 89445
Via US Mail

Janea Huber Calkins
3033 W. Divide Creek
Meridian, ID 83646
Via US Mail

E Sandoval

Eliana Sandoval
Judicial Assistant
Sixth Judicial District Court

Proof Of Service

FILED

2019 DEC 23 PM 1:04

mm

TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

Proof Of Service

This is a proof of service for Subpoena Duces Tecum to St Luke's Children's Mental and Behavioral Health located at 190 E. Bannock Street Boise, ID 83712.

Service will be preformed via United States Postal Service Certified mail.

12/23/19

Waylon Huber

"Plaintiffs Motion In Limine" To Exclude Hearsay Evidence and Testimony of Prior Sexual and Physical Abuse".

FILED

2020 FEB 20 AM 9:20

TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

"Plaintiffs Motion In Limine" To Exclude Hearsay Evidence and Testimony of Accusations of Sexual and Physical Abuse.

1.Comes now, Plaintiff Waylon Huber a resident of Winnemucca, Nv in the county of Humboldt, is requesting the said above motion in Limine to exclude hearsay evidence and testimony of accusations of sexual and physical abuse in the 2/27/2020 evidentiary hearing of case of custody of the two minor children Brynlee Huber age 7 and Bryson Huber age 7.

2.The issue of sexual and physical abuse of father has been completely unsubstantiated. This is now becoming sadly a tool of litigation by mother to keep children away from father. After a joint investigation of winnemucca police department and authorities in Idaho, father has been cleared and was

never charged with any such crimes. This is because the abuse never happened.

3. A voice stress analysis was given and no deception was found. It is now a concern that the said minor children are being coached and instructed to go to new therapists to continue this trail of unsubstantiated madness.

4.This has to stop for the sake of these children. They do not deserve to continue through the course of their life thinking that either one of them were hurt by their father.

5.I am asking the court to grant this motion in limine to exclude any hearsay evidence and testimony regarding sexual and physical abuse from father on Brynlee and Bryson Huber that is not in good faith and a disruption to the court. This has been found unsubstantiated and I am asking the court to move on in a positive and forward direction in this case.

WAYLON HUBER in PRO PER

Pre Hearing Statement

FILED

2020 FEB 20 AM 9:20

TERRI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

"Pre Hearing Statement".

INTRODUCTION

Plaintiff, WAYLON J. HUBER (hereinafter "Father"), hereby provides this Court his Pre-Hearing Statement.

This matter has come before this Court due to Defendant, JANEA CALKIN's (hereinafter "Mother") refusal to abide the Court's numerous Orders. In fact, from the date the Decree of Divorce was entered, Mother has felt that she is above the law and this Court's order has no impact on her.

More recently, Mother has disregarded not once but three times the Court demanding that she start the reinunification process for Father and the parties' two (2) minor children, BRYNLEE JO HUBER (DOB May 8, 2013) and BRYSON WAY HUBER (DOB May 8, 2013) (collectively the "Twins"). Father has not seen his children for over two (2) years due to Mother's spiteful behavior.

Even more unfortunate, the Twins have not seen their little sister, RUBEE ROSE HUBER, who will be three years old this March. So much crucial bonding time has been lost.

PRE-HEARING STATEMENT

Father feels just the above said violations constitutes a change in custody, to the parent that is more likely to foster a relationship with the non-custodial parent.

Mother has proven time and time again she is unwilling to foster any kind of relationship with father or the Twins younger sister.

At one of the prior hearings, Mother was held in contempt of court and lost all telephonic hearing privileges. In addition, Mother's attorney was fined $500.00 for also being in contempt. Mother was also been ordered to pay all Father's attorney fee's for not following custody orders. These are just a few examples as to how Mother has blatantly disregarded this Court's authority.

Furthermore, Mother was in a relationship with Justin Calkins (hereinafter "Mr. Calkins"). At the time of the hearing, the evidenced proved that Mr. Calkins was recently released from prison on parole. Due to the evidence, showing Mr. Calkins' violent nature of his crimes and multiple felony convictions, this court issued a NO CONTACT ORDER, whereby Mr. Calkins was to have no contact whatsoever with the Twins. Once again, Mother disobeyed this No Contact Order and proceeded with a relationship with Mr. Calkins, in fact, even marrying him and have a child with Mr. Calkins. This would probably explain why Mother has taken such extreme measures with concealing her address from the Court and Father.

Most recently, Mr. Calkins violated his parole and is now re-incarcerated in IDAHO prison.

Mother over the past couple years has completely blocked Father from the Twins' school and any medical that he knows about. Although, even though Father has joint legal custody, he is not privy to most information regarding the Twins, because Mother feels that she is above the law and does not need to co-parent.

It has been recently brought to Father's attention due to his own research, that Mother is claiming new diagnosis for the children. Father has yet to see the diagnosis.

One thing Father does know is the children have been to several different doctors according to Janea and the children have undergone numerous unneeded tests. This cannot be healthy for the Twins. Below are just some of the examples of what Mother has made the children endure:

1. Brynlee was taken to get checked for epilepsy twice.
2. Mother claimed Brynlee is autistic, then was diagnosed to have asperges's syndrome, and now she has most recently been diagnosed as autistic again.
3. Bryson has also been diagnosed autistic.
4. Father was also informed, that the Twins have Individual Education Plan (hereinafter "IEP").

Father has every right to know what is going on with his children's health and education. Father should be invited to at least attend the IEP meetings via telephone. Father would also like to request that he immediately receive a copy of the Twins' IEPs.

Again, Mother has missed hearings previously for the following reasons: weather; financial reasons; lack of legal counsel; sickness; surgery; and, just has not shown up.

Mother has also lost three (3) attorneys for lack of communication, payment and dishonesty.

Mother has shown a lack of respect for the law, this court and it's Orders. The most tragic overall, is the well being of all of the children affected. It is imperative for the Twins to have both their father and mother in their life. Moreover, the Twins deserve to be apart of their family, including but not limited to, their sister, step-mother, grandparents, aunt and uncle and cousins.

Mother has tried every avenue possible to try to remain is Boise, ID. Disregarding The Divorce Decree that we both signed that states for her and the children to return to Winnemucca, NV to joint 50/50 custody after 2 total years. This case is an extreme case of parental alienation on behalf of the defendant.

November 26th, 2019 Plantiff Waylon Huber and Defendant Janea Calkins were ordered to participate in a good faith mediation with two more scheduled mediation hearings on December 19th and January 9th. The Defendant Janea Calkins failed to participate in good faith and allowed zero movement at all between parties. Court Master Gabriella Carr tried to come up with ideas "Out side the box" to get any movement at all which was unsuccessful because defendant Janea Calkins was unwilling. Continued Warnings by the court master of direct contempt of orders were ignored by Defendant. Mediation was completely stonewalled. I, Plaintiff Waylon Huber feel i went in with an open mind but was quickly

reassured that the previous orders were never even planned on being followed by Janea Calkins.

There are three (3) uncontested motions before the court. A motion for change in custody due to change in circumstance. A motion to enforce the divorce decree. A motion to change reunification to Winnemucca Nv.

Father does not believe at this time Mother will comply with any court orders. I believe that additional measures to physically obtain the children will be required if so granted by the court to ensure the safety of the children and physical compliance of the orders.

Waylon Huber, in PRO PER

Proof Of Service

FILED

2020 FEB 20 AM 9:21

TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

Proof Of Service

This is a proof of service for a "Plaintiffs Motion In Limine" and "Pre Hearing Statement". Service will be preformed via United States Postal Service on 02/20/2020.

To JANEA CALKINS located at 11335 W BAKULA DR. BOISE, ID 83709.

WAYLON HUBER, IN PRO PER

Request For Submission "Supplement to Pre Hearing Statement".

FILED

2020 FEB 24 AM 11:30

JAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

Request For Submission for "Supplement to Pre Hearing Statement".

This is a Request For Submission of "Supplement to Pre Hearing Statement".

With Attached Exhibits 1, 2, and 3.

IN PRO PER WAYLON HUBER

Proof Of Service "Supplement to Pre Hearing Statement".

FILED

2020 FEB 24 AM 11:30

TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

Proof of Service for "Supplement to Pre Hearing Statement".

This is a proof of service "Supplement to Pre Hearing Statement".

Sent to JANEA CALKINS at 11335 W BAKULA DR. BOISE ID 83709.

Service will be preformed via United States Postal Service Certified mail.

2/24/2020.

Waylon Huber

Pre Hearing Statement

FILED
2020 FEB 24 AM 11:30
TAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

WAYLON HUBER

Plaintiff(s),

vs.

JANEA CALKINS

Defendant(s).

Case No.: CV. 20,464

"Supplement to Pre Hearing Statement".

INTRODUCTION

Plaintiff, WAYLON J. HUBER (hereinafter "Father"), hereby provides this supplement to his Pre-Hearing Statement.

This Supplement is a Small window in to the lives of Bryson Huber (age 7) And Brynlee Huber (age 7). The exhibits of this supplements are documents received by Waylon Huber on February 22nd 2020 by "St. Lukes Behavioral and Neurological Health" Boise, ID. The issues the children are constantly dealing with are of the up most concern of father. There is just to much that is not right in the lives of these two 7 year old children.

These exhibits are also filled with mis truths and manipulation by mother.

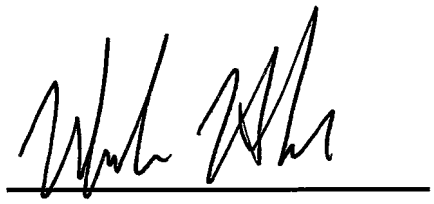
Pre Hearing Statement

This was received after 2 appeals to block father from all records. Some information was still whited out by St. Lukes to protect the children.

Exhibit 1 is information in regards to Brynlee Huber.

Exhibit 2 is information in regards to Bryson Huber.

Exhibit 3 is just some of the 7 known Felonies perpetrated by the man, mother Janea Calkins and above said minor children Brynlee & Bryson Huber, are now living with step-uncle "Michael Shane Calkins" and his 12 year old son. The brother to Janea Calkin's husband "Justin Calkins".



IN PRO PER WAYLON HUBER

EXHIBIT 1

Huber, Brynlee Jo

MRN: 3294371

Telephone 11/29/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)

Conversation

(Newest Message First)

Annie G. Prince, Licensed Clinical Social Worker

Note 11/29/19 9:37 AM

Time spent in phone call: 5 minutes.

The therapist called the mother, Janea, regarding today's appointment (no-show). She apologized, stating "I thought your office was closed today," and confirmed a plan to meet again 12/6 at 9am, as scheduled. Mom discussed that she needs help regarding a letter to the Nevada judge that the previous therapist had written, which needs to be updated with some specific wording, as requested by the judge. She asked if there was any way to get in contact with the previous therapist about this. This therapist recommended following up with the supervisor about this request and then moving forward, as appropriate.

Annie G. Prince, Licensed Clinical Social Worker contacted Huber,Janea (Mother) 11/29/19 9:34 AM

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report, Reviewed This Encounter

Orders Placed

None

Medication Renewals and Changes

As of 11/29/2019 9:37 AM

None

Visit Diagnoses

None

Huber, Brynlee Jo

MRN: 3294371

Telephone 12/5/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)

Conversation

(Newest Message First)

Annie G. Prince, Licensed Clinical Social Worker

Note 12/5/19 2:27 PM

The therapist called Brynlee's mother, Janae, to follow up regarding her question about the letter for the judge. She stated that, out in the community, she has been in contact with the previous therapist, Lenore Smith, LCSW, and that Lenore told her that she would be contacting this therapist and the supervisor regarding this letter. This therapist referred the mother to the supervisor, Travis Haase, LCPC, for questions regarding the letter request.

Annie G. Prince, Licensed Clinical Social Worker contacted Huber,Janea (Mother) 12/5/19 2:25 PM

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report, Reviewed This Encounter

Orders Placed

None

Medication Renewals and Changes

As of 12/5/2019 2:27 PM

None

Visit Diagnoses

None

Huber, Brynlee Jo

MRN: 3294371

Clinical Support 12/6/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/6/2019 9:00 AM • Addendum

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN
Update: 12/6/19

<table>
<tr><td>PATIENT INFORMATION</td><td colspan="3">BILLING INFORMATION</td></tr>
<tr><td>Patient Name: Brynlee Jo Huber</td><td colspan="3">Date of Service: 12/6/2019</td></tr>
<tr><td>Birth Date: 5/8/2012</td><td colspan="3">Primary Dx:
PTSD (F43.10)
ADHD, combined type (F90.2)</td></tr>
<tr><td>Telephone: 208-780-9705</td><td>Start Time:
9:00am</td><td>Stop Time:
9:50am</td><td>Total Time: 50 minutes</td></tr>
<tr><td>ASSIGNMENT</td><td colspan="3" rowspan="4">Service: Annual MH Assessment 90791
Add on codes: N/A
Type of Contact: Face-to-Face Contact with Client and Family</td></tr>
<tr><td>Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN
3525 E Louise Dr
Ste 320
Meridian ID 83642-6303
208-706-5670

Referred by: Christie A. Julian, MD
1072 N Liberty St
Suite 203
Boise, ID 83704</td></tr>
<tr><td>Primary Physician: Christie A. Julian, MD</td></tr>
<tr><td>Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker</td></tr>
</table>

<table>
<tr><td colspan="3">TYPE OF VISIT: Annual Assessment & Tx Plan</td></tr>
<tr><td>ORIGINAL CDA DATE:
6-3-19</td><td>ANNUAL ASSESSMENT DATE: 12/6/19</td><td>90 DAY REVIEW DATE: 3/6/20</td></tr>
</table>

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Brynlee Jo Huber is a 7 y.o. female who is seeking treatment at this clinic for separation anxiety, PTSD, and ADHD.

Mom reports pt follows mom from room to room. Pt worked with Sidra A Beckett, LCPC from October 2016 to October 2018 when Sidra left St Luke's. Pt has not had therapy since then and mom has seen her behavior regress.

Update 12/6/19: Mom is seeking therapy for Brynlee for her trauma symptoms [illegible] by her father.

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset
Pt becomes anxious when she is not with mom in the home.

Bedtime is a struggle as pt is afraid and worries something bad will happen.
Pt has started to wet her pants again.
Pt has temper tantrums when she wants to explain her misbehavior and is told to stop.

Update 12/6/19: Brynlee presents with clinically significant internalizing symptoms (sadness, worry), attention symptoms (inattention, hyperactivity, impulsivity), and post traumatic stress symptoms (autonomic hyperarousal, re-experiencing symptoms, negative emotions and cognitions).

Symptoms & Severity

- **Depressive Symptoms:** irritability, depressed mood, hopelessness, diminished interest or pleasure in activities and poor self-esteem
- **Manic Symptoms:** N/A
- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, difficulty controlling worry, sleep disturbance, restlessness, fearful to separate and distress when separated
- **ADHD Symptoms:** inattention, distractibility, impulsivity and loses temper
- **Autism Symptoms:** N/A
- **Sleeping Habits:** Yes - afraid at night and difficulty getting to sleep

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History
Prior Treatment History (Who/When/Where/Outcome of Tx):
Sidra Beckett, LCPC - October 2016-October 2018. Positive experience and improvement seen.
Kathleen K Deidrick, PhD - neuropsych evaluation - 5-21-18 report

Update 12/6/19:
Sidra Beckett, LCPC - October 2016-October 2018.
The Therapy Place - December 2018 - March 2019 - Mom stated, "it was every other week, and it was for about 4 months. It wasn't really a good fit, so we came back to St. Luke's."
Brynlee established in counseling with Lenore Smith, LCSW 6/3/19, receiving treatment for the following diagnoses: Separation Anxiety Disorder, PTSD, ADHD, Combined Type. She was transferred to this provider (Annie Prince, LCSW) when Lenore left the clinic.
Brynlee began SLP at St. Luke's with Kelly O'Leary, SLP, 8/29/16.
Brynlee began OT with Ann Short, OT, 11/15/16 (at St. Luke's), discharged 1/11/19.
Brynlee has been diagnosed with ADHD, Combined Type, by Dr. Leavell at St. Luke's.

Family Psychiatric History
Immediate family history is positive for autoimmune disorder, mental health concerns (ADHD, anxiety, depression, behavior disorder), developmental delays, and alcohol abuse. Extended family history is positive for physical health (epilepsy), developmental (learning disability), mental health (ADHD, anxiety, depression, schizophrenia), and alcohol/substance abuse problems.

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-i).

Child / Family Substance Use & Problem Gambling History
History of alcohol and drug abuse by father. No current contact with pt.
Is referral needed? No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Social History
Tobacco History
Smoking Status
Never Smoker
Smokeless Tobacco Use
Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:

Past Medical History:

Diagnosis	Date
• Developmental delay	
• Disruptive behavior	

Current Medications:

Current Outpatient Medications

Medication	Sig
• VYVANSE 10 mg Cap capsule	Take 1 capsule by mouth Daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:

Family History

Problem	Relation	Age of Onset
• ADD / ADHD	Mother	
• Depression	Mother	
• Anxiety disorder	Mother	
• ADD / ADHD	Father	
• Depression	Father	
• Alport syndrome	Father	
• Alcohol abuse	Father	
• Developmental delay	Brother	
• Autism	Brother	
• Behavior problems	Brother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: therapy assessment and notes, neuropsych report .
Yes (Annie Prince, LCSW) - reviewed records 11/15/19: CDA by Lenore Smith, LCSW, dated 6/3/19; Report of Neuropsychological Assessment by Kathleen Deidrick, Ph.D., dated 5/21/18; CNM Child Assessment & Treatment Plan by Sidra Beckett, LCPC, dated 10/19/2016. Reviewed counseling notes from Lenore Smith, LCSW, 6/3/19-11/5/19.

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)

Brynlee lives with her mother Janea Calkins, her twin brother Bryson (7), step sister Kyleigh (11), and half sister Elliana (8 months). Another step-brother Jaden (13) is not in the home as there is a history of physical abuse between him and his sister Kyleigh. Her step-father Justin is in jail for one more year of a 18 month sentence for probation violation due to a DUI. He was on probation for domestic violence with an old girlfriend. Pt mom states he has turned his life around, had a lapse in judgment and drank one night. The children are under the impression he is working temporarily in TN. Pt twin has autism, level 2. Mom is single parenting currently so family is stressed. She does report she has good supports from her church congregation. She is not close to her own family. Finances are tight, housing stable currently.

Update 12/6/19:

Family and Relationships

Brynlee was born in Nevada. Her parents moved here when she was 3 1/2 to be near family and the parents divorced. Initially, the children did not see the father for the first four months after the divorce, but they began visitation 3 days/per week every two weeks and did this until May of 2017. . Pt biological father is reportedly an alcoholic not currently involved. He is not allowed visitation with the kids. He lives in Winnemucca, NV.

Update 12/6/19:

Cultural and Spiritual Information

Mom joined the LDS church approximately one year ago and is very involved in the congregation. Her spouse is also a member. She describes them as a huge support for her. Pt reportedly enjoys attending church and activities.

Social Environment

Pt involved in church, school, neighborhood. Not currently involved in extracurricular activities.

Update 12/6/19:

Hobbies and Interests

IPAD, read, music, dance, yoga with mom.

Child / Family's Educational and/or Vocational

School Name: Prospect Elementary in Meridian

Grade at: completed 1st
Update 12/6/19:

Setting: Special Education

Academic Performance: ok

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP mom reports it is a positive placement for her.

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family
Yes:
There had been previous allegations of abuse at a summer daycare.

update 12/6/19:
Mom described the abuse allegation from daycare as follows: "It was shortly after we moved here, and I was going to school, so the kids were in daycare. Brynlee came home one day with a huge, hand shaped bruise on her upper arm. She said that the teacher had picked her up and then sat her down forcefully. After I made the report and the investigation began, the teacher suddenly resigned, so the investigation was never able to come to any conclusion."

Regarding the legal aspects of the sexual abuse allegation, mom stated that a forensic interview was done (at CARES), and another follow up interview has been done, since then. The case is no longer open in Boise (law enforcement) - it closed, but there is an open investigation in Nevada. Mom stated that the child protection case is closed in Idaho, but there is one open in Nevada. There is currently a no contact order in place between the children and their father, who lives in Nevada.

CATS - Caregiver Report (ages 7-17yrs):
Completd by mother, Janea Huber 12/6/19. Traumatic events reported: bike crash, threatened/hurt within family (by father), witnessing DV (father against step mother), alleged sexual abuse (by father), shown sexual images online (by step sister), being bullied, stressful medical procedure (tonsillectomy; NICU for 3 weeks). PTS score 35 (clinical - PTSD).

Adolescent Sexual Behavior History (12 and older only)
Denied

Child / Family Legal History
Yes:
Step father currently in jail for probation violation.

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

Pt and twin brother born by emergency c-section at 33 weeks. Pt weighed 4 lbs. Brother weighed 1 1/2#. 3 1/2 weeks in NICU. Difficulty with breathing, sucking, swallowing. Had troubles with feeling and sleeping. Walked at 17 months, first word 9 months, toilet trained at 3 years. Has had issues with nightmares, bed wetting, messing pants, unusual fears, temper tantrums, hyperactivity, inability to pay attention, trouble with other children. ADLs do not require assistance. Pt father was abusive to mother during pregnancy. Denied substance use during pregnancy.

Gross Motor: Delayed: premature

Fine Motor: Delayed: premature

Language: Delayed: premature

Social: Delayed: premature

Toileting: Delayed: premature

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

Update 12/6/19:

PSC-17:
Completed by mother, Janea Huber 12/6/19. Internalizing - 7 (clinical), attention - 10 (clinical), externalizing - 2 (normal).

CATS - Caregiver Report (ages 7-17yrs):
Completd by mother, Janea Huber 12/6/19. Traumatic events reported: bike crash, threatened/hurt within family (by father), witnessing DV (father against step mother), alleged sexual abuse (by father), shown sexual images online (by step sister), being bullied, stressful medical procedure (tonsillectomy; NICU for 3 weeks). PTS score 35 (clinical - PTSD).

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed, casually dressed and alert
Behavior: shy, calm and interested
Psychomotor: within normal limits
Mood: appropriate to circumstances
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody
Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation
Behavior List: No additional concerns
Cognition: grossly intact
- Attention: distractable
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: appears appropriate for age

Insight/Judgment: within normal limits
Orientation: no concerns noted

Attitude: friendly
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors
☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
☐ Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence
☐ Other:

Protective Factors
X Denied suicidal or homicidal ideation, intent or plan:
X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential
X None ☐ Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:
Provisions for lethal means and access:
Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including

the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:

Update 12/6/19:
History of diagnosis of ADHD, Combined Type and Learning Disorder NOS by Timothy Leavell, MD, per progress note 11/7/2018.
History of diagnoses by Lenore Smith, LCSW: Separation Anxiety Disorder (F93.0); PTSD (F43.10); ADHD, combined type (F90.2) (per CDA dated 6/3/2019).

Brynlee presents with the following symptoms of PTSD, meeting criteria for a DSM V diagnosis of PTSD:
Criteria A: Brynlee has a history of witnessing DV, and directly experiencing traumatic events according to her mother's report.
Criteria B: presents with the following intrusion symptoms at least half the time: intrusive memories of traumatic event; bad dreams related to traumatic event; acting, feeling or playing as if stressful event is happening now.
Criteria C: presents with the following avoidance symptoms at least half the time: Avoidance of activities, people, places, or things that are reminders of stressful event. Presents with the following negative alterations in cognitions at least half the time: negative changes in how she thinks about self, others, or world after stressful event, having negative emotional states, feeling distant or cut off from other people.
Criteria D: presents at least half the time with the following symptoms of alterations in arousal and reactivity associated with traumatic events: hypervigilance (feeling overly alert), exaggerated startle response (feeling jumpy), problems with concentration.

Current symptoms meet criteria for the following diagnosis: PTSD (F43.10). Will continue with diagnosis of ADHD, Combined Type, per Dr. Leavell's assessment. Clinical focus of treatment: PTSD, using TF-CBT as primary modality of therapy, and play therapy secondary.

Diagnosis:

Update 12/6/19:
PTSD (F43.10)
ADHD, combined type (F90.2)
R/O diagnosis: Separation Anxiety Disorder (F93.0)

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues Informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits).

Strengths: outgoing, creative, kind to others, determined, helpful.
Needs: stress tolerance, coping skills, advocacy skills, executive functioning skills
Challenges: low cognitive abilities

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? good

TREATMENT PLAN			
1st Priority Problem / Symptom:	PTS symptoms (emotional dysregulation, re-experiencing symptoms, autonomic hyperarousal symptoms, negative feeling states and cognitions)		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without	**Date Initiated:** 12/6/19	**Target Completion Date:** 12/6/20	**Objective Completed** ☐Yes ☐NO

becoming severely dysregulated)			

2nd Priority Problem / Symptom:			
Patient's Goal(s) for Treatment:			
Describe concrete/ measurable objectives:	**Date Initiated:**	**Target Completion Date:**	**Objective Completed** ☐Yes ☐NO

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
X Individual Therapy	CBT, play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☐Group Therapy			
X Family Therapy	CBT, play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker

DISCHARGE

Discharge Criteria Patient will be discharged when: (Check any or all that apply) x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* ☐ Other:	**After Care Plan:** Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

DISPOSITION

☐ No further action required at this time and referral will be closed.

☐ Patient does not meet criteria for MH services.
☐ Referring provider was contacted of the disposition.
☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
☐ will be scheduled
x has been scheduled Date & Time: June 10 at 10am

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

x☐ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

x☐ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

x☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

x☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

x☐ *I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment*

☐ *I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 12/6/2019 9:14 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

Huber, Brynlee Jo

MRN: 3294371

Clinical Support
12/13/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 9:00 AM • Addendum

PEDIATRIC BEHAVIORAL HEALTH TREATMENT PLAN

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 12/13/2019		
Birth Date: 5/8/2012	Primary Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time:	Stop Time:	Total Time:
ASSIGNMENT	**Service**: note to file - not billable **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St Suite 203 Boise, ID 83704			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT: Initial Behavioral Health Treatment Plan		
ORIGINAL TX PLAN DATE: 12/13/19	**UPDATED TX PLAN DATE:**	**NEXT 90 DAY REVIEW DATE:** 3/6/20

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills		
Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Brynlee will engage in social skills group at this	**Date Initiated:** **12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

clinic to build social skills useful in making and keeping friends.			

Background Needs	School behavior, school achievement, medical
Useful Strengths:	Family, educational setting, relationship permanence, community life
Strengths to Build:	Coping skills, resilience

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
☑Individual Therapy,	Cognitive Behavioral Therapy; Play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☑Group Therapy,	Social Skills Group	1 hr/1x per week/12 weeks	Annie G. Prince, Licensed Clinical Social Worker
☑Family Therapy	Cognitive Behavioral Therapy; play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☐Other:			

DISCHARGE

Discharge Criteria Patient will be discharged when: - Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* - Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* - Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* - Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* - Other:	**After Care Plan:** Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

PATIENT'S INFORMED CONSENT FOR TREATMENT

☑ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

☑ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

☑ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

☑ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or after hours contact St. Luke's Connect Line and you will be connected directly to a nurse. If at any time you need immediate assistance contact 911 or 1-800-273-TALK (National Suicide Prevention Hotline). Additionally, OPTUM provides a 24 hour crisis response support at 855-202-0973.*

By signing treatment plan, patient/parent/legal guardian acknowledges active involvement in child's treatment plan and agrees to the ongoing plan for treatment.

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

☑ *I was given a copy of my / my child's Mental Health Treatment Plan*

☐ *I was offered a copy of my / my child's Mental Health Treatment Plan but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 9:00 AM • Signed

CHILD AND ADOLESCENT NEEDS AND STRENGTHS ASSESSMENT

PATIENT INFORMATION	BILLING INFORMATION
Patient Name: Brynlee Jo Huber	Date of Service: 12/13/2019

Birth Date: 5/8/2012	Primary Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time: 9:00am	Stop Time: 9:15am	Total Time: 15min
ASSIGNMENT Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St Suite 203 Boise, ID 83704 Primary Physician: Christie A. Julian, MD Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker	**Service**: Updated CANS Assessment H0031 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		

TYPE OF VISIT: 90 Day CANS Review		
INITIAL CANS DATE: 6/17/19	**UPDATED CANS DATE:** 12/13/19	**NEXT 90 DAY CANS REVIEW DATE: 3/6/20**

Statement of Completion:

On 12/13/2019 I CompletedA 90 Day CANS Review with Brynlee Jo Huber. Please see uploaded CANS assessment in media section of patient chart dated 12/13/2019. This assessment was completed in conjunction with a Comprehensive Diagnostic Assessment dated 12/6/19.

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 9:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 12/13/2019		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time: 9:15am	Stop Time: 10am	Total Time: 45
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 1

GOALS AND OBJECTIVES

TREATMENT PLAN	
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills

Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

Background Needs	School behavior, school achievement, medical
Useful Strengths:	Family, educational setting, relationship permanence, community life
Strengths to Build:	Coping skills, resilience

Encounter Date: 01/24/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Discussed with mom the recommendation that the therapist first review the previous CARES forensic interview records before determining if a follow up interview would be indicated. Mom signed a ROI for the CARES clinic records. Met together with mom for the psychoeducation portion of the session. Met individually for the child-centered play therapy work.

Treatment plan objectives targeted this session:
1. Brynlee will show a decrease in her PTS intensity score to within the normal range

Therapy activity: psychoeducation regarding trauma and trauma treatment. TF-CBT workbook - "Learning About Upsetting/Confusing Events," "Sexual Abuse Psychoeducation for Children." Discussed what sexual abuse is (definition), who it happens to how, how kids feel, that it is never the child's fault, and that kids should always tell a trusted adult about it. Read the book, "A Very Touching Book," which introduces the concepts of "good touch, bad touch, and secret touch," teaches the difference between safe and unsafe secrets, teaches anatomical names for private body parts, and teaches empowerment and safety skills that children have the right to have safety in their bodies, the right to say "no" and that they should tell a trusted adult about secret touching. Brynlee engaged actively in session, responding to questions, asking questions, and paying close attention to the book.

Therapy activity: child centered play therapy (developing skills in self/emotional regulation, competence and confidence building and expressing feelings through child-directed play and communication). Brynlee engaged in expressive arts and crafts, first making a "necklace" with string, toilet paper roll, and watercolor paints, and then painting an envelope and making a creation to put into the envelope, using construction paper, glitter glue, watercolor paints, and a paintbrush, and felt shapes.

SRS (Session Rating Scale): Brynlee drew a picture of the following face: "excited and happy."

Met with mom after session. Reviewed what to expect for next session: psychoeducation regarding trauma - domestic violence. Confirmed next scheduled appointment.

PLAN: Plan for next session
Homework: none assigned

Next session: 1/31/20. Continue with TF-CBT workbook (psychoeducation regarding trauma), play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/24/2020 10:55 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 6/3/2019		
Birth Date: 5/8/2012	Primary Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:00	Stop Time: 10:55	Total Time: 55 minutes
ASSIGNMENT	**Service**: Initial CDA Assessment 90791		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E Louise Dr Ste 320 Meridian ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St Suite 203 Boise, ID 83704	**Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT: Initial Assessment & Treatment Plan		
ORIGINAL CDA DATE: 6-3-19	**ANNUAL ASSESSMENT DATE:** 6-3-20	**90 DAY REVIEW DATE: 9-3-19**

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Brynlee Jo Huber is a 7 y.o. female who is seeking treatment at this clinic for separation anxiety, PTSD, and ADHD.

Mom reports pt follows mom from room to room. Pt worked with Sidra A Beckett, LCPC from October 2016 to October 2018 when Sidra left St Luke's. Pt has not had therapy since then and mom has seen her behavior regress.

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset

Pt becomes anxious when she is not with mom in the home.

Bedtime is a struggle as pt is afraid and worries something bad will happen.
Pt has started to wet her pants again.
Pt has temper tantrums when she wants to explain her misbehavior and is told to stop.

Symptoms & Severity

- **Depressive Symptoms:** irritability, depressed mood and difficulty falling asleep
- **Manic Symptoms:** N/A
- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, difficulty controlling worry, irritability, sleep disturbance, restlessness, fearful to separate and distress when separated
- **ADHD Symptoms:** distractibility, impulsivity and loses temper
- **Autism Symptoms:** N/A
- **Sleeping Habits:** Yes - afraid at night and difficulty getting to sleep

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History

Prior Treatment History (Who/When/Where/Outcome of Tx):
Sidra Beckett, LCPC - October 2016-October 2018. Positive experience and improvement seen.
Kathleen K Deidrick, PhD - neuropsych evaluation - 5-21-18 report

Family Psychiatric History

Immediate family history is positive for autoimmune disorder, mental health concerns (ADHD, anxiety, depression, behavior disorder), developmental delays, and alcohol abuse. Extended family history is positive for physical health (epilepsy), developmental (learning disability), mental health (ADHD, anxiety, depression, schizophrenia), and alcohol/substance abuse problems.

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-I).

Child / Family Substance Use & Problem Gambling History

History of alcohol and drug abuse by father. No current contact with pt.
Is referral needed? No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Social History

Smoking Status

Never Smoker

Smokeless Tobacco Use

Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:

Past Medical History

Diagnosis Date

- Developmental delay
- Disruptive behavior
-

Current Medications:

Current Outpatient Medications

Medication Sig

- VYVANSE 10 mg Cap capsule Take 1 capsule by mouth Daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:

Family History

Problem	Relation	Age of Onset
• ADD / ADHD	Mother	
• Depression	Mother	
• Anxiety disorder	Mother	
• ADD / ADHD	Father	- not true
• Depression	Father	
• Alport syndrome	Father	
• Alcohol abuse	Father	
• Developmental delay	Brother	
• Autism	Brother	
• Behavior problems	Brother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: therapy assessment and notes, neuropsych report

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)

Brynlee lives with her mother Janea Calkins, her twin brother Bryson (7), step sister Kyleigh (11), and half sister Elliana (8 months)..Another step-brother Jaden (13) is not in the home as there is a history of physical abuse between him and his sister Kyleigh. Her step-father Justin is in jail for one more year of a 18 month sentence for probation violation due to a DUI. He was on probation for domestic violence with an old girlfriend. Pt mom states he has turned his life around, had a lapse in judgment and drank one night. The children are under the impression he is working temporarily in TN. Pt twin has autism, level 2. Mom is single parenting currently so family is stressed. She does report she has good supports from her church congregation. She is not close to her own family. Finances are tight, housing stable currently.

Family and Relationships

Brynlee was born in Nevada. Her parents moved here when she was 3 1/2 to be near family and the parents divorced. Initially, the children did not see the father for the first four months after the divorce, but they began visitation 3 days/per week [illegible] two weeks and did this until May of 2017. [illegible] e, [illegible] d. He is not allowed visitation with the kids. Mom reports that pt worries he will come back and harm them. He lives in Winnemucca, NV.

Cultural and Spiritual Information

Mom joined the LDS church approximately one year ago and is very involved in the congregation. Her spouse is also a member. She describes them as a huge support for her. Pt reportedly enjoys attending church and activities.

Social Environment

Pt involved in church, school, neighborhood. Not currently involved in extracurricular activities.

Hobbies and Interests

IPAD, read, music, dance, yoga with mom.

Child / Family's Educational and/or Vocational

School Name: Prospect Elementary in Meridian

Grade at: completed 1st

Setting: Special Education

Academic Performance: ok

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP mom reports it is a positive placement for her.

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family

Yes:

There had been previous allegations of abuse at a summer daycare.

Adolescent Sexual Behavior History (12 and older only)

Denied

Child / Family Legal History

Step father currently in jail for probation violation.

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

Pt and twin brother born by emergency c-section at 33 weeks. Pt weighed 4 lbs. Brother weighed 1 1/2#. 3 1/2 weeks in NICU. Difficulty with breathing, sucking, swallowing. Had troubles with feeling and sleeping. Walked at 17 months, first word 9 months, toilet trained at 3 years. Has had issues with nightmares, bed wetting, messing pants, unusual fears, temper tantrums, hyperactivity, inability to pay attention, trouble with other children. ADLs do not require assistance. Pt father was abusive to mother during pregnancy. Denied substance use during pregnancy.

Gross Motor: Delayed: premature

Fine Motor: Delayed: premature

Language: Delayed: premature

Social: Delayed: premature

Toileting: Delayed: premature

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed, casually dressed and alert
Behavior: shy, calm and interested
Psychomotor: within normal limits
Mood: appropriate to circumstances
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody
Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation

Behavior List: No additional concerns
Cognition: grossly intact
- Attention: distractable
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: low for age

Insight/Judgment: limited
Orientation: no concerns noted
Attitude: guarded
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors
☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
☐ Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence
☐ Other:

Protective Factors
X Denied suicidal or homicidal ideation, intent or plan:
X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential
X None ☐ Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:
Provisions for lethal means and access:

Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:

Based on patient's presenting problem, the primary mental health diagnosis of separation anxiety disorder (F93.0), PTSD (F43.10), ADHD, combined type (F90.2) meets DSM 5 criteria as evidenced by symptoms and severity of excessive anxiety/worry, difficulty controlling worry, irritability, sleep disturbance, difficulty concentrating, restlessness, fatigue, fear of social/performance situations, fearful to separate, distress when separated, worry about parents and something happening to them, panic attacks, compulsions, rituals and desire for sameness inattention, distractibility, impulsivity, loses temper, defiant and behavioral problems. The clinical focus of treatment will be to minimize symptoms of anxiety and trauma, process trauma, and build functional coping skills.

Diagnosis:
309.21(F93.0) Separation Anxiety Disorder; 309.81(F43.10) PTSD; 314.01 (F90.2) ADHD, combined

R/O Diagnosis: N/A

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits).

Strengths: outgoing, creative, kind to others, determined, helpful.
Needs: stress tolerance, coping skills, advocacy skills, executive functioning skills
Challenges: low cognitive abilities

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? good

TREATMENT PLAN			
1st Priority Problem / Symptom:	Anxiety, emotional dysregulation		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately		
Describe concrete/ measurable objectives: Pt will have no toileting accidents. Pt will go to bed without refusal 75% of the time. Pt will identify and practice 5 calming skills. Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report. Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report. Pt will process any trauma and related anxiety in each session.	**Date Initiated:** 6-3-19	**Target Completion Date:** 6-3-20	**Objective Completed** ☐Yes ☐NO

2nd Priority Problem / Symptom:	Executive functioning		
Patient's Goal(s) for Treatment:	Learn and practice techniques for ADHD symptoms		
Describe concrete/ measurable objectives: Pt will increase ability to wait by 50% per parent report. (use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc) Pt will increase ability to complete tasks by 50% per parent report. (use of visual schedules, checklists, task strips, 1-2 step instructions, etc)	**Date Initiated:** 6-3-19	**Target Completion Date:** 6-3-20	**Objective Completed** ☐Yes ☐NO

Service Type	**Intervention/Modality**	**Length, Frequency & Duration**	**Professional Responsible**
X Individual Therapy	CBT, play, solution focused, behavior modification	45 minutes/4 x a month/1 year	Lenore S. Smith, Licensed Clinical Social Worker
☐Group Therapy			

X Family Therapy	Solution focused, psycho-education, behavior modification	45 minutes/4 x a month/1 year	Lenore S. Smith, Licensed Clinical Social Worker

DISCHARGE

Discharge Criteria Patient will be discharged when: (Check any or all that apply)	**After Care Plan:**
x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non-compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* ☐ Other:	Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

DISPOSITION

☐ No further action required at this time and referral will be closed.
- ☐ Patient does not meet criteria for MH services.
- ☐ Referring provider was contacted of the disposition.
- ☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
- ☐ will be scheduled
- x has been scheduled Date & Time: June 10 at 10am

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

☐ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

☐ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

☐ *I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment*

☐ *I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Lenore S. Smith, Licensed Clinical Social Worker

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 6/24/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:13	Stop Time: 10:58	Total Time: 45 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 1

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom reports that pt "had a meltdown on the way to therapy". Pt states it was because she is missing her step-dad Justin.

OBJECTIVE:

Mental Status
Mood: somewhat anxious but open and talkative
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play: Focus today on engagement with pt and exploration of feelings. Played feelings Candyland and pt was very engaged in the game and shared several feelings. Talked about past trauma and how her mother believed her experience and how good that made her feel. Pt very excited when she won the game.

PLAN: Plan for next session

Continue pt story and exploration of feelings, especially anxiety.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 7/8/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:00	Stop Time: 10:50	Total Time: 50 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670	**Add on codes:** N/A **Type of Contact:** Face-to-Face Contact with Client		
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 2		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom reports no changes in symptoms/problems.

OBJECTIVE:

Mental Status
Mood: somewhat anxious but open and talkative
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play: Focus today on engagement with pt and talking about family: Therapist got out paper and markers, crayons, colored pencils, and requested pt draw her family. She stated she will start with the background. Then she proceeded to talk about things that are making her anxious: My friend Emma tells me that hackers can get in our house and shoot up our walls. She explained that hackers come through the computer. Therapist explained a simple version of what computer hackers do. . . . ." "People are wanting to kill me...making states where kids have to stay on their own with no family. They would kill my family." She states that she hears "random haunted noises." She drew a dark background then under it, her step-dad and mom, with full body, head, smiles, eyes, arms and legs. Then drew Kylie, Brynlee, Bryson, Eliana, and cousin Charly - but only their heads with eyes and a mouth. Then she spoke of a "creepy guy at Settlers (park) who "keeps staring at my sister" and when her uncle came over he left. Therapist shared content of session with mom - theme of safety and feeling unsafe.

PLAN: Plan for next session
Continue pt story and exploration of feelings, especially anxiety and safety issues.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 7/22/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:00	Stop Time: 10:50	Total Time: 50 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670	**Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client		
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 3		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom reports no changes in symptoms/problems. Recent trip to Oregon. Medication change and mom is concerned pt is "robotic". She will talk with PCP about concerns.

OBJECTIVE:

Mental Status
Mood: anxious and depressed
Affect: not animated at all, seems zoned out
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt shared about their trip to Oregon, and how step-sister moved back with her mom while they were gone. "I'm the oldest now". Admitted that she had several tantrums this week and so we talked about what triggers this. We completed an activity called What Pushes My Buttons. Pt enjoyed choosing and gluing buttons to cardstock and then we labeled several with things that can upset her or push her buttons. She identified: when sister doesn't let me do something, when I have to eat something I don't want to eat, when I don't get to play on my Ipad, when I don't want to share. She was hesitant to say more and stated, "The rest Jesus told me to keep a secret". She did state that she worries about when step-dad Justin returns that he and mom will fight a lot. Pt very engaged in session. Explained to mom that they can add to the picture labeling more buttons.

PLAN: Plan for next session

Continue pt story and exploration of feelings, especially anxiety and safety issues.
How to respond when buttons are pushed.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber Birth Date: 5/8/2012	Date of Service: 7/29/2019 Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:10	Stop Time: 10:55	Total Time: 45 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT

Visit Type: Follow Up Visit | Session # 4

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom reports pt is adjusting to medication and her energy level seems increased, not so robotic. Concern that pt has poor physical boundaries, "she has no bubble." Pt too "smothering" with 8 month old sister, always wanting to grab her and upsets the baby. At the end of session mom expressed concern that pt has poor boundaries around who to tell her abuse story to, and would like us to address this next session.

OBJECTIVE:

Mental Status

Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Physical boundaries - pt knew what a bubble was and was able to explain why it is important to allow people space. We discussed how baby sister reacts to various pt behaviors and which she reacts to more positively. Encouraged pt to engage in those behaviors and take the cues from baby. We worked on the Worry Worm. and pt colored while identifying some worries: [illegible] r, scary movies, the shadow man, and other scary things. We began to work on I Statements to help pt express her feelings. Pt was engaged in session.

PLAN: Plan for next session

Boundaries on who to share information with and why.
How to respond when buttons are pushed.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 8/19/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:05	Stop Time: 10:55	Total Time: 45 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 5		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom reports pt wrote a letter to Waylon, her dad.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt states she wrote a letter to Waylon, bio dad. She wrote about her mixed feelings about him. Being angry, afraid, but still loving him because he is her dad. Pt talked about dreams: r, Angels tell her to take off her clothes, she is taken to jail, angels "told me I was touching Bryson's weiner." Pt shared that she is nervous about first day of school next Monday, family is moving next week. Lots of changes that contribute to her anxiety.

PLAN: Plan for next session

Her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: ORS (Outcomes Rating Scale): (did not complete). Mom reported no significant changes/events since last session.

OBJECTIVE:

Mental Status
Mood: appropriate to circumstances
Affect: bright
Orientation:oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 12/20/19

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 12/13/2019

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Rating of progress towards treatment goal (client/caregiver rated on a scale of 0-no progress to 10-achieved): (not rated today).

Homework check in: (none assigned last session)

Treatment plan objectives targeted this session:
1. Brynlee will show a decrease in her PTS intensity score to within the normal range

Met with Brynlee and her mother to review CANS assessment update, update CANS treatment plan and CDA treatment plan accordingly. Finished updating the CDA.

Engaged in psychoeducation regarding PTSD and TF-CBT's model of trauma treatment.

Discussed Brynlee's strengths/interests - performing arts - and discussed how, from a neurodevelopmental perspective, this can be very therapeutic for her trauma treatment. Discussed some options in the community to explore for this kind of programming.

PLAN: Plan for next session
Homework: none assigned

Next session: 12/20/19. Review/print/sign treatment plans. Psychoeducation regarding sexual abuse and treatment.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 9:00 AM • Signed

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN
Update: 12/6/19

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 12/13/2019		
Birth Date: 5/8/2012	Primary Dx: PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:00am	Stop Time: 9:50am	Total Time: 50 minutes
ASSIGNMENT	**Service**: Annual MH Assessment 90791 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E Louise Dr Ste 320 Meridian ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St			

Suite 203 Boise, ID 83704
Primary Physician: Christie A. Julian, MD
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker

TYPE OF VISIT: Annual Assessment & Tx Plan		
ORIGINAL CDA DATE: 6-3-19	**ANNUAL ASSESSMENT DATE:** 12/6/19	**90 DAY REVIEW DATE: 3/6/20**

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Brynlee Jo Huber is a 7 y.o. female who is seeking treatment at this clinic for separation anxietv. PTSD. and ADHD

.. He currently lives in Winnemucca, NV. Mom reports pt follows mom from room to room. Pt worked with Sidra A Beckett, LCPC from October 2016 to October 2018 when Sidra left St Luke's. Pt has not had therapy since then and mom has seen her behavior regress.

Update 12/6/19: Mom is seeking therapy for Brynlee for her trauma symptoms

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset

Pt becomes anxious when she is not with mom in the home.

Bedtime is a struggle as pt is afraid and worries something bad will happen.
Pt has started to wet her pants again.
Pt has temper tantrums when she wants to explain her misbehavior and is told to stop.

Update 12/6/19: Brynlee presents with clinically significant internalizing symptoms (sadness, worry), attention symptoms (inattention, hyperactivity, impulsivity), and post traumatic stress symptoms (autonomic hyperarousal, re-experiencing symptoms, negative emotions and cognitions).

Symptoms & Severity

- **Depressive Symptoms:** irritability, depressed mood, hopelessness, diminished interest or pleasure in activities and poor self-esteem
- **Manic Symptoms:** N/A

- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, difficulty controlling worry, sleep disturbance, restlessness, fearful to separate and distress when separated
- **ADHD Symptoms:** inattention, distractibility, impulsivity and loses temper
- **Autism Symptoms:** N/A
- **Sleeping Habits:** Yes - afraid at night and difficulty getting to sleep

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History

Prior Treatment History (Who/When/Where/Outcome of Tx):
Sidra Beckett, LCPC - October 2016-October 2018. Positive experience and improvement seen.
Kathleen K Deidrick, PhD - neuropsych evaluation - 5-21-18 report

Update 12/6/19:
Sidra Beckett, LCPC - October 2016-October 2018.
The Therapy Place - December 2018 - March 2019 - Mom stated, "it was every other week, and it was for about 4 months. It wasn't really a good fit, so we came back to St. Luke's."
Brynlee established in counseling with Lenore Smith, LCSW 6/3/19, receiving treatment for the following diagnoses: Separation Anxiety Disorder, PTSD, ADHD, Combined Type. She was transferred to this provider (Annie Prince, LCSW) when Lenore left the clinic.
Brynlee began SLP at St. Luke's with Kelly O'Leary, SLP, 8/29/16.
Brynlee began OT with Ann Short, OT, 11/15/16 (at St. Luke's), discharged 1/11/19.
Brynlee has been diagnosed with ADHD, Combined Type, by Dr. Leavell at St. Luke's.

Family Psychiatric History

Immediate family history is positive for autoimmune disorder, mental health concerns (ADHD, anxiety, depression, behavior disorder), developmental delays, and alcohol abuse. Extended family history is positive for physical health (epilepsy), developmental (learning disability), mental health (ADHD, anxiety, depression, schizophrenia), and alcohol/substance abuse problems.

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-I).

Child / Family Substance Use & Problem Gambling History

History of alcohol and drug abuse by father. No current contact with pt.
Is referral needed? No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Social History

Tobacco History
Smoking Status
Never Smoker
Smokeless Tobacco Use
Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:

Past Medical History:

Diagnosis	Date
• Developmental delay	
• Disruptive behavior	
• Sexual abuse of adult	

Current Medications:

Current Outpatient Medications

Medication	Sig
• VYVANSE 10 mg Cap capsule	Take 1 capsule by mouth Daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:

Family History

Problem	Relation	Age of Onset
• ADD / ADHD	Mother	
• Depression	Mother	
• Anxiety disorder	Mother	
• ADD / ADHD	Father	
• Depression	Father	
• Alport syndrome	Father	
• Alcohol abuse	Father	
• Developmental delay	Brother	
• Autism	Brother	
• Behavior problems	Brother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: therapy assessment and notes, neuropsych report .
Yes (Annie Prince, LCSW) - reviewed records 11/15/19: CDA by Lenore Smith, LCSW, dated 6/3/19; Report of Neuropsychological Assessment by Kathleen Deidrick, Ph.D., dated 5/21/18;

CNM Child Assessment & Treatment Plan by Sidra Beckett, LCPC, dated 10/19/2016.
Reviewed counseling notes from Lenore Smith, LCSW, 6/3/19-11/5/19.

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)
Brynlee lives with her mother Janea Calkins, her twin brother Bryson (7), step sister Kyleigh (11), and half sister Elliana (8 months). Another step-brother Jaden (13) is not in the home as there is a history of physical abuse between him and his sister Kyleigh. Her step-father Justin is in jail for one more year of a 18 month sentence for probation violation due to a DUI. He was on probation for domestic violence with an old girlfriend. Pt mom states he has turned his life around, had a lapse in judgment and drank one night. The children are under the impression he is working temporarily in TN. Pt twin has autism, level 2. Mom is single parenting currently so family is stressed. She does report she has good supports from her church congregation. She is not close to her own family. Finances are tight, housing stable currently.

Update 12/6/19: Step-siblings Kyleigh and Jaden no longer live in the home. Mom and Justin are married, but he is still incarcerated (prison), and expected back in August. Mom has told the children that Justin is "in Nashville, TN."

Family and Relationships
Brynlee was born in Nevada. Her parents moved here when she was 3 1/2 to be near family and the parents divorced. Initially, the children did not see the father for the first four months after the divorce, but they began visitation 3 days/per week every two weeks and did this until May of 2017. [redacted]. Pt biological father is reportedly an alcoholic not currently involved. He is not allowed visitation with the kids. [redacted]. He lives in Winnemucca, NV.

Update 12/6/19: Currently, there is a no contact order ("suspension of visitation") in place between father and the children.

Cultural and Spiritual Information
Mom joined the LDS church approximately one year ago and is very involved in the congregation. Her spouse is also a member. She describes them as a huge support for her. Pt reportedly enjoys attending church and activities.

Update 12/13/19: Mom and family continue to find the LDS church and community a good source of support.

Social Environment
Pt involved in church, school, neighborhood. Not currently involved in extracurricular activities.

Update 12/6/19: Mom is exploring performing arts resources for Brynlee. Mom stated that Brynlee does struggle socially, and she hopes that Brynlee can engage in a social skills group at this clinic, at some point.

Hobbies and Interests
IPAD, read, music, dance, yoga with mom.

Child / Family's Educational and/or Vocational
School Name: Prospect Elementary in Meridian

Grade at: completed 1st
Update 12/6/19: 2nd grade

Setting: Special Education

Academic Performance: ok

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP mom reports it is a positive placement for her.

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family
Yes:
There had been previous allegations of abuse at a summer daycare.

update 12/6/19:
Mom described the abuse allegation from daycare as follows: "It was shortly after we moved here, and I was going to school, so the kids were in daycare. Brynlee came home one day with a huge, hand shaped bruise on her upper arm. She said that the teacher had picked her up and then sat her down forcefully. After I made the report and the investigation began, the teacher suddenly resigned, so the investigation was never able to come to any conclusion."

Regarding the legal aspects of the sexual abuse allegation, mom stated that a forensic interview was done (at CARES), and another follow up interview has been done, since then. The case is no longer open in Boise (law enforcement) - it closed, but there is an open investigation in Nevada. Mom stated that the child protection case is closed in Idaho, but there is one open in Nevada. There is currently a no contact order in place between the children and their father, who lives in Nevada.

CATS - Caregiver Report (ages 7-17yrs):
Completd by mother, Janea Huber 12/6/19. Traumatic events reported: bike crash, threatened/hurt within family (by father), witnessing DV (father against step mother), alleged sexual abuse (by father), shown sexual images online (by step sister), being bullied, stressful medical procedure (tonsillectomy; NICU for 3 weeks). PTS score 35 (clinical - PTSD).

Adolescent Sexual Behavior History (12 and older only)

Denied

Child / Family Legal History
Yes:
Step father currently in jail for probation violation.

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

Pt and twin brother born by emergency c-section at 33 weeks. Pt weighed 4 lbs. Brother weighed 1 1/2#. 3 1/2 weeks in NICU. Difficulty with breathing, sucking, swallowing. Had troubles with feeling and sleeping. Walked at 17 months, first word 9 months, toilet trained at 3 years. Has had issues with nightmares, bed wetting, messing pants, unusual fears, temper tantrums, hyperactivity, inability to pay attention, trouble with other children. ADLs do not require assistance. Pt father was abusive to mother during pregnancy. Denied substance use during pregnancy.

Gross Motor: Delayed: premature

Fine Motor: Delayed: premature

Language: Delayed: premature

Social: Delayed: premature

Toileting: Delayed: premature

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

Update 12/6/19:

PSC-17:
Completed by mother, Janea Huber 12/6/19. Internalizing - 7 (clinical), attention - 10 (clinical), externalizing - 2 (normal).

CATS - Caregiver Report (ages 7-17yrs):
Completd by mother, Janea Huber 12/6/19. Traumatic events reported: bike crash, threatened/hurt within family (by father), witnessing DV (father against step mother), alleged sexual abuse (by father), shown sexual images online (by step sister), being bullied, stressful medical procedure (tonsillectomy; NICU for 3 weeks). PTS score 35 (clinical - PTSD).

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed, casually dressed and alert
Behavior: shy, calm and interested
Psychomotor: within normal limits
Mood: appropriate to circumstances
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody
Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation
Behavior List: No additional concerns
Cognition: grossly intact
- Attention: distractable
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: appears appropriate for age

Insight/Judgment: within normal limits
Orientation: no concerns noted
Attitude: friendly
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of Imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors
☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
☐ Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence .
☐ Other:

Protective Factors
X Denied suicidal or homicidal ideation, intent or plan:

X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential
X None ☐ Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:
Provisions for lethal means and access:
Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:

Update 12/6/19:
History of diagnosis of ADHD, Combined Type and Learning Disorder NOS by Timothy Leavell, MD, per progress note 11/7/2018.
History of diagnoses by Lenore Smith, LCSW: Separation Anxiety Disorder (F93.0); PTSD (F43.10); ADHD, combined type (F90.2) (per CDA dated 6/3/2019).

Brynlee presents with the following symptoms of PTSD, meeting criteria for a DSM V diagnosis of PTSD:
Criteria A: Brynlee has a history of witnessing DV, and directly experiencing traumatic events according to her mother's report.
Criteria B: presents with the following intrusion symptoms at least half the time: intrusive memories of traumatic event; bad dreams related to traumatic event; acting, feeling or playing as if stressful event is happening now.
Criteria C: presents with the following avoidance symptoms at least half the time: Avoidance of activities, people, places, or things that are reminders of stressful event. Presents with the following negative alterations in cognitions at least half the time: negative changes in how she thinks about self, others, or world after stressful event, having negative emotional states, feeling distant or cut off from other people.

Criteria D: presents at least half the time with the following symptoms of alterations in arousal and reactivity associated with traumatic events: hypervigilance (feeling overly alert), exaggerated startle response (feeling jumpy), problems with concentration.

Current symptoms meet criteria for the following diagnosis: PTSD (F43.10). Will continue with diagnosis of ADHD, Combined Type, per Dr. Leavell's assessment. Clinical focus of treatment: PTSD, using TF-CBT as primary modality of therapy, and play therapy secondary. Brynlee has some social skill impairment, due to ADHD and trauma, and would benefit from a referral for the social skills group at this clinic.

Diagnosis:

Update 12/6/19:
PTSD (F43.10)
ADHD, combined type (F90.2)
R/O diagnosis: Separation Anxiety Disorder (F93.0)

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues Informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits).

Strengths: outgoing, creative, kind to others, determined, helpful.
Needs: stress tolerance, coping skills, advocacy skills, executive functioning skills
Challenges: low cognitive abilities

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? good

Treatment plan update.12/13/19:

TREATMENT PLAN			
1st Priority Problem / Symptom:	PTS symptoms (emotional dysregulation, re-experiencing symptoms, autonomic hyperarousal symptoms, negative feeling states and cognitions)		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately		
Describe concrete/ measurable objectives:	**Date Initiated:**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated)	12/13/19		

2nd Priority Problem / Symptom:	Difficulty with social skills		
Patient's Goal(s) for Treatment:	Brynlee will be able to make friends		
Describe concrete/ measurable objectives: Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.	**Date Initiated:** 12/13/19	**Target Completion Date:** 12/13/19	**Objective Completed** ☐Yes ☐NO

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
X Individual Therapy	CBT, play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker

☐Group Therapy			
X Family Therapy	CBT, play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker

DISCHARGE

Discharge Criteria Patient will be discharged when: (Check any or all that apply) x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* ☐ Other:	**After Care Plan:** Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

DISPOSITION

☐ No further action required at this time and referral will be closed.
- ☐ Patient does not meet criteria for MH services.
- ☐ Referring provider was contacted of the disposition.
- ☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
- ☐ will be scheduled
- x has been scheduled Date & Time: June 10 at 10am

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

x☐ My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.

x☐ My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my

protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.

x☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

x☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

x☐ *I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment*

☐ *I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

Letter sent to Christie A. Julian, MD
Sent 1/3/2020

Orders Placed

None

Medication Changes

As of 12/13/2019 3:11 PM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

Huber, Brynlee Jo

MRN: 3294371

Clinical Support
12/27/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/27/2019 9:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 12/27/2019		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — **ICD-10-CM F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time: 1:00pm	Stop Time: 1:30pm	Total Time: 30 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 2		
GOALS AND OBJECTIVES			

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills		
Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO
Background Needs	School behavior, school achievement, medical		
Useful Strengths:	Family, educational setting, relationship permanence, community life		

Strengths to Build:	Coping skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: ORS (Outcomes Rating Scale): (did not complete). Mom reported no significant changes/events since last session.
12/27/19: ORS (Outcomes Rating Scale): me - 10 ("we had Christmas, and that was good"), family - 10, school/friends - "10 for my teachers, because they are nice to me, but 0 for friends, because I kind of don't have friends, and that makes me sad. But I have one friend, and she hasn't been wanting to play with me, but I think I'll keep talking to her because I don't want to give up", everything - "I colored all of the scale for this". Rating of progress towards treatment goal (client/caregiver rated on a scale of 0-no progress to 10-achieved): . (did not complete progress rating today)

OBJECTIVE:

Mental Status
Mood: appropriate to circumstances
Affect: bright
Orientation:oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/03/20

Psychometric Testing .
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 12/27/2019

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Homework check in: (none assigned last session)

Treatment plan objectives targeted this session:
1. Brynlee will show a decrease in her PTS intensity score to within the normal range

Therapy activity: Engaged in psychoeducation regarding therapy and the TF-CBT model of trauma treatment. Read the book, "A Terrible Thing Happened." Related the book's character to Brynlee's own experience of something "terrible" happening to her. She discussed how her dad "hurt" her, and recalled a time when she was in first grade and was talking at school about how she was afraid of her father. "But I also love him, because he's my dad and I want to forgive him if he ever says he's sorry." Discussed how the TF-CBT model of therapy is a lot like what the therapist in the story did to help Sherman feel better. The therapist showed Brynlee the TF-CBT workbook, and highlighting what to expect for therapy activities the next time she comes for session.

Therapy activity: child centered play therapy (developing skills in self/emotional regulation, competence and confidence building and expressing feelings through child-directed play and communication). Brynlee engaged in expressive work with expressive arts and crafts materials, using paper, glue, glitter, tape, and craft sticks, as well as a paintbrush to do her work.

Brynlee transitioned well to clean up time and ending session.

SRS (Session Rating Scale): listening - 10, how important - 10, what we did - 10, everything - 10.

PLAN: Plan for next session

Homework: none assigned

Next session: 1/3/20. Begin rapport-building and strengths-building activities from the TF-CBT workbook (about me, about my family, how I'm feeling about therapy).

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Media

Scan on 12/27/2019 2:18 PM by Tracy Jerome: 2019-12-27 Medical Records subpoena CNM

Orders Placed

None

Medication Changes

As of 12/27/2019 2:14 PM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

Huber, Brynlee Jo

MRN: 3294371

Clinical Support 1/3/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/3/2020 9:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 1/3/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time: 9:09am	Stop Time: 10:00am	Total Time: 51 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 3

GOALS AND OBJECTIVES

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills		
Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO
Background Needs	School behavior, school achievement, medical		
Useful Strengths:	Family, educational setting, relationship permanence, community life		

Strengths to Build:	Coping skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: ORS (Outcomes Rating Scale): (did not complete). Mom reported no significant changes/events since last session.
12/27/19: ORS (Outcomes Rating Scale): me - 10 ("we had Christmas, and that was good"), family - 10, school/friends - "10 for my teachers, because they are nice to me, but 0 for friends, because I kind of don't have friends, and that makes me sad. But I have one friend, and she hasn't been wanting to play with me, but I think I'll keep talking to her because I don't want to give up", everything - "I colored all of the scale for this". Rating of progress towards treatment goal (client/caregiver rated on a scale of 0-no progress to 10-achieved): . (did not complete progress rating today)
1/3/20: ORS (Outcomes Rating Scale): Brynlee pointed/drew the following face - "surprised" - "Because there's been a lot of stuff that's made me feel surprised - presents, and even more presents when Christmas."

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: bright
Orientation:oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/10/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 01/03/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Homework check in: (none assigned last session)

Met briefly with Brynlee's mother to review the treatment plans. She signed them, was given copies, and copies were scanned to the chart.

Treatment plan objectives targeted this session:
1. Brynlee will show a decrease in her PTS intensity score to within the normal range

Therapy activity: rapport-building activity from the TF-CBT workbook ("welcome to therapy"). Brynlee drew a picture of herself smiling and singing, and verbally expressed the following feelings about being in therapy: "I feel happy, where I'm at, and I like to sing a lot."

Therapy activity: child centered play therapy (developing skills in self/emotional regulation, competence and confidence building and expressing feelings through child-directed play and communication). Brynlee engaged in expressive art with painting, glue, buttons, variety of papers, and then prepared food with pretend dishes.

SRS (Session Rating Scale): Brynlee drew a picture of a smiling face saying "yay," and she stated, "that was cool and fun to use my imagination."

PLAN: Plan for next session

Homework: none assigned

Next session: 1/10/20. Continue with TF-CBT workbook, play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/3/2020 10:54 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

Huber, Brynlee Jo

MRN: 3294371

Clinical Support 1/17/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/17/2020 9:00 AM • Signed

Discussed the issue of referring for another CARES interview with supervisor, Travis Haase, LCPC. He recommended getting a copy of the previous CARES interview records for review, first, before determining if there is reason/need for recommending a referral for an additional interview. Travis confirmed that CARES only accepts referrals from law enforcement or CPS, so the most likely route to recommend this referral in the future would be through CPS, as needed.

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/17/2020 9:00 AM • Addendum

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 1/17/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time:9:05 am	Stop Time: 9:50am	Total Time: 45 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			

Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker	

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 4

GOALS AND OBJECTIVES

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills		
Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated)	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

8. Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.			

Background Needs	School behavior, school achievement, medical
Useful Strengths:	Family, educational setting, relationship permanence, community life
Strengths to Build:	Coping skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: ORS (Outcomes Rating Scale): (did not complete). Mom reported no significant changes/events since last session.
12/27/19: ORS (Outcomes Rating Scale): me - 10 ("we had Christmas, and that was good"), family - 10, school/friends - "10 for my teachers, because they are nice to me, but 0 for friends, because I kind of don't have friends, and that makes me sad. But I have one friend, and she hasn't been wanting to play with me, but I think I'll keep talking to her because I don't want to give up", everything - "I colored all of the scale for this". Rating of progress towards treatment goal (client/caregiver rated on a scale of 0-no progress to 10-achieved): . (did not complete progress rating today)
1/3/20: ORS (Outcomes Rating Scale): Brynlee pointed/drew the following face - "surprised" - "Because there's been a lot of stuff that's made me feel surprised - presents, and even more presents when Christmas."
1/17/20: ORS (Outcomes Rating Scale): Brynlee drew the following face - smiling. "I'm happy because my friend is playing with me, again. I'm happy to be feeling better and not sick, anymore." Mom stated that last week, Brynlee was "throwing up for 7 days," but she is now feeling better. Mom also provided information regarding CARES - she stated that CARES requires a referral either from CPS or law enforcement.

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: bright
Orientation:oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/24/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 01/17/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Treatment plan objectives targeted this session:
1. Brynlee will show a decrease in her PTS intensity score to within the normal range

Therapy activity: rapport-building activities from the TF-CBT workbook ("about you" and "about your family"). Brynlee engaged actively in the therapy activities, making detailed drawings with colored pencil. She drew herself smiling with words to describe how she likes "to pretend and to pretend to be a mom with baby dolls." She then drew a picture of herself and her grandmother baking cookies together. She identified strengths about herself: singing, imagination, and baking. Discussed what to expect for next session's therapy activity: psychoeducation regarding trauma and sexual abuse. She also responded, "like when my cousin, who was a little older than me kissed my mouth and my private part. He used to do it in place where nobody could see us. He did that 3 times. I told my mom. He doesn't do those inappropriate things anymore with me."

Therapy activity: child centered play therapy (developing skills in self/emotional regulation, competence and confidence building and expressing feelings through child-directed play and communication). Brynlee engaged in expressive play with arts and crafts materials - paper plate, glitter glue, plastic straw, and water color paints.

SRS (Session Rating Scale): Brynlee drew a picture of the following face: smiling. "I really love counseling."

Met with mom after session. Reviewed what to expect for next session: meet together as a family to complete the psychoeducation therapy activity, and then break out for individual play therapy. Discussed Brynlee's disclosure regarding her cousin's sexual behavior during session. Mom stated, "Yes, that was her cousin Garrett. She told me about it. It happened about two years ago, and the other mother and I addressed the issue and it hasn't happened, since."

PLAN: Plan for next session
Homework: none assigned

Next session: 1/24/20. .Continue with TF-CBT workbook (psychoeducation regarding trauma), play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/17/2020 9:55 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
ADHD (attention deficit hyperactivity disorder), combined type F90.2

Huber, Brynlee Jo

MRN: 3294371

Clinical Support 1/24/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/24/2020 9:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Brynlee Jo Huber	Date of Service: 1/24/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. ADHD (attention deficit hyperactivity disorder), combined type — F90.2		
Telephone: 208-780-9705	Start Time: 9:15 am	Stop Time: 10am	Total Time: 45 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 5

GOALS AND OBJECTIVES

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation, sleep problems, attention, impulsivity, anger control 2. Difficulty with social skills		
Anticipated Outcomes	1. Brynlee will show a decrease in her PTS intensity score to within the normal range. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range		
Patient's Goal(s) for Treatment:	Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately. 2. Brynlee will be able to make friends		
Describe concrete/ measurable objectives: 1. Brynlee will show a decrease in her PTS intensity score to within the normal range 2. Brynlee will show decreases in her internalizing and attention subscale scores of the PSC-17 to within the normal range 3. Brynlee's mother will learn 3 skills/strategies for behavior management 4. Brynlee will learn 3 skills in relaxation and mindfulness 5. Brynlee will learn 3 skills for physical and emotional self regulation 6. Brynlee learn safety skills 7. Brynlee will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Brynlee will engage in social skills group at this clinic to build social skills useful in making and keeping friends.	**Date Initiated:** **12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

Background Needs	School behavior, school achievement, medical
Useful Strengths:	Family, educational setting, relationship permanence, community life

Strengths to Build:	Coping skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: ORS (Outcomes Rating Scale): (did not complete). Mom reported no significant changes/events since last session.
12/27/19: ORS (Outcomes Rating Scale): me - 10 ("we had Christmas, and that was good"), family - 10, school/friends - "10 for my teachers, because they are nice to me, but 0 for friends, because I kind of don't have friends, and that makes me sad. But I have one friend, and she hasn't been wanting to play with me, but I think I'll keep talking to her because I don't want to give up", everything - "I colored all of the scale for this". Rating of progress towards treatment goal (client/caregiver rated on a scale of 0-no progress to 10-achieved): . (did not complete progress rating today)
1/3/20: ORS (Outcomes Rating Scale): Brynlee pointed/drew the following face - "surprised" - "Because there's been a lot of stuff that's made me feel surprised - presents, and even more presents when Christmas."
1/17/20: ORS (Outcomes Rating Scale): Brynlee drew the following face - smiling. "I'm happy because my friend is playing with me, again. I'm happy to be feeling better and not sick, anymore." Mom stated that last week, Brynlee was "throwing up for 7 days," but she is now feeling better. Mom also provided information regarding CARES - she stated that CARES requires a referral either from CPS or law enforcement.
1/24/20: ORS (Outcomes Rating Scale): Brynlee drew the following face - "excited" and "sad - because I miss Waylon, but I am also frustrated that I have that feeling."

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: bright
Orientation:oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/31/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 8/27/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:35	Stop Time: 10:00	Total Time: 25 minutes
ASSIGNMENT	**Service**: Individual 30 min 90832 **Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 6		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

School started. Family moved to a new rental home.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt states that school is positive for her. She likes her teacher. She and Bryson are in the same class in 2nd grade. States her new home is "awesome". Pt played with the doll house and played out the move and changes they recently experienced. Pt also played out some of the safety issues and worries about bio dad. Pt was very engaged in the session. The session was short due to she and brother sharing the session due to scheduling.

PLAN: Plan for next session

Her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 9/3/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:51	Stop Time: 10:43	Total Time: 52 minutes
ASSIGNMENT	**Service**: Individual 30 min 90832 **Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 7		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Two girls ages 9 and 13 are being fostered by pt mother. They came on Saturday.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt immediately came in and played with the doll house. Theme was all about hiding and pt played out the girls and their mom who is hurting them. The kids went to the desert to hide from the parents (to the sand tray) "The parents want them to come back, they're going to hit them and stuff." She placed animals around them to protect them.

PLAN: Plan for next session

Her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 9/10/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:01	Stop Time: 10:48	Total Time: 47 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 8		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom unable to do 90 day review today. Will complete it next session.
Foster kids went back home so house is back to "normal."

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt immediately came in and played with the doll house. She was singing and humming as she arranged the doll house, stating that the family is unpacking and setting up their house because they just moved to a new house. Mom, dad, and kids moved in. The theme of play was positive and all about the family being happy in their new home.

PLAN: Plan for next session

Her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

CNM INDIVIDUAL PROGRESS NOTE

PATIENT INFORMATION
Name: Brynlee Jo Huber **DOB:** 5/8/2012

ASSIGNMENT
Service Location: Children's Rehab Meridian

PCP: Christie A. Julian, MD

REFERRAL INFORMATION

Referred by: Christie A. Julian, MD
1072 N Liberty St
Suite 203
Boise, ID 83704

BILLING INFORMATION
Date of Service: 10/01/2019
Start Time: 9:56 End Time: 10:45
Total Time: 49 minutes
Service: Individual 45 min 90834
Add on codes: N/A
Type of Contact: Face-to-Face Contact with Client and Family
Principle Dx: Separation Anxiety Disorder (F93.0)
PTSD (F43.10)
ADHD, combined type (F90.2)
Service Provider: Lenore S. Smith, Licensed Clinical Social Worker

Visit Type: 90 Day Tx Review	**Next 90 Day Review:** 1-1-20

SUBJECTIVE REPORT FROM PATIENT

Current status of symptoms
Pt fear at night, constantly getting out of bed, ends up sleeping with mom.
Talking back to mom.
Fears of robbers, kidnappers, strangers.
Med changes and reduced fits, but not as effective with ADHD symptoms.

Significant events since last session
Med changes as mentioned above

Any New Symptoms or Problems
Increased talking back to mom.

To what extent is (reason for referral) a problem for patient (Scale 1-10)? 9

OBJECTIVE NOTES

Mental Status Observations
Patient is alert, oriented to person, place, and time and mental status no change during treatment

Psychometric Testing
Depression Scale (PHQ-A):
@PHQAFLOWSHEET@

Depression Scale (PHQ-9):
No flowsheet data found.

CRAFFT:

Assessment

Planned Service:
90 treatment review with patient and/or family

Delivered Service
90 day treatment review with mom and pt. Then individual therapy with pt with CBT and play: Therapist suggested to mom that she make a chard with word and picture of tasks to be completed in the morning before school, then come up with a daily reward (such as she can use her free time before school to play on the tablet) and see if this is a motivator for pt. Mom liked this idea and states she will try this.
Pt played in the sand with people figures: theme of play was people hiding from scary monsters. We discussed what those people can do to be safe. Pt identified: hide, help each other, ask for help.

Describe: **Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately**
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

Progress Summary:
No toileting accidents in past several weeks.
No change with bedtime behavior.
Pt uses 2 calming skills: is able to think more before she explodes and use self-talk, deep breathing.
Outbursts and tantrums have decreased approximately 25%.
Improved ability to separate from mom but still working on this.
Pt has done some processing of trauma and will continue.
Pt unable to wait. Still working on this.
Pt still difficulty with completing tasks.

Progress toward goals in treatment: Some Improvement

Patient's Stage of Change at Time of Assessment? action - ready to set action plan and implement

☒ No significant changes in diagnosis or course of treatment have occurred since last treatment plan review.

☐ Yes there have been significant changes since last treatment review.
☐ Diagnosis or course of treatment has changed and therapist will update mental health assessment and treatment plan.

☐ Explain Reason for Change:

☒ Patient &/or legal guardian agrees with disposition: continue services

☐ Patient &/or legal guardian disagrees with disposition: N/A

Risk Assessment (if applicable): No Indication of Risk

Other observation: No

Immediate Plan

Continued BH services are reasonably expected to improve the patient¢s condition or prevent further regression so that the current level of care is no longer necessary or may be reduced

Recommendation to Patient: No

Communicated directly to referring provider: No

Use of Preventative Services & any Referrals to other Providers: NA

VISIT SCALING ANSWERS

How confident are you that you can carry out the plan we've made (Scale 1-10): 9

Was this visit helpful? (Scale 1-10): 9

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve document.

Signed electronically by: Lenore S. Smith, Licensed Clinical Social Worker

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 10/15/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:55	Stop Time: 10:45	Total Time: 45 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 10		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom started new part time job that will become full time in December. She likes it, is excited about it. This means kids spend some time in daycare.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with art and play: Pt played in sand with the doll figures, created a comfortable place to hang out with friends. Played out the experience of not wanting to go to the babysitter, therapist asked if the babysitter is nice to them and pt responded yes. Pt played with the toys stating "We all get babysitted every single day." and was able to process feelings through the dolls.
After session, therapist explained to mom and kids that she will be moving due to spouse job change and will be moving out of state and leaving the clinic. Discussed therapist Annie Prince and how she will be able to work with both kids, and also mom in family therapy. Processed some feelings and scheduled them for November 21.

PLAN: Plan for next session

Her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 10/22/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:56	Stop Time: 10:46	Total Time: 45 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 11		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

No changes in issues, same issues present.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play: Therapist got out the people figures and had pt choose figures to represent members of her family. [illegible] o. Pt wanted to focus on mom and Justin (step dad who is "in Tennessee", but really in jail for a year) and acted out how they "yell at each other, get mad a lot, scream all night sometimes." She talked about Kylie and Jaden who are Justin's kids and how they used to live with them but not anymore "because he gave too many bruises". Then pt acted out many family interactions with figures: friends coming over, mom telling her to be nice, arguing and trying to resolve the issue, etc. Pt very engaged and very creative with her play.

PLAN: Plan for next session

Continue with above and attempt to begin her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 10/29/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 9:56	Stop Time: 10:46	Total Time: 45 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670	**Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 12		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

No changes in issues, same issues present.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play: Pt again wanting to use dollhouse and people figures. Themes of fun activities with family, but also scary people who live on the rood and might hurt the family. Getting protection from the mother. Bedtime and being scared: played out bedtime routine with stories, prayers. Over arching theme of good vs evil.

PLAN: Plan for next session

Continue with above and attempt to begin her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Brynlee Jo Huber	Date of Service: 11/5/2019		
Birth Date: 5/8/2012	Principle Dx: Separation Anxiety Disorder (F93.0) PTSD (F43.10) ADHD, combined type (F90.2)		
Telephone: 208-780-9705	Start Time: 10:02	Stop Time: 10:50	Total Time: 48 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 13		

GOALS AND OBJECTIVES

Feel safe, learn calming skills, be able to separate from mother, express feelings appropriately
Pt will have no toileting accidents.
Pt will go to bed without refusal 75% of the time.
Pt will identify and practice 5 calming skills.
Pt will learn and practice verbally expressing feelings appropriately and will decrease outbursts and tantrums by 50%.per parent report.
Pt will reduce the frequency and severity of crying, clinging, temper tantrums, and verbalized fears when separated from mom by 50% per parent report.
Pt will process any trauma and related anxiety in each session.
Learn and practice techniques for ADHD symptoms
Pt will increase ability to wait by 50% per parent report.
(use of first-then visuals, use of a timer, quiet activities, singing, self-talk, etc)
Pt will increase ability to complete tasks by 50% per parent report.
(use of visual schedules, checklists, task strips, 1-2 step instructions, etc)

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

No changes in issues, same issues present.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: no concerns noted

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and family connectedness;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is None

Steps taken to address risk include: no risk noted

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play: Pt again wanting to use dollhouse and people figures. Themes of school music teacher, I hate my teacher, I hate the girls in my class, they take my stuff and I tell my teacher so she sends me to the principal's office. When asked about it she replied "It's just a song." Pt has difficulty expressing feelings and sharing experiences.

PLAN: Plan for next session

Continue with above and attempt to begin her story.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

St Luke's

Office Use Only MR#

REQUEST TO ACCESS MEDICAL OR BILLING RECORDS

Today's date 12-13-19

Patient's name Bryson Huber Birth date 5-8-2012

Address 1823 W Breckfield Dr. City Boise State ID ZIP 83709

Phone(s) (Cell #) (775) 527-0272 (Home #) _____ (Work #) _____

Other names under which patient has been treated: _____

Is this request for Workers Compensation? ☐ Yes ☒ No

To ensure you receive a copy of the records you are requesting, please specify the location(s) you were treated.
Please do not specify "All"

☒ Hospital Records (Specify location(s)) Meridian / BOISE

☒ Clinic Records (Specify location(s)) Meridian / BOISE

Information Requested

☒ Billing Information ☒ Imaging Report ☒ Problem List
☒ History Physical ☒ Imaging Film ☒ Progress Note
☒ Discharge Summary ☒ Clinic Note ☒ Operative/ Procedure Report
☒ Lab/Pathology ☒ Medication List ☒ Therapy Notes
☒ Breast Imaging (Mammo, Ultrasound, MRI) w/ report (CD or Film)
☒ Consultation Reports - Dr. Name: _____

☒ Emergency Room ☒ Medical Clearance
☒ HIV/AIDS ☒ Substance/Drug Abuse
☒ Psychological Studies ☒ Biometric Screening
☒ Wellness ☒ Immunization and/or Titers
☒ Psych Evaluation/Assessment/Mental Health
☒ Other: (Specify) All

This request is valid for services during the following:

Approximate service date(s) 12-1-2016 through 12-13-2019

(check one below)

☒ Records for service date listed above to current, until expiration of this form.
☐ Single disclosure for the date of service(s) specified above.

Please check the method of access you desire. Note: There may be a charge associated with processing your request.

☒ Paper copies:
☐ **Pick up in person (Location):** _____ ☒ **Mailed (Address):** 4151 TWO ROCK DR WINNEMUCCA, NV 89445

☐ CD/DVD (password protected) Shipping address: _____

☒ Email (Size restriction may apply): waylonhuber@mail.com

☐ MyChart ☐ View record in office (No copies) ☐ Other: _____

If you are the Patient's Personal Representative (e.g. guardian, agent, or parent of a minor) and can legally act for the patient; please fill out this section. Your status as a Personal Representative will be verified.

Name Waylon Huber Relationship to patient Father

Address (if different from above) 4151 TWO ROCK DR. WINNEMUCCA, NV 89445

Phone (if different than above) (Home/Cell#) (775) 527-0272 (Work#) _____

This request will expire one (1) year from date signed.

Signature: [signature] Date: 12-13-19

FOR OFFICE USE ONLY (Verification of Identity)

Patient Identified: (describe method, initials & date) _____

Personal Representative Identified (describe method & initial) _____

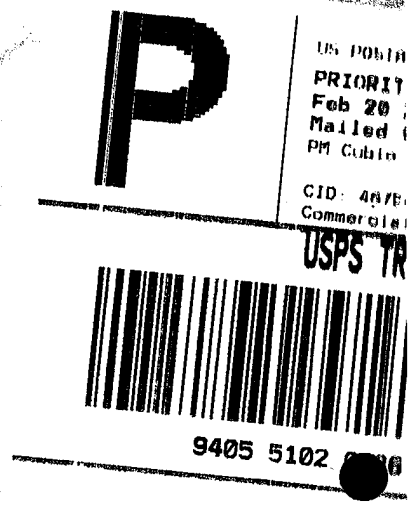
Release Made (method & date) _____

Workers Compensation checked (initials) _____

A0680

EXHIBIT 2

St. Luke's Rehab Hospital
Medical Records
600 N. Robbins Road
Boise, Idaho 83702



Waylon Huber
4151 Two Rock Dr.
Winnemucca, NV 89445

A0682

Huber, Bryson Way

MRN: 3294373

Telephone 11/29/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)

Conversation

(Newest Message First)

Annie G. Prince, Licensed Clinical Social Worker

Note 11/29/19 9:39 AM

Time spent in phone call: 5 minutes

The therapist called the mother, Janea, regarding today's appointment (no-show). She apologized, stating "I thought your office was closed today," and confirmed a plan to meet again 12/6 at 9am, as scheduled. Mom discussed that she needs help regarding a letter to the Nevada judge that the previous therapist had written, which needs to be updated with some specific wording, as requested by the judge. She asked if there was any way to get in contact with the previous therapist about this. This therapist recommended following up with the supervisor about this request and then moving forward, as appropriate.

Annie G. Prince, Licensed Clinical Social Worker contacted Huber,Janea (Mother) 11/29/19 9:39 AM

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report, Reviewed This Encounter

Orders Placed

None

Medication Renewals and Changes

As of 11/29/2019 9:39 AM

None

Visit Diagnoses

None

Huber, Bryson Way

MRN: 3294373

Clinical Support 12/6/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/6/2019 10:00 AM • Signed

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN
Update 12/6/19

<table>
<tr><td>PATIENT INFORMATION</td><td colspan="3">BILLING INFORMATION</td></tr>
<tr><td>Patient Name: Bryson Way Huber</td><td colspan="3">Date of Service: 12/6/2019</td></tr>
<tr><td>Birth Date: 5/8/2012</td><td colspan="3">Primary Dx: PTSD F43.10
Autism Spectrum Disorder, level 2 F84.0</td></tr>
<tr><td>Telephone: 208-780-9705</td><td>Start Time: 10:00am</td><td>Stop Time: 10:50am</td><td>Total Time: 50 minutes</td></tr>
<tr><td>ASSIGNMENT</td><td colspan="3" rowspan="4">Service: Annual MH Assessment 90791
Add on codes: N/A
Type of Contact: Face-to-Face Contact with Client and Family</td></tr>
<tr><td>Location: SLHS MEADOWLAKE
ST. LUKE'S CHILDREN'S REHAB - MERIDIAN
3525 E LOUISE DR
STE 320
MERIDIAN ID 83642-6303
208-706-5670

Referred by: Christie A. Julian, MD
1072 N Liberty St
Suite 203
Boise, ID 83704</td></tr>
<tr><td>Primary Physician: Christie A. Julian, MD</td></tr>
<tr><td>Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker</td></tr>
</table>

<table>
<tr><td colspan="3">TYPE OF VISIT: Initial Assessment & Treatment Plan</td></tr>
<tr><td>ORIGINAL CDA DATE: 7-30-19</td><td>updated ASSESSMENT DATE: 12/6/19</td><td>90 DAY REVIEW DATE: 3/6/20</td></tr>
</table>

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Bryson Way Huber is a 7 y.o. male who is seeking treatment at this clinic for anxiety, emotional dysregulation, deficits in social skills and communication skills, separation anxiety. Pt diagnosed with ASD in the past year,

Update 12/6/19: Bryson's mother is seeking treatment for Bryson's trauma symptoms

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset

Mom leaving room, or going places without him, sister not sleeping in same room-

Update 12/6/19:
Bryson presents with clinically significant internalizing symptoms (sadness, worry), attention symptoms (inattention, hyperactivity, impulsivity), externalizing symptoms (behavior problems), and symptoms of posttraumatic stress (reexperiencing symptoms, autonomic hyperarousal symptoms, avoidance symptoms, emotional and behavioral dysregulation, and negative emotional and cognitive states).

Symptoms & Severity .

- **Depressive Symptoms:** depressed mood, diminished interest or pleasure in activities and poor self-esteem
- **Manic Symptoms:** N/A
- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, irritability, sleep disturbance, difficulty concentrating, restlessness, fearful to separate, distress when separated, worry about parents and something happening to them and desire for sameness
- **ADHD Symptoms:** inattention, distractibility, impulsivity and loses temper
- **Autism Symptoms:** failure to develop peer relationships appropriate to development level, lack of social or emotional reciprocity and language delay
- **Sleeping Habits:** denied

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History
Prior Treatment History (Who/When/Where/Outcome of Tx):
Yes Mental Health Therapy with Sidra Beckett 1/2017-7/2017
4/2018-7/2018

Has received OT and SLP at St Luke's Children's Rehab Meridian. Recently discharged from OT with Ann Short.

Update 12/6/19:
SLP with Kelly O'Leary, SLP, at St. Lukes beginning 10/24/16.
OT with Ann Short, OT, at St. Luke's beginning 11/10/2016.

Completed a neuropsychological evaluation with Elena Harlan Drewell, Ph.D. 1/26/17, receiving the following diagnoses: Global Developmental Delay; Prematurity. Dr. Harlan ruled out ASD at that time.

Began counseling with Sidra Beckett, LCPC, at St. Luke's 1/23/17, receiving treatment for the diagnosis of Adjustment Disorder with Mixed Emotions and Conduct. Bryson was discharged 7/26/2017. He completed another intake with Sidra Beckett, LCPC 4/23/18, receiving treatment for the diagnosis of Separation Anxiety Disorder. He was discharged again 10/1/18.

Dr. Leavell later diagnosed Bryson (8/15/18 progress note) with Autism Spectrum Disorder, level 2.

Bryson received counseling at The Therapy Place - December 2018 - March 2019. Mom stated, "it wasn't a good fit, so we came back to St. Luke's."

Bryson established in counseling with Lenore Smith, LCSW at St. Luke's Meridian (Children's Rehab) 7/30/19, receiving treatment for the following diagnoses: Separation Anxiety Disorder, PTSD, and Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0. He was transferred to this therapist, due to Lenore leaving the clinic.

Family Psychiatric History
Father - alcohol and drugs, anxiety, depression, panic attacks
Mother - anxiety, Depression, OCD, Panic attacks
Sister - ADHD
Great uncle - schizophrenia

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-I).

Child / Family Substance Use & Problem Gambling History
No concerns of substance abuse are reported. for pt, but history of dad substance abuse
Is referral needed? No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Social History

Tobacco History
Smoking Status
Never Smoker
Smokeless Tobacco Use
Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:
Past Medical History:

Diagnosis	Date
• Asthma	
• Autism	

Current Medications:
Current Outpatient Medications

Medication	Sig
• albuterol (PROVENTIL HFA;VENTOLIN HFA) 90 mcg/actuation inhaler	Inhale 2 puffs into the lungs every 6 (six) hours as needed for Wheezing.
• beclomethasone (QVAR) 40 mcg/actuation inhaler	Inhale 1 puff into the lungs 2 (two) times daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:
Family History

Problem	Relation	Age of Onset
• ADD / ADHD	Mother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: Mental health records in EPIC.
Yes (Annie Prince, LCSW) - reviewed records 11/15/19: SLP and OT records; CNM Child Assessment and Treatment Plan by Sidra Beckett, LCPC dated 1/23/17; Report of Brief Neuropsychological Assessment by Elena Harlan Drewel, Ph.D., dated 2/7/17; CNM Child Assessment & Treatment Plan by Sidra Beckett, LCPC, dated 4/23/18; Pediatric Comprehensive Diagnostic Assessment and Treatment Plan by Lenore Smith, LCSW, dated 7/30/19; counseling notes from Lenore Smith, LCSW from 7/30/19 - 11/5/19.

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)
Lives in a rental. They will be moving in 2 weeks and don't yet know where they will move to. Mom working toward certification in medical transcription and will finish soon. Finances are very tight and she is receiving assistance from LDS ward. Step-dad Justin is in jail due to probation violation, for the next year.Justin's brother Shane, 41, and his 12 year old son, have been living with the family. Also in the home is twin sister Brynlee and 10 month old Elliana.

Update 12/6/19:

Family and Relationships
Bio Dad Weylen lives in Winnemucca, NV. Currently no contact
. Step-dad in jail for a year. Mom, Janea, has positive relationship with pt. Bryson has difficulty regulating emotions and will scratch or hit, use harsh words. Maternal grandma in the area. Pt mother in therapy trying to figure out whether or not to stay in current marriage which has had some serious problems including several infidelities on her husband's part.

Update 12/6/19:

Cultural and Spiritual Information
Mom joined LDS church about a year ago and the family is active.

Social Environment
Involved in church, not involved in community activities. Pt has difficulty with peers. Plays well initially but gets irritated when he cannot direct all the play.

Update 12/6/19:

Hobbies and Interests
Dinosaurs, godzilla, squishy toys, swimming.

Child / Family's Educational and/or Vocational
School Name: Prospect Elementary

Grade at: 2nd
Update 12/6/19:

Setting: Special Education

Academic Performance: good

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP for speech and developmental delay

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family
Yes: early childhood

Update 12/6/19:
Regarding the legal aspects of the sexual abuse allegation, mom stated that a forensic interview was done (at CARES), and another follow up interview has been done, since then. The case is no longer open in Boise (law enforcement) - it closed, but there is an open investigation in Nevada. Mom stated that the child protection case is closed in Idaho, but there is one open in Nevada. There is currently a no contact order in place between the children and their father, who lives in Nevada.

CATS - Caregiver Report (ages 7-17):
Completed by mother, Janea Huber, 12/6/19. Reported the following traumatic events: witness DV (father towards step mom), hurt/threatened (by father), alleged sexual abuse (by father), being bullied, stressful medical procedure (catheter; 5 1/2 weeks in NICU). PTS score: 42 (clinical - PTSD).

Adolescent Sexual Behavior History (12 and older only)
Denied

Child / Family Legal History
Denied

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

33 week gestation, twin; weighed less than 2 lbs at birth and in NICU 5.5 weeks. Pt diagnosed with ASD August 2018. Current separation anxiety.

Gross Motor: Delayed: OT

Fine Motor: Delayed: OT

Language: Delayed: SLP

Social: Delayed: OT

Toileting: Delayed: currently independent

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

Update 12/6/19:

PSC-17:
Completed by mother, Janea Huber, 12/6/19. Internalizing - 5 (clinical), attention - 8 (clinical), externalizing - 10 (clinical).

CATS - Caregiver Report (ages 7-17):
Completed by mother, Janea Huber, 12/6/19. Reported the following traumatic events: witness DV (father towards step mom), hurt/threatened (by father), alleged sexual abuse (by father), being bullied, stressful medical procedure (catheter; 5 1/2 weeks in NICU). PTS score: 42 (clinical - PTSD).

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed and casually dressed
Behavior: appropriate eye contact, calm and within normal limits
Psychomotor: within normal limits
Mood: euthymic
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody
Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation
Behavior List: No additional concerns
Cognition: grossly intact
- Attention: alert
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: appears appropriate for age

Insight/Judgment: within normal limits
Orientation: oriented to person, place, time/date, situation and day of week
Attitude: friendly and open
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors
☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
X Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence
☐ Other:

Protective Factors
X Denied suicidal or homicidal ideation, intent or plan:
X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential
☐ None X Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:
Provisions for lethal means and access:
Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental

status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:
Update 12/6/19:
Bryson was diagnosed with Autism Spectrum Disorder, Level 2 by Dr. Leavell. Per Dr. Leavell's assessment, this diagnosis will remain active.

As of the current diagnostic assessment update, Bryson presents with symptoms meeting DSMV criteria for the following diagnosis: PTSD:
Criteria A: Bryson presents with exposure to traumatic stressor in the following ways: witness to DV, [redacted]

Criteria B: Bryson presents with the following intrusion symptoms (at least half the time): upsetting thoughts or images of a stressful event, bad dreams related to a stressful event, feeling very emotionally upset when reminded of a stressful event.
Criteria C: Bryson presents with the following avoidance symptoms (at least half the time): trying not to remember, talk about or have feelings about things that are reminders of a stressful event, avoiding activities, people, places, or things that are reminders of a stressful event. Bryson presents with the following negative alterations in cognitions and mood (at least half the time): negative changes in how he thinks about self/others/world after a stressful event, losing interest in activities he enjoyed before a stressful event/not playing as much, feeling distant or cut off from people around him.
Criteria D: Bryson presents with the following alterations in arousal and reactivity: irritable, risky behavior, being overly alert or on guard, being jumpy or easily startled, problems with concentration, trouble falling or staying asleep.

The clinical focus of treatment will be: PTSD, using a primary modality of TF-CBT, and play therapy as a secondary modality of treatment.

Diagnosis:

Update 12/6/19:
PTSD F43.19 (primary)
Autism Spectrum Disorder, level 2 F84.0

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues Informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits). Mom very supportive, church community supportive, no contact with dad, step-dad in jail, financial and housing difficulties.

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or

intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? fair

TREATMENT PLAN			
1st Priority Problem / Symptom:	PTS symptoms (emotional/physical dysregulation, intrustion symptoms, avoidance, symptoms, negative thoughts/mood, autonomic hyperarousal) and related behavior problems		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma		
Describe concrete/ measurable objectives: **Explore and begin to resolve issues related to history of abuse.** 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated)	**Date Initiated:** 12/6/19	**Target Completion Date:** 12/6/20	**Objective Completed** ☐Yes ☐NO

2nd Priority Problem / Symptom:			
Patient's Goal(s) for Treatment:			
Describe concrete/ measurable objectives: Increase ability to identify various emotions.	**Date Initiated:**	**Target Completion Date:**	**Objective Completed** ☐Yes ☐NO

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
X Individual Therapy	Play therapy, CBT	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☐Group Therapy			
X Family Therapy	CBT, Play Therapy	1 hour/1 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker

DISCHARGE

Discharge Criteria Patient will be discharged when: (Check any or all that apply)	**After Care Plan:**
x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* ☐ Other:	Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

DISPOSITION

☐ No further action required at this time and referral will be closed.

☐ Patient does not meet criteria for MH services.
☐ Referring provider was contacted of the disposition.
☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
☐ will be scheduled
x has been scheduled Date & Time: 12/13/19

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

x☐ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

x☐ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

x☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

x☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

x☐ I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment

☐ I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 12/6/2019 9:15 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

Huber, Bryson Way

MRN: 3294373

Clinical Support
12/13/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 10:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 12/13/2019		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — F84.0		
Telephone: 208-780-9705	Start Time: 10:00am	Stop Time: 10:52am	Total Time: 52min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 1

GOALS AND OBJECTIVES

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO
Background Needs	History of trauma, developmental (ASD diagnosis)		
Useful Strengths:	Family, educational setting		

Strengths to Build:	Coping and savoring skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: mother reported no significant events/changes since last session. Continues to present with PTS symptoms, continues to struggle socially at school ("he doesn't have any friends at school").

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: constricted
Orientation: oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family connectedness; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 12/20/19

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 12/13/2019

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Met with Bryson and mother, Janae, together to discuss/develop the treatment plans.

Engaged in psychoeducation regarding PTSD and TF-CBT as a treatment modality for trauma.

Discussed Bryson's social difficulties and mom's wish for him to engage socially with both neurotypical children and kids on the spectrum. Discussed options in the community that might help meet these social needs, while also developing and building on his strengths in STEM kinds of activities and his skills in focusing/building. Recommended Geeko Labs and Discovery Center programming in robotics and computer coding, as well as chess club (check at the school) and Pokemon leagues at the public libraries.

PLAN: Plan for next session

Homework: none assigned

Next session: 12/20/19. Review/sign treatment plans. Begin psychoeducation regarding sexual abuse and trauma treatment.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 10:00 AM • Signed

PEDIATRIC BEHAVIORAL HEALTH TREATMENT PLAN

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 12/13/2019		
Birth Date: 5/8/2012	Primary Dx: 1. **PTSD (post-traumatic stress disorder)** — **ICD-10-CM F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — ICD-10-CM F84.0		
Telephone: 208-780-9705	Start Time:	Stop Time:	Total Time:
ASSIGNMENT	**Service**: note to file - not billable		
Location: SLHS MEADOWLAKE	**Type of Contact:** Face-to-Face Contact with Client and Family		

ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St Suite 203 Boise, ID 83704
Primary Physician: Christie A. Julian, MD
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker

TYPE OF VISIT: Updated Behavioral Health Treatment Plan		
ORIGINAL TX PLAN DATE:	**UPDATED TX PLAN DATE:** 12/13/19	**NEXT 90 DAY REVIEW DATE:** 2/12/20

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management	**Date Initiated:** **12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.			

Background Needs	History of trauma, developmental (ASD diagnosis)
Useful Strengths:	Family, educational setting
Strengths to Build:	Coping and savoring skills, resilience

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
☑Individual Therapy,	Cognitive Behavioral Therapy; play therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☑Group Therapy,	Social Skills Group	1hr/1x per week/12 weeks	Annie G. Prince, Licensed Clinical Social Worker
☑Family Therapy	Cognitive Behavioral Therapy and Play Therapy	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
☐Other:			
DISCHARGE			

Discharge Criteria Patient will be discharged when:	**After Care Plan:**
- Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* - Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* - Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* - Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* - Other:	Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

PATIENT'S INFORMED CONSENT FOR TREATMENT

☑ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

☑ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

☑ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

☑ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or after hours contact St. Luke's Connect line and you will be connected directly to a nurse. If at any time you need immediate assistance contact 911 or 1-800-273-TALK (National Suicide Prevention Hotline). Additionally, OPTUM provides a 24 hour crisis response support at 855-202-0973.*

By signing treatment plan, patient/parent/legal guardian acknowledges active involvement in child's treatment plan and agrees to the ongoing plan for treatment.

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

☑ *I was given a copy of my / my child's Mental Health Treatment Plan*

☐ *I was offered a copy of my / my child's Mental Health Treatment Plan but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/13/2019 10:00 AM • Signed

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN
Update 12/6/19

<table>
<tr><td>PATIENT INFORMATION</td><td colspan="3">BILLING INFORMATION</td></tr>
<tr><td>Patient Name: Bryson Way Huber</td><td colspan="3">Date of Service: 12/13/2019</td></tr>
<tr><td>Birth Date: 5/8/2012</td><td colspan="3">Primary Dx: PTSD F43.10
Autism Spectrum Disorder, level 2 F84.0</td></tr>
<tr><td>Telephone: 208-780-9705</td><td>Start Time: 10:00am</td><td>Stop Time: 10:50am</td><td>Total Time: 50 minutes</td></tr>
<tr><td>ASSIGNMENT</td><td colspan="3" rowspan="4">Service: Annual MH Assessment 90791
Add on codes: N/A
Type of Contact: Face-to-Face Contact with Client and Family</td></tr>
<tr><td>Location: SLHS MEADOWLAKE
ST. LUKE'S CHILDREN'S REHAB - MERIDIAN
3525 E LOUISE DR
STE 320
MERIDIAN ID 83642-6303
208-706-5670

Referred by: Christie A. Julian, MD
1072 N Liberty St
Suite 203
Boise, ID 83704</td></tr>
<tr><td>Primary Physician: Christie A. Julian, MD</td></tr>
<tr><td>Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker</td></tr>
</table>

A0704

TYPE OF VISIT: Initial Assessment & Treatment Plan		
ORIGINAL CDA DATE: 7-30-19	**updated ASSESSMENT DATE:** 12/6/19	**90 DAY REVIEW DATE: 3/6/20**

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Bryson Way Huber is a 7 y.o. male who is seeking treatment at this clinic for anxiety, emotional dysregulation, deficits in social skills and communication skills, separation anxiety. Pt diagnosed with ASD in the past year, [redacted]

Update 12/6/19: Bryson's mother is seeking treatment for Bryson's trauma symptoms [redacted]

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset

[redacted], Mom leaving room, or going places without him, sister not sleeping in same room.

Update 12/6/19:
Bryson presents with clinically significant internalizing symptoms (sadness, worry), attention symptoms (inattention, hyperactivity, impulsivity), externalizing symptoms (behavior problems), and symptoms of posttraumatic stress (reexperiencing symptoms, autonomic hyperarousal symptoms, avoidance symptoms, emotional and behavioral dysregulation, and negative emotional and cognitive states).

Symptoms & Severity

- **Depressive Symptoms:** depressed mood, diminished interest or pleasure in activities and poor self-esteem
- **Manic Symptoms:** N/A
- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, irritability, sleep disturbance, difficulty concentrating, restlessness, fearful to separate, distress when separated, worry about parents and something happening to them and desire for sameness
- **ADHD Symptoms:** inattention, distractibility, impulsivity and loses temper
- **Autism Symptoms:** failure to develop peer relationships appropriate to development level, lack of social or emotional reciprocity and language delay
- **Sleeping Habits:** denied

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History

Prior Treatment History (Who/When/Where/Outcome of Tx):
Yes Mental Health Therapy with Sidra Beckett 1/2017-7/2017
4/2018-7/2018
Has received OT and SLP at St Luke's Children's Rehab Meridian. Recently discharged from OT with Ann Short.

Update 12/6/19:
SLP with Kelly O'Leary, SLP, at St. Lukes beginning 10/24/16.
OT with Ann Short, OT, at St. Luke's beginning 11/10/2016.

Completed a neuropsychological evaluation with Elena Harlan Drewell, Ph.D. 1/26/17, receiving the following diagnoses: Global Developmental Delay; Prematurity. Dr. Harlan ruled out ASD at that time.

Began counseling with Sidra Beckett, LCPC, at St. Luke's 1/23/17, receiving treatment for the diagnosis of Adjustment Disorder with Mixed Emotions and Conduct. Bryson was discharged 7/26/2017. He completed another intake with Sidra Beckett, LCPC 4/23/18, receiving treatment for the diagnosis of Separation Anxiety Disorder. He was discharged again 10/1/18.

Dr. Leavell later diagnosed Bryson (8/15/18 progress note) with Autism Spectrum Disorder, level 2.

Bryson received counseling at The Therapy Place - December 2018 - March 2019. Mom stated, "it wasn't a good fit, so we came back to St. Luke's."

Bryson established in counseling with Lenore Smith, LCSW at St. Luke's Meridian (Children's Rehab) 7/30/19, receiving treatment for the following diagnoses: Separation Anxiety Disorder, PTSD, and Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0. He was transferred to this therapist, due to Lenore leaving the clinic.

Family Psychiatric History

Father - alcohol and drugs, anxiety, depression, panic attacks
Mother - anxiety, Depression, OCD, Panic attacks
Sister - ADHD
Great uncle - schizophrenia

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-I).

Child / Family Substance Use & Problem Gambling History

No concerns of substance abuse are reported. for pt, but history of dad substance abuse

Is referral needed? No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Social History

Tobacco History

Smoking Status
Never Smoker
Smokeless Tobacco Use
Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:

Past Medical History:

Diagnosis	Date
• Asthma	
• Autism	

Current Medications:

Current Outpatient Medications

Medication	Sig
• albuterol (PROVENTIL HFA;VENTOLIN HFA) 90 mcg/actuation inhaler	Inhale 2 puffs into the lungs every 6 (six) hours as needed for Wheezing.
• beclomethasone (QVAR) 40 mcg/actuation inhaler	Inhale 1 puff into the lungs 2 (two) times daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:

Family History

Problem	Relation	Age of Onset
• ADD / ADHD	Mother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: Mental health records in EPIC.
Yes (Annie Prince, LCSW) - reviewed records 11/15/19: SLP and OT records; CNM Child Assessment and Treatment Plan by Sidra Beckett, LCPC dated 1/23/17; Report of Brief Neuropsychological Assessment by Elena Harlan Drewel, Ph.D., dated 2/7/17; CNM Child Assessment & Treatment Plan by Sidra Beckett, LCPC, dated 4/23/18; Pediatric

Comprehensive Diagnostic Assessment and Treatment Plan by Lenore Smith, LCSW, dated 7/30/19; counseling notes from Lenore Smith, LCSW from 7/30/19 - 11/5/19.

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)

Lives in a rental. They will be moving in 2 weeks and don't yet know where they will move to. Mom working toward certification in medical transcription and will finish soon. Finances are very tight and she is receiving assistance from LDS ward. Step-dad Justin is in jail due to probation violation, for the next year.Justin's brother Shane, 41, and his 12 year old son, have been living with the family. Also in the home is twin sister Brynlee and 10 month old Elliana.

Update 12/6/19: The family is settled in stable housing. Bryson lives with twin sister, Brynlee, and baby half sister, Elliana, and their mother, Janae. Mom is married to Justin (Eliana's father), but he is incarcerated (prison), expected to get out in August 2020. Mom has told the children that Justin "is in Nashville, TN."

Family and Relationships

Bio Dad Weylen lives in Winnemucca, NV. Currently no contact due
Step-dad in jail for a year. Mom, Janea, has positive relationship with pt. Bryson has difficulty regulating emotions and will scratch or hit, use harsh words. Maternal grandma in the area. Pt mother in therapy trying to figure out whether or not to stay in current marriage which has had some serious problems including several infidelities on her husband's part.

Update 12/6/19: There is a no contact order ("suspension of visitation") in place between dad and Bryson and his sister, Brynlee.

Cultural and Spiritual Information

Mom joined LDS church about a year ago and the family is active.

Update 12/13/19: Mom and family continue to find the LDS church and community a positive support.

Social Environment

Involved in church, not involved in community activities. Pt has difficulty with peers. Plays well initially but gets irritated when he cannot direct all the play.

Update 12/6/19: Mom states that Bryson "hates going to school" and that "he doesn't have friends, there." Mom is concerned about Bryson having difficulty engaging with the other kids and making friends. She would like him to engage in a social skill group at this clinic, to work on his social skills.

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

33 week gestation, twin, weighed less than 2 lbs at birth and in NICU 5.5 weeks. Pt diagnosed with ASD August 2018. Current separation anxiety.

Gross Motor: Delayed: OT

Fine Motor: Delayed: OT

Language: Delayed: SLP

Social: Delayed: OT

Toileting: Delayed: currently independent

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

Update 12/6/19:

PSC-17:
Completed by mother, Janea Huber, 12/6/19. Internalizing - 5 (clinical), attention - 8 (clinical), externalizing - 10 (clinical).

CATS - Caregiver Report (ages 7-17):
Completed by mother, Janea Huber, 12/6/19. Reported the following traumatic events: witness DV (father towards step-mom), hurt/threatened (by father), alleged sexual abuse (by father), being bullied, stressful medical procedure (catheter; 5 1/2 weeks in NICU). PTS score: 42 (clinical - PTSD).

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed and casually dressed
Behavior: appropriate eye contact, calm and within normal limits
Psychomotor: within normal limits
Mood: euthymic
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody

Hobbies and Interests
Dinosaurs, godzilla, squishy toys, swimming.

Child / Family's Educational and/or Vocational
School Name: Prospect Elementary

Grade at: 2nd
Update 12/6/19: 2nd grade

Setting: Special Education

Academic Performance: good

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP for speech and developmental delay

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family
Yes: early childhood

Update 12/6/19:
Regarding the legal aspects of the sexual abuse allegation, mom stated that a forensic interview was done (at CARES), and another follow up interview has been done, since then. The case is no longer open in Boise (law enforcement) - it closed, but there is an open investigation in Nevada. Mom stated that the child protection case is closed in Idaho, but there is one open in Nevada. There is currently a no contact order in place between the children and their father, who lives in Nevada.

CATS - Caregiver Report (ages 7-17):
Completed by mother, Janea Huber, 12/6/19. Reported the following traumatic events: witness DV (father towards step mom), hurt/threatened (by father), alleged sexual abuse (by father), being bullied, stressful medical procedure (catheter; 5 1/2 weeks in NICU). PTS score: 42 (clinical - PTSD).

Adolescent Sexual Behavior History (12 and older only)
Denied

Child / Family Legal History
Denied

Provisions for lethal means and access:
Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:
Update 12/6/19:
Bryson was diagnosed with Autism Spectrum Disorder, Level 2 by Dr. Leavell. Per Dr. Leavell's assessment, this diagnosis will remain active.

As of the current diagnostic assessment update, Bryson presents with symptoms meeting DSMV criteria for the following diagnosis: PTSD:
Criteria A: Bryson presents with exposure to traumatic stressor in the following ways:

Criteria B: Bryson presents with the following intrusion symptoms (at least half the time): upsetting thoughts or images of a stressful event, bad dreams related to a stressful event, feeling very emotionally upset when reminded of a stressful event.
Criteria C: Bryson presents with the following avoidance symptoms (at least half the time): trying not to remember, talk about or have feelings about things that are reminders of a stressful event, avoiding activities, people, places, or things that are reminders of a stressful event. Bryson presents with the following negative alterations in cognitions and mood (at least half the time): negative changes in how he thinks about self/others/world after a stressful event, losing interest in activities he enjoyed before a stressful event/not playing as much, feeling distant or cut off from people around him.
Criteria D: Bryson presents with the following alterations in arousal and reactivity: irritable, risky behavior, being overly alert or on guard, being jumpy or easily startled, problems with concentration, trouble falling or staying asleep.

The clinical focus of treatment will be: PTSD, using a primary modality of TF-CBT, and play therapy as a secondary modality of treatment. Bryson presents with social skill impairments and difficulty with making age appropriate friendships, due to his ASD. He would benefit from a referral to the social skills group at this clinic.

Diagnosis:

Update 12/6/19:
PTSD F43.19 (primary)

Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation
Behavior List: No additional concerns
Cognition: grossly intact
- Attention: alert
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: appears appropriate for age

Insight/Judgment: within normal limits
Orientation: oriented to person, place, time/date, situation and day of week
Attitude: friendly and open
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors
☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
X Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence
☐ Other:

Protective Factors
X Denied suicidal or homicidal ideation, intent or plan:
X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential
☐ None X Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:

Autism Spectrum Disorder, level 2 F84.0

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues Informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits). Mom very supportive, church community supportive, no contact with dad, step-dad in jail, financial and housing difficulties.

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? fair

TREATMENT PLAN			
1st Priority Problem / Symptom:	PTS symptoms (emotional/physical dysregulation, intrustion symptoms, avoidance, symptoms, negative thoughts/mood, autonomic hyperarousal) and related behavior problems		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma		
Describe concrete/ measurable objectives: **Explore and begin to resolve issues related to history of abuse.** 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management	**Date Initiated:** 12/6/19	**Target Completion Date:** 12/6/20	**Objective Completed** ☐Yes ☐NO

4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated)			

2nd Priority Problem / Symptom:	Social skills impairment, due to ASD.		
Patient's Goal(s) for Treatment:	Bryson will be able to make friends and engage in age appropriate social skills		
Describe concrete/ measurable objectives: Increase ability to identify various emotions. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.	**Date Initiated:**	**Target Completion Date:**	**Objective Completed** ☐Yes ☐NO

Service Type	Intervention/ Modality	Length, Frequency & Duration	Professional Responsible
X Individual Therapy	Play therapy, CBT	1 hour/4 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker
x☐Group Therapy	Social Skills Group	1 hr/1x per week/12 weeks	Annie G. Prince, Licensed Clinical Social Worker
X Family Therapy	CBT, Play Therapy	1 hour/1 x a month/1 year	Annie G. Prince, Licensed Clinical Social Worker

DISCHARGE	
Discharge Criteria Patient will be discharged when: (Check any or all that apply)	**After Care Plan:**

x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non- compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or* ☐ Other:	Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

DISPOSITION

☐ No further action required at this time and referral will be closed.
- ☐ Patient does not meet criteria for MH services.
- ☐ Referring provider was contacted of the disposition.
- ☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
- ☐ will be scheduled
- x has been scheduled Date & Time: 12/13/19

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

x☐ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

x☐ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

x☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

x☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

x☐ *I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment*

☐ *I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Annie G. Prince, Licensed Clinical Social Worker

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

Letter sent to Christie A. Julian, MD
Sent 1/3/2020

Orders Placed

None

Medication Changes

As of 12/13/2019 3:17 PM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

Huber, Bryson Way

MRN: 3294373

Clinical Support
12/27/2019
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 12/27/2019 10:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 12/27/2019		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — F84.0		
Telephone: 208-780-9705	Start Time: 1:30pm	Stop Time: 2:00pm	Total Time: 30 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 2		
GOALS AND OBJECTIVES			

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

Background Needs	History of trauma, developmental (ASD diagnosis)
Useful Strengths:	Family, educational setting

Strengths to Build:	Coping and savoring skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: mother reported no significant events/changes since last session. Continues to present with PTS symptoms, continues to struggle socially at school ("he doesn't have any friends at school").
12/27/19: ORS (Outcomes Ratings Scale): me - 10 ("good"), family - 10 ("good"), school/friends - 4 ("good," "my music teacher is mean - she doesn't like it if we ask to take a break or go to the bathroom."), everything - 10 ("good").

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: constricted
Orientation: oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family connectedness; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/03/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 12/27/2019

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Homework check in: none assigned last session.

Therapy activity: engaged in psychoeducation regarding the therapy process, and TF-CBT, specifically. Read the book, "A Terrible Thing Happened." Related Bryson's experiences to the book character, Sherman, and also related the therapy process described in the book to the TF-CBT model of treatment that he can expect with this therapist. Provided an orientation to the TF-CBT workbook, with preparation for next session's workbook work (rapport building activities to get to know you, your family, and describe how you are feeling about coming to therapy).

Therapy activity: child-centered play therapy (developing self and emotional regulation skills, executive functioning skills, social skills, and engaging in emotional expression through child-directed play and communication). Bryson engaged in exploratory play with the vehicles on the road rug (setting up a race course), followed by expressive play with dragons (involving conflict and friendship).

Bryson transitioned well to the clean up time and the end of session.

SRS (Session Rating Scale): listening - 10, how important - 10, what we did - 10, overall - 10.

PLAN: Plan for next session
Homework: none assigned

Next session: 01/03/20. TF-CBT workbook - rapport building activities to get to know you, your family, and describe how you are feeling about coming to therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Media

Scan on 12/27/2019 2:14 PM by Tracy Jerome: 2019-12-27 Medical Records subpoena CNM

Orders Placed

None

Medication Changes

As of 12/27/2019 2:20 PM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

Huber, Bryson Way

MRN: 3294373

Clinical Support 1/3/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/3/2020 10:00 AM • Signed

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 1/3/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — **ICD-10-CM F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — ICD-10-CM F84.0		
Telephone: 208-780-9705	Start Time: 10:00am	Stop Time: 10:45am	Total Time: 45 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 3		
GOALS AND OBJECTIVES			

TREATMENT PLAN

Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

Background Needs	History of trauma, developmental (ASD diagnosis)
Useful Strengths:	Family, educational setting

Strengths to Build:	Coping and savoring skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: mother reported no significant events/changes since last session. Continues to present with PTS symptoms, continues to struggle socially at school ("he doesn't have any friends at school").
12/27/19: ORS (Outcomes Ratings Scale): me - 10 ("good"), family - 10 ("good"), school/friends - 4 ("good," "my music teacher is mean - she doesn't like it if we ask to take a break or go to the bathroom."), everything - 10 ("good").
1/3/20: ORS (Outcomes Ratings Scale): Bryson pointed to the happy face, stating, "good," and that he enjoyed "hanging out" and being on break from school this past week.

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: constricted
Orientation: oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family connectedness; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/10/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 01/03/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Homework check in: none assigned last session.

Met with mom briefly to review and sign the treatment plans. She took copies and a copies were scanned to the chart.

Therapy activity: TF-CBT workbook - rapport building activity to describe how he is feeling about coming to therapy ("welcome to therapy"). Bryson described feeling "good" about coming to therapy. He stated, "I feel good about being here today. I like being here in therapy, because there are a lot of toys that I wish I had. Therapist is really great for little kids and big kids. People like counselors can help them, so they don't have a hard time."

Therapy activity: child-centered play therapy (developing self and emotional regulation skills, executive functioning skills, social skills, and engaging in emotional expression through child-directed play and communication). Bryson engaged continuously throughout session in some fine motor/expressive play with pipe cleaners and beads, describing how he likes "building things" and was building a "dinosaur." He then described several "facts" he knows about dinosaurs. as well as about different kinds of fish. While playing, I [redacted]y," and he talked about "scary strings" in Waylon's garage that he didn't like.

SRS (Session Rating Scale): Bryson drew a picture of a smiling face with teeth. "I feel happy."

PLAN: Plan for next session

Homework: none assigned

Next session: 01/10/20. Continue with TF-CBT workbook and play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/3/2020 10:52 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

Huber, Bryson Way

MRN: 3294373

Clinical Support 1/17/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/17/2020 10:00 AM • Signed

Discussed with supervisor, Travis Haase, LCPC, the issue of referral for follow-up CARES interview. Travis recommended getting a copy of the previous CARES interview to review before determining if a follow interview would be indicated. Travis clarified that a referral for a CARES interview must either come from CPS or law enforcement, and that, if one is needed in the future, the most likely route for recommending it would be through CPS.

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/17/2020 10:00 AM • Addendum

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 1/17/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — F84.0		
Telephone: 208-780-9705	Start Time: 10:00 am	Stop Time: 10:45am	Total Time: 45 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			

Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker	

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 4

GOALS AND OBJECTIVES

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated)	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO

8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.			

Background Needs	History of trauma, developmental (ASD diagnosis)
Useful Strengths:	Family, educational setting
Strengths to Build:	Coping and savoring skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: mother reported no significant events/changes since last session. Continues to present with PTS symptoms, continues to struggle socially at school ("he doesn't have any friends at school").
12/27/19: ORS (Outcomes Ratings Scale): me - 10 ("good"), family - 10 ("good"), school/friends - 4 ("good," "my music teacher is mean - she doesn't like it if we ask to take a break or go to the bathroom."), everything - 10 ("good").
1/3/20: ORS (Outcomes Ratings Scale): Bryson pointed to the happy face, stating, "good," and that he enjoyed "hanging out" and being on break from school this past week.
1/17/20: ORS (Outcomes Ratings Scale): Bryson pointed to/drew the following face: smiling. He stated that he felt "happy" to be feeling better. Last week, he was "throwing up" sick.

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: constricted
Orientation: oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family connectedness; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/24/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):

No flowsheet data found.

Columbia:
Encounter Date: 01/17/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Homework check in: none assigned last session.

Treatment plan objective(s) targeted for today's session:
1. Bryson will show a decrease in his PTS intensity score to within the normal range

Therapy activity: TF-CBT workbook - rapport building activities ("about you" and "about your family"). Bryson again chose to engage verbally with the therapist in response to the question prompts for the therapy activity, rather than doing some drawing/writing of his own. He explored his strengths (creativity, "I am good at learning," "I am good at math," "I am good at cutting with scissors and playing with toys") and interests ("I love to hang out with other people," "I love to hang out with my mom or dad on school days"). He explored his family's strengths and interests ("I like how my family is nice to me," "They take care of you," "We like to hang out and watch shows and stuff," "We like to eat pancakes at a restaurant."). Discussed with Bryson what to expect regarding next session's therapy activity: psychoeducation regarding trauma and about childhood sexual abuse, specifically.

Therapy activity: child-centered play therapy (developing self and emotional regulation skills, executive functioning skills, social skills, and engaging in emotional expression through child-directed play and communication). During the therapy activity, Bryson immediately got to work with some play therapy (even as he talked and listened), getting out aggression toys (dinosaurs, dragons) and creative materials (pipe cleaners) and then constructing his own, dinosaur-like creations. His creations has very long tails which he used with a whipping motion to attack and defeat other creatures, and then it went searching in the doll house for a boy figure who repeatedly tried to hide from it (under the bed, inside a cupboard). He made more creations that fought with each other. One of them finally did extract the boy from the house and took him over to the couch. Bryson transitioned well at stop and clean up time. Play was predominantly imaginative and aggression-related.

SRS (Session Rating Scale): Bryson pointed to/drew the following face: smiling. "I like being here."

Met after session with mom and discussed meeting jointly as a family for the psychoeducation therapy activity next session, and then breaking out for individual play therapy. Mom agreed to this plan. Mom also gave instructions for CARES referrals - a referral must come either from CPS or law enforcement to completed a CARES interview.

PLAN: Plan for next session

Homework: none assigned

Next session: 01/24/20. Continue with TF-CBT workbook (psychoeducation regarding trauma) and play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/17/2020 10:58 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

Huber, Bryson Way

MRN: 3294373

Clinical Support 1/24/2020
St. Luke's Children's - Mental Health - Meridian

Provider: Annie G. Prince, Licensed Clinical Social Worker (Social Worker)
Primary diagnosis: PTSD (post-traumatic stress disorder)
Reason for Visit: Referred by Christie A. Julian, MD

Progress Notes

Annie G. Prince, Licensed Clinical Social Worker (Licensed Clinical Social Worker) • Social Worker • 1/24/2020 10:00 AM • Addendum

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	**BILLING INFORMATION**		
Patient Name: Bryson Way Huber	Date of Service: 1/24/2020		
Birth Date: 5/8/2012	Principle Dx: 1. **PTSD (post-traumatic stress disorder)** — ICD-10-CM **F43.10** 2. Autism spectrum disorder requiring substantial support (level 2) — F84.0		
Telephone: 208-780-9705	Start Time:10:00 am	Stop Time: 10:45am	Total Time: 45 min
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S - MENTAL HEALTH - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Annie G. Prince, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 5

GOALS AND OBJECTIVES

A0732

TREATMENT PLAN			
Treatment Target Needs:	1. PTS symptoms: adjustment to trauma, emotional and physical regulation issues, poor attention, impulsivity, sleep problems, anxiety. 2. Social skills impairment, due to ASD.		
Anticipated Outcomes	1. Bryson will show a decrease in his PTS intensity score to within the normal range. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range. 2. Bryson will be able to make friends and engage in age appropriate social skills		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma. Bryson will make at least one friend.		
Describe concrete/ measurable objectives: 1. Bryson will show a decrease in his PTS intensity score to within the normal range 2. Bryson will show decreases in his internalizing, attention, and externalizing subscales scores of the PSC-17 to within the normal range 3. Bryson's mother will learn 3 skills/strategies for behavior management 4. Bryson will learn 3 skills in relaxation and mindfulness 5. Bryson will learn 3 skills for physical and emotional self regulation 6. Bryson learn safety skills 7. Bryson will be able to think and talk about traumatic memories/experience reminders of trauma and be able to cope effectively with the distress (without becoming severely dysregulated) 8. Bryson will engage in a 12-week social skills group at this clinic to develop social skills to use in making and keeping friends.	**Date Initiated: 12/13/19**	**Target Completion Date:** 12/13/20	**Objective Completed** ☐Yes ☐NO
Background Needs	History of trauma, developmental (ASD diagnosis)		
Useful Strengths:	Family, educational setting		

Strengths to Build:	Coping and savoring skills, resilience

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

12/13/19: mother reported no significant events/changes since last session. Continues to present with PTS symptoms, continues to struggle socially at school ("he doesn't have any friends at school").
12/27/19: ORS (Outcomes Ratings Scale): me - 10 ("good"), family - 10 ("good"), school/friends - 4 ("good," "my music teacher is mean - she doesn't like it if we ask to take a break or go to the bathroom."), everything - 10 ("good").
1/3/20: ORS (Outcomes Ratings Scale): Bryson pointed to the happy face, stating, "good," and that he enjoyed "hanging out" and being on break from school this past week.
1/17/20: ORS (Outcomes Ratings Scale): Bryson pointed to/drew the following face: smiling. He stated that he felt "happy" to be feeling better. Last week, he was "throwing up" sick.
1/24/20: ORS (Outcomes Ratings Scale): Bryson pointed to/drew the following face: "happy" - "I had a happy day today. I am doing good in school." His mother expressed pride in him for doing well at school, and he responded with happiness to her.

OBJECTIVE:

Mental Status
Mood: anxious and appropriate to circumstances
Affect: constricted
Orientation: oriented 3x - person, place, situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: family connectedness; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: Follow-up scheduled: 01/31/20

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.

Columbia:
Encounter Date: 01/24/2020

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.

No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Discussed with mom the recommendation that the therapist first review the previous CARES forensic interview records before determining if a follow up interview would be indicated. Mom signed a ROI for the CARES clinic records. Met together with mom for the psychoeducation portion of the session. Met individually for the child-centered play therapy work.

Treatment plan objective(s) targeted for today's session:
1. Bryson will show a decrease in his PTS intensity score to within the normal range

Therapy activity: psychoeducation regarding trauma and trauma treatment. TF-CBT workbook - "Learning About Upsetting/Confusing Events," "Sexual Abuse Psychoeducation for Children. " Discussed what sexual abuse is (definition), who it happens to how, how kids feel, that it is never the child's fault, and that kids should always tell a trusted adult about it. Read the book, "A Very Touching Book," which introduces the concepts of "good touch, bad touch, and secret touch," teaches the difference between safe and unsafe secrets, teaches anatomical names for private body parts, and teaches empowerment and safety skills that children have the right to have safety in their bodies, the right to say "no" and that they should tell a trusted adult about secret touching. Bryson engaged actively in the psychoeducation, asking some questions, responding to questions, and listening intently. He also leaned into his mother for comfort and support during this activity.

Therapy activity: child centered play therapy (developing skills in self/emotional regulation, competence and confidence building and expressing feelings through child-directed play and communication). Bryson engaged in creative work with pipe cleaners, and then transitioned to playing with his kitchen whisk (brought from home) and dragons and knights and one horse. He played that the whisk battled and defeated the dragons and knights, repeating that several times. He then put the toys away and engaged in play with the sand tray. He put the large rock mountain in, sprinkled it with some sand, and then added the large octopus, burying it with sand. He added a few rocks, then played that the octopus was slowly working its way out of the sand. When session play time was up, he re-buried the octopus and then put a lid on the sand tray.

SRS (Session Rating Scale): Bryson drew a picture of the following face: "happy."

Met with mom after session. Reviewed what to expect for next session: psychoeducation regarding trauma - domestic violence. Confirmed next scheduled appointment.

PLAN: Plan for next session

Next session: 01/31/20. Continue with TF-CBT workbook (psychoeducation regarding trauma) and play therapy.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Annie G. Prince, Licensed Clinical Social Worker

Provider signature/credential(s)

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

None

Medication Changes

As of 1/24/2020 10:55 AM

None

Visit Diagnoses

PTSD (post-traumatic stress disorder) F43.10
Autism spectrum disorder requiring substantial support (level 2) F84.0

PEDIATRIC COMPREHENSIVE DIAGNOSTIC ASSESSMENT & TREATMENT PLAN

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 7/30/2019		
Birth Date: 5/8/2012	Primary Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 10:00	Stop Time: 10:55	Total Time: 55 minutes
ASSIGNMENT	**Service:** Initial CDA Assessment 90791 **Add on codes:** N/A **Type of Contact:** Face-to-Face Contact with Client and Family		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670 Referred by: Christie A. Julian, MD 1072 N Liberty St Suite 203 Boise, ID 83704			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT: Initial Assessment & Treatment Plan		
ORIGINAL CDA DATE: 7-30-19	**ANNUAL ASSESSMENT DATE:** 7-30-20	**90 DAY REVIEW DATE: 10-30-19**

PRESENTING PROBLEM: Current presentation and brief description of the problem.

Bryson Way Huber is a 7 y.o. male who is seeking treatment at this clinic for anxiety, emotional dysregulation, deficits in social skills and communication skills, separation anxiety. Pt diagnosed with ASD in the past year, [redacted]

PSYCHIATRIC REVIEW OF SYSTEMS: Psychiatric/Mental Health challenges including onset, trigger, duration, frequency, and severity of symptoms. Functional Effects of presenting challenge. Depression assessment. Suicide/homicide assessment. Other symptoms assessed.

Trigger Event & Onset

[redacted], Mom leaving room, or going places without him, sister not sleeping in same room-

Symptoms & Severity

- **Depressive Symptoms:** N/A
- **Manic Symptoms:** N/A
- **Psychotic Symptoms:** N/A
- **Anxiety Symptoms:** excessive anxiety/worry, difficulty controlling worry, irritability, sleep disturbance, difficulty concentrating, restlessness, fearful to separate, distress when separated, worry about parents and something happening to them and desire for sameness
- **ADHD Symptoms:** inattention, distractibility, impulsivity, loses temper and defiant
- **Autism Symptoms:** failure to develop peer relationships appropriate to development level, lack of social or emotional reciprocity and language delay
- **Sleeping Habits:** denied

PAST PSYCHIATRIC HISTORY: List previous treatment dates, name of provider, therapeutic intervention and response, previous suicidal or homicidal behavior (including dates and methods of lethality) source of clinical data, relevant family psych information, and previous consultation/evaluation records.

Psychiatric/Mental Health Treatment History

Prior Treatment History (Who/When/Where/Outcome of Tx):
Yes Mental Health Therapy with Sidra Beckett 1/2017-7/2017
4/2018-7/2018
Children's play therapy house with Jackie - not sure of dates
Has received OT and SLP at St Luke's Children's Rehab Meridian. Recently discharged from OT with Ann Short.

Family Psychiatric History

Father - alcohol and drugs, anxiety, depression, panic attacks
Mother - anxiety, Depression, OCD, Panic attacks
Sister - ADHD
Great uncle - schizophrenia

SUBSTANCE ABUSE HISTORY: For patients 10 and older, a substance abuse screening occurs. Documentation includes past, present alcohol and/or illicit drugs, use of over-the-counter medications, nicotine use, and caffeine use. When an active substance abuse challenge is identified, documentation shows the patient is referred to complete the Global Appraisal of Individual Needs-I (GAIN-I).

Child / Family Substance Use & Problem Gambling History

No concerns of substance abuse are reported. for pt, but history of dad substance abuse
Is referral needed: No

Tobacco Use and Pack Year History: No and The patient denies current or previous tobacco use.

Never Smoker

Never Used

MEDICAL HISTORY: Relevant medical conditions are listed, prominently identified and revised as appropriate in the treatment record. Medical hx includes dates and providers of previous tx, current PCP and/or other treating providers, patients known allergies, and family medical hx.

Medical History/Allergies:

- Asthma
- Autism

Current Medications:

• albuterol (PROVENTIL HFA;VENTOLIN HFA) 90 mcg/actuation inhaler	Inhale 2 puffs into the lungs every 6 (six) hours as needed for Wheezing.
• beclomethasone (QVAR) 40 mcg/actuation inhaler	Inhale 1 puff into the lungs 2 (two) times daily.

No current facility-administered medications for this visit.

PCP: Christie A. Julian, MD

Family Medical History:

• ADD / ADHD	Mother	

REVIEWED MEDICAL RECORDS: (Name of provider or agency / Date of the Record /Date Reviewed): Yes: Mental health records in EPIC

SOCIAL HISTORY: The psychosocial hx includes current living situation, primary supports, educational hx (include school, teacher, learning disabilities, grade performance, IEP, 504, school social/behavioral functioning), employment hx, legal hx, issues relevant to the patient's culture, race, religion/spirituality, ethnicity, age, and gender, sexual orientation, sexual hx including perpetrator or victim of abuse, trauma or abuse hx, and patient's interests/hobbies/recreational activities. Also list the absence of or utilization of community resources (support groups, social services, etc.).

Current Living Situation and Extended Environmental Systems (Include Financial & Housing)
Lives in a rental. They will be moving in 2 weeks and don't yet know where they will move to. Mom working toward certification in medical transcription and will finish soon. Finances are very tight and she is receiving assistance from LDS ward. Step-dad Justin is in jail due to probation violation, for the next year.Justin's brother Shane, 41, and his 12 year old son, have been living with the family. Also in the home is twin sister Brynlee and 10 month old Elliana.

Family and Relationships
Bio Dad Weylen lives in Winnemucca, NV. Currently no contact [redacted] Step-dad in jail for a year. Mom, Janea, has positive relationship with pt. Bryson has difficulty regulating emotions and will scratch or hit, use harsh words. Maternal grandma in the area. Pt mother in therapy trying to figure out whether or not to stay in current marriage which has had some serious problems including several infidelities on her husband's part.

Cultural and Spiritual Information
Mom joined LDS church about a year ago and the family is active.

Social Environment
Involved in church, not involved in community activities. Pt has difficulty with peers. Plays well initially but gets irritated when he cannot direct all the play.

Hobbies and Interests
Dinosaurs, godzilla, squishy toys, swimming.

Child / Family's Educational and/or Vocational
School Name: Prospect Elementary

Grade at: 2nd

Setting: Special Education

Academic Performance: good

Recent changes in school performance: denied

IEP/504 Plan: Yes - IEP for speech and developmental delay

Expulsions: denied

Suspensions: denied

Repeated a grade: denied

Trauma History & Impact on Child & Family
Yes: early childhood [redacted]

Adolescent Sexual Behavior History (12 and older only)
Denied

Child / Family Legal History
Denied

DEVELOPMENTAL HISTORY: Prenatal & Perinatal events, milestones, separation anxiety, reactive attachment, autism spectrum

33 week gestation, twin, weighed less than 2 lbs at birth and in NICU 5.5 weeks. Pt diagnosed with ASD August 2018. Current separation anxiety.

Gross Motor: Delayed: OT

Fine Motor: Delayed: OT

Language: Delayed: SLP

Social: Delayed: OT

Toileting: Delayed: currently independent

PSYCHOMETRIC TESTING

Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

CRAFFT
No flowsheet data found.

MENTAL STATUS EXAM: A thorough mental status exam is documented in the initial assessment documenting affect, speech, mood, thought content, judgment, insight, attention or concentration, memory, and impulse control at a minimum.

Appearance: dressed Appropriate for chronological age, dressed for season, setting, and occasion, neat and tidy, well groomed and casually dressed
Behavior: appropriate eye contact, calm and within normal limits
Psychomotor: within normal limits
Mood: euthymic
Affect: congruent
Thought Progression/Content: logical connections
Speech: normal amount, rate, rhythm, volume, prosody
Hallucinations: none
Delusions: none
Current Suicidal/Homicidal Ideation: no homicidal ideation, no suicidal ideation
Behavior List: Relatedness (to parents, examiner and attachment behaviors): separation issues with mom
Regulation State & Sensory Regulation: difficulty regulating emotions, cannot tolerate certain foods due to texture
Aggression: can become aggressive when upset
Frustration Tolerance: easily frustrated
Cognition: grossly intact

- Attention: alert
- Memory: within normal limits - WNL
- Estimated Intellectual Functioning: appears appropriate for age

Insight/Judgment: impaired insight
Orientation: oriented to person, place, time/date, situation and day of week
Attitude: friendly and open
Other Observations: No

RISK ASSESSMENT: SAFETY CONSIDERATIONS The record documents a risk assessment including the presence or absence of imminent risk of harm to self or others, suicidal ideation, homicidal ideation, or elopement potential. The record includes dates, method, and lethality of previous suicidal or homicidal behavior.

Risk Factors

☐ Current/History of suicidal or homicidal ideation, plan(s) or attempt(s):
☐ Current/History of self-inflicted bodily harm:
X Current/History of aggression toward persons, animals or property:
☐ Current/History of inability to provide for health and safety:
☐ Risks aggravated by substance abuse:
X Denies suicidal or homicidal ideation, intent or plan:
☐ Recently released from an institution:
☐ Medication Noncompliance:
☐ Recent loss (family, job, health freedom:
☐ Unemployed
☐ Homeless:
☐ Lack of support:
☐ Domestic Violence
☐ Other:

Protective Factors

X Denied suicidal or homicidal ideation, intent or plan:
X Religious affiliation:
X Family support:
☐ Motivated for treatment:
☐ Coping skills:
X Goal directed thinking or thought processing:
X No access to firearms:
☐ Other:

Suicide Risk Potential

☐ None X Low ☐ Moderate ☐ High

IS PROACTIVE SAFETY PLAN NEEDED: No due to minimal risk.
(include who provided clinical consultation with you)
Contact numbers for emergency:
Provisions for lethal means and access:
Social support contact identified:
Follow-up scheduled:

DIAGNOSTIC FORMULATION: Clinical formulation is present and provides clinically appropriate analysis of treatment issues, differential diagnosis, strategies and priorities

for treatment, prognosis, and addresses issues of non-compliance (if appropriate). The clinical formulation will include any psychometric used to justify DSM diagnostic criteria. The record contains a medical necessity statement including the following: that lack of treatment will result in increased impairment for patient, that services cannot be rendered at a lower level of care, and that not receiving treatment will result in further decompensation and a need for higher level of care. Include DSM5/ICD10 diagnosis, consistent with the presenting problem(s), history, mental status exam, differential diagnosis, and/or other assessment and other appropriate data.

Clinical Formulation:
Based on patient's presenting problem, the primary mental health diagnosis of **309.21(F93.0) Separation Anxiety Disorder** meets DSM 5 criteria as evidenced by symptoms and severity ofexcessive anxiety/worry, difficulty controlling worry, irritability, sleep disturbance, difficulty concentrating, restlessness, fatigue, fearful to separate, distress when separated, worry about parents and something happening to them, panic attacks and desire for sameness. The clinical focus of treatment will be emotional regulation, coping and advocacy skill building. Pt also meets criteria for ASD:

X A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history (examples are illustrative, not exhaustive, see text):
- ☒ 1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
- ☒ 2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
- ☒ 3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

☒ B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive; see text):
- ☒ 1. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
- ☒ 2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat food every day).
- ☒ 3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g, strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interest).
- ☒ 4. Hyper- or hyporeactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

Specify current severity:

☒ C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).

☒ D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.

☒ E. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level.

Pt meets criteria for PTSD:

stress at external triggers, recurrent intrusive distressing memories of event, avoidance of distressing memories, thoughts, feelings. Avoidance of external reminders. Reactivity: irritability, exaggerated startle response, concentration issues, sleep disturbance, anger outbursts, aggression, distorted cognitions, shame, fear.

Diagnosis:
Separation Anxiety Disorder (F93.0)
PTSD
Autism Spectrum Disorder, Level 2

Medical Necessity:
Patient Meets Medical Necessity: Patient requires services to address emotional and behavioral health condition in order to avoid de-compensation of health or require a higher level of care.

Issues Informing Treatment Considerations (Assets & liabilities that support or inhibit the recovery process, resources that the patient/family and/or their environment brings to the recovery process, readiness and motivation for treatment, & functional deficits). Mom very supportive, church community supportive, no contact with dad, step-dad in jail, financial and housing difficulties.

Level of Care (The intensity of services (how often) and the expected duration of treatment. Outline recommended treatment. Based on the above information these are the treatments or intervention that are recommended and the anticipated impact the treatment will have. Are there any interventions that should be avoided due to patient's situation?)

Low Intensity Community Based Services

Prognosis for Treatment: Given current circumstances what is the prognosis or level of motivation/engagement? fair

TREATMENT PLAN			
1st Priority Problem / Symptom:	Separation anxiety, trauma		
Patient's Goal(s) for Treatment:	Decrease anxiety, increase ability to separate from mom, work through trauma		
Describe concrete/ measurable objectives: Explore and begin to resolve issues related to history of abuse. 1. Share details of abuse with therapist during session as able. 2. Develop strategies to help cope with stressful memories	**Date Initiated:** /-39-19	**Target Completion Date:** 7-30-20	**Objective Completed** ☐Yes ☐NO

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANEA CALKINS, Appellant, vs. WAYLON HUBER, Respondent.	)	Case No. 83053 District Court Case No. CV 20464

Appeal from *Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order*, issued May 12, 2021
In the Sixth Judicial District Court, Humboldt County, Nevada

APPELLANT'S APPENDIX

VOLUME 4

BITTNER LEGAL, LLC
ELIZABETH M. BITTNER
Nevada Bar No. 9329
1225 Westfield Ave., Suite 7
Reno, NV 89509
Tel (775) 357-8733
Counsel for JENEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Docket 83053 Document 2021-27198

ALPHABETICAL INDEX OF DOCUMENTS IN APPENDIX

DOCUMENT	DATE	VOL.	PAGES
Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing" and Affidavit of Janae Huber in Support of Ex Parte Motion for Return of Minor Children	May 17, 2017	1	A0226-A0232
Affidavit of Janea Huber in Support of Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0285-A0288
Audio Transcription of Hearing	July 15, 2020	4	A0847-A0982
Case Appeal Statement	June 10, 2021	5	A1085-A1088
Delivery of Affidavit	May 11, 2017	1	A0195-A0197
Discharge of Attorney and Substitution in Propria Persona	February 1, 2018	2	A0403-A0404
Emergency Ex Parte Motion to Change Custody	May 24, 2019	1	A0537-0549
Emergency Noticed Motion to Suspend Visitation and Request For Expedited Hearing	May 9, 2017	1	A0117-A0141
Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0103-A0112
Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0047-A0053
Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0060-A0077
Ex Parte Motion For Order Shortening Time	May 9, 2017	1	A0142-A0170
Ex Parte Motion For Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion	May 9, 2017	1	A0171-A0190

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Ex Parte Emergency Motion to Suspend Visitation	June 9, 2017	1	A0269-A0280
Ex Parte Motion to Compel	May 16, 2018	2	A0410-A0413
Ex Parte Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0468-A0480
Ex Parte Motion to Produce Children and Grant Third-Party Custody Pending Reunification	June 26, 2019	4	A0795-A0819
Ex Parte Request for Submission	June 26, 2019	4	A0820
Findings of Fact, Conclusions of Law and Decree of Divorce	April 1, 2016	1	A0001-A0004
Marital Settlement Agreement	March 21, 2016	1	A0005-A0031
Memorandum of Costs and Fees	May 23, 2017	1	A0233-A0239
Minutes (May 4, 2017 hearing)	May 4, 2017	1	A0096-A0097
Minutes (June 22, 2017 hearing)	June 22, 2017	2	A0352-A0353
Minutes (January 5, 2018 hearing)	January 5, 2018	2	A0397-A0399
Minutes (March 30, 2018 hearing)	March 30, 2018	2	A0405-A0409
Minutes (October 24, 2018 hearing)	October 24, 2018	2	A0418
Minutes (November 20, 2018 hearing)	November 20, 2018	2	A0422-A0424
Minutes (February 26, 2019 hearing)	February 26, 2019	2	A0458
Minutes (March 14, 2019 hearing)	March 14, 2019	2	A0459
Minutes (November 26, 2019 hearing)	November 26, 2019	3	A0566
Minutes (February 27, 2020 hearing)	February 27, 2020	4	A0781-A0785
Minutes (July 15, 2020 hearing)	July 15, 2020	4	A0843-A0846

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Motion for Change of Custody	March 8, 2021	5	A1011-A1024
Motion for Change of Custody	April 12, 2021	5	A1025-A1032
Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent	May 26, 2021	5	A1078-A1079
Motion to Change Location of Therapeutic Reunification	August 15, 2019	3	A0551
Motion to Continue Hearing	July 13, 2020	4	A0832-A0834
Motion to Enforce Divorce Decree and Motion to Modify Custody due to Change in Circumstance	August 16, 2019	3	A0553-A0554
Motion to Lift Restriction of Husband	January 23, 2019	2	A0434-A0435
Motion to Modify Custody and Related Relief	January 23, 2019	2	A0436-A0443
Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0481-A0493
Motion to Reopen Discovery	January 23, 2019	2	A0444-A0445
Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing"	May 16, 2017	1	A217-A0225
Motion to Strike Father's May 5, 2017 Request for Submission	May 23, 2017	1	A0240-A0242
Motion to Vacate and Reschedule Hearing	November 22, 2019	3	A0560-A0562
Motion to Withdraw as Attorney of Record	January 23, 2019	2	A0446-A0447
Motion to Withdraw as Counsel (Carucci)	September 13, 2017	2	A0372-A0376
Non-Opposition to Motion to be Relieved as Counsel	September 13, 2017	2	A0377-A0378
Notice of Appeal	June 10, 2021	5	A1089-A1099

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Notice of Appearance (Dolan Law, LLC)	May 12, 2020	4	A0793-A0794
Notice of Appearance (Maddox)	April 28, 2017	1	A0082-A0083
Notice of Appearance of Counsel (Carucci)	April 24, 2017	1	A0079-A0081
Notice of Appearance of Counsel (Evenson)	January 29, 2018	2	A0400
Notice of Entry of July 1, 2020 Order	July 2, 2020	4	A0825-A0831
Notice of Entry of Order	July 24, 2020	5	A0983-A0997
Notice of Entry of Order	May 12, 2021	5	A1066-A1075
Notice of Expert Witness	June 15, 2017	2	A0327-A0342
Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0386-A0387
Notice of Intent to Appear by Telephonic Transmission Equipment	June 16, 2017	2	A0343-A0345
Notice of Hearing	December 5, 2017	2	A0392-A0393
Notice of Hearing	January 31, 2018	2	A0401-A0402
Notice of Witnesses (Maddox)	April 28, 2017	1	A0084-A0086
Notice of Witnesses (Maddox)	June 16, 2017	2	A0346-A0348
Opposition To Father's "Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	1	A0243-A0246
Opposition to Mother's Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0289-A0307
Opposition to Mother's Motion to Change Custody and Cross Motion for Permanent Custody Order	May 3, 2021	5	A1038-A1053

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Opposition to Motion to Continue Hearing	July 14, 2020	4	A0835-A0842
Opposition to Plaintiff's Memorandum of Costs and Fees	June 5, 2017	2	A0263-A0268
Order	November 21, 2018	2	A0425-A0427
Order	February 8, 2019	2	A0456-A0457
Order	March 15, 2019	2	A0460-A0463
Order	November 22, 2019	3	A0563-A0565
Order	March 6, 2020	4	A0786-A0792
Order After Hearing	November 30, 2018	2	A0428-0430
Order After May 4, 2017 Emergency Hearing	June 16, 2017	2	A0349-A0351
Order After Mediation	December 9, 2019	3	A0570-A0572
Order Allowing Withdrawal of Counsel for Respondent	September 14, 2017	2	A0381
Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	May 10, 2021	5	A1058-A1065
Order Denying Request for Hearing	October 24, 2017	2	A0384-A0385
Order Granting Immediate Custody of Children	April 14, 2017	1	A0054-A0056
Order Modifying Temporary Custody of Two Minor Children and Other Related Matter	July 24, 2020	5	A0998-A1010
Order Regarding Improper Service	April 22, 2021	5	A1035-A1037
Order Scheduling Mediation and Hearing Dates	December 9, 2019	3	A0567-A0569
Order Suspending Visitation	June 9, 2017	2	A0281-A0282

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Order Suspending Visitation	July 3, 2017	2	A0369-A0371
Order to Immediately Produce Minor Children to Court and Notice of Expedited Hearing RE: Custody	July 1, 2020	4	A0821-A0824
Order to Show Cause	November 2, 2018	2	A0419-A0421
Order to Submit "Motion to Change Custody due to Change in Circumstance"	April 23, 2019	3	A0510
Order to Submit Emergency Ex Parte Motion to Change Custody	May 24, 2019	3	A0550
Order to Submit Ex Parte Motion to Modify Custody due to Change in Circumstance	January 24, 2019	2	A0448
Order to Submit Uncontested "Motion to Change Location of Therapeutic Reunification"	September 3, 2019	3	A0557
Plaintiff's Motion in Limine	February 20, 2020	3	A0574-A0575
Pre-Hearing Statement	February 20, 2020	3	A0576-A0580
Proof of Payment	December 31, 2018	2	A0431-A0432
Proof of Personal Service	June 22, 2017	2	A0354-A0358
Proof of Service	May 16, 2018	2	A0414-A0415
Proof of Service	February 1, 2019	2	A0449-A0450
Proof of Service	March 25, 2019	2	A0494-A0495
Proof of Service	April 23, 2019	3	A0511-A0512
Proof of Service	August 15, 2019	3	A0552
Proof of Service	December 23, 2019	3	A0573

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Proof of Service	February 20, 2020	3	A0581
Proof of Service	March 15, 2021	2	A0464-A0465
Proof of Service	April 12, 2021	5	A1033
Proof of Service	May 5, 2021	5	A1054-A1056
Proof of Service	May 26, 2021	5	A1080-A1081
Proof of Service (Motion to Enforce Divorce Decree)	August 16, 2019	3	A0555
Proof of Service (Motion to Modify Custody due to Change in Circumstance)	August 116, 2016	3	A0556
Proof of Service for Request for Submission	June 9, 2021	5	A1082-A1083
Proof of Service for Supplement to Motion to Modify Custody	May 7, 2019	3	A0519
Proof of Service for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0583
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0057-A0058
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0078
Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0039-A0044
Reply in Support of Motion to Modify Custody due to Change in Circumstances	April 23, 2019	3	A0513-A0518
Reply To Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing	May 23, 2017	I	A0247-A0251
Reply to Motion to Lift Restriction on Husband	February 1, 2019	2	A0451

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Reply to Motion to Modify Custody and Related Relief	February 1, 2019	2	A0452
Reply to Motion to Reopen Discovery	February 1, 2019	2	A0453
Reply to Opposition for Motion for Order to Show Cause for Order Regarding Defendant's Consent to Obtain Passports	July 19, 2021	5	A1122-A1124
Reply To Opposition To Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion For Return of Minor Children; and Opposition To Mother's Emergency Motion to Suspend Visitation	May 11, 2017	1	A0198-A0216
Reply To Opposition To Fathers Motion To Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 25, 2017	2	A0256-A0260
Request for Hearing	October 17, 2017	2	A0382-A0383
Request for Hearing	November 9, 2017	2	A0388-A0389
Request for Hearing	January 4, 2019	2	A0433
Request for Hearing	May 17, 2019	3	A0535-A0536
Request for Submission of "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	2	A0252-A0253
Request for Submission of Defendant's "Ex Parte Motion For Return of Minor Children: Opposition To Father's May 8, 2017 Ex Parte Motion"	May 9, 2017	1	A0193-A0194

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission of Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0113-A0114
Request for Submission of Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0059
Request for Submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce	May 8, 2017	1	A0115-A0116
Request for Submission of Ex Parte Emergency Motion to Suspend Visitation	May 9, 2017	2	A0283-A0284
Request for Submission of Ex Parte Motion To Shorten Time	May 9, 2017	1	A0191-A0192
Request for Submission of Memorandum of Costs and Fees and Order For Attorney Fees	May 23, 2017	2	A0254-A0255
Request for Submission of Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion To Suspend Visitation and Request For Expedited Hearing	May 25, 2017	2	A0261-A0262
Request for Submission of Motion to Withdraw as Counsel	September 13, 2017	2	A0379-A0380
Request for Submission of Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0390-A0391
Request for Submission of "Order After May 4, 2017 Emergency Hearing"	June 15, 2017	2	A0316-A0326
Request for Submission of the Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0045-0046
Request for Submission	June 15, 2018	2	A0417
Request for Submission	April 12, 2021	5	A1034
Request for Submission	May 5, 2021	5	A1057
Request for Submission	June 9, 2021	5	A1084

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission for Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0498
Request for Submission for Supplement to Motion to Modify Custody	May 7, 2019	3	A0520
Request for Submission for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0582
Request for Submission of Ex Parte Motion	May 16, 2018	2	A0416
Request for Submission of Ex Parte Motion to Change Custody	March 25, 2019	3	A0496-A0497
Request for Submission of Second Supplement for Ex Parte Motion to Change Custody	March 29, 2019	3	A0509
Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees	June 13, 2017	2	A0308-A0315
Second Supplement to Ex Parte Motion to Change Custody	March 29, 2019	3	A0504-A0508
Subpoena (Dunkhorst) with Acceptance of Service	April 28, 2017	1	A0093-
Subpoena Duces Tecum	March 29, 2019	3	A0504-A0508
Subpoena Duces Tecum (DCFS) with Acceptance of Service	April 28, 2017	1	A0087-A0092
Subpoena (DCFS)	December 29, 2017	2	A0394-A0396
Subpoena To Appear and Testify (Ochoa)	June 22, 2017	2	A0364-A0368
Subpoena To Appear and Testify (Schmelling)	May 4, 2017	1	A0098-A0102
Subpoena To Appear and Testify (Schmelling)	June 22, 2017	2	A0359-A0363
Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0499-A0503
Supplement to Motion to Modify Custody	May 7, 2019	3	A0521-0534

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Supplement to Pre-Hearing Statement	February 24, 2020	3	A0584-A0744
Supplement to Pre-Hearing Statement (continued)	February 24, 2020	4	A0745 A0780
Withdrawal of Attorney (Dolan Law, LLC)	May 25, 2021	5	A1076-A1077
Withdrawal of Attorney (Manson)	June 23, 2016	1	A0035-0038
Withdrawal of Counsel (Whitehead)	April 11, 2016	1	A0032-A0034

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Decrease anxiety symptoms by 50%. 1. Learn 5 new coping skills for anxiety. 2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.			

2nd Priority Problem / Symptom:	Emotional dysregulation		
Patient's Goal(s) for Treatment:	Better ability to manage emotions		
Describe concrete/ measurable objectives: **Increase ability to identify various emotions.** 1. In session, learn the meaning of various emotions and practice expressing them verbally. 2. Express feelings verbally at home and school rather than whine or cry. 3. Turn to adult for help when feeling sad, angry or negative feelings.	**Date Initiated:** 7-30-19	**Target Completion Date:** 7-30-20	**Objective Completed** ☐Yes ☐NO

Service Type	Intervention/Modality	Length, Frequency & Duration	Professional Responsible
X Individual Therapy	Play, CBT, narrative, art	45 minutes/4 x a month/1 year	Lenore S. Smith, Licensed Clinical Social Worker
☐Group Therapy			
X Family Therapy	Solution focused, psychoeducation	45 minutes/1 x a month/1 year	Lenore S. Smith, Licensed Clinical Social Worker

DISCHARGE

Discharge Criteria Patient will be discharged when: (Check any or all that apply)	**After Care Plan:**
x Patient has achieved the above mentioned treatment goals judged to be necessary in order to be discharged from treatment and has an identified relapse plan: *or* x Patient's symptoms and level of functioning have improved to the point that he or she does not require psychotherapy sessions to maintain improved level of functioning: *or* x Patient's clinical condition has become such that he or she requires a higher level or intensity of care: *or* x Patient demonstrates lack of motivation to participate in the agreed-upon treatment plan of care as assessed by poor record of attendance at scheduled therapy sessions, non-compliance with treatment plan, no follow-through with referrals to community-based support groups, and noncompliance with pharmacotherapy: *or*	Patient will follow recommendations given by therapist and other treatment providers for ongoing stability and functioning. Patient will return to services as needed if negative symptoms become unmanageable and debilitating.

☐ Other:

DISPOSITION

☐ No further action required at this time and referral will be closed.
- ☐ Patient does not meet criteria for MH services.
- ☐ Referring provider was contacted of the disposition.
- ☐ Patient &/or legal guardian was informed of the disposition.

x An appointment for a follow up:
- ☐ will be scheduled
- x has been scheduled Date & Time: 8-6-19 at 9am

☐ Records have been requested from the following agencies or providers:

PATIENT'S INFORMED CONSENT FOR TREATMENT

☐ *My clinician has explained the treatment procedures described in this plan, including the potential benefits and risks for treatment, and I agree with this plan for treatment.*

☐ *My rights and responsibilities as a client of St Luke's Behavioral Health have been explained to me, and I understand that my protected health information will be disclosed only on a need-to-know basis for purposes of coordinating my treatment by St Luke's Behavioral Health staff, for obtaining payment, and for internal healthcare operations, and that my protected health information will not be disclosed to anyone who is not a member of my treatment team without my signed authorization, except as required by law.*

☐ *I have discussed with this patient (or his or her legal representative) that medical records will be shared with his/her medical provider (through the EMR) to coordinate their care.*

☐ *I understand that the emergency mental health crisis plan would be to call* St. Luke's Children Center for Neurobehavioral Medicine during business hours at 208-381-5970 *or if after hours you will be directed to contact St. Luke's Connect Line. If at any time you need immediate assistance contact 911 or visit your nearest emergency department. Additionally, OPTUM IDAHO provides a 24 hour crisis response support at 855-202-0973.*

☐ *I have reviewed and offered a signed copy of the Professional Counseling and Marriage and Family Consent to the patient (and his or her legal representative).*

☐ *I was offered a copy of my Behavioral Health Treatment Plan but declined a copy of it.*

By signing treatment plan, patient acknowledges agreement with treatment plan.

Patient Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PATIENT / PARENT / LEGAL GUARDIAN REVIEWING TREATMENT PROGRESS

☐ *I have been actively involved in my / my child's treatment plan and agree to the ongoing plan for treatment*

☐ *I was offered a copy of my Mental Health Treatment Plan Review but declined a copy of it.*

Patient (14 years & Older) Signature: Signature Date:

Parent / Legal Guardian Signature: Signature Date:

SIGNATURE OF PROVIDER

By signing electronically below I acknowledge that the above information to be accurate to the best of my knowledge. I have reviewed and approve Assessment.

Signed electronically by: Leriore S. Smith, Licensed Clinical Social Worker

Behavioral Health Clinical Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 8/20/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:00	Stop Time: 9:50	Total Time: 50 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 1		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Mom requests that therapist write a letter to Judge in NV with recommendation concerning visitation with pt father.
Mom reports that pt verbalizing a lot of aggressive statements.
School starts next Monday.
Family is moving into a rental home this weekend.

OBJECTIVE:

Mental Status
Mood: friendly, but at times angry
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play, art: Play session to establish comfort and trust. Therapist asked pt to draw a picture of his family. He drew Uncle Shane (who currently lives with them), mom, self, sister Brynlee, and baby Eliana. All were smiling. When asked to draw biological father Waylon, pt drew himself very large compared to Waylon. Waylon lying on the ground [redacted], and pt stated [redacted] and his next picture was bones. Then a drawing of his grave, [redacted] Then a picture of Ruby, his daughter, with a smile on her face. As pt played, we talked about school starting, his frustration that Miss Kim (his para) is mean because she wants him to do his work when he wants to play. Pt played with the dollhouse, with family dolls and plastic bugs. Themes of violence, killing. Pt was cooperative, very verbal in expressing anger through his play.

PLAN: Plan for next session

Therapist to complete letter to judge recommending no visitation with dad at this time. Feelings.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 8/27/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:05	Stop Time: 9:34	Total Time: 29 minutes
ASSIGNMENT	**Service**: Individual 30 min 90832 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 2		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems
School started. Family moved to new rental home.

OBJECTIVE:

Mental Status
Mood: friendly, but at times angry
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and therapeutic relationship building: Focus today on school. Pt described teacher, some classmates. Teacher is "so nice" and "no more Miss Kim." Para was changed to a different one due to pt objection of working with her and stating she's mean and doesn't like him. Mom arranged a change and pt is much happier. Pt states he likes having sister in class. Talked about several classmates and what they enjoy doing at recess and lunch. Pt talked about new home, states he likes it.

PLAN: Plan for next session

Pt story

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 9/3/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:05	Stop Time: 9:34	Total Time: 29 minutes
ASSIGNMENT	**Service:** Individual 30 min 90832 **Add on codes:** N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 3		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

School started. Family moved to new rental home. Acquaintance children now being fostered by pt mother. Ages 13, 9.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent

Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and therapeutic relationship building: Pt talked about the changes in the family adding two girls as foster children. He states "Their mom was mean and hurt them [redacted]" referring to his dad. He expressed fears that he would have to go [redacted] We were able to process some of those feelings. He agreed that his house is safe for those girls, and it is also safe for him. Pt very engaged in session and expressing feelings.

PLAN: Plan for next session

Pt story using puppets or family figures.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 9/10/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:13	Stop Time: 10:00	Total Time: 47 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 4

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.

Explore and begin to resolve issues related to history of abuse.

1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories

Decrease anxiety symptoms by 50%.

1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.

Increase ability to manage emotions

Increase ability to identify various emotions.

1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

9 and 13 yr old girls they fostered for a few days went home. No changes in symptoms.

OBJECTIVE:

Mental Status

Mood: euthymic
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and therapeutic relationship building: Pt played with army men and tanks with theme of fighting the bad guys and protecting the people. Armies work together to kill the bad guys and protect people. When asked who protects him he replied "Mommy, soldiers, teachers, policemen." Pt states that "school sucks" because "I want to do what I want to do." Then states that he wants to be a grown up and drink alcohol and do bad things. Pulled out a rubber knife from the bin and stated "Oh good a knife. We could kill people." When asked who, he responded "the bad guys."

PLAN: Plan for next session

Protecting ourselves using words, our supports.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 10/1/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:10	Stop Time: 9:55	Total Time: 45 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 5		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Pt getting time outs at school for calling people stupid, saying he hates them, saying mean things to them.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent

Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and CBT: Pt acknowledges that he calls people stupid and says he hates them at school. Pt states he hates school. He does like his teacher.When asked, he responded that yes the work is too hard. States he has friends at school yet could not name any. Pt states he does not want to use other words even if he gets in trouble. Therapist tried to explore how his words might make others feel - pt states they feel bad but he doesn't care. After session, mom reports that pt verbalizes poop, pee, penises, vaginas, butt holes excessively.

PLAN: Plan for next session

Telling pt story using the people figures.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 10/15/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:12	Stop Time: 9:52	Total Time: 40 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 6		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.

Explore and begin to resolve issues related to history of abuse.

1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories

Decrease anxiety symptoms by 50%.

1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.

Increase ability to manage emotions

Increase ability to identify various emotions.

1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

Pt getting time outs at school for calling people stupid, saying he hates them, saying mean things to them.

OBJECTIVE:

Mental Status

Mood: euthymic
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and CBT: Pt play centered around safety, feeling fearful in his room. Pt identified that mom can keep him safe. Talked a lot about how mean and awful , that mom was . Admitted he was a little mad at her for n. Pt states that Brynlee loves him and she shouldn't. We were able to process this some, that poople have good and bad parts of themselves and it is ok to love them and hate them at the same time. Pt did not grasp this concept.
After both pt and sister's sessions, mom came in and therapist explained she is leaving the clinic to move out of state. We all talked about this, and about Anne Prince, LCSW that can see them. We scheduled them with her the week after therapist leaves.

PLAN: Plan for next session

Telling pt story using the people figures.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Case Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 10/22/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:10	Stop Time: 9:55	Total Time: 45 minutes
ASSIGNMENT	**Service:** Individual 45 min 90834 **Add on codes:** Interactive complexity 90785 **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			

TYPE OF VISIT	
Visit Type: Follow Up Visit	Session # 7

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

No new problems reported:

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and CBT: Pt and therapist worked on telling pt story using people figures. Pt chose figures to represent family members. Told story of being born to mom and Waylon, divorced when pt age 2 or 3. , Mommy meeting Justin and getting married.

Pt very matter of fact in telling his story.

PLAN: Plan for next session

Continue with above issues.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

Behavioral Health Care Therapy Progress Note

PATIENT INFORMATION	BILLING INFORMATION		
Patient Name: Bryson Way Huber	Date of Service: 10/29/2019		
Birth Date: 5/8/2012	Principle Dx: F93.0 Separation Anxiety Disorder PTSD Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0		
Telephone: 208-780-9705	Start Time: 9:10	Stop Time: 9:55	Total Time: 45 minutes
ASSIGNMENT	**Service**: Individual 45 min 90834 **Add on codes**: N/A **Type of Contact:** Face-to-Face Contact with Client		
Location: SLHS MEADOWLAKE ST. LUKE'S CHILDREN'S REHAB - MERIDIAN 3525 E LOUISE DR STE 320 MERIDIAN ID 83642-6303 208-706-5670			
Primary Physician: Christie A. Julian, MD			
Behavioral Health Therapist Lenore S. Smith, Licensed Clinical Social Worker			
TYPE OF VISIT			
Visit Type: Follow Up Visit	Session # 8		

GOALS AND OBJECTIVES

Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

SUBJECTIVE: Current symptoms/problems, significant events since last session, new symptoms/problems

No new problems reported.

OBJECTIVE:

Mental Status
Mood: euthymic
Affect: congruent
Orientation: oriented to person, place, time/date and situation

Risk Assessment: Safety Considerations

Used SAFE-T to assess suicidal and homicidal risks level.
Risk factors include: None or Low Risk

Protective factors include: future orientation;, participation in therapy;, denial of intent;, denial of plan;, restricted access to means;, family support/engagement; and Religious beliefs;

Suicide/Homicide inquiry: Denied Suicidal/Homicidal Ideation; No Suicidal or Homicidal plan

Based on aforementioned information and clinical judgment Level of risk is Low

Steps taken to address risk include: mom has contact numbers

Psychometric Testing
Depression Scales (PHQ-9 and/or PHQ9A):
No flowsheet data found.
No flowsheet data found.

Generalized Anxiety Disorder Scales (GAD7 or GADA):
No flowsheet data found.
No flowsheet data found.

ASSESSMENT: Intervention and modality of tx during the session, what therapist addressed in session, patients progress in tx, strengths and limitations

Individual therapy with play and CBT: Pt states he needs to work on being nice to other kids. We practiced using words to respond to various situations when frustrated with others. We read and discussed some social stories: sharing, solving a disagreement, taking turns, being a good listener. Pt has very appropriate responses and ideas to these stories and was very engaged. He states that when he gets in trouble at school he has to stand in the corner and do nothing. States he tries to take deep breaths to calm down. We discussed a few phrases he can tell himself, "It's ok, I can calm down" rather than phrases to upset him "this is so unfair, they are so stupid", etc.

PLAN: Plan for next session

Continue with above issues.
90 day review and CANS update with mom.

By signing below I acknowledge that the above information to be accurate to the best of my knowledge.

Lenore S. Smith, Licensed Clinical Social Worker
Provider signature/credential(s)

CNM INDIVIDUAL PROGRESS NOTE

PATIENT INFORMATION
Name: Bryson Way Huber **DOB:** 5/8/2012

ASSIGNMENT
Service Location: Children's Rehab Meridian

PCP: Christie A. Julian, MD

REFERRAL INFORMATION

Referred by: Christie A. Julian, MD
1072 N Liberty St
Suite 203
Boise, ID 83704

BILLING INFORMATION
Date of Service: 11/05/2019
Start Time: 9:10 End Time: 9:40
Total Time: 30 minutes
Service: Individual 30 min 90832
Add on codes: N/A
Type of Contact: Face-to-Face Contact with Client and Family
Principle Dx: F93.0 Separation Anxiety Disorder
PTSD
Autism Spectrum Disorder requiring substantial support for social communication and behavior F84.0
Service Provider: Lenore S. Smith, Licensed Clinical Social Worker

Visit Type: 90 Day Tx Review | **Next 90 Day Review:** 2-5-20

SUBJECTIVE REPORT FROM PATIENT

Current status of symptoms
Improvement in using bathroom upstairs away from mom
In bed with mom by 3am due to fears
Continues to whine, isolate, and cry. Difficulty problem solving.

Significant events since last session
Mom working and pt in daycare after school daily.

Any New Symptoms or Problems
None reported

To what extent is (reason for referral) a problem for patient (Scale 1-10)? 8

OBJECTIVE NOTES

Mental Status Observations
Patient is alert, oriented to person, place, and time and mental status improved during treatment

Psychometric Testing
Depression Scale (PHQ-A):
@PHQAFLOWSHEET@

Depression Scale (PHQ-9):
No flowsheet data found.

CRAFFT:
Date: 11/11/2019 Score:

Child SCARED Results:

Parent SCARED Results:

Assessment

Planned Service:
90 treatment review with patient and/or family

Delivered Service
90 day treatment review with pt and mom.

Describe: Decrease anxiety, increase ability to separate from mom, work through trauma.
Explore and begin to resolve issues related to history of abuse.
1. Share details of abuse with therapist during session as able.
2. Develop strategies to help cope with stressful memories
Decrease anxiety symptoms by 50%.
1. Learn 5 new coping skills for anxiety.
2. Increase ability to separate from mom (at night to go to bed, during the day, to use the bathroom) by 50%.
Increase ability to manage emotions
Increase ability to identify various emotions.
1. In session, learn the meaning of various emotions and practice expressing them verbally.
2. Express feelings verbally at home and school rather than whine or cry.
3. Turn to adult for help when feeling sad, angry or negative feelings.

Progress Summary: Pt beginning to open up about abuse.
Pt will identify emotions more easily and verbalize them.
Pt improving in separating from mom: will use bathroom upstairs but very quickly. Pt will walk over to friends house down the street unaccompanied. Pt able to go to bed in own bed but usually ends up in mom's bed by 3am.
Is still whining and crying, though sometimes able to verbalize emotions. Generally isolates when upset, not comfort seeking or asking for help from mom.

Progress toward goals in treatment: Some Improvement

Patient's Stage of Change at Time of Assessment? contemplation - ambivalent about change on some things. Other things he is willing to address and act.

☒ No significant changes in diagnosis or course of treatment have occurred since last treatment plan review.

☐ Yes there have been significant changes since last treatment review.
- ☐ Diagnosis or course of treatment has changed and therapist will update mental health assessment and treatment plan.
- ☐ Explain Reason for Change:

☒ Patient &/or legal guardian agrees with disposition: Is motivated to continue with services

EXHIBIT 3

Party Search Results

Name	Date of Birth
Calkins, Michael Shane	XX/XX/1978

Cases (27)
Protection Orders (0)

Cases

CR01-18-22653

Type	Location	Party Name	Date of Birth
Criminal	Ada County District Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2015-25860

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2014-44952

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2014-18716

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2014-28874

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CV-SC-2014-2814

Type	Location	Party Name	Date of Birth
C -Small Claims	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CV-SP-2013-12476

Type	Location	Party Name
Pre-Conversion - Child Support (H & W or Pro-se)	Ada County Magistrate Court	Calkins, Michael Shane

Date of Birth
XX/XX/1978

CR-MD-2012-1322

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2011-15857

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2010-2834

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2008-18798

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2007-11793

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2006-43813

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2004-1578

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2003-11819

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2003-44465

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2003-36911

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2002-13555

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2002-13494

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2001-5375

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-2000-9076

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2000-24765

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-2000-17792

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-1998-13188

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-FE-1998-866

Type	Location	Party Name	Date of Birth
Criminal	Ada County District Court	Calkins, Michael Shane	XX/XX/1978

CR-MD-1996-9672

Type	Location	Party Name	Date of Birth
Criminal	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

CR-IN-1996-10408

Type	Location	Party Name	Date of Birth
Infraction	Ada County Magistrate Court	Calkins, Michael Shane	XX/XX/1978

1 - 27 of 27 items

Calkins, Michael Shane

Cases (2)
Protection Orders (0)

Cases

CV-OC-2004-5955

Type
A- All Initial Case Filings in Magistrate (ex. B,C,D,G, H2)

Location
Ada County Magistrate Court

Party Name
Calkins, Michael Shane

CV-OC-1998-6603

Type
A- All Initial Case Filings in Magistrate (ex. B,C,D,G, H2)

Location
Ada County Magistrate Court

Party Name
Calkins, Michael Shane

Case Information

CR-FE-1998-866 | State of Idaho vs. Michael Shane Calkins

Case Number
CR-FE-1998-866
File Date
09/22/1998

Court
Ada County District Court
Case Type
Criminal

Judicial Officer
Horton, Joel D.
Case Status
Closed - After Judgment

Party

State
State of Idaho

Active Attorneys▼
Lead Attorney
Longhurst, Jill

Defendant
Calkins, Michael Shane

DOB
XX/XX/1978

Charge

Charges
Calkins, Michael Shane

	Description	Statute	Level	Date
1	Burglary	I18-1401	Felony	12/07/1997
2	THEFT GRAND	IX18-2403-1G {F}	Felony	12/07/1997
3	PROBATION VIOLATION	IX20-227-B {F}	Felony	09/24/2001
4	PROBATION VIOLATION	IX20-227-B {F}	Felony	04/01/2003
5	PROBATION VIOLATION	IX20-227-B {F}	Felony	02/04/2004

Confinement

Type: **State Prison**

Facility: **Idaho Department of Correction**

Term: **180 Days**

Suspended: **90 Days**

Discretionary: **90 Days**

Effective Date: **09/13/2018**

Determinate: **2 Years**

Indeterminate: **8 Years**

Penitentiary Suspended

Pre-Sentence Credit for Time Served

Credit Term: **56 Days**

Fee Totals

$290.50

$2,000.00

Fee Totals

$2,290.50

Condition - Adult

1. **Felony Probation, 10Y, 09/13/2018, Active 09/13/2018**

License Suspension

Type: **Driver's License**

Duration: **5 Years**

Suspension Date: **09/13/2018**

6	PROBATION VIOLATION	IX20-227-B {F}	Felony	02/15/2005

Disposition Events

07/07/2003 Plea

4	PROBATION VIOLATION	Not Guilty

10/07/1998 Disposition

1	Burglary	Guilty

10/07/1998 Disposition

2	THEFT GRAND	Transferred Prior to Conversion

12/05/2001 Disposition

3	PROBATION VIOLATION	Disposition: Retained Jurisdiction

07/07/2003 Disposition

4	PROBATION VIOLATION	Transferred Prior to Conversion

04/21/2004 Disposition

5	PROBATION VIOLATION	Disposition: Retained Jurisdiction

10/07/1998 Felony Sentence

1	Burglary	Felony Sentence

Confinement

Type: **State Prison**

Facility: **Idaho Department of Correction**

Effective Date: **10/07/1998**

Determinate: **5 Years**

Condition - Adult

1. **Conversion Probation Court Orders/Conditions, 5Y, 06/12/2002-06/12/2007, Closed 06/12/2007**

12/05/2001 Felony Sentence ▼

3 PROBATION VIOLATION Felony Sentence

Confinement

Type: **State Prison**

Facility: **Idaho Department of Correction**

Effective Date: **12/05/2001**

Determinate: **5 Years**

Penitentiary Suspended

Credit Term: **30 Days**

Comment: **Pen Time suspended: 5 years**

Condition - Adult

1. **Conversion Probation Court Orders/Conditions, 5Y, 06/12/2002-06/12/2007, Closed 06/12/2007**

04/21/2004 Felony Sentence ▼

5 PROBATION VIOLATION Felony Sentence

Confinement

Type: **State Prison**

Facility: **Idaho Department of Correction**

Effective Date: **04/21/2004**

Determinate: 5 Years

Penitentiary Suspended

Credit Term: 120 Days

Comment: Pen Time suspended: 5 years

Condition - Adult

1. Conversion Probation Court Orders/Conditions, 5Y, 10/13/2004-10/13/2009, Closed 10/13/2009

Case Information

CR01-18-22653 | State of Idaho Plaintiff, vs. Michael Shane Calkins Defendant.

Case Number
CR01-18-22653
File Date
05/15/2018

Court
Ada County District Court
Case Type
Criminal

Judicial Officer
Hoagland, Samuel
Case Status
Closed

Party

State
State of Idaho

Active Attorneys▼
Lead Attorney
White, Jeffrey Scott

Inactive Attorneys▼
Attorney
Ada County Prosecutor

Attorney
Anderson, Michael Corey

Attorney
Bleazard, Robert Mark

Defendant
Calkins, Michael Shane

DOB
XX/XX/1978

Active Attorneys▼
Lead Attorney
Minert, Steven Roy
Retained

Charge

Charges
Calkins, Michael Shane

	Description	Statute	Level	Date
1	Driving Under the Influence-(Third or Subsequent Offense)	I18-8004 {F}	Felony	05/14/2018

Bond

Bond Type	Bond Number	Bond Amount	Current Bond Status
Surety Bond	AC100-7543172	$100,000.00	Exonerated
Cash Bond		$100.00	Converted

Disposition Events

07/19/2018 Plea

Judicial Officer
Hoagland, Samuel

1	Driving Under the Influence-(Third or Subsequent Offense)	Guilty

09/13/2018 Disposition

Judicial Officer
Hoagland, Samuel

1	Driving Under the Influence-(Third or Subsequent Offense)	Guilty (Plea Agreement)

09/13/2018 Felony Sentence

1	Driving Under the Influence-(Third or Subsequent Offense)	Felony Sentence

Case Information

CR-MD-2001-5375 | State of Idaho vs. Michael Shane Calkins

Case Number
CR-MD-2001-5375
File Date
05/15/2001

Court
Ada County Magistrate Court
Case Type
Criminal

Judicial Officer
Schmidt, Richard
Case Status
Closed

Party

State
State of Idaho

Active Attorneys ▼
Lead Attorney
Sentence Hearing Team

Defendant
Calkins, Michael Shane

DOB
XX/XX/1978

Charge

Charges
Calkins, Michael Shane

	Description	Citation	Statute	Level	Date
1	Controlled Substance-possession Of	879868	I37-2732(C)(3)	Misdemeanor	05/03/2001
2	VALID OPERATOR OR CHAUFFER LIC. REQUIRED	879870	I	Misdemeanor	05/03/2001
3	Contempt Of Court - Criminal		I18-1801	Misdemeanor	11/01/2001

Disposition Events

09/21/2001 Plea

1	Controlled Substance-possession Of	Guilty

09/21/2001 Plea

2	VALID OPERATOR OR CHAUFFER LIC. REQUIRED	Guilty

09/21/2001 Disposition

1	Controlled Substance-possession Of	Guilty

09/21/2001 Disposition

2	VALID OPERATOR OR CHAUFFER LIC. REQUIRED	Guilty

11/23/2001 Disposition

3	Contempt Of Court - Criminal	Disposition: Warrant Dismissed

Case Information

CR-MD-2000-9076 | State of Idaho vs. Michael Shane Calkins

Case Number
CR-MD-2000-9076
File Date
08/05/2000

Court
Ada County Magistrate Court
Case Type
Criminal

Judicial Officer
Morden, Thomas R.
Case Status
Closed

Party

State
State of Idaho

Active Attorneys▼
Lead Attorney
Unknown from Source Data

Defendant
Calkins, Michael Shane

DOB
XX/XX/1978

Charge

Charges
Calkins, Michael Shane

	Description	Citation	Statute	Level	Date
1	Driving Without Privileges	303569	I18-8001	Misdemeanor	08/05/2000
2	Insurance-operate Mv Without Liability Insurance	303569	I49-1428 {M}	Misdemeanor	08/05/2000
3	CONTROLLED SUBSTANCE OBTAIN BY FRAUD		IX37-2734 {M}	Misdemeanor	08/05/2000

CV00201464

Waylon Jay Huber VS. Janea Marie Calkins

Judge: Michael R. Montero

Clerk: Mikayla Mecham

February 27, 2020 **EVIDENTIARY HEARING**

PRESENT: Waylon Huber, Plaintiff, present in proper person. Janea Calkins, Defendant, present in proper person.

The Court referred to a document entitled the Commission on Judicial Discipline Advisory Opinion issued by the State of Nevada Standing Committee on Judicial Ethics and Election Practices dated August 17, 2006, in order to make a disclosure to the parties that Huber is, and has been for some time, participating in Family Treatment Court as a result of another case. The Court asked if either party had an objection to this Court presiding over the matter; no objections were heard.

The record reflected that this matter comes before the Court today for an evidentiary hearing. The parties had previously participated in settlement conferences on three separate occasions, but were unable to come to an agreement.

The Court gave some procedural history of the case since the last time the parties appeared before this Court on March 14, 2019. An order was filed on March 15, 2019 clarifying a November 30, 2018 order regarding supervised visitation. Since March 15, 2019, the Plaintiff had filed a total of ten (10) motions as well as several statements, with no response from the Defendant to any of the motions. The only filing by the Defendant had been a Motion to Vacate and Reschedule Hearing, filed on November 22, 2019.

The Court directed the Clerk to swear in the parties; the parties were sworn. The Court requested that each party give the Court a brief opening statement as to what has occurred since the last hearing on March 14, 2019.

Huber gave his opening statement to the Court. He stated that reunification was not happening and he was being alienated from his children by their mother. He requested the Court grant him custody of the minor children.

Calkins gave his opening statement to the Court. She stated that Huber's goal was for the Court to enter an order compelling her to move back to Nevada.

The Court asked what evidence the parties had to present today.

Huber responded.

The Court directed Huber to focus on compliance or non-compliance with the Court's orders, and provide evidence based on that.

Huber had no evidence to present, other than the fact he has not seen his children. He stated that he was in contact with Chris from Kid Services to schedule supervised reunification, but was told that nothing could be done until Calkins contacted Kid Services, which she had not, according to Chris. Huber

stated that Kid Services was charging $840 per visit, so at one of the settlement conferences, Huber brought the issue up with Court Master Carr, who informed him to create a list of other possibilities for therapeutic reunification visits at a lower cost.

The Court directed Huber to locate his list of possible places for therapeutic reunification visits, and while doing so, the Court would turn to Calkins for her evidence.

Calkins referred to the November 30, 2018 Order of this Court, where it stated that if a therapist was against visitation, the matter must be brought back before the Court. She stated that the wording was the same in the Order from March 15, 2019 as well, but did not have that order with her.

The Court stated that the order from November 30, 2018 was modified by the order from March 15, 2019, due to issues with Kid Services not accepting the first order.

A discussion ensued regarding the language contained in both orders. The Court stated that the language referred to by Calkins in the November 30, 2018 was not included in the order from March 15, 2019.

The Court took a recess to allow Huber to review the sixteen (16) exhibits that Calkins wished to have marked and admitted, and to allow Calkins to obtain a copy of the March 15, 2019 order of the Court.

Upon returning from the recess, Calkins offered the sixteen (16) exhibits, and the Court directed the Clerk to mark them Defendant's exhibits one through sixteen (1-16).

Huber stipulated to the admission of Exhibit 5, but objected to the admission of the remaining exhibits on the grounds of relevancy and hearsay.

The Court stated he would like to go through each exhibit one at a time before allowing their admission.

Calkins offered Defendant's Exhibit 1-Nevada Present Danger Plan.

Huber objected to the admission of Defendant's Exhibit 1, stating that it was irrelevant as it pre-dated the Court's March 15, 2019 order, and that the document was hearsay.

The Court sustained the objection to Exhibit 1 as hearsay.

Calkins argued with the Court that the document was self-authenticating and permissible pursuant to NRS 51.115 statements for purposes of medical diagnosis.

The Court would still sustain the objection as to Exhibit 1 as hearsay, and explained to Calkins why the document was deemed to be hearsay.

Calkins offered Defendant's Exhibit 2-Police Report.

The Court sustained Huber's objection to Exhibit 2 as hearsay.

Calkins offered Defendant's Exhibit 3-Newspaper Mugshot.

The Court sustained Huber's objection to Exhibit 3 as hearsay.

Calkins offered Defendant's Exhibit 4-Newspaper Court Disposition.

The Court sustained Huber's objection to Exhibit 4 as hearsay.

Calkins offered Defendant's Exhibit 5-Motion to Modify Custody and Related Relief Filed 1/23/19.

The Court would allow the admission of Defendant's Exhibit 5.

Calkins offered Defendant's Exhibit 6-Page from Divorce Decree.

The Court would allow the admission of Defendant's Exhibit 6.

Calkins offered Defendant's Exhibit 7-Letter from Matthew Cox, MD St. Luke's Children's CARES.

The Court would allow the admission of Defendant's Exhibit 7.

Calkins offered Defendant's Exhibit 8-2nd Letter from Matthew Cox, MD St. Luke's Children's CARES.

The Court would allow the admission of Defendant's Exhibit 8.

Calkins offered Defendant's Exhibit 9-Memorandum of Points and Authorities.

The Court would allow the admission of Defendant's Exhibit 9.

Calkins offered Defendant's Exhibit 10-Progress Notes from Sidra A. Beckett, LCPC.

The Court sustained Huber's objection to Exhibit 10 as hearsay.

Calkins offered Defendant's Exhibit 11-Letter from Sidra A. Beckett, LCPC.

The Court sustained Huber's objection to Exhibit 11 as hearsay.

Calkins offered Defendant's Exhibit 12-2nd Letter from Sidra A. Beckett, LCPC.

The Court sustained Huber's objection to Exhibit 12 as hearsay.

Calkins offered Defendant's Exhibit 13-Letter from Lenore Smith, LCSW.

The Court sustained Huber's objection to Exhibit 13 as hearsay.

Calkins offered Defendant's Exhibit 14-2nd Letter from Lenore Smith, LCSW.

The Court sustained Huber's objection to Exhibit 14 as hearsay.

Calkins offered Defendant's Exhibit 15-Therapist Annie Prince's Reports.

The Court sustained Huber's objection to Exhibit 15 as hearsay.

Calkins offered Defendant's Exhibit 16-Temporary Order after hearing filed on 6/19/17.

The Court would allow the admission of Defendant's Exhibit 16.

Huber offered Plaintiff's Exhibit 1-Email from Chris Jones.

Calkins objected to the admission of Plaintiff's Exhibit 1.

The Court sustained Calkins' objection to Exhibit 1 on the grounds of authenticity.

Argument by Huber.

Argument by Calkins.

The Court asked Calkins if she was able to find the order that she was referring to prior to the recess.

Calkins stated she had not found it.

The Court asked Huber if he had located the list of possible locations for the therapeutic reunification that he had compiled.

Huber stated that it was an email to Court Master Carr and that he did not have a copy with him.

The Court reviewed the minutes from the hearing in March of 2018, where Evenson, counsel for Calkins, had stated that he had informed his client that the Court may order supervised visitation for Huber and the minor children, and Evenson indicated that he and his client were in agreement with supervised visitation. The Court then began a process to help facilitate supervised visitation. The Court further stated that Evenson was supposed to prepare an order after the hearing, but never did, so the parties came back before the Court in November 2018. The parties met again in March of 2019 and indicated that supervised visitation was not occurring, due to the therapist in Idaho requiring an order with specific language regarding the visitation. The Court then re-drafted an order. The Court read from the order of March 15, 2019.

The Court stated that he was unaware of any case during his time on the bench that there has been such a flagrant disregard for a Court's order.

The Court ordered that both parties comply with therapeutic supervised visitation. The Court stated that if either party does not comply they will be held in contempt of Court. The Court informed the parties what that could entail. The Court stated that this is akin to fleeing the jurisdiction of the Court as well as child abduction. The Court stated that if supervised visitation is not initiated within thirty (30) days of today's date he will hold either party in contempt.

Hearing on 2/27/20

Waylon Huber vs. Janea Calkins

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO. CV0020464

		I.D.	MARKED	OFFERED	ADMITTED
A	Nevada Present Danger Plan	1	02/27/20	02/27/20	
B	Police Report	2	02/27/20	02/27/20	
C	Newspaper Mugshot	3	02/27/20	02/27/20	
D	Newspaper Court Disposition	4	02/27/20	02/27/20	
E	Motion to Modify Custody and Related Relief Filed 1/23/19	5	02/27/20	02/27/20	02/27/20
F	Page from Divorce Decree	6	02/27/20	02/27/20	02/27/20
G	Letter from Matthew Cox, MD St. Luke's Children's CARES	7	02/27/20	02/27/20	02/27/20
H	2nd Letter from Matthew Cox, MD St. Luke's Children's CARES	8	02/27/20	02/27/20	02/27/20
I	Memorandum of Points and Authorities	9	02/27/20	02/27/20	02/27/20
J	Progress Notes from Sidra A. Beckett, LCPC	10	02/27/20	02/27/20	
K	Letter from Sidra A. Beckett, LCPC	11	02/27/20	02/27/20	
L	2nd Letter from Sidra A. Beckett, LCPC	12	02/27/20	02/27/20	
M	Letter from Lenore Smith, LCSW	13	02/27/20	02/27/20	
N	2nd Letter from Lenore Smith, LCSW	14	02/27/20	02/27/20	
O	Therapist Annie Prince's Reports	15	02/27/20	02/27/20	
P	Temporary Order After Hearing Filed on 6/19/17	16	02/27/20	02/27/20	2/27/20
Q					
R					
S					
T					
U					
V					
W					
X					
Y					
Z					

CASE NO. CV 20,464

DEPT. NO. II

FILED

2020 MAR -6 PM 4:10

TAMMIE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

ORDER

JANEA HUBER,

Defendant.

This matter came before the Court on February 27, 2020 for a hearing on ten (10) motions filed by the plaintiff between March 25, 2019 and February 20, 2020, and one motion filed by the Defendant on November 22, 2019, to Vacate and Reschedule Hearing, which is now moot as that hearing was converted to a settlement conference. The parties both appeared on February 27, 2020 in Pro Per.

The Plaintiff's motions filed since the last hearing in this case contained the following captions:

1. Exparte Motion to Modify Custody Due To Change In Circumstance, filed March 25, 2019;
2. Motion to Modify Custody Due To Change In Circumstances, filed March 25, 2019;

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

3. Supplement to Exparte Motion To Change Custody Due To Change in Circumstance, filed March 26, 2019;
4. 2nd Supplement to Exparte Motion to Change Custody Due To Change In Circumstance, filed March 26, 2019;
5. Reply in Support of Motion to Modify Custody Due To Change In Circumstances, filed April 23, 2019;
6. Supplement to Motion to Modify Custody Due to Change In Circumstances, filed May 7, 2019;
7. Request For A Hearing to Show Cause And Custody, filed May 17, 2019;
8. Motion to Change Location of Therapeutic Reunification, filed August 15, 2019;
9. Motion to Enforce Divorce Decree, Motion To Modify Custody Due To Change In Circumstance, filed August 16, 2019;
10. Motion in Limine To Exclude Hearsay Evidence and Testimony Of Accusations Of Sexual And Physical Abuse, filed February 20, 2020.

In addition the plaintiff filed a Pre-Hearing Statement and a Supplement to the Pre-Hearing Statement on February 20 and February 24, 2020 respectively. The defendant filed no response or opposition to any of the above motions or hearing statements.

The primary concern raised by the plaintiff's extensive motions practice over the last year centered on the failure of any progress made by the parties to engage in therapeutic supervised visitation as previously ordered by this court on November 30, 2018, and March 15, 2019.

The parties were divorced on April 1, 2016, wherein a Findings of Fact, Conclusions of Law and Decree of Divorce awarded the parties joint legal and joint physical custody of their two minor children, Brynlee Huber, born May 8, 2012, and Bryson Huber, born May 8, 2012. The divorce decree was subsequently modified by an Order Suspending Visitation filed on June 9, 2017, wherein plaintiff's visitation was suspended pending further order of this court following allegations of child abuse and substance abuse by the plaintiff. Extensive motion practice ensued, multiple attorneys rotated through both sides of this case, resulting first in this Court's Order of November 30, 2018, wherein "supervised visitation and therapeutic intervention begin immediately in Idaho", twice a month, between the plaintiff and the two minor children. Thereafter, a therapist scheduled to conduct the therapeutic services claimed that the agency required an Order of the Court with specific language to comply with Idaho laws. The Court therefore clarified its November 30, 2018 Order with an Order dated March 15, 2019. The March 15, 2019 Order again made it very clear that the Court expected this therapeutic supervised visitation to begin immediately ("within five days of service of this Order", p2, ln 4-5). This did not happen. Now nearly a year has passed since the last Order, and nearly 15 months since the first Order of this Court, wherein the Court made it clear that the Court wanted visitation to occur between Mr. Huber and his two minor children.

After hearing additional evidence and arguments of the parties on February 27, 2020, the plaintiff having filed ten motions addressing these issues, the defendant having filed no opposition or response to any of the plaintiff's motion, the Court hereby Orders as follows:

1. This Court again orders the parties and the minor children to immediately engage in "supervised visitation and therapeutic intervention" (also referred to as, "Therapeutic Supervised Visitation") in Idaho. Of paramount concern to this Court is the time in which the minor children have had no contact with their father, Mr. Huber. In order for the children to rebuild a relationship with their father, and in anticipation that further visitation, including unsupervised visitation and eventually returning to joint physical custody as originally provided for in the Divorce Decree, therapeutic visitation shall be the immediate goal of this family and the Court.
2. To the extent necessary for a provider of these services in the State of Idaho, the parties shall participate in Therapeutic Supervised Visitation in accordance with I.R.F.L.P. 717. Specifically, the supervised access shall include "Therapeutic Supervision" as defined in I.R.F.L.P. 717(D)(7).
3. Said visitation with Plaintiff shall include the following minor children: Brynlee Huber, born May 8, 2012 and Bryson Huber, also born May 8, 2012.
4. Costs associated with the Therapeutic Supervised Visitation shall be allocated solely to Plaintiff at this time, with the Court reserving jurisdiction to Order proration or cost shifting as deemed appropriate by future Order.
5. Stellar Mental Health and Mediation, 3904 E. Flamingo Ave, Suite 200, Nampa, Idaho 83687 or other provider of these services as selected by the plaintiff.

6. The parties shall contact the above named provider within five days of service of this Order to make arrangements to begin visitation. Visitation shall begin within 30 days of the date of this Order.

7. Visitation will occur twice monthly, for two hours each visit. Specific dates and times shall be arranged with the Provider according to the Provider's policies and schedule. If there is any difficulty scheduling, each party shall give the Provider a weekly schedule as well as a schedule for the children, and the Provider shall determine the schedule.

8. This Court respectfully requests the Provider to provide written status reports to this Court every 30 days with information regarding the number of visits attended and the participation levels of plaintiff and his two minor children.

9. Said visitation shall not be suspend, cancelled or modified without further Order of this Court.

IF EITHER PARENT FAILS TO COMPLY WITH THE TERMS OF THIS ORDER, SAID PARENT MAY BE HELD IN CONTEMPT WHICH MAY INCLUDE JAIL OF UP TO 25 DAYS AND/OR A FINE OF UP TO $500.00 PURSUANT TO NRS CHAPTER 22.

THE COURT FURTHER PLACED THE PARTIES ON NOTICE ON FEBRUARY 27, 2020, THAT FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY NOT ONLY SUBJECT THE PARTIES TO CONTEMPT AS ALLOWED BY LAW, BUT ALSO TO FURTHER ORDER OF THIS COURT MODIFYING CUSTODY.

The parties shall work together to effectuate the purposes of this Order.

This order replaces all prior orders on the subject of Therapeutic Supervised Visitation.

This **ORDER** is effective immediately.

IT IS SO ORDERED.

DATED this 6th day of March, 2020.

MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on March 6th, 2020, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Waylon Huber
4151 Two Rock Drive
Winnemucca, Nevada 89445
Via U.S. Mail

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646
Via U.S. Mail

Elisha Formby
Administrative Specialist
Sixth Judicial District Court, Dept. II

FILED

2020 MAY 12 AM 11:44

TAMI RAE SPERO
DIST. COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs

NOTICE OF APPEARANCE

JANAE CALKINS;

Defendant.

_____/

PLEASE TAKE NOTICE THAT, DOLAN LAW LLC, and counsel, Massey K. Mayo, Esq., and/or Robert E. Dolan, Esq. and/or MAX A. STOVALL, have been retained by WAYLON HUBER, above Defendant, to represent him in the above entitled action, and hereby appears in the instant action.

DATED this 12th day of May, 2020.

Massey K. Mayo

DOLAN LAW, LLC.
By: MASSEY K. MAYO, ESQ.
Attorney for Plaintiff
Nevada Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Telephone: 775-625-3200
Fax: 775-625-4286

DOLAN LAW, LLC
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the NOTICE OF APPEARANCE, addressed to the following:

JANEA CAULKINS
11335 W. Bakula Dr.
Boise, ID 83709

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

Max Storrall

DOLAN LAW, LLC
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

FILED

2020 JUN 26 PM 4:57

TAMI RAE SPERO
DIST. COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

/

EX PARTE MOTION TO PRODUCE MINOR CHILDREN AND GRANT THIRD-PARTY CUSTODY PENDING REUNIFICATION

COMES NOW, the Plaintiff, WAYLON HUBER, (hereinafter, "Father") above-named, by and through his attorney, DOLAN LAW, LLC and MASSEY K. MAYO, ESQ., and presents this "Ex Parte Motion to Produce Minor Children and Grant Third-Party Custody Pending Reunification."

This Ex Parte Motion is based upon the attached Statement of Facts, Points and Authorities, exhibits attached hereto and the Declaration of Petitioner, together with the pleadings and papers on file herein.

DATED this 26th day of June, 2020.

Massey K. Mayo

DOLAN LAW, LLC.
By: Massey K. Mayo, Esq.
Nevada Bar # 11201
Attorney for Waylon Huber

STATEMENT OF FACTS

1. **Reunification Efforts for Father and Children**: This matter involves the parties' two minor children: BRYNLEE HUBER and BRYSON HUBER, born May 8, 2012, age 8. Commencing in November 2018, this Court issued an interim custodial order designed to begin reunification efforts between Father and the two minor children. The Court reiterated this directive in a subsequent Order on March 15, 2019. Over the course of the past 20 months, Father has brought multiple motions before this Court to require JANEA CALKINS (hereinafter, "Mother') to comply the Court's directive and with reunification efforts (to no avail it seems).

2. On March 6, 2020, this Court issued a third Order pertaining to therapeutic visitation and supervised visitation, for Father and the minor children. In said March 2020 Order, the Court stated "therapeutic visitation shall be the immediate goal of this family and the Court." March 6th, 2020 Order, P. 4, lines 7-9.

3. The therapeutic visitation was Ordered to occur twice monthly, for two hours each visit, and that said visitations "should not be suspend, cancelled, or modified without further Order of this Court." Id. P.5, lines 12-13. Knowing that there was concern Mother would fail to comply, the Order further placed the parties on notice that:

> "Failure to comply with the terms of this Order may not only subject the parties to contempt as allowed by law, but also to further order of this Court modifying custody."

4. Following the March 6, 2020 Order, the children were scheduled for therapeutic supervised visitation on April 22, April 30, May 7, and May 14 through Stellar Mental Health & Wellness, with Jeffrey R. Moreno, LSCW. The children attended two sessions with Mr. Moreno, and as they were scheduled to begin their first

"in-person" therapeutic visitation with Father, Mother ceased taking the children. Both times, Mother called after the appointments were scheduled to announce that the children were sick and/or unavailable. See, Exh. A, Status Report of Reintegration/Family Therapy. Mother never sought this Court's permission to cancel the visitation in advance or to ratify the cancellation. In fact, Father was informed that Mother cancelled the May 14th, 2020 appointment due to the children being sick. Later that same day, Father sent Mother a cellular text message and asked how the children were doing. Mother's response: "They're awesome! Very Happy." See, Exh B., cellular messages from Father to Mother, dated May 14th, 2020.

5. Mr. Moreno noted that in the two session he had with the children it was concerning that: (1) the children immediately disclosed alleged sexual abuse by Father of them in adult language and context; and (2) that Mother identified Father as a perpetrator of sexual abuse and the children's response was to state their Father needed to go to jail. The children further relayed that when they were little Father kidnapped them from Mother.

6. Mr. Moreno reported to the undersigned counsel that he is concerned that Mother will continuously sabotage Father's efforts to reunify with his children, and that the children are of the mindset to believe what Mother has told them occurred, did in fact occur. Mr. Moreno advised Father to install security cameras in his home, should the children return to his care and custody. Presumably this is to ensure that Father can document his actions and behaviors so as to defeat any further salacious allegations. Mr. Moreno is prepared to provide additional testimony for this Court, based upon his

interactions with the children, and his professional experience in difficult reunification matters.

7. Furthermore, Father recently learned that Mother unilaterally disenrolled the children form their current therapist at St. Luke's and has informed Father the children are attending "drama therapy" with un unlicensed professional at the Boise River Birth Center. See, Exh. C., cellular text messages between Father and Mother dated June 4th, 2020 and Exh. D, biography of Jessica Northam of the Boise River Birth Center. When Father requested to know why the children were disenrolled, Mother stated "it's what judge Montero wanted." Of course, this is absurdity of and by Mother, the March 6 2020 Order does not reference any modifications of the children's individual therapists.

8. Mother has no intention of allowing Father an opportunity to reunite with his children, nor does she have an intention to comply with this Court's Order. Father understands, and is concerned, that his children believe that he perpetrated horrible things upon them when they were little and in his care. Mother has programmed the children to fear Father and to believe that she is their savior.

9. **Mother's Past History of Absconding with and/or Concealing Children:** Mother has a documented history of absconding with the children and/or hiding her whereabouts. In the past, Father has gone for months at a time not knowing where his children reside or with whom. In May 2019, Father was able to obtain a possible address for Mother in Meridian, Idaho due to a social media post concerning a garage sale. It was the first time in two years, that Father was able to confirm where his children attended school. Of course, the address located by Father was not the same address Mother had provided to this Court on the record (and presumably

under oath). The prior address was that of her own Mother, whom she portrayed to be living with at the time, which was false.

10. Mother will avoid communication with Father, and at times sever all contact. Recently, Father has requested photographs of the children to be sent by Mother via cellular message. She ignores the request. Unless Father initiates a "check-in" to Mother, he receives no information concerning his children or their welfare. For two plus years, Mother has done less than the bare minimum to stay afloat in this litigation and is using a fabricated trauma narrative told through the mouths of her young children as a sword and a shield. Mother is a physical and emotional safety risk to her children, given her willingness to disobey this Court and her history of concealing the children from Father, no matter the consequences.

11. Also of concern is Mother's significant other, Justin Scott Calkins. Justin Calkins, as of May 2020, was incarcerated in the South Idaho Correctional Institution on two offenses: (1) Driving Under the Influence; and (2) Domestic Assault or Battery. Calkins is eligible for parole as of August 2020. See, Exh. E, Idaho Department of Corrections Offender Search Details. This Court previously issued an Order requiring no contact between Calkins and the minor children, due to concerns of his substance use and violence. Mother has disregarded the Court's no contact provision and if granted parole, Calkins will return to living with Mother and the minor children.

12. **Father's Consultation for Best Interest of the Children**: Knowing that Mother has not, will not, and will never comply with reunification efforts as Ordered by this Court, Father has sought direction from both Mr. Moreno and Dr. Herbert Coard, a licensed Psychologist in the State of Nevada, as to the best direction forward. Both professionals, and Father, are concerned that an Order requiring the immediate return of the children to Father's

sole care will cause damage to future reunification efforts given the children's state of mind and what appears as potential brainwashing of and by Mother. While Father wants nothing more than to have the immediate care and custody of his children, he is concerned that they will endure further trauma (due to their current psychological state of mind) if placed in his home without first engaging in the proper therapeutic process. As such, based upon Father's consultations with the above-named professionals Father seeks the following:

- This Court issue an immediate Order for Mother to Produce the Minor Children to Court at a specific date and time, to coincide with a hearing on the instant Exparte Motion and Order;
- That should Mother fail to produce the children, a warrant for her arrest issue;
- That an immediate Exparte Order be issued by the Court granting temporary legal and physical custody of the minor children to the parental grandmother, Debbie Castonguay and/or to Tessa James, who is Father's first cousin and has a relationship with the children; subject to the rights of Father to begin reunification efforts with a qualified professional in Nevada and visitation as recommended by the therapeutic provider and subject to supervised visitation to Mother and/or contact to be recommended by the therapeutic provider;
- That Father and Mother undergo parental capacity evaluations and an assessment of parental alienation;
- That the Court issue a separate Order releasing any and all mental, therapeutic, health and educational records of the minor children to Father;
- That Mother reimburse Father for any out-of-pocket expenses associated with the above therapeutic process and/or evaluations, due to her bad faith.

///

///

///

///

POINTS AND AUTHORITIES

Jurisdiction

13. This Court has exclusive jurisdiction to enter a custody Order given that Nevada has entered prior custodial Orders concerning the minor children granting exclusive continuing jurisdiction over the minor children. NRS 125A.315. Furthermore, per NRS 125C.0045(1), this Court may, at any time, during the pendency of an action, make orders for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest.

Ex-Parte Emergency Relief

14. Generally, Exparte Orders in family law cases are reserved for serious matters, when a child's health and safety is in danger. (See by analogy, Rules of Practice for the Second Judicial District Court, Rule 43). Father submits that his minor children's health and safety are at serious risk if left in the care, custody and control of Mother. Mother has demonstrated a consistent pattern of parental interference with Father's custodial rights, has ignored and intentionally disobeyed this Court's Orders, and has unnecessarily restricted Father's contact with his children. The children's mental and emotional state are of serious concern, given that the children vocalize a trauma narrative wherein their Father was a violent, horrid individual. Yet, there is not, nor has there been, any credible evidence supporting the trauma narrative espoused by the children. Indeed, after a full investigation by the Winnemucca Police Department and the Nevada Division of Child Welfare Services, the claims against Father were not pursued.

15. The sole consideration for the Court in a child custody determination is the best interest of the child. NRS 125C.0035(1). Maintaining children's frequent associations and a continuing relationship with both parents after their parents have become separated or have

dissolved their marriage is Nevada's declared public policy, as well as, to encourage such parents to share the rights and responsibilities of child rearing. (See, Davis v. Ewalefo, 352 P.3d 1139, 1144; 131 Nev. Adv. Rep. 45 (2015); Bluestein v. Bluestein, 345 P.3d 1044, 131 Nev. Adv. Rep. 14 (2015), former, NRS 125.480(1); 125.460(1)). However, this policy presumes that both parents are fit and prioritize the health, safety and welfare of their child over all else. See generally, Troxel v. Granville, 530 U.S. 57, 68, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000). Mother prioritizes her own twisted agenda over the developmental needs of her children. Mother has used the children as pawns in a game of revenge against Father and in her pursuit of alienating the children from their Father, has possibly caused irreparable damage to the children's psyche. Mother shops therapeutic providers, searching for whatever "professional" will buy the trauma narrative created of her own doing and told through the mouths of her babes. Mother is not fit to parent her children and a psychological and parental assessment of Mother is required before this Court can properly determine what, if any, contact Mother should have with her children going forward.

16. NRS 125C.0035(3) states that in determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody.
(b) Any nomination by a parent or a guardian for the child.
(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
(d) The level of conflict between the parents.
(e) The ability of the parents to cooperate to meet the needs of the child.
(f) The mental and physical health of the parents.
(g) The physical, developmental and emotional needs of the child.
(h) The nature of the relationship of the child with each parent.
(i) The ability of the child to maintain a relationship with any sibling.
(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking custody has engaged in any act of domestic violence against the child, a parent of the child or any other person residing with the child.
(l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child.

17. For 20 months Mother has disregarded the Court's directive to assist and support reunification efforts between Father and the children. Mother will never allow the children to have frequent associations and a continuing relationship with their Father and will instead encourage the children to respond in fear towards the thought of interacting with their Father. (Id. Subpart (c)). The children are 8 years of age, and unfortunately a great deal of time has passed since the children were afforded any since of "normalcy" with or around their Father. There is much therapeutic work to begin, so that these children can have a healthy since of self and develop into well-rounded adults.

18. Mother's mental health is in question. Mother's actions are that of a manipulative, demented person who overlays her own agenda on that of the needs of her children. Father is confident that a parental capacity assessment will aide this Court in determining what diagnosis appropriately applies to Mother and what, if any, treatment Mother could engage in to re-wire her constitution. Furthermore, Father asserts that it is Mother who is abusing and neglecting his children by alienating the children from his parental affection and continuing to endorse a false trauma narrative that is damaging to his children's psyche.

19. Furthermore, Mother has a documented history with this Court of concealing and/or absconding with the children, including providing a false address and information (presumably under Oath) of her whereabouts to the Court. Father has spent a great deal of time and energy ensuring that he can maintain tabs on Mother's whereabouts. Father is vehemently

concerned that when Mother learns of the Court's Order modifying custody that she will simply vanish with the children.

20. Father ultimately desires to have custody of his children; however, Father heeds the advice of professionals that if he were to request the twins to immediately resume living with him, that could cause additional trauma. NRS 125C.004 allows this Court to award custody to a non-parent, without the parent's consent, so long as there is a finding that an award of custody to a parent "would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child." The continuation of custody to Mother is detrimental to the overall health and safety of the children given that Mother is disobeying the Court, Mother wholly disregards Father's parental rights. Mother continues to pursue a false trauma narrative despite evidence that no such trauma occurred, Mother restricts the children's contact with Father and other family, and Mother alienates the children from Father's parental affection. The Court must take action to protect these children, while ensuring that Father secures the appropriate therapeutic services for the children here in Nevada. This is the only chance the children have, while at a young age, to repair the emotional, mental damage caused over the course of the past two plus years.

21. This matter requires immediate Court intervention. Without the Court's assistance, Father will likely never reunify with his children and Mother will continue with her obstructionist and alienating behavior. This Court provided notice that should Mother fail to comply with the March 6, 2020 Order pertaining to reunification the Court would consider a modification of custody. Now is the time, and Father is ready and willing to assist his children to obtain the therapeutic services required to propel his relationship forward while protecting their best interests.

22. Father will make himself readily available for a hearing on this matter. Additionally, the therapeutic provider Jeffery Moreno indicated his willingness to appear and testify before the Court.

WHEREFORE the undersigned counsel respectfully prays that Father's Ex-Parte Motion To Produce Minor Children and Grant Third-Party Custody Pending Reunification be GRANTED, and for such other and further relief as may be just and proper.

DATED this 16th day of June, 2020.

DOLAN LAW LLC
By: Massey K. Mayo, Esq.
Nevada Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Attorney for Waylon Huber

AFFIDAVIT IN SUPPORT OF EXPARTE MOTION TO PRODUCE MINOR CHILDREN AND GRANT THIRD-PARTY CUSTODY PENDING REUNIFICATION

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

COMES NOW, Waylon Huber, who being first duly sworn, under the pains and penalty of perjury, under the laws of the State of Nevada, truthfully states the following:

1. That this Affidavit is based upon my personal knowledge and is made under the penalties of perjury. That this Affidavit is filed in support of Affiant's Exparte Motion to Produce Minor Children and Grant Third-Party Custody Pending Reunification.

2. Your Affiant is the Father of BRYNLEE HUBER and BRYSON HUBER, born May 8, 2012, age 8. More than two years has elapsed since your Affiant had physical contact with my children. Since the March 6, 2020 Order, I participated in two therapeutic sessions with Jeff Moreno, LCSW, of Stellar Mental Health & Mediation. One on March 20, 2020 and one on May 4, 2020. During these sessions, Mr. Moreno conducted an interview of myself, and my Wife (during the second session). We discussed boundaries and expectations for the upcoming audio/visual session with the twins, and that he would prepare my children as well for the first "in-person" contact. Mother never allowed the children to return for the "in person" session, which would have been the first time in nearly three years that I would have had the opportunity to speak to my children.

3. Stellar Mental Health & Mediation informed your Affiant that Mother failed to bring the children to the appointment, cancelling last minute. The appointment was rescheduled, and she failed to bring the children a second time. On one of those dates, upon information and belief, Mother cited the children being sick as the reason for the cancellation. That same day, I sent Mother a cellular text message asking how the children were feeling and she responded

"They're awesome! Very Happy." Ultimately, Steller Mental Health & Mediation removed the children from services due to Mother not keeping appointments as directed.

4. Your Affiant also learned that Mother has unilaterally disenrolled the children form their current therapist at St. Luke's and has informed Father the children are attending "drama therapy" with un unlicensed professional at the Boise River Birth Center. This concerns your Affiant as Mother has changed therapeutic providers for the children on multiple occasions and appears to "shop" therapist. There is no continuity of care for my children at this time.

5. In the past, Mother has concealed the children from me, and even now she provides very little information regarding the twins. Routinely I ask for pictures of the children, Mother ignores all my requests. Mother has lied about her address to your Affiant, and the Court, and it is my firm belief that Mother will abscond with the children if she knows the Court is willing to modify custody.

6. Your Affiant has installed cameras in my home at the advice of Jeff Moreno to ensure that my actions can be documented should the twins have visitation in the home. This is done out of concern that the children will make additional allegations of abuse against me, due to their current mental and emotional state, and the cameras are for protection. This causes me great sadness, but I understand why the recommendation was made.

7. It is my desire that the children return to living in Nevada immediately. My Mother, Debbie Castonguay and/or Tessa James, who is my first cousin are ready, willing and able to take custody of the children. The twins have a prior relationship with both my Mother and Tessa, and would be familiar. Additionally, my desire is that while the children reside with my family they immediately begin therapeutic services in Nevada and that both myself and Defendant, Janea Calkins, submit to a parental capacity examination and an assessment of the

parental alienation be provided to this Court. In this regard, Dr. Herbert Coard, psychologist, was contacted and agreed to provide the necessary services in conjunction with his colleagues. I am willing to follow the recommendations of the providers.

8. That without immediate Court intervention my children's overall mental and emotional well-being will continue to suffer. Mother has demonstrated a pattern of behavior designed to ensure that my children continue to fear me as a person and are continued to be alienated by me, and my family.

9. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

DATED this 26th day of June, 2020.

WAYLON HUBER

Subscribed and Sworn to before me
By WAYLON HUBER
this 26th day of June, 2020.

NOTARY PUBLIC

MASSEY K. MAYO CASE
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 07-4223-9 - Expires October 31, 2023

EXHIBIT A

EXHIBIT A

3904 E. Flamingo Ave, Ste. 200, Nampa, ID 83687
(208) 639-1314 • Fax: (208) 639-2301 • Stellaridaho.com

DATE: May 19, 2020

RE: **STATUS REPORT OF (REINTEGRATION/FAMILY THERAPY)**
CV-20-464
Brynlee & Bryson Huber

I. **COMPLIANCE REPORT**

Per the order for therapy in this case, writer is to submit a status report to the court every 30 days.

1. Appointments held: 4/22, 4/30, 5/7, 5/14
2. Attendance & punctuality for appointment: Poor
3. Mother has not been following established rules and missed two appointments:
4. Father has been following established rules:

II. **TERMINATION OF THERAPY**

I, Jeffrey R. Moreno, LSCW, hereby terminate my status as court-involved therapist for the family. Primary reason:

- ☐ Client missed two appointments in a row and called in after the appointments were already missed.

Level of Functioning at discharge:

The children were only seen two times upon the initial session they both reported sexual abuse. They clearly stated they were sexually abused and described the incidents as though they were adults not children. The level of exact information and detail was concerning and the children do not appear to be using words consistent with their age or developmental level. Mom identified that father is a perpetrator of sexual abuse and the children stated that "Waylon needs to go to jail" Below is an excerpt from the children.

"When I was 3 I was interviewed but, i couldn't really tell cause I was too little. he kidnapped us my mom was dating my step-dad and he kidnapped us and he took us away back to Nevada. When he abused us "my vagina... he was making it tear, it was bleeding and whenever I would take baths and stuff it would hurt from all of the abuse. It made my kidney disease worse." "He would touch my penis and make me touch his penis. He would put it in my mouth"

Respectfully submitted,

Sent electronically, without signature, to avoid delay.

Jeffrey R. Moreno, LCSW

EXHIBIT B

EXHIBIT B

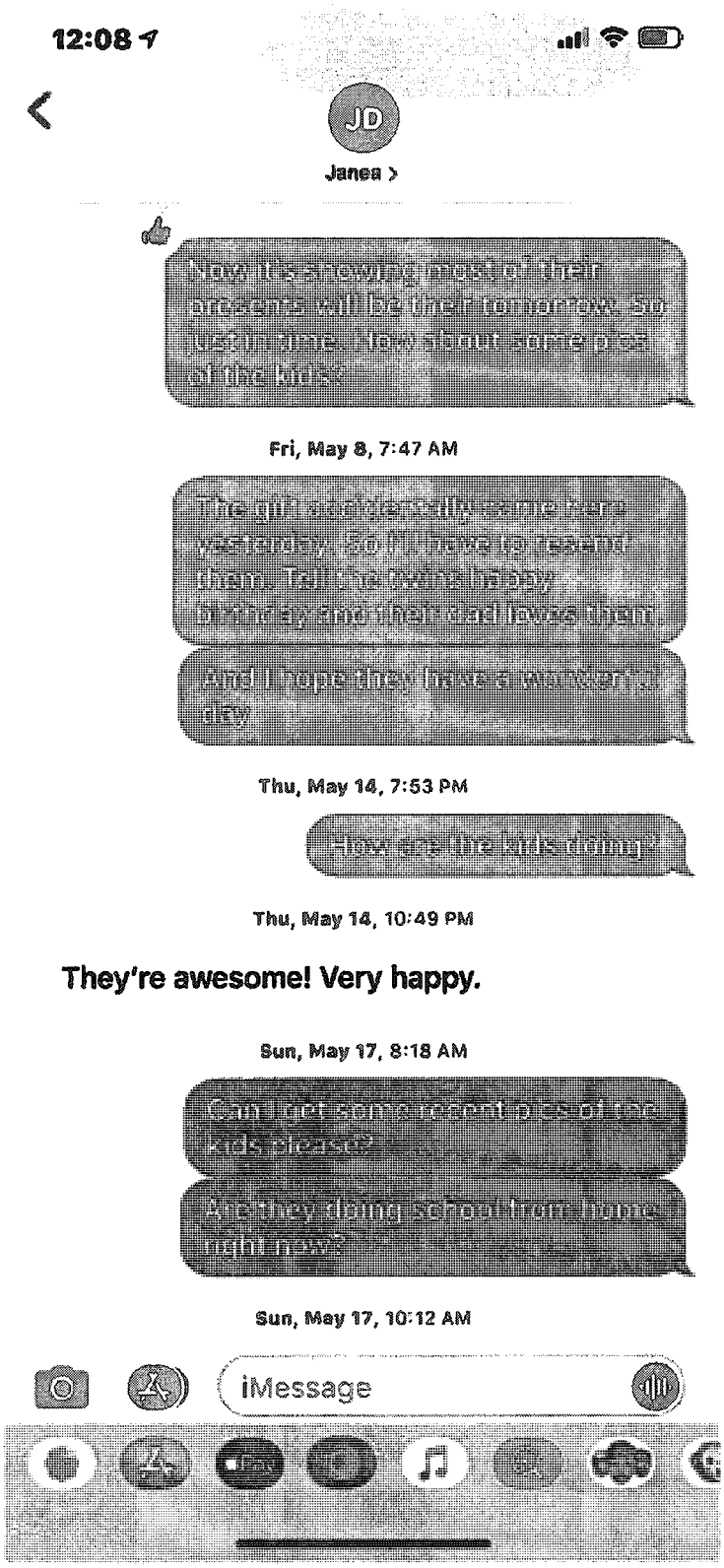
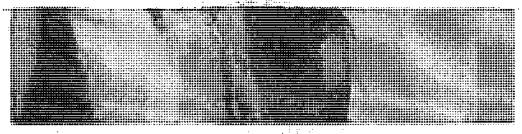

12:08
JD
Janea >
Now it's snowing most of their presents will be there tomorrow. So just in time. How about some pics of the twins
Fri, May 8, 7:47 AM
The gift card literally came here yesterday. So I have to resend them. Tell the twins happy bday and their dad loves them
And I hope they have a wonderful day
Thu, May 14, 7:53 PM
How are the kids doing?
Thu, May 14, 10:49 PM
They're awesome! Very happy.
Sun, May 17, 8:18 AM
Can I get some recent pics of the kids please?
Are they doing school from home right now?
Sun, May 17, 10:12 AM
iMessage

EXHIBIT C

EXHIBIT C

JD

Janea >



Is this the person they are seeing?

yep

Today 8:12 AM

How were you referred to this woman? St. Luke's referred you? What is going on with stellar reunification?

Today 1:57 PM

Call steller and found out Waylon.
They are the ones who communicate with you about it not me!
You know who they are seeing.

I know stellar and I know st Luke's I don't know Jessica Northam. I would like to be talked to before yanking them out of the program of st Luke's. How long and how many times has Jessica Northam seen them?

Read 2:47 PM

Message

Pay

JD

Janea >

Today 6:16 PM

Janea i spoke with St Lukes today and the twins are discharged. Who are you taking the kids to now? This is not at all good for their mental wellbeing.

it's what judge montero wanted

What are you talking about? When did he ask you to change their therapist?

i'm the last hearing. i even commented on it

I don't think that is what he said, but who are they seeing now?

regardless they switched to get a greater level of care. They are now seeing a Trauma Therapist.
Jessica Northam

Boise River Birth Center

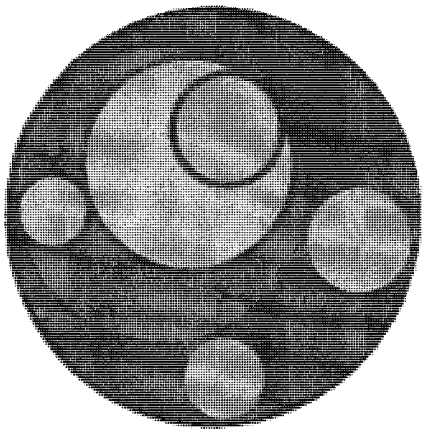
iMessage

EXHIBIT D

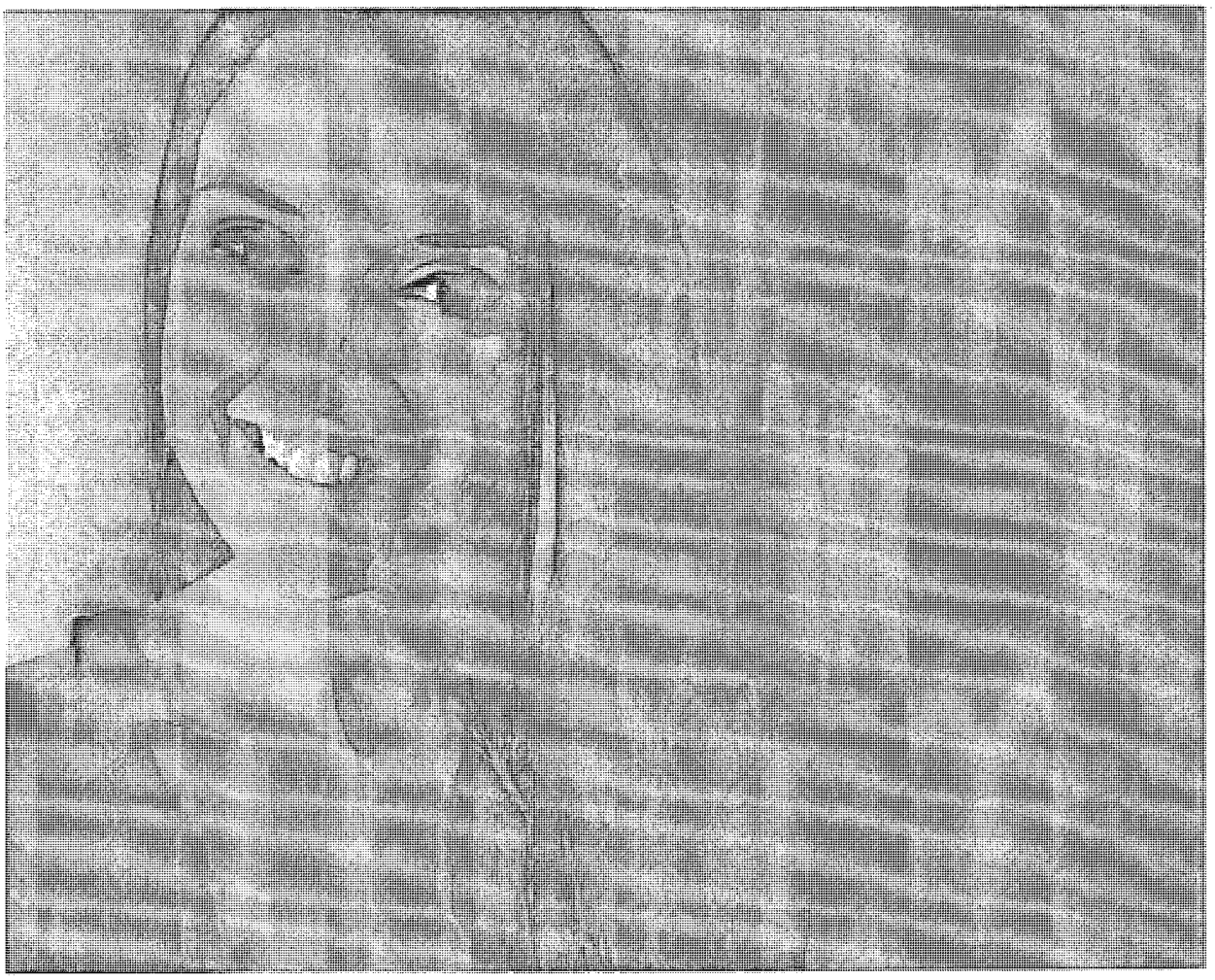
EXHIBIT D

Mental Health: (208) 807-2867

182 W State St, Eagle, ID 83616



Boise River Birth Center



Jessica Northam

Birth Assistant/Student Midwife

Jessica Northam is a registered drama therapist of the North American Drama Therapy Association with specializations in trauma-centered psychotherapy and trauma-sensitive program development. She has worked in clinical, educational, and humanitarian settings in the United States and abroad. As a clinician, she has worked with children, adolescents, adults, and families with stress-related disorders including posttraumatic stress disorders, personality disorders, and eating disorders. In educational settings, she has

and community environments.

Her experience abroad has included working in programs in Latin America responding to mental health needs of victims of natural disasters, refugees, and displaced persons in humanitarian crises.Jessica is now a consultant for professionals and NGOs in fields of services looking to develop trauma-informed practices while also building their capacity to address countertransference, prevent secondary trauma and recover from compassion fatigue. She is a firm believer that psychoeducation of stress and trauma is crucial in preventing and overcoming trauma.

Jessica is available to facilitate groups, capacity building, workshops, and retreats in addition to providing consultation for businesses and organizations wanting to create trauma-informed practices that are culturally sensitive and follow a community based approach.

As a birth doula and a childbirth educator she is no stranger to the birth world. She knows that birth brings its own experiences for each woman and it is her desire to walk alongside women with support, knowledge and encouragement as they and their families bring a new child into the world.

Her own pregnancies and births showed her the strength and healing that can come from this season of life as well the struggles that can arise. Her international travels burdened her for the physical needs around the world. The combination of the two led her down the path of midwifery and she has loved every step of the journey.

If she had any free time she would love to make things - music, wood chips, quilts, yummy food... But, for now she is excited to be immersed in her studies and her dream is to one day be a midwife for women both locally and internationally.

Contact Us

Schedule A Tour

Women's Health

FILED

2020 JUN 26 PM 4:57

TAMI RAE SPERO
DIST COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

EX PARTE REQEUST FOR SUBMISSION

It is hereby requested that the "Exparte Motion to Produce Minor Children and Grant Third-Party Custody Pending Reunification", in the above entitled matter be submitted to the Court on an Exparte emergency basis.

Said request is made without notice to Mother, due to, inter alia, fear that Mother will abscond and/or conceal the minor children given her past documented history of providing false addresses and misleading information concerning the children's whereabouts.

DATED this 26th day of June, 2020.

DOLAN LAW, LLC.
By: Massey K. Mayo, Esq.
Nevada Bar # 11201
Attorney for Waylon Huber

FILED

2020 JUL -1 PM 3:39

TAMI RAE SPERO
DIST. COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

ORDER TO IMMEDIATELY PRODUCE MINOR CHILDREN TO COURT PER NRS 125C.0055 and NOTICE OF EXPEDITED HEARING RE: CUSTODY

PREMISES HAVING BEEN CONSIDERED, and upon review of Plaintiff's, WAYLON HUBER, "Ex Parte Motion to Produce Minor Children and Grant Third-Party Custody Pending Reunification," submitted herein by and through the law office of Dolan Law, LLC, and the undersigned attorney Massey K. Mayo, Esq., and good cause appearing, the Court makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW as follows:

1. This Court has exclusive jurisdiction to enter a custody Order given that Nevada has entered prior custodial Orders concerning the minor children granting exclusive continuing jurisdiction over the minor children. NRS 125A.315. Furthermore, per NRS 125C.0045(1), this Court may, at any time, during the pendency of an action, make orders for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest.

2. Plaintiff, WAYLON HUBER, (hereinafter, "Father") has provided sufficient evidence that the Defendant, JANEA CALKINS, if provided notice of the pending custody proceedings would present a high flight-risk and either conceal and/or abscond with the two minor children: BRYNLEE and BRYSON HUBER, born May 8, 2012, age 8. Said evidence includes, Mother's past efforts to conceal the children from Father, including providing a false address for where she and the children resided to the Court and Father, ceasing communication between Father and the minor children (including, not providing information when asked about the whereabouts of said children), and her recent failure to ensure the children attend therapeutic reunification efforts designed to reengage the children in Father's life and the fact that Mother has disenrolled the children from their therapeutic providers whom they had established a professional relationship since 2019.

3. Furthermore, this Court is familiar with the parties of this case having multiple post-divorce custody hearings since 2018, and is aware that Father has not had any meaningful contact with this children for the past three years due to Mother's disobedience and defiance of Court Orders. Due to Mother's defiance of several of this Court's Order concerning reunification, Father's custodial rights are being infringed upon, which is contrary to the stated public policy in Nevada that both parents have frequent and continuing associations with their minor children post-separation.

4. The Court finds that the best interest of BRYNLEE and BRYSON HUBER may be at risk given Mother's intentional unwillingness to comply with this Court's directives and the past documented history of Mother concealing the children's location from Father and the Court. The immediate produce of the children to this Court is necessary to ensure the minor children's safety pending further determination of the future custody for said children.

NOW, THEREFORE, IT IS SO ORDERED as follows:

1. That Defendant, JANEA CALKINS, shall immediately produce the minor children, by having said children physically appear and be present for, a hearing to be held on 15th day of July @ 1:30 pm 2020 at the Sixth Judicial District Court of the State of Nevada, County of Humboldt located at 50 W. 5th Street, Winnemucca, Nevada 89445. Mother shall appear and show cause as to why the Court should not hold her in contempt and/or cause her to pay sanctions for her violation of this Court's March 6, 2020 Order.

2. Upon production of the minor children to this Court, the Court shall make further disposition of the custody of the minor children.

3. **NOTICE: Should Defendant, JANEA CALKINS, fail to appear and produce the minor children, by physically delivering the minor children to the Court at said date and time, this Court shall issue a warrant for Defendant, JANEA CALKINS, arrest in accordance with NRS 125C.0055 and this Court shall grant Plaintiff, with the assistance of appropriate law enforcement, the ability to obtain physical custody of the minor children, without further notice to Defendant.**

IT IS SO ORDERED this 15 day of July, 2020.

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the ORDER TO IMMEDIATELY PRODUCE MINOR CHILDREN PER NRS 125C.0055 and NOTICE OF EXPEDITED HEARING RE: CUSTODY, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

_____ Via Fax Transmission

_____ Box in District Court Clerk Office

_____ Box in Justice Court Clerk Office

_____ Hand Delivered

Massey K. Mayo
MASSEY K. MAYO, ESQ.

FILED

2020 JUL -2 PM 3:30

TAMI RAE SPERO
DIST. COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

NOTICE OF ENTRY OF JULY 1, 2020 ORDER

TO: JENAE CALKINS, Defendant above;

YOU ARE HEREBY NOTIFIED that an "Order to Immediately Produce Minor Children to Court Per NRS 125C.0055 and Notice of Expedited Hearing Re: Custody," was entered in the above entitled matter on the 1st day of July, 2020, a copy of which is attached hereto, as "Exhibit A".

Dated this 1st day of July, 2020.

Massey K. Mayo

DOLAN LAW, LLC.
By: Massey K. Mayo, Esq.
Nevada Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Telephone: 775-625-3200
Fax: 775-625-4286
Attorney for Waylon Huber

A0825

EXHIBIT A

EXHIBIT A

Case No. CV 20,464

Dept. No. 2

FILED

2020 JUL -1 PM 3:40

JANI RAE SPERO
DIST. COURT CLERK

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

ORDER TO IMMEDIATELY PRODUCE MINOR CHILDREN TO COURT PER NRS 125C.0055 and NOTICE OF EXPEDITED HEARING RE: CUSTODY

PREMISES HAVING BEEN CONSIDERED, and upon review of Plaintiff's, WAYLON HUBER, "Ex Parte Motion to Produce Minor Children and Grant Third-Party Custody Pending Reunification," submitted herein by and through the law office of Dolan Law, LLC, and the undersigned attorney Massey K. Mayo, Esq., and good cause appearing, the Court makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW as follows:

1. This Court has exclusive jurisdiction to enter a custody Order given that Nevada has entered prior custodial Orders concerning the minor children granting exclusive continuing jurisdiction over the minor children. NRS 125A.315. Furthermore, per NRS 125C.0045(1), this Court may, at any time, during the pendency of an action, make orders for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest.

2. Plaintiff, WAYLON HUBER, (hereinafter, "Father") has provided sufficient evidence that the Defendant, JANEA CALKINS, if provided notice of the pending custody proceedings would present a high flight-risk and either conceal and/or abscond with the two minor children: BRYNLEE and BRYSON HUBER, born May 8, 2012, age 8. Said evidence includes, Mother's past efforts to conceal the children from Father, including providing a false address for where she and the children resided to the Court and Father, ceasing communication between Father and the minor children (including, not providing information when asked about the whereabouts of said children), and her recent failure to ensure the children attend therapeutic reunification efforts designed to reengage the children in Father's life and the fact that Mother has disenrolled the children from their therapeutic providers whom they had established a professional relationship since 2019.

3. Furthermore, this Court is familiar with the parties of this case having multiple post-divorce custody hearings since 2018, and is aware that Father has not had any meaningful contact with this children for the past three years due to Mother's disobedience and defiance of Court Orders. Due to Mother's defiance of several of this Court's Order concerning reunification, Father's custodial rights are being infringed upon, which is contrary to the stated public policy in Nevada that both parents have frequent and continuing associations with their minor children post-separation.

4. The Court finds that the best interest of BRYNLEE and BRYSON HUBER may be at risk given Mother's intentional unwillingness to comply with this Court's directives and the past documented history of Mother concealing the children's location from Father and the Court. The immediate produce of the children to this Court is necessary to ensure the minor children's safety pending further determination of the future custody for said children.

NOW, THEREFORE, IT IS SO ORDERED as follows:

1. That Defendant, JANEA CALKINS, shall immediately produce the minor children, by having said children physically appear and be present for, a hearing to be held on 15th day of July at 1:30pm 2020 at the Sixth Judicial District Court of the State of Nevada, County of Humboldt located at 50 W. 5th Street, Winnemucca, Nevada 89445. Mother shall appear and show cause as to why the Court should not hold her in contempt and/or cause her to pay sanctions for her violation of this Court's March 6, 2020 Order.

2. Upon production of the minor children to this Court, the Court shall make further disposition of the custody of the minor children.

3. **NOTICE: Should Defendant, JANEA CALKINS, fail to appear and produce the minor children, by physically delivering the minor children to the Court at said date and time, this Court shall issue a warrant for Defendant, JANEA CALKINS, arrest in accordance with NRS 125C.0055 and this Court shall grant Plaintiff, with the assistance of appropriate law enforcement, the ability to obtain physical custody of the minor children, without further notice to Defendant.**

IT IS SO ORDERED this 1st day of July, 2020.

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the ORDER TO IMMEDIATELY PRODUCE MINOR CHILDREN PER NRS 125C.0055 and NOTICE OF EXPEDITED HEARING RE: CUSTODY, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

Massey K. Mayo

MASSEY K. MAYO, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the NOTICE OF ENTRY OF ORDER, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

_____ Via Fax Transmission

_____ Box in District Court Clerk Office

_____ Box in Justice Court Clerk Office

_____ Hand Delivered

Massey K. Mayo

MASSEY K. MAYO, ESQ.

FILED

2020 JUL 13 AM 9:30

JAHI RAE SPERO
DIST. COURT CLERK

C. Smack

CASE NO. CV 20,464

DEPT. NO. 2

IN THE ~~FOURTH~~ SIXTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ~~ELKO~~ HUMBOLDT

WAYLON HUBER,

PLAINTIFF,

V.

JANEA CALKINS,

DEFENDANT.

/

MOTION TO CONTINUE HEARING

COMES NOW JANEA CALKINS, ☐ Plaintiff ☒ Defendant and moves this Court for an Order continuing the hearing in this matter on the ☐ Plaintiff's ☐ Defendant's ~~Motion~~ ORDER to ~~March~~ IMMODIATELY PRODUCE Minor Children to Court. This motion is based upon the affidavit and memorandum of points For NRS 125C.0055 RE: CUSTODY and authorities attached hereto. This motion is further based upon the pleadings and papers on file with the Court and on such other and further documentary evidence which may be presented at the hearing on this matter.

DATED this 10th day of July, 2020.

Name: Janea Calkins
Address: 3033 W Divid creek Dr.
Meridian, ID 831646
Phone No.: 208-780-9705
☐ Plaintiff ☒ Defendant

AFFIDAVIT IN SUPPORT OF MOTION TO CONTINUE HEARING

STATE OF NEVADA)
) ss.
COUNTY OF Humboldt)

COMES NOW Janea' Calkins, who first being duly sworn, deposes and says:

1. That Affiant is the ☐ Plaintiff ☒ Defendant in the above-entitled matter.

2. That a hearing on the ~~Motion to~~ Order ~~Issue~~ To immediately Produce Minor Children to court Per NRS 125C.0055 is currently scheduled for 1st Day of July, 2020.

3. That Affiant requests a continuance of this hearing because: It conflicts with My Employment & well-being of My family during this pandemic currently, ID. is requiring anyone who travels outside of the state to ~~quarantine for 2 weeks~~ following their return. I have recently obtained employment through the U.S. Census Bureau. My training ~~is scheduled to happen~~ started July 12th 2020. If I quarantine I will miss 2 weeks of work & likely lose my job.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 10th day of July, 2020.

Janea Calkins

Name: Janea Calkins
Address: 3033 W. Divide Creek Dr.
Meridian, ID 83646
Phone No.: 208.780.9705
☐ Plaintiff ☒ Defendant

MEMORANUM OF POINTS AND AUTHORITIES

This Motion for a Continuance is being filed pursuant to Nevada District Court Rules, Rule 1.4. (list all arguments in support of motion) 1. Health and safety of my family do to recent Covid-19 spikes in ID.
2. Conflicts with new Employment 'US Census Bureau'
- 2 Week Quarantine

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and JCRCP 5(b), I hereby certify that I am a non-party over the age of 18 years, and that on 10th day of July, 2020, I served a true and correct copy of the foregoing Motion To Continue Hearing,

(Name of document that was served)

addressed to:

Dolan Law, LLC Attn. Massy Mayo Esq.
545 Hanson street
Winnemucca, NV 89445

[ ] BY U.S. MAIL: I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Meridian, ID (City and State), in the ordinary course of business.

[ ] BY FACSIMILE TO: _____ (FAX number).

[ ] BY PERSONAL SERVICE: I personally hand delivered the above-identified document to the address/offices of the person named above.

Signature of Server

Janea Calkins
Print Name of Server

©2006 Nevada Supreme Court
Revised: April 17, 2006

FILED
2020 JUL 14 AM 11:48
TAMI RAE SPERO
DISTRICT COURT CLERK

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

/

OPPOSITION TO MOTION TO CONTINUE HEARING

COMES NOW, the Plaintiff, WAYLON HUBER, (hereinafter, "Father") above-named, by and through his attorney, DOLAN LAW, LLC and MASSEY K. MAYO, ESQ., and hereby Opposes the Defendant. JANAE CALKINS, "Motion to Continue" the hearing presently scheduled for July 15, 2020.

This Opposition is based upon the Points and Authorities, pleadings and papers herein, and any argument to be heard hereon.

DATED this 14th day of July, 2020.

Massey K. Mayo

DOLAN LAW, LLC.
By: Massey K. Mayo, Esq.
Nevada Bar # 11201
Attorney for Waylon Huber

POINTS AND AUTHORITIES

1. Defendant, JANEA CALKINS, Motion to Continue is devoid of evidence corroborating her claim that appearing for the July 15th, 2020 hearing, wherein she is required to produce the minor children before this Court, will cause an undue hardship. The filing of said Motion is nothing more than effort by the Defendant to avoid accountability and consequences for her actions in violating multiple Court Orders issued by this Court. This Court has demanded the Defendant's presence to address her wrongdoings and the continued infringement of Plaintiff's custodial rights, which are serious in nature, and should deny any effort to delay these proceedings further.

2. **Claim that there is a 14-day Quarantine Requirement:** Ms. Calkins has averred that the State of Idaho is *mandating* a 14-day quarantine of any person who travels outside the State due to the Covid19 pandemic. This is not true. A simple on-line search reveals that Ada County, where Defendant purportedly resides, is on a "Stage 3 Reopening." Travel guidelines are to "follow the CDC guidelines regarding isolation following travel." See, Exh. A, https://rebound.idaho.gov/stages-of-reopening/ , Stages of Reopening for Idaho. While Humboldt County does have active Covid cases (as of today, 91 confirmed cases) this far less than the number that Ada County is reporting (as of this week, 4,228). As such, there is a far less risk to exposure in Humboldt County than Ada County, and no isolation is required upon the Defendant's return to Idaho from Nevada.

3. **Claim that Employment will Terminate if Required to Attend Hearing:** Defendant has failed to attach proof of her employment with the United States Census Bureau, or that any type of training commenced on July 12th, 2020. Furthermore, Defendant's alleged

termination will only occur if she is required to quarantine, which she is not. The risk to her losing her employment, to the extent said employment exists, is minimal.

4. Furthermore, the Defendant has waited until the eleventh-hour to seek a continuance of the hearing. The Court issued the Order to appear and produce the minor children on July 1st, 2020 and said Order was delivered electronically to Mrs. Calkins on July 2, 2020. Ms. Calkins waited an additional 8 days before filing her Motion, and only 5 days prior to the hearing date, despite having notice at least 13 days in advance.

5. Defendant has failed to show good cause why a continuance is warranted in this matter, especially given the seriousness of the issues to be addressed at the hearing and the egregious behavior of the Defendant throughout the course of the post-divorce litigation. Plaintiff respectfully request that this Court hold Defendant to appearing in Court, and requiring that the minor children appear, so that this Court may make the necessary Order to protect the best interest of the children moving forward.

WHEREFORE the undersigned counsel respectfully prays that Defendant's Motion to Continue be denied, and that Plaintiff be awarded attorney fees for having to defend against Defendant's request which is an effort to delay these proceedings without just cause, and for such other and further relief as may be just and proper.

DATED this 14th day of July, 2020.

Massey K Mayo

DOLAN LAW LLC
By: Massey K. Mayo, Esq.
Nevada Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Attorney for Waylon Huber

EXHIBIT A

EXHIBIT A

DOLAN LAW, LLC.
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

STAGES BY COUNTY

Idaho transitioned to a regional or local approach in the response to COVID-19. All counties in Idaho are listed here, along with each county's status in the Idaho Rebounds plan:

- Ada County – Modified Stage 3. Contact **Central District Health** for more information.
- Adams County – Stage 4
- Bannock County – Stage 4
- Bear Lake County – Stage 4
- Benewah County – Stage 4
- Bingham County – Stage 4
- Blaine County – Stage 4
- Boise County – Stage 4
- Bonner County – Stage 4
- Bonneville County – Stage 4
- Boundary County – Stage 4
- Butte County – Stage 4
- Camas County – Stage 4
- Canyon County – Stage 4
- Caribou County – Stage 4
- Cassia County – Stage 4
- Clark County – Stage 4
- Clearwater County – Stage 4
- Custer County – Stage 4
- Elmore County – Stage 4
- Franklin County – Stage 4
- Fremont County – Stage 4
- Gem County – Stage 4
- Gooding County – Stage 4
- Idaho County – Stage 4
- Jefferson County – Stage 4
- Jerome County – Stage 4
- Kootenai County – Stage 4
- Latah County – Stage 4
- Lemhi County – Stage 4
- Lewis County – Stage 4
- Lincoln County – Stage 4
- Madison County – Stage 4
- Minidoka County – Stage 4
- Nez Perce County – Stage 4
- Oneida County – Stage 4
- Owyhee County – Stage 4
- Payette County – Stage 4
- Power County – Stage 4
- Shoshone County – Stage 4
- Teton County – Stage 4
- Twin Falls County – Stage 4
- Valley County – Stage 4
- Washington County – Stage 4

A0839

Stage Three (May 30 – June 12)

Business Protocols for Opening — Businesses opening their doors in various stages of the Idaho Rebound plan should have operational plans in place to mitigate the risk of spreading COVID-19. For business protocols available, **click here**.

INDIVIDUALS	EMPLOYER	SPECIFIC TYPE EMPLOYER
Vulnerable Idahoans can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.	Continue to encourage telework, whenever possible and feasible with business operations. Return employees to work in phases, if physical distancing, personal protections and sanitation are feasible.	Visits to senior living facilities and congregate facilities (e.g. jails and corrections) are prohibited and those employees and providers who do interact with residents and patients must adhere to strict protocols regarding hygiene and infection prevention. Bars can open if demonstrate ability to meet business protcols.
Gatherings, both public and private, of 10-50 people, where appropriate physical distancing and precautionary measures are observed can occur. **Find gatherings guidance here.**	Employees who are considered vulnerable individuals should continue to self-quarantine. Special accommodations for these employees should be made in the workplace if they are unable to work from home.	Nightclubs remain closed, except can open as a bar if business protocols are met. Develop plans for operating as a nightclub with diminished standing room occupancy in order to open in Stage 4.
Non-essential travel can resume to locations that allow it and do not have ongoing transmission (individuals should adhere to state and **CDC guidelines**regarding isolation following travel).	All open businesses continue to follow protocol for opening.	Movie theaters can open if able to meet business protocols.
Encourage 14-day self-quarantinefor people entering Idaho from another country or from an area outside Idaho with substantial community spread or case rates higher than Idaho.	Non-essential travel can resume to locations that allow it and do not have ongoing transmission (employers should adhere to state and **CDC guidelines**regarding isolation following travel).	Large venues (e.g. sporting venues) remain closed, develop plans for operating with limited physical distancing protocols in order to open in stage 4.

A0840

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the OPPOSITION TO MOTION TO CONTINUE, addressed to the following:

Janea Huber Calkins
3033 W. Divid Creek
Meridian, Idaho 83646

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

X Electronic Delivery: janeacalkins@yahoo.com

Massey K. Mayo

MASSEY K. MAYO, ESQ

SCANNED

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

CV0002[illegible]0464

WAYLON JAY HUBER

VS

JANAE MARIE CALKINS

Judge: Michael R. Montero

Clerk: Jody Clark

JULY 15, 2020 HEARING

PRESENT: Plaintiff, Waylon Jay Huber, present with counsel, Massey K. Mayo and Max Stovall. Defendant, Janae Marie Calkins, present in proper person.

The record reflected that this matter comes before the Court on an order pursuant to NRS 125C.005 to immediately produce minor children to the Court.

Mayo informed the Court that the minor children are currently in the hallway.

Jeff Moreno, duly sworn, testified under the direct examination of Mayo. Plaintiff's Exhibit "1," Jeff Moreno's report, offered and admitted. Cross by Calkins. Redirect by Mayo. Recross by Calkins.

Janae Calkins, duly sworn, testified under the direct examination of Mayo.

Waylon Huber, duly sworn, testified under the direct examination of Mayo.

Argument by Mayo.

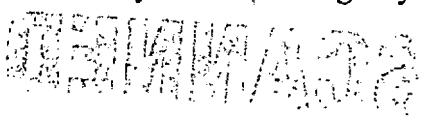
Argument by Calkins

The Court some comments regarding the same issues coming before the Court as well as previous orders. The Court also made comments regarding Calkins relocating to Idaho for educational purposes only and that it was to be a temporary move.

The Court, based upon the evidence before the Court today and previous reunification efforts not working finds the following; 1. That this Court has continuing exclusive jurisdiction to enter custodial orders concerning the two (2) minor children; 2. That the Mother received notice of this hearing and did comply with the directive to produce the minor children; 3. That the Mother's move to Idaho was for the purpose of completing her education and that the Mother would return to Nevada no later than two (2) years after her move to Idaho. The Mother has never returned to

Nevada per her agreement and has resided in the Boise, Idaho area for the last four (4) years; 4. That this Court has had several hearings these last (4) four years regarding custody of the minor children in which various orders have been entered; 5. That the Mother has resisted, contested and deflected reunification of the father and minor children and has disobeyed and/or ignored prior Court orders; 6. That the Mother's testimony is not credible. Her testimony was in direct contradiction of Moreno's testimony regarding termination of services for the minor children due to the Mother's failure to appear and the time of the no shows when the Father was afforded an opportunity to have contact with his children; 7. That the Mother's minimal efforts towards reunification between the Father and minor children negatively influence the minor children & 8. That the Mother is in violation of this Court's order that there shall be no contact between her husband, Justin Calkins and the minor children. The Mother testified that her husband would resume living with her and the children in the same home upon his release from prison in August of this year.

Based upon the above findings the Court orders the following: 1. That the Father is granted temporary sole physical custody of the minor children, immediately; 2. That the Father and Mother shall continue to share joint legal custody the minor children; 3. That the minor children shall be placed with the paternal grandmother, Debbie or the paternal cousin, Tessa James, pending reunification efforts between the Father and children commencing; 4. That the Mother's visitation shall be supervised and occur telephonically or an audio visual format. The Mother shall be entitled to speak with the children at 6:00 p.m. or 7:00 p.m. (Idaho time) each day, however the placement of the children or their Father shall have the discretion to terminate the contact should the Mother discuss this litigation with the children or disparage the Father or other family members with the children present. Further visitation between the Mother and children shall be recommended if appropriate by a therapeutic professional assisting with the reunification; 5. That should the Mother return to Nevada, the Court will revisit the terms of visitation and entertain a modification order; 6. That the Father shall employ the services of Dr. Herbert Coard to assist in the reunification process. Both parties are ordered to cooperate with Dr. Coard; 7. That Dr. Coard shall be authorized to release a full and complete copy of any evaluation and/or report concerning the parties and minor children to the Court and to counsel of either party or if not represented, directly to that party. No party shall disclose the contents of the evaluation and/or report to any third party without permission of this Court or the recommendation of Dr. Coard; 8. That the Mother shall forward Dr. Coard all medical records, educational records relating to the children's special needs as well as therapeutic records for the minor children, within fifteen (15) days of today's date. The Mother shall further cooperate in signing any documents necessary to include HIPA releases. The Mother shall also disclose to Dr. Coard any and all medical and mental health treatment the children received while in her care and custody from 2017 to 2020; 9. The attorney fee issue shall be reserve for another time & 10. The Father's child support obligation is stayed commencing July 1, 2020.



Waylon Jay Huber vs. Janae Marie Watkins

PLAINTIFF'S EXHIBITS: CASE NUMBER: CR0020464 July 15, 2020 - Hearing

		I.D.	MARKED	OFFERED	ADMITTED
1	Jeff Moreno's Report	1	7-15-20	7-15-20	7-15-20
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					

3904 E. Flamingo Ave, Ste. 200, Nampa, ID 83687
(208) 639-1314 • Fax: (208) 639-2301 • Stellaridaho.com

DATE: May 19, 2020

RE: **STATUS REPORT OF (REINTEGRATION/FAMILY THERAPY)**
CV-20-464
Brynlee & Bryson Huber

I. **COMPLIANCE REPORT**

Per the order for therapy in this case, writer is to submit a status report to the court every 30 days.

1. Appointments held: 4/22, 4/30, 5/7, 5/14
2. Attendance & punctuality for appointment: Poor
3. Mother has not been following established rules and missed two appointments:
4. Father has been following established rules:

II. **TERMINATION OF THERAPY**

I, Jeffrey R. Moreno, LSCW, hereby terminate my status as court-involved therapist for the family. Primary reason:

☐ Client missed two appointments in a row and called in after the appointments were already missed.

Level of Functioning at discharge:

The children were only seen two times upon the initial session they both reported sexual abuse. They clearly stated they were sexually abused and described the incidents as though they were adults not children. The level of exact information and detail was concerning and the children do not appear to be using words consistent with their age or developmental level. Mom identified that father is a perpetrator of sexual abuse and the children stated that "Waylon needs to go to jail" Below is an excerpt from the children.

"When I was 3 I was interviewed but, I couldn't really tell cause I was too little. he kidnapped us my mom was dating my step-dad and he kidnapped us and he took us away back to Nevada. When he abused us "my vagina... he was making it tear, it was bleeding and whenever I would take baths and stuff it would hurt from all of the abuse. It made my kidney disease worse." "He would touch my penis and make me touch his penis. He would put it in my mouth"

Respectfully submitted,

Sent electronically, without signature, to avoid delay.

Jeffrey R. Moreno, LCSW

Marked for Identification
Plaintiff's
Proposed Exhib

PLAINTIFF'S EXHIBIT
1
CV 2020 464
7-15-20
PENGAD 800-631-6989

In the Matter Of:

Audio Transcription

VIDEO-RECORDED HEARING RE HUBER V. CAULKINS

July 15, 2020

Job Number: 788583

TRANSCRIPT OF VIDEO-RECORDED

HEARING IN THE MATTER OF

HUBER V. CAULKINS

CASE NUMBER CV-20-464

Litigation Services Job Number: 788583

FEMALE 1: [Inaudible] That's fine [inaudible] for now.

THE COURT: Okay. Can you do that?

FEMALE 2: [Inaudible] are you guys okay with going [inaudible]?

FEMALE 1: [Inaudible] me?

FEMALE 2: Or do you [inaudible]?

FEMALE 1: [Inaudible].

THE COURT: And -- and you have to look at [inaudible] column and --?

FEMALE 1: Yeah. [Inaudible].

FEMALE 2: [Inaudible], do you have your files?

FEMALE 1: Yeah.

FEMALE 2: Okay. Okay.

THE COURT: Okay. Let's try this again. We're going to go on the record. This is in case CV-20-464 case captioned, Waylon Huber, plaintiff, versus Janae Caulkins, defendant. The record this m- -- this afternoon reflect the presence of both parties and Mr. Huber, plaintiff appearing today with counsel, Mr. Max Stovall and Ms. Massey Mayo. And Ms. Caulkins, uh, are you self-represented?

MS. CAULKINS: Yes.

THE COURT: Okay. And this is a hearing on the court's order to immediately produce minor children to

court, pursuant NRS 125C and notice of expedited hearing regarding custody. Um, uh, Ms. Mayo you've, um, filed the motion and, uh, you may proceed.

MS. MAYO: Um, thank you, Your Honor. Uh, Your Honor, uh, we -- I intend to call, uh, Mr. Moreno, who was the therapeutic supervisor that the children were seen up in Idaho.

I believe he is available via Zoom, um, and that will be my first witness.

THE COURT: Okay. And you -- did you -- I -- I don't know for sure if I was recording, when you made -- wanting to make a record regarding the appearance of the children.

MS. MAYO: Thank you, Your Honor. Um, yes. I just want to indicate on the record that, um, Ms. Caulkins did produce the minor children before the court today. These children ha- -- are here.

Um, they are out in the hallway, um, and I -- I think that it should be noted that she did comply with that requirement of this court's order.

THE COURT: And the, um, witnesses name again is?

MS. MAYO: Yes. It's Jeffery Moreno and he's a licensed child social worker.

THE COURT: And I'm asking that because I have two numbers on the wai- -- in the waiting room here.

One just says Jeff, and then another one's a 208 number, so do you know if he was, uh, um, was able to appear by video or just audio?

MS. MAYO: I understood that, uh, maybe it was just a presumption, um, that he would just connect via audio and visual. Um, I didn't have any impression that you wouldn't have audio -- uh, video -- video available.

THE COURT: Okay. Um, a- -- any other housekeeping matters that we need to address before, um, this first witnesses called?

MS. MAYO: The only, um, housekeeping matter that I had is just an exhibit for the court. I don't know that the court -- I believe the court might be in receipt of Mr. Moreno's report, dated May 19th, 2020. I provided Ms. Caulkins a copy of that, um, here today.

THE COURT: Would it have been attached as, um, an exhibit to a motion or --

MS. MAYO: Both are attached to our ex parte, um, motion, Your Honor.

THE COURT: Okay.

MS. MAYO: Uh, additionally, Your Honor, [inaudible] on the record that, uh, I think that the first day was filed, the motion itself was never, um,

provided to Ms. Caulkins just the order, um, and then the reason [inaudible] motion for, um, in regards to a flight of -- or, uh, a fear of flight risk by Ms. Caulkins, the minor children, [inaudible], Your Honor, um, to that motion.

THE COURT: Okay. I do see that.

MS. MAYO: All right. I have, um, my copies [inaudible], uh, to date, Ms. Caulkins has not received but --

THE COURT: Okay. Anything else either of you? We -- we do have the children here, they're with the sitter right now. They've been asked to wait outside the courtroom just due to, um, disruption by the youngest.

Um, so what I'm going to do is I'm going to actually have my staff come in and they're going to, um, set up the Zoom on the two computers that are in front of you so that if I have a witness testifying, um, you're able to [inaudible] and hear the witness.

Um, so I'm going to have someone come in. I wasn't certain if this was going to happen at the, uh, at the immediate outset of this hearing or later so I'm going to have them set those up. So with that, I'm going to pause.

[audio break]

THE COURT: And we're now back on the record in case CV-20-464, case captioned Wayland Huber, plaintiff versus Janae Caulkins, defendant.

The, uh, computers are being set up now in the courtroom so we have, uh, video and audio connection with the witness, um, Jeffrey Moreno that has been called by the plaintiff. And, uh, Mr. Moreno, I'm going to ask that you please raise your right hand.

And do you solemnly swear or affirm the evidence you're about to provide in this matter now pending before the court shall be the truth, the whole truth and nothing but the truth so help you God.

MR. MORENO: I do. Thank you. And just so you understand, I have Ms. Caulkins at one computer here in the courtroom, um, and I have Mr. Huber at another computer and Mr. Huber's appearing with his attorney, Ms. Massey Mayo and Ms. Mayo has called you as a witness.

And so she'll begin, uh, the direct examination. Do you have any questions about the process since we're using this technology?

MR. MORENO: I do not, Your Honor.

THE COURT: Are you able to hear me okay.

MR. MORENO: I am, Your Honor.

THE COURT: Okay. And these proceedings are being

recorded as this is a formal court hearing. Thank you. Ms. Mayo, you can now proceed.

MS. MAYO: Thank you. Um, Mr. Moreno, if you can't hear me at any time, just let me know. Um, but can you hear me fine right now?

MR. MORENO: I can.

MS. MAYO: Okay. If you could state your name and spell it for the record, please.

MR. MORENO: Jeffrey Ryan Merino. It's J-e-f-f-r-e-y R-y-a-n M-o-r-e-n-o.

MS. MAYO: And what is your occupation, Mr. Moreno?

MR. MORENO: I'm a licensed clinical social worker.

MS. MAYO: And how long have you been a licensed clinical social worker?

MR. MORENO: Since approximately 2008.

MS. MAYO: Okay. And is that licensure through the State of Idaho?

MR. MORENO: It is.

MS. MAYO: And where is your current employment?

MR. MORENO: I work in, um, operate Steller Mental Health and Mediation in Nampa, Idaho.

MS. MAYO: And are you familiar with, um, two minor children, Brinley and Bryson Huber?

MR. MORENO: I am.

MS. MAYO: And how are you familiar with them?

MR. MORENO: I had them in counseling approximately two times, several months ago, um, in my office.

MS. MAYO: And what was your, uh, prior to the -- the children being in counseling, did you receive information about what the goals were for why you were being in, um, or why you were involved with this family?

MR. MORENO: Yes. To assist the father in developing and repairing the relationship he had with his children.

MS. MAYO: Okay. And so what--, um, if you could just walk the court through what your, uh, treatment plan was and how far you got through that process as regards to that -- that particular goal?

MR. MORENO: Sure. So, uh, initially both parents are required to fill out assessments on both children so that I can then review both assessments with each parent in my office or over the telephone depending on circumstances.

At that point, I then also meet with the children and then we develop a treatment plan after meeting with the children several times so that we have an

idea of where we're moving forward and what strengths and weaknesses we have in both -- both houses.

MS. MAYO: Okay. And is this something that you have done previously in your occupation as a, um, an LCSW?

MR. MORENO: Yes.

MS. MAYO: Okay. And on average, how many families have you worked with in the past year in regards to something similar and --

MR. MORENO: I have between 10 and 15 families scheduled a week for this traditional, um, style of therapy in addition to other regular therapy clients.

MS. MAYO: Okay. And so when was -- if you recall, when was your first appointment with the children?

MR. MORENO: I believe around April of 2020.

MS. MAYO: And do you recall who brought the children to your office?

MR. MORENO: Janae did. The mother.

MS. MAYO: Okay. And is -- at that time, is this also the time that, um, Ms. Caulkins would have filled out her own assessment of the children?

MR. MORENO: Uh, she would have previously filled it out or, um, and then reviewed it in the office that day.

MS. MAYO: Okay. And, um, so you met them on April 20th, give or take. And do you recall the next time that you met with the children?

MR. MORENO: Um, according to my records on April 30th.

MS. MAYO: Okay. And is that a pretty standard protocol to see them approximately once per week or is that something that you developed after reading the assessments?

MR. MORENO: Yes. Generally we start off at once a week so that we can develop, uh, uh, rapport with the client, but also so that we can develop a treatment plan and have goals for both parents to make forward progress with the kiddos.

MS. MAYO: And after April 30th, did you see the children, um, any time after that time? MR. MORENO: I did not.

MS. MAYO: Were there appointments scheduled for the children, um, post, April 30th? MR. MORENO: Yes.

MS. MAYO: And do you have the dates, um, available for the other appointments that had been scheduled?

MR. MORENO: They were in May of 2020 as well.

MS. MAYO: Okay. At the April, um, uh, the first

appointment in April, did you, um, make it clear to Ms. Caulkins that the children would be expected to be seen once a week?

MR. MORENO: Yes.

MS. MAYO: Okay. And did she, um, indicate that that would be difficult or improbable for her to provide the children for you for once per week sessions?

MR. MORENO: It sounded like it might be difficult, but that it was doable.

MS. MAYO: Okay. Did you prepare a report, um, based upon your interactions with the children in this case?

MR. MORENO: I did.

MS. MAYO: Okay. And is that report dated May 19th, 2020?

MR. MORENO: Correct.

MS. MAYO: And, um, it's also signed by you electronically, is that correct?

MR. MORENO: Correct.

MS. MAYO: Okay. Um, Your Honor, I move for the admission of exhibit -- I'm not sure if we're running exhibits, so I'm going to say exhibit on my --

MALE 2: One.

MS. MAYO: One.

THE COURT: Exhibit 1 has been marked for purpose identification as offered. At this time, Ms. Caulkins do you have any objections?

MS. CAULKINS: I don't think so.

THE COURT: Okay. If there are no objections, Exhibit 1 is admitted.

MS. MAYO: Uh, Mr. Moreno, do you have your report available to you?

MR. MORENO: I do.

MS. MAYO: Okay. So if you need to refer to that, um, [inaudible] please let me know. Um, but I just was going to, uh, walk through this. Uh, this report indicates that you terminated your relationship as the court involved the therapist for the family. Why was that?

MR. MORENO: Due to the two cancellation, um, appointments for the children and a lot of scheduling issues be- -- prior to that.

MS. MAYO: Okay. Can you expand on that a little bit? Can you talk about the cancellations, how those came about and when you were notified?

MR. MORENO: Sure. The -- the office manager had had trouble with this case in scheduling the kids initially. Um, as time went on, then I did see the two children, um, and then mom had had to cancel after the

appointments on those two dates and then we ultimately discharged the kids.

MS. MAYO: Okay. And so when you say that mom had to cancel after the appointments were already scheduled, did she cancel prior to the time of those appointments or after the time of those appointments expired?

MR. MORENO: After -- after the time in which the appointments were scheduled.

MS. MAYO: Was there any reason given for why the ca- -- the appointments were canceled?

MR. MORENO: I don't recall why. I think one of them was because she was sick.

MS. MAYO: Okay. And was there any efforts, um, on Ms. Caulkins' report, uh, part to reschedule those appointments? Um, or, did she just continuously cancel?

MR. MORENO: She had canceled those two appointments generally when we schedule people especially with court ordered services. We schedule them for the same spot every single week because we are so busy trying to make sure that clients also know their spot, trying to alleviate some of those issues with cancellation. So she would have been on a regular recurrent schedule.

MS. MAYO: Okay. And so I want to get to sort of the substance of the therapy that you were trying to provide. Um, how many times have you met with Mr. Huber?

MR. MORENO: Uh, I believe two times in person.

MS. MAYO: Okay. And, um, and what was the, uh, goals of those particular sessions for Mr. Huber?

MR. MORENO: To allow him an opportunity to find out what had been going on with his children and give him some skills or tools to try to transition the kids back to his house along with possibly giving him some different methods to protect himself from further allegations.

MS. MAYO: Okay. And when you speak of allegations, what are you referring to?

MR. MORENO: I told, uh, Mr. Huber that if -- if I was him personally, I would install some kind of audio-visual camera in the common areas of my house to eliminate the concern of possible sexual abuse.

MS. MAYO: Okay. And why -- why was that topic even, um, relevant during your sessions?

MR. MORENO: When I initially met with the children, they were forthcoming with how, who, what, where, when, and why they had been abused, where they've been interviewed, when they were going to be

interviewed next.

It was -- it was very concerning the level of information that the two children had considering that the allegations of abuse had taken place somewhere between four and five years prior.

MS. MAYO: So for the record, you're referring to past allegations of, uh, sexual abuse by Mr. Huber upon the two children, is that correct?

MR. MORENO: Correct.

MS. MAYO: Okay. And, um, when you say it was -- it's very concerning, well, also for the record, how old are Brinley and Bryson?

MR. MORENO: Eight years old.

MS. MAYO: They're eight years old. Okay. Can you elaborate on what you mean by it was very concerning, um, about the level of information that they have? What do you mean specifically?

MR. MORENO: Their -- their ability to describe an incident that is possibly four or five years old in great detail using adult terminology has me concerned whether they've been coached or prompted to use that language and whether that has been kind of repetitively taught to the kids, whether it be through a parent or through therapeutic intervention, that there are these extreme victims of sexual abuse in

which I don't believe these children actually could account for the way in which they said it.

MS. MAYO: And when you talk about the adults terminology, can you give some examples of what you're indicating the -- the children were using for language?

MR. MORENO: Uh, Brinley, for example, said, you know, it made my kidney infection worse. Um, she described clothing and different outfits that -- that Mr. Huber would dress her in different outfits such as a romper to molest her in this room or a dress to molest her in a different room. Um, almost like describing a doll in a dollhouse being played with.

MS. MAYO: And in your, uh, let's see, more than 10 years of experience, have you worked with children that are victims of sexual abuse?

MR. MORENO: I have.

MS. MAYO: And, uh, in, uh, in that experience, do you find that children of the age of eight are able to -- incapable of describing detailed events as Brinley and Bryson did to you?

MR. MORENO: Not without assistance.

MS. MAYO: Okay. Did you ever have an opportunity to speak to Ms. Caulkins about your concerns?

MR. MORENO: No. As -- as we just did the two

sessions and then there were cancellations, it -- it never became a -- a bond in which we could actually work through anything. There were just not enough sessions.

MS. MAYO: And, um, -- sorry, I just lost my train of thought. Sorry. The, uh, in regards to, um, uh, Bryson, did he make any particular statements that caused you concern?

MR. MORENO: He did. He had also said, um, he would touch my penis and I would touch his penis and he would put, um, put it in my mouth. He also described this sex abuse in just the manner in which it was common everyday occurrence, like my dad and I had ice-cream.

MS. MAYO: Okay. And this was reported to you in the very first session or the second session?

MR. MORENO: In the first session, in the first 10 minutes, let's say.

MS. MAYO: Is that common?

MR. MORENO: No.

MS. MAYO: How long typically does it take, uh, for rapport to be built before a child will be open regarding past trau- -- traumatic events related to sexual abuse?

MR. MORENO: Generally, we're looking at, at

least four to six sessions before a kid's really comfortable, um, especially at that age. They may come in and do play therapy or therapeutic interventions that surround, um, getting to know one another, but they're generally not as forthcoming with this kind of information.

MS. MAYO: And I see in your report, you, uh, you indicated that the children both stated that Waylon needs to go to jail. Was that something that you prompted or asked of them or was that a spontaneous statement?

MR. MORENO: Spontaneous.

MS. MAYO: And did that give you any pause or concern?

MR. MORENO: It did because they also had followed up that they were going to have another interview and that they'd be able to tell more during this interview, um, about what had happened in their past. The -- the -- the kids seem to have a lot of knowledge as to the court process, interviewing, and what is occurring, um, for both their parents.

MS. MAYO: And when they indicated that they were going to have another interview, did you, um, clarify if that was going to be through -- through court or through law enforcement?

MR. MORENO: They believed they were going to have another interview through law enforcement.

MS. MAYO: Okay. So based on these two, um, sessions that you had, were you able to come up with a plan for a treatment and reunification process?

MR. MORENO: No.

MS. MAYO: Um, have you had experience in dealing with cases where one parent may significantly alienate the children from another parent?

MR. MORENO: I have.

MS. MAYO: Okay. Is there a -- is there a typical protocol that's followed, um, in or best practice method that's used to address when that circumstance arises?

MR. MORENO: Well, a lot of, uh, a lot of the time we will sit down the parent and -- and go through what their concerns are and then we'll look -- lack of, um, where that evidence is that the parent might have, but also being able to discuss with the parent, are you sure this is really how it happened?

Because often our reality is what -- is what we believe, but it may not actually be what's occurred. So trying to sit down with each parent and discuss what do they actually remember about certain events, but also teaching skills like not alienating for lack

of better words or gatekeeping children from the other parent because we don't really know what happened.

MS. MAYO: Okay. And what about any, um, events that when a parent is not willing to comply with the therapeutic reunification process, what -- is there any recommendations that are made in that context?

MR. MORENO: Often, it's looking at how we can get the child, um, to start having visits with the other person or spending time with the other person because if in fact the kid is restricted or alienated against the parent, as long as it continues to occur, um, it's even harder to then reverse that cycle later. So the longer time goes on, the more that child builds this rejection towards the parent.

MS. MAYO: And, um, you and I had a prior conversation sort of about like what the next steps for, uh, for Mr. Huber. Um, and you had some concerns, uh, regarding the children being placed in Mr. Huber's home, uh, due to their impressions of Mr. Huber, is that fair?

MR. MORENO: Yes.

MS. MAYO: Okay. And could you expand for the court about what exactly your concerns are and if any possible solutions, um, that -- that could be used by the courts to address those?

MR. MORENO: My concern is if the children go to reside with Mr. Huber, that he'll be, um, accused of another sexual offense, whether it be, uh, perceived as real or not, that it will -- it will occur, um, that the children also will experience some level of anxiety going from their mother's home to their father's home so there'll be an adjustment to that as well.

Um, the children also believe currently what they're stating which leaves them at risk for increased anxiety, depression, even possibly post-traumatic stress as their -- in their construct, they believe Mr. Huber has sexually abused them. Um, putting them in his home could put them at risk for additional mental health issues as well.

MS. MAYO: And is it your opinion, your professional opinion that reunification would largely be possibly unsuccessful if this therapeutic process is not followed or some therapeutic process is not followed?

MR. MORENO: Correct without therapeutic intervention at this point, I don't think anything will change other than the children will continue to resist him more.

MS. MAYO: But if the children are left in Ms.

Caulkins' care, um, do you have concerns in regards to what the children might continue to endure in her home?

MR. MORENO: I do. As long as they're continuing to reside with her, I believe that this narrative that they've come to believe will continue to be, what's talked about what is, um, their whole world.

These children appear to be in more of a victim stance than a survivor mode, um, meaning that they tend to still be stuck every day and that they were victims of sex abuse versus moving towards something could have -- have been traumatic and how do we move forward. They've had a significant level of intervention from different professionals across the area. Um, they don't seem to stay in one place for very long as far as therapeutic intervention with one counselor.

MS. MAYO: And do you find that to be, um, of concern or -- or odd?

MR. MORENO: It's not an uncommon practice, um, for people to move from one therapist to the other, um, especially if we're not getting our goals met where we feel they need to be.

MS. MAYO: Okay. And do you recall that, um, -- did you receive some information from myself that the

children had actually switched therapists recently?

MR. MORENO: I did.

MR. MORENO: Okay. And, um, can you inform the court about what your understanding is -- is of -- of their current therapeutic provider, um, as reported by Ms. Caulkins?

MR. MORENO: I don't recall which provider it is.

MS. MAYO: Okay. Um, if I gave you the name of the person, would that maybe help refresh your memory?

MR. MORENO: Yes.

MS. MAYO: Okay. Uh, it is Ms. Jessica Northam with the Boise River Birth Center. And she indicates -- - [talking over each other].

MR. MORENO: Yes. I do recall.

MS. MAYO: A trauma therapy, um, provider. Are you familiar with what a trauma therapy provider is?

MR. MORENO: I researched it, uh, very briefly after you sent me that information.

MS. MAYO: Okay. And do you have any knowledge about what kind of therapeutic process that is that you could report to the court?

MR. MORENO: It -- it did not appear to be anything that was, um, credentialed or accredited with the state licensing board.

MS. MAYO: Okay. At this point for you, um, to

resume any services, if -- if at all, what would need to occur?

MR. MORENO: The -- the kids would have to be here regular and consistent. Mom would have to be willing to work with me and changing what some of this narrative is that the children are -- are, uh, displaying and acting out on.

Um, being able to educate both parents and where we're at. Having dad be able to come up and do sessions with the kids, I think would be very prudent at this point so that they even have a face and a name to go with it.

Um, generally, and re-integration, we'll start with therapeutic phone calls or letter writing and then move into visits. We didn't get to any of those stages.

MS. MAYO: Okay. And i- -- and in your experience, um, what can be the, um, outcome of children who receive a false trauma narrative throughout their childhood?

MR. MORENO: Uh, it leads to maladjustment in adulthood, um, consistent anxiety, depression, um, just not adjusting well as we get older.

MS. MAYO: Uh, is there anything else that you'd like to tell the court Mr. Moreno, um, that wasn't in

your report or something that I haven't asked you today?

MR. MORENO: No, thank you.

MS. MAYO: I have no further questions, Your Honor.

THE COURT: Ms. Caulkins, do you have any questions of this witness?

MS. CAULKINS: Yes.

THE COURT: Okay.

MS. CAULKINS: Um, I wanted to ask, um, so have you reviewed the communication, um, between, um, Kylie and I, and I believe she's the office manager; correct?

MR. MORENO: Correct. Um, not -- not recently.

MS. CAULKINS: So do you not recall that the first, um, appointment that was missed was because I admitted I -- I was unaware or had forgotten, um, that they were supposed to be scheduled on a regular Thursday visit?

MR. MORENO: That -- that may be true.

MS. CAULKINS: And then for the second visit, um, were you notified or spoken to, um, that I did in fact, um, get a -- got a hold of Kylie prior to the appointment and explain to her that Brinley was throwing up and that it came on sudden, but that I was

willing to bring them in if the office allowed.

MR. MORENO: I didn't read that note on that -- on that date, no.

MS. CAULKINS: Um, which I -- I have no issue sending to you. I do have record of that and I know Kylie does too. Um, and then the -- the la- -- they did have a third appointment that was scheduled. Um, and upon that appointment, I presented the children and was told, um, by the front desk that you failed to email me and let me know that services were being discontinued and that that appointment was canceled. Do you recall any of that information?

MR. MORENO: I don't know who that would have been that told you that.

MS. CAULKINS: Um, it was Kylie had just told me, I want to say, um, Morgan, she has just recently, um, uh, stopped working there at Stellar.

MR. MORENO: The other -- the other front office lady?

MS. CAULKINS: Yes.

MR. MORENO: Okay. No, it's generally we don't email out. We send out a letter.

MS. CAULKINS: Okay. And do you recall sending out a letter?

MR. MORENO: I wouldn't be the one to send that

out. Kylie generally sends them all out.

MS. CAULKINS: And did she confirm with you at all that she had sent out that letter?

MR. MORENO: No. Generally when Kylie's going to send out a letter it's after two no-shows, she'll just automatically send them.

MS. CAULKINS: And are -- is it -- is the letter typically, um, mailed out via signature or, um, notification that the, um, client has received the letter?

MR. MORENO: No, they're not.

MS. CAULKINS: And last, um, my other question is, is, um, as far as switching therapists, uh, on a regular basis, have you received record of their, um, therapy visits with St. Luke's?

MR. MORENO: I believe they're now on file. They were requested at the initial meetings.

MS. CAULKINS: And did you have those then before, uh, making your decision, um, based off of the two appointments that you had seen them?

MR. MORENO: What decision are you referring to?

MS. CAULKINS: To discontinue services, um, and before that feeling that the children were too, um, upfront and that their language was, um, in your opinion, advanced about, um, the abuse that they were

speaking about before making the decision that -- that's how you -- that was your professional opinion?

MR. MORENO: Um, no, I wouldn't be reviewing St. Luke's records after we're already discharging.

MS. CAULKINS: But did you review them before?

MR. MORENO: No.

MS. CAULKINS: So could it be possible that through extensive trauma therapy with, um, one facility and, um, essentially one therapist, um, that they could develop the comfort level and, um, I don't know what other word I would use, um, to explain, um, some of the abuse that they had gone through and, um, to be open about the process, knowing that, um, the visits with their father were going to happen?

MR. MORENO: If -- if their prior therapist at St. Luke's was helping coach and prompt them into having such a free flowing conversation, I would be very concerned about the type of therapy in which they're doing because the kids are coming in and talking about this Like I just chewed bubblegum today.

Um, they're so ingrained and enmeshed in this narrative that it creates trauma that just continues with them instead of processing, dealing forward with it. They're stuck in it as just describing it as it just happened yesterday.

MS. CAULKINS: And what would have been helpful to review, um, those therapy sessions and, um, and seeing that they had not, um, been consistently going over abuse that in fact, doing, um, play therapy, um, over the years and things from their memory had slowly come up?

MR. MORENO: E- -- even if I had reviewed those, it may have changed how surprised I was in how forthcoming the children are. I would still be significantly concerned with whomever is teaching them to be so open and graphic and descriptive about an event that's nearly five years old, instead of being in a survivor stance where something potentially allegedly could have happened, and they've been able to process through and move forward in their life. They're still sitting in this trauma like they're three years old.

MS. CAULKINS: And why would it be concerning that they were sitting in the trauma but, um, continuing to develop through it, um, but also knowing or remembering, um, some of the abuse that had occurred? How would that keep them from moving forward in the process?

MR. MORENO: Because they're still fixated and focused on Waylon needing to be punished, needing to

be re-interviewed, needing to tell a better narrative than they did when they were younger.

It's not movement towards something may have happened to me, and I'm now going to deal with it and move forward, it's somebody needs to be punished is where they're stuck. So they're really haven't made any forward movement and processing any of the incident that could have occurred.

MS. CAULKINS: So based off of just -- um, do you recall, so the first session was initially going over the intake paperwork; correct?

MR. MORENO: Correct.

MS. CAULKINS: And the sec- -- or the -- the second session that you had had, um, was a very brief session due to a severe storm that had happened.

MR. MORENO: Correct.

MS. CAULKINS: And in that appointment, you were only able to see Bryson for roughly half of what the appointment time would nob- -- normally be?

MR. MORENO: Correct.

MS. CAULKINS: So, in fact, when they -- with the two sessions, um, the children were present but you were unable to see and speak with Brinley?

MR. MORENO: Correct. I saw her. I didn't speak to her.

MS. CAULKINS: And that -- was that due to my -- my, um, inability to present her?

MR. MORENO: No, not at all.

MS. CAULKINS: Um, do you feel if you had reviewed, um, therapy notes that there might have been, I believe you said that there might have been a slight change in your overall, um, perspective of their openness of trauma?

Um, I'm sorry [inaudible] point of what my question was. Um, sorry, if you can just give me a moment. Had you ever asked Brinley or Bryson if they would do a visit with Waylon?

MR. MORENO: Yes. In that initial session they were asked.

MS. CAULKINS: And what was their response?

MR. MORENO: No.

MS. CAULKINS: And do you think that had you had another visit with Brinley and possibly more of a visit with Bryson that that, um, the answer might have changed slightly with it only being one-on-one?

MR. MORENO: I think it would take substantial time to get them to even agree to a phone call or a letter writing exercise with their dad. I don't think anything would happen in short term.

MS. CAULKINS: Okay. That's -- that's all.

THE COURT: Thank you. Ms. Mayo, any redirect?

MS. CAULKINS: Thank you.

MS. MAYO: Yeah. Just briefly. Um, Mr. Moreno, how long does it typically take, um, for somebody to book an initial appointment with you from the time that they call the office to the time that they can get in?

MR. MORENO: Currently, it's probably a two to three month wait.

MS. MAYO: Okay. And so do you recall when Ms. Caulkins originally contacted your office to get this set up?

MR. MORENO: I don't.

MS. MAYO: Okay. Um, do you believe that it took almost two to three months before the kids could come in and see you from the initial contact?

MR. MORENO: Yes.

MS. MAYO: So once appointments are made, um, it's pretty important that they are kept because it's how busy your office is, is that fair?

MR. MORENO: Correct.

MS. MAYO: Is it your typical protocol to review, um, uh, therapeutic notes from other providers before you, uh, engage with your current clients?

MR. MORENO: No. Typically I review notes after

the first couple sessions that I have an opportunity to formulate my own opinions.

MS. MAYO: Okay. Um, were you -- are you familiar with what type, if any, of trauma therapy the children were receiving before coming to you? Just the type of trauma therapy?

MR. MORENO: No. I don't recall.

MS. MAYO: Okay. I have no further questions so.

THE COURT: Ms. Caulkins, anything further?

MS. CAULKINS: I have, yes. Um, during the time that you, um, your office had received the order for the therapeutic, um, supervised reunification, do you recall that that being, um, near or exact, um, time that all of the COVID-19, um, virus was coming out and -- and, uh, the quarantine was taking place?

MR. MORENO: It appears that the initial contact would have been about the beginning of March, 2020.

MS. CAULKINS: And when do you remember the quarantine happening?

MR. MORENO: Uh, around the beginning of March, 2020.

MS. CAULKINS: So could it be possible that, um, the contact to start the intake and provide the forms and information that the office provided could have been far, um, earlier than the two to three months,

um, process that -- that you say normally takes place?

MR. MORENO: It could.

MS. CAULKINS: And h- -- are you aware of, um, the contact between Kylie and I, um, with the exchange of, um, paperwork and forms that were needed to start the process?

MR. MORENO: She said that she had significant trouble trying to get you scheduled, um, and to find appointment spots with you.

MS. CAULKINS: And did she go into detail or provide you with the, um, the back and forth email, um, that her and I shared on why that was difficult?

MR. MORENO: She felt like the majority of the problem was that you were difficult.

MS. CAULKINS: And did you review those emails?

MR. MORENO: No.

MS. CAULKINS: Okay. I have no further questions.

THE COURT: Thank you, Mr. Moreno. I appreciate your time today. Um, uh, and I'm going to release you at this time, okay?

MR. MORENO: Thank you, Your Honor.

THE COURT: Okay. Thank you. Ms. Mayo, um, [inaudible] evidence?

MS. MAYO: Yes, Your Honor. I call Ms. Caulkins.

THE COURT: Ms. Caulkins. Due to -- due to social

distancing in the courtroom, she's going to stay at counsel ta- -- or, you know, counsel table. So, um, Ms. Caulkins, if you please raise your right hand. Do you solemnly swear or affirm the evidence you're about to provide in this matter now pending before the court shall be the truth, the whole truth, nothing but the truth so help you God?

MS. CAULKINS: Yes.

THE COURT: What I'm going to do to [inaudible] the person that's testifying to not be able to see their face because I think we also speak through our facial expressions. I'm going to ask that for this limited time that you remove your mask. I will just ask that you kind of stay at that end of the table so that we have some social distancing from others. [Inaudible] if there's an objection from counsel, do you have, uh, do you have any issue with that?

MS. MAYO: No, I don't have.

THE COURT: Okay. So you may take your mask off even, um, and then if you want to turn your computer so that you can be seen on the computer, I don't know that it's needed now because we just have the clerk, so. Okay. Ms. Mayo, you may proceed.

MS. MAYO: Uh, thank you, Ms. Caulkins, what is your current address?

MS. CAULKINS: 3033 West Divide Creek Drive, Meridian, Idaho, 83646.

MS. MAYO: Okay. And how long have you been at that residence?

MS. CAULKINS: A year and a half. August will be two years.

MS. MAYO: Okay. And, um, who resides there with you?

MS. CAULKINS: Uh, myself, Brinley, Bryson and Eliana.

MS. MAYO: No other adults?

MS. CAULKINS: No.

MS. MAYO: And is that been true for the past six months?

MS. CAULKINS: As far as -- yes.

MS. MAYO: No other adults have re- -- resided with you in 2020?

MS. CAULKINS: No.

MS. MAYO: Okay. And what about in 2019?

MS. CAULKINS: I'm trying to remember when he moved in? So my brother-in-law, um, Shane Caulkins stayed there briefly, um, inconsistently while trying to get on a job in Alaska.

MS. MAYO: Okay. Um, anybody else?

MS. CAULKINS: No.

MS. MAYO: Okay. And you're currently employed?
MS. CAULKINS: Uh, just recently, yes.
MS. MAYO: Okay. And, um, with -- where are you employed at?
MS. CAULKINS: Um, the U.S. Census Bureau.
MS. MAYO: And when did you get that job?
MS. CAULKINS: I got the job -- I was, um, formally, um, given the job of two weeks before all of the COVID-19 stuff came out.
MS. MAYO: So early March?
MS. CAULKINS: Yes. Roughly.
MS. MAYO: Okay. And have you started working there?
MS. CAULKINS: I just started training due to the quarantine and social distancing.
MS. MAYO: Okay. And when did you begin your training?
MS. CAULKINS: It was this last Saturday.
MS. MAYO: Okay. And before that, um, when is the last time you worked?
MS. CAULKINS: Um, it was -- I'm trying to remember. I believe it was November of 2019.
MS. MAYO: So right before last Christmas?
MS. CAULKINS: Yes.
MS. MAYO: Okay. Um, and how long did you work at

that job?

MS. CAULKINS: Five months, approximately.

MS. MAYO: Okay. So in, uh, would it be fair to say that in March of 2020 you were not employed, you had just received new employment?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And how long have you been off of employment prior to March 2020?

MS. CAULKINS: Um, it would be that time through the time that I was offered this job.

MS. MAYO: So you went from one job to the other?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And you were appeared in court, um, [inaudible] February, 2020, you recall?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And at that hearing, um, you received a copy of the order was issued on March 6th, yes?

MS. CAULKINS: Yes.

MS. MAYO: And you were instructed, you and Mr. Huber were instructed to contact a therapeutic provider; correct?

MS. CAULKINS: Correct.

MS. MAYO: Okay. And did you, um, did you initiate the therapeutic provider, um, with Stellar or

did Mr. Huber?

MS. CAULKINS: Mr. Huber.

MS. MAYO: Okay. And so what did you do, um, upon receipt of this order to, uh, comply with the terms of the therapeutic provider?

MS. CAULKINS: I agreed to start the process.

MS. MAYO: Being that [inaudible] to identify description, do you agree?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And do you recall when you, um, had that communication?

MS. CAULKINS: No.

MS. MAYO: Do you recall how you received that communication?

MS. CAULKINS: Either text or email.

MS. MAYO: Okay. And, uh, do you dispute the dates of the two appointments that Mr. Moreno, um, [inaudible]?

MS. CAULKINS: No.

MS. MAYO: Okay. So sometime in late April, uh, looks like maybe the third and the fourth week of April, is that correct?

MS. CAULKINS: I believe so.

MS. MAYO: Okay. And what was your understanding of the purpose of this -- uh, the therapeutic

supervisor?

MS. CAULKINS: That they would essentially get the twins, would essentially get to a, um, uh, I'm trying to think of the word, um, emotional comfort to do a visit with Waylon.

MS. MAYO: Okay. And what was your understanding of the requirements for [inaudible]?

MS. CAULKINS: That the therapist would determine, um, when that visit and how that visit would take place.

MS. MAYO: Okay. But in terms of like your obligations, what were your obligations?

MS. CAULKINS: To bring them to their appointments.

MS. MAYO: Okay. And did you have any other obligations?

MS. CAULKINS: Um, not that I remember.

MS. MAYO: Okay. So, um, I heard you indicate that there were two appointments that were canceled; correct?

MS. CAULKINS: Correct.

MS. MAYO: Okay. And those were canceled after the time that they had been scheduled; correct?

MS. CAULKINS: Correct.

MS. MAYO: And the first was due to what reason?

MS. CAULKINS: Brinley having the flu.

MS. MAYO: Okay.

MS. CAULKINS: Oh, hold on. Sorry. The first appointment was due to, um, me actually forgetting that that appointment was set up and not remembering.

MS. MAYO: Okay. And even though you had been there two times prior?

MS. CAULKINS: I had been there once.

MS. MAYO: Okay. And who brought the twins the other time?

MS. CAULKINS: Me.

MS. MAYO: So there was two sessions with the twins?

MS. CAULKINS: Right.

MS. MAYO: You -- you brought them both times.

MS. CAULKINS: Yes.

MS. MAYO: The third one, uh, you indicated that you forgot about the appointment; correct?

MS. CAULKINS: They had went once and then there were two appointments that were missed. And then they went to the third -- the, I guess essentially the fourth appointment. And then there was another appointment scheduled after that that we showed up for, and that's when I was told that the, um, therapy sessions had been discontinued.

MS. MAYO: Okay. So I'm looking at the Exhibit 1 which I know you have a copy of, and the appointments were held on 4:22, 4:35 [inaudible]. So the 4:22 was the initial intake appointment; correct?

MS. CAULKINS: I -- y- -- I don't know the exact date.

MS. MAYO: Well, I'm looking at Mr. Moreno's reports, so.

MS. CAULKINS: Oh. I'm -- yes. That's what I see on paper.

MS. MAYO: Okay. And you don't have any reason to dispute that?

MS. CAULKINS: No.

MS. MAYO: Okay. And then the 4:30, you, uh, would be the second session which Mr. Moreno testified that you -- you did send, do you have any reason to dispute that?

MS. CAULKINS: The second session?

MS. MAYO: The 4:30 session.

MS. CAULKINS: Which was the initial intake session?

MS. MAYO: No. The one after the [inaudible].

MS. CAULKINS: Um, I -- I don't recall it being under that timeline unless -- let's see.

MS. MAYO: What are you looking at for the

record?

MS. CAULKINS: The report, um, an email that was sent to me, um, by Kylie Rainbolt [ph] the office manager which is, um, --

MS. MAYO: Okay. [Inaudible] you can't be looking at that. You have to just testify from your memory. Sorry.

MS. CAULKINS: Oh, I don't -- the -- what I remember is that they had the intake appointment and then the next appointment was missed, um, that following Thursday, um, because I forgot. I don't remember it being set up, um, which was emailed back and forth between Kylie and I.

And then the next appointment after that, Brinley had the flu and then the appointment after that was when, um, I took the twins in and he was only able to see Bryson half of the normal appointment time due to the thunderstorm.

And then the next visit after that was scheduled which I produced the children to that appointment and that's when I was told that the sessions had been discontinued.

MS. MAYO: Okay. So that's inconsistent with what Mr. Moreno testified. As you can see, he indicates that you missed two appointments in a row, and that's

why the sessions were discontinued. Do you disagree with that?

MS. CAULKINS: No. That's what I just stated is that I missed two in a row and --

MS. MAYO: And then went for the fourth? So he actually maintained a session with you after missing two sessions, [inaudible]?

MS. CAULKINS: Yeah. And -- and then there was a next one scheduled that I did show up for that was canceled and I -- I guess from what was said on camera, um, or Zoom that I was to be notified via mail and I was not.

MS. MAYO: Okay. Um, when Brinley had the flu, what time did you call Mr. Moreno to inform them of her status?

MS. CAULKINS: Are you okay if I look at my email to remember that?

MS. MAYO: If you don't remember just tell me you don't remember.

MS. CAULKINS: It's -- I want to say it was roughly two to three hours before the appointment.

MS. MAYO: Okay. And at that time, were you able to reschedule the appointment?

MS. CAULKINS: I tried to.

MS. MAYO: Okay. Were you able to?

MS. CAULKINS: No.

MS. MAYO: Oh, okay. Uh, at any of the two appointments that you missed, did you contact Mr. Huber to inform him that you had missed the appointments?

MS. CAULKINS: No.

MS. MAYO: Why not?

MS. CAULKINS: I didn't know I had to.

MS. MAYO: Well, don't you think it's important that he would know that the twins didn't show up for their appointments?

MS. CAULKINS: Correct. I thought Stellar was the middleman to do all of the communication.

MS. MAYO: But you and Mr. Huber communicate on occasion about the kids; correct? MS. CAULKINS: Um, yes.

MS. MAYO: Yes. He asked for pictures?

MS. CAULKINS: That I gave him.

MS. MAYO: Okay. I'm just asking what your communications are. So sometimes he asked for pictures?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And sometimes he asked just to check in and see how the kids are doing?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And so, I mean, to be fair, you do have communication regarding the kids, um, but you did not contact him to let him know that Brinley was sick?

MS. CAULKINS: No.

MS. MAYO: Or that they'd missed their appointment because you forgot?

MS. CAULKINS: Correct.

MS. MAYO: What did you understand would be the consequences if you did not follow through with this court order?

MS. CAULKINS: That I would be -- I'm not exactly sure, but I -- I do know that there was a consequence for not following through with it.

MS. MAYO: Okay. But you did receive a copy of the court order; correct?

MS. CAULKINS: Yes.

MS. MAYO: And you're not sure of the consequence?

MS. CAULKINS: I believe it was the, um, hel- -- being held in contempt.

MS. MAYO: Okay. Anything else?

MS. CAULKINS: No.

MS. MAYO: Okay. What have you done since receiving notice that Stellar would no longer see the

twins for purposes of the court order to come into compliance?

MS. CAULKINS: I had contacted a, um, therapy, um, institution, um, called Molly and Me, and it is designed to, um, help parents, um, build a relationship between their children. Um, they offer several types of therapy, not just one. There's a whole team of therapists.

Um, and it deals directly with both parents, um, and one of the -- and one of the highlights or main things that they focus on is getting children, um, a strong relationship, um, and secure bond with both parents.

MS. MAYO: Okay. When did you contact Molly and Me?

MS. CAULKINS: It was before the sessions had ended with Stellar.

MS. MAYO: Why would you contact another therapeutic provider before the sessions had ended?

MS. CAULKINS: To offer them -- hold on. I don't know if it was before.

MS. MAYO: Okay. Did you -- have you ever provided Mr. Huber any information about this?

MS. CAULKINS: Yes.

MS. MAYO: Okay. How?

MS. CAULKINS: Um, via text and then Molly and Me, um, said that they would reach out to him to let him know about --

MS. MAYO: When did they say that?

MS. CAULKINS: Um, shortly after I had, uh, contacted them to get the twins on.

MS. MAYO: Okay. But have you, um, scheduled any appointments or?

MS. CAULKINS: Yes.

MS. MAYO: Oh, really? Okay. When are those?

MS. CAULKINS: Um, I -- I have an appointment scheduled actually for this Thursday. There was, um, previous, uh, appointments scheduled very close to that time. Um, there was a conflict because they needed to get a hold of Waylon and have him sign to agree that this, um, therapy, um, place was something that he also felt was healthy for the twins.

MS. MAYO: Okay. You don't dispute, um, Mr. Moreno's, uh, characterization that your children, um, are quite open and detailed about what they believe has occurred to them.

MS. CAULKINS: No.

MS. MAYO: Okay. And, uh, you don't dispute that they, um, uh, are comfortable talking about, um, what they perceive occurred, um, to really anyone, right?

MS. CAULKINS: I do dispute it.

MS. MAYO: Okay. And w- -- what parts do you dispute?

MS. CAULKINS: They aren't open and confident about speaking to it with anybody.

MS. MAYO: Okay. But [inaudible] Mr. Moreno and they were willing to talk to him within the first few minutes, right?

MS. CAULKINS: Yep.

MS. MAYO: Um, what's your impression of why that happened?

MS. CAULKINS: They knew that it was a therapist and they felt safe.

MS. MAYO: Okay. Your children have been going to therapy for a period of time now?

MS. CAULKINS: Say that again.

MS. MAYO: Your children have been going to therapy for a while now?

MS. CAULKINS: Yes.

MS. MAYO: What type of therapy?

MS. CAULKINS: Um, it would be, um, play therapy and, um, trauma induced, also dealing with, um, their disabilities.

MS. MAYO: Okay. Um, have they ever received -- um, what particular type of trauma induced therapy

have they received? Do you know?

MS. CAULKINS: It's through, um, St. Luke's and it is officially called --

MS. MAYO: So if you know off the top of your head.

MS. CAULKINS: It's -- it's, um, a psychological, um, therapy dealing with, um, trauma-based and, um, --

MS. MAYO: Okay. But you don't know the type of trauma therapy that you have Thursday?

MS. CAULKINS: It was play therapy.

MS. MAYO: Okay. And, um, how long have they attended therapy at St. Luke's for quite some time; correct?

MS. CAULKINS: Correct.

MS. MAYO: Okay. How long?

MS. CAULKINS: Since 2000-and -- it was either the end of 2015 or beginning of 2016.

MS. MAYO: So for the past, uh, four plus years, they've been going to St. Luke's?

MS. CAULKINS: Yeah.

MS. MAYO: Okay. And you recently disenrolled them from that, uh, therapy and enrolled them into a new therapist; correct?

MS. CAULKINS: Correct.

MS. MAYO: Did you do that, um, after consulting

with Mr. Huber?

MS. CAULKINS: I was under the impression that that --

MS. MAYO: Yes or no?

MS. CAULKINS: What?

MS. MAYO: Yes or no?

MS. CAULKINS: No.

MS. MAYO: Okay. And so you did that unilaterally and who are the children seeing currently?

MS. CAULKINS: Um, Jessica Northam.

MS. MAYO: Okay. And she's at the Boise River Birth Center?

MS. CAULKINS: Mama Inc.

MS. MAYO: Okay. And she performs what she calls trauma therapy, is that correct? MS. CAULKINS: Correct.

MS. MAYO: And what do you have today in regards to any of her credentials?

MS. CAULKINS: Um, that I brought with me?

MS. MAYO: Yeah.

MS. CAULKINS: I didn't bring anything with me.

MS. MAYO: Okay. Have -- did you review her resume or CV prior to enrolling the children?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And what are her credentials?

MS. CAULKINS: That she is a, um, licensed trauma or, uh, trauma therapist.

MS. MAYO: Okay. And what is your understanding of what that means?

MS. CAULKINS: That she conducts a, um, traumatic play, um, themed therapy that is any type of, um, [inaudible] that comes up. They kind of enact that out, but not specifically, um, any one case.

MS. MAYO: Okay. And, uh, are you aware that Ms. Northam doesn't actually have any counseling credential?

MS. CAULKINS: Not -- yes. Not normal counseling.

MS. MAYO: Right. She's not licensed in the State of Idaho. You're aware of that?

MS. CAULKINS: She wo- -- yes.

MS. MAYO: Okay. So the therapy that the children have been receiving for four plus years, you switched them to a provider that does some alternative format, um, that's not [inaudible] the State of Idaho; correct?

MS. CAULKINS: Yes.

MS. MAYO: And you did that without speaking to Mr. Huber; correct?

MS. CAULKINS: Yes.

MS. MAYO: And while the children were engaging

in this reunification therapy with Mr. Moreno; correct?

MS. CAULKINS: Correct.

MS. MAYO: Okay. When's the last time that you've allowed your children to speak to Mr. Cooper?

MS. CAULKINS: Um, it would've been before the, um, court hearing that his visitation was suspended.

MS. MAYO: What year was that?

MS. CAULKINS: 2016.

MS. MAYO: 2016, is the last time. You don't dispute that your children told Mr. Moreno that they were going to be interviewed again; correct?

MS. CAULKINS: Correct.

MS. MAYO: Okay. And who's going to be doing the interview?

MS. CAULKINS: It was going to be, um, the Child Advocacy Center in Reno.

MS. MAYO: Uh-huh. And you set that up?

MS. CAULKINS: Uh, Detective Dunkorst [ph]

MS. MAYO: And how did that Detective Dunkorst come about setting that up?

MS. CAULKINS: I had, uh, sent him more recent disclosures and he is now -- from their therapist?

MS. MAYO: Which therapist?

MS. CAULKINS: All the therapists that they have

had.

MS. MAYO: So multiple therapists over year --

[speaking in background, inaudible]

MS. CAULKINS: The -- the -- yep. That [inaudible].

MS. MAYO: And does it include any disclosures that were made, um, to the trauma therapist, Ms. Northam [ph]?

MS. CAULKINS: No.

MS. MAYO: And when did you contact Detective Dunkorst?

MS. CAULKINS: In March.

MS. MAYO: March of 2020?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And do you remember it was then after the hearing, um, of this court saying that reunification efforts were going to be made?

MS. CAULKINS: Yes.

MS. MAYO: Okay. And so you indicated that the -- they were supposed to go to the Child Advocacy Center in Reno but did not?

MS. CAULKINS: Correct.

MS. MAYO: And is there an appointment looming on that?

MS. CAULKINS: No.

MS. MAYO: Not going to happen at this point?
MS. CAULKINS: No.
MS. MAYO: Why not?
MS. CAULKINS: With the COVID-19 and the travel, they don't feel that it is healthy to have the children travel that far.
MS. MAYO: Do you have anything in writing from the children's therapists that -- that, um, type of interview will be beneficial for them?
MS. CAULKINS: Not in writing.
MS. MAYO: Okay. Are you testifying to the court today that a therapist could come here and tell the court that that is what's beneficial for these children?
MS. CAULKINS: The --
MS. MAYO: Yeah. The Child Advocacy Center?
MS. CAULKINS: Yes.
MS. MAYO: Okay. Who would that therapist be?
MS. CAULKINS: Annie, um, Trent.
MS. MAYO: And she's at St. Luke?
MS. CAULKINS: Yes.
MS. MAYO: Okay. And, um, d- -- are you aware if any reports have been made to, uh, Child Protective Services, um, in 2020?
MS. CAULKINS: Yes.

MS. MAYO: Okay. And did you make those?
MS. CAULKINS: No.
MS. MAYO: Who made them?
MS. CAULKINS: Annie Trent. And their -- I believe their family doctor also.
MS. MAYO: Okay. And who's their family doctor?
MS. CAULKINS: Um, they have, so their family doctor is, um, oh my gosh, I'm kind of blank. Give me a second. Sue, um, at Bella Family, um, Medical.
MS. MAYO: And when would those reports have been made in 2020?
MS. CAULKINS: It would have been before the last hearing.
MS. MAYO: You're currently married; correct?
MS. CAULKINS: Yes.
MS. MAYO: And your husband is currently incarcerated; correct?
MS. CAULKINS: Yes.
MS. MAYO: And when is he going to be released?
MS. CAULKINS: August.
MS. MAYO: Of this year?
MS. CAULKINS: Yes.
MS. MAYO: And there's a current no contact order between you and he, you understand that?
MS. CAULKINS: Between who?

MS. MAYO: Between your husband and you -- [inaudible] --

MS. CAULKINS: No. No.

MS. MAYO: Okay. You're not aware of that?

MS. CAULKINS: No.

MS. MAYO: Okay. Well, if I'm telling you that there is a no contact order, what are your plans in regards to his release?

MS. CAULKINS: I guess I would have to think about that.

MS. MAYO: Okay. The intention is that he'll return to the home that you're living in currently?

MS. CAULKINS: Yes.

MS. MAYO: And what does he -- what are the underlying charges of why he's incarcerated?

MS. CAULKINS: For a, um, DUI.

MS. MAYO: Uh, and he must not be his first, so how many has he had?

MS. CAULKINS: I don't know.

MS. MAYO: You don't know. You're married to him and you don't know how many he has?

MS. CAULKINS: That's correct.

MS. MAYO: In regards to your husband, did he have any criminal history involving any violent crimes?

MS. CAULKINS: I don't know if that's a concern of mine --

MS. MAYO: Well, what are they? What do you understand them to be?

MS. CAULKINS: Um, driving without a license. Um, there was a charge between, um, him and an ex-girlfriend.

MS. MAYO: Okay. A domestic charge?

MS. CAULKINS: Yes.

MS. MAYO: Uh, was he convicted of domestic violence?

MS. CAULKINS: Yes.

MS. MAYO: Okay. So at this point, um, the children have seen Ms. Northam how many times?

MS. CAULKINS: I don't know the exact number.

MS. MAYO: Once a week, once a month. Wha- -- what's the schedule?

MS. CAULKINS: Once per week. Well, it's -- it was twice a week and has recently been moved to once per week.

MS. MAYO: Okay. And so how long have they been going there?

MS. CAULKINS: Um, approximately two and a half months.

MS. MAYO: Okay. And what, if any information

have you provided to Mr. Huber regarding Ms. Northam?

MS. CAULKINS: All of her co- --

MS. MAYO: Since -- since the children have been going.

MS. CAULKINS: All of her contact information.

MS. MAYO: Anything beyond that?

MS. CAULKINS: No.

MS. MAYO: How many sessions do you attend? Do you go into sessions with your children?

MS. CAULKINS: No.

MS. MAYO: Okay. So do you typically -- where do you wait when the children go?

MS. CAULKINS: In her -- in a waiting room.

MS. MAYO: Do they go together?

MS. CAULKINS: During the [inaudible]?

MS. MAYO: Yeah.

MS. CAULKINS: Some -- some se- -- sessions.

MS. MAYO: Okay. And what do you understand the treatment to be? What's -- what's the treatment plan?

MS. CAULKINS: To help them get through any type of, um, post-traumatic stress.

MS. MAYO: Okay. So just to get -- to help them; there's not a specific plan?

MS. CAULKINS: To get them to a point where they are in a healthy mental state.

MS. MAYO: Do you think your children are in a healthy mental state currently?

MS. CAULKINS: Yes.

MS. MAYO: Okay. So why would they need to get to a healthy mental state?

MS. CAULKINS: There's still things that they need to work through.

MS. MAYO: And you have with you a binder I can see, um, uh, that I presume has emails between you and the office manager at Stellar, is that correct?

MS. CAULKINS: Uh, I -- yes.

MS. MAYO: Okay. And have you provided those to my office or to Mr. Huber?

MS. CAULKINS: No. I did not intend to use them.

MS. MAYO: Okay. I have no further questions right now, Your Honor.

THE COURT: Thank you. Um, any further witnesses?

MS. MAYO: Uh, just Mr. Huber briefly.

THE COURT: Uh, would you raise your right hand. Do you solemnly swear and affirm that the evidence you're about to provide in this matter now pending before the court should the truth, the whole truth and nothing but the truth so help you God?

MR. HUBER: I do.

THE COURT: You may be seated. You can put your

mask back on. Um, I'm going to have you take yours off, but I'm going to have you slide back, so I'm okay [inaudible]. Thank you.

MS. MAYO: Okay. Mr. Huber, uh, y- -- you were participating in counseling with Mr. Moreno; correct?

MR. HUBER: Correct.

MS. MAYO: Okay. And how many times did you attend sessions?

MR. HUBER: Twice.

MS. MAYO: And did you do those in person, over phone, how did they occur?

MR. HUBER: Both in person.

MS. MAYO: Okay. And, uh, in those sessions, uh, do you disagree about Mr. Moreno's characterization of what you worked on?

MR. HUBER: Uh, no. I agree.

MS. MAYO: And what was your understanding of the following sessions that you were supposed to have?

MR. HUBER: I was supposed to have a phone call with the children on the following session.

MS. MAYO: Okay. And, uh, did you travel to that session?

MR. HUBER: Uh, no. I was to have a, uh, vid- -- a call via video to be ready at the time of the session.

MS. MAYO: Okay. So you were able to remain in Winnemucca to have this phone call, these children would be in the office of Mr. Moreno, is that fair?

MR. HUBER: That's correct.

MS. MAYO: And did the children appear for that visitation?

MR. HUBER: No.

MS. MAYO: Or that session? And what was your understanding of, um, why they did not appear?

MR. HUBER: They didn't show up.

MS. MAYO: Okay. Was there any explanation provided to you beyond that?

MR. HUBER: Uh, no.

MS. MAYO: Was there a false session scheduled for after that to try again?

MR. HUBER: They had informed me that the next weekend that they had talked to her about missing appointments.

MS. MAYO: Okay. And so did you again prepare for the, uh, phone call with your children the following week?

MR. HUBER: Yes, I did.

MS. MAYO: And what happened?

MR. HUBER: I never received the call.

MS. MAYO: From the office of Mr. Moreno at all?

MR. HUBER: Um, no, I called the office after the scheduled appointment and they had informed me that they were not able to provide, uh, my children's services anymore.

MS. MAYO: Okay. And do you remember when that occurred?

MR. HUBER: That occurred later, um, later that day.

MS. MAYO: Sorry. Do you remember if that was in April or May?

MR. HUBER: Oh, that was in the end of April.

MS. MAYO: Okay. And, uh, have you been inquiring about your children since your last appearance in court?

MR. HUBER: Uh, yes.

MS. MAYO: And how do you go about that?

MR. HUBER: I usually send a text message asking how they're doing.

MS. MAYO: And who do you send that to?

MR. HUBER: Uh, Janae.

MS. MAYO: And do you get a response?

MR. HUBER: Uh, yes, sometimes. Every once in a while.

MS. MAYO: Okay. How many times a week do inquire about them?

MR. HUBER: Um, usually two.

MS. MAYO: Okay. And out of those times, how many times do you get responses?

MR. HUBER: About every other third week, probably.

MS. MAYO: Okay. Have you been asking for pictures?

MR. HUBER: Yeah. I just got my first pictures, uh, last weekend, uh, sin- -- and I hadn't gotten any in almost -- well, since --

MS. CAULKINS: Objection.

THE COURT: Objection?

MS. CAULKINS: To his answer. I was -- I was only allowed to say yes or no to --

MR. HUBER: Oh, okay. Yes.

MS. MAYO: No. I direct the question.

MR. HUBER: Okay. Sorry.

MS. MAYO: [Inaudible].

THE COURT: Uh, I -- I think your address is about leading questions. Okay. Um, I didn't -- I didn't find that question to be inappropriate so objection's overruled.

MS. MAYO: Okay. Well, can you say what you were saying again [inaudible] the first pictures?

MR. HUBER: I did receive pictures, um, a few

days ago first ones that I've had since September.

MS. MAYO: Of 2019?

MR. HUBER: Yes.

MS. MAYO: Okay. Um, were you provided any information by Ms. Caulkins about removing your children from their therapeutic providers?

MR. HUBER: No.

MS. MAYO: How did you come to learn that they had been removed from their therapy providers at St. Luke's?

MR. HUBER: I called, uh, St. Luke's to ask about, uh, their records getting a copy of their records and they had informed me that, uh, they were no longer, um, clients.

MS. MAYO: And what did you do in response to that?

MR. HUBER: I asked to speak to the manager. Um, he called me back and said that, uh, Janae had pulled them out to receive a higher level of care.

MS. MAYO: Okay. And could he explain to you what that was meaning that a higher level of care?

MR. HUBER: That's all he was told by mother.

MS. MAYO: Okay. And what did you do in regards to Ms. Caulkins in your response?

MR. HUBER: I texted Janae and asked them where

they were attending. Um, and she told me Jessica Northam.

MS. MAYO: And have you had the opportunity to do some background info research or information about Jessica Northam?

MR. HUBER: Uh, yes.

MS. MAYO: Okay. And what have you learned?

MR. HUBER: Um, she is a trauma therapist or, um, that works at the Boise Birthing Center.

MS. MAYO: Okay. And, um, have you been able to ascertain it is a licensed practice in the State of Idaho?

MR. HUBER: I could not find it, um, anywhere.

MS. MAYO: Okay. Have you been able to make any contact with Ms. Northam to, uh, inquire about what type of therapy your children are receiving or your participation level?

MR. HUBER: Yes. I wrote Jessica, uh, Northam a couple of emails. She declined to provide me any information because I didn't have a, um, custodial order, um, to give her.

MS. MAYO: Okay. And, but you indicated that you are their father and that you have joint legal custody?

MR. HUBER: Yes.

MS. MAYO: And so were you also able to confirm then that you were not, uh, listed as a person with, uh, consent to have information on behalf of your children?

MR. HUBER: Yes.

MS. MAYO: Okay. Um, Ms. Caulkins testified, you heard about some testimony regarding the Molly and me. What do you know about that?

MR. HUBER: Molly and Me had a -- was a service that called me last week and asked me for, um, permission, um, to see the children. Um, I did fill out paperwork. Um, I think it was about 10 days ago. I did fill out paperwork and get it back to them.

They did, uh, they did let me know that they don't normally provide court, uh, ordered services at all. And, uh, um, so they would take it to their supervisor to even talk if it was an option.

MS. MAYO: Mr. Huber, do you believe that if this court continues to keep your children, um, in the primary custody of Ms. Caulkins, that you'll ever be able to have reunification services?

MR. HUBER: No.

MS. MAYO: And why do you not believe that?

MR. HUBER: Um, I believe -- I believe that that won't happen because, um, their mom is portraying this

incident that never happened and she will not let me, um, bond with my children.

MS. MAYO: And, uh, were you concerned when Mr. Moreno told you to put cameras in your house?

MR. HUBER: Absolutely. It broke my heart.

MS. MAYO: Did you put cameras in your house?

MR. HUBER: Yes, I did.

MS. MAYO: What are you asking us the court to do today?

MR. HUBER: I'm asking, um, for sole custody and I'm asking that my mother -- the children be placed with my mother, um, while I can repair, uh, a bond with my children. Um, and I like to -- to repair the abuse I've shown [ph].

MS. MAYO: And have you identified a provider, um, that can work reunification services here in Nevada?

MR. HUBER: Dr. Kort.

MS. MAYO: Okay. And to your understanding, is Dr. Kort available, ready, and willing to meet with you and the children and Ms. Caulkins to work out a therapeutic treatment process? MR. HUBER: Yes.

MS. MAYO: And why are you asking, um, for the children to be temporarily residing with your mother?

MR. HUBER: Because I feel that if they stay in

the situation that they're in, that it will be perpetuated and it will never stop.

MS. MAYO: But why not come to your house immediately?

MR. HUBER: Because I feel that, uh, that they are probably scared, uh, you know, and that, uh, I feel that it's -- while we -- until we get some therapy sessions, it would be in their best interest.

MS. MAYO: And is today the first time you've seen your children in three years?

MR. HUBER: Over three years, that's correct.

MS. MAYO: And what kind of interaction happened out in the courthouse -- or in the [inaudible]?

MR. HUBER: Brinley wa- -- Brinley waved to me and stuck her tongue out at me which what -- I was really scared to see him because I didn't know so that was a good sign, I felt.

MS. MAYO: Okay. And did you have any interaction with -- with Bryson?

MR. HUBER: Not yet.

MS. MAYO: Okay. Um, is there anything else that you, um, would like the court to know?

MR. HUBER: Um, no.

MS. MAYO: Okay. Oh, I do want to ask about, um, your concerns related to Ms. Caulkins husband. What

are those specifically?

MR. HUBER: Um, Justin was, uh, sentenced to a 10-year prison sentence for, um, domestic violence, with an extenuating circumstance of strangulation in a previous relationship hence the reason, um, he's doing so much time over a DUI.

Um, I do feel that the no contact order that the court entered, um, has already entered is -- should stand and I feel that, uh, if they stay where they're at that as before the last few times he's been out of prison, um, he's went straight there and, uh, I feel that that'll happen again.

MS. MAYO: Okay. and, uh, do you have concerns for your children's safety if he's in the home?

MR. HUBER: Yes, I do.

MS. MAYO: And do you also have concerns regarding, um, Ms. Caulkins, uh, flight risk or -- or willingness to conceal the children from you?

MR. HUBER: Uh, yes, I do. Uh, I've spent a lot of time and resources, uh, between, um, searching for her, um, tracking down addresses. Um, she stated that she's lived with her mom and then her mom was selling her home and -- and all these things I hired a private -- previous years, uh, I hired a previ- -- private detector to try to find her address.

I've went through a, uh, a long list calling schools. Um, I've called I don't know how many schools, hospitals trying to find out if their client's there just to try to pinpoint if she's moved out of the area. When Justin was in prison in Northern Idaho, I was calling Northern Idaho, uh, to try to find out if she had moved.

MS. MAYO: Okay. And so it's not as simple as saying, hey, Janae, where are you living? She doesn't give you that information.

MR. HUBER: No.

MS. MAYO: And your concern is that you could leave here today with Ms. Caulkins as what?

MR. HUBER: My concern is, is that I'll never see them again.

MS. MAYO: I have no further questions, Your Honor.

THE COURT: Ms. Caulkins do you, um, cross examination of Mr. Huber?

MS. CAULKINS: Yes. Can you confirm or get any evidence that -- that redi- -- residence of your mother would be safe?

MR. HUBER: Yes, I feel it safe.

MS. CAULKINS: Can you prove that?

MR. HUBER: I don't know what I would offer as

proof.

MS. CAULKINS: Thank you.

THE COURT: Thank you. Ms. Mayo, anything further?

MS. MAYO: No, Your Honor.

THE COURT: Thank you. Ms. Mayo, any further witnesses?

MS. MAYO: No, Your Honor.

THE COURT: Ms. Caulkins, any evidence that you'd like to present to the court today?

MS. CAULKINS: Um, no.

THE COURT: Ms. Mayo, would you like to proceed with argument?

MS. MAYO: I would, Your Honor.

THE COURT: [Inaudible].

MS. MAYO: Uh, Your Honor, um, obviously I have joined this case, uh, at a later stage in the game, um, and after several counsel, but I think what's most telling is the course level of frustration and directness, um, that was set forth in the March 6, 2020 order after the February 27th [inaudible] was clear about what the expectations of, um, both parties were confirmed that [inaudible] best interest of the children [inaudible] that ultimately would be back before he even goes.

Um, goes so far as [inaudible] that ultimately would revert back to a joint legal joint custody situation, physical custody situation. Um, since that time, Your Honor, I think that Huber has indicated clear and convincing evidence by Ms. Caulkins that she has no intent of complying with this order and, um -- uh, let me rephrase that.

Ms. Caulkins is disingenuous about her intent to comply with this, for sure. Um, Ms. Caulkins oftentimes, there's what I say, there's reasons and there's excuses. Um, and what Ms. Caulkins comes before this court today with is excuses as to why certain things didn't happen in regards to the sessions.

Um, there are the children's sessions with the therapeutic provider. It's not lost on the court and I know that it's at least worth highlighting that the moment that the next session is going to be a telephonic call between the children and Mr. Huber is when the non-appearance by the children began.

In the interim behind the scenes, Ms. Caulkins has now removed her children from that long-term therapeutic provider and has enrolled them in a trauma therapy program, not licensed by the State of Idaho, um, at least as far as anybody could testify to.

And, um, without consulting Mr. Huber or indicating how that might impact his children as they're going through this reunification process, Ms. Caulkins does not have her children's best interests in mind.

She -- she thinks she does. I mean, I -- I sincerely believe that she -- she thinks that she's doing and that's what's right by her children, but ultimately if a -- if a parent is disenrolling their child from their long-term therapeutic provider, at a point in their life where they are culminating a relationship with their father, who they believe, um, potentially harmed them in a traumatic way, I don't think that speaks any louder to this court about where Ms. Caulkins is at with her children's best interests and their health, safety, and wellbeing -- um, overall, Your Honor.

Ms. Caulkins is doing what, uh, is often termed gatekeeping in the psychological context. She continuously moves the children in different places or along the different spectrum of the emotional and psychological, um, narrative that's provided for them so that the children are constantly kept from father.

If this court does not intervene at this point after giving this directive to Ms. Caulkins, there's

no doubt in my mind, she'll think that she can just continue to do this forever, um, and until these children turn 18. At some point, she has to be held accountable, and today is the day.

The children are here, they're present. Um, what we would intend is that based upon Mr. Moreno's assessment of the situation, it is concerning to think that the last thing Mr. Huber wants to do is cause more trauma, period, or anxiety for these children.

And so he's aware and wants to take caution and heed Mr. Moreno's advice about not having the children come to his home immediately. In fact, he's concerned about cause more damage for his relationship and potential relationship [inaudible]. He has two family members that are willing to help out at this time.

The children are familiar with those family members. They would reside with those family members and Mr. Huber would immediately engage their children in therapeutic services with Dr. Kort, Dr. William Kort -- excuse me, Dr. Hubert Kort and his group, um, who would also desire to [inaudible] participation, and then provide a report to this court about how best to move this case forward.

If Mr. Huber is not in control of that process, this process will never occur. I think the evidence is

clear. Ms. Caulkins defied multiple orders about the reunification process. In fact, I think we're on two years of trying to get something accomplished in that fact. Um, and this was the last -- the last bite of the apple from Ms. Caulkins.

And she didn't do what she was supposed to do. In fact, not only did she not do what she was supposed to do, but then she took unilateral action, um, in defiance of where the children were at therapeutically in their own p- -- individual session.

She's not provided any evidence to this court that that was what was going to be in their best interest or what was recommended professionally. It's just what Ms. Caulkins wanted to do. Additionally, Your Honor, uh, Ms. Caulkins' husband is going to be released from incarceration in August.

Um, there is no plan for where he will be staying since Ms. Caulkins has never come before this court to modify the no contact order that exists between the children and her husband. Um, and that's just another defiance by Ms. Caulkins by, uh, of her willingness to, um, leave the court orders are not enforceable or somehow, she has exceptions to the rule.

Um, so that also moving before the court and I think the court can take that into consideration

especially given that he has -- Mr. Caulkins' has a history, um, of domestic violence and, uh, will, uh, inevitably end up living with the children if -- if Ms. Caulkins is continuing to be the primary custodial parent.

This court has the authority to enter an order at any time based upon the best interest of the children. This is a very difficult case, um, given the history and the length of times that Mr. Huber has been kept from his children.

I also find it very concerning Your Honor, that immediately after this court issues an order regarding unification, all of a sudden that there's new disclosures being made and efforts to have another forensic interview done, um, by law enforcement in regards to the same "same incidences that were previously, um, investigated by law enforcement."

And I'm aware that the court [inaudible] where there was an unsubstantiated allegation by both DCFS and a non-prosecutorial decision, um, made by the Humboldt County District Attorney's Office.

Ms. Caulkins is not going to give up. She is not. And her claim to fame is to bank it on this trauma narrative that her children believe occurred at the hands of Mr. Huber without a single scintilla of

evidence before the court that its factual statements are corroborated, or in fact, that's what occurred in that home, period.

And -- and certainly looking at the best interest of this, uh, the children's factors that are set forth in the statute, Your Honor, several things come to mind including the nature of the relationship between the children and the parent.

It -- this is a -- this is a prime opportunity. The children are at such an age that hopefully some repair can be made for their reunification efforts with their father. It goes on much longer, these children are never going to have a relationship with their father and Ms. Caulkins will have effectively terminate his parental rights without having to effectively terminate his parental rights.

She will do it because she maintains the control and custody of these kids and decides this court time and time again. Initial emotional, physical health of these children, I find it, um, again disingenuous by Ms. Caulkins that she will report that, A, that the children needed a higher level of care and not why they were pulled from their long-term care therapeutic provider; B, that now the children are doing a trauma therapy, um, to "get them to a mental health or

healthy state of mental -- a mental state." And yet when asked if they are in a healthy mental state, she says yes, they are.

Answers are only convenient for when they're convenient for her, Your Honor. Either the children are not doing well in her care because they're not receiving the appropriate services; and Mr. Huber, as a joint legal custodian and a parent who has demonstrated to this court a commitment to his children, should have the opportunity to provide those services to her -- to the children, or they're doing fine.

And Ms. Caulkins is just continuing to commit essentially a misrepresentation to this court about what's going on behind the scenes, that she's constantly having her children in therapeutic services and are having them diagnosed and are having them interviewed by law enforcement and are having them taken to the doctor to have them evaluated through the family practitioners.

It's just one professional after another that has to do a mandatory disclosure based upon a 10-minute interaction [inaudible]. That's disturbing.

So we are asking, Your Honor, that the court heed on what's previously, um, indicated in the March 6th

order that custody be modified on a temporary basis to sole legal, sole physical to Mr. Huber; um, that Mr. Huber has the right and discretion to place his children in the home of either his mother, um, Debbie or his cousin Tessa [ph], who are both here today, um, and prepared to speak to the court about accommodations if needed.

Um, that he immediately enroll the children or engage the children and therapeutic providers, the therapeutic sessions with Dr. Kort and/or of his, um, particular therapeutic group, um, that Ms. Caulkins be involved in that process on per the re- -- per the discretion of the therapist, uh, that, um, to the extent that Ms. Caulkins is going to have any contact with the children that that'd be done in a -- in a supervised capacity, um, and/or, um, over, like -- essentially telephonic or -- or video in a supervised capacity until further recommendation of a therapist, um, going forward about how that contact sh- -- should, um, occur.

Um, and, Your Honor, we would ask for a -- a hearing to review this circumstance in approximately 60 days, and for the ability for Mr. Huber, um, the court to reserve jurisdiction to enter attorney's fees for having to bring forward this motion and the

ability to submit a motion [inaudible].

THE COURT: Ms. Caulkins?

MS. CAULKINS: Uh, Your Honor, I don't disagree that this been an extremely difficult case and there have been, um, multiple occasions of going back and forth. Um, I -- I do feel that I did try and have provided the court with several pieces of evidence, um, as far as, um, each of the orders that were given as far as, um, visitation happening.

Um, there -- there were multiple occasions that I tried to set up and I couldn't get ahold of Mr. Huber, um, one of which he was in -- in rehab, um, for substance abuse. Um, the other one which I had provided evidence of is that he was, um, in Mexico twice, um, and I had tried to get ahold of him and I couldn't.

Um, this, this last, um, order to do the reunification, um, as far as the, um, therapy discontinuing, that I was under the impression that that was the order was to find them a new therapist, um, that could assist in this, um, re-integation -- re-integation -- reintegration, um, therapy, um, somebody that hasn't seen them, um, so that there wouldn't, um, there wouldn't be this, uh, view of, um, any type of one sidedness, um, just coming into it

fresh and, um, truly trying to get them, um, extra care to transition into, um, visitation with Waylon.

And I really -- I really am and was trying to get that reintegration -- reintegration process done, and it was hard with COVID. And I know that I did, um, miss two appointments, and though I didn't do that on purpose and there -- it does come across as excuses, I re- -- I did do a lot of effort to reschedule those.

And I was -- I had two appointments back to back that I was taking -- that I had taken them to and had planned on continuing that. Um, when it -- when it was discontinued, I was extremely confused because I was unaware of how this process, um, happened and that could have been due to my negligence of asking and, um, doing research on how Stellar Mental Health does, um, the process.

I was never told that any appointment was for, um, them to do any type of video or phone call with, um, Waylon. Um, and I -- I was not, um, -- I did not have the intention at all to, um, not have that happen.

Um, when -- when I was told that the, um, Stellar had discontinued at the time, um, I wanted to make sure that I tried to put in additional efforts to have him do a re-integration -- reintegration process with

another, um, facility, um, because I didn't know why the visitations were discontinued.

And that is why I reached out to Molly and Me, which was, um, their current trauma therapist, um, Jessica Northam, she helped me find, um, because I -- I really am trying to follow the order and get them reintegrated with Waylon. And there has been, um, -- there has been, um, not so good communication.

Um, and it's been scary, the disclosures that I heard, um, and as a mother and hearing these children say what they are, to me, I -- I was in a state of panic. I didn't know what to do. Um, and all I could do was believe them and try to advocate for them. And, um, I'm sure that I've made some wrong moves.

I'm not -- I'm not intentionally trying to harm them or put them in a worse state. Um, I really do want to do what's best for them. And I do sincerely apologize that the direction which Stellar took the way that it did, um, and I really am trying to fix that and by doing Molly and Me, which he would actually be provided a lot more interaction with them. He would be, um, provided with and I -- I wrote down exactly what he would be offered, if you don't mind me finding it.

Um, so in researching this, they do a child, um,

parent relationship play. Um, and that includes, um, the training parents to be, um, a therapeutic helper, um, and parents learn how to create a healthy connection with their children and they get to do those therapies one-on-one, um, and it -- it creates a healthy environment that enhances the parent-child relationship.

Um, they also have what's called thera-play. Um, this is a child and parent therapy and what it does is it builds, um, healthy attachments and, um, trust and many other things with the parent.

Um, it also provides a healthy interaction between the parent and the child and the -- there's four essential qualities at this facility, um, that is -- that is found in the parent-child relationship and that's structure, engagement, nurtures, and, um, any challenges that there may be.

Um, it's, uh, the process will provide a natural, emotional connection so any type of previous, um, trauma that the kids have, um, either develop through play in therapy, um, over the years, it would essentially, it would break some of those down and find a very therapeutic way to have a, um, natural connection with Waylon, um, instead of it being, um, this is, you know, your dad that you haven't seen.

It would be more of you have been disconnected from him and let's -- let's deal with that. Let's start a process where, um, you are regaining connection with him without feeling, um, like they're just being taken away and replaced. And yes, they do have fear of, um, seeing him or his family, um, and I am really trying to mend that.

And I do sincerely apologize about the two appointments that were missed. Um, I -- I honestly did not know it was for a phone call. Um, but at this Molly and Me, it -- it guides the parents to -- with a child to create the relationship.

And in doing that, it -- it should move into, um, the joint physical and legal custody, and that would, you know, hopefully over a short period of time, begin to help Brinley and Bryson just go between and know that there's, um, there hasn't been anything that they have -- that has been portrayed to them as him being an enemy.

I solely have gone off of what they have --what the therapists have told me that they said. Um, there have been several times that they have spoken openly at -- at home, and I was advised to deflect on that which is what I tried to do. Um, and I -- I'm not -- I don't want to make excuses about the past orders.

Um, I feel I should have made -- I probably should've made more of an effort. Um, I was scared. I don't know what else to -- to call that for Brinley and Bryson. Um, but now given the -- the previous order and wanting to take the court's order seriously, um, I do want to start moving into a healthy process.

And I -- I am trying to show that with the missed appointments at Stellar, I'm trying to make up for that by -- by research [inaudible] Molly and Me, um, because I didn't know what the next steps would be with Stellar.

Um, I wanted to try and find a place that you didn't have to have a court order to start the process that it was all done on a natural basis, and to try and get Brinley and Bryson, um, more comfortable with having these types of therapy sessions with Waylon, the -- the playing and, um, getting to know each other and, um, those types of things.

Um, I -- the only reason that there's been any moving from a house to another house is because I'm renting and I -- I have tried to maintain a consistent home for them being -- but being that it's been difficult for me to have a job, um, with their disabilities and the being a single mom, I am continuing to -- to try to make -- make that -- up for

that.

Um, and if the la- -- the last place that I lived at, the, um, the owners of the house actually decided to sell it. And so, um, and then in the past, um, court orders, every -- every address that was put in the order or motions that were filed, were my current address. And I would -- he would continue as- -- continually ask me if that was the address and it always gave him an address.

Um, if he were to have driven there to see the kids and make sure that they were there, they would be, I was never hiding them. Um, I always stayed in Meridian, um, or -- or Boise, they're almost kind of connected.

Um, I've never, um, not shown up for court. Um, I've always been here and I feel if I truly was a flight risk that I would have left. I -- I mean, I would be gone.

I wouldn't have shown up for this hearing. I wouldn't have brought them. Um, if I was truly defiant to, um, all the court's orders, I clearly, um, I am trying to move forward and not have this so complicated anymore because I don't want it to continue and have the -- the twins grow up and remember it being like this.

And, um, I agree that they are at an age where things can still be mended, um, with Waylon.

And I -- I -- I want to do that. I want to move forward with that, um, regardless of me being scared, I have to -- I have to let, you know, that process be transitioned to, you know, through these types of, um, organizations where they work with Waylon and the kids.

And that's the only way that this type of healthy connection will be started and I -- I do want that for them. I do feel that if they are removed today, that that would create a huge amount of trauma.

Um, I -- I do agree that over time they should -- they should come and stay here. Um, but they, you know, they don't know his mom. I mean, they've been -- they -- they've been -- have -- they've had just as, um, much contact with -- the lack of contact with them as they have Waylon.

And so it would be very traumatic for them to just be taken today. And, uh, but I -- I agree some type of counseling should be done to tran- -- to transition them into being here and in Boise with me and that is my ultimate goal.

I -- I don't want to create a complicated, um, childhood for Brinley and Bryson. I really do want

them to have their biological father and their biological mother, and to ultimately have memory of both of us and to kind of fix this gap of what has gone on. That's [inaudible].

THE COURT: Thank you. Um, just one question with regards to your comments. You said children would be scared of grandma.

And, um, is that just based on the mere lack of time that has -- it has been since they've seen their grandmother or is that premise on some other allegations that I'm not aware of?

MS. CAULKINS: I guess I shouldn't have used the word scared what I was meaning is that it would be scary.

THE COURT: Okay. Thank you. Appreciate it. Um, Ms. Mayo, uh, rebuttal?

MS. MAYO: Well, Your Honor --

THE COURT: I -- I don't know that I need any.

MS. MAYO: Okay.

THE COURT: Okay. I -- I do- -- I don't want it to give us some appearance. I mean, you made the motion. I mean, technically under the laws, I mean, the person who has the burden would have the last word, but I understand Ms. Caulkins is unrepresented so, uh, maybe not, um, fully understanding the

significance of rebuttal.

I think I've heard enough today. Um, I think one thing that -- and -- and you guys please forgive me, I'm going this off for a minute because I tend to, um, start to, um, have difficulty breathing when I -- trying to talk as much as I like to.

Oh, I think one of the things we can agree about this case, um, is that it -- it has been difficult. I mean, I've heard this from both tables today, um, and I think we can all -- all agree I -- I presume by this point that, um, this is what we've been doing is not working. It's just not working.

Um, I looked back at, uh, my order of March 6th, of course, that March 6th order was, I believe the second hearing on this very same topic of, um, of reunification efforts or reintegration efforts with father.

Um, this was a, uh, culmination of not only two hearings, but three orders because there was an original order that some service provider in Idaho wasn't willing to accept because of some language that didn't include the Idaho code.

So that was modified to include the Idaho code, and then that didn't work and then another 15 months approximately passed, um, to the next hearing and now

it's been another four months.

So we're -- now we're 19 months into this, this same issue, the same issue from -- from, uh, from back in, um, I don't know if it was, uh, you know, 19 months ago when this discussion started and it was the therapeutic process for, um, um, reunification with father that's been that point probably about a year and a half and now we -- we're going on three plus years, I believe from the testimony I heard today.

I -- I find it a little interesting today, Ms. Caulkins, that you're here arguing in closing that, um, you want this for them. You want them to see their father. You want this to move forward. You now want to have reintegration.

That, I mean, I believe is new today. I -- I don't believe there has been a hearing yet where you've come here with that, um, and that being your [inaudible] before this you have been here contesting and resisting.

And I think that's reflected in what has actually happened too. There's been resistance. There's been deflection. There's been excuses. There's been -- there's always been a reason. I don't want to call it an excuse, but there's always been a reason why this didn't happen.

In fact, to the extent where I think in this last order, I made it, um, clear that, um, and I'm looking at, um, page four, paragraph number five, identifying the very specific, um, mental health provider that would, uh, engage with the family for these services, Stellar Mental Health.

And then I actually also included four other provider of these services as selected by plaintiff. The plaintiff is Mr. Huber. Mr. Huber has not selected the, um, new, um, uh, new facility, uh, that I keep hearing about today. It's now back to where it's being controlled by mom. I'm really concerned about this.

I want to -- I want to, um, move away from that just for a moment and talk about something else that didn't really come up today, but has been, uh, has been a -- an underlying issue in this litigation from the very beginning and that was relocation to Idaho. The relocation to Idaho and the original divorce decree was -- and I pulled it out and had a look at it here.

Again it was intended to be for a temporary period of two years at which time the parties shall be awarded joint legal custody and joint physical custody is set forth herein. Um, and if I recall, and I didn't read, um, further, but was, um, to allow for Ms.

Caulkins to further her education in the state of Idaho.

But what I'm hearing today is -- is quite different. A brand new job with the, um, with the Census Bureau which is a -- I understand a federal position, which I -- I'm certain, uh, would be available in Winnemucca.

Um, a new home in Meridian because the last one sold and you had to move. You're renting. So our rental facility and a new job, a job, which you could have here in Winnemucca.

You know, I very strongly feel based on the evidence that I've received today, based on the long history of this case, leading up to this point that these reunification efforts have to occur here.

We've tried this at least three times, if not more in Idaho, and it's not working. Even to the point where, um, Mr. Huber was responsible for paying all of the cost. Cost of transportation, cost of therapy, um, and -- and -- and time to get there and get back, all Ms. Caulkins you had to do was get the kids to the therapist and participate in a meaningful way and it just hasn't happened.

So I think the one part that is really an easy piece for the court today is this, the reunification

will be, um, will take place, or the reintegration with dad will take place here in Winnemucca.

Um, I think the request today is for sole legal and sole physical custody. I'm a little concerned about the sole legal custody because I think in order for Ms. Caulkins to be actively engaged in the treatment, it's going to be difficult with sole legal custody.

I understand physical custody may be different, and maybe I could entertain some thoughts on that, but, um, because throughout this period, as Ms. Mayo has pointed out, there has been joint legal custody.

It's just been the physical custody that has been preventing, um, Mr. Huber, from having this relationship with the children. I understand that it originally began with these allegations of, um, some abuse.

Allegations which as we have previously litigated in this courtroom or unsubstantiated by the Division of Child Family Services that were not prosecuted, were investigated and not prosecuted by the local district attorney's office, um, as again stated today and as the court recalls from prior litigation.

Um, and -- and so, uh, other than what I've heard today for the first time ever, I guess, of, um, of

some possible new inquiry of the children that has not been raised again, um, since those original, uh, investigation division and, uh, investigation by local law enforcement. So that -- that comes as very new to me and that is after.

And I -- I think I laid this out in our last order -- in my last order, you know, and I -- I guess this kind of goes to where there was this sense of frustration maybe expressed in the orders because at that time, just between the, um, between February -- I'm sorry, November 30th, of 2018 hearing, where I originally ordered that the parties engage in therapeutic supervised visitation, um, to then the February 27th, 2020 hearing, there had been 10 additional motions filed by the plaintiff; never a response from defendant.

And I think that, um, a hearing in which I, again, place greater emphasis on the need for this therapeutic reintegration, and now we're here four months later and it's still not happening.

I do not find the, uh, testimony by Ms. Caulkins as being credible today with regards to the reasons why the treatment with, um, Stellar, um, um, Stellar Mental Health and mediation, uh, ended.

Um, in fact the, uh, the testimony of Ms.

Caulkins was in direct contradiction to that of the therapist regarding the sequence of the visits. And, um, and then to just that -- that visit in which Mr. Huber is to have, um, some engagement in the process with the kids, suddenly the process ends.

And then Ms. Caulkins later selects a -- a provider, um, of her own choosing, which is, uh, directly contradicts the, uh, contradicts the, um, um, the court's order.

Um, also, um, you know, to -- to engage the children in new therapy was this Jessica Northam, I think is what I heard, um, without, uh, letting father, um, even know about this, um, and to someone who is not a licensed therapist in -- in the State of Idaho or any state that has been brought to my attention today, um, is very concerning to the court because that too is not for the purpose of satisfying this court's order.

Um, and with Molly and Me, um, the evidence I have today before me is that they have represented, they don't do court-ordered treatment and what I have ordered is court-ordered treatment.

So for those reasons, um, I am going to, um, modify custody, um, uh, physical custody, um, to father today. Ms. Huber will -- I'm sorry, Ms.

Caulkins will have the opportunity to relocate to Winnemucca, which was originally contemplated in the divorce decree.

And once that occurs, I would -- I would entertain -- I -- I would hope almost immediately or as soon as I could thereafter, um, uh, a different visitation schedule, um, than the one that will be, um, implemented today.

But to me, it sounds like there is not that tie to Idaho that was originally contemplated in the divorce decree to go to school.

Um, and so the court order today would be sole, physical custody with father, um, with the placement of the children with, uh, grandma or aunt, um, and that to be effective immediately. Visitation with mom by telephone and/or video, um, conferencing, whatever that might look like would be approved with supervision and further visitation will be at, um, the direction of a therapist.

Um, it has been mentioned today that Dr. Kort and Dr. Kort's group would be, uh, has agreed to initiate that process. He has no reservations about that. That would be, uh, acceptable to the court. Um, the court, um, also, um, today, we'll reserve on the issue of attorney's fees.

Um, the court, um, does find that under the, um, factors, um, supporting the best interest of the children that this -- this relationship between the parent and the children and, uh, preventing children from having a relationship with their father is not in their best entry -- interest and not [inaudible] emotional wellness of these children.

Um, and I, uh, today we'll find that there is clear [inaudible] this, um, uh, that this modification [inaudible] I would -- I would -- I would encourage anyone to further this file [inaudible] this court just had and, uh, and -- and -- and ensure [inaudible] not in any way, then looking forward to, um, to this day [inaudible] this drastic a measure, um, and the [inaudible].

[Inaudible] testifying that if something doesn't happen immediately, there will be a significant comparison by these [inaudible] children, um, and may forever affect, uh, uh, healthy and [inaudible] with their parents and a -- a proper, uh, adjustments [inaudible].

And, um, that'll be the order of the court today. Um, the cou- -- one last thing the court does find that [inaudible] from the evidence, the sworn testimony today, there has also been a violation of

this court's no contact order with Justin Caulkins, um, the, um, defendant's husband.

And also obvious today that upon Mr. Caulkins's release from prison in August of this year, the plan was to reunify with the children and mother in the same household and that does [inaudible] does, um, would be in violation of the court's order.

[inaudible] that too [inaudible] other evidence of -- of, um, of, uh, [inaudible] into account the best interest of these minor children.

I would ask that, uh, law enforcement assist in, uh, uh, today in the, um, implementation of this order to [inaudible] sole physical custody, uh, [inaudible].

That will end our hearing today. Thank you.

MS. MAYO: Your Honor, just one quick [inaudible] -- joint legal custody.

THE COURT: Joint legal custody.

MS. MAYO: Thank you.

THE COURT: [Inaudible].

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 99 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

August 11, 2021

Chris Naaden

(Huber v. Caulkins hearing, 7-15-20)

HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE

Litigation Services is committed to compliance with applicable federal and state laws and regulations (“Privacy Laws”) governing the protection andsecurity of patient health information.Notice is herebygiven to all parties that transcripts of depositions and legal proceedings, and transcript exhibits, may contain patient health information that is protected from unauthorized access, use and disclosure by Privacy Laws. Litigation Services requires that access, maintenance, use, and disclosure (including but not limited to electronic database maintenance and access, storage, distribution/ dissemination and communication) of transcripts/exhibits containing patient information be performed in compliance with Privacy Laws. No transcript or exhibit containing protected patient health information may be further disclosed except as permitted by Privacy Laws. Litigation Services expects that all parties, parties’ attorneys, and their HIPAA Business Associates and Subcontractors will make every reasonable effort to protect and secure patient health information, and to comply with applicable Privacy Law mandates, including but not limited to restrictions on access, storage, use, and disclosure (sharing) of transcripts and transcript exhibits, and applying “minimum necessary” standards where appropriate. It is recommended that your office review its policies regarding sharing of transcripts and exhibits - including access, storage, use, and disclosure - for compliance with Privacy Laws.

© All Rights Reserved. Litigation Services (rev. 6/1/2019)

-

--what 85:20

1

1 2:1,6,8,11, 13 12:1,6 42:1

10 9:10 16:15 17:18 67:12 95:14

10-minute 79:22

10-year 70:3

125C 3:1

15 9:10 90:24

18 75:3

19 91:2,4

19th 4:15 11:16

2

2 2:4,7,12,14 11:24

2000-and 50:16

2008 7:17

2015 50:17

2016 50:17 53:9,10

2018 95:11

2019 36:19 37:22 65:2

2020 4:15 9:16 10:24 11:16 33:17, 21 36:17 38:4,8,14 54:13 55:24 56:11 72:21 95:14

208 4:1

20th 10:2

27th 72:21 95:14

3

3033 36:1

30th 10:5,15, 19 95:11

4

4:22 42:3

4:30 42:14,19

4:35 42:3

6

6 72:20

60 80:23

6th 38:17 79:25 90:13, 14

8

83646 36:2

A

a- 4:9

ability 15:18 80:23 81:1

able 4:2 5:19 6:23 16:19 18:17 19:4,19 24:8,9 29:14 30:18 35:10 43:16 44:22, 25 62:1 63:3 66:10,14 67:1,21

Absolutely 68:5

abuse 14:19 15:4,7,25 16:16 17:12, 24 22:11 27:25 28:12 29:4,21 68:14 81:13 94:17

abused 14:24 21:13

accept 90:21

acceptable 97:23

accommodations 80:7

accomplished 76:3

according 10:4

account 16:2 99:9

accountable 75:4

accredited 23:23

accused 21:2

across 22:14 82:7

acting 24:7

action 76:8

actively 94:6

actually 5:16 16:1 17:2 19:22,24 23:1 41:4 44:6 48:12 52:10 83:21 87:3 91:20 92:7

addition 9:12

additional 21:15 82:24 95:15

additionally 4:23 76:14

address 4:10

19:13 20:25 35:25 64:19 70:25 87:5,7, 8,9

addresses 70:21

adjusting 24:23

adjustment 21:7

adjustments 98:20

admission 11:22

admitted 12:6 25:17

adult 15:20

adulthood 24:22

adults 16:3 36:11,16

advanced 27:25

advice 75:11

advised 85:23

Advocacy 53:17 54:20 55:16

advocate 83:13

affect 98:19

affirm 6:9 35:4 60:20

after 8:24 10:8,15,16 12:25 13:4,6, 8 23:18 27:5 28:4 32:25 40:22 41:23 42:22 43:14, 15,19 44:6 48:5 50:25 54:16 62:15 63:1 72:18,21 74:25 77:12 79:21 95:5

afternoon 2:19

again 2:15 3:21 49:16 53:12 62:15, 19 64:24 70:12 71:15 78:19,20 92:21 94:22 95:2,18

against 20:11

age 16:19 18:2 78:10 88:1

ago 8:4 65:1 67:12 91:5

agree 31:22 39:8 48:16 61:16 88:1, 13,20 90:7,10

agreed 39:6 97:21

ahold 81:11, 15

Alaska 36:23

alienate 19:8

alienated 20:10

alienating 19:25

all 5:7 24:1 27:1,3 31:3, 25 33:14 37:8 45:13 53:25 59:2,5 62:25 65:22 67:16 70:23 77:13 82:20 83:12 86:14 87:21 90:10 93:18, 20

allegation 77:19

allegations 14:13,15 15:4,7 89:11 94:16,18

allegedly 29:14

alleviate 13:23

allow 14:8 92:25

allowed 26:1 53:5 64:14

almost 16:12 32:15 64:10 87:13 97:5

along 14:11 74:21

already 13:4 28:4 70:8

also 8:23 9:21 10:12 11:18 13:22 15:11 17:9,11 18:15 19:19,25 21:5,9 29:20 35:11 48:17 49:22 56:5 67:1 70:16 75:21 76:24 77:11 84:8,12 92:7 96:10 97:24 98:25 99:3

alternative 52:18

always 87:9, 12,16 91:23, 24

amount 88:12

and/or 80:10, 16 97:16

Annie 55:19 56:4

another 4:1 6:15 18:4,16, 23 19:2,9 21:3 31:18 41:22 47:18 76:20 77:14 79:21 83:1 86:20 90:24 91:1

Answers 79:4

anxiety 21:6, 11 24:22 75:9

anybody 36:24 49:5 73:25

anymore 63:4 87:23

anyone 48:25 98:11

anything 5:10 17:3 21:22 23:23 24:24 31:24 33:9 46:22 51:21 55:7 59:6 69:21 72:3 85:17

anywhere 66:13

apologize 83:18 85:8

appear 4:3 22:8 23:22 62:5,9

appearance 3:12 63:13 89:21

appeared 38:13

appearing 2:20 6:16

appears 33:16

apple 76:5

appointment 9:14 11:1 25:16,24 26:7,8,11 30:17,19 32:5 34:9 41:4,5, 18,22,23 42:4 43:9,10,14, 15,17,20 44:21,23 46:7 48:11 54:23 63:2 82:17

appointments 10:18,22 12:17 13:1,4, 6,9,11,16,19 27:20 32:18 39:17 40:14, 19 41:20 42:2 43:25 45:3,5, 11 48:8,13 62:18 82:6,9 85:9 86:8

appreciate 34:18 89:15

appropriate 79:7

approved 97:17

approximately 7:17 8:4 10:7 38:2 58:23 80:22 90:25

April 9:16 10:2,4,15,19, 25 11:1 39:20,22 63:10,11

area 22:15 71:5

areas 14:18

arguing 91:11

argument 72:13

arises 19:14

around 9:16 33:20

as- 87:7

ascertain 66:11

assessment 9:22 75:7

assessments 8:19,20 10:9

assist 8:11 81:21 99:11

assistance 16:22

attached 4:18,20

attachments 84:10

attend 59:8 61:8

attended 50:12

attending 66:1

attention 96:16

attorney 6:16

attorney's 77:21 80:24 94:22 97:25

audio 4:3,6,7 5:25 6:5

audio-visual 14:18

August 36:5 56:20 76:16 99:4

aunt 97:14

authority 77:6

automatically 27:6

available 3:8 4:8 10:22 12:8 68:20 93:7

average 9:7

awarded 92:23

aware 34:3 52:9,14 55:22 57:4 75:10 77:18 89:11

away 85:5 92:13

B

back 6:1 14:11 34:11

43:12 61:1,2 65:18 67:13 72:24 73:2 81:5 82:9 90:13 91:3 92:11 93:20

background 54:3 66:4

bank 77:23

based 11:12 19:3 27:19 30:9 75:6 77:7 79:22 89:8 93:12,13

basis 27:14 80:1 86:14

be- 12:18

became 17:2

before 3:16 4:10 6:11 17:22 18:1 27:19,23 28:1,5 32:15, 23 33:5 35:5 37:8,19,23 44:21 47:16, 19,21 53:6 56:12 60:22 70:10 72:25 73:12 76:18, 24 78:1 91:18 96:20

began 73:20 94:16

begin 6:19 37:16 85:15

beginning 33:17,20 50:17 92:17

behalf 67:3

behind 73:21 79:15

being 6:4,25 8:7,9 16:13 19:19 20:18 24:8 26:10 29:12 31:20 33:13 39:7 42:23 43:12 46:21 77:14 84:24 85:5,18 86:22,24 87:25 88:4,22 91:17 92:11 95:22

believe 3:8 4:14 9:16 14:5 16:1 19:22 21:9,13 22:5,6 25:12 27:16 31:6 32:14 37:22 39:23 46:20 48:20 56:5 67:18,23,24

74:7,12 77:24 83:13 90:14 91:9,15,16

believed 19:1

Bella 56:9

beneficial 55:9,13

best 19:12 69:8 72:23 74:4,15 75:22 76:12 77:7 78:4 83:17 98:2,6 99:10

better 20:1 30:1

between 9:10 15:5 25:11 34:4 43:13 47:6 56:24,25 57:1 58:6 60:9 70:20 73:19 76:19 78:7 84:13 85:16 95:10 98:3

beyond 59:6 62:12

binder 60:8

biological 89:1,2

Birth 23:12 51:12

Birthing 66:9

bit 12:20

bite 76:4

blank 56:8

board 23:24

Boise 23:12 51:11 66:9 87:13 88:22

bond 17:2 47:12 68:2,12

book 32:5

both 2:19 4:20 8:18,19, 20 9:2 10:13 18:8,21 24:8 41:15 47:9,12 61:12 72:22 77:19 80:5 89:3 90:9

brand 93:4

break 5:25 84:22

breathing 90:5

brief 30:14

briefly 23:17 32:3 36:22 60:18

bring 26:1 40:13 51:21 80:25

Brinley 7:25 15:12 16:7,21 25:24 30:23 31:11,18 36:9 41:1 43:14 44:13 46:3 69:14 85:16 86:3,15 88:25

broke 68:5

brother-in-law 36:21

brought 9:17 41:9,15 51:19 87:20 96:15

Bryson 7:25 15:12 16:21 17:7 30:18 31:11,19 36:9 43:17 69:19

85:16 86:4,15 88:25

bubblegum 28:20

build 47:5

builds 20:13 84:10

built 17:22

burden 89:23

Bureau 37:5 93:5

busy 13:22 32:20

C

ca- 13:11

call 3:5 31:22 32:6 34:24 44:14 61:19, 24 62:2,20,24 73:19 82:18 85:10 86:3 91:23

called 4:11 6:7,17 47:4 50:3 63:1 65:11,18 67:10 71:2 84:8

calling 71:1,6

calls 24:14 51:14

came 12:21 25:25 37:9

camera 14:18 44:11

cameras 68:4,6

can't 7:4 43:5

cancel 12:25 13:4,5,17

canceled 13:11,18 26:11 40:19, 22 44:10

cancellation 12:16 13:24

cancellations 12:20 17:1

capacity 80:16,18

captioned 2:17 6:2

care 22:1 65:19,21 78:22,23 79:6 82:2

case 2:16,17 6:2 11:13 12:23 52:8 72:17 75:23 77:8 81:4 90:8 93:14

cases 19:8

Caulkins 2:18,21,23 3:15 4:16 5:1, 4,8 6:3,14 9:21 11:2 12:2,4 16:24 23:6 25:6,8, 10,15,21 26:4,15,20,23 27:2,7,12,18, 22 28:5,7 29:1,18 30:9, 13,17,21 31:1,4,15,17, 25 32:2,11 33:9,10,18,22 34:3,10,15, 17,24,25 35:3,8,24 36:1,5,9,12, 15,18,20,21, 25 37:2,5,7, 11,14,18,21, 24 38:2,6,9, 12,15,19,23 39:2,6,9,12, 15,19,23 40:2,8,13,17, 21,24 41:1,3, 8,11,14,16,19 42:5,9,13,18, 20,23 43:2,8 44:3,8,16,20, 24 45:1,6,8, 12,15,18,22, 25 46:5,8,12, 17,20,23 47:3,16,20,24 48:1,5,9,11, 22 49:1,4,9, 12,16,19,21 50:2,6,10,14, 16,20,24 51:2,5,7,10, 13,15,19,21, 24 52:1,5,12, 15,21,24 53:3,6,9,13, 16,19,22,25 54:4,9,12,14, 18,22,25 55:2,4,10,15, 17,19,21,25 56:2,4,7,12, 15,18,20,22, 25 57:3,5,9, 13,16,19,22 58:1,5,9,12, 15,18,23 59:2,5,7,10, 13,15,17,20, 24 60:3,6,11, 14 64:11,13 65:5,24 67:6, 20 68:21 69:25 70:17 71:13,18,20, 24 72:2,9,11 73:5,8,9,11, 21 74:4,15, 18,25 76:1,5, 14,18,21 77:4,22 78:14,21 79:13 80:11, 14 81:2,3 89:12,24 91:11 93:1,21 94:6 95:21 96:1,6 97:1 99:1

Caulkins' 13:15 22:1 76:15 77:1

Caulkins's 99:3

cause 75:8,13

caused 17:8

caution 75:10

Census 37:5 93:5

Center 23:12 51:12 53:17 54:20 55:16 66:9

certain 5:21

19:24 73:13 93:6

certainly 78:4

challenges 84:17

change 21:23 31:7

changed 29:8 31:20

changing 24:5

characterization 48:19 61:14

charge 58:6,8

charges 57:15

check 45:24

chewed 28:20

child 3:23 17:22 20:8,13 53:16 54:20 55:16,23 74:10 83:25 84:9,13 85:12 94:20

childhood 24:20 88:25

children 2:25 3:6,13,16,17 5:4,11 7:25 8:7,13,19,23, 25 9:15,18,22 10:3,16,19 11:2,7,12 12:17,25 14:9,23 15:3, 8 16:1,5,15, 19 18:8 19:9 20:1,18 21:1, 5,9,23,25 22:2,8 23:1 24:6,19 26:8 27:23 29:9 30:22 33:4 43:20 47:6,11 48:19 49:14, 17 51:9,23 52:16,25 53:5,11 55:6, 14 58:14 59:3,9,12 60:1 61:20 62:2,5,20 63:13 65:6 66:16 67:4, 11,19 68:2, 11,13,21,24 69:10 70:18 72:24 73:19, 20,22 74:2,8, 20,23 75:3,5, 9,11,16,18 76:9,20 77:3, 7,10,24 78:8, 10,13,20,22, 24 79:5,10, 11,16 80:4,8, 9,15 83:10 84:4 89:6 94:15 95:1 96:11 97:14 98:3,4,7,18 99:5,10

children's 55:8 63:3 70:14 73:15 74:4,15 78:5

choosing 96:7

Christmas 37:23

circumstance 19:13 70:4 80:22

circumstances 8:22

claim 77:23

clarify 18:23

clear 11:1 72:22 73:5 76:1 92:2 98:9

clearly 87:21

clerk 35:22

client 10:12 27:9

client's 71:4

clients 9:12 13:22 32:24 65:14

clinical 7:13, 16

close 48:13

closing 91:11

clothing 16:9

co- 59:2

coach 28:16

coached 15:21

code 90:22, 23

column 2:10

come 5:16,20 18:2 19:4 22:6 24:9 29:6 32:15 47:1 53:21 55:12 65:8 69:3 75:12 76:18 78:6 82:7 88:14 91:17 92:15

comes 52:7 73:11 95:4

comfort 28:10 40:4

comfortable 18:2 48:24 86:15

coming 28:19 33:5,14 81:25

comments 89:6

commit 79:13

commitment 79:9

common 14:18 17:13, 19

communicate 45:14

communication 25:11 39:11,14 45:13 46:2

83:8

communications 45:20

comparison 98:18

compliance 47:2

complicated 87:23 88:24

comply 3:19 20:4 39:4 73:9

complying 73:6

computer 6:14,16 35:20,21

computers 5:17 6:4

conceal 70:18

concern 14:19 17:8 18:14 21:1 22:19 58:1 71:12,14

concerned 15:20 28:18 29:10 68:3 75:12 92:12 94:4

concerning 15:2,11,15 29:18 75:7 77:11 96:16

concerns 16:24 19:17 20:17,23 22:1 69:25 70:13, 16

conducts 52:5

conferencing 97:16

confident 49:4

confirm 27:2 67:1 71:20

confirmed 72:23

conflict 48:14

confused 82:12

connect 4:5

connected 87:14

connection 6:5 84:4,19, 24 85:4 88:10

consent 67:3

consequence 46:13,19

consequences 46:10

consideration 76:25

considering 15:3

consistent 24:4,22 86:21

consistently 29:3

constantly 74:23 79:16

construct 21:12

consulting 50:25 74:1

contact 32:16 33:16,23 34:4 38:21 45:3 46:3 47:14,18 54:10 56:23 57:7 59:5 66:15 70:7 76:19 80:14, 19 88:17 99:1

contacted 32:11 47:3 48:6

contemplated 97:2,10

contempt 46:21

contesting 91:18

context 20:6 74:19

continually 87:8

continue 21:23 22:2,6 75:2 87:7,24

continues 20:11 28:22 67:19

continuing 22:4 29:20 77:4 79:13 82:11 86:25

continuously 13:16 74:20

contradiction 96:1

contradicts 96:8

control 75:24 78:17

controlled 92:12

convenient 79:4,5

conversation 20:16 28:17

convicted 58:10

convincing 73:5

Cooper 53:5

copies 5:7

copy 4:16 38:17 42:2

46:15 65:12

correct 11:17, 19,20 15:8,9 21:21 25:13, 14 30:11,12, 16,20,24 32:21 38:22, 23 39:22 40:20,21,23, 24 41:18 42:4 45:12,15 46:8,16 50:13,14,23, 24 51:15,16 52:20,23 53:2,3,12,13 54:22 56:14, 17 57:22 60:10 61:5,6 62:4 69:11

corroborated 78:2

cost 93:19

cou- 98:23

counsel 2:20 35:2,16 72:18

counseling 8:3,7 52:10, 12 61:5 88:21

counselor 22:17

County 77:21

couple 33:1 66:19

course 72:19 90:14

court 2:3,9, 15,24 3:1,10, 16,21,24 4:9, 13,14,18,22 5:6,10 6:1,11, 23,25 7:1 8:15 12:1,5, 14 13:20 18:20,24 20:23 23:4,21 24:25 25:6,9 32:1 33:9 34:18,22,25 35:5,9,19 38:13 46:11, 16 47:1 53:7 54:16 55:11, 13 60:17,19, 22,25 63:14 64:12,19 67:15,19 68:8 69:22 70:8 71:18 72:3,6, 9,10,12,15 73:12,16 74:14,24 75:22 76:11, 18,22,24,25 77:6,12,18 78:1,18 79:9, 14,24 80:6,24 81:2,7 86:13 87:5,15 89:5, 15,18,20 93:25 94:23 96:16 97:12, 23 98:1,11, 22,23 99:17, 19

court's 2:25 3:20 86:5 87:21 96:9,18 99:1,7

court-ordered 96:21,22

courthouse 69:13

courtroom 5:13 6:5,15 35:1 94:19

courts 20:25

cousin 80:5

COVID 82:5

COVID-19 33:14 37:9 55:4

create 84:3 85:12 88:12, 24

creates 28:22 84:5

credential 52:11

credentialed 23:23

credentials 51:18,25

credible 95:22

Creek 36:1

crimes 57:25

criminal 57:24

cross 71:18

culminating 74:11

culmination 90:18

current 7:21 23:5 32:24 35:25 56:23 83:4 87:6

currently 21:9 32:8 37:1 51:9 56:14,16 57:12 60:2

custodial 66:20 77:4

custodian 79:8

custody 3:2 66:24 67:20 68:10 73:2,3 78:18 80:1 85:14 92:23 94:4,5,8,9,12, 13 96:24 97:13 99:13, 16,17

CV 51:23

CV-20-464 2:16 6:2

cycle 20:12

D

d- 55:22

dad 17:13 24:9 31:23 84:25 94:2

damage 75:13

date 5:8 26:3 42:6

dated 4:15 11:15

dates 10:21 13:1 39:17

day 4:25 9:25 22:10 63:8 75:4 98:14

days 65:1 67:12 80:23

DCFS 77:19

deal 30:4 85:2

dealing 19:7 28:23 49:22 50:7

deals 47:9

Debbie 80:4

decided 87:3

decides 78:18

decision 27:19,21 28:1 77:20

declined 66:19

decree 92:19 97:3,11

defendant 2:18 6:3 95:16

defendant's 99:2

defiance 76:9,21

defiant 87:20

defied 76:1

deflect 85:23

deflection 91:22

demonstrated 79:9

depending 8:21

depression 21:11 24:22

describe 15:18

described 16:9 17:12

describing 16:13,20 28:24

description 39:8

descriptive 29:11

designed 47:5

desire 75:21

desk 26:9

detail 15:20 34:10

detailed 16:20 48:20

Detective 53:19,20 54:10

detector 70:25

determine 40:9

develop 8:24 10:11,12 28:10 29:20 84:20

developed 10:8

developing 8:12

diagnosed 79:17

different 14:12 16:9, 10,12 22:14 74:20,21 93:4 94:9 97:6

difficult 11:6, 10 34:12,14 77:8 81:4 86:23 90:8 94:7

difficulty 90:5

direct 6:19 64:16 96:1

direction 83:18 97:19

directive 74:25

directly 47:9 96:8

directness 72:20

disabilities 49:23 86:24

disagree 44:1 61:14 81:3

discharged 13:2

discharging 28:4

disclosure 79:22

disclosures 53:23 54:6 77:14 83:9

disconnected 85:1

discontinue 27:22

discontinued 26:11 41:25 43:22 44:1 82:12,23 83:2

discontinuing 81:19

discretion 80:3,13

discuss 19:19,23

discussion 91:5

disenrolled 50:21

disenrolling 74:9

disingenuous 73:8 78:20

displaying 24:7

dispute 39:16 42:12,17 48:18,23 49:1,3 53:11

disruption 5:13

distancing 35:1,15 37:15

district 77:21 94:22

disturbing 79:23

Divide 36:1

division 94:19 95:3

divorce 92:18 97:3,11

do- 89:20

doable 11:10

doctor 56:5,6, 8 79:19

doll 16:13

dollhouse 16:13

domestic 58:8,10 70:3 77:2

done 9:4 46:24 77:15 80:15 82:4 86:14 88:21

doubt 75:1

down 19:16, 23 70:21 83:22 84:22

drastic 98:14

dress 16:10, 11

Drive 36:1

driven 87:10

driving 58:5

due 5:13 12:16 20:19 30:15 31:1 34:25 37:14 40:25 41:4 43:17 82:14

DUI 57:16 70:6

Dunkorst 53:19,20 54:11

during 14:21 18:17 33:10 59:15

E

E- 29:7

e-y 7:10

each 8:20 19:23 23:13 81:8 86:17

earlier 33:25

early 37:10

easy 93:24

educate 24:8

education 93:1

effective 97:15

effectively 78:14,16

effort 82:8 86:2

efforts 13:14 54:17 77:14 78:11 82:24 90:16 93:15

eight 15:13, 14 16:19

either 5:10 39:15 50:16 79:5 80:4 84:20

elaborate 15:15

electronically 11:19

Eliana 36:10

eliminate 14:19

email 26:10, 22 34:11 39:15 43:2 44:16

emailed 43:12

emails 34:15 60:9 66:19

emotional 40:4 74:21 78:19 84:19 98:7

emphasis 95:18

employed 37:1,4 38:4

employment 7:21 38:5,8

enact 52:7

encourage 98:10

end 35:14 50:17 63:11 77:3 99:14

ended 47:17, 19 95:24

ends 96:5

endure 22:2

enemy 85:19

enforceable 76:22

enforcement 18:25 19:2 77:15,17 79:18 95:4 99:11

engage 32:24 75:18 80:9 92:5 95:12 96:10

engaged 94:6

engagement 84:16 96:4

engaging 52:25

enhances 84:6

enmeshed 28:21

enough 17:3 90:2

enroll 80:8

enrolled 50:22 73:23

enrolling 51:23

ensure 98:12

enter 77:6 80:24

entered 70:8

entertain 94:10 97:5

entry 98:6

environment 84:6

especially 13:20 18:2 22:22 77:1

essential 84:14

essentially 28:9 40:2,3 41:21 79:14 80:17 84:22

evaluated 79:19

even 14:21 20:12 21:11 24:11 29:7 31:22 35:20 41:6 67:17 72:25 93:17 96:13

event 29:12

events 16:20 17:23 19:24 20:3

every 13:21 22:10 63:22 64:4 87:5

everyday 17:13

evidence 6:9 19:18 34:23 35:4 60:20 71:21 72:9 73:5 75:25 76:11 78:1 81:7,14 93:13 96:19 98:24 99:8

ex- 58:6

exact 33:13 42:5 58:15

exactly 20:23 46:12 83:23

examination 6:19 71:19

example 16:7

examples 16:4

exceptions 76:23

exchange 34:4

excuse 75:20 91:24

excuses 73:11,12 82:7 85:25 91:22

exercise 31:23

exhibit 4:13, 19 11:22,23 12:1,6 42:1

exhibits 11:23

exists 76:19

expand 12:19 20:22

expectations 72:22

expected 11:2

expedited 3:1

experience 16:15,18 19:7 21:5 24:18

expired 13:7

explain 25:24 28:11 65:20

explanation 62:11

expressed 95:9

expressions 35:12

extensive 28:8

extent 80:14 92:1

extenuating 70:4

extra 82:1

extreme 15:25

extremely 81:4 82:12

F

face 24:11 35:11

facial 35:12

facility 28:9 83:1 84:14 92:10 93:10

fact 20:10 25:23 29:4 30:21 75:12 76:2,4,7 78:2 92:1 95:25

factors 78:5 98:2

factual 78:1

failed 26:9

fair 20:20 32:20 38:3 46:1 62:3

false 24:19 62:14

fame 77:23

familiar 7:24 8:2 23:16 33:3 75:16

families 9:8, 10

family 8:10 12:14 56:5,6, 7,9 75:14,16, 17 79:20 85:6 92:5 94:20

far 8:16 22:16 27:13 33:25 36:15 55:6 73:1,25 81:8, 9,18

father 8:11 28:14 66:23 74:12,23 78:12,14 89:1 90:17 91:7,13 96:13,25 97:13 98:5

father's 21:7

fear 5:3 85:6

February 38:14 72:21 95:10,14

federal 93:5

feel 22:23 31:4 55:5 68:25 69:5,7 70:7,9,11 71:23 81:6 86:1 87:16 88:11 93:12

feeling 27:23 85:4

fees 80:24 97:25

felt 34:13 48:17 49:13 69:17

FEMALE 2:1, 4,6,7,8,11,12, 13,14

few 49:7 64:25 70:10

file 27:16 98:11

filed 3:3 4:25 87:6 95:15

files 2:12

fill 8:19 67:11, 13

filled 9:21,23

find 14:8 16:19 22:18 34:8 64:21 66:13 70:25 71:3,7 77:11 78:20 81:20 83:5 84:23 86:12 91:10 95:21 98:1,8, 23

finding 83:24

fine 2:1 7:5 79:12

first 3:9 4:11, 25 9:14 10:25 17:16,17 25:16 30:10 33:1 40:25 41:3 49:7 57:17 64:8,24 65:1 69:9 94:25

five 15:5,19 29:12 38:2 92:3

fix 83:19 89:3

fixated 29:24

flight 5:3 70:17 87:17

flowing 28:17

flu 41:1 43:15 44:13

focus 47:11

focused 29:25

follow 46:10 83:6

followed 18:16 19:12 21:19,20

following 43:11 46:14 61:18,20 62:20

forensic 77:15

forever 75:2 98:19

forgetting 41:4

forgive 90:3

forgot 41:18

43:11 46:7

forgotten 25:17

formal 7:1

formally 37:8

format 52:18

forms 33:23 34:5

formulate 33:2

forthcoming 14:23 18:5 29:9

forward 9:1 10:14 22:13 28:23 29:15, 22 30:5,7 75:23 80:19, 25 87:22 88:4 91:13 98:13

found 84:15

four 15:5,19 18:1 50:18 52:17 84:14 91:1 92:3,7 95:19

fourth 39:21 41:22 44:5

free 28:17

fresh 82:1

front 5:18 26:9,18

frustration 72:19 95:9

fully 89:25

further 14:12 25:4 33:8,9 34:17 60:15, 17 71:16 72:4,6 80:18 92:25 93:1 97:18 98:11

G

game 72:17

gap 89:3

gatekeeping 20:1 74:19

gave 23:8 45:18 87:9

generally 10:10 13:19 17:25 18:5 24:13 26:21 27:1,4

getting 18:4 22:22 47:11 65:12 86:17

girlfriend 58:7

give 10:2 14:9 16:4 18:13 31:10 56:8 66:21 71:10 77:22 89:21

given 13:10 37:8 77:1,8 81:8 86:4

giving 14:11 74:25

goal 8:17 88:23

goals 8:8 10:13 14:7 22:22

God 6:12 35:7 60:23

goes 20:13 72:25 73:1 78:12 95:8

gone 28:12 85:20 87:18 89:4

good 69:17 83:8

gosh 56:8

gotten 64:9

grandma 89:7 97:14

grandmother 89:10

graphic 29:11

great 15:20

greater 95:18

group 75:20 80:11 97:21

grow 87:24

guess 41:21 44:10 57:9 89:12 94:25 95:7

guides 85:11

guys 2:4 90:3

H

h- 34:3

ha- 3:17

half 30:18 36:5 43:17 58:23 91:8

hallway 3:18

hand 6:8 35:3 60:19

hands 77:25

happen 5:21 28:14 31:24 55:1 67:25 70:12 73:13 82:21 91:25 98:17

happened 18:18 19:20 20:2 28:25 29:14 30:4,15 49:11 62:23 68:1 69:12 82:13 91:21 93:23

happening 33:19 81:9 95:20

hard 82:5

harder 20:12

harm 83:15

harmed 74:13

having 20:8 24:9 28:17 41:1 75:11 78:15 79:16, 17,18 80:25 86:16 94:14 98:5

he'll 21:2 57:11

head 50:5

health 7:23 21:15 74:16 78:19,25 82:15 92:4,6 95:24

healthy 48:17 55:5 59:25 60:2,5 79:1,2 84:3,6,10,12 86:6 88:9 98:19

hear 5:19 6:23 7:4,5 67:7 83:10 90:2,9 91:9 94:24 96:12

heard 40:18

hearing 2:24 3:2 5:22 7:1 38:16 53:7 54:16 56:13 80:22 83:10 87:19 90:15, 25 91:16 92:11 93:3 95:11,14,17 99:14

hearings 90:19

heart 68:5

heed 75:11 79:24

hel- 46:20

held 42:3 46:21 75:3

help 6:12 23:9 35:7 47:5 59:20,22 60:23 75:15 85:16

helped 83:5

helper 84:2

helpful 29:1

helping 28:16

here 3:17,25 4:16 5:11 6:14 24:4 55:12 68:16 71:13 75:5 80:5 87:16 88:14,22 91:11,17,18 92:20 93:11, 15 94:2 95:19

hey 71:9

hiding 87:12

higher 65:19, 21 78:22

highlighting 73:17

highlights 47:10

himself 14:12

hired 70:23, 24

history 57:24 77:2,8 93:14

hold 25:23 41:3 47:20 48:15

home 20:19 21:6,7,14 22:3 57:12 70:14,23 75:12 78:3 80:4 85:23 86:22 93:8

honestly 85:9

Honor 3:4,5, 14 4:21,23 5:4 6:22,24 11:21 25:5 34:21,24 60:16 71:17 72:5,8,14,16 73:4 74:17 76:15 77:11 78:6 79:5,24 80:21 81:3 89:17 99:15

hope 97:5

hopefully 78:10 85:15

hospitals 71:3

hours 44:21

house 14:11, 18 68:4,6 69:3 86:20 87:3

household 99:6

housekeeping 4:10,12

houses 9:2

Huber 2:17, 20 6:2,15 7:25 14:4,7, 16 15:7 16:10 20:17,19 21:2,13 38:21 39:1,2 45:4, 14 47:23 51:1 52:23 59:1 60:13,18,24 61:4,6,9,12, 16,19,23 62:4,7,10,13, 16,22,24 63:1,7,11,15, 17,20,22 64:1,4,8,15, 17,25 65:3,7, 11,17,22,25 66:6,8,13,18, 25 67:5,9,18, 22,24 68:5,7, 10,18,22,25 69:5,11,14, 20,23 70:2, 15,19 71:11, 14,19,23,25 73:4,19 74:1 75:8,18,24

77:9,25 79:7 80:2,3,23 81:11 92:9 93:18 94:14 96:4,25

Huber's 6:16 20:18

Hubert 75:20

huge 88:12

Humboldt 77:21

husband 56:16 57:1,23 69:25 76:15, 20 99:2

I

i- 24:17

ice-cream 17:14

Idaho 3:7 7:19,23 36:2 52:14,19 66:12 71:6 73:24 90:20, 22,23 92:17, 18 93:2,17 96:15 97:10

idea 9:1

identification 12:2

identified 68:15

identify 39:7

identifying 92:3

immediate 5:22

immediately 2:25 69:4 75:12,18 77:12 80:8 97:5,15 98:17

impact 74:2

implementation 99:12

implemented 97:8

important 32:19 45:9

impression 4:6 49:10 51:2 81:19

impressions 20:19

improbable 11:6

inability 31:2

inappropriate 64:21

inaudible 2:1, 4,5,6,7,8,10, 11,12 4:24 5:2,4,8,19 12:11 31:9 34:23 35:9,16 38:14 39:7,18 40:7 42:3,22 43:5 44:7 49:6 52:7,19 54:3,5 57:2 59:15 61:3 64:18,24 69:13 72:15, 21,23,24 73:1 75:14,21 77:18 79:23 81:1 86:9 89:4 91:18 98:6,9,10,11, 12,14,15,16, 18,19,21,24 99:6,8,9,13, 15,19

incapable 16:20

incarcerated 56:17 57:15

incarceration 76:16

incidences 77:16

incident 15:19 30:8 68:1

include 54:6 90:22,23

included 92:7

includes 84:1

including 78:7

inconsistent 43:23

inconsistently 36:22

increased 21:11

indicate 3:15 11:5 40:18

indicated 18:8,22 41:17 54:19 66:22 73:4 79:25

indicates 12:13 23:12 43:24

indicating 16:5 74:2

individual 76:10

induced 49:22,25

inevitably 77:3

infection 16:8

info 66:4

inform 23:3 44:14 45:4

information 8:8 15:3,16 18:6 22:25 23:18 26:12 33:24 47:23 58:25 59:5 65:5 66:4,20 67:3 71:10

informed 62:16 63:2

65:13

ingrained 28:21

initial 27:17 31:13 32:5,16 33:16 42:4,20 78:19

initially 8:18 12:24 14:22 30:10

initiate 38:25 97:21

inquire 63:24 66:15

inquiring 63:12

inquiry 95:1

install 14:17

instead 28:23 29:12 84:24

institution 47:4

instructed 38:20,21

intake 30:11 33:23 42:4,20 43:9

intend 3:5 60:14 75:6

intended 92:21

intent 73:6,8

intention 57:11 82:20

intentionally 83:15

interaction 69:12,18 79:23 83:21 84:12

interactions 11:12

interest 69:8 72:23 76:13 77:7 78:4 98:2,6 99:10

interesting 91:10

interests 74:4,15

interim 73:21

intervene 74:24

intervention 15:24 21:22 22:14,16

interventions 18:3

interview 18:17,18,23 19:2 53:15 55:9 77:15

interviewed 14:25 15:1 53:12 79:18

interviewing 18:20

into 24:15 28:16 34:10 47:1 50:22 59:9 76:25 81:25 82:2 85:13 86:6 88:22 91:2 99:9

investigated 77:17 94:21

investigation 95:3

involved 8:9 12:14 80:12

involving 57:24

issue 26:4 35:17 91:3 92:16 97:24

issued 38:17

issues 12:18 13:23 21:15 77:12

J

J-E-F-F-R- 7:9

jail 18:9

Janae 2:17 6:3 9:19 63:20 65:18, 25 71:9

Jeff 4:1

Jeffery 3:22

Jeffrey 6:6 7:9

Jessica 23:11 51:10 66:1,5, 18 83:5 96:11

job 36:23 37:6,7,8 38:1, 10,11 86:23 93:4,10

joined 72:17

joint 66:23 73:2 79:8 85:14 92:23 94:12 99:16, 17

jurisdiction 80:24

Justin 70:2 71:5 99:1

K

keep 29:22 67:19 92:10

kept 32:19 74:23 77:9

kid 20:10

kid's 18:1

kiddos 10:14

kidney 16:8

kids 12:23 13:2 14:10 15:23 18:19 24:3,10 28:19 32:15 45:15, 24 46:2 78:18 84:20 87:11 88:8 93:21 96:5

kind 14:17 15:22 18:5 23:20 35:14 52:7 56:8 69:12 87:13 89:3 95:8

knew 49:12

knowing 28:13 29:20

knowledge 18:20 23:19

Kort 68:18,20 75:19,20 80:10 97:20

Kort's 97:21

Kylie 25:11, 23 26:6,15 27:1 34:4 43:3,13

Kylie's 27:4

L

la- 26:6 87:2

lack 19:17,25 88:17 89:8

lady 26:19

laid 95:6

language 15:22 16:6 27:24 90:21

largely 21:17

last 27:12 37:18,20,23 53:4,10 56:12 63:13 64:9 67:10 70:10 75:8 76:4 81:17 87:2 89:23 92:1 93:8 95:6,7 98:23

late 39:20

later 5:22 20:12 63:7 72:17 95:20 96:6

law 18:25 19:2 77:15,17 79:18 95:4 99:11

laws 89:22

LCSW 9:5

leading 64:20 93:14

leads 24:21

learn 65:8 84:3

learned 66:7

least 18:1 73:17,25 93:16

leave 71:13 76:22

leaves 21:10

left 21:25 87:17

legal 66:23 73:2 79:8 80:2 85:14 92:23 94:3,5, 7,12 99:16,17

length 77:9

let 7:4 12:11 26:10 46:3 48:2 67:14 68:1 73:7 88:5

letter 24:14 26:22,24 27:3,5,7,10 31:23

letting 96:12

level 15:2,16 21:5 22:13 28:10 65:19, 21 66:17 72:19 78:22

license 58:5

licensed 3:23 7:13,15 52:1, 13 66:11 73:24 96:14

licensing 23:24

licensure 7:18

life 29:15 74:11

like 11:9 16:12 17:13 19:25 20:16 24:25 28:20 29:16 34:13 39:21 40:11 68:13 69:22 72:10,12 80:16 85:4 87:25 90:6 97:9,17

limited 35:13

list 71:1

listed 67:2

litigated 94:18

litigation 92:16 94:23

little 12:19 91:10 94:4

lived 70:22 87:2

living 57:12 71:9 77:3

local 94:21 95:3

long 7:15 17:21 20:11 22:4,16 32:4 36:3 37:25

38:7 50:11,15 58:21 71:1 93:13

long-term 73:22 74:10 78:23

longer 20:13 46:25 65:14 78:12

looked 90:13

looking 17:25 20:7 42:1,7, 25 43:5 78:4 92:2 98:13

looks 39:21

looming 54:23

lost 17:5 73:16

lot 12:17 18:19 19:15 70:19 82:8 83:21

louder 74:14

Luke 55:20

Luke's 27:15

28:4,16 50:2, 12,19 65:10, 11

M

m- 2:18

M-O-R-E-N-O 7:10

made 3:11 16:8 20:6 30:6 32:18 54:7,17 55:23 56:3,11 77:14,20 78:11 83:14 86:1,2 89:21 92:2

mail 44:11

mailed 27:8

main 47:10

maintain 86:21

maintained 44:6

maintains 78:17

majority 34:13

make 3:12 10:13 11:1 13:22 17:7 56:1 66:14 82:23 85:25 86:8,25 87:11

making 27:19 28:1

maladjustment 24:21

MALE 11:24

Mama 51:13

manager 12:22 25:12 43:4 60:10 65:17

mandatory 79:22

manner 17:12

many 9:7 14:3 57:18,21 58:14 59:8 61:7 63:24 64:2 71:2 84:11

March 33:17, 20 37:10 38:4,8,17 54:12,13 72:20 79:25 90:13,14

marked 12:1

married 56:14 57:20

mask 35:13, 19 61:1

Massey 2:21 6:17

matter 4:12 6:10 35:5 60:21

matters 4:10

Max 2:20

may 3:3 4:15 10:24 11:15 18:2 19:8,22 25:20 29:8 30:3 35:19,23 60:25 63:10 84:17 94:9 98:18

maybe 4:4 23:9 39:21 89:25 94:10 95:9

Mayo 2:21 3:2,4,14,22 4:4,12,20,23 5:7 6:17 7:2, 3,7,11,15,18, 21,24 8:2,6, 14 9:3,7,13, 17,20 10:1,6, 15,18,21,25 11:5,11,15, 18,21,25 12:7,10,19 13:3,10,14 14:1,6,14,20 15:6,10,14 16:3,14,18,23 17:5,15,19,21 18:7,13,22 19:3,7,11 20:3,15,22 21:16,25 22:18,24 23:8,11,15, 19,25 24:17, 24 25:4 32:1, 3,10,14,18,22 33:3,8 34:22, 24 35:18,23, 24 36:3,7,11, 13,16,19,24 37:1,3,6,10, 12,16,19,23, 25 38:3,7,11, 13,16,20,24 39:3,7,10,13, 16,20,24 40:6,11,15, 18,22,25 41:2,6,9,12, 15,17 42:1,7, 11,14,19,22, 25 43:5,23

44:5,13,18, 22,25 45:2,7, 9,14,17,19,23 46:1,6,9,15, 18,22,24 47:14,18,22, 25 48:4,7,10, 18,23 49:2,6, 10,14,17,20, 24 50:4,8,11, 15,18,21,25 51:4,6,8,11, 14,17,20,22, 25 52:3,9,13, 16,22,25 53:4,8,10,14, 18,20,24 54:2,6,10,13, 15,19,23 55:1,3,7,11, 16,18,20,22 56:1,3,6,10, 14,16,19,21, 23 57:1,4,6, 11,14,17,20, 23 58:3,8,10, 13,16,21,25 59:3,6,8,11, 14,16,18,22 60:1,4,8,12, 15,18 61:4,7, 10,13,17,21 62:1,5,8,11, 14,19,23,25 63:5,9,12,16, 19,21,24 64:2,6,16,18, 23 65:2,4,8, 15,20,23 66:3,7,10,14, 22 67:1,6,18, 23 68:3,6,8, 15,19,23 69:3,9,12,18, 21,24 70:13, 16 71:8,12,16 72:3,5,6,8,12, 14,16 89:16, 17,19 94:11 99:15,18

mean 15:15, 17 46:1 74:6 87:17 88:15 89:21,22 90:9 91:15

meaning 22:9 65:21 89:13

meaningful 93:22

means 52:4

measure 98:14

mediation 7:23 95:24

Medical 56:9

meet 8:23 68:20

meeting 8:24

meetings 27:17

members 75:15,17

memory 23:9 29:5 43:6 89:2

mend 85:7

mended 88:2

mental 7:23 21:15 59:25 60:2,5 78:25 79:1,2 82:15 92:4,6 95:24

mentioned 97:20

mere 89:8

Meridian 36:2 87:13 93:8

Merino 7:9

message 63:17

met 10:1,3 14:3,22 22:22

method 19:13

methods 14:12

Mexico 81:14

middleman 45:13

might 4:14 11:9 19:18 22:2 31:5,6, 19 74:2 97:17

mind 74:5 75:1 78:7 83:23

mine 58:2

minor 2:25 3:16 5:4 7:25 99:10

minute 90:4

minutes 17:18 49:8

misrepresentation 79:14

miss 82:6

missed 25:16 41:20 43:10, 25 44:4 45:3, 4 46:6 85:9 86:7

missing 44:6 62:17

mode 22:9

modification 98:9

modified 80:1 90:23

modify 76:19 96:24

molest 16:11, 12

Molly 47:4,14 48:1 67:7,9 83:3,20 85:11 86:9 96:19

mom 12:25 13:3 24:4 67:25 70:22 86:24 88:15 92:12 97:15

moment 31:11 73:18 92:14

month 32:9 58:16

months 8:4

32:15 33:25 36:14 38:2 58:24 90:24 91:1,2,5 95:20

more 16:14 18:17 20:13 21:24 22:8 31:18 53:22 75:9,13 83:21 85:1 86:2,15 93:17

Moreno 3:5, 22 6:6,7,13, 22,24 7:3,6,9, 12,13,17,20, 22 8:1,3,11, 18 9:6,10,16, 19,23 10:4, 10,17,19,24 11:4,9,14,17, 20 12:7,9,16, 22 13:8,12,18 14:5,8,16,22 15:9,13,18 16:7,17,22,25 17:9,17,20,25 18:12,15 19:1,6,10,15 20:7,21 21:1, 21 22:4,20 23:2,3,7,10, 14,17,22 24:3,21,25 25:3,14,20 26:2,13,18, 21,25 27:4, 11,16,21 28:3,6,15 29:7,24 30:12,16,20, 24 31:3,13, 16,21 32:3,8, 13,17,21,25 33:7,16,20 34:2,7,13,16, 18,21 39:17 42:15 43:24 44:14 49:6 53:1,11 61:5 62:3,25 68:4

Moreno's 4:15 42:7 48:19 61:14 75:6,11

Morgan 26:16

most 72:18

mother 9:19 65:22 68:11, 12,24 71:22 80:4 83:10 89:2 99:5

mother's 21:6

motion 3:3 4:19,21,25 5:2,5 80:25 81:1 89:22

motions 87:6 95:15

mouth 17:11

move 11:21 22:12,21 24:15 29:15 30:5 75:23 85:13 87:22 88:3 91:13 92:13 93:9

moved 36:21 58:19 71:4,7

movement 30:3,7

moves 74:20 83:14

moving 9:1 22:11 29:22 76:24 86:6,20

much 70:6 78:12 88:17 90:6

multiple 54:2 76:1 81:5,10

must 57:17

N

name 3:21 7:7 23:8 24:11

Nampa 7:23

narrative 22:5 24:6,19 28:22 30:1 74:22 77:24

natural 84:18, 23 86:14

nature 78:7

near 33:13

nearly 29:12

need 4:10 12:10 22:23 24:1 60:4,7 89:18 95:18

needed 34:5 35:22 48:15 78:22 80:7

needing 29:25 30:1

needs 18:9 30:5

negligence 82:14

Nevada 68:17

never 4:25 17:2 62:24 68:1 69:2 71:14 75:25 76:18 78:13 82:17 87:12, 15 95:15

new 38:5 50:23 77:13 81:20 91:15 92:10 93:4,8, 10 95:1,4 96:11

next 10:2 15:1 20:16 43:10,14,19 44:9 62:16 73:18 86:10 90:25

no-shows 27:5

nob- 30:19

non-appearance 73:20

non-prosecutorial 77:20

normal 43:17 52:12

normally 30:19 34:1 67:15

Northam 23:11 51:10 52:10 54:8 58:14 59:1 66:2,5,15,18 83:5 96:11

Northern 71:5,6

note 26:2

noted 3:19

notes 31:5 32:23,25

nothing 6:12 35:6 60:23

notice 3:1 46:25

notification 27:9

notified 12:21 25:22 44:11

November 37:22 95:11

NRS 3:1

number 4:2 58:15 92:3

numbers 3:25

nurtures 84:16

O

objection 35:16 64:11, 12

objection's 64:22

objections 12:3,5

obligations 40:12,16

obvious 99:3

obviously 72:16

occasion 45:15

occasions 81:5,10

occupation 7:11 9:4

occur 20:11 21:4 24:2 61:11 75:25 80:20 93:15

occurred 19:22 29:22 30:8 48:21,25 63:6,7 77:24 78:2

occurrence 17:13

occurring 18:21

occurs 97:4

odd 22:19

off 10:10 27:19 30:9 35:19 38:7 50:4 61:2 85:20 90:4

offense 21:3

offer 47:6,20 71:25

offered 12:2 38:10 83:23

office 8:5,21 9:18,24 12:22 25:12 26:1,18 32:6,11,20 33:11,24 43:3 60:10,13 62:3,25 63:1 77:21 94:22

officially 50:3

often 19:21 20:7 74:18

oftentimes 73:10

old 15:12,13, 14,19 29:12, 17

older 24:23

once 10:7,10 11:3,7 32:18 41:8,19 58:16,18,19 63:22 97:4

one 4:1 6:14 11:24,25 13:12 18:4 19:8 22:15, 16,21 26:25 28:8,9 38:11 41:17 42:22 44:9 47:7,10 52:8 79:21 81:12,13,25 89:5 90:2,7 93:8,24 97:7 98:23 99:15

one's 4:1

one-on-one 31:20 84:5

ones 65:1

only 4:12 30:18 31:20 43:16 64:13 76:7 79:4 86:19 88:9 90:18

open 17:22 28:13 29:11 48:20 49:4

openly 85:22

openness 31:8

operate 7:22

opinion 21:16,17 27:25 28:2

opinions 33:2

opportunity 14:8 16:23 33:1 66:3 78:9 79:10 97:1

option 67:17

order 2:25 3:20 5:1 33:11 38:17 39:4 46:11,16 47:1 56:23 57:7 66:21 70:7 72:21 73:6 76:19 77:6,12 80:1 81:17,20 83:6 86:5,13 87:6 90:13,14,20 92:2 94:5 95:7 96:9,18 97:12 98:22 99:1,7,12

ordered 13:20 67:15 95:12 96:22

orders 76:1, 22 81:8 85:25 87:5,21 90:19 95:9

organizations 88:7

original 90:20 92:18 95:2

originally 32:11 94:16 95:12 97:2,10

others 35:15

outcome 24:18

outfits 16:9, 10

outset 5:22

outside 5:12

over 8:21 23:13 29:4,5 30:10 54:2 61:10 69:11 70:6 80:16 84:21 85:15 88:13

overall 31:7 74:17

overruled 64:22

own 9:22 33:2 76:10 96:7

owners 87:3

P

p- 76:10

panic 83:12

paper 42:10

paperwork 30:11 34:5 67:12,13

paragraph 92:3

parent 8:21 15:24 19:8,9, 16,18,19,23 20:2,4,11,14 74:9 77:5 78:8 79:8 84:1,9,11,13 98:4

parent-child 84:6,15

parental 78:15,16

parents 8:18 10:13 18:21 24:8 47:5,9, 13 84:2,3 85:11 98:20

part 13:15 93:24

parte 4:20

participate 93:22

participating 61:5

participation 66:17 75:21

particular 8:17 14:7 17:7 49:25 80:11

parties 2:19 72:22 92:22 95:12

parts 49:2

passed 90:25

past 9:8 15:7 17:23 18:19 36:13 50:18 85:25 87:4

pause 5:24 18:13

paying 93:18

pending 6:10 35:5 60:21

penis 17:10

people 13:19 22:21

perceive 48:25

perceived 21:3

performs 51:14

period 49:15 75:9 78:3 85:15 92:22 94:11

permission 67:11

perpetuated 69:2

person 14:5 20:9 23:9 35:10 61:10, 12 67:2 89:23

personally 14:17

perspective 31:7

ph 43:3 53:19 54:8 68:14 80:5

phone 24:14 31:22 61:11, 19 62:2,20 82:18 85:10

physical 73:3

78:19 80:2 85:14 92:23 94:4,9,13 96:24 97:13 99:13

pictures 45:17,21 64:7,8,24,25

piece 93:25

pieces 81:7

pinpoint 71:4

place 15:4 22:15 33:15 34:1 40:10 48:16 80:3 86:12 87:2 94:1,2 95:18

placed 20:18 68:11

placement 97:13

places 74:20

plaintiff 2:17, 20 6:3,7 92:8, 9 95:15

plan 8:16,24 10:13 19:5 59:19,23 76:17 99:4

planned 82:11

plans 57:7

play 18:3 29:4 49:21 50:10 52:6 84:1,21

played 16:13

playing 86:17

plus 50:18 52:17 91:8

point 8:23 21:22 23:25 24:11 31:9 55:1 58:13 59:24 74:11, 24 75:3 90:11 91:7 93:14,17

pointed 94:12

portrayed 85:18

portraying 67:25

position 93:6

possible 14:19 20:24 28:7 33:22 95:1

possibly 14:11 15:19 21:11,18 31:18

post 10:19

post- 21:11

post-traumatic 59:21

potential 75:14

potentially 29:13 74:13

practice 19:12 22:20 66:11

practitioners 79:20

premise 89:10

prepare 11:11 62:19

prepared 80:6

presence 2:19

present 30:22 31:2 72:10 75:5

presented 26:8

presume 60:9 90:10

presumption 4:5

pretty 10:6 32:19

preventing 94:14 98:4

previ- 70:24

previous 48:13 70:5,24 84:19 86:4

previously 9:4,23 77:17 79:25 94:18

primary 67:20 77:4

prime 78:9

prior 8:6 12:18 13:5 15:5 20:15 25:23 28:15 38:8 41:7 51:23 94:23

prison 70:3, 11 71:5 99:4

private 70:23, 24

probably 32:8 64:5 69:6 86:1 91:7

problem 34:14

proceed 3:3 7:2 35:23 72:12

proceedings 6:25

process 6:20 8:16 18:20 19:5 20:5 21:18,19 23:20 28:13 29:15,23 34:1,6 39:6 68:22 74:3 75:24,25 76:2

80:12 82:4, 13,16,25 84:18 85:3 86:6,13 88:5 91:6 96:4,5 97:22

processing 28:23 30:7

produce 2:25 3:16

produced 43:20

professional 21:17 28:2 79:21

professionally 76:13

professionals 22:14

program 73:24

progress 10:14

prompt 28:16

prompted 15:21 18:10

proof 72:1

proper 98:20

prosecuted 94:20,21

protect 14:12

Protective 55:23

protocol 10:7 19:12 32:22

prove 71:24

provide 6:10 11:7 14:3 33:23 34:11 35:5 60:21 63:3 66:19 67:15 75:22 79:10 84:18

provided 4:16 5:1 33:24 47:23 59:1 60:12 62:12 65:4 74:22 76:11 81:7,14 83:21,22

provider 23:5,7,15,16 38:22,25 39:5 47:19 52:18 68:15 73:16, 23 74:10 78:24 90:20 92:4,8 96:7

providers 32:23 65:6,9 80:9

provides 84:12

prudent 24:10

psychological 50:6 74:19,22

pulled 65:18 78:23 92:19

punished 29:25 30:5

purpose 12:1 39:25 82:7 96:17

purposes 47:1

pursuant 3:1

put 17:11 21:14 60:25 68:4,6 82:24 83:16 87:5

putting 21:14

Q

qualities 84:14

quarantine 33:15,19 37:15

question 27:12 31:10 64:16,21 89:5

questions 6:20 25:4,7 33:8 34:17 60:15 64:20 71:16

quick 99:15

quite 48:20 50:12 93:3

R

R-Y-A-N 7:10

Rainbolt 43:3

raise 6:8 35:3 60:19

raised 95:2

rapport 10:11 17:22

re- 36:16 80:12 82:8

re-integation 81:21,22

re-integration 24:13 82:25

re-interviewed 30:1

reach 48:2

reached 83:3

read 26:2 92:25

reading 10:8

ready 61:24 68:20

real 21:4

reality 19:21

really 18:1 19:20 20:2 30:6 48:10,25 69:16 82:3

83:6,16,19 85:7 88:25 92:12,15 93:24

reason 5:2 13:10 40:25 42:11,16 70:5 86:19 91:23, 24

reasons 73:10 95:22 96:23

rebuttal 89:16 90:1

recall 9:14,17 10:2 13:12 22:24 23:7,14 25:15 26:12, 23 30:10 32:10 33:7,13 38:14 39:10, 13 42:23 92:24

recalls 94:23

receipt 4:15 39:4

receive 8:7 22:25 24:19 46:15 64:25 65:19

received 5:9 27:9,14 33:11 38:5,17 39:13 49:24 50:1 62:24 93:13

receiving 33:5 46:25 52:17 66:16 79:7

recent 53:22

recently 23:1 25:14 26:16 37:2 50:21 58:19

recommendation 80:18

recommendations 20:6

recommended 76:13

record 2:16, 18 3:12,15 4:24 6:1 7:8 15:6,11 26:5 27:14 43:1

recorded 7:1

recording 3:11

records 10:4 28:4 65:12,13

recurrent 13:25

redi- 71:21

redirect 32:1

refer 12:10

referring 14:15 15:6 27:21

reflect 2:19

reflected 91:20

refresh 23:9

regaining 85:3

regarding 3:2,12 17:23 20:18 46:2 59:1 67:7 70:17 77:12 96:2

regardless 88:4

regards 5:2 8:17 9:9 17:6 22:1 51:17 57:8,23 65:23 73:13 77:16 89:6 95:22

regular 9:12 13:24 24:4 25:18 27:14

rehab 81:12

reintegrated 83:7

reintegration 81:22 82:4,25 90:16 91:14 94:1 95:19

rejection 20:14

related 17:23 69:25

relationship 8:12 12:13 47:6,12 70:5 74:12 75:13, 14 78:7,13 84:1,7,15 85:12 94:15 98:3,5

release 34:19 57:8 99:4

released 56:19 76:16

relevant 14:21

relocate 97:1

relocation 92:17,18

remain 62:1

remember 19:24 33:18 36:20 37:22 40:17 43:9,12 44:17,18,19 54:15 63:5,9 87:25

remembering 29:21 41:5

remove 35:13

removed 65:9 73:22 88:11

removing 65:5

Reno 53:17 54:21

rental 93:10

renting 86:21

93:9

repair 68:12, 13 78:11

repairing 8:12

repetitively 15:23

rephrase 73:7

replaced 85:5

report 4:15 11:11,15 12:8,12 13:15 18:7 23:21 25:1 43:2 75:22 78:21

reported 17:15 23:5

reports 42:8 55:23 56:10

represented 96:20

request 94:3

requested 27:17

required 8:19

requirement 3:20

requirements 40:7

reschedule 13:15 44:23 82:8

research 66:4 82:15 86:9

researched 23:17

researching 83:25

reservations 97:22

reserve 80:24 97:24

reside 21:2 22:5 75:17

resided 36:16

residence 36:4 71:21

resides 36:7

residing 68:24

resist 21:24

resistance 91:21

resisting 91:19

resources 70:20

response 31:15 63:21 65:15,24 95:16

responses 64:3

responsible 93:18

restricted 20:10

resume 24:1 51:23

return 57:12

reunification 19:5 20:5 21:17 33:12 53:1 54:17 67:21 68:16 74:3 76:2 78:11 81:18 90:16 91:6 93:15,25

reunify 99:5

reverse 20:12

revert 73:2

review 8:20 28:5 29:2 32:22,25 34:15 51:22 80:22

reviewed 9:24 25:11 29:7 31:5

reviewing 28:3

rights 78:15, 16

risk 5:3 21:10,14 70:17 87:17

River 23:12 51:11

romper 16:11

room 3:25 16:11,12 59:13

roughly 30:18 37:11 44:21

row 43:25 44:4

rule 76:23

running 11:22

Ryan 7:9

S

safe 49:13 71:22,23

safety 70:14 74:16

said 16:2,7 17:9 31:6 34:7 44:10 48:2 65:18 85:21 89:6

same 13:21 77:16 90:15 91:3 99:6

satisfying 96:17

Saturday 37:18

saw 30:24

say 11:23 13:3 15:10 17:18 26:16 34:1 38:4 44:20 48:4 49:16 64:14, 23 73:10 83:11

saying 54:16 64:24 71:9

says 4:1 79:3

scared 69:6, 16 86:2 88:4 89:7,13

scary 83:9 89:14

scenes 73:21 79:15

schedule 13:19,20,25 58:17 97:7

scheduled 9:11 10:18,23 13:5,9 25:18 26:7 34:8 40:23 41:23 43:19 44:9 48:7,12,13 62:14 63:2

scheduling 12:17,23

school 97:11

schools 71:2, 3

scintilla 77:25

se- 59:17

searching 70:20

seated 60:25

sec- 30:13

second 17:16 25:21 30:14 42:15,18 56:9 90:15

secure 47:12

seem 18:19 22:15

seen 3:7 11:3 27:20 35:21 58:14 69:10 81:23 84:25 89:9

selected 92:8,9

selects 96:6

self-represented 2:22

sell 87:4

selling 70:22

send 26:22, 25 27:5,6 42:16 63:17, 19

sending 26:5, 23

sends 27:1

sense 95:8

sent 23:18 27:3 43:3 53:22

sentence 70:3

sentenced 70:2

September 65:1

sequence 96:2

seriously 86:5

service 67:9 90:20

services 13:20 24:1 26:10 27:22 55:24 63:4 67:15,21 68:16 75:19 79:7,11,16 92:5,8 94:20

session 17:16,17 30:10,14,15 31:13 42:15, 18,19,21 44:6 61:20,22,25 62:8,14 73:18 76:10

sessions 11:8 14:7,21 17:1,4 18:1 19:4 24:10 29:2 30:22 33:1 41:12,25 43:21 44:1,7 47:16,19 59:8,9,17 61:8,13,18 69:8 73:14,15 80:10 86:16

set 5:17,23 6:4 32:12 41:5 43:12 53:18 72:20 78:5 81:11 92:24

setting 53:21

several 8:4, 25 47:7 72:18 78:6 81:7 85:22

severe 30:15

sex 17:12 22:11

sexual 14:19 15:7,25 16:16 17:24 21:3

sexually 21:13

sh- 80:19

Shane 36:21

shared 34:12

she'll 6:19 27:5 75:1

short 31:24 85:15

shortly 48:5

should 3:19 60:22 70:8 79:10 80:20 85:13 86:1 88:13,14,21

should've 86:2

shouldn't 89:12

show 44:9 45:10 62:10 86:7

showed 41:23

shown 68:14 87:15,19

sick 13:13 46:4

sidedness 81:25

sign 48:15 69:17

signature 27:8

signed 11:18

significance 90:1

significant 22:13 34:7 98:17

significantly 19:8 29:10

similar 9:9

simple 71:8

sin- 64:9

since 6:20 7:17 46:24 50:16 59:3 63:13 64:10 65:1 73:3 76:18 89:9 95:2

sincerely 74:7 83:17 85:8

single 13:21 77:25 86:24

sit 19:16,23

sitter 5:12

sitting 29:16, 19

situation 69:1 73:3 75:7

six 18:1 36:13

skills 14:10 19:25

slide 61:2

slight 31:7

slightly 31:20

slowly 29:5

social 3:23 7:13,16 34:25 35:15 37:15

sold 93:9

sole 68:10 80:2 94:3,4,5, 7 97:12 99:13

solely 85:20

solemnly 6:9 35:4 60:20

solutions 20:24

somebody 30:5 32:4 81:23

somehow 76:23

someone 5:20 96:13

something 9:3,9 10:8 18:9 22:11 25:1 29:13 30:3 48:16 76:3 92:14 98:16

sometime 39:20

sometimes 45:20,23 63:22

somewhere 15:4

soon 97:6

sorry 17:5,6 31:9,10 41:3 43:7 63:9 64:17 95:11 96:25

sort 14:1 20:16

sounded 11:9

sounds 97:9

speak 14:14 16:24 30:23, 24 35:11 53:5 65:17 80:6

speaking 28:1 49:5 52:22 54:3

speaks 74:14

specific 59:23 92:4

specifically 15:17 52:8 70:1

spectrum 74:21

spell 7:8

spending 20:9

spent 70:19

spoken 25:22 85:22

spontaneous 18:10,12

spot 13:21,23

spots 34:9

St 27:15 28:3, 16 50:2,12,19 55:20 65:9,11

staff 5:16

stage 72:17

stages 24:16

stance 22:9 29:13

stand 70:9

standard 10:6

start 10:10 20:8 24:13 33:23 34:5 39:6 85:3 86:6,13 90:5

started 37:12, 14 88:10 91:5

state 7:7,19 23:24 52:13, 19 59:25 60:2,5 66:11 73:24 79:1,2 83:11,16 93:1 96:14,15

stated 18:8 44:3 70:21 94:22

statement 18:11

statements 17:7 78:1

stating 21:10

status 44:15

statute 78:6

stay 22:15 35:1,14 68:25 70:9 88:14

stayed 36:22 87:12

staying 76:17

Stellar 26:17 38:25 45:12 46:25 47:17 60:10 82:15, 22 83:18 86:8,11 92:6 95:23

Steller 7:22

steps 20:16 86:10

still 22:10 29:9,16,24 60:6 88:2 95:20

stop 69:2

stopped 26:17

storm 30:15

Stovall 2:21

straight 70:11

strangulation 70:4

strengths 9:1

stress 21:12 59:21

strong 47:12

strongly 93:12

structure 84:16

stuck 22:10 28:24 30:6 69:15

stuff 37:9

style 9:11

submit 81:1

substance 14:2 81:13

substantial 31:21

such 16:10 28:17 78:10

sudden 25:25 77:13

suddenly 96:5

Sue 56:9

supervised 33:12 80:16, 17 95:13

supervision 97:18

supervisor 3:6 40:1 67:17

supporting 98:2

supposed 25:18 54:20 61:18,19 76:6,7

surprised 29:8

surround 18:4

survivor 22:9 29:13

suspended 53:7

swear 6:9 35:4 60:20

switched 23:1 52:17

switching 27:13

sworn 98:24

T

ta- 35:2

table 35:2,14

tables 90:9

take 10:2 17:21 31:21 32:4 35:19 40:10 61:1 67:16 75:10 76:25 86:5 94:1,2

taken 15:4 79:19 82:10 85:5 88:20

takes 34:1

taking 33:15 82:10

talk 12:20 16:3 49:7 67:17 90:6 92:14

talked 22:7 62:17

talking 23:13 28:20 48:24

taught 15:23

teaching 19:25 29:10

team 47:8

technically 89:22

technology 6:21

telephone 8:21 97:16

telephonic 73:19 80:17

telling 57:6 72:19

temporarily 68:24

temporary 80:1 92:21

tend 22:10 90:4

term 31:24

termed 74:18

terminate 78:15,16

terminated 12:13

terminology 15:20 16:4

terms 39:4 40:11

Tessa 80:5

testified 42:15 43:24 67:6

testify 43:6 73:25

testifying 5:18 35:10 55:11 98:16

testimony 67:7 91:9 95:21,25 98:25

text 39:15 48:1 63:17

texted 65:25

than 16:14 21:23 22:9 30:2 33:25 94:24 97:7

that'd 80:15

that'll 70:12 98:22

their 13:23 15:18 18:18, 21 19:17 20:19 21:6,12 22:7 23:5 24:20 27:14, 24 28:14,15 29:5,15 31:8, 15,23 35:11 40:13 45:11 46:6 47:6 49:22 53:23 56:4,5,6,7 65:6,9,12 66:23 67:16, 25 69:8 71:3 74:9,10,11, 12,16 75:18 76:10,12 78:11,12,14, 23 83:4 84:4 86:23 89:1,9 91:12 98:5,6, 20

themed 52:6

thera-play 84:8

therapeutic 3:6 15:24 18:3 20:5 21:18,19,21 22:16 23:5,20 24:14 32:23 33:12 38:21, 25 39:5,25 47:19 65:6 68:22 73:16, 23 74:10 75:19 78:23 79:16 80:9, 10,11 84:2,23 91:6 95:13,19

therapeutically 76:9

therapies 84:5

therapist 12:14 22:21 28:9,15 40:8 49:12 50:23 52:2 53:23,24 54:7 55:12,18 66:8 80:13,18 81:20 83:4 93:22 96:2,14 97:19

therapists 23:1 27:13 47:8 53:25 54:2 55:8 85:21

therapy 9:12 14:2 18:3 23:15,16 27:15 28:8,18 29:2,4 31:5 33:4,6 41:24 47:3,7 48:16 49:15,18,20,

21,25 50:7,9, 10,12,22 51:15 52:6,16 53:1 65:9 66:16 69:8 73:24 78:25 81:18,22 84:9,21 86:16 93:19 96:11

there'll 21:7

thereafter 97:6

thing 75:8 90:3 98:23

things 29:5 47:11 60:6 70:23 73:13 78:6 84:11 86:18 88:2 90:7

thinks 74:6,7

third 26:7 39:21 41:17, 21 64:4

thought 17:6 45:12

thoughts 94:10

three 29:17 32:9,15 33:25 44:21 69:10, 11 90:19 91:8 93:16

through 7:18 8:15,16 12:12 15:23,24 17:3 18:24,25 19:2,16 28:8, 12 29:15,20 35:11 38:9 46:10,14 50:2 59:20 60:7 71:1 74:3 79:19 84:20 88:6

throughout 24:20 94:11

throwing 25:25

thunderstorm 43:18

Thursday 25:19 43:11 48:12 50:9

tie 97:9

time 7:4 9:20, 21 10:3,16 12:2,24 13:5, 6,8 19:16 20:9,13 30:19 31:22 32:5,6 33:10,13 34:19,20 35:13 37:20 38:9,10 40:23 41:10 43:17 44:14,22 48:14 49:15 50:12 53:4,10 61:24 69:9 70:6,20 73:4 75:15 77:7 78:18,19 82:23 85:15 88:13 89:9 92:22 93:20 94:25 95:10

timeline 42:24

times 8:4,25 14:3,5 41:7, 15 58:14 61:7 63:24 64:2,3 70:10 77:9 85:22 93:16

today 2:20 3:16 4:17 25:2 28:20 34:19 51:17 55:12 68:9 69:9 71:13 72:10 73:12 75:4 80:5 88:11,20 90:2,9 91:9, 10,15 92:11, 15 93:3,13,25 94:3,22,25 95:22 96:16, 20,25 97:8, 12,20,24 98:8,22,25 99:3,12,14

together 59:14

told 14:16 26:9,14,15 41:24 43:21 53:11 65:22 66:1 68:4 82:17,22 85:21

tongue 69:15

took 32:14 43:16 76:8 83:18

tools 14:10

top 50:4

topic 14:20 90:15

touch 17:10

towards 20:14 22:11 30:3

tracking 70:21

traditional 9:11

train 17:6

training 37:14,17 84:2

tran- 88:21

transition 14:10 82:2 88:22

transitioned 88:6

transportatio n 93:19

trau- 17:23

trauma 23:15, 16 24:19 28:8,22 29:16,19 31:8 33:4,6 49:22, 25 50:9 51:15 52:1,2 54:7 66:8 73:23 75:9 77:23 78:24 83:4 84:20 88:12

trauma-based 50:7

traumatic

17:23 21:12 22:12 52:5 74:13 88:19

travel 55:4,6 61:21

treatment 8:15,24 10:13 19:5 59:19 68:22 94:7 95:23 96:21, 22

Trent 55:19 56:4

tried 44:24 81:11,15 82:24 85:24 86:21 93:16

trouble 12:23 34:8

true 25:20 36:13

truly 82:1 87:16,20

trust 84:10

truth 6:11,12 35:6,7 60:22, 23

try 2:15 14:10 62:15 70:25 71:4,6 81:6 83:13 86:12, 14,25

trying 13:22, 23 14:2 19:23 34:8 36:20,22 37:21 40:4 71:3 76:3 82:1,3 83:6, 15,19 85:7 86:7,8 87:22 90:6

turn 35:20 75:3

twice 58:19 61:9 81:15

twins 40:3 41:9,13 43:16 45:10 47:1 48:6,17 87:24

two 3:25 5:17 7:24 8:4 12:16,24 13:1,18 14:5 15:3,8 16:25 19:3 27:5,20 30:22 32:8,15 33:25 36:6 37:8 39:17 40:19 41:7, 12,20 43:25 44:4,7,21 45:2 58:23 64:1 75:14 76:2 82:6,9 85:8 90:18 92:22

type 28:18 33:4,5 49:20, 25 50:8 52:6 55:8 59:20 66:16 81:25 82:18 84:19 88:9,21

types 47:7 86:16,18 88:6

typical 19:11 32:22

typically 17:21 27:8 32:4,25 59:11

U

U.S. 37:5

Uh-huh 53:18

ultimate 88:23

ultimately 13:1 72:24 73:1 74:9 89:2

unable 30:23

unaware 25:17 82:13

uncommon 22:20

under 42:24 51:2 81:19 89:22 98:1

underlying 57:15 92:16

understand 6:14 46:9 56:24 58:4 59:18 89:24 93:5 94:9,15

understandin g 23:4 39:24 40:6 52:3 61:17 62:9 68:19 89:25

understood 4:4

unification 77:13

unilateral 76:8

unilaterally 51:8

unless 42:24

unrepresente d 89:24

unsubstantiat ed 77:19 94:19

unsuccessful 21:18

until 69:7 75:2 80:18

upfront 27:24

use 15:21 28:11 60:14

used 19:13 20:24 89:12

using 6:21 15:20 16:5

usually 63:17 64:1

V

versus 2:17 6:3 22:11

via 3:8 4:5 27:8 44:11 48:1 61:24

victim 22:8

victims 15:25 16:16 22:11

vid- 61:23

video 4:3,7 6:5 61:24 80:17 82:18 97:16

view 81:24

violation 98:25 99:7

violence 58:11 70:3 77:2

violent 57:24

virus 33:14

visit 25:19,21 31:12,18,19 40:5,9 43:19 96:3

visitation 53:7 62:6 81:9 82:2 95:13 97:7, 15,18

visitations 83:2

visits 20:8 24:15 27:15 28:14 96:2

visual 4:6

W

w- 49:2

wa- 69:14

wai- 3:25

wait 5:12 32:9 59:12

waiting 3:25 59:13

walk 8:15 12:12

want 3:15 14:1 26:16 35:20 44:20 69:24 83:17 85:25 86:6 87:23 88:3, 10,24,25 89:20 91:12, 13,23 92:13

wanted 25:10 76:14 82:23 86:12

wanting 3:12 86:5

wants 75:8,10

waved 69:14

way 16:2 74:13 83:19 84:23 88:9 93:22 98:13

Wayland 6:2

Waylon 2:17 18:8 29:25 31:12 40:5 48:15 82:2,19 83:7 84:24 86:16 88:2,7, 18

weaknesses 9:2

week 9:11 10:7,11 11:3, 7 13:21 39:21 58:16,18,19, 20 62:21 63:24 64:4 67:10

weekend 62:17 64:9

weeks 37:8

wellbeing 74:16

wellness 98:7

went 12:24 38:11 41:19, 21 44:5 70:11 71:1

West 36:1

Wha- 58:16

what-- 8:14

whatever 97:16

When's 53:4

whether 15:21,22,23 21:3

while 36:22 49:18 52:25 63:23 68:12 69:7

whole 6:11 22:7 35:6 47:8 60:22

whomever 29:10

will 3:8 17:22 19:16 21:4,5, 23 22:6 35:13 36:5 55:9 68:1 69:1,2 75:25 76:17 77:2 78:14, 17,21 84:18 88:10 94:1,2 96:25 97:1,7, 18 98:17 99:14

William 75:19

willing 20:4 24:5 26:1 49:7 68:20 75:15 90:21

willingness 70:18 76:21

Winnemucca 62:2 93:7,11 94:2 97:2

within 49:7

without 16:22 21:21 52:22 58:5 74:1 77:25 78:15 85:4 96:12

witness 3:9

5:18,19 6:6, 18 25:7

witnesses 3:21 4:11 60:17 72:7

wo- 52:15

word 28:11 40:4 89:13,24

words 20:1

work 7:22 17:3 24:5 37:25 60:7 68:16,21 88:7 90:24

worked 9:8 16:15 37:20 61:15

worker 3:23 7:14,16

working 26:17 37:12 90:12 93:17

works 66:9

world 22:7

worse 16:8 83:16

worth 73:17

would've 53:6

writing 24:14 31:23 55:7,10

wrong 83:14

wrote 66:18 83:22

Y

y- 42:5 61:4

year 9:8 36:5 53:8 54:2 56:21 91:7 99:4

years 15:5, 13,14,19 16:15 29:5, 12,17 36:6 50:18 52:17 69:10,11 70:24 76:3 84:21 91:9 92:22

yesterday 28:25

yet 69:20 79:1 91:16

younger 30:2

youngest 5:14

yours 61:1

Z

Zoom 3:8 5:17 44:11

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANEA CALKINS,	)	
	)	
Appellant,	)	
vs.	)	
	)	
WAYLON HUBER,	)	Case No. 83053
	)	
Respondent.	)	District Court Case No. CV 20464

Appeal from *Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order*, issued May 12, 2021

In the Sixth Judicial District Court, Humboldt County, Nevada

APPELLANT'S APPENDIX

VOLUME 5

BITTNER LEGAL, LLC
ELIZABETH M. BITTNER
Nevada Bar No. 9329
1225 Westfield Ave., Suite 7
Reno, NV 89509
Tel (775) 357-8733
Counsel for JENEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Docket 83053 Document 2021-27198

ALPHABETICAL INDEX OF DOCUMENTS IN APPENDIX

DOCUMENT	DATE	VOL.	PAGES
Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing" and Affidavit of Janae Huber in Support of Ex Parte Motion for Return of Minor Children	May 17, 2017	1	A0226-A0232
Affidavit of Janea Huber in Support of Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0285-A0288
Audio Transcription of Hearing	July 15, 2020	4	A0847-A0982
Case Appeal Statement	June 10, 2021	5	A1085-A1088
Delivery of Affidavit	May 11, 2017	1	A0195-A0197
Discharge of Attorney and Substitution in Propria Persona	February 1, 2018	2	A0403-A0404
Emergency Ex Parte Motion to Change Custody	May 24, 2019	1	A0537-0549
Emergency Noticed Motion to Suspend Visitation and Request For Expedited Hearing	May 9, 2017	1	A0117-A0141
Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0103-A0112
Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0047-A0053
Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0060-A0077
Ex Parte Motion For Order Shortening Time	May 9, 2017	1	A0142-A0170
Ex Parte Motion For Return of Minor Children: Opposition to Father's May 8, 2017 Ex Parte Motion	May 9, 2017	1	A0171-A0190

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Ex Parte Emergency Motion to Suspend Visitation	June 9, 2017	1	A0269-A0280
Ex Parte Motion to Compel	May 16, 2018	2	A0410-A0413
Ex Parte Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0468-A0480
Ex Parte Motion to Produce Children and Grant Third-Party Custody Pending Reunification	June 26, 2019	4	A0795-A0819
Ex Parte Request for Submission	June 26, 2019	4	A0820
Findings of Fact, Conclusions of Law and Decree of Divorce	April 1, 2016	1	A0001-A0004
Marital Settlement Agreement	March 21, 2016	1	A0005-A0031
Memorandum of Costs and Fees	May 23, 2017	1	A0233-A0239
Minutes (May 4, 2017 hearing)	May 4, 2017	1	A0096-A0097
Minutes (June 22, 2017 hearing)	June 22, 2017	2	A0352-A0353
Minutes (January 5, 2018 hearing)	January 5, 2018	2	A0397-A0399
Minutes (March 30, 2018 hearing)	March 30, 2018	2	A0405-A0409
Minutes (October 24, 2018 hearing)	October 24, 2018	2	A0418
Minutes (November 20, 2018 hearing)	November 20, 2018	2	A0422-A0424
Minutes (February 26, 2019 hearing)	February 26, 2019	2	A0458
Minutes (March 14, 2019 hearing)	March 14, 2019	2	A0459
Minutes (November 26, 2019 hearing)	November 26, 2019	3	A0566
Minutes (February 27, 2020 hearing)	February 27, 2020	4	A0781-A0785
Minutes (July 15, 2020 hearing)	July 15, 2020	4	A0843-A0846

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Motion for Change of Custody	March 8, 2021	5	A1011-A1024
Motion for Change of Custody	April 12, 2021	5	A1025-A1032
Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent	May 26, 2021	5	A1078-A1079
Motion to Change Location of Therapeutic Reunification	August 15, 2019	3	A0551
Motion to Continue Hearing	July 13, 2020	4	A0832-A0834
Motion to Enforce Divorce Decree and Motion to Modify Custody due to Change in Circumstance	August 16, 2019	3	A0553-A0554
Motion to Lift Restriction of Husband	January 23, 2019	2	A0434-A0435
Motion to Modify Custody and Related Relief	January 23, 2019	2	A0436-A0443
Motion to Modify Custody due to Change in Circumstance	March 25, 2019	2	A0481-A0493
Motion to Reopen Discovery	January 23, 2019	2	A0444-A0445
Motion to Strike Defendant's Affidavit of Janea Huber in Support of "Emergency Motion To Suspend Visitation and Request For Expedited Hearing"	May 16, 2017	1	A217-A0225
Motion to Strike Father's May 5, 2017 Request for Submission	May 23, 2017	1	A0240-A0242
Motion to Vacate and Reschedule Hearing	November 22, 2019	3	A0560-A0562
Motion to Withdraw as Attorney of Record	January 23, 2019	2	A0446-A0447
Motion to Withdraw as Counsel (Carucci)	September 13, 2017	2	A0372-A0376
Non-Opposition to Motion to be Relieved as Counsel	September 13, 2017	2	A0377-A0378
Notice of Appeal	June 10, 2021	5	A1089-A1099

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Notice of Appearance (Dolan Law, LLC)	May 12, 2020	4	A0793-A0794
Notice of Appearance (Maddox)	April 28, 2017	1	A0082-A0083
Notice of Appearance of Counsel (Carucci)	April 24, 2017	1	A0079-A0081
Notice of Appearance of Counsel (Evenson)	January 29, 2018	2	A0400
Notice of Entry of July 1, 2020 Order	July 2, 2020	4	A0825-A0831
Notice of Entry of Order	July 24, 2020	5	A0983-A0997
Notice of Entry of Order	May 12, 2021	5	A1066-A1075
Notice of Expert Witness	June 15, 2017	2	A0327-A0342
Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0386-A0387
Notice of Intent to Appear by Telephonic Transmission Equipment	June 16, 2017	2	A0343-A0345
Notice of Hearing	December 5, 2017	2	A0392-A0393
Notice of Hearing	January 31, 2018	2	A0401-A0402
Notice of Witnesses (Maddox)	April 28, 2017	1	A0084-A0086
Notice of Witnesses (Maddox)	June 16, 2017	2	A0346-A0348
Opposition To Father's "Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	1	A0243-A0246
Opposition to Mother's Ex Parte Emergency Motion to Suspend Visitation	June 13, 2017	2	A0289-A0307
Opposition to Mother's Motion to Change Custody and Cross Motion for Permanent Custody Order	May 3, 2021	5	A1038-A1053

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Opposition to Motion to Continue Hearing	July 14, 2020	4	A0835-A0842
Opposition to Plaintiff's Memorandum of Costs and Fees	June 5, 2017	2	A0263-A0268
Order	November 21, 2018	2	A0425-A0427
Order	February 8, 2019	2	A0456-A0457
Order	March 15, 2019	2	A0460-A0463
Order	November 22, 2019	3	A0563-A0565
Order	March 6, 2020	4	A0786-A0792
Order After Hearing	November 30, 2018	2	A0428-0430
Order After May 4, 2017 Emergency Hearing	June 16, 2017	2	A0349-A0351
Order After Mediation	December 9, 2019	3	A0570-A0572
Order Allowing Withdrawal of Counsel for Respondent	September 14, 2017	2	A0381
Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	May 10, 2021	5	A1058-A1065
Order Denying Request for Hearing	October 24, 2017	2	A0384-A0385
Order Granting Immediate Custody of Children	April 14, 2017	1	A0054-A0056
Order Modifying Temporary Custody of Two Minor Children and Other Related Matter	July 24, 2020	5	A0998-A1010
Order Regarding Improper Service	April 22, 2021	5	A1035-A1037
Order Scheduling Mediation and Hearing Dates	December 9, 2019	3	A0567-A0569
Order Suspending Visitation	June 9, 2017	2	A0281-A0282

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Order Suspending Visitation	July 3, 2017	2	A0369-A0371
Order to Immediately Produce Minor Children to Court and Notice of Expedited Hearing RE: Custody	July 1, 2020	4	A0821-A0824
Order to Show Cause	November 2, 2018	2	A0419-A0421
Order to Submit "Motion to Change Custody due to Change in Circumstance"	April 23, 2019	3	A0510
Order to Submit Emergency Ex Parte Motion to Change Custody	May 24, 2019	3	A0550
Order to Submit Ex Parte Motion to Modify Custody due to Change in Circumstance	January 24, 2019	2	A0448
Order to Submit Uncontested "Motion to Change Location of Therapeutic Reunification"	September 3, 2019	3	A0557
Plaintiff's Motion in Limine	February 20, 2020	3	A0574-A0575
Pre-Hearing Statement	February 20, 2020	3	A0576-A0580
Proof of Payment	December 31, 2018	2	A0431-A0432
Proof of Personal Service	June 22, 2017	2	A0354-A0358
Proof of Service	May 16, 2018	2	A0414-A0415
Proof of Service	February 1, 2019	2	A0449-A0450
Proof of Service	March 25, 2019	2	A0494-A0495
Proof of Service	April 23, 2019	3	A0511-A0512
Proof of Service	August 15, 2019	3	A0552
Proof of Service	December 23, 2019	3	A0573

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Proof of Service	February 20, 2020	3	A0581
Proof of Service	March 15, 2021	2	A0464-A0465
Proof of Service	April 12, 2021	5	A1033
Proof of Service	May 5, 2021	5	A1054-A1056
Proof of Service	May 26, 2021	5	A1080-A1081
Proof of Service (Motion to Enforce Divorce Decree)	August 16, 2019	3	A0555
Proof of Service (Motion to Modify Custody due to Change in Circumstance)	August 116, 2016	3	A0556
Proof of Service for Request for Submission	June 9, 2021	5	A1082-A1083
Proof of Service for Supplement to Motion to Modify Custody	May 7, 2019	3	A0519
Proof of Service for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0583
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0057-A0058
Proof of Service of the Ex Parte Emergency Motion Regarding Children (Motion to Enforce Change of Custody)	April 18, 2017	1	A0078
Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0039-A0044
Reply in Support of Motion to Modify Custody due to Change in Circumstances	April 23, 2019	3	A0513-A0518
Reply To Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing	May 23, 2017	I	A0247-A0251
Reply to Motion to Lift Restriction on Husband	February 1, 2019	2	A0451

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Reply to Motion to Modify Custody and Related Relief	February 1, 2019	2	A0452
Reply to Motion to Reopen Discovery	February 1, 2019	2	A0453
Reply to Opposition for Motion for Order to Show Cause for Order Regarding Defendant's Consent to Obtain Passports	July 19, 2021	5	A1122-A1124
Reply To Opposition To Father's May 8, 2017 Ex Parte Motion; and Opposition to Mother's Ex Parte Motion For Return of Minor Children; and Opposition To Mother's Emergency Motion to Suspend Visitation	May 11, 2017	1	A0198-A0216
Reply To Opposition To Fathers Motion To Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion to Suspend Visitation and Request for Expedited Hearing"	May 25, 2017	2	A0256-A0260
Request for Hearing	October 17, 2017	2	A0382-A0383
Request for Hearing	November 9, 2017	2	A0388-A0389
Request for Hearing	January 4, 2019	2	A0433
Request for Hearing	May 17, 2019	3	A0535-A0536
Request for Submission of "Emergency Noticed Motion to Suspend Visitation and Request for Expedited Hearing"	May 23, 2017	2	A0252-A0253
Request for Submission of Defendant's "Ex Parte Motion For Return of Minor Children: Opposition To Father's May 8, 2017 Ex Parte Motion"	May 9, 2017	1	A0193-A0194

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission of Ex Parte Emergency Motion for Temporary Custody	May 8, 2017	1	A0113-A0114
Request for Submission of Ex Parte Emergency Motion Regarding Children (Motion to Change of Custody Motion)	April 14, 2017	1	A0059
Request for Submission of Ex Parte Emergency Motion Regarding Children: Motion to Enforce	May 8, 2017	1	A0115-A0116
Request for Submission of Ex Parte Emergency Motion to Suspend Visitation	May 9, 2017	2	A0283-A0284
Request for Submission of Ex Parte Motion To Shorten Time	May 9, 2017	1	A0191-A0192
Request for Submission of Memorandum of Costs and Fees and Order For Attorney Fees	May 23, 2017	2	A0254-A0255
Request for Submission of Motion to Strike Defendant's Affidavit of Janea Huber in Support of Emergency Motion To Suspend Visitation and Request For Expedited Hearing	May 25, 2017	2	A0261-A0262
Request for Submission of Motion to Withdraw as Counsel	September 13, 2017	2	A0379-A0380
Request for Submission of Notice of Findings of Division of Child and Family Services	November 9, 2017	2	A0390-A0391
Request for Submission of "Order After May 4, 2017 Emergency Hearing"	June 15, 2017	2	A0316-A0326
Request for Submission of the Qualified Domestic Relations Order Union Pacific Agreement Employee 401K Retirement Thrift Plan	July 19, 2016	1	A0045-0046
Request for Submission	June 15, 2018	2	A0417
Request for Submission	April 12, 2021	5	A1034
Request for Submission	May 5, 2021	5	A1057
Request for Submission	June 9, 2021	5	A1084

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Request for Submission for Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0498
Request for Submission for Supplement to Motion to Modify Custody	May 7, 2019	3	A0520
Request for Submission for Supplement to Pre-Hearing Statement	February 24, 2020	3	A0582
Request for Submission of Ex Parte Motion	May 16, 2018	2	A0416
Request for Submission of Ex Parte Motion to Change Custody	March 25, 2019	3	A0496-A0497
Request for Submission of Second Supplement for Ex Parte Motion to Change Custody	March 29, 2019	3	A0509
Response to Defendant's Opposition to Plaintiff's Memorandum of Costs and Fees	June 13, 2017	2	A0308-A0315
Second Supplement to Ex Parte Motion to Change Custody	March 29, 2019	3	A0504-A0508
Subpoena (Dunkhorst) with Acceptance of Service	April 28, 2017	1	A0093-
Subpoena Duces Tecum	March 29, 2019	3	A0504-A0508
Subpoena Duces Tecum (DCFS) with Acceptance of Service	April 28, 2017	1	A0087-A0092
Subpoena (DCFS)	December 29, 2017	2	A0394-A0396
Subpoena To Appear and Testify (Ochoa)	June 22, 2017	2	A0364-A0368
Subpoena To Appear and Testify (Schmelling)	May 4, 2017	1	A0098-A0102
Subpoena To Appear and Testify (Schmelling)	June 22, 2017	2	A0359-A0363
Supplement to Ex Parte Motion to Change Custody	March 26, 2019	3	A0499-A0503
Supplement to Motion to Modify Custody	May 7, 2019	3	A0521-0534

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Supplement to Pre-Hearing Statement	February 24, 2020	3	A0584-A0744
Supplement to Pre-Hearing Statement (continued)	February 24, 2020	4	A0745 A0780
Withdrawal of Attorney (Dolan Law, LLC)	May 25, 2021	5	A1076-A1077
Withdrawal of Attorney (Manson)	June 23, 2016	1	A0035-0038
Withdrawal of Counsel (Whitehead)	April 11, 2016	1	A0032-A0034

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Case No. CV 20,464

Dept. No. 2

FILED
2020 JUL 24 PM 12:07
TAMI RAE SPERO
DIST. COURT CLERK

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES.

YOU ARE HEREBY NOTIFIED that an *Order Modifying Temporary Custody of Two Minor Children an Other Related Matters*, has been entered in the above entitled matter on July 24, 2020, a copy of which is attached hereto.

Dated this 24 day of July, 2020.

Max Stovall

DOLAN LAW, LLC.
By: Max A. Stovall, Esq.
Nevada Bar No. 14284
545 Hanson Street
Winnemucca, Nevada 89445
Telephone: 775-625-3200
Fax: 775-625-4286
Attorney for Minor Child.

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the foregoing document, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

____ Electronic Delivery: janeacalkins@yahoo.com

Max Stovall

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

FILED

2020 JUL 24 AM 10: 57

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

ORDER MODIFYING TEMPORARY CUSTODY OF TWO MINOR CHILDREN AND OTHER RELATED MATTERS

PREMISES HAVING BEEN CONSIDERED, this 15th day of July, 2020, wherein the Court held an expedited hearing on the *Order to Immediately Produce Minor Children to Court Per NRS 125C.0055 and Notice of Expedited Hearing Re: Custody*, issued on July 1, 2020, following an "Exparte Motion to Produce Children" filed by Plaintiff, WAYLON HUBER, (hereinafter "Husband") against Defendant, JANAE CALKINS (hereinafter, "Mother"), and Father being present and represented by Dolan Law, LLC and his counsel, Massey K. Mayo, Esq. and Mother being present and *pro per*, and the Court having heard testimony from Father, Mother, and Jeffery Moreno, LCSW, who was the designated therapeutic supervisor in Idaho, and the Court being familiar with the voluminous post-divorce litigation and Orders herein, and good cause appearing does make the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. This Court finds, and concludes as a matter of law, that it has continuing exclusive jurisdiction to enter custodial Orders concerning the two minor children: BRYNLEE

A0985

and BRYSON HUBER, born May 8, 2020, given that Father is a resident of the State of Nevada, and the Court has issued prior custodial Orders concerning the minor children for the past four years. NRS 125A.315.

2. **Notice and Production of Children Before the Court**: The Court finds that Mother received notice of the expedited hearing set for July 15, 2020 and did comply with the directive to produce the two minor children before the Court, at the time and date of said hearing.

3. **Procedural and Background History of Case**: The procedural history of this case is significant. On April 1, 2016, this Court entered a Decree of Divorce for the parties, adopting their Marital Settlement Agreement (hereinafter, "MSA") which awarded both parties joint legal and physical custody. The parties' further agreed that for a temporary period of time Mother would be allowed to relocated to Idaho from Nevada with the minor children, for the purpose of completing her education, but that Mother would return from Idaho to Nevada with the children no later than two (2) years. MSA, P. 5, 3. Mother has never returned to Nevada per her agreement and has remained residing with the minor children in the Boise, Idaho area for the past four years.

4. This Court held several hearings over the past four years since then regarding custody of the minor children. Throughout 2017, this Court heard evidence regarding allegations of Mr. Huber committing child abuse against his children and being unfit for substance abuse. On June 9, 2017, this Court issued an Order Suspending Visitation for Father with the minor children, while the allegations were investigated. The Division of Child and Family Services investigated the allegations raised by Mother against Father and found them to be unsubstantiated. See, "Notice of Findings," filed November 9, 2017. Additionally, the Winnemucca Police Department investigated the allegations against Father and no criminal

charges were ever filed against Father. By November 2018, this issue appeared to be put at rest and the Court Ordered that "supervised visitation and therapeutic intervention begin immediately in Idaho", twice a month, between Father and the minor children. The November 2018 Order was subsequently clarified by a March 15, 2019 Order, to comply with a request of a therapist who was scheduled to commence therapeutic services for Father and the minor children. At that time, no services or visitation had occurred for the Father and minor children, and again the Court made it clear the expectation was that therapeutic supervised visitation would commence within five days of the March 2019 Order.

5. Between March 2019 and the Court's subsequent March 6, 2020 Order, Father filed ten separate motions in *pro per* and Mother filed one motion in *pro per*. Mother never responded or opposed Father's Motions, that were all in pursuit of Mother complying with the Court's Order to facilitate visitation and contact between himself and the children. In February 2020, the Court learned that Father had zero visitation and zero therapeutic reunification efforts with his children due to Mother's non-compliance.

6. In the "Order" entered March 6, 2020, this Court took great care to outline its frustration with Mother not engaging in therapeutic supervised visitation, and this Court noted its "paramount concern to this Court is the time in which the minor children have had no contact with their father, Mr. Huber." Order 4:3-4. This Court informed the parties that "therapeutic visitation shall be the immediate goal of this family and the Court." Id. at 4:8-9.

7. This Court ordered the parties to contact Stellar Mental Health and Mediation in Nampa, Idaho, within five days of that March 6, 2020, *Order*. This Court also ordered that Mr. Huber would select an alternative therapeutic visitation service if Stellar Mental Health could not accomplish the reunification services for any reason. Id. at 5-6. This Court further Ordered

that if there existed any difficulty scheduling, the parties would provide their schedules to the provider who would then unilaterally determine when the therapeutic visitation would occur. Id. at 7. Finally, this Court ordered visitation would not be suspended, cancelled, or modified without further Court order. Id. at 9.

8. **Testimony at Hearing Held on July 15, 2020**: The Court heard from Jeff Moreno, LCSW, who is employed by Stellar Mental Health and was the therapist scheduled to provide reunification services to Father and the minor children. Mr. Moreno prepared a written report dated May 19, 2020, which was admitted into evidence. Mr. Moreno testified Mother made two appointments with the minor children, the intake appointment and one following. The second appointment was shortened due to inclement weather conditions and only involved one of the two children. Mr. Moreno testified that he met with Father on two occasions as well, both in person, to prepare him for a session where contact between Father and the minor children would occur. Father testified that the next scheduled sessions with Mr. Moreno was to involve a video and/or telephone meeting between himself and the children; however, Mother failed to show and called after the appointment time to cancel citing that one of the children was sick. Another session was scheduled for the children, and again, Mother failed to appear and cancelled after the appointment time.

9. Despite having limited time to interact with the children, Mr. Moreno testified that he was concerned with the fact that within ten minutes of initially meeting the children both were willing to describe in detail and adult-like description sexual abuse they alleged was committed by Father against them, four years prior. Mr. Moreno testified that the children reported the events as if it were "a common, everyday occurrence, like they were talking about chewing bubblegum."

10. Mr. Moreno testified that, in his ten years' experience, most children would ordinarily require four to six sessions before opening up to a counselor. He also noted that the minor children used words inappropriate for their age or developmental level. In his experience, the children were being coached or encouraged to continue the trauma narrative. He further testified, in his experience, children who receive a false trauma narrative can expect maladjustment and consistent anxiety as the children grow into adulthood. Finally, he testified that Mother was difficult with his staff in scheduling the minor children's therapy.

11. As for Mother, she testified that she missed two appointments—one due to her own negligence in forgetting the appointment, and the other because one of the children was sick. Mother testified that she never informed Father that she was, or had, missed the appointments. Mother also testified that she did not know Father was scheduled to have a telephonic and/or video meeting with the children at the sessions that were missed.

12. Mother was informed by Steller Mental Health that services were terminated due to her missed appointments. During this same time frame, Mother unilaterally removed the children from their individual therapeutic providers at St. Luke's (whom they had gone to for several years prior) and enrolled the children with an unlicensed therapist whose "drama" therapy is, from the evidence presented, unaccredited. Mother never consulted with Father regarding this decision, or informed Father.

13. Furthermore, after services were terminated by Stellar Mental Health, Mother then sought out another provider, "Molly and Me," despite the directive of this Court that Father would determine the provider for therapeutic reunification services.

14. Ms. Calkins also testified that she is recently employed with the U.S. Census Bureau and renting a home in Idaho. Mother testified that her Husband, Mr. Calkins, will be

released from incarceration in August 2020 and will return to residing with her and the minor children. This is despite the fact that this Court has a "no contact" order between Mr. Calkins and the minor children.

15. For his part, Father testified that he had not agreed to any of the counselor changes before Ms. Calkins removed the children from the programs or was terminated. He believed Ms. Calkins would never allow reunification based on her past conduct, including moving from one address to another and essentially concealing the children from him. Father testified that this was the first time he had physically seen his two children in three plus years due to Mother's conduct of alienating the children. Based on his consultation with therapeutic professionals, Father thought it best serves the children's interest that the children return to Nevada to live with his family while he can ensure reunification services are implemented and identified Dr. Herbert Coard as a provider who was willing to immediately assist with the process.

16. **Specific Findings Supporting a Modification of Custody to Father**: Based upon the above evidence, this Court finds that the best interest of the minor children are served by granting Father the temporary sole physical custody of his two minor children, subject to limited rights of visitation by Mother as outlined herein. The Court further finds, and concludes, as a matter of law, that the parties shall continue to share the joint legal custody of the two minor children.

///

///

///

///

///

17. This Court may make a determination regarding the custody of a minor child at any time as appears in the child's best interest. NRS 125C.0045. In considering the best interest of the child the Court shall consider the following factors, which are non-exhaustive:

a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
b. Any nomination of a guardian for the child by a parent.
c. Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
d. The level of conflict between the parents.
e. The ability of the parents to cooperate to meet the needs of the child.
f. The mental and physical health of the parents.
g. The physical, developmental and emotional needs of the child.
h. The nature of the relationship of the child with each parent.
i. The ability of the child to maintain a relationship with any sibling.
j. Any history of parental abuse or neglect of the child or a sibling of the child.
k. Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
l. Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

18. The Court finds that the efforts, from November 2018 to April 2020, to reunify the children with Father, have not worked. This case is correctly described as difficult; specifically, the Court has had to issue a culmination of three Court Orders, all of which stressed and made clear, the expectation of the Court was that Father would have the opportunity to reunify which is children with the assistance of therapeutic services. Now, 19 months later, Father is appearing before the Court raising the same issue—his inability to have contact with his children—due to Mother's actions and her unwillingness to ensure that Father is provided a continuing relationship with the children.

19. The court further finds Mother's position in closing interesting given that prior to this hearing Mother has resisted, contested, and deflected reunification between Father and the children and has ignored or disobeyed this Court's prior Orders making excuses each time as to why the reunification did not occur. Now, Mother asserts her desire to have the children reunified and that she did not want the minor children to remember the contention between the parties, as part of their childhood.

20. The Court finds that Mother's testimony is not credible. Mother's testimony was in direct contradistinction to Jeffery Moreno's testimony as regards the termination of services due to Mother's failure to appear and the timing of the "no shows" in conjunction with Father being afforded an opportunity to have contact with the children. It further contradicted the written report prepared by Jeffery Moreno, which was admitted without objection by Mother. After the services terminated, Mother then seeks out and establishes services with new providers, including an unlicensed "therapist" without ever consulting Father.

21. The Court finds, and concludes as a matter of law, that if the children remain in Mother's care, custody and control, their best interest will not be served and Mother will likely never ensure reunification efforts are made available between Father and the children. Mother is not serving the best interest of the children, and her continued action will likely result in maladaptive behavior by the children, as testified to by Jeffery Moreno. Mother disobeyed this Court's "Order" from March 2020, by failing to consult with or notify Father based on the counseling changes. This Court is very concerned that Mother placed the minor children into "therapy" with an unlicensed therapist because it does not satisfy this Court's Order. These constant changes in therapists without Father's consent and the children exhibiting what appears

to be a false traumatic narrative indicates Mother's minimal efforts towards reunification negatively influences the minor children.

22. Furthermore, the Court is concerned that the issues regarding alleged abuse by Father against the children have resurfaced. The allegations of inappropriate conduct by Father against the children were previously litigated, and this Court rejected any findings substantiating Mother's claims. Now, the Court hears, that the children are informing mandatory reporters of detailed, descriptive acts that were not previously disclosed as if they were as casual as "chewing bubblegum." The Court shares Jeffery Moreno's concerns that the children are, or were, coached regarding the narrative reported and that these disclosures are being made as this Court has mandated reunification efforts commence. Mother has prevented any meaningful relationship between Father and the children, even when the burden to ensure therapeutic contact occurred was placed solely on Father.

23. Lastly, the Court finds, and concludes as a matter of law, that Mother is in violation of this Court's no contact Order between her Husband, Justin Calkins, and the minor children. Mother testified that Mr. Calkins would resume living with her and the children upon his release in August 2020, which directly defies the terms of the "Order after May 4, 2017 Emergency Hearing." The Court has previously determined that Mr. Calkins presence around the minor children is not in their best interest, and reiterates that Mr. Calkins has a history of violent crimes including a past domestic violence charge, involving strangulation.

24. Based on the testimony adduced at the hearing and the long history of this case, this Court finds that there exists clear and convincing evidence for modifying custody. Reunification must occur in Humboldt County and not Idaho. This Court finds that if this Court

does not modify the custody of these children immediately, there will be significant maladaptation of the children.

Based upon the foregoing FINDINGS OF FACT and CONCLUSION OF LAW, the Court hereby ORDERS:

1. Father, WAYLON HUBER, is granted the temporary sole physical custody of the two minor children: BRYNLEE and BRYSON HUBER, immediately.

2. Father and Mother, JANEA CALKINS, shall continue to share the joint legal custody of the two minor children. The Court is making this Order with the specific concern that if Mother does not maintain joint legal custody she will not be able to participate in the reunification efforts and therapeutic services the children will receive in Nevada.

3. That the children shall be placed with either the paternal grandmother, Debbie, or the paternal cousin, Tessa James, pending the reunification efforts between Father and the minor children commencing.

4. Mother's visitation shall be supervised and occur via telephone or audio/visual format. Mother shall be entitled to speak to the children at 6:00 p.m. PST/ 7:00 p.m. MST each day; however, the placement for the children and/or Father have the discretion to terminate the contact should Mother discuss this litigation with the children or disparage Father or other family with the children present. Further visitation for Mother shall be recommended, if appropriate, by the therapeutic professionals assisting with reunification.

5. Should Mother relocate to Nevada, as understood in the original MSA, the Court will revisit the terms of visitation and entertain a modification of this Order.

6. Father shall employee the services of Dr. Herbert Coard to assist with the reunification process. Both parties are Ordered to cooperate with Dr. Herbert Coard, and to

provide any and all information necessary to allow Dr. Herbert Coard the ability to complete evaluations, diagnosis, and formulate a treatment and/or reunification plan for the children and parents. The parties shall equally share in the costs of Dr. Herbert Coard's services.

7. Dr, Herbert Coard shall be authorized to release a full and complete copy of any evaluation and/or report concerning the parties and the minor children to the Court, and to counsel for either party, or if not represented the party directly. No party or counsel shall disclose the contents of said evaluation and/or report to any third-person without permission of the Court, or at the recommendation of Dr. Herbert Coard.

8. Mother shall forward to Dr. Herbert Coard all medical records, educational records relating to the children's special needs, and therapeutic records for the minor children, within 15 days of the date of this Order. Mother shall further cooperate to sign any documents to further this purpose, including any HIPAA releases. Mother shall disclose to Dr. Herbert Coard all medical and mental health treatment the children received while in her sole care and custody from 2017 to 2020.

9. The issue of attorney's fees shall be reserved for a later date.

10. Father's child support obligation is stayed commencing July 1st, 2020.

11. The Court further puts the parties on notice of the following general provisions:

A. **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right to custody of a child or any parent having no right of custody to a child who willfully detains, conceals or removes the child from a

parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

B. The State of Nevada, United States of America, is the habitual residence of the minor children. The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

C. That if either party is obligated to pay support, the parties here hereby notified that his/her obligation may subject him/her to the child support enforcement collection provisions contained in Chapters 31A, 125.450(2) and 425 of the Nevada Revised Statutes and 425 of the Nevada Administrative Code.

IT IS SO ORDERED.

DATED this 23rd day of July, 2020.

Hon. Michael Montero
Sixth Judicial District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the foregoing document, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

____ Electronic Delivery: janeacalkins@yahoo.com

Max Stovall

FILED

2020 JUL 24 AM 10: 57

TAMI RAE SPERO
DIST. COURT CLERK

C. Smock

Case No. CV 20,464

Dept. No. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

_____/

ORDER MODIFYING TEMPORARY CUSTODY OF TWO MINOR CHILDREN AND OTHER RELATED MATTERS

PREMISES HAVING BEEN CONSIDERED, this 15th day of July, 2020, wherein the Court held an expedited hearing on the *Order to Immediately Produce Minor Children to Court Per NRS 125C.0055 and Notice of Expedited Hearing Re: Custody*, issued on July 1, 2020, following an "Exparte Motion to Produce Children" filed by Plaintiff, WAYLON HUBER, (hereinafter "Husband") against Defendant, JANAE CALKINS (hereinafter, "Mother"), and Father being present and represented by Dolan Law, LLC and his counsel, Massey K. Mayo, Esq. and Mother being present and *pro per*, and the Court having heard testimony from Father, Mother, and Jeffery Moreno, LCSW, who was the designated therapeutic supervisor in Idaho, and the Court being familiar with the voluminous post-divorce litigation and Orders herein, and good cause appearing does make the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. This Court finds, and concludes as a matter of law, that it has continuing exclusive jurisdiction to enter custodial Orders concerning the two minor children: BRYNLEE

and BRYSON HUBER, born May 8, 2020, given that Father is a resident of the State of Nevada, and the Court has issued prior custodial Orders concerning the minor children for the past four years. NRS 125A.315.

2. **Notice and Production of Children Before the Court**: The Court finds that Mother received notice of the expedited hearing set for July 15, 2020 and did comply with the directive to produce the two minor children before the Court, at the time and date of said hearing.

3. **Procedural and Background History of Case**: The procedural history of this case is significant. On April 1, 2016, this Court entered a Decree of Divorce for the parties, adopting their Marital Settlement Agreement (hereinafter, "MSA") which awarded both parties joint legal and physical custody. The parties' further agreed that for a temporary period of time Mother would be allowed to relocated to Idaho from Nevada with the minor children, for the purpose of completing her education, but that Mother would return from Idaho to Nevada with the children no later than two (2) years. MSA, P. 5, 3. Mother has never returned to Nevada per her agreement and has remained residing with the minor children in the Boise, Idaho area for the past four years.

4. This Court held several hearings over the past four years since then regarding custody of the minor children. Throughout 2017, this Court heard evidence regarding allegations of Mr. Huber committing child abuse against his children and being unfit for substance abuse. On June 9, 2017, this Court issued an Order Suspending Visitation for Father with the minor children, while the allegations were investigated. The Division of Child and Family Services investigated the allegations raised by Mother against Father and found them to be unsubstantiated. See, "Notice of Findings," filed November 9, 2017. Additionally, the Winnemucca Police Department investigated the allegations against Father and no criminal

charges were ever filed against Father. By November 2018, this issue appeared to be put at rest and the Court Ordered that "supervised visitation and therapeutic intervention begin immediately in Idaho", twice a month, between Father and the minor children. The November 2018 Order was subsequently clarified by a March 15, 2019 Order, to comply with a request of a therapist who was scheduled to commence therapeutic services for Father and the minor children. At that time, no services or visitation had occurred for the Father and minor children, and again the Court made it clear the expectation was that therapeutic supervised visitation would commence within five days of the March 2019 Order.

5. Between March 2019 and the Court's subsequent March 6, 2020 Order, Father filed ten separate motions in *pro per* and Mother filed one motion in *pro per*. Mother never responded or opposed Father's Motions, that were all in pursuit of Mother complying with the Court's Order to facilitate visitation and contact between himself and the children. In February 2020, the Court learned that Father had zero visitation and zero therapeutic reunification efforts with his children due to Mother's non-compliance.

6. In the "Order" entered March 6, 2020, this Court took great care to outline its frustration with Mother not engaging in therapeutic supervised visitation, and this Court noted its "paramount concern to this Court is the time in which the minor children have had no contact with their father, Mr. Huber." Order 4:3-4. This Court informed the parties that "therapeutic visitation shall be the immediate goal of this family and the Court." Id. at 4:8-9.

7. This Court ordered the parties to contact Stellar Mental Health and Mediation in Nampa, Idaho, within five days of that March 6, 2020, *Order*. This Court also ordered that Mr. Huber would select an alternative therapeutic visitation service if Stellar Mental Health could not accomplish the reunification services for any reason. Id. at 5-6. This Court further Ordered

that if there existed any difficulty scheduling, the parties would provide their schedules to the provider who would then unilaterally determine when the therapeutic visitation would occur. Id. at 7. Finally, this Court ordered visitation would not be suspended, cancelled, or modified without further Court order. Id. at 9.

8. **Testimony at Hearing Held on July 15, 2020**: The Court heard from Jeff Moreno, LCSW, who is employed by Stellar Mental Health and was the therapist scheduled to provide reunification services to Father and the minor children. Mr. Moreno prepared a written report dated May 19, 2020, which was admitted into evidence. Mr. Moreno testified Mother made two appointments with the minor children, the intake appointment and one following. The second appointment was shortened due to inclement weather conditions and only involved one of the two children. Mr. Moreno testified that he met with Father on two occasions as well, both in person, to prepare him for a session where contact between Father and the minor children would occur. Father testified that the next scheduled sessions with Mr. Moreno was to involve a video and/or telephone meeting between himself and the children; however, Mother failed to show and called after the appointment time to cancel citing that one of the children was sick. Another session was scheduled for the children, and again, Mother failed to appear and cancelled after the appointment time.

9. Despite having limited time to interact with the children, Mr. Moreno testified that he was concerned with the fact that within ten minutes of initially meeting the children both were willing to describe in detail and adult-like description sexual abuse they alleged was committed by Father against them, four years prior. Mr. Moreno testified that the children reported the events as if it were "a common, everyday occurrence, like they were talking about chewing bubblegum."

10. Mr. Moreno testified that, in his ten years' experience, most children would ordinarily require four to six sessions before opening up to a counselor. He also noted that the minor children used words inappropriate for their age or developmental level. In his experience, the children were being coached or encouraged to continue the trauma narrative. He further testified, in his experience, children who receive a false trauma narrative can expect maladjustment and consistent anxiety as the children grow into adulthood. Finally, he testified that Mother was difficult with his staff in scheduling the minor children's therapy.

11. As for Mother, she testified that she missed two appointments—one due to her own negligence in forgetting the appointment, and the other because one of the children was sick. Mother testified that she never informed Father that she was, or had, missed the appointments. Mother also testified that she did not know Father was scheduled to have a telephonic and/or video meeting with the children at the sessions that were missed.

12. Mother was informed by Steller Mental Health that services were terminated due to her missed appointments. During this same time frame, Mother unilaterally removed the children from their individual therapeutic providers at St. Luke's (whom they had gone to for several years prior) and enrolled the children with an unlicensed therapist whose "drama" therapy is, from the evidence presented, unaccredited. Mother never consulted with Father regarding this decision, or informed Father.

13. Furthermore, after services were terminated by Stellar Mental Health, Mother then sought out another provider, "Molly and Me," despite the directive of this Court that Father would determine the provider for therapeutic reunification services.

14. Ms. Calkins also testified that she is recently employed with the U.S. Census Bureau and renting a home in Idaho. Mother testified that her Husband, Mr. Calkins, will be

released from incarceration in August 2020 and will return to residing with her and the minor children. This is despite the fact that this Court has a "no contact" order between Mr. Calkins and the minor children.

15. For his part, Father testified that he had not agreed to any of the counselor changes before Ms. Calkins removed the children from the programs or was terminated. He believed Ms. Calkins would never allow reunification based on her past conduct, including moving from one address to another and essentially concealing the children from him. Father testified that this was the first time he had physically seen his two children in three plus years due to Mother's conduct of alienating the children. Based on his consultation with therapeutic professionals, Father thought it best serves the children's interest that the children return to Nevada to live with his family while he can ensure reunification services are implemented and identified Dr. Herbert Coard as a provider who was willing to immediately assist with the process.

16. **Specific Findings Supporting a Modification of Custody to Father**: Based upon the above evidence, this Court finds that the best interest of the minor children are served by granting Father the temporary sole physical custody of his two minor children, subject to limited rights of visitation by Mother as outlined herein. The Court further finds, and concludes, as a matter of law, that the parties shall continue to share the joint legal custody of the two minor children.

///

///

///

///

///

17. This Court may make a determination regarding the custody of a minor child at any time as appears in the child's best interest. NRS 125C.0045. In considering the best interest of the child the Court shall consider the following factors, which are non-exhaustive:

a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
b. Any nomination of a guardian for the child by a parent.
c. Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
d. The level of conflict between the parents.
e. The ability of the parents to cooperate to meet the needs of the child.
f. The mental and physical health of the parents.
g. The physical, developmental and emotional needs of the child.
h. The nature of the relationship of the child with each parent.
i. The ability of the child to maintain a relationship with any sibling.
j. Any history of parental abuse or neglect of the child or a sibling of the child.
k. Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
l. Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

18. The Court finds that the efforts, from November 2018 to April 2020, to reunify the children with Father, have not worked. This case is correctly described as difficult; specifically, the Court has had to issue a culmination of three Court Orders, all of which stressed and made clear, the expectation of the Court was that Father would have the opportunity to reunify which is children with the assistance of therapeutic services. Now, 19 months later, Father is appearing before the Court raising the same issue—his inability to have contact with his children—due to Mother's actions and her unwillingness to ensure that Father is provided a continuing relationship with the children.

19. The court further finds Mother's position in closing interesting given that prior to this hearing Mother has resisted, contested, and deflected reunification between Father and the children and has ignored or disobeyed this Court's prior Orders making excuses each time as to why the reunification did not occur. Now, Mother asserts her desire to have the children reunified and that she did not want the minor children to remember the contention between the parties, as part of their childhood.

20. The Court finds that Mother's testimony is not credible. Mother's testimony was in direct contradistinction to Jeffery Moreno's testimony as regards the termination of services due to Mother's failure to appear and the timing of the "no shows" in conjunction with Father being afforded an opportunity to have contact with the children. It further contradicted the written report prepared by Jeffery Moreno, which was admitted without objection by Mother. After the services terminated, Mother then seeks out and establishes services with new providers, including an unlicensed "therapist" without ever consulting Father.

21. The Court finds, and concludes as a matter of law, that if the children remain in Mother's care, custody and control, their best interest will not be served and Mother will likely never ensure reunification efforts are made available between Father and the children. Mother is not serving the best interest of the children, and her continued action will likely result in maladaptive behavior by the children, as testified to by Jeffery Moreno. Mother disobeyed this Court's "Order" from March 2020, by failing to consult with or notify Father based on the counseling changes. This Court is very concerned that Mother placed the minor children into "therapy" with an unlicensed therapist because it does not satisfy this Court's Order. These constant changes in therapists without Father's consent and the children exhibiting what appears

to be a false traumatic narrative indicates Mother's minimal efforts towards reunification negatively influences the minor children.

22. Furthermore, the Court is concerned that the issues regarding alleged abuse by Father against the children have resurfaced. The allegations of inappropriate conduct by Father against the children were previously litigated, and this Court rejected any findings substantiating Mother's claims. Now, the Court hears, that the children are informing mandatory reporters of detailed, descriptive acts that were not previously disclosed as if they were as casual as "chewing bubblegum." The Court shares Jeffery Moreno's concerns that the children are, or were, coached regarding the narrative reported and that these disclosures are being made as this Court has mandated reunification efforts commence. Mother has prevented any meaningful relationship between Father and the children, even when the burden to ensure therapeutic contact occurred was placed solely on Father.

23. Lastly, the Court finds, and concludes as a matter of law, that Mother is in violation of this Court's no contact Order between her Husband, Justin Calkins, and the minor children. Mother testified that Mr. Calkins would resume living with her and the children upon his release in August 2020, which directly defies the terms of the "Order after May 4, 2017 Emergency Hearing." The Court has previously determined that Mr. Calkins presence around the minor children is not in their best interest, and reiterates that Mr. Calkins has a history of violent crimes including a past domestic violence charge, involving strangulation.

24. Based on the testimony adduced at the hearing and the long history of this case, this Court finds that there exists clear and convincing evidence for modifying custody. Reunification must occur in Humboldt County and not Idaho. This Court finds that if this Court

does not modify the custody of these children immediately, there will be significant maladaptation of the children.

Based upon the foregoing FINDINGS OF FACT and CONCLUSION OF LAW, the Court hereby ORDERS:

1. Father, WAYLON HUBER, is granted the temporary sole physical custody of the two minor children: BRYNLEE and BRYSON HUBER, immediately.

2. Father and Mother, JANEA CALKINS, shall continue to share the joint legal custody of the two minor children. The Court is making this Order with the specific concern that if Mother does not maintain joint legal custody she will not be able to participate in the reunification efforts and therapeutic services the children will receive in Nevada.

3. That the children shall be placed with either the paternal grandmother, Debbie, or the paternal cousin, Tessa James, pending the reunification efforts between Father and the minor children commencing.

4. Mother's visitation shall be supervised and occur via telephone or audio/visual format. Mother shall be entitled to speak to the children at 6:00 p.m. PST/ 7:00 p.m. MST each day; however, the placement for the children and/or Father have the discretion to terminate the contact should Mother discuss this litigation with the children or disparage Father or other family with the children present. Further visitation for Mother shall be recommended, if appropriate, by the therapeutic professionals assisting with reunification.

5. Should Mother relocate to Nevada, as understood in the original MSA, the Court will revisit the terms of visitation and entertain a modification of this Order.

6. Father shall employee the services of Dr. Herbert Coard to assist with the reunification process. Both parties are Ordered to cooperate with Dr. Herbert Coard, and to

provide any and all information necessary to allow Dr. Herbert Coard the ability to complete evaluations, diagnosis, and formulate a treatment and/or reunification plan for the children and parents. The parties shall equally share in the costs of Dr. Herbert Coard's services.

7. Dr, Herbert Coard shall be authorized to release a full and complete copy of any evaluation and/or report concerning the parties and the minor children to the Court, and to counsel for either party, or if not represented the party directly. No party or counsel shall disclose the contents of said evaluation and/or report to any third-person without permission of the Court, or at the recommendation of Dr. Herbert Coard.

8. Mother shall forward to Dr. Herbert Coard all medical records, educational records relating to the children's special needs, and therapeutic records for the minor children, within 15 days of the date of this Order. Mother shall further cooperate to sign any documents to further this purpose, including any HIPAA releases. Mother shall disclose to Dr. Herbert Coard all medical and mental health treatment the children received while in her sole care and custody from 2017 to 2020.

9. The issue of attorney's fees shall be reserved for a later date.

10. Father's child support obligation is stayed commencing July 1st, 2020.

11. The Court further puts the parties on notice of the following general provisions:

A. **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right to custody of a child or any parent having no right of custody to a child who willfully detains, conceals or removes the child from a

parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

B. The State of Nevada, United States of America, is the habitual residence of the minor children. The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

C. That if either party is obligated to pay support, the parties here hereby notified that his/her obligation may subject him/her to the child support enforcement collection provisions contained in Chapters 31A, 125.450(2) and 425 of the Nevada Revised Statutes and 425 of the Nevada Administrative Code.

IT IS SO ORDERED.

DATED this 23rd day of July, 2020.

Hon. Michael Montero
Sixth Judicial District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2020, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the foregoing document, addressed to the following:

Janea Huber Calkins
3033 W. Divide Creek
Meridian, Idaho 83646

X First Class U.S. Mail

_____ Via Fax Transmission

_____ Box in District Court Clerk Office

_____ Box in Justice Court Clerk Office

_____ Hand Delivered

_____ Electronic Delivery: janeacalkins@yahoo.com

Max Stovall

FILED
2021 MAR -8 PM 1:18
E. Dumond
TAMI RAE SPERO
DIST. COURT CLERK

Code: 2350
Name: Janea Calkins
Address: 1465 West Deer Crest H101
Meridian, Idaho 83646
Telephone: 208-780-9705
Email: janeacalkins@yahoo.com
Self-Represented Litigant

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Janea Calkins,
Plaintiff / Petitioner / Joint Petitioner,

vs.

Waylon Huber,
Defendant / Respondent / Joint Petitioner.
/

Case No. CV 20,464

Dept. No. 2

MOTION FOR CHANGE OF CUSTODY OR VISITATION

Type of Motion

Place an "X" in the box(es) that describe what you are requesting from the Court.

1. ☒ A change in custody

☒ A change in the general visitation schedule

☐ Other: _____

//

//

Minor Child(ren)

On the lines below: Provide the information requested regarding each minor child born to, or adopted by, you and your spouse. You **MUST LIST** where the child currently lives, where the child has lived for the **PAST 5 YEARS**, and the name(s) and current address(es) of the person(s) with whom the child lived at each address.

2.

Child's Name: Brynlee Huber		Date of Birth: 05/08/2012	☐ Male ☒ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

Child's Name: Bryson Huber		Date of Birth: 05/08/2012	☒ Male ☐ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

Child's Name:		Date of Birth:	☐ Male ☐ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

If more room is needed, attach additional sheets.

a. Please identify any other court case in which you have participated as a party, witness, or in any other way concerning the custody of or visitation with the minor child(ren) listed above. If there are no other court cases, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Court: _____

Case number: _____ Date of custody determination: _____

b. Please identify any court case that could affect this case, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, guardianships, dependency, and paternity actions. If there are no other court cases, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Court: _____ Type of case: _____

Case number: _____ Date of last order: _____

c. Please identify the name(s) and address(es) of any person(s) not a party to this court case who claim(s) a right to legal custody, physical custody or visitation with the minor child(ren). If this is not applicable, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Name(s) and address(es) of person(s) claiming custody or visitation rights: _____

_____

_____

_____

_____

_____

_____

_____

If more room is needed, attach additional sheets.

Relief Requested and Argument

Describe what you want the Court to order. In detail, tell the Court what you are asking for and why you believe you should be granted your request(s).

3. Since Judge Montero's previous order taking the Children Brynlee and Bryson Huber on July 5, 2020 and placing them with their Father,Waylon, in Winnemucca, NV. I have adhered to all requests by the court to the best of my abilities. I have daily video/phone calls with my Children, when allowed by Waylon and their schedule as well. I feel that Waylon is not allowing the children to express their true feelings and often cuts off communication if they show any signs of "Missing Mom," attempt to say something is bothering them, or display any emotions or feelings." The children have on numerous occasions made comments that are concerning as well, indicating that Waylon is painting their mother as someone BAD. Nor have the children participated in therapy during the reunification with their father and being seperated from their mother, which this sort of process no doubt affects minor children. I've made numerous attempts to communicate with Dr. Coard, whom was appointed by the court to interview the children, myself, & father to make his recommendation to the court to begin the reunification process. With little to no response from Dr. Coard this has created a major delay in reuniting with my children (See Exhibit A.)

I ask the court for a modification in the current Custody and Visitation. That Brynlee and Bryson be allowed to return to Idaho residing with myself, my husband and their younger sibling. I would ask that they attend school year round in Idaho, spending one weekend a month with their father and step-mother. That summers can be split with them spending 4 weeks with their Father in Winnemucca. Holidays be alternated between both homes.

It is my attempt to restructure Brynlee and Bryson with a healthy home life, consisting of both of their parents active and engaged in their upbringing. It is my belief that this is both appropriate and neccassary at this time. I also believe that with proper co-parenting and parental therapy and coaching, Waylon and myself will be able to provide a stable, structured, and healthy environment that is condusive to the childrens health and well-being.

If more room is needed, attach additional sheets.

Section 4:

h. My relationship with Brynlee and Bryson has always been one of love, care, and encouragement. I strive to provide them with an environment where they are able to grow intellectually, spiritually, mentally, and physically. This separation has no doubt placed strain and confusion in this relationship, and without proper therapeutic oversight provided for them throughout the process it has made it very difficult for them to process and speak about it.

Best Interest

Answer each question.

Describe, in detail, why the requested custody and visitation schedule is in the best interest of the child(ren). If you need more room to answer the questions attach additional sheets.

4. The requested custody and visitation schedule is in the best interest of the minor child(ren) for the following reasons:

a. The minor child(ren) ☐ **IS/ARE** –OR– ☒ **IS NOT/ARE NOT** old enough and capable of having a preference in the custody and visitation.

If the minor child(ren) is/are, their age(s) and preference(s) is/are:

_____

b. There ☐ **IS** –OR– ☐ **IS NOT** a nomination of a guardian. If there is, the name(s) of the nominated guardian(s) is/are: _____

_____

c. ☒ **I AM** –OR– ☐ **THE OTHER PARENT** is more likely to allow the minor child(ren) to have frequent contact with and a continuing relationship with the other parent because:

_____

–OR– ☐ **NOT APPLICABLE**

d. The level of conflict between the other parent and me is: improving, and in my belief with the proper guidelines will be cohesive as co-parents.

therefore the proposed custody and visitation schedule is in the best interest of the minor child(ren).

e. ☒ Me and the other parent **ARE** able to cooperate to meet the needs of the minor child(ren).

–OR–

☐ Me and the other parent **ARE NOT** able to cooperate to meet the needs of the minor child(ren) and the proposed custody and visitation schedule is in the best interest of the minor child(ren) because: _____

f. My mental and physical health is: in good order. I am also attending Parent Coaching along with my husband to obtain additional knowledge and tools for effective parenting.

The other parent's mental and physical health is appears to be fine and in good health. I have concerns for the level of derogatory conversations that happen around the children.

g. The minor child(ren) have the following physical, developmental, and emotional needs: Diagnosed with Global Developmental Delay being evaluated by court ordered professional

h. My relationship with the minor child(ren) is: I have always been fully engaged in their lives. Currently speaking w/them daily, or as often as possibly allowed. (see atteched section 4 h).

The other parent's relationship with the minor child(ren) is: Seems to have improved since reunification. However, I speak from a very limited view at this point.

i. This custody and visitation schedule ☒ **WILL** –OR– ☐ **WILL NOT** allow the minor child(ren) to maintain a relationship with siblings.

–OR– ☐ **NOT APPLICABLE**

j. I ☐ **HAVE** –OR– ☒ **DO NOT HAVE** a history of parental abuse or neglect of the minor child(ren) or any sibling of the minor child(ren), or a history of domestic violence against the minor child(ren), the other parent, or any other person who lives with the minor child(ren). If there is a history, the abuse, neglect, or act of domestic violence was:

(Include case number(s), if any and if known) _____

The other parent ☒ **HAS** –OR– ☐ **DOES NOT HAVE** a history of parental abuse or neglect of the minor child(ren) or any sibling of the minor child(ren), or a history of domestic violence against the minor child(ren), myself, or any other person who lives with the minor child(ren).

If there is a history, the abuse, neglect, or act of domestic violence was:

(Include case number(s), if any and if known) _____

k. I ☐ **HAVE** –OR– ☒ **HAVE NOT** committed an act of abduction against the minor child(ren) or any other child.

If there is a history, the act of abduction was: _____

_____

The other parent ☐ **HAS** –OR– ☒ **HAS NOT** committed an act of abduction against the minor child(ren) or any other child.

If there is a history, the act of abduction was: _____

_____

//

//

//

//

//

//

//

//

//

CONTINUED ON NEXT PAGE

//

//

//

//

//

//

//

//

//

5. Motion/Opposition Notice

A.	Mark the CORRECT ANSWER with a **X**.	Yes	No
	1. Has a final decree or custody order been entered in this case? If **yes**, then continue to Question 2. If **no**, you do not need to answer any other questions.		X
	2. Is this a motion or an opposition to a motion filed to change a final order? If **yes**, then continue to Question 3. If **no**, you do not need to answer any other question.		X
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial **and** the motion was filed within 14 days of the Judge's Order?		
	If the answer to Question 4 is **yes**, write in the **filing date** found on the front page of the Judge's Order.	**Date**	
B.	If you answered **NO** to either Question 1 or 2, or **YES** to Question 3 or 4, you are exempt from a filing fee. However, if the Court later determines you should have paid the filing fee, your motion will not be decided until the fee is paid.		

This document does not contain the personal information of any person as defined by NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing statements are true and correct.

Date: March, 3rd, 2021 Your Signature: [signature]

Print Your Name: Janea Calkins

When to File: If you do not file an opposition/response to this request with the Court within fourteen (14) days, beginning the day after service upon you, the person who filed this request may submit it to the Court for decision. **Please note: parties who are served by U.S. Mail have three (3) additional days, a total of seventeen (17) days, to file an opposition/response.**

EXHIBIT A

EXHIBIT A

E-Mails

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Bcc:Kathy Brumm
Tue, Feb 23 at 5:54 PM

Hello Dr. Coard,

I have been attempting to reach you via text, phone call, and email since our last phone call on January 19, 2021. Could you please inform me of the best method of contact for you?

I would like to follow up per our conversation on the 19th of January. You had stated that you would file your recommendations and documentation to the courts, myself, and to Waylon's attorney; Massy Mayo the beginning of the following week, being January 25th.

I feel left in the dark throughout this process. I know that there was some confusion about payments when speaking on our last phone call, and I have been attempting to follow up with you concerning this matter, amongst the reconciliation with my children through several methods of communications, including letters and certified mail to the address provided to me, only to find out that the address provided is now vacant. I would like to mention that there was no communication, response, or update between August 2020 and January 2021. It has been 8 months since July 25, 2020 when I last saw my children. I have been an active and engaged mother for 8 years and miss them immensely. In August during our assessment, you had assured me that at least visitation would be in affect no later than November 2020. To my knowledge, according to the most recent court order, this is the portion of the process that needs to be completed to begin that process.

Please let me know if there is anything that I can do to ensure that we move forward. I look forward to hearing from you.

Kind regards,

Janea' Calkins
C: 208.780.905
janeacalkins@yahoo.com

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Tue, Feb 16 at 4:03 PM
hi Dr. Coard! I left you another voicemail & text message; I'm trying to reach out and find out where we're at in the process & if there is anything else that you need from me. I mentioned in the voicemail that it has been over seven months since I've seen my kids, I am very eager to see them and start visitation. I am very hopeful that I will hear from you soon!

Sincerely,

Janea' Calkins
208.780.9705

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Thu, Feb 11 at 2:22 PM
Good Afternoon Dr. Coard. I've been trying to reach you to get an update on the report you said was going to be filed. Have you been receiving my emails, calls, or text messages? I also wanted to address any questions there might be regarding payment.

I really look forward to speaking with you

Janea' Calkins
208.780.9705

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Wed, Feb 10 at 2:37 PM
Good Afternoon Dr. Coard. I've been trying to reach you to get an update on the report you said was going to be filed. Have you been receiving my emails, calls, or text messages? I also wanted to address any questions there might be regarding payment.

I really look forward to speaking with you

Janea' Calkins
208.780.9705

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Fri, Feb 5 at 4:18 PM
Hello Dr. Coard,
I am sending another email to follow up per our conversation a few weeks ago. I sent an e-mail a week and a half ago, did you receive it? You mentioned you were submitting your report and/or

recommendations to the courts the week of January 25th; I was hoping that you could provide me an update.
Also, it sounds as if there is some confusion regarding any remaining balance; is there a balance or is everything current?
I'm very eager to see my kids. I miss them very much.

I look forward to hearing from you,

Janea' Calkins
208.780.9705

Janea Huber <janeacalkins@yahoo.com>
To:Herbert Coard
Mon, Jan 25 at 3:05 PM
Dr. Coard,

I am just following up per our conversation last week. You mentioned you were submitting your report and/or recommendations to the courts this week; I was hoping that you could provide me an update.
I have not seen my kids in 7 months other than via FaceTime. I am looking forward to the next step in this process.

Sincerely,

Janea' Calkins
C: 208.780.905
janeacalkins@yahoo.com

Janea Calkins <janeacalkins18@gmail.com>
To:Herbert Coard
Bcc:Janeacalkins@yahoo.com
Sat, Nov 14, 2020 at 4:52 PM
Hello Dr. Coard,

I haven't heard back from you for quite awhile. I would like to follow up with you regarding your evaluations & diagnosis for Brynlee and Bryson.
Have you formulated a treatment and/or reunification plan for Brynlee, Bryson, and myself?

I look forward to hearing from you!

--

Janea' Calkins
208.780.9705
janeacalkins18@gmail.com

Phone Calls

09/14/2020
01/02/2021
01/20/2021
02/04/2021
02/05/2021
02/10/2021
02/11/2021
02/16/2021

Text Messages

Wed, Feb 10, 2:35 PM
Good afternoon Dr. Coard. I've been trying to reach you to get an update on the report you said was going to be filed. I also wanted to address any questions there might be regarding payments.

Thu, Feb 11, 2:14 PM
Good Afternoon Dr. Coard. I've been trying to reach you to get an update on the report you said was going to be filed. I also wanted to address any questions there might be regarding payments.

Tue, Feb 16, 3:59 PM
Hi Dr. Coard! I left you another voicemail just trying to reach out and find out where were at in the process and if there is anything else that you need from me. I mentioned in the voicemail that it has been over seven months since I've seen my kids so I am very eager to see them and start visitation. I am very hopeful that I will hear from you soon

Fri, Feb 19, 2:36 PM
Dr. Coard this is Janea Calkins I'm reaching out again. I'd really like a call back. Like I've mentioned before I'd like to speak with you directly and be sure you are not needing anything else from me.

Code: 2350
Name: Janea Calkins
Address: 1465 West Deer Crest H101
Meridian, Idaho 83646
Telephone: 208-780-9705
Email: janeacalkins@yahoo.com
Self-Represented Litigant

FILED
2021 APR 12 PM 2:29
KAREN RAE SPERO
DIST. COURT CLERK
C. Smock

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Janea Calkins,
Plaintiff / Petitioner / Joint Petitioner,

vs.

Waylon Huber,
Defendant / Respondent / Joint Petitioner.
/

Case No. CV 20,464

Dept. No. 2

MOTION FOR CHANGE OF CUSTODY OR VISITATION

Type of Motion

Place an "X" in the box(es) that describe what you are requesting from the Court.

1. ☒ A change in custody

☒ A change in the general visitation schedule

☐ Other: _____

//

//

Minor Child(ren)

On the lines below: Provide the information requested regarding each minor child born to, or adopted by, you and your spouse. You **MUST LIST** where the child currently lives, where the child has lived for the **PAST 5 YEARS**, and the name(s) and current address(es) of the person(s) with whom the child lived at each address.

2.

Child's Name: Brynlee Huber		Date of Birth: 05/08/2012	☐ Male ☒ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

Child's Name: Bryson Huber		Date of Birth: 05/08/2012	☒ Male ☐ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

Child's Name:		Date of Birth:	☐ Male ☐ Female
Date Child Moved Here	Child's Address (Street Address, City, State)	Person(s) With Whom Child Lived (Name and Current Address)	Relationship To Child

If more room is needed, attach additional sheets.

A1026

a. Please identify any other court case in which you have participated as a party, witness, or in any other way concerning the custody of or visitation with the minor child(ren) listed above. If there are no other court cases, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Court: _____

Case number: _____ Date of custody determination: _____

b. Please identify any court case that could affect this case, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, guardianships, dependency, and paternity actions. If there are no other court cases, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Court: _____ Type of case: _____

Case number: _____ Date of last order: _____

c. Please identify the name(s) and address(es) of any person(s) not a party to this court case who claim(s) a right to legal custody, physical custody or visitation with the minor child(ren). If this is not applicable, please check this box ☒.

Name(s) of minor child(ren) involved: _____

Name(s) and address(es) of person(s) claiming custody or visitation rights: _____

_____

_____

_____

_____

_____

_____

_____

If more room is needed, attach additional sheets.

A1027

Relief Requested and Argument

Describe what you want the Court to order. In detail, tell the Court what you are asking for and why you believe you should be granted your request(s).

3. Since Judge Montero's previous order taking the Children Brynlee and Bryson Huber on July 5, 2020 and placing them with their Father,Waylon, in Winnemucca, NV. I have adhered to all requests by the court to the best of my abilities. I have daily video/phone calls with my Children, when allowed by Waylon and their schedule as well. I feel that Waylon is not allowing the children to express their true feelings and often cuts off communication if they show any signs of "Missing Mom," Attempts to say something is bothering them, or any emotional feelings." The children have on numerous occasions made comments that are concerning as well, indicating that Waylon is painting their mother as someone BAD.

I've made numerous attempts to communicate with Dr. Coard, whom was appointed by the court to interview the children, myself, & father to make his recommendation to the court to begin the reunification process. With little to no response from Dr. Coard has created major delay in reuniting with my children. (attached is a log of all attempts to reach Dr Coard.)

I ask the court for a modification in the current Custody and Visitation. That Brynlee and Bryson be allowed to return to Idaho residing with myself, Husband and their younger Sibling. I would ask that they attend school year round in Idaho. That summers can be split with them spending 4 weeks with their Father in Winnemucca. One weekend a month with with their father and step mother. Holidays be alternated between both homes.
I have been portrayed that I am unwilling in the past to work with Waylon but with this offer of Splitting time I hope that it can be seen by all as good faith in creating a healthy and stable home pattern for the children. I would like to work with Waylon in choosing a professional to assist in maintaining healthy relationships with their Father and myself .

If more room is needed, attach additional sheets.

Best Interest

Answer each question.

Describe, in detail, why the requested custody and visitation schedule is in the best interest of the child(ren). If you need more room to answer the questions attach additional sheets.

4. The requested custody and visitation schedule is in the best interest of the minor child(ren) for the following reasons:

a. The minor child(ren) ☐ **IS/ARE** **–OR–** ☒ **IS NOT/ARE NOT** old enough and capable of having a preference in the custody and visitation.

If the minor child(ren) is/are, their age(s) and preference(s) is/are:

_____

b. There ☐ **IS** **–OR–** ☐ **IS NOT** a nomination of a guardian. If there is, the name(s) of the nominated guardian(s) is/are: _____

_____

c. ☒ **I AM** **–OR–** ☐ **THE OTHER PARENT** is more likely to allow the minor child(ren) to have frequent contact with and a continuing relationship with the other parent because:

_____

–OR– ☐ **NOT APPLICABLE**

d. The level of conflict between the other parent and me is: _____

_____

therefore the proposed custody and visitation schedule is in the best interest of the minor child(ren).

e. ☐ Me and the other parent **ARE** able to cooperate to meet the needs of the minor child(ren).

–OR–

☐ Me and the other parent **ARE NOT** able to cooperate to meet the needs of the minor child(ren) and the proposed custody and visitation schedule is in the best interest of the minor child(ren) because: _____

A1029

f. My mental and physical health is: in good order. I am regularly seeing a Therapist.

The other parent's mental and physical health is appears to be fine and in good health. I do have concern for the image he portrays of me to our children.

g. The minor child(ren) have the following physical, developmental, and emotional needs: Diagnosed with Global Developmental Delay being evaluated by court ordered professional

h. My relationship with the minor child(ren) is: I am the mother, I speak daily as much allowed per prior order. But being held back due to Physciatrist requested not completing steps.

The other parent's relationship with the minor child(ren) is: He is the Father. Seems good relationship currently but from limited point of view.

i. This custody and visitation schedule ☒ **WILL** –OR– ☐ **WILL NOT** allow the minor child(ren) to maintain a relationship with siblings.

–OR– ☐ **NOT APPLICABLE**

j. I ☐ **HAVE** –OR– ☒ **DO NOT HAVE** a history of parental abuse or neglect of the minor child(ren) or any sibling of the minor child(ren), or a history of domestic violence against the minor child(ren), the other parent, or any other person who lives with the minor child(ren). If there is a history, the abuse, neglect, or act of domestic violence was:

(Include case number(s), if any and if known) _____

The other parent ☒ **HAS** –OR– ☐ **DOES NOT HAVE** a history of parental abuse or neglect of the minor child(ren) or any sibling of the minor child(ren), or a history of domestic violence against the minor child(ren), myself, or any other person who lives with the minor child(ren).

If there is a history, the abuse, neglect, or act of domestic violence was:

(Include case number(s), if any and if known) _____

A1030

k. I ☐ **HAVE** –OR– ☒ **HAVE NOT** committed an act of abduction against the minor child(ren) or any other child.

If there is a history, the act of abduction was: _____

_____

The other parent ☐ **HAS** –OR– ☒ **HAS NOT** committed an act of abduction against the minor child(ren) or any other child.

If there is a history, the act of abduction was: _____

_____

//

//

//

//

//

//

//

//

//

CONTINUED ON NEXT PAGE

//

//

//

//

//

//

//

//

//

//

//

5. Motion/Opposition Notice

A.	Mark the CORRECT ANSWER with a X.	Yes	No
	1. Has a final decree or custody order been entered in this case? If **yes**, then continue to Question 2. If **no**, you do not need to answer any other questions.		X
	2. Is this a motion or an opposition to a motion filed to change a final order? If **yes**, then continue to Question 3. If **no**, you do not need to answer any other question.		
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial **and** the motion was filed within 14 days of the Judge's Order?		
	If the answer to Question 4 is **yes**, write in the **filing date** found on the front page of the Judge's Order.	**Date**	
B.	If you answered **NO** to either Question 1 or 2, or **YES** to Question 3 or 4, you are exempt from a filing fee. However, if the Court later determines you should have paid the filing fee, your motion will not be decided until the fee is paid.		

This document does not contain the personal information of any person as defined by NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing statements are true and correct.

Date: 03/08/21 Your Signature: [signature]

Print Your Name: Janea Calkins

When to File: If you do not file an opposition/response to this request with the Court within fourteen (14) days, beginning the day after service upon you, the person who filed this request may submit it to the Court for decision. **Please note: parties who are served by U.S. Mail have three (3) additional days, a total of seventeen (17) days, to file an opposition/response.**

A1032

Code: 3720
Name: Janea Calkins
Address: 1465 W Deer Crest St. H101
Meridian, ID 83646
Telephone: 208.780.9705
Email: janeacalkins@yahoo.com
Self-Represented Litigant

FILED
2021 APR 12 PM 2:30
JEFFREY SPERO
DIST. COURT CLERK
C. Smoot

IN THE FAMILY DIVISION
OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

Waylon Huber,
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV 20,464

vs.

Dept. No. 4

Janea Calkins,
Defendant / Respondent / Joint Petitioner.
/

PROOF OF SERVICE

I served a true and correct copy of Motion for Change of Custody or Visitation
(Name of document(s) served)
upon the following people:

1. Name: Massy Mayo Date: 03/30/2021

By: ☐ Service by eFlex ☐ Personal Service

☒ Certified mail, return receipt attached ☐ U.S. Mail, postage prepaid

☐ Other:

Address where service occurred, if applicable:

If more room is needed, attach additional sheets.

A copy of this Proof of Service has been electronically served, mailed, or personally delivered to all parties or their lawyer.

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date: 03/30/21 Your Signature: Janea Calkins

Print Your Name: Janea Calkins

Code: 3860
Name: Janea Calkins
Address: 1465 W Deer Crest St. H101
Meridian, ID 83646
Telephone: 208.780.9705
Email: janeacalkins@yahoo.com
Self-Represented Litigant

FILED

2021 APR 12 PM 2:30

JACQUIE SPERO
DIST. COURT CLERK

C. Smoot

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,
Plaintiff / Petitioner / Joint Petitioner,

vs.

JANEA CALKINS,
Defendant / Respondent / Joint Petitioner.

/

Case No. CV 20,464

Dept. No. 4

REQUEST FOR SUBMISSION

I request that the Motion for Change of Custody or Visitation filed on (*date the document was filed with the Court*) MARCH 8, 2021 be submitted to the Court for decision.

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date: 03/30/2021

Your Signature: Janea Calkins

Print Your Name: Janea Calkins

A1034

CASE NO. CV 0020464

DEPT. NO. II

FILED

2021 APR 22 AM 8:32

E. Dumond

TAMI RAE SPERO

DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

JANEA CALKINS,

Defendant.

/

ORDER REGARDING IMPROPER SERVICE

Before this Court is Defendant, Janea Calkins, in proper person, and her *Motion for Change of Custody or Visitation* filed on March 8, 2021. Ms. Calkins filed said motion again with Proof of Service on April 12, 2021. This matter was then submitted to the Court.

Upon review of the documents and filings herein, it appears to the Court that Ms. Calkins has yet to properly serve Plaintiff, Waylon Huber, and his counsel of record, Massey Mayo, Esq. and Dolan Law, LLC, with her instant motion.

Although Ms. Calkins filed Proof of Service stating that she served Mr. Huber's counsel via certified mail, no return receipt was attached to said service, nor was a mailing address provided where said service occurred. Mr. Huber has also failed to file a response to

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

Ms. Calkins' motion within the time allotted by DCR 13(3).

Based on the foregoing, the Court is concerned that Mr. Huber and his counsel remain unnoticed of this instant motion. Furthermore, a response would assist the Court in determining whether to set a hearing in this matter or to render a decision on the merits.

Consequently, absent proper service pursuant to NRCP 5, this matter is not properly before the Court. Once proof of service is filed and Mr. Huber has been given a chance to file a written opposition pursuant DCR 13(3), Ms. Calkins may file a reply and/or either party may resubmit this matter to the Court accordingly.

IT IS SO ORDERED.

DATED: April 22, 2021.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on April 22, 2021, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Janea Calkins
1465 W. Deer Crest Street H101
Meridian, ID 83646
Via US Mail

Massey Mayo, Esq.
Dolan Law, LLC
545 Hanson Street
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Taylor Stokes

TAYLOR M. STOKES
LAW CLERK

Case No. CV 20,464

Dept. No. 2

FILED

2021 MAY -3 PM 3:41

E. Dumond

TAMI RAE SPERO

DIST. COURT CLERK

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANAE CALKINS

Defendant.

/

OPPOSITION TO MOTHER'S MOTION TO CHANGE CUSTODY and CROSS MOTION FOR PERMANENT CUSTODY ORDER

COMES NOW, the Plaintiff, WAYLON HUBER, (hereinafter, "Father") above-named, by and through his attorney, DOLAN LAW, LLC and MASSEY K. MAYO, ESQ., and hereby Opposes the Defendant. JANAE CALKINS, "Motion for Change of Custody or Visitation" filed herein on April 12, 2021 and cross-moves this Court for an Order granting Father the sole legal and sole physical custody of the two minor children.

This Opposition and Cross-Motion is based upon the Points and Authorities, pleadings and papers herein, and any argument to be heard hereon.

DATED this 3rd day of May, 2021.

Massey K. Mayo

DOLAN LAW, LLC.
By: Massey K. Mayo, Esq.
Nevada Bar # 11201
Attorney for Waylon Huber

INTRODUCTION

On July 24, 2020 this Court entered an Order granting Father temporary sole physical custody of the two minor children: BRYNLEE and BRYSON HUBER, born May 8, 2012, age 8, due to Mother's unwillingness to ensure that Father had a relationship with his children, after several Court Orders were entered to rebuild Father and the children's connection. The Court further found that Mother's behaviors would likely result in "maladaptive behavior by the children" as testified to by Jeffery Moreno, LCSW. The Court granted Mother supervised, audio/telephonic visitation with the children and Ordered the parties to cooperate with Dr. Herbert Coard, Ed. D., Psychologist to obtain evaluations of the parties and the children to formulate a reunification plan and determine visitation and contact for Mother. The parties were to share the costs of Dr. Coard. Upon information and belief, Mother has not cooperated, to the fullest extent possible, with Dr. Coard and has not paid her portion of said services, resulting in little to no progress for Mother. The children deserve a permanent Order and Father is requesting that he be granted the sole legal and sole physical custody of the two children.

STATEMENT OF FACTS

1. Since Father has had the sole physical care of the children, he has ensured the following needs of the children were met:

A. **Continuing Relationship with Mother**: Father has ensured that the children consistently call Mother. Father has allowed flexibility on the phone call times, due to Mother's work schedule, and even ensured the kids called while he had the kids on vacation in Puerto Rico. The only time that Father has terminated a phone call is due to Mother's behavior

involving her husband, Justin Calkins. There is a no contact order for the children with Justin Calkins, and on occasion Mother had Justin appear on the facetime call with the children.

Additionally, Father has sent Mother report cards, pictures, certificates, awards, and information on any special events the kids have going on in Nevada. He informs her of information from medical doctors and the dentist, as well.

Father does not disparage Mother, or make the children think that Mother is "BAD."

B. **Education**: The children were evaluated for special education services when they enrolled in school at Sonoma Heights Elementary School and an Individual Education Program (IEP) was developed for both children. Attached hereto as "Exhibit A" is a Status Letter, dated April 21, 2021, authored by Paul O. Lords, Ph.D., the Humboldt County School District, School Psychologist.

Dr. Lords indicates that, *inter alia*, both children have increased their standard scores in excess of the average rate of students. Brynlee has grown 13 points in math and 9 points in reading from September 28, 2020 to January 14, 2021. Bryson has grown 24 points in math and 8 points in reading, from September 28, 2020 to January 14, 2021. The children have good attendance and self-report within the normal limits for their social-emotional learning.

When the children were in Mother's care, Brynlee was labeled with severe ADHD and was on social security disability and Bryson was labeled with autism and on social security disability. Mother received income in the form of disability payments from the federal government, totaling $82,798 from 2016 to December 2020. The children reported to Father that Mother informed the kids how to "act out" when they were attending a doctor's appointment and that Mother would interview the children prior to appointments and include their step-brother (who is age 14) by having him pretend to be the doctor. The children have reported to Father

that when they went to therapy, that Mother would go over and over certain narratives to ensure they would report details about Father's alleged sexual misconduct.

When the children first came to Father, they were consumed with talking about sexually explicit acts, which were disturbing to say the least. Now, they do not speak about sex or sexual activity and they have adjusted to being children who live in a secure home.

C. **Behavior**: Unfortunately, the children believed the narrative that Mother created. When Father took custody, Bryson identified as Autistic and normalized behavior like screaming, temper tantrums, covering his ears, and being scared of the dark. He would refuse to do certain things (i.e. go across the monkey bars) because he said he was "autistic" and was paralyzed by fear of life.

For Brynlee, she believed that she was subject to mood disorders and that she required prescription medicine to stabilize her emotions. She was wearing prescription glasses, that she did not need. She reported that she suffered from being lactose intolerant, acid reflux, and severe kidney disease and she was focused on talking about her various illness, including with other children which made her stand out in social interactions.

The children were underweight and did not use a fork or spoon. They could not pour a glass of milk or tie their own shoes. They were not taught basic independent skills for their age.

Dr. Coard was able to assess the children, with input from both Father and Mother. He determined that Bryson does not meet the diagnostic criteria for Autism Spectrum Disorder, but show behaviors that would support a diagnosis of ADHD. As for Brynlee, Dr. Coard ruled out a diagnosis of ADHD and determined that a prior diagnosis of "global developmental delay" was inappropriate and inaccurate.

Father reports that over the past nine months, Bryson has adjusted, and he is no longer self-identifying as autistic. All the prior activities he feared doing, he has conquered. He is responsible for completely chores at home, doing his homework, and taking care of the household pets. Brynlee no longer talks about her illness or feeling depressed. She does not wear glasses.

Bryson is loving and learns quickly. He rides his skateboard and participates on the Winnemucca Whitewater swim team. He makes friends easily and has a positive attitude at home. Brynlee loves ice cream, avocados, singing and making dance videos. She participates on the swim team and also takes dance classes. They are both good older siblings to their step-sister.

D. **Medical Appointments**: Both Bryson and Brynlee had a well-child check up in August 2020. They were underweight but overall healthy. They return for a yearly check up in August 2021.

E. **Other Needs**: The children have bonded with their grandparents and extended family and enjoy BBQs, holiday events, and birthday parties. They reach out to their Mother's side of the family and keep in contact with uncles, grandparents and cousins in Idaho. They are bonded with their step-siblings and have developed friendships with children in their community. They attend the Boys and Girls Club after school and during the summer.

The children have realized that they are healthy kids, and never did suffer from the various diagnosis imposed on them by Mother. On occasion, they have tried to confront Mother about why she told them things that were not true, but Mother shifts the blame and will not acknowledge what she did while parenting the kids. She often says she was "protecting" the children.

2. Mother continues to live with her Husband, Justin Calkins, who was recently let out of prison. What Mother's motives were in misrepresenting the health of her children, is unknown. However, Father suspects that Mother was, in part, financially motivated to keep the children on Social Security Disability income as she received approximately $1500 per month for the children, plus her child support.

3. Mother's Motion is devoid of any facts that would warrant a modification of the current custodial Order. The children are doing well and are healthy, happy, and adjusted to life with Father in Winnemucca. Mother clearly has no desire to return to Winnemucca, and she has a documented history of selfishly manipulating her children giving no consideration to their best interest. Should the Court return the children to Mother's care, even for limited visitation, she will put their safety and well-being in substantial risk.

POINTS AND AUTHORITIES

I. Standard of Review: Best Interest of the Children

4. Under NRS 125C. 0045(1) the court may at any time during the minority of the child make such an order for the custody, care, education, maintenance and support of the minor children in their best interest or modify an order of custody.

5. The best interest of the child is the controlling factor in child custody cases, and maintaining frequent associations and a continuing relationship with both parents after their parents have become separated or have dissolved their marriage is Nevada's declared public policy and to encourage such parents to share the rights and responsibilities of child rearing. (See, Davis v. Ewalefo, 352 P.3d 1139, 1144; 131 Nev. Adv. Rep. 45 (2015); Bluestein v. Bluestein, 345 P.3d 1044, 131 Nev. Adv. Rep. 14 (2015), former, NRS 125.480(1); 125.460(1)). However, this policy presumes that both parents are fit and prioritize the health, safety and

welfare of their child over all else. See generally, Troxel v. Granville, 530 U.S. 57, 68, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000).

6. NRS 125C.0035(3) states that in determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody.
> (b) Any nomination by a parent or a guardian for the child.
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
> (d) The level of conflict between the parents.
> (e) The ability of the parents to cooperate to meet the needs of the child.
> (f) The mental and physical health of the parents.
> (g) The physical, developmental and emotional needs of the child.
> (h) The nature of the relationship of the child with each parent.
> (i) The ability of the child to maintain a relationship with any sibling.
> (j) Any history of parental abuse or neglect of the child or a sibling of the child.
> (k) Whether either parent or any other person seeking custody has engaged in any act of domestic violence against the child, a parent of the child or any other person residing with the child.
> (l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child.

II. Father Opposes Mother's Request to Modify the Custody of the Minor Children and Return them to Idaho, Subject to Rights for Visitation by Father.

7. Mother fails to provide sufficient evidence to support that a modification of the current custodial order is in the best interest of the minor children. Mother has a documented history of NOT prioritizing the health, safety and welfare of her children over all else. Mother has manipulated and misled her children and caused detrimental, but reparable, harm to her children. Mother's Motion fails to cite one piece of evidence as to why a return to Idaho and her care would benefit the kids.

8. With this Court Mother defied no less than three Orders granting Father an opportunity to reunify with his children. Mother takes no accountability for the circumstances

which she created, and even now, is blaming Dr. Coard as the person who is delaying her having the children returned. Mother states that she wants Father to have the children one weekend per month, alternating holidays, and share the summer; and by offering this schedule the Court should accept that she is willing to work with Father and ensure he has contact.

9. Mother's overtures mean nothing. Mother defrauded the system and received almost $100,000 on behalf of her children due to false diagnosis. Mother is not a credible person and she is not a safe parent. For three years she kept Father alienated from his children. She shopped therapist and doctors, using her children like puppets with strings controlled by her manipulation and false narratives.

10. The children have worked hard over the past nine months to normalize life with Father. Mother has not taken into consideration that the children are thriving and well-adjusted in Nevada. Father supports Mother as a parent, but he is sincerely concerned about any unsupervised contact that Mother would have with the children going forward. Mother's influence on the children is not healthy and Mother appears to have zero insight about why her choices have harmed the children. Mother is not a fit parent. Mother's request to modify should be denied.

III. The Best Interest of the Children Will be Served by Father Having Sole Legal and Sole Physical Custody of the Minor Children Subject to Supervised Contact with Mother.

11. At the July 2020 hearing, the Court granted Mother continued legal rights to the children; however, Mother is not a fit parent to retain the power to make significant decisions for her children's best interest. Father has learned that Mother has defrauded the system, and used the children as pawns, to obtain social security. The children came into Father's care with maladaptive behaviors, resulting from Mother's false narratives about ailments and diagnosis the

children never suffered under. Mother should be devested of her right to make legal decisions on her children's behalf immediately. Allowing Mother any access will place the children's over all health and safety at continued risk.

12. Furthermore, Father seeks for the current custodial Order to be made permanent as it serves the best interest of the children. The children are doing well in school, they are engaged in extra curricular activities, all of their health needs are met, and they are bonded with family and friends. Father ensures that Mother receives information regarding the children, that the children speak to Mother on a continuous basis, and that the children remain in touch with Mother's family.

13. Dr. Coard's evaluation of the parties remains outstanding. Upon information and belief, Mother has not paid Dr. Coard for her portion of the services performed under the terms of the Order. The status of Mother's mental health should be evaluated by this Court, and Mother's statements that she attends therapy on a regular basis are not sufficient to ameliorate the concerns of her diminished parenting skills. Mother has a documented history of lying to professionals to seek gains for her own benefit. Unless Mother provides a full release of information, the therapy progress should be given little weight by the Court.

14. Father loves his children. Father will continue to meet the needs of his children and provide a safe and loving home for the twins. Father respects that Mother is a parent of the children, but he has serious concerns regarding her ability to properly parent the children given the serious impact her past decisions had on the children's welfare. Father is requesting this Court award him primary physical custody of the minor child subject to supervised telephonic/video contact by Mother.

15. Lastly, should this Court find that Father has properly Opposed Mother's Motion he requests an award of attorney fees and costs for having to defend against Mother's request to modify custody. Father was forced to retain an attorney to protect his rights as a parent to his children, having been alienated for three years, and now Father is incurring fees to defend against Mother's efforts to modify the custodial Order and return the children to her care despite demonstrating a change of circumstance that would warrant a modification in her favor.

WHEREFORE, the undersigned counsel respectfully prays that Mother's Motion for Modification of Custody be Denied in its entirety and that Father's Cross-Motion to Modify the Custody to award him Sole Legal and Primary Physical Custody be Granted, and award of attorney fees and costs, and for such other and further relief as may be just and proper.

DATED this 3rd day of May, 2021.

Massey K Mayo

DOLAN LAW LLC
By: Massey K. Mayo, Esq.
Nevada Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Attorney for Waylon Huber

DECLARATION IN SUPPORT OF OPPOSITION TO MOTION FOR MODIFICATION OF CUSTODY AND CROSS-MOTION FOR CUSTODY

STATE OF NEVADA)
:ss
COUNTY OF HUMBOLDT)

COMES NOW, Waylon Huber, declares, under the pains and penalty of perjury, under the laws of the State of Nevada, and pursuant to NRS 53.045 truthfully states the following:

1. That this Declaration is based upon my personal knowledge and is made as if stated under the penalties of perjury. That this Declaration is filed in support of Declarant's Opposition to Plaintiff, Janea Calkin's (hereinafter, "Mother") Motion to Modify Custody and Declarant's Cross-Motion to Modify Child Custody and Visitation.

2. Your Declarant is the Father of BRYNLEE and BRYSON HUBER, age 8, born May 8, 2012. That the children have been in my sole care since July 2020 pursuant to this Court's *Order Modifying Temporary Custody of Two Minor Children and Other Related Matters*, dated July 24, 2020.

3. Your Declarant has ensured that Mother has had regular and frequent contact with the minor children per the terms of the Order, as set forth more fully in my pleading. I encourage the children to have a relationship with Mother, and do not disparage Mother's character or nature in front of the children. Over the course of the past nine months, I have terminated a few phone calls because Mother will allow Justin Calkins, her Husband, to participate and there is a "No Contact" order between Mr. Calkins and the children.

4. Your Declarant has met the educational needs of the children by having them evaluated for their Individualized Education Plans, incorporating Dr. Coards's initial assessments of the children. Both children have excelled and grown in school.

5. When the children were in Mother's care, Brynlee was labeled with severe ADHD and was on social security disability and Bryson was labeled with autism and on social security disability. Your Declarant learned that Mother received income in the form of disability payments from the federal government, totaling $82,798 from 2016 to December 2020.

6. Furthermore, when the children came into my care they were were consumed with talking about sexually explicit acts, which were disturbing to say the least. Now, they do not speak about sex or sexual activity and they have adjusted to being children who live in a secure home.

7. The children have reported that Mother would interview them before any doctor or therapy appointment and ensure that they made certain statements, or acted in a specific way, when in the appointment.

8. My children believed that they suffered from several illnesses, both physically and mentally. My son, Bryson, identified as autistic and he lived a life of fear from doing certain things because he was "autistic." My daughter, Brynlee, identified as having several physical illnesses and suffering from ADHD and depression. They have since learned that they do not have any diagnosis warranting concern about living a normal, health childhood.

9. When the children came into my care they were underweight. Brynlee wore prescription glasses, which were determined to be unnecessary at her subsequent eye exam.

10. While in my home, the children have grown and adjusted to a more positive outlook on life. Bryson is loving and learns quickly. He rides his skateboard and participates on the Winnemucca Whitewater swim team. He makes friends easily and has a positive attitude at home. Brynlee loves ice cream, avocados, singing and making dance videos. She participates on the swim team and also takes dance classes. They are both good older siblings to their step-sister.

The children have bonded with their grandparents and extended family and enjoy BBQs, holiday events, and birthday parties. They reach out to their Mother's side of the family and keep in contact with uncles, grandparents and cousins in Idaho. They are bonded with their step-siblings and have developed friendships with children in their community. They attend the Boys and Girls Club after school and during the summer.

11. My children have come very far and returning them to Mother's care would damage their well-being. Mother is not well-adjusted herself and has used our children to gain a financial benefit based upon a fraud. Mother has told my children lies and told them to tell the lies to professionals. I fear for my children if they are left unattended with Mother and believe that she is a high flight risk with the children.

12. I am requesting that this Court enter a permanent Order granting me the sole ability to make legal decisions on behalf of the children and primary custody over the children with continued supervised telephonic/visual visitation with Mother. Mother is a dangerous person to the children and is not fit to parent the children.

15. I declare that all the factual allegations contained in this Opposition and Cross Motion are true and correct and that those stated on information and belief, your declarant believes to be true. I have knowledge of and am competent to testify to the matters stated herein, except to those matters stated on information and belief, and as to those matters, I believe them to be true.

DATED this 3rd day of May, 2021.

WAYLON HUBER

EXHIBIT A

EXHIBIT A

Humboldt County School District
Special Education Department
310 E. Fourth St
Winnemucca, NV 89445
(775) 623-8128, plords@hcsdnv.com

Status Letter

April 21, 2021

To Whom It May Concern:

Mr. Waylon Huber has requested that I complete a letter indicating the educational progress and current status of Brynlee and Bryson Huber. Brynlee and Bryson are both enrolled in the third grade at Sonoma Heights Elementary School in Winnemucca, NV. Both children were evaluated for special education services as they came to Nevada with an Individual Education Program (IEP) from Idaho. After the comprehensive evaluation, strengths and weaknesses were identified and an IEP was created for both children, individually. It is noted that academic deficits were identified and targeted within the IEP.

Over the course of the school year, Brynlee and Bryson have participated in Measurement of Academic Progress (MAP) assessments as part of the district-wide testing. Both students have made progress in their standard score (i.e., RIT). Brynlee has grown 13 points in math and 9 points in reading from 9/28/2020 to 1/14/2021. Bryson has grown 24 points in math and 8 points in reading during the same time period. RIT scores typically see 8 and 7 point growth from Fall to Winter of a school year in math and reading, respectively. The growth for both students in reading and math is above what is expected. Both students have had good attendance, both at 90% for the school year and 100% attendance over the past 20 school days.

When considering social-emotional learning (SEL), both Bryson and Brynlee rated themselves within normal limits on the School Climate Survey (administered to all students in March 2021). The areas measured included: Social Awareness, Self-Management, Self-Efficacy, Grit, and Growth Mindset. This indicates that both children have positive self-concept and pro-social skills.

During the course of the school year, I have been able to informally observe these children within the school environment, neighborhood environment, as well as family activities via vacation photos. Bryson and Brynlee present as happy children who are engaged in their environment. Since schools opened full-time on March 8, 2021, opportunities to build relationships at school have increased. It is my professional opinion that their current school and living arrangements have had a positive impact on their development. The growth academically and positive impressions around socio-emotional development indicate that their current placement has been positive.

Mr. and Mrs. Huber have been involved in these children's education and community activities. This engagement, as with any parent engagement, has been shown to have a positive impact on the children's success in school.

If there are any questions, please feel free to contact me at the phone number or email above.

Paul O. Lords, Ph.D.--School Psychologist

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May, 2021, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the OPPOSITION TO MOTION TO MODIFY CUSTODY and CROSS MOTION FOR PERMANENT ORDER, addressed to the following:

Janea Huber Calkins
3033 W. Divid Creek
Meridian, Idaho 83646

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

X Electronic Delivery: janeacalkins@yahoo.com

Massey K. Mayo

MASSEY K. MAYO, ESQ.

FILED
2021 MAY -5 AM 11:25
E. Dumond
TAMI RAE SPERO
DIST. COURT CLERK

Code: 3720
Name: JANEA CALKINS JANEA CALKINS
Address: 1465 W DEER CREST DR H101
MERIDIAN, IDAHO 83646
Telephone: 208.780.9705
Email: JANEACALKKINS@YAHOO.COM
Self-Represented Litigant

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff / Petitioner / Joint Petitioner,

Case No. CV20,464

Dept. No. 2

vs.

JANEA CALKINS,

Defendant / Respondent / Joint Petitioner.

PROOF OF SERVICE

I served a true and correct copy of the Motion to Change Custody or Visitation upon the following people:

1. Name: MASSY MAYO Date: APRIL 14TH, 2021

By: ☐ Service by eFlex ☐ Personal Service

☒ Certified mail, return receipt attached ☐ U.S. Mail, postage prepaid

☐ Other: _____

Address where service occurred, if applicable: 545 HANSON STREET WINNEMUCCA, NV 89445

If more room is needed, attach additional sheets.

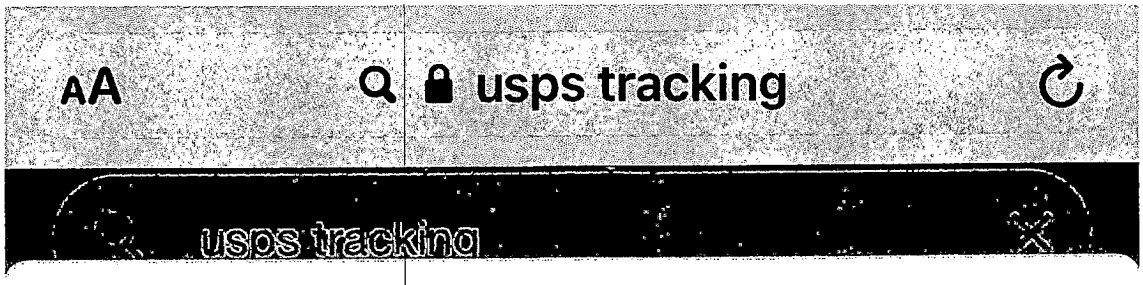
A copy of this Proof of Service has been electronically served, mailed, or personally delivered to all parties or their lawyer.

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date: May 3rd 2021

Your Signature: Janea Calkins

Print Your Name: JANEA CALKINS



Track your package

Data provided by USPS

Tracking number 9405511108036800043202

Delivered

April 14, 10:10AM

Winnemucca, NV

View details on USPS

Call 1-800-275-8777

Track another package

MERIDIAN, ID 83642
208-888-7556

www.fedex.com
www.dhl.com
www.ups.com
www.usps.com

Copy Letter B 37 @ 0.10 3.70 TX
Regular: .11 Saved: .37
SHRED 0.75 TX
Shipment----------
USPS Priority Flat-Rate
Ship To:
CATHY BRUMM
HUMBLE COUNTY CLERKS OFFICE
50 W 5TH ST # 207
WINNEMUCCA, NV 89445-3150
Package ID: 132780 10.00
Contents:
DOCUMENTS
Tracking #: 9405511108036800049846
USPS Tracking [$0.00]
Shipment----------
USPS Priority Flat-Rate
Ship To:
MASSY
MASSY MAYO
545 HANSON ST
WINNEMUCCA, NV 89445-3610
Delivered 4/14 10:10 AM
Package ID: 132781 10.00
Contents:
DOCUMENTS
Tracking #: 9405511108036800043202
USPS Tracking [$0.00]
Shipment----------
USPS Priority Flat-Rate
Ship To:
JANEA CALKINS
1465 W DEERCREST ST
MERIDIAN, ID 83646
Package ID: 132782 10.00
Contents:
DOCUMENTS
Tracking #: 9405511108036800043073
USPS Tracking [$0.00]

SUBTOTAL 34.45
TAX
State Tax on 4.45 0.26
TOTAL 34.71
TEND Visa 34.71

Total shipments: 3
JANEA CALKINS

03/30/2021
#65987 02:57 PM
Workstation: 6 - Auxiliary Workstation 6
CCTran# 9e37a26a-47b8-484b-819d-74fdbc48879e

Signature_____ A1056

By signing this receipt

FILED

2021 MAY -5 AM 11:25

E. Dymond

TAMI RAE SPERO

DIST. COURT CLERK

Code: 3860
Name: Janea Calkins
Address: 1465 W Deer Crest Dr H101

Telephone: 208.780.9705
Email: janeacalkins@yahoo.com
Self-Represented Litigant

IN THE FAMILY DIVISION

OF THE SECOND SIXTH DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff / Petitioner / Joint Petitioner,

vs.

JANEA CALKINS,

Defendant / Respondent / Joint Petitioner.

/

Case No. CV20,464

Dept. No. 2

REQUEST FOR SUBMISSION

I request that the Motion for Change of Custody or Visitation filed on (*date the document was filed with the Court*) APRIL 12TH, 2021 be submitted to the Court for decision.

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date: May 3rd 2021

Your Signature: [signature]

Print Your Name: Janea Calkins

FILED
2021 MAY 10 PM 2:01
TAMI RAE SHEPPARD
DIST. COURT CLERK

CASE NO. CV 0020464

DEPT. NO. II

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

JANEA CALKINS,

Defendant.
_____/

ORDER DENYING DEFENDANT'S MOTION FOR CHANGE OF CUSTODY AND ENTERING PERMANENT CUSTODY ORDER

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

Before this Court is Defendant, Janea Calkins ("Mother"), in pro per person, and her *Motion for Change of Custody or Visitation* filed on March 8, 2021. Plaintiff, Waylon Huber ("Father"), by and through his counsel of record, Massey K. Mayo, Esq. and Dolan Law, LLC, filed his *Opposition* and *Cross Motion for Permanent Custody Order* on May 3, 2021. This matter was submitted to the Court on May 5, 2021 for a decision on the merits.

Upon review of the filings, documents, and arguments herein, the Court hereby **DENIES** Mother's motion for a change of custody based on the following:

The current Order in this matter, entered on July 24, 2020, granted Father temporary sole physical custody of the minor children: Brynlee and Bryson Huber. Order Modifying

Temporary Custody of Two Minor Children and Other Related Matters at 10, *Huber v. Calkins*, Case No. CV0020464 (July 24, 2020). Mother and Father share joint legal custody. *Id.* Mother was granted supervised visitation with the minor children via telephone or audio/visual format at 6:00 p.m. PST each day. *Id.* Any further visitation with Mother must have been recommended by the therapeutic professionals assisting in the minor children's reunification process with Father. *Id.* Father was to employ Dr. Herbert Coard to assist in the reunification process. *Id.* at 10-11.

Now, in her instant motion, Mother moves for a modification of the temporary custody order based on Mother's alleged completion of all obligations imposed by the Court, that Father disparages Mother in front of minor children, and that Dr. Coard's failure to respond to Mother's inquiries have delayed Mother's reunification with minor children. Mother's Motion for Change of Custody or Visitation at 4, *Huber v. Calkins*, Case No. CV0020464 (March 8, 2021). Mother therefore asks the Court to award her primary physical custody of the minor children. *Id.*

In his Opposition and Cross Motion, Father moves for sole legal and sole physical custody of the minor children. Father's Opposition and Cross Motion for Permanent Custody Order, *Huber v. Calkins*, Case No. CV0020464 (May 3, 2021). Father claims that the minor children's overall mental, physical, emotional, and developmental health has dramatically improved while in his care. *Id.* at 3-5. The minor children have increased their standard scores in school, have acquired accurate medical diagnoses under Dr. Coard, no longer discuss inappropriate sexual activity or undiagnosed illnesses, and participate in healthy activities such as skateboarding, swimming, singing, and dancing. *Id.* The minor children

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

have also apparently bonded with stepsiblings and friends in the Winnemucca community, and attend the Boys and Girls Club regularly. *Id.*

Father further claims that Mother continues to live with her husband, Justin Calkins, who was recently released from prison in August 2020. *Id.* at 6. A no contact order remains in place between the minor children and Mr. Calkins, and Mr. Calkins allegedly shares a home with Mother, yet Mother wishes to move the minor children back to Idaho with her. Order Modifying Temporary Custody, *supra*, at 9.

Father therefore moves this Court to grant a permanent custody order in this matter. Father's Opposition and Cross Motion, *supra*, at 9. Considering the minor children's overall improvement in his care, Father argues that the current custody order is in the best interests of the minor children. *Id.*

The Nevada Supreme Court has held that primary physical custody may only be modified when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, P.3d 239, 244 (2007).

First, Mother offers no evidence of a substantial change in circumstances that affects the welfare of the minor children. Mother only alleges that she has completed her obligations imposed by this Court—citing daily phone calls with minor children and communication with Dr. Coard. However, the Court finds no substantial change in circumstances since the July 24, 2020 Order that would warrant a modification of custody.

Instead, the Court finds that the most substantial change in circumstances is Mr. Calkins' release from prison and subsequent cohabitation with Mother, which actually works

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

in favor of Father retaining sole physical custody given the current no contact order between Mr. Calkins and the minor children. Thus, Mother fails to meet the first prong of *Ellis*.

Second, it does not appear to the Court that a modification of physical custody would serve the best interests of the minor children. **NRS 125C.0035(4)** provides that, in determining the best interest of a child, the Court must consider and set forth specific findings regarding:

> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody;
> (b) Any nomination of a guardian for the child by a parent;
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent;
> (d) The level of conflict between the parents;
> (e) The ability of the parents to cooperate to meet the needs of the child;
> (f) The mental and physical health of the parents;
> (g) The physical, developmental and emotional needs of the child;
> (h) The nature of the relationship of the child with each parent;
> (i) The ability of the child to maintain a relationship with any sibling;
> (j) Any history of parental abuse or neglect of the child or a sibling of the child;
> (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and
> (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

Pursuant to NRS 125C.0035(4), the Court makes the following specific findings:

A. The parties present no evidence of the minor children's wishes or preferences as to their physical custody. The minor children are also not of sufficient age to proffer such a preference, as both Brynlee Huber and Bryson Huber, born May 8, 2012, are age nine (9). This factor is therefore inapplicable.

B. There is no guardian in this case—this factor is therefore inapplicable.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

C. Father allows the minor children to have frequent associations and a continuing relationship with Mother pursuant to the existing supervised visitation and telephonic/video schedule. Mother claims Dr. Coard fails to appropriately respond to her communication attempts. However, Father argues that Mother has failed to pay Dr. Coard for her portion of services and has a history of manipulating medical professionals, which may have affected progress. Thus, Dr. Coard's evaluation of the parties and the minor children pursuant to the reunification process remains outstanding, and such lack of progress is given little weight by the Court at this time.

D. There does not appear to be any substantial conflict between the parents. However, the Court recognizes that this litigation is quite contentious and has persisted now for almost six (6) years.

E. It appears that the parents cooperate effectively to meet the needs of the minor children. Father appropriately allows the minor children to maintain a relationship with Mother and Mother's family via supervised telephonic/video contact, and Father provides a stable, loving home environment for the minor children.

F. There is not enough information presented for the Court to make a determination regarding either parent's physical and mental health. Father alleges that Mother has mental health issues and requests an evaluation in that regard. However, seeing that Mother's mental health status has no current impact on the minor children, that Mother's visitation is wholly supervised, and that a determination regarding Mother's mental health status may eventually be made by Dr. Coard, such a request is devoid of merit at this time.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

G. Father clearly provides for the minor children's physical, developmental, and emotional needs. The minor children are excelling in school and in their personal growth—the minor children no longer discuss inappropriate sexual behavior, no longer self-identify as having ADHD or being autistic, participate in healthy social activities, and engage in personal hobbies. The minor children appear to be happy in Father's care.

H. Father appears to have a good relationship with the minor children, which can be inferred by the minor children's considerable growth since the July 24, 2020 Order. Mother appears to have an appropriate relationship with minor children through her supervised visitation time. No evidence was presented otherwise.

I. The minor children have been able to cultivate relationships with their stepsiblings while in Father's care. There is no evidence that the minor children's relationship with their younger sibling at Mother's home has deteriorated.

J. There is no evidence of parental abuse or neglect of the minor children by either parent at this time.

K. There is no evidence of any acts of domestic violence against the minor children, a parent, or anyone living with minor children.

L. There is no evidence that either parent has committed an act of abduction against the minor children.

Based on the foregoing, the Court finds that Mother provides no evidence that a modification of physical custody is in the best interest of the minor children. Absent a showing of a substantial change in circumstances and that a modification would be in the best interest of the minor children, Mother fails to meet the stringent burden of proof to

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

modify the temporary sole physical custody order under *Ellis*. Accordingly, Mother's *Motion for Change of Custody or Visitation* is **DENIED**. Father's *Cross Motion for Permanent Custody Order* is **GRANTED** in part—the current temporary custody order shall now be entered as a permanent custody order:

1. Father retains sole physical custody of the minor children;
2. The parties retain joint legal custody of the minor children; and
3. Mother retains supervised visitation in accordance with the July 24, 2020 Order.

IT IS SO ORDERED.

DATED this 7th day of May, 2021.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 7, 2021, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Janea Calkins
1465 W. Deer Crest Street H101
Meridian, ID 83646
Via US Mail

Massey Mayo, Esq.
Dolan Law, LLC
545 Hanson Street
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Taylor M. Stokes

TAYLOR M. STOKES
LAW CLERK

FILED

2021 MAY 12 PM 2:43

E. Dumond

TAMI RAE SPERO
DIST. COURT CLERK

CASE NO. CV0020464

DEPT. NO. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANEA CALKINS,

Defendant.

_____/

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES

YOU ARE HEREBY NOTIFIED that an Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order, has been entered in the above-entitled matter on the 7th day of May, 2021, a copy of which is attached hereto.

Dated this 12th day of May, 2021.

Massey R Mayo

DOLAN LAW, LLC.
By: MASSEY K. MAYO, ESQ.
Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Telephone: 775-625-3200
Fax: 775-625-4286
Attorney for Waylon Huber

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CASE NO. CV 0020464

DEPT. NO. II

FILED
2021 MAY 10 PM 2:01
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

JANEA CALKINS,

Defendant.
_____/

ORDER DENYING DEFENDANT'S MOTION FOR CHANGE OF CUSTODY AND ENTERING PERMANENT CUSTODY ORDER

Before this Court is Defendant, Janea Calkins ("Mother"), in pro per person, and her *Motion for Change of Custody or Visitation* filed on March 8, 2021. Plaintiff, Waylon Huber ("Father"), by and through his counsel of record, Massey K. Mayo, Esq. and Dolan Law, LLC, filed his *Opposition* and *Cross Motion for Permanent Custody Order* on May 3, 2021. This matter was submitted to the Court on May 5, 2021 for a decision on the merits.

Upon review of the filings, documents, and arguments herein, the Court hereby **DENIES** Mother's motion for a change of custody based on the following:

The current Order in this matter, entered on July 24, 2020, granted Father temporary sole physical custody of the minor children: Brynlee and Bryson Huber. Order Modifying

Temporary Custody of Two Minor Children and Other Related Matters at 10, *Huber v. Calkins*, Case No. CV0020464 (July 24, 2020). Mother and Father share joint legal custody. *Id.* Mother was granted supervised visitation with the minor children via telephone or audio/visual format at 6:00 p.m. PST each day. *Id.* Any further visitation with Mother must have been recommended by the therapeutic professionals assisting in the minor children's reunification process with Father. *Id.* Father was to employ Dr. Herbert Coard to assist in the reunification process. *Id.* at 10-11.

Now, in her instant motion, Mother moves for a modification of the temporary custody order based on Mother's alleged completion of all obligations imposed by the Court, that Father disparages Mother in front of minor children, and that Dr. Coard's failure to respond to Mother's inquiries have delayed Mother's reunification with minor children. Mother's Motion for Change of Custody or Visitation at 4, *Huber v. Calkins*, Case No. CV0020464 (March 8, 2021). Mother therefore asks the Court to award her primary physical custody of the minor children. *Id.*

In his Opposition and Cross Motion, Father moves for sole legal and sole physical custody of the minor children. Father's Opposition and Cross Motion for Permanent Custody Order, *Huber v. Calkins*, Case No. CV0020464 (May 3, 2021). Father claims that the minor children's overall mental, physical, emotional, and developmental health has dramatically improved while in his care. *Id.* at 3-5. The minor children have increased their standard scores in school, have acquired accurate medical diagnoses under Dr. Coard, no longer discuss inappropriate sexual activity or undiagnosed illnesses, and participate in healthy activities such as skateboarding, swimming, singing, and dancing. *Id.* The minor children

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

have also apparently bonded with stepsiblings and friends in the Winnemucca community, and attend the Boys and Girls Club regularly. *Id.*

Father further claims that Mother continues to live with her husband, Justin Calkins, who was recently released from prison in August 2020. *Id.* at 6. A no contact order remains in place between the minor children and Mr. Calkins, and Mr. Calkins allegedly shares a home with Mother, yet Mother wishes to move the minor children back to Idaho with her. Order Modifying Temporary Custody, *supra*, at 9.

Father therefore moves this Court to grant a permanent custody order in this matter. Father's Opposition and Cross Motion, *supra*, at 9. Considering the minor children's overall improvement in his care, Father argues that the current custody order is in the best interests of the minor children. *Id.*

The Nevada Supreme Court has held that primary physical custody may only be modified when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, P.3d 239, 244 (2007).

First, Mother offers no evidence of a substantial change in circumstances that affects the welfare of the minor children. Mother only alleges that she has completed her obligations imposed by this Court—citing daily phone calls with minor children and communication with Dr. Coard. However, the Court finds no substantial change in circumstances since the July 24, 2020 Order that would warrant a modification of custody.

Instead, the Court finds that the most substantial change in circumstances is Mr. Calkins' release from prison and subsequent cohabitation with Mother, which actually works

in favor of Father retaining sole physical custody given the current no contact order between Mr. Calkins and the minor children. Thus, Mother fails to meet the first prong of *Ellis*.

Second, it does not appear to the Court that a modification of physical custody would serve the best interests of the minor children. **NRS 125C.0035(4)** provides that, in determining the best interest of a child, the Court must consider and set forth specific findings regarding:

> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody;
> (b) Any nomination of a guardian for the child by a parent;
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent;
> (d) The level of conflict between the parents;
> (e) The ability of the parents to cooperate to meet the needs of the child;
> (f) The mental and physical health of the parents;
> (g) The physical, developmental and emotional needs of the child;
> (h) The nature of the relationship of the child with each parent;
> (i) The ability of the child to maintain a relationship with any sibling;
> (j) Any history of parental abuse or neglect of the child or a sibling of the child;
> (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and
> (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

Pursuant to NRS 125C.0035(4), the Court makes the following specific findings:

A. The parties present no evidence of the minor children's wishes or preferences as to their physical custody. The minor children are also not of sufficient age to proffer such a preference, as both Brynlee Huber and Bryson Huber, born May 8, 2012, are age nine (9). This factor is therefore inapplicable.

B. There is no guardian in this case—this factor is therefore inapplicable.

C. Father allows the minor children to have frequent associations and a continuing relationship with Mother pursuant to the existing supervised visitation and telephonic/video schedule. Mother claims Dr. Coard fails to appropriately respond to her communication attempts. However, Father argues that Mother has failed to pay Dr. Coard for her portion of services and has a history of manipulating medical professionals, which may have affected progress. Thus, Dr. Coard's evaluation of the parties and the minor children pursuant to the reunification process remains outstanding, and such lack of progress is given little weight by the Court at this time.

D. There does not appear to be any substantial conflict between the parents. However, the Court recognizes that this litigation is quite contentious and has persisted now for almost six (6) years.

E. It appears that the parents cooperate effectively to meet the needs of the minor children. Father appropriately allows the minor children to maintain a relationship with Mother and Mother's family via supervised telephonic/video contact, and Father provides a stable, loving home environment for the minor children.

F. There is not enough information presented for the Court to make a determination regarding either parent's physical and mental health. Father alleges that Mother has mental health issues and requests an evaluation in that regard. However, seeing that Mother's mental health status has no current impact on the minor children, that Mother's visitation is wholly supervised, and that a determination regarding Mother's mental health status may eventually be made by Dr. Coard, such a request is devoid of merit at this time.

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

G. Father clearly provides for the minor children's physical, developmental, and emotional needs. The minor children are excelling in school and in their personal growth—the minor children no longer discuss inappropriate sexual behavior, no longer self-identify as having ADHD or being autistic, participate in healthy social activities, and engage in personal hobbies. The minor children appear to be happy in Father's care.

H. Father appears to have a good relationship with the minor children, which can be inferred by the minor children's considerable growth since the July 24, 2020 Order. Mother appears to have an appropriate relationship with minor children through her supervised visitation time. No evidence was presented otherwise.

I. The minor children have been able to cultivate relationships with their stepsiblings while in Father's care. There is no evidence that the minor children's relationship with their younger sibling at Mother's home has deteriorated.

J. There is no evidence of parental abuse or neglect of the minor children by either parent at this time.

K. There is no evidence of any acts of domestic violence against the minor children, a parent, or anyone living with minor children.

L. There is no evidence that either parent has committed an act of abduction against the minor children.

Based on the foregoing, the Court finds that Mother provides no evidence that a modification of physical custody is in the best interest of the minor children. Absent a showing of a substantial change in circumstances and that a modification would be in the best interest of the minor children, Mother fails to meet the stringent burden of proof to

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

modify the temporary sole physical custody order under *Ellis*. Accordingly, Mother's *Motion for Change of Custody or Visitation* is **DENIED**. Father's *Cross Motion for Permanent Custody Order* is **GRANTED** in part—the current temporary custody order shall now be entered as a permanent custody order:

1. Father retains sole physical custody of the minor children;
2. The parties retain joint legal custody of the minor children; and
3. Mother retains supervised visitation in accordance with the July 24, 2020 Order.

IT IS SO ORDERED.

DATED this 12 day of May, 2021.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
• HUMBOLDT COUNTY, NEVADA •
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 7, 2021, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Janea Calkins
1465 W. Deer Crest Street H101
Meridian, ID 83646
Via US Mail

Massey Mayo, Esq.
Dolan Law, LLC
545 Hanson Street
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Taylor M. Stokes
TAYLOR M. STOKES
LAW CLERK

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2021, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the NOTICE OF ENTRY OF ORDER, addressed to the following:

Janae Calkins
1465 W. Deer Crest Street H 101
Meridian, ID 83646

X First Class U.S. Mail

_____ Via Fax Transmission

_____ Box in District Court Clerk Office

_____ Box in Justice Court Clerk Office

_____ Hand Delivered

Makayla Ourada
MAKAYLA OURADA

DOLAN LAW, LLC.
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

FILED

2021 MAY 25 PM 3:07

TAMI RAE SPERO
DIST. COURT CLERK

CASE NO. CV0020464

DEPT. NO. 2

The undersigned hereby affirms this document does not contain a social security number.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff,

vs.

JANEA CALKINS,

Defendant.

_____/

WITHDRAW OF ATTORNEY

Pursuant to Supreme Court Rule 46, DOLAN LAW, LLC. and the undersigned MASSEY K. MAYO, ESQ. and/or ROBERT E. DOLAN, ESQ., do hereby withdraw as attorney of record for the Plaintiff, Waylon Huber, in the above-entitled matter.

All further pleadings, motions, notices, and correspondence in this matter be mailed to Waylon Huber at 4151 Two Rock Winnemucca, Nevada 89445.

Dated this 25th day of May, 2021.

Massey K. Mayo

DOLAN LAW, LLC.
By: MASSEY K. MAYO, ESQ.
Bar No. 11201
545 Hanson Street
Winnemucca, Nevada 89445
Telephone: 775-625-3200
Fax: 775-625-4286
Attorney for Waylon Huber

DOLAN LAW, LLC.
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2021, I have deposited, as stated below, at Winnemucca, Nevada, a true and correct copy of the WITHDRAW OF ATTORNEY, addressed to the following:

Janae Calkins
1465 W. Deer Crest Street H 101
Meridian, ID 83646

Waylon Huber
4151 Two Rock
Winnemucca, Nevada 89445

X First Class U.S. Mail

____ Via Fax Transmission

____ Box in District Court Clerk Office

____ Box in Justice Court Clerk Office

____ Hand Delivered

Massey K. Mayo

MASSEY K. MAYO

DOLAN LAW, LLC.
545 Hanson Street
Winnemucca NV 89445
(775) 625-3200
Fax (775) 625-4286

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

FILED
2021 MAY 26 PM 3:15
JAMI RAE SPERO
DIST. COURT CLERK

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

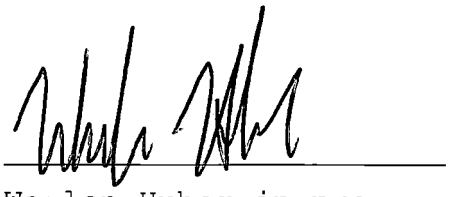
WAYLON HUBER Plaintiff. vs. JANEA CALKINS Defendant.	Case No.: CV- 0020464 "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

INTRODUCTION

Plaintiff, Waylon Huber here in after "father", is filing a motion asking for a court order granting "father" permission to obtain passports for children Brynlee Huber born 5/8/2012, and Bryson Huber born 5/8/2012, whom "Father" has sole physical custody, without Janea Calkins here in after "Mother" consent. "Father" has asked "Mother" to assist in obtaining passports and

"mother" is refusing to cooperate. "Father" feels that it is very important for minor children to travel and obtain culture outside of the country. "Father" enjoys snorkeling and traveling to different countries and wishes to give children cultured experiences and vacations. "Mother" is being uncooperative in assisting to obtain passports for children which requires consent from both parents and a notarized affidavit form from "Mother". "Father" feels this is in an effort from "Mother" to make it more difficult for "father" to travel with children. Therefore, "Father" is asking for a court order granting permission to obtain passports for children without "Mother" consent.

This document does not contain the social security number of any person. I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.



Waylon Huber in pro per

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

FILED
2021 MAY 26 PM 3:15
TAMI RAE SPERO
DIST. COURT CLERK

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER

Plaintiff.

vs.

JANEA CALKINS

Defendant.

Case No. CV. 0020464
Dept.No. 1

"Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

PROOF OF SERVICE

This document is a Proof Of Service "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

Filed on 05/26/21.

Mailed Via US Postal Service to :

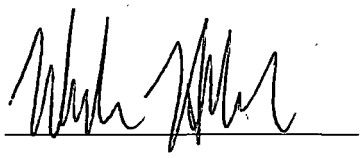
JANEA CALKINS

1465 W. Deer Crest St # H101

Meridan, ID 84646

"Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

This document does not contain the social security number of any person. I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.



DATE: 5/26/2021 Waylon Huber in Pro Per

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER Plaintiff. vs. JANEA CALKINS Defendant.	Case No. CV. 0020464 Dept.No. 1 Proof Of Service for Request For Submission For "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

FILED
2021 JUN -9 AM 9:43
TAMMY RAE SWITZER
DISTRICT COURT CLERK
C. Switzer

PROOF OF SERVICE

This document is a Proof Of Service for Request For Submission For "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent

Filed on 06/09/21.

Mailed Via US Postal Service to

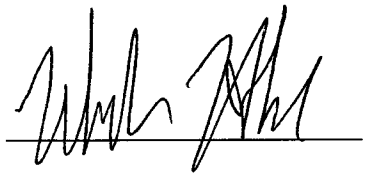
Janea Calkins

1465 W. Deer Crest St # H101

Proof Of Service for Request For Submission For "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

Meridan, ID 83646

This document does not contain the social security number of any person. I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing statements are true and correct.



DATE: 6/9/2021 Waylon Huber in Pro Per

WAYLON HUBER
4151 Two Rock Dr
Winnemucca, NV 89445
775-304-6202

WAYLON HUBER, IN PRO PER

IN THE FAMILY DIVISION

OF THE SIXTH JUDICIAL COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER Plaintiff. vs. JANEA CALKINS Defendant.	Case No.: CV- 0020464 Request For Submission For "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent"

FILED
2021 JUN -9 AM 9:43
TAMILNE STEVO
DIST. COURT CLERK
C. Smart

Request For Submission

Request For Submission For an Uncontested "Motion for Court Order to Obtain Passports for Minor Children without Mother's Consent".

Waylon Huber in pro per

CASE NO. CV 0020464

DEPT. NO. II

FILED

2021 JUN 10 PM 12:31

AFFIRMATION Pursuant to NRS 239B.030
The undersigned does hereby affirm that this document does not contain the social security number of any person.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANAE CALKINS,

Defendant.

CASE APPEAL STATEMENT

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

Defendant, JANAE CALKINS, by and through her attorney of record, ELIZABETH M. BITTNER, hereby submits the following Case Appeal Statement:

1. **Name of appellant filing this case appeal statement:** JANAE CALKINS
2. **Identify the Judge issuing the decision, judgment or order appealed from:**
   HON. MICHAEL R. MONTERO
3. **Identify each appellant and the name and address of counsel for each appellant:**

   Appellant: JANAE CALKINS

   Counsel for Appellant:

   Elizabeth M. Bittner, Esq. (NSB #9329)
   1225 Westfield Ave., Suite #7
   Reno, NV 89509

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondent: WAYLON HUBER

Trial Counsel for Respondent:

Massey Mayo, Esq.
Dolan Law, LLC
545 Hanson Street
Winnemucca, NV 89455

Appellate Counsel for Respondent:

Unknown

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:

All identified counsel are licensed to practice law in Nevada.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellant was represented herself *in pro per* in the district court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appellant is represented by retained counsel on appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Appellant was not granted leave to proceed in forma pauperis by the district court.

9. Indicate the date the proceedings commenced in the district court:

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

The proceeding commenced in the district court on July 31, 2015, upon the filing of a Complaint for Divorce.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

The action before the district court was a custody modification initially filed by Plaintiff/Respondent, WAYLON HUBER, in 2019, a temporary order modifying custody issued by the Court July 24, 2020, a motion to modify those temporary orders filed by Defendant/Appellant, JANEA CALKINS, on March 8, 2021, and an Order Denying Defendant's Motion to Change Custody and Entering Permanent Custody Order issued May 10, 2021.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

No prior proceedings have been filed with the Supreme Court in this case.

12. Indicate whether this appeal involves child custody or visitation:

This appeal involves child custody and visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

That there is the possibility of settlement.

DATED this 9 day of June, 2021.
BITTNER LEGAL, LLC

ELIZABETH M. BITTNER, ESQ.
Attorney for JANEA CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

CERTIFICATE OF SERVICE

I certify that I am an employee working for BITTNER LEGAL, LLC, and am a citizen of the United States, over twenty-one years of age, not a party to the within action. My business address is 1225 Westfield Ave., Suite #7, Reno, NV 89509.

On the 10th day of June 2021, I caused to be delivered a true and correct copy of the within document via

__ Hand Delivery via Reno-Carson Messenger Service

__ Facsimile to the following number

_x_ U.S. First Class Mail, deposited for mailing with sufficient postage pre-paid addressed as follows:

Waylon Huber
4151 Two Rock Street
Winnemucca, Nevada 89445

ELIZABETH M. BITTNER, ESQ.

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

CASE NO. CV 0020464

DEPT. NO. II

FILED

2021 JUN 10 PM 12:31

AFFIRMATION Pursuant to NRS 239B.030
The undersigned does hereby affirm that this document does not contain the social security number of any person.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

WAYLON HUBER,

Plaintiff,

vs.

JANAE CALKINS,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that JANAE CALKINS, Defendant in the above-captioned case, hereby appeals to the Supreme Court of Nevada the May 10, 2021, Order, entered herein on May 12, 2021, which is attached hereto as Exhibit "1."

DATED this 9 day of June 2021.

BITTNER LEGAL, LLC

Elizabeth M. Bittner, Esq.
Nevada State Bar #9329
1225 Westfield Ave., Suite #7
Reno, NV 89509
TEL: (775) 357-8733
FAX: (775) 357-8926
elizabeth@bittnerlegal.com
Attorney for JANAE CALKINS

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

CERTIFICATE OF SERVICE

I certify that I am an employee working for BITTNER LEGAL, LLC, and am a citizen of the United States, over twenty-one years of age, not a party to the within action. My business address is 1225 Westfield Ave., Suite #7, Reno, NV 89509.

On the 10th day of June 2021, I caused to be delivered a true and correct copy of the within document via

__ Hand Delivery via Reno-Carson Messenger Service

__ Facsimile to the following number

_x_ U.S. First Class Mail, deposited for mailing with sufficient postage pre-paid addressed as follows:

Waylon Huber
4151 Two Rock Street
Winnemucca, Nevada 89445

Cheryl Ipema
Paralegal to
ELIZABETH M. BITTNER, ESQ.

BITTNER LEGAL LLC
LAW OFFICE OF ELIZABETH BITTNER

EXHIBIT INDEX

EX	DESCRIPTION	PAGES
1	Order Denying Defendant's Motion for Change of Custody and Entering Permanent Custody Order	8

EXHIBIT "1"

EXHIBIT "1"

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CASE NO. CV 0020464

DEPT. NO. II

FILED
2021 MAY 10 PM 2:01

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT
-o0o-

WAYLON HUBER,

Plaintiff,

vs.

JANEA CALKINS,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION FOR CHANGE OF CUSTODY AND ENTERING PERMANENT CUSTODY ORDER

Before this Court is Defendant, Janea Calkins ("Mother"), in pro per person, and her *Motion for Change of Custody or Visitation* filed on March 8, 2021. Plaintiff, Waylon Huber ("Father"), by and through his counsel of record, Massey K. Mayo, Esq. and Dolan Law, LLC, filed his *Opposition* and *Cross Motion for Permanent Custody Order* on May 3, 2021. This matter was submitted to the Court on May 5, 2021 for a decision on the merits.

Upon review of the filings, documents, and arguments herein, the Court hereby **DENIES** Mother's motion for a change of custody based on the following:

The current Order in this matter, entered on July 24, 2020, granted Father temporary sole physical custody of the minor children: Brynlee and Bryson Huber. Order Modifying

Temporary Custody of Two Minor Children and Other Related Matters at 10, *Huber v. Calkins*, Case No. CV0020464 (July 24, 2020). Mother and Father share joint legal custody. *Id.* Mother was granted supervised visitation with the minor children via telephone or audio/visual format at 6:00 p.m. PST each day. *Id.* Any further visitation with Mother must have been recommended by the therapeutic professionals assisting in the minor children's reunification process with Father. *Id.* Father was to employ Dr. Herbert Coard to assist in the reunification process. *Id.* at 10-11.

Now, in her instant motion, Mother moves for a modification of the temporary custody order based on Mother's alleged completion of all obligations imposed by the Court, that Father disparages Mother in front of minor children, and that Dr. Coard's failure to respond to Mother's inquiries have delayed Mother's reunification with minor children. Mother's Motion for Change of Custody or Visitation at 4, *Huber v. Calkins*, Case No. CV0020464 (March 8, 2021). Mother therefore asks the Court to award her primary physical custody of the minor children. *Id.*

In his Opposition and Cross Motion, Father moves for sole legal and sole physical custody of the minor children. Father's Opposition and Cross Motion for Permanent Custody Order, *Huber v. Calkins*, Case No. CV0020464 (May 3, 2021). Father claims that the minor children's overall mental, physical, emotional, and developmental health has dramatically improved while in his care. *Id.* at 3-5. The minor children have increased their standard scores in school, have acquired accurate medical diagnoses under Dr. Coard, no longer discuss inappropriate sexual activity or undiagnosed illnesses, and participate in healthy activities such as skateboarding, swimming, singing, and dancing. *Id.* The minor children

have also apparently bonded with stepsiblings and friends in the Winnemucca community, and attend the Boys and Girls Club regularly. *Id.*

Father further claims that Mother continues to live with her husband, Justin Calkins, who was recently released from prison in August 2020. *Id.* at 6. A no contact order remains in place between the minor children and Mr. Calkins, and Mr. Calkins allegedly shares a home with Mother, yet Mother wishes to move the minor children back to Idaho with her. Order Modifying Temporary Custody, *supra*, at 9.

Father therefore moves this Court to grant a permanent custody order in this matter. Father's Opposition and Cross Motion, *supra*, at 9. Considering the minor children's overall improvement in his care, Father argues that the current custody order is in the best interests of the minor children. *Id.*

The Nevada Supreme Court has held that primary physical custody may only be modified when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, P.3d 239, 244 (2007).

First, Mother offers no evidence of a substantial change in circumstances that affects the welfare of the minor children. Mother only alleges that she has completed her obligations imposed by this Court—citing daily phone calls with minor children and communication with Dr. Coard. However, the Court finds no substantial change in circumstances since the July 24, 2020 Order that would warrant a modification of custody.

Instead, the Court finds that the most substantial change in circumstances is Mr. Calkins' release from prison and subsequent cohabitation with Mother, which actually works

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

in favor of Father retaining sole physical custody given the current no contact order between Mr. Calkins and the minor children. Thus, Mother fails to meet the first prong of *Ellis*.

Second, it does not appear to the Court that a modification of physical custody would serve the best interests of the minor children. **NRS 125C.0035(4)** provides that, in determining the best interest of a child, the Court must consider and set forth specific findings regarding:

> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody;
> (b) Any nomination of a guardian for the child by a parent;
> (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent;
> (d) The level of conflict between the parents;
> (e) The ability of the parents to cooperate to meet the needs of the child;
> (f) The mental and physical health of the parents;
> (g) The physical, developmental and emotional needs of the child;
> (h) The nature of the relationship of the child with each parent;
> (i) The ability of the child to maintain a relationship with any sibling;
> (j) Any history of parental abuse or neglect of the child or a sibling of the child;
> (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and
> (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

Pursuant to NRS 125C.0035(4), the Court makes the following specific findings:

A. The parties present no evidence of the minor children's wishes or preferences as to their physical custody. The minor children are also not of sufficient age to proffer such a preference, as both Brynlee Huber and Bryson Huber, born May 8, 2012, are age nine (9). This factor is therefore inapplicable.

B. There is no guardian in this case—this factor is therefore inapplicable.

C. Father allows the minor children to have frequent associations and a continuing relationship with Mother pursuant to the existing supervised visitation and telephonic/video schedule. Mother claims Dr. Coard fails to appropriately respond to her communication attempts. However, Father argues that Mother has failed to pay Dr. Coard for her portion of services and has a history of manipulating medical professionals, which may have affected progress. Thus, Dr. Coard's evaluation of the parties and the minor children pursuant to the reunification process remains outstanding, and such lack of progress is given little weight by the Court at this time.

D. There does not appear to be any substantial conflict between the parents. However, the Court recognizes that this litigation is quite contentious and has persisted now for almost six (6) years.

E. It appears that the parents cooperate effectively to meet the needs of the minor children. Father appropriately allows the minor children to maintain a relationship with Mother and Mother's family via supervised telephonic/video contact, and Father provides a stable, loving home environment for the minor children.

F. There is not enough information presented for the Court to make a determination regarding either parent's physical and mental health. Father alleges that Mother has mental health issues and requests an evaluation in that regard. However, seeing that Mother's mental health status has no current impact on the minor children, that Mother's visitation is wholly supervised, and that a determination regarding Mother's mental health status may eventually be made by Dr. Coard, such a request is devoid of merit at this time.

G. Father clearly provides for the minor children's physical, developmental, and emotional needs. The minor children are excelling in school and in their personal growth—the minor children no longer discuss inappropriate sexual behavior, no longer self-identify as having ADHD or being autistic, participate in healthy social activities, and engage in personal hobbies. The minor children appear to be happy in Father's care.

H. Father appears to have a good relationship with the minor children, which can be inferred by the minor children's considerable growth since the July 24, 2020 Order. Mother appears to have an appropriate relationship with minor children through her supervised visitation time. No evidence was presented otherwise.

I. The minor children have been able to cultivate relationships with their stepsiblings while in Father's care. There is no evidence that the minor children's relationship with their younger sibling at Mother's home has deteriorated.

J. There is no evidence of parental abuse or neglect of the minor children by either parent at this time.

K. There is no evidence of any acts of domestic violence against the minor children, a parent, or anyone living with minor children.

L. There is no evidence that either parent has committed an act of abduction against the minor children.

Based on the foregoing, the Court finds that Mother provides no evidence that a modification of physical custody is in the best interest of the minor children. Absent a showing of a substantial change in circumstances and that a modification would be in the best interest of the minor children, Mother fails to meet the stringent burden of proof to

modify the temporary sole physical custody order under *Ellis*. Accordingly, Mother's *Motion for Change of Custody or Visitation* is **DENIED**. Father's *Cross Motion for Permanent Custody Order* is **GRANTED** in part—the current temporary custody order shall now be entered as a permanent custody order:

1. Father retains sole physical custody of the minor children;
2. The parties retain joint legal custody of the minor children; and
3. Mother retains supervised visitation in accordance with the July 24, 2020 Order.

IT IS SO ORDERED.

DATED this 12 day of May, 2021.

HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

SIXTH JUDICIAL DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
MICHAEL R. MONTERO
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on May 7, 2021, I caused to be served a true and correct copy of the enclosed **ORDER** upon the following parties:

Janea Calkins
1465 W. Deer Crest Street H101
Meridian, ID 83646
Via US Mail

Massey Mayo, Esq.
Dolan Law, LLC
545 Hanson Street
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Taylor M. Stokes
TAYLOR M. STOKES
LAW CLERK