

IN THE DISTRICT COURT WITHIN AND FOR MAYES COUNTY

STATE OF OKLAHOMA

<p>In the Matter of B.H., D. H., J. H., A. H., J. H., and N. H., Alleged Deprived Children,</p> <p>State of Oklahoma</p> <p style="text-align: right;">Petitioner,</p> <p>-vs-</p> <p>Crystal Dawn Hall, and James A. Hall</p> <p style="text-align: right;">Respondents.</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>FILED IN THE DISTRICT COURT MAYES CO. OKLAHOMA</p> <p style="text-align: center; font-size: 1.2em;">DEC 07 2007</p> <p>LOU P. WAGNER, CLERK BY: [Signature] DEPUTY</p> </div> <p>No. JFJ-2007-30</p> <p>Formerly Rogers County JD-2005-123</p>
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IN THE DISTRICT COURT WITHIN AND FOR McINTOSH COUNTY

STATE OF OKLAHOMA

<p>James Abraham Hall,</p> <p style="text-align: right;">Plaintiff,</p> <p>-vs-</p> <p>Crystal Dawn Hall</p> <p style="text-align: right;">Defendant.</p>	<p>FD-2005-151</p>
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**PUBLIC ORDER
DISMISSING JUVENILE ACTION AND
DETERMINING CHILD CUSTODY, SUPPORT, AND VISITATION**

NOW, on this 4th day of December, 2007, comes on for review, the above entitled juvenile matter. The Court finds it is in the best interests of the minor children that this matter be an open hearing, and the following is a "public finding" pursuant to 10 OS 5.5(J), and a certified copy of this order should be filed in the McIntosh County Divorce Action between the parties, and remain in full force and effect until modified as provided by law. The father, James A. Hall appears in person and by counsel, Greg Laird, the mother, Crystal Dawn Hall appears in person and with representatives from Safenet Services, Inc., and by her attorney, Ronald McGee, and DHS appears by its primary caseworker, Mr. Al Pavat, and supervisors Rita Baker, and Denise Hoos, and the State of Oklahoma Gene Haynes, District Attorney by First Assistant District Attorney, Raymond L. Hasselman, and the 5 minor children being present but not in the courtroom, and appearing by their attorney Gerald R. Lee. All parties announcing ready for

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hearing and the Court not ordering the Courtroom closed. The State initially offers into evidence the DHS written Review Report, and Supplemental Report and the same was received into evidence without objection. Witnesses were then sworn and examined and testimony heard, from which:

The Court FINDS, as follows, to-wit:

1. HISTORY

- a. This action was originally commenced in the District Court of Rogers County in July, 2005 while the mother was temporarily residing in the Safenet Domestic Abuse Shelter in Rogers County by reason of the mother being admitted to a mental health stabilization center.
- b. DHS took temporary emergency custody of the 5 minor children of the parties and deprived child action was filed. It has been pending for more than 28 months.
- c. A McIntosh County investigation did not reveal abuse by the father, James Hall, but their investigative report appears to have been ignored by Rogers County DHS.
- d. Three separate psychological examinations of Mr. Hall found him not to appear to possess psychological traits of an abuser. A fourth report by DVIS in Tulsa made similar findings, and Safenet Services is attempting to have this examiner terminated by reason of his findings in this case according to reports to the Court.
- e. More than 1 year passed with Rogers County DHS refusing to provide ANY visitation between father and children. No explanation as to this patently unreasonable deprivation of the father's rights has ever been explained by Rogers County DHS.
- f. The mother stipulated to the deprived petition, but the father did not, and has consistently denied any abuse of his spouse or children, and no credible evidence of any such claimed abuses has ever been presented to this Court. Nevertheless, the father voluntarily completed some steps in an ISP, but Rogers County DHS for unknown reasons did not recognize Mr. Hall's completion of required programs in McIntosh County where he then resided.
- g. All Rogers County Judges recused in all matters involving the father and the undersigned Judge was appointed in September 2006 to hear all such matters.

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- h. On March 26, 2007, this court removed Rogers County DHS, CASA, and the Children's attorney from the case, moved the Case to Mayes County under the jurisdiction of Mayes County DHS and appointed a new well qualified, experienced and independent attorney for the children, Mr. Gerald R. Lee.
- i. On May 30, 2007, this court dismissed the deprived action as to their father, and returned the 5 children to his custody, subject to supervised visitation by the mother, but retained jurisdiction, and DHS supervision of placement with the father for a period in excess of 6 months. This dismissal was in part pursuant to a prior agreement between the former Assistant District Attorney and Mr. Hall's counsel if a favorable fourth psychological report was received from Tulsa County DVIS, and such a report was received. During this supervision period the Court has never received any information or report to indicate that the father is providing anything other than appropriate care for the children, other than inadequate temporary housing. The Court received a very positive report from Tulsa County Family and Children's Services regarding Mr. Hall and the children.
- j. This court has never received any credible evidence that James A. Hall has ever committed any act of child abuse, or spousal abuse. Based upon the record, the claims of Crystal Hall as to abuse appear to the Court to have been manufactured or fabricated which resulted in her being eligible to receive services from Safenet Services.
- k. That Crystal Hall is a person with serious mental health problems, and has what appears to be a substantial co-dependence with Safenet Services. She generally only speaks to her DHS case workers through Safenet representatives, who have been less than forthcoming with the Court and DHS in providing information regarding her treatment, activities and progress. Previous hearings have indicated that Safenet visits the home of Crystal Hall twice daily, at 7 AM and 11 PM seven days per week to assure that she is taking her medications. Testimony in this hearing indicates that Safenet representatives visit her home 3 times daily 7 days per week to check on her taking her medications. Also, that she owns, but has not driven her vehicle since last August, and Safenet representatives provide her transportation to and from her place of employment, for visitation, grocery shopping and other routine matters. After approximately 2 ½ years of extensive counseling, through Safenet and other sources, the Court can see no progress on the mental health issues of the mother. Although the current Safenet report indicates she is "improved" since the last review in September, her daily supervision has increased by an additional daily visit and she does not drive her vehicle. The best interests of the mother *may* be served by her residence in a group mental health home setting to assure compliance with proper administration of her

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medications; it is reported however when she takes her medications as directed she does well, and that the mother is now capable of and is in fact regularly employed, and therefore the court finds that child support should be ordered.

- l. The Court finds that during the time of its assignment in this case, that Safenet Services has been less than forthcoming in its reporting to DHS and the Court, and its credibility is questioned by the Court. The Attorney for the Children has recommended, and requested that the mother be ordered to permit no contact between the children and the current director of Safenet Services. One of the children has requested that the Court "get Safenet out of our lives." The Court is concerned from testimony presented that inappropriate email regarding this matter and the children may have originated from a computer located at the Claremore residence of the Director of Safenet Services.
 - m. It appears after the 28 months that this action has been pending, the mother is not yet in compliance with the ISP, and by reason of her mental condition may never be able to comply and safely care for her children. It is the recommendation of DHS that the case be dismissed and closed, with custody of the children to the father with supervised visitation to the mother. The Court finds that the same is in the best interests of the minor children, appropriate, and exit orders in connection therewith should be made.
 - n. That the Court commends Mr. Al Pavat, Mayes County DHS caseworker for all of his efforts in dealing with this most difficult case, and finds that his services have been above and beyond what should be reasonably expected of him.
 - o. That these detailed findings are made in part to assist any future Court considering any motion to modify, to determine the conditions existing at this time to aid in determining if substantial and material changes in condition have occurred.
2. IT IS THEREFORE ORDERED, ADJUDGED, DECREED, AND DECLARED BY THE COURT AS FOLLOWS:
- a. That the father, James A. Hall is a suitable and proper person, and he is hereby awarded the sole and exclusive custody of the five minor children of the parties,
 - (1) B Hall
 - (2) D Hall
 - (3) J Hall
 - (4) J Hall
 - (5) N Hall

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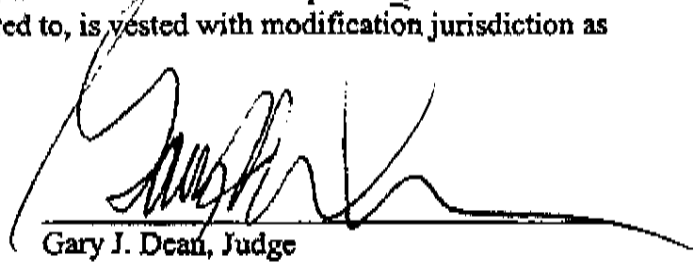
subject to supervised visitation by the mother as set forth below.

- b. The visitation of the mother shall be arranged and supervised by Visitation Solutions, and its representative Pam Thomas, or other professional visitation supervising service in Tulsa County, Oklahoma, at the sole expense of the mother; no representative of Safenet Services shall be present or have any contact with the children during the visitation. The mother or visitation supervisor shall not permit the present director of Safenet Services to have any contact with the children at any time, as requested by the attorney for the children. Transportation of the children from their home to the visitation site shall be provided by the father, and shall not exceed two visitation periods per month not to exceed 4 hours per visitation. The mother stated in open court that she did not desire to have telephone visitation or contact with the children, but the same shall be permitted if desired by the mother in the future. Safenet representatives are not prohibited by any part of this order from transporting the mother for her visitation.
- c. That minimum wage is imputed to both parties for a monthly gross income of \$1,014 each, resulting with gross child support due from mother, to father of \$375 per month effective December 1, 2007, and each month thereafter until the further order of the Court. However, the Court deviates from the guidelines by giving mother a \$125 monthly credit for partial assistance with supervised visitation expenses, for a net support amount of \$250 monthly. Income assignment shall issue and DHS through its CSED shall issue the same so that the identity of the place of employment of the mother shall remain confidential. Mayes County DHS shall obtain such information and arrange with CSED to issue the assignment. Child Support Guidelines are attached and the terms incorporated herein.
- d. The mother has indicated that she has applied for Social Security Disability benefits. In the event she is determined to be disabled and entitled to benefits which include benefits for the children, the benefit for the children shall be received in lieu of the child support ordered herein.
- e. IF either of the parties shall owe the other child support under any prior orders herein, the Court orders that any balance due be suspended to start with Zero (\$0) balances due between the parties; however, this suspension shall have no effect on any funds due DHS under prior orders.
- f. The father shall diligently continue with efforts to relocate to more suitable housing.

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- g. The terms and conditions of 43 O.S. 112.3 regarding either party giving written notice of change of residence if moving more than 75 miles are incorporated herein by reference, and both parties required to comply therewith.
- h. That the Juvenile Deprived case is ordered closed and dismissed. That this Court retains no further jurisdiction as to the parties or children absent an appeal. The District Court of McIntosh County in the divorce action captioned, or such other forum as the case may be transferred to, is vested with modification jurisdiction as provided by law.

IT IS SO ORDERED.



Gary J. Dean, Judge

Child Support Guidelines Attached & Incorporated

Certificate of Service Attached

CERTIFICATE OF DELIVERY

I, Melinda J. George, bailiff for the Honorable Gary J. Dean, do hereby certify that I did, on the 7th day of December, 2007, deliver a certified copy of the following

instrument: **PUBLIC ORDER DISMISSING JUVENILE ACTION AND DETERMINING CHILD CUSTODY, SUPPORT, AND VISITATION, FILED IN MAYES CO. CASE NO.: JF-07-30,**

in the following manner:

- 1. United States Postal Service with proper postage thereon;
- 2. Certified Mail Number _____;
- 3. courier _____;
- 4. FAX _____/ _____;
- 5. hand delivered;

to the following:

Mayes Co. DHS
Atten: AL Pavatt
501 S. Elliott
Pryor, OK 74361

Raymond L. Hasselman
Rogers Co. Assistant Dist Atty
219 S. Missouri Rm 1-104
Claremore, OK 74017

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Attorney at Law
P.O. Box 1167
Claremore, OK 74018

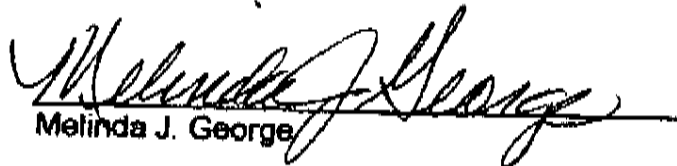
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Carrie Pittman
McIntosh Co. Court Clerk
110 N. 1st Street
Eufaula, OK 74432-2449

I, Lori Parsons, Court Clerk for Mayes County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears of record in the Court Clerk's Office of Mayes County, Oklahoma.

this 7th day of Dec, 2007
By Lori Parsons Deputy Court Clerk


Melinda J. George