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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS
JUVENILE BRANCH

- - -

IN THE MATTER OF:

KATHY J. HERNANDEZ, : 12JU-14479
PLAINTIFF :
VS :
ARISTIDES JURADO, :
DEFENDANT :

- - -

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MAGISTRATE JILL MATTHEWS
HEARD ON JULY 8, 2013

- - -

APPEARANCES BY:

LEEANN MASSUCCI, ATTORNEY AT LAW ON BEHALF OF
THE DEFENDANT, ARISTIDES JURADO
ERIKA SMITHERMAN, ATTORNEY AT LAW ON BEHALF OF
THE PLAINTIFF, KATHY J. HERANDEZ
RONALD PETROFF, ATTORNEY AT LAW AS CO-COUNSEL
ON BEHALF OF THE PLAITNIFF, KATHY J. HERNANDEZ
BLYTHE BETHEL, ATTORNEY AT LAW AS GUARDIAN AD
LITEM ON BEHALF OF THE MINOR CHILD

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ATTORNEY SMITHERMAN: - Guardian in place
and Your Honor may remember that conversation back
in the middle of May, so our position on that is
that this motion shouldn't even be before the Court
based upon your direction and we would be wanting to
look at some attorney's fees on this because we've
had to expend our client's resources to address this
motion to approach on the matter back in May and
then now here today to deal with this; so overall
that's our position on that motion. More
specifically I would like to point out that the
medical records submitted with that motion is not
the most accurate one and in fact it - - - a more
updated record would show that he in fact was in the
50th or above the 50th percentile before he even - - -
before formula was even introduced as part of a
routine to his diet. In fact he had had a total of
four ounces according to mom's log prior to that
appointment on May 14th, so we don't see that as an
issue. As far as the Motion for Rule 75, our
concerns here are that the Guardian still has a bulk
of the investigation left to do, as far as home

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1 visits. We need, you know, her to be able to talk
2 to other collateral sources that may be able to shed
3 some light and some information on how each of these
4 two parties do parent the child when the child is
5 with him or her. Also, we believe we're going to be
6 presenting to you today an agreed entry for
7 custodial evaluation to be done by Doctor Smalldon.
8 It would be our contention that before we entertain
9 a 50/50 schedule on this, we would like to see what
10 the result of the custody evaluation would be before
11 we make it - - - you know, put that on the table, I
12 guess, as far as a serious consideration. We
13 recognize that the Guardian has been proposing this
14 schedule but we truly don't feel like we're in a
15 very adequate position to make that determination
16 right now. So it would be, you know, our client's
17 position that we not agree to a 50/50 schedule right
18 now and in fact just wait for the Guardian to
19 complete her investigation and for the custody
20 evaluation to come back from Doctor Smalldon. Did
21 you have anything that you'd like to add?

22
23
24 ATTORNEY PETROFF: Just that without going
25

1 into too much detail, all five of us have had the
2 last two or three holiday long weekends ruined by
3 emails, phone calls, emergencies and, you know, this
4 is a case that is unique. We can - - - you know, I
5 - - - I hope that not - - - no one gets these types
6 of cases very often but the - - - the amount of
7 nuance and minutia that is brought to counsel's
8 attention on a daily basis is - - - is absurd. And,
9 you know, we all need to remember that it's about a
10 one year old here and not the parties' power - - -
11 power struggle. And so I just don't want - - - you
12 know, I think these parties lose the - - - both of
13 them lose the force for the trees here and it's a
14 daily power struggle about where the drop off is or
15 who is feeding mango to whom and, you know, how
16 (inaudible) what a daycare is and we're not - - -
17 we're losing focus on - - - on what's really
18 important. And so I just wanted to bring that to
19 the Court's attention.

22 MAGISTRATE MATTHEWS: All right. Dad.

23 ATTORNEY MASSUCCI: Thanks, Your Honor.

24 I'm glad Mr. Petroff said that we want to bring it
25

FTR

COURT OF DOMESTIC RELATIONS

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1 back to the focus on what's important here. The
2 reality is the Guardian has been recommending a
3 50/50 schedule since January 23rd.

4 MAGISTRATE MATTHEWS: Uh-huh (affirmative
5 response).

6 ATTORNEY MASSUCCI: She has said it
7 without fail every time we've asked about the
8 schedule. I want to give a historical perspective
9 that she was in trial on January 23rd, could not
10 fully participate -
11

12 MAGISTRATE MATTHEWS: Uh-huh (affirmative
13 response).

14 ATTORNEY MASSUCCI: - in our motion
15 hearing. She specifically stated to us "this is a
16 50/50 equal time, write it up" and she went to
17 trial.
18

19 MAGISTRATE MATTHEWS: Uh-huh (affirmative
20 response).

21 ATTORNEY MASSUCCI: Mom refused to agree
22 to that at that time. We wrote up a very detailed
23 interim schedule as an interim order. We
24 specifically came in and said to the Court "This is
25

FTR

1 an interim issue because mom will not agree to full
2 - - - to 50/50; once the Guardian can talk to us all
3 again we're going to approach". We asked if we
4 could have it in - - - an informal approach to
5 revise that entry, the Court indicated that was fine
6 that - - - that the Court understood that we
7 couldn't get everyone on board without the Guardian
8 and then for some reason because of schedule or
9 whatever we were told that we were not allowed to
10 approach informally after that. Now, that being
11 said, this interim schedule was never the intent of
12 the Guardian. We took it because we couldn't get
13 anything else. As we know, mom has never approached
14 this as a shared parenting case. This - - - an
15 interim enter - - - entry that was - - - that was
16 agreed upon on January 23rd is shared parenting and
17 gives dad very little time but that is all mom would
18 agree to.
19
20

21 MAGISTRATE MATTHEWS: Uh-huh (affirmative
22 response).

23 ATTORNEY MASSUCCI: So we took it and
24 we've been arguing since January 23rd to have an
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equal time schedule. There is no reason why dad should not have an equal time schedule. The Guardian - - - you know, I mean to say that the Guardian hasn't finished her investigation with a one year old, we're still talking about home visits, I mean seriously the Guardian has weighed in on this a gazillion times. Now, to be fair, the Guardian also has required a limitation or a restriction to daycare. My client has adamantly opposed that; I have opposed that. I feel that if it's a two, two, three rotating schedule that the parents ought to be able to parent their child if they're available -

MAGISTRATE MATTHEWS: Uh-huh (affirmative response).

ATTORNEY MASSUCCI: - as opposed to a daycare provider. I am conf - - - I understand the concept of consistency but it should be b - - - it should - - - it should be for the child, not about mom's consistency or dad's consistency as long as those parents can provide consistency for the child in their home, you know, it - - - for naps, for meals, I understand all that, but we have mom taking

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1 the child out at ten o'clock at night to go to the
2 seventeen year old's events, so we're not getting -
3 - - we're not getting consistency regardless. If we
4 could get an even schedule I think this alleged
5 drama that dad raises will cease to a considerable
6 amount of time. His parents are here from Panama
7 right now. We couldn't even get mom to agree to let
8 him take a vacation with his parents.
9

10 MAGISTRATE MATTHEWS: To where?

11 ATTORNEY MASSUCCI: To anywhere for a week
12 uninterrupted time. We -

13 MAGISTRATE MATTHEWS: Okay.

14 ATTORNEY MASSUCCI: - couldn't even get -
15 - - we couldn't even get that. They've been here
16 three weeks now.
17

18 MAGISTRATE MATTHEWS: All right.

19 ATTORNEY MASSUCCI: We're - - - we're on
20 July 8th. We've had to wait until today. Mom agreed
21 consistently to a 50/50 schedule so long as dad
22 didn't want a psychological evaluation. When her
23 counsel said to me "we'll agree to a psychological
24 evaluation as long as it can be done by July 8th" I
25

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1 reminded them that - - - that that was not feasible.
2 We knew the evaluation wasn't going to be done by
3 July 8th when we're talking about it in June. Then
4 when mom found out that it was going to take almost
5 a year, probably, that's about what his - - - his -
6 - - his timeline is right now. I know the Guardian
7 believes she can - - - she can push him a little
8 more. Even if we get to eight months and we have a
9 recommendation, why should dad have to wait that
10 eight months? As soon as mom found out that the
11 psychological evaluation was going to be an extended
12 period of time, then all of a sudden 50/50 wasn't
13 good enough for her son and we wanted to wait until
14 that was done. First it was when dad was wanting
15 the evaluation we couldn't agree. We couldn't agree
16 with him because he wanted the evaluation. Then
17 when he withdrew his - - - his request for the
18 evaluation then mom wanted it. So it's just go on
19 and on. We had no choice but to file this motion
20 and ask the Court for some relief today to just get
21 an equal schedule. As far as the motion for the new
22 pediatrician, you had - - - the only information you
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COURT OF DOMESTIC RELATIONS
FRANKLIN COUNTY

COLUMBUS, OHIO 43215

1 had in front of you was that dad sought - - - wanted
2 a new pediatrician. You said at the time - - - and
3 I was not here either - - - but - - - but Ms.
4 Bahnson indicated that you said at the time it's
5 probably not something I would - - - I would
6 consider. We do have a Guardian and the Guardian
7 has suggested that if there is conflict with the
8 pediatrician let's get a neutral one.
9

10 MAGISTRATE MATTHEWS: Okay.

11 ATTORNEY MASSUCCI: I mean because we got
12 mom to accept the fact that we could get a second
13 opinion on the failure to thrive and some of the
14 other issues that dad had concerns about. We got a
15 second opinion and then mom said "Oh, I don't want
16 that anymore". So the Guardian said "Enough, here's
17 a third one, here's a neutral pediatrician, I would
18 strongly suggest you guys do it". So the reality is
19 this isn't really that unique a case. The - - - the
20 - - - the reality is this is - - - these are two
21 parents who can't get along, nothing that the Court
22 hasn't seen.
23

24 MAGISTRATE MATTHEWS: Yes.
25

FTR

1 ATTORNEY MASSUCCI: This is a one year old
2 child that loves both of his parents. Thank God.
3 Both parents are professionals; they are quirky but
4 they're professionals and they're good people. This
5 - - - the psych isn't going to say that neither of
6 them are capable of parenting their child. It may
7 say something interesting things, probably not going
8 to say that either of them are incapable of
9 parenting their child, but un - - - excuse me - - -
10 until we get that, dad is entitled to an equal
11 schedule with his son, period. And that's all he's
12 trying to do which is forcing him because he's so
13 limited he feels the need to go to the daycare a
14 couple times a day; it's the only quality time he's
15 getting with his son. Every limitation has been put
16 on him. Everything that he's asked for, well, you
17 know, we have to look at this, we have to look at
18 that but the only thing that has been consistent
19 throughout this entire - - - since the beginning of
20 this case when the Guardian got involved was that
21 these parents love this child, this child loves this
22 - - - his parents, this should be an equal schedule.
23
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FRANKLIN COUNTY

1 That has been the only consistent theme throughout
2 and I simply ask the Court today to make that an
3 order and then have us move forward on the other
4 issues that are still out there. Thank you.

5 MAGISTRATE MATTHEWS: Okay. Is the child
6 in childcare now?

7 ATTORNEY MASSUCCI: Yes.

8 ATTORNEY BETHEL: Yes.

9 MAGISTRATE MATTHEWS: Their chi - - -
10 where - - - what's the childcare facility where the
11 child goes?
12

13 ATTORNEY BETHEL: Brooksedge in Hilliard.
14 I - - - I would like to address one thing if I may,
15 Your Honor?

16 MAGISTRATE MATTHEWS: Absolutely.

17 ATTORNEY BETHEL: I - - - I received over
18 the holiday weekend a call from one of the persons
19 at the daycare, not the director but the person
20 immediately under her.
21

22 MAGISTRATE MATTHEWS: Uh-huh (affirmative
23 response).

24 ATTORNEY BETHEL: And I spoke with her
25

FTR

1 this morning at length before coming into Court. I
2 - - - they have an open door policy like most
3 daycares do and, you know, parents are encouraged or
4 invited to come and - - - and there's no
5 limitations. I do have a problem when we have a
6 parent that is, I'm being told, coming twice a day,
7 five days a week. It's disruptive to the daycare -
8

9 MAGISTRATE MATTHEWS: This is dad?

10 ATTORNEY BETHEL: Yes.

11 MAGISTRATE MATTHEWS: Uh-huh (affirmative
12 response).

13 ATTORNEY BETHEL: It's disruptive to - - -
14 it's - - - it's disturbing to some of the other
15 parents.

16 MAGISTRATE MATTHEWS: Uh-huh (affirmative
17 response).

18 ATTORNEY BETHEL: And it's getting to the
19 point where - - - and I - - - from what I've been
20 told this - - - this daycare as I assume there's
21 multiple daycares that have ongoing investigations
22 by whatever bureau - - - bureaucratic agency
23 investigates them but that they're under some
24
25

FTR

1 investigation and, you know, that - - - the daycare
2 is getting to the point that - - - we don't want to
3 be in the middle of this.

4 MAGISTRATE MATTHEWS: Uh-huh (affirmative
5 response).

6 ATTORNEY BETHEL: And we don't want to say
7 to any parent that they can't come, but when they
8 come and they come twice a day and it's - - - it's
9 disruptive but it's really disruptive for the child.
10 The child gets very distressed when -
11

12 MAGISTRATE MATTHEWS: Uh-huh (affirmative
13 response).

14 ATTORNEY BETHEL: - that parent leaves.
15 And he'll calm down eventually but doing that twice
16 a day is disruptive.
17

18 MAGISTRATE MATTHEWS: What's he - - - how
19 long is he spending when he comes?

20 ATTORNEY BETHEL: It depends. And
21 sometimes he just sits and watches everybody and
22 that's very - - - and the words "intimidating" and
23 "aggressive" were used today in my conversation. I
24 - - - look, again, I'm not trying to punish anybody
25

FTR

1 here but I'm trying to tell these folks you have got
2 to put this child and his schedule first.

3 MAGISTRATE MATTHEWS: Uh-huh (affirmative
4 response).

5 ATTORNEY BETHEL: And until you folks do
6 that the only place where he is getting a consistent
7 daily routine is at the daycare. I mean what I
8 would think would be easy is for, you know, mom to
9 tell the dad "this is the schedule that I do" and
10 dad do the schedule; that can't be done. I'm not
11 certain if - - - I - - - I probably tend to agree
12 with LeeAnn with respect to is there going to be a
13 diagnosable mental disorder, probably not.

14 MAGISTRATE MATTHEWS: Uh-huh (affirmative
15 response).

16 ATTORNEY BETHEL: But I've asked that Jeff
17 Smalldon do this evaluation because I think that
18 this is - - - this is not going to be about time,
19 this is going to be about custody.

20 MAGISTRATE MATTHEWS: Uh-huh (affirmative
21 response).

22 ATTORNEY BETHEL: And I think that's
23
24
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FTR

1 ultimately what this case is going to be about.

2 MAGISTRATE MATTHEWS: So you agree that a
3 custody evaluation -

4 ATTORNEY BETHEL: Absolutely.

5 MAGISTRATE MATTHEWS: - would be
6 appropriate? Okay. Just dad to be -

7 ATTORNEY BETHEL: No both.

8 MAGISTRATE MATTHEWS: Okay.

9
10 ATTORNEY BETHEL: 319 - - - 3109.04
11 evaluation. And I - - - you know, again, I know
12 that the daycare will not restrict either parent but
13 I - - - I've got to tell ya (sic) twice a day is a
14 bit crazy and I - - - I know - - - I just - - - I
15 don't - - - I don't understand it. It's putting the
16 daycare in a bad place. And - - - and I don't know,
17 you know, if we get to the point where the daycare -
18 - - I could see this daycare if this continues
19 saying "we really -

20
21 MAGISTRATE MATTHEWS: Absolutely.

22 ATTORNEY BETHEL: - we're not going to put
23 up with this".

24 MAGISTRATE MATTHEWS: Do you know why dad
25

FTR

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COLUMBUS, OHIO 43215

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1 is going as often as he is? What he's -

2 ATTORNEY MASSUCCI: Because he's being
3 restricted from being a father.

4 MAGISTRATE MATTHEWS: Okay.

5 ATTORNEY MASSUCCI: His time is so
6 limited. And right now, you have to understand,
7 Your Honor, dad works on a contract basis, sometimes
8 - - - I mean he's a - - - he's a quality control
9 payroll specialist -
10

11 MAGISTRATE MATTHEWS: Uh-huh (affirmative
12 response).

13 ATTORNEY MASSUCCI: So he goes where his
14 contract is, all right? So he's been - - - for
15 example, when this case was first started, he was in
16 Chicago; he flew back and forth from Chicago. So he
17 would lose considerable amount of time with his son.
18 So right now he's in between contracts, so he has
19 full days to be with his son, but because mom is
20 restricting his access and won't - - - won't even
21 agree to the equal parenting schedule the only time
22 he gets to see his son, for the most part - - - I
23 take that back, not for the most part, but he has a
24
25

FTR

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1 very skewed schedule. He gets to see him - - - you
2 see it in the - - - in the interim order -

3 MAGISTRATE MATTHEWS: In the January -

4 ATTORNEY MASSUCCI: - right -

5 MAGISTRATE MATTHEWS: - because it
6 reverted back to the January order.

7 ATTORNEY MASSUCCI: Yes.

8 MAGISTRATE MATTHEWS: Okay.

9
10 ATTORNEY MASSUCCI: So he - - - on the
11 days that he doesn't see his son, he'll go a couple
12 of times during the day. On the days that he
13 doesn't have his son in the evening he'll go a
14 couple of times during the day. We have lots of
15 issues - - - but it is not every day, it - - - he
16 doesn't go twice a day every day, but right now, he
17 is in between contracts and his parents are here
18 from Panama. They do not get to see this child very
19 much so they will go a couple times a day when they
20 are going two or three days without seeing him.

21
22 MAGISTRATE MATTHEWS: Well, so, generally,
23 when's he been seeing the child? What's his
24 contention - - - what's the time that he says he's
25

FTR

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1 been seeing the child?

2 ATTORNEY MASSUCCI: You mean at the
3 daycare?

4 MAGISTRATE MATTHEWS: How much time - - -
5 how much time is he saying that he's been seeing the
6 child?

7 ATTORNEY MASSUCCI: At the daycare, you
8 mean?

9 MAGISTRATE MATTHEWS: No, outside the
10 daycare?
11

12 ATTORNEY MASSUCCI: Just what the order
13 says.

14 MAGISTRATE MATTHEWS: Okay. So - - - but
15 it's been adhered to, like, his schedule is still -
16 - - met this -

17 ATTORNEY MASSUCCI: Yes, because he's in
18 between contracts -

19 MAGISTRATE MATTHEWS: Okay.

20 ATTORNEY MASSUCCI: - so he's not - - - so
21 there's a - - - but there's a third page, I believe,
22 Your Honor -
23

24 MAGISTRATE MATTHEWS: Right, right.
25

FTR

1 ATTORNEY MASSUCCI: - yeah, that says
2 beginning May 15th -

3 MAGISTRATE MATTHEWS: Right.

4 ATTORNEY MASSUCCI: - right, that is what
5 he's getting so -

6 MAGISTRATE MATTHEWS: So he's still been
7 getting Friday to Saturday -

8 ATTORNEY MASSUCCI: Friday to Saturday -

9 MAGISTRATE MATTHEWS: - Monday after
10 daycare -
11

12 ATTORNEY MASSUCCI: - and then picks up -

13 MAGISTRATE MATTHEWS: - Wednesdays as he's
14 available until Thursday morning -

15 ATTORNEY MASSUCCI: Right. Which is
16 nowhere near an equitable schedule.

17 MAGISTRATE MATTHEWS: Uh-huh (affirmative
18 response).
19

20 ATTORNEY MASSUCCI: Because even though
21 mom wants to complain about dad being at the
22 daycare, he'll call and daycare will tell him,
23 "well, mom's already come and taken him home". I
24 mean he doesn't have a consistent schedule at the
25

FTR

1 daycare regardless of whose time it is. And if we
2 just narrow this down to what's important for this
3 child, if we - - - if we trust the Guardian and say
4 it's an equal schedule and limited access at
5 daycare, then I would suggest that we say a two,
6 two, three rolling schedule, that the child's in
7 daycare every day from 9:30 - - - I would request
8 until 2:00, that's after his naptime is over, okay?
9 And - - - the Guardian was saying 4:00, I would
10 request that he's in daycare every day 9:30 to 2:00
11 and that neither parent disrupt that. That if a
12 parent wants to visit once a day on a day that
13 they're not seeing their child that may be available
14 to them. But I don't understand why we're being so
15 restrictive with dad.
16

17
18 MAGISTRATE MATTHEWS: 9:30 to 2:00?

19 ATTORNEY MASSUCCI: 9:30 to 2:00.

20 MAGISTRATE MATTHEWS: Four and a half
21 hours?

22 ATTORNEY PETROFF: Yes.

23 ATTORNEY MASSUCCI: Something like that,
24 yeah.
25

FTR

1 ATTORNEY BETHEL: Yes.

2 MAGISTRATE MATTHEWS: Yeah, that's four and
3 a half hours.

4 ATTORNEY MASSUCCI: Five hours maybe, four
5 and a half.

6 MAGISTRATE MATTHEWS: Somebody's -

7 ATTORNEY MASSUCCI: Yeah.

8 MAGISTRATE MATTHEWS: - going to go visit
9 during that four and a half hours for a one year
10 old?
11

12 ATTORNEY MASSUCCI: If he has - - -
13 listen, I'm - - - I'm -

14 MAGISTRATE MATTHEWS: I'm just trying to
15 understand - - - I was just - - - just unbelievable
16 involvement by these parents, over involvement.
17

18 ATTORNEY BETHEL: It is.

19 ATTORNEY SMITHERMAN: Uh-huh (affirmative
20 response).

21 MAGISTRATE MATTHEWS: And I just - - - I
22 feel like it's -

23 ATTORNEY BETHEL: I don't understand it.

24 MAGISTRATE MATTHEWS: It's -
25

FTR

COURT OF DOMESTIC RELATIONS

COLUMBUS, OHIO 43215

FRANKLIN COUNTY

1 ATTORNEY BETHEL: I got to tell ya (sic),
2 I don't understand it.

3 ATTORNEY PETROFF: That's the first thing
4 -

5 MAGISTRATE MATTHEWS: It's the -

6 ATTORNEY PETROFF: - I said about this
7 case.

8 MAGISTRATE MATTHEWS: - responsibility of
9 everyone sitting here to try and get these parents
10 to see some reason.
11

12 ATTORNEY BETHEL: Right.

13 MAGISTRATE MATTHEWS: Rather than buying
14 into insanity, to - - - to pull things back and let
15 - - - this is a one year old child; you're going to
16 keep this up for the next seventeen years?
17

18 ATTORNEY MASSUCCI: I don't think it's the
19 Court's position to tell a parent that daycare
20 trumps them, however -

21 MAGISTRATE MATTHEWS: I didn't say that
22 daycare trumps them, I just don't understand why in
23 four and a half hours somebody's got to go every day
24 -

25

FTR

1 ATTORNEY MASSUCCI: Well that's -

2 MAGISTRATE MATTHEWS: - for what?

3 ATTORNEY MASSUCCI: - but that's not what
4 it is right now, Your Honor. That's not what the
5 schedule is right now. The schedule right now is he
6 is restricted from picking that child up at four -

7 MAGISTRATE MATTHEWS: I understand but
8 you're suggesting the child go 9:30 to 2:00 every
9 day and the other parent who is not having their
10 parenting time then could stop in and see the - - -
11 I mean it's like a perpetuating this - - - this
12 constant involvement -

13
14 ATTORNEY MASSUCCI: Well, I understand
15 your point, Your Honor -

16 MAGISTRATE MATTHEWS: - that is to what
17 benefit of the child?

18
19 ATTORNEY MASSUCCI: Well, I would - - - I
20 would argue that it's always to the benefit of the
21 child to see their parent.

22 MAGISTRATE MATTHEWS: But I'm hearing that
23 it can upset the child when a parent comes and goes
24 -

25

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1 ATTORNEY MASSUCCI: Listen, Your Honor, my
2 - - - my client doesn't have to come and go right
3 now. If this wasn't so absurd he could have his
4 child all day. He's home right now; he's in between
5 contracts. We don't tell teachers when they're home
6 all summer that they're - - - they have to put their
7 child in daycare. Okay, we don't tell them that.
8 He's home, he's technically in between jobs right
9 now, but he has a limitation on when he can see his
10 son. So all I'm saying is, if we're going to keep
11 that limitation in give him some flexibility. If
12 we're - - - if - - - and I got - - - look, I know,
13 if the Guardian says that to the Court that's what
14 the Court is going to do. I get this gig but I'm
15 saying, I - - - I can respectfully disagree with
16 that.
17

18 MAGISTRATE MATTHEWS: Uh-huh (affirmative
19 response).
20

21 ATTORNEY MASSUCCI: Okay, so if that's - -
22 what - - - if the Court still feels as though that's
23 appropriate that's fine. My client still is
24 entitled to a two, two, three rotation, if that's
25

FTR

1 what the Guardian is saying and that's all I'm
2 saying. If you want to put a restriction on the
3 daycare on the days that he doesn't have them then
4 that's the Court's call, okay? I - - - I have a - -
5 - I'm just - - - I'm just advocating.

6 MAGISTRATE MATTHEW: Uh-huh (affirmative
7 response). I understand.

8 ATTORNEY MASSUCCI: Okay? Because I think
9 that he ought to be able to - - - allow him to have
10 the child the whole day on his time. The Guardian
11 doesn't, I know where the Court comes down on that.

12 ATTORNEY BETHEL: If I may? I - - - I - -
13 - the - - - the analogy to a person who is a school
14 teacher and has the summer off, look - - - and I
15 responded to LeeAnn this way, when you have this
16 much conflict between the parents and the only place
17 of refuge with no conflict and consistency in a
18 daily schedule is the daycare, I'm going to opt for
19 the daycare. I really am because it's about the
20 child.
21 child.

22 MAGISTRATE MATTHEWS: Uh-huh (affirmative
23 response). Absolutely.
24
25

FTR

1 ATTORNEY BETHEL: I mean I got one parent
2 telling me he comes - - - he doesn't sleep at
3 daycare, he comes home from daycare and he's
4 sleeping three and four hours when he gets home from
5 daycare. I've got daycare telling me he's - - - he
6 naps.

7 MAGISTRATE MATTHEWS: Uh-huh (affirmative
8 response).

9 ATTORNEY BETHEL: I - - - I don't - - - I
10 don't know what is going on.

11 MAGISTRATE MATTHEWS: Uh-huh (affirmative
12 response).

13 ATTORNEY BETHEL: I mean, look, I - - -
14 I'm - - - you know, I had kids in daycare, you know,
15 you don't visit them every day. And if it was a
16 regular schedule, you know, even if it was a summer
17 - - - half the summer, during that one half of the
18 summer you're going to only see them every other
19 weekend and one evening a week. I mean we're not
20 going to see them every day.

21 MAGISTRATE MATTHEWS: Nuh-huh (negative
22 response).

25

FTR

1 ATTORNEY BETHEL: And that child is not
2 going to die and that child is not going forget who
3 his parents are and I don't know what else to say.
4 But I think you keyed into this very quickly when
5 you said it's just over involvement -

6 MAGISTRATE MATTHEWS: Uh-huh (affirmative
7 response).

8 ATTORNEY BETHEL: And I'm not sure what
9 the basis is for this over involvement.
10

11 MAGISTRATE MATTHEWS: I know when Ron and
12 Eimear were here, you guys weren't on the docket and
13 you stopped in to talk to me, and I don't remember
14 who it was, somebody said something about some
15 personal history and sexual history between these
16 parties and I remember saying "I don't care about
17 their personal history and their sexual history, I
18 just care about the best interest of the child" and,
19 you know, I - - - I don't know what their problem
20 is. Clearly, they've got some issue going on. But
21 I don't think -
22

23 ATTORNEY SMITHERMAN: Your Honor, I -

24 MAGISTRATE MATTHEWS: - everybody sitting
25

FTR

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1 here together could probably come up with a solution

2 -
3 ATTORNEY PETROFF: No, we tried.

4 MAGISTRATE MATTHEWS: - for that.

5 ATTORNEY PETROFF: We've got a list.

6 ATTORNEY MASSUCCI: No really, we've
7 tried.

8 ATTORNEY SMITHERMAN: We have.

9
10 MAGISTRATE MATTHEWS: No, no, I don't
11 think - - - I don't think for love nor money that a
12 solution -

13 ATTORNEY PETROFF: We've tried.

14 MAGISTRATE MATTHEWS: - could be reached
15 for that. They've got to - - - to find a way to
16 deal with that themselves -

17
18 ATTORNEY PETROFF: You don't even know - -
19 - you know - - - you know one percent of the
20 anecdotes. I mean, there - - - there are so many -

21 MAGISTRATE MATTHEWS: And I'm so grateful
22 for that.

23 ATTORNEY SMITHERMAN: Your Honor, if I may
24 interject I'd like to respond a little - - - a few
25

FTR

1 points - - - to a few points that LeeAnn had
2 mentioned to you. First, the Guardian wasn't, I
3 don't believe, appointed until March 18th, not
4 January, so she's been on the case since March I had
5 thought.

6 ATTORNEY PETROFF: Yes.

7 ATTORNEY BETHEL: It seems like a lot
8 longer than that.

9 MAGISTRATE MATTHEWS: It was - - - I see
10 that the - - - the - - - the - - - the Guardian
11 appointment was tabled when you were here in
12 January, so I would have to look here to find the
13 appointment, but March maybe -

14 ATTORNEY SMITHERMAN: I believe it was
15 March 18th.

16 ATTORNEY PETROFF: The current schedule -

17 MAGISTRATE MATTHEWS: That could be
18 correct.

19 ATTORNEY PETROFF: - - the point we're
20 trying to make, Your Honor, the - - - the current
21 schedule was -

22 MAGISTRATE MATTHEWS: Was before the
23
24
25

FTR

1 Guardian.

2 ATTORNEY PETROFF: - was agreed to prior
3 the Guardian's involvement.

4 MAGISTRATE MATTHEWS: Sure, sure.

5 ATTORNEY SMITHERMAN: Right.

6 ATTORNEY PETROFF: So there was a comment
7 made that oh you know, the only reason we agreed to
8 - - - that's not true. We didn't know there was
9 going to be a Guardian appointed.
10

11 MAGISTRATE MATTHEWS: Uh-huh (affirmative
12 response).

13 ATTORNEY PETROFF: We agreed to a schedule
14 and it's kind of one of these things where if dad
15 has buyer's remorse then dad has buyer's remorse but
16 we're not going to rush into doing 50/50 until - - -
17 I mean, it's interesting to us because the Guardian
18 is bringing all these issues that these parent - - -
19 parties have and all this - - - all of this
20 craziness but at the same time she's saying well it
21 should be 50/50.
22

23 MAGISTRATE MATTHEWS: Uh-huh (affirmative
24 response).
25

FTR

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1 ATTORNEY PETROFF: To me those two
2 concepts are - - - are sort of at odds with each
3 other.

4 ATTORNEY MASSUCCI: Well we - - - we'd
5 reverse it. We'd give mom the schedule that dad
6 has. I mean, so what - - - you know -

7 ATTORNEY BETHEL: There has to be an
8 easier way of equal time.

9 ATTORNEY MASSUCCI: Yeah, I mean -

10 ATTORNEY BETHEL: This child is not being
11 neglected, he's - - - it's not a matter of either
12 parent's -

13 MAGISTRATE MATTHEWS: Uh-huh (affirmative
14 response).

15 ATTORNEY BETHEL: - ability to care for
16 this child. There's something going on between
17 these two folks.

18 MAGISTRATE MATTHEWS: Clearly, clearly.
19 It's not about this child at all.

20 ATTORNEY BETHEL: No.

21 MAGISTRATE MATTHEWS: None of this stuff
22 is about this child.

25

FTR

1 ATTORNEY MASSUCCI: Hold on -

2 MAGISTRATE MATTHEWS: Dad going to the
3 childcare center is not about the child. It's - - -
4 none of this stuff. Mom not agreeing to dad seeing
5 the child when his parents are in from -

6 ATTORNEY SMITHERMAN: No -

7 ATTORNEY PETROFF: That's not true.

8 ATTORNEY SMITHERMAN: - that's a
9 misstatement.
10

11 MAGISTRATE MATTHEWS: - out of country,
12 it's not about the child.

13 ATTORNEY SMITHERMAN: That's part of what
14 I wanted to respond to.

15 ATTORNEY PETROFF: That's not true, Your
16 Honor.

17 MAGISTRATE MATTHEWS: But I'm saying, you
18 guys understand, none of this is about the child.
19

20 ATTORNEY SMITHERMAN: Right. Can I finish
21 my response to her because it goes directly -

22 MAGISTRATE MATTHEWS: Absolutely.

23 ATTORNEY SMITHERMAN: - to that point you
24 just made?
25

FTR

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1 MAGISTRATE MATTHEWS: Absolutely.

2 ATTORNEY SMITHERMAN: It is disingenuous
3 to say that mom did not agree to parenting time for
4 dad when his parents were here because in fact mom
5 agreed and offered to let dad have uninterrupted
6 parenting time for two seven day periods -

7 ATTORNEY MASSUCCI: Where is it?

8 ATTORNEY SMITHERMAN: - while his parents
9 were there. Well I think it was -

10 ATTORNEY MASSUCCI: No, it was an all or
11 nothing proposal.

12 ATTORNEY SMITHERMAN: - it was an offer.
13 It was an offer that was then rejected. So, you
14 know -

15 MAGISTRATE MATTHEWS: All right.

16 ATTORNEY SMITHERMAN: - there had already
17 been, you know, communication back and forth for the
18 better part of June on trying to work out a
19 summertime schedule.

20 ATTORNEY MASSUCCI: Yeah, there were
21 stipulations to the offer that he didn't want to
22 accept. I mean, you know, keep this schedule going
23
24
25

FTR

1 forever until the psychs are whatever, I mean, it -
2 - - this is - - - it's not something to barter. You
3 don't barter a vacation.

4 ATTORNEY SMITHERMAN: And then as far as
5 the Guardian's recommendation for the daycare, we
6 would agree that the child should be at daycare
7 every day. Our client doesn't have any objection to
8 that. It was presented to her by the Guardian and
9 she agreed that yes that sounds fine from 9:30 to
10 4:00; she was fine with that. She told the Guardian
11 she was fine with that and her request was that, you
12 know - - - well, again, the Guardian said neither
13 parent should be visiting the child at daycare and
14 our client was fine with that.

15
16 ATTORNEY MASSUCCI: She was fine with that
17 but -

18
19 ATTORNEY SMITHERMAN: And that neither -

20 ATTORNEY MASSUCCI: - she took him out
21 Friday and he's out tomorrow.

22 ATTORNEY SMITHERMAN: - that neither
23 parent should pick up the child - - - or neither
24 parent should be at the daycare except for drop off
25

FTR

1 and pick up and she would agree to that going
2 forward. And then, you know, as far as these
3 parents not being able to work together, I mean even
4 the exchanges that take place outside of daycare
5 take place at Panera in Hilliard and Macy's -

6 ATTORNEY BETHEL: Easton.

7 ATTORNEY SMITHERMAN: - at Easton and they
8 don't talk to each other, they basically - - - you
9 know, the child goes directly with the other parent.
10 There's no communication. They don't - - - even
11 when we're not there working with them, they are not
12 communicating with each other.

13 MAGISTRATE MATTHEWS: Uh-huh (affirmative
14 response).

15 ATTORNEY SMITHERMAN: They don't do it.
16 They used do it. They used to communicate fine
17 before we got into the throws of this litigation.

18 MAGISTRATE MATTHEWS: So what happened?

19 ATTORNEY SMITHERMAN: Right. Litigation.
20 So now it's they're -

21 MAGISTRATE MATTHEWS: No, something
22 happened -

23
24
25

FTR

1 ATTORNEY SMITHERMAN: - fighting for
2 position -

3 MAGISTRATE MATTHEWS: - that prompted the
4 litigation.

5 ATTORNEY SMITHERMAN: - they're str - - -
6 you know, they're fighting for a position -

7 ATTORNEY PETROFF: One final thing - - -
8 the last point I want to make is that the Court is
9 not aware of this is that mom has successfully and
10 is currently successfully adhering to a very, very
11 sh - - - good shared parenting plan with her ex-
12 husband. She gets a long great. We've got evidence
13 and history and he'll be like, you know, our star
14 witness as to how great of a -
15

16 ATTORNEY MASSUCCI: Ron, come on. I mean
17 -

18 ATTORNEY SMITHERMAN: She does
19 successfully shared parent.
20

21 ATTORNEY PETROFF: I went like this. I
22 went like this. It wasn't serious. But he - - -
23 you know, she - - - I just want to make - - - point
24 out to the Court that she's a - - - she has a
25

FTR

1 history of abiding by the - - - because that's one
2 of the 3109.04 factors, she's had a history of
3 abiding by a shared parenting plan, she works well
4 with her ex-husband. They - - - they have a fluid
5 relationship and so what I'm trying to say is it's
6 not -

7 ATTORNEY MASSUCCI: You know that factor
8 is pertinent to the current case, right?
9

10 ATTORNEY PETROFF: I understand that.

11 ATTORNEY MASSUCCI: Okay. Just checking.

12 ATTORNEY PETROFF: But - - - I understand
13 that. But this is - - - she has a - - - she has a
14 history of doing this. The child is seventeen years
15 old and they've never had a post decree issue or any
16 - - - nothing like this.

17 MAGISTRATE MATTHEWS: All right. Well
18 obviously this is going to be a delinquent case
19 because it should be wrapping up in the next few
20 weeks. It doesn't look like that's going to happen.
21 Have we talked about the cost for the psych evals?
22

23 ATTORNEY SMITHERMAN: Yes.

24 ATTORNEY PETROFF: We tried to reach an
25

FTR

1 agree - - - I was - - - I had another hearing so - -
2 - where are we on that?

3 ATTORNEY SMITHERMAN: We have an agreement
4 as far as the -

5 MAGISTRATE MATTHEWS: Okay.

6 ATTORNEY SMITHERMAN: - 50/50 split for
7 custody evaluations; however, that's contingent upon
8 keeping the child support figures where they are for
9 purposes of final orders, at least the income
10 figures - - - for purposes of a final child support
11 figure. There was a provision in the - - - in an
12 old agreed entry where father would be entitled to
13 reimbursement because his 2012 taxes are not done
14 yet -
15

16 MAGISTRATE MATTHEWS: Okay.

17 ATTORNEY SMITHERMAN: - if his income went
18 down he would be entitled to reimbursement. There
19 is not a parallel provision that if his income went
20 up he would be - - - he would have to pay mom more
21 money, okay?
22

23 ATTORNEY MASSUCCI: But that's the current
24 order.
25

FTR

1 ATTORNEY SMITHERMAN: So -

2 ATTORNEY MASSUCCI: Yeah, that's the
3 current order.

4 ATTORNEY SMITHERMAN: - right, that's what
5 I said.

6 ATTORNEY MASSUCCI: Yeah.

7 ATTORNEY SMITHERMAN: So there's -

8 MAGISTRATE MATTHEWS: But this is for
9 child support?
10

11 ATTORNEY SMITHERMAN: - that was a
12 previously entered - - - uh-huh (affirmative
13 response).

14 MAGISTRATE MATTHEWS: Okay.

15 ATTORNEY SMITHERMAN: So our agreement to
16 do a 50/50 is based on keeping those income figures
17 the same -
18

19 ATTORNEY PETROFF: And not have mom pay -

20 ATTORNEY SMITHERMAN: - the person that
21 filed -

22 ATTORNEY PETROFF: - reimbursed out for
23 any, you know -

24 ATTORNEY SMITHERMAN: Mom is not willing
25

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1 to have to reimburse dad - - - what she's worried
2 about is this and I'll be quite honest with you,
3 she's worried about the fact that he was only
4 employed for six months in 2012, okay? That his
5 income is not going to be \$100,000 which is in the
6 child support worksheet, that it could be more in
7 the neighborhood of \$35,000 to \$50,000 after he
8 takes out all of his business expenses. So then
9 she'd be left with a very diminimous (sic) amount on
10 his side and have to reimburse him almost the entire
11 amount of child support she's been receiving. So,
12 you know, we believe that that would be inherently
13 unfair and she's not willing, without seeing what
14 those numbers are for 2012, to agree to that.

16 MAGISTRATE MATTHEWS: But mom is willing
17 to go 50/50?

19 ATTORNEY SMITHERMAN: Yes.

20 MAGISTRATE MATTHEWS: Flat?

21 ATTORNEY SMITHERMAN: Yes, with those - -
22 - with the other contingencies.

23 ATTORNEY MASSUCCI: Yeah, we didn't put
24 the contingency on, Your Honor, they did.
25

FTR

1 MAGISTRATE MATTHEWS: Well -

2 ATTORNEY PETROFF: There's an issue of - -
3 - well listen, I was the one doing this so let me
4 just be very quick, there's an issue of father's
5 employment. I believe there are - - - and that was
6 through a divorce case and I think there's some
7 serious underemployment - - - voluntarily
8 underemployment issues and there's some forensic
9 time that needs to be done by the nature of his job.
10 He's got business expenses, he is a 1099 employee
11 and so we - - - instead of, you know, going into all
12 of this, we agreed on a child support amount with
13 the provision that depending on what actually - - -
14 so -

16 MAGISTRATE MATTHEWS: I just -

17 ATTORNEY PETROFF: - what we -

18 MAGISTRATE MATTHEWS: - I don't want to
19 blur the child support issue into the psych issue.
20 All I want to know is are we splitting the psychs
21 50/50?
22

23 ATTORNEY MASSUCCI: 50/50.

24 ATTORNEY PETROFF: Well -
25

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1 ATTORNEY MASSUCCI: 50/50.

2 ATTORNEY PETROFF: - but here - - - but
3 here's why - - - here's why they're - - - Your Honor

4 -
5 MAGISTRATE MATTHEWS: That's - - - go
6 ahead.

7 ATTORNEY PETROFF: - this is why they are
8 together is because if we were to submit affidavits
9 on it one thing that the Court would look to is the
10 relative income of the parties and the percentages -
11

12 MAGISTRATE MATTHEWS: But I'm hearing that
13 you guys agree to 50/50 -

14 ATTORNEY PETROFF: That's - - - Erika was
15 saying, I believe, that agree with 50/50 with the
16 agreement of the child support.

17 ATTORNEY MASSUCCI: Yeah, I mean -

18 ATTORNEY PETROFF: We believe they're hand
19 and hand. These two issues deal with dad's - - -
20 and correct me if I'm wrong, Your Honor, dad's
21 income will determine how the Court rules on an
22 allocation of expert fees, is that correct?
23

24 ATTORNEY MASSUCCI: We would argue that
25

FTR

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1 mom pays the whole boat if we're going to go there,
2 this is her request. But the Guardian has supported
3 it. It's a 50/50, I mean -

4 MAGISTRATE MATTHEWS: I mean it makes
5 sense to me with the Guardian says yes it's
6 appropriate and 50/50 is out there. We don't have
7 to put child support into this.

8 ATTORNEY PETROFF: No, no, no, I
9 understand but I'm saying if we're going to have to
10 submit affidavits on father's income for purposes of
11 calculating Smalldon's fee allocation -

12 MAGISTRATE MATTHEWS: But I'm hearing that
13 we don't have to because - - - are we in agreement
14 that if it's 50/50 flat, period -

15 ATTORNEY SMITHERMAN: We had req - - - we
16 had requested a 65/35 split where dad would be
17 responsible for 65 percent and mom responsible for
18 35 percent, that's where this ancillary agreement
19 came in.

20 ATTORNEY PETROFF: Which didn't get
21 negotiated fully, I - - - I don't believe.

22 ATTORNEY MASSUCCI: The current child
23
24
25

FTR

1 support order has dad at \$100,000 and mom at \$90,000

2 -
3 MAGISTRATE MATTHEWS: Uh-huh (affirmative
4 response).

5 ATTORNEY MASSUCCI: - it's a 50/50 -

6 MAGISTRATE MATTHEWS: Uh-huh (affirmative
7 response).

8 ATTORNEY MASSUCCI: - custody evaluation
9 cost.

10
11 MAGISTRATE MATTHEWS: I think 50/50 is
12 appropriate.

13 ATTORNEY PETROFF: All right. That's
14 fine. We'll just have to - - - if there's a
15 reimbursement issue we'll have to take that argument
16 up later.

17
18 ATTORNEY MASSUCCI: Yeah, but we can't go
19 back and say -

20 MAGISTRATE MATTHEWS: Uh-huh (affirmative
21 response).

22 ATTORNEY MASSUCCI: - now we're not going
23 to deal with reimbursements, that's still on the
24 books.

25

FTR

1 ATTORNEY PETROFF: Right.

2 MAGISTRATE MATTHEWS: Correct.

3 ATTORNEY PETROFF: Unless we agree to
4 that, which we're not doing.

5 ATTORNEY MASSUCCI: Well - - - but, you
6 know, I guess I have to ask, unless anyone else is
7 still - - - I have to ask Your Honor if this is
8 something that you're - - - I mean we just
9 essentially had an oral hearing here, is this
10 something you're going to rule on?
11

12 MAGISTRATE MATTHEWS: As far as the psych
13 eval and the costs or the temporary orders?

14 ATTORNEY MASSUCCI: No, the temporary
15 orders?
16

17 MAGISTRATE MATTHEWS: No, I'm not - - - no,
18 I'd want - - - I want something written. If you
19 guys aren't going to agree today -

20 ATTORNEY MASSUCCI: Well, they're not - -
21 - they're not going to agree so when can I get a
22 hearing date? Because I'm -

23 MAGISTRATE MATTHEWS: No, we're going to
24 do it on affidavits.
25

FTR

1 ATTORNEY MASSUCCI: All right.

2 ATTORNEY SMITHERMAN: How many weeks do we
3 have for affidavits?

4 MAGISTRATE MATTHEWS: How many do you
5 need? Three?

6 ATTORNEY MASSUCCI: Two?

7 MAGISTRATE MATTHEWS: That's -

8 ATTORNEY PETROFF: Well -

9
10 MAGISTRATE MATTHEWS: - that's a week more
11 than I normally give.

12 ATTORNEY MASSUCCI: Two weeks?

13 MAGISTRATE MATTHEWS: Normally I only give
14 two weeks.

15 ATTORNEY PETROFF: Three - - - three
16 weeks? Would you - - - how - - - is the Guardian
17 going to be preparing an affidavit?

18
19 MAGISTRATE MATTHEWS: I would like
20 something from the Guardian -

21 ATTORNEY BETHEL: All right.

22 MAGISTRATE MATTHEWS: - but not for about
23 a week after everybody else submits theirs.

24 ATTORNEY PETROFF: Okay. So then should
25

FTR

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1 we do three weeks and then the Guardian's is due in
2 four weeks?

3 ATTORNEY MASSUCCI: Could we please have
4 until -

5 ATTORNEY BETHEL: Wait a minute I got to
6 look at dates because I'm gone -

7 ATTORNEY MASSUCCI: - wait, could we
8 please have two w - - - I mean, listen, this is a
9 motion hearing so we ought to have a hearing today,
10 if we're not then we're going to do affidavits; I'm
11 not going to wait three weeks. This is just taking
12 extensive time away from my client.
13

14 MAGISTRATE MATTHEWS: Well, obviously this
15 is going to be taking extensive time anyway. We got
16 psychs to deal with -

17 ATTORNEY MASSUCCI: Yeah, but -

18 MAGISTRATE MATTHEWS: - this is clearly
19 headed toward a trial. It's already delinquent in a
20 few weeks, so -

21 ATTORNEY MASSUCCI: Well, it is.

22 MAGISTRATE MATTHEWS: - you know, a week
23 isn't going to make or break this case. If - - - if
24
25

FTR

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1 we're going to get a more complete picture with that
2 extra week I'd rather do it. If you guys can do it
3 in two weeks -

4 ATTORNEY PETROFF: Three -

5 MAGISTRATE MATTHEWS: - that would be
6 great. If you can't do it in -

7 ATTORNEY MASSUCCI: Why do you need three
8 weeks?

9 MAGISTRATE MATTHEWS: - the two weeks -

10 ATTORNEY PETROFF: Well I'm in court every
11 day this week -

12 ATTORNEY MASSUCCI: As am I.

13 ATTORNEY PETROFF: I mean do you really
14 want to go into it?

15 ATTORNEY SMITHERMAN: Blythe, would you
16 need an additional week after we submit affidavits?

17 ATTORNEY BETHEL: I am out of - - - I'm
18 out of town the week of the - - - the 20 - - - the
19 28th of July through the 4th of August. And if you're
20 talking three weeks from today -

21 MAGISTRATE MATTHEWS: One, two, three -

22 ATTORNEY BETHEL: - let's see one, two -

23
24
25

FTR

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1 MAGISTRATE MATTHEWS: - theirs would be
2 due the 29 - - - well, yours would be due the 5th but
3 that's right after you get back from vacation.

4 ATTORNEY BETHEL: Yeah. I mean I - - - I
5 - - - I -

6 MAGISTRATE MATTHEWS: You could -

7 ATTORNEY BETHEL: - could put my
8 recommendation together because my recommendation is
9 not going to change.
10

11 MAGISTRATE MATTHEWS: Okay. So we could
12 just make it one, two - - - the 29th for everybody or
13 before?

14 ATTORNEY BETHEL: I'm going to have to -

15 MAGISTRATE MATTHEWS: When do you leave?
16 You leave the 28th?

17 ATTORNEY BETHEL: I'm leaving the 26th.

18 MAGISTRATE MATTHEWS: You leave the 2 - -
19 - one, two -

20 ATTORNEY BETHEL: I'll just submit my
21 recomm -
22

23 MAGISTRATE MATTHEWS: Let's say the 26th
24 then, how about that?
25

FTR

1 ATTORNEY BETHEL: I'll get my - - - my
2 recommendation in before the 26th.

3 MAGISTRATE MATTHEWS: July 26th for
4 everybody.

5 ATTORNEY PETROFF: Okay.

6 ATTORNEY MASSUCCI: Do you have a - - - a
7 maximum? Do you put a limit on these, Your Honor?
8

9 MAGISTRATE MATTHEWS: I just - - - what's
10 under the rule.

11 ATTORNEY MASSUCCI: Besides common sense?

12 MAGISTRATE MATTHEWS: Yeah. Well, yeah, I
13 think common sense would go a long way. But I want
14 somebody to write up - - - let's write up a Mag
15 Order so we have the dates for the affidavits and -
16

17 ATTORNEY PETROFF: Your Honor, are we - -
18 - are we dismissing the pediatrician issue, are you
19 going to consider attorney's fees, should we put
20 that in the affidavit; how do you want to handle
21 that?

22 MAGISTRATE MATTHEWS: What do you guys
23 want with the pediatrician, being reasonable?

24 ATTORNEY MASSUCCI: I want to take the
25

FTR

1 Guardian's recommendation, just like everything
2 else.

3 ATTORNEY SMITHERMAN: You know, our client
4 has an established history with the current
5 pediatrician. This pediatrician was the
6 pediatrician for her oldest son - - - ongoing. This
7 is not like something new where we've now - - - like
8 she's handpicked this pediatrician. I mean, dad
9 knew -
10

11 ATTORNEY MASSUCCI: I think that goes to
12 the point.

13 ATTORNEY SMITHERMAN: - dad knew who this
14 pediatrician was when he entered a relationship with
15 this woman. I mean he knew who the pediatrician for
16 his son was going to be.
17

18 ATTORNEY MASSUCCI: What's that got to do
19 with the care of the pediatrician?

20 MAGISTRATE MATTHEWS: And dad's - - -
21 dad's specific objection to this pediatrician?

22 ATTORNEY MASSUCCI: His specific objection
23 of the pediatrician is that - - - that his second
24 opinion shows that this child should have been
25

FTR

1 treated differently in the first six months when dad
2 had no input whatsoever, was not even permitted to
3 go to the doctor's appointments.

4 MAGISTRATE MATTHEWS: Well, he didn't have
5 any parental rights.

6 ATTORNEY MASSUCCI: That's my point.

7 MAGISTRATE MATTHEWS: I understand.

8 ATTORNEY MASSUCCI: So he had no input and
9 we believe that - - - well, we're going to be able
10 to prove that this was yet another instance of
11 improper care of this child. There is an
12 established relationship with this pediatrician and
13 that's part of the problem. So this -
14

15 MAGISTRATE MATTHEWS: Since that six
16 months?

17 ATTORNEY MASSUCCI: Since that six months
18 that we still have records from a neutral
19 pediatrician saying that the child should have been
20 treated differently. You can't get those six months
21 back, Your Honor. That child was treated and
22 allowed to have a failure to thrive which may not be
23 in the doctor's notes, okay, and if you were the
24
25

FTR

1 pediatrician you wouldn't put it in either, but the
2 reality is we have to move forward. There may be
3 ramifications. There are a lot of studies that show
4 ramifications of that but we want to go forward. We
5 don't want to get into a situation where mom's going
6 to have the final say with this pediatrician and
7 there may be another problem. We just don't want to
8 encounter a problem. If we have someone who is
9 fully respected and thou - - - and thought of and is
10 suggestive - - - suggested by the pediatrician
11 (sic), it takes that off the table - - - or
12 suggested by the Guardian, excuse me - - - it takes
13 it off the table.
14

15 ATTORNEY SMITHERMAN: There is - - -
16 there's been no failure to thrive diagnosis made.
17 The Guardian even said she's looked at the records,
18 there's no failure to thrive. It might be a self
19 diagnosed failure to thrive by dad but certainly not
20 by a physician.
21

22 ATTORNEY BETHEL: I think the one thing
23 that concerns me is that well we - - - and I
24 absolutely respect LeeAnn's advocacy today.
25

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1 MAGISTRATE MATTHEWS: Uh-huh (affirmative
2 response).

3 ATTORNEY BETHEL: But what I'm so fearful
4 of happening here is that - - - this is why I keep
5 saying that this whole custody psych evaluation is
6 purely going to tell me whether this should be
7 shared parenting or sole custody.

8 MAGISTRATE MATTHEWS: Uh-huh (affirmative
9 response).

10 ATTORNEY BETHEL: But it just seems like
11 we pick an issue - - - like there is no failure to
12 thrive. This child right now is doing well and now
13 - - - and now I'm hearing well there could be
14 ramifications. I mean if we're going to start going
15 down this road where this kid has got some sort of
16 brain damage because, you know, mom was insisting on
17 breastfeeding him for like, you know, fifty years,
18 you know, this is going to be a constant struggle
19 with these people. They're going to do things and
20 make it so impossible for any party - - - person
21 working with this kid that no one is going to want
22 to work with this kid.
23
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1 MAGISTRATE MATTHEWS: Uh-huh (affirmative
2 response).

3 ATTORNEY BETHEL: I suggested, and I think
4 that - - - if I didn't - - - if I recall correctly
5 because I wasn't here at the time you were
6 approached off the docket, but that we maintain the
7 current pediatrician for general well being - - -
8 you know, well checkups -

9 MAGISTRATE MATTHEWS: Uh-huh (affirmative
10 response).

11 ATTORNEY BETHEL: - and that we have a
12 neutral pediatrician for any emergency type of
13 issues. I - - - those were the contacts under which
14 I suggested Ann Rogers (phonetic). Ann has been
15 around forever. She's worked extensively with
16 Children's Hospital and I have a great deal of
17 respect for her. If there was some serious concern
18 that this child is malnourished or has some, you
19 know, problems or failure to thrive or whatever then
20 we could go to someone who really knows - - - who
21 has been around forever.

22 MAGISTRATE MATTHEWS: Uh-huh (affirmative
23
24
25

FTR

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1 response).

2 ATTORNEY BETHEL: But, again, this - - -
3 this - - - the level of drama is - - - this kid is
4 not failing.

5 MAGISTRATE MATTHEWS: Uh-huh (affirmative
6 response).

7 ATTORNEY BETHEL: He's happy, he's where
8 he should be. He's small but it seems like since
9 they've started supplementing and doing, you know,
10 normal food and stuff that he's - - - he's obviously
11 gaining weight. But I mean it's to the point where
12 they're taking recorders into the doctor's office.
13 I have to tell you, if I was a professional I would
14 say "You know what, we're done."
15

16 MAGISTRATE MATTHEWS: Uh-huh (affirmative
17 response).

18 ATTORNEY BETHEL: I'm not going to put
19 myself into this situation. I'm a doctor. I'm not
20 going to get involved in this litigation". I don't
21 know. I - - - I - - - I - - - I think that - - -
22 again, I don't think either parent is neglecting
23 this child. I think this parent - - - this child
24
25

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1 can do well with both of them. And I may be looking
2 like I'm punishing people by saying this kid goes to
3 daycare but that's where I have extra eyes watching
4 him and I know he's got a daily routine. And until
5 these people want to get on the same page and get
6 over whatever their issues are, and I think a lot of
7 it has to do with the fact and, excuse my French,
8 but these people were sport fucking through like
9 March or April which came as a shock to me. And
10 when I found that out I said, "You know, you guys
11 have to decide if you're in a relationship or not
12 and if you're in a relationship then cut this crap
13 out and let's get this done and if you're not in a
14 relationship then don't do this shit on the side
15 because it's - - - it's interfering with this case"
16 and it's - - - it's - - - it's this manipulation.
17 It's not healthy.
18
19

20 MAGISTRATE MATTHEWS: Uh-huh (affirmative
21 response).

22 ATTORNEY BETHEL: And this child sees it.

23 MAGISTRATE MATTHEWS: Well, and that's the
24 concern. I mean the child is young now and it can
25

FTR

1 be very disruptive but the older this child gets if
2 this sort of behavior continues it's -

3 ATTORNEY BETHEL: And as far as -

4 MAGISTRATE MATTHEWS: - going to be very
5 serious.

6 ATTORNEY BETHEL: - the visits, when the
7 respective - - - both of the grandparents are out of
8 state people, one is out of country.

9 MAGISTRATE MATTHEWS: Uh-huh (affirmative
10 response).

11 ATTORNEY BETHEL: I - - - I don't
12 understand how you have parents coming in from out
13 of state and out of country and you both have weeks
14 for vacation with this child, you schedule at least
15 one of your full weeks with the child when your
16 parents are here.

17 MAGISTRATE MATTHEWS: Uh-huh (affirmative
18 response).

19 ATTORNEY BETHEL: I - - - it shouldn't be
20 this hard.

21 MAGISTRATE MATTHEW: No, it shouldn't. So
22 hearing that, as far as the pediatrician, does that
23
24
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FTR

1 change anything as far as father still feeling that
2 his -

3 ATTORNEY MASSUCCI: Well that was not -

4 MAGISTRATE MATTHEWS: - motion -

5 ATTORNEY MASSUCCI: - that was not my
6 understanding, Your Honor.

7 MAGISTRATE MATTHEWS: Okay.

8 ATTORNEY MASSUCCI: I mean that - - -
9 that's not what my emails reflect, so -
10

11 ATTORNEY BETHEL: I would say, I - - - I
12 think what was discussed and - - - and you two were
13 the two that were here, that didn't - - - wasn't
14 there some consensus that we were going to have a
15 neutral pediatrician for emergencies?
16

17 ATTORNEY PETROFF: No, that was not a
18 consensus. The consensus was, and I can quote and
19 Eimear can verify this, you - - - the - - - the
20 Court specifically said "We don't have time for
21 this, this is why we have a Guardian on board.
22 These issues with the pediatrician, you know, you
23 can - - - the Guardian can deal with that, you know.
24 We're not - - - I'm not going to hear any new
25

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1 specifics and I'm not going to hear anything on
2 that". So when I found out that father filed on
3 Monday, you know, my head almost popped off. I - -
4 - that's why I'm adamant about attorneys fees being
5 awarded because he's obviously not listening to the
6 Court's direction. I think a message needs to be
7 sent, not only that but, you know - - - you know, we
8 had to charge my client to approach on that issue,
9 we had to charge to review the motion, we had to
10 review all these documents, we had to get medical
11 records this past week in case this was coming up to
12 a hearing, I mean there - - - she's into at least
13 \$1,000 in attorney's fees and I'd like to submit an
14 affidavit with my bill with the amount of work we
15 had to do to get prepared for this to teach dad a
16 lesson that he can't just be filing superfluous
17 motions, especially after he had a directive from
18 the Court that said we have a Guardian who is ready,
19 willing and able to address these matters.
20
21

22 ATTORNEY MASSUCCI: And the Guardian did.

23 ATTORNEY BETHEL: Well, I have to say
24 something to everybody seated here. I have been
25

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1 making recommendations to both of these parties and
2 I will tell you I feel like both of these - - - both
3 - - - both of these parties don't seem to want to
4 follow my recommendations and I have an email from
5 probably a week ago that says "I'm astounded by the
6 continued conflict, I'm astounded that I'm not being
7 followed but I also recognize that I don't wear the
8 black robe".

9
10 MAGISTRATE MATTHEWS: Uh-huh (affirmative
11 response).

12 ATTORNEY BETHEL: So I'll keep making
13 recommendations and I'm telling you what, I would
14 assume they're not going to be followed.

15 MAGISTRATE MATTHEWS: Well -

16 ATTORNEY BETHEL: Because that's the
17 history.

18
19 MAGISTRATE MATTHEWS: - both of the
20 parties need to assume that the Court is going to
21 rely heavily on the Guardian. So if they don't want
22 to listen to her and if - - - if they're more
23 interested in what the Court has to say, I think it
24 would behoove both of you to let your clients know
25

FTR

1 that I'm listening to the Guardian and I'm going to
2 rely heavily on what she says so they need to
3 consider that in how they want to continue with this
4 case.

5 ATTORNEY MASSUCCI: With all due respect,
6 Your Honor, that's why the motions were filed. You
7 know, I thought we had an agreement with the
8 Guardian that we were going to have a - - - a third
9 pediatrician enter in and we've certainly have had
10 agreement from the Guardian on the schedule, that's
11 why both motions were filed. You know, we can get -
12 - - we can go back and forth, I mean Mr. Petroff
13 throws this attorney's fees thing out there like
14 it's, you know, like it's - - - it's some guillotine
15 but it - - - the reality is those motions can go
16 both ways. It was not the only thing that the Court
17 was approached on then. They certainly didn't have
18 to file a responsive motion. It's not - - - the
19 responsive motion is not even timely and, you know,
20 to - - - to think that you can - - - you know, you
21 can file an attorney fees motion for that is - - -
22 is frivolous action, but, you know - - - be that as
23
24
25

FTR

1 it may, the motions were filed because we thought we
2 had the support of the Guardian moving forward on
3 the two things that we filed.

4 ATTORNEY BETHEL: I am - - - I will just
5 add one last thing. I am deeply troubled that Mr.
6 Jurado believes that there has been a diagnosis of
7 failure to thrive in this child. I'm troubled by
8 that. There is no diagnosis of that.

9
10 ATTORNEY MASSUCCI: There is by the other
11 pediatrician, Blythe, by his - - - by his second
12 opinion pediatrician.

13 ATTORNEY BETHEL: Has he - - - he has
14 written that there is - - - that this child is in -
15 - - in -

16
17 ATTORNEY MASSUCCI: Was in - - - was in a
18 failure to thrive mode, okay? I mean -

19 ATTORNEY BETHEL: I don't think I've seen
20 that.

21 ATTORNEY MASSUCCI: But that was the - - -
22 the pediatrician that you haven't - - - that you
23 haven't spoken with.

24 ATTORNEY MASSUCCI: But I saw records -
25

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1 ATTORNEY MASSUCCI: Right.

2 ATTORNEY BETHEL: But I don't see a - - -
3 I don't recall seeing any failure to thrive.

4 ATTORNEY MASSUCCI: Fine.

5 ATTORNEY BETHEL: I mean -

6 ATTORNEY MASSUCCI: I mean I'm just saying
7 that - - - that - - - that we thought we had an
8 agreement that we were going to have a neutral
9 pediatrician, period, that's why I put it in there.
10 We thought - - - not an agreement with your client,
11 but an agreement and consent by the Guardian, so,
12 you know.
13

14 ATTORNEY SMITHERMAN: Your Honor, that's
15 not what I've heard the Guardian say.

16 ATTORNEY BETHEL: I've got to tell ya
17 (sic) something, this - - - these allegations of
18 this child's health are - - - are disturbing. And
19 I've got to tell ya (sic) something, before I put my
20 two cents in on anything about a third pediatrician
21 I want to see the records that say that this child
22 was diagnosed with failure to thrive in writing by
23 this other doctor because I don't believe I've seen
24
25

FTR

1 it.

2 MAGISTRATE MATTHEWS: And you got the
3 records though that LeeAnn's talking about?

4 ATTORNEY BETHEL: I have records from the
5 current pediatrician and I have some things that the
6 da - - - father has provided me from the -

7 MAGISTRATE MATTHEWS: Okay.

8 ATTORNEY BETHEL: - gentleman that - - -
9 that the other doctor that -

10 MAGISTRATE MATTHEWS: Okay.

11 ATTORNEY BETHEL: - he has spoken with.

12 MAGISTRATE MATTHEW: Okay.

13 ATTORNEY BETHEL: And I will be the first
14 person to tell you I don't commit everything to
15 memory but boy -

16 MAGISTRATE MATTHEWS: Okay.

17 ATTORNEY BETHEL: - I don't remember
18 seeing a failure to thrive because that would stick
19 out to me.

20 MAGISTRATE MATTHEWS: Uh-huh (affirmative
21 response).

22 ATTORNEY BETHEL: Again, it's this - - -
23
24
25

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1 the - - - the level of drama -

2 MAGISTRATE MATTHEWS: Uh-huh (affirmative
3 response).

4 ATTORNEY BETHEL: - is overwhelming.

5 MAGISTRATE MATTHEWS: It is and I don't
6 really - - - I don't see the necessity of it. I
7 don't see how it is helping this child a bit. It's
8 certainly churning things between mom and dad but it
9 sounds at the end of the day that all of this
10 behavior is ultimately having a negative effect on
11 this child which will only get more so as time goes
12 on. All right. I'll write up an order; we'll do
13 affidavits for the Motion for Psychs and the Motions
14 to Modify the Agreed T - - - or no, the Motions for
15 Psychs you're in agreement on?
16

17 ATTORNEY MASSUCCI: Yes, ma'am.

18 MAGISTRATE MATTHEWS: Yes?

19 ATTORNEY PETROFF: If we're going to
20 submit - - - I mean, if we're going to submit
21 affidavits let's just submit affidavits on
22 everything. I'd much rather have the Court decide
23 everything with all the information before it,
24
25

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1 including the attorney's fees and the pediatrician
2 and all of that.

3 ATTORNEY BETHEL: And that includes then
4 what has been a delay getting the -

5 ATTORNEY MASSUCCI: Yeah -

6 ATTORNEY BETHEL: - Smalldon report going?
7 Could we do a - - - an agreement subject to the
8 Court reallocating the fees on the - - - on the - -
9 - at least get Smalldon started?

10 ATTORNEY MASSUCCI: Yeah.

11 ATTORNEY PETROFF: Yeah.

12 ATTORNEY MASSUCCI: I'm all about subject
13 to reallocation -

14 MAGISTRATE MATTHEWS: Okay.

15 ATTORNEY PETROFF: That's fine.

16 ATTORNEY MASSUCCI: - because -

17 MAGISTRATE MATTHEWS: So the only thing
18 we're - - - regarding the psychs will be the
19 allocation of costs, but we agree to get started?

20 ATTORNEY PETROFF: Yes.

21 ATTORNEY MASSUCCI: Yes.

22 MAGISTRATE MATTHEWS: Okay.
23
24
25

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1 ATTORNEY BETHEL: With a 50/50, subject to

2 -
3 ATTORNEY MASSUCCI: Deposit subject to -

4 ATTORNEY BETHEL: - right -

5 ATTORNEY MASSUCCI: - reallocation.

6 ATTORNEY BETHEL: Because they don't do
7 anything -

8 MAGISTRATE MATTHEWS: That sounds fine.

9 ATTORNEY BETHEL: - unless -

10 ATTORNEY MASSUCCI: Right.

11 ATTORNEY BETHEL: - Mr. Green is on the
12 table.

13
14 ATTORNEY SMITHERMAN: And - - - and is
15 that being included in this affidavit we're doing in
16 three weeks?

17 ATTORNEY MASSUCCI: No.

18 ATTORNEY SMITHERMAN: - the fees or no?
19
20 Later?

21 ATTORNEY MASSUCCI: No.

22 ATTORNEY SMITHERMAN: Okay.

23 ATTORNEY MASSUCCI: No.

24 ATTORNEY PETROFF: No.
25

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1 ATTORNEY BETHEL: And I'll get my interim
2 recommendation in by the 25th.

3 ATTORNEY MASSUCCI: So, Erika, the offer
4 for vacation is - - - you said that that was agreed
5 upon?

6 ATTORNEY SMITHERMAN: No, it was offered.
7 We never received an agreement from you. I think we
8 received back a request to change weeks.

9 ATTORNEY MASSUCCI: No, I mean the week
10 has always been the same, two days after his
11 birthday for a week.

12 ATTORNEY SMITHERMAN: One of the two weeks
13 that you -

14 ATTORNEY MASSUCCI: Yes -

15 ATTORNEY SMITHERMAN: - proposed -

16 ATTORNEY MASSUCCI: - right.

17 ATTORNEY SMITHERMAN: - you had sent back
18 an alternative week. You wanted our client to
19 change weeks that she - - - of her vacation.

20 ATTORNEY MASSUCCI: But we - - - the
21 Guardian was saying that the vacation should be when
22 the grandparents were here. We thought that the
23
24
25

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1 grandparent was coming at the end of July, so we
2 said we'd take the week right after his birthday so
3 both parents could share in the birthday -

4 ATTORNEY SMITHERMAN: Uh-huh (affirmative
5 response).

6 ATTORNEY MASSUCCI: - and take that week.

7 ATTORNEY SMITHERMAN: Yeah, and I think my
8 client had said that she wanted the - - - her - - -
9 one of her two weeks to be the Monday following his
10 birthday to that following Monday because I think
11 your client's parents have been here since sometime
12 in June.
13

14 ATTORNEY MASSUCCI: Well, are her parents
15 here?

16 ATTORNEY SMITHERMAN: She cancelled that
17 trip because we didn't have an agreement on the -
18

19 ATTORNEY MASSUCCI: So her parents aren't
20 going to be here on the Monday, so -

21 ATTORNEY SMITHERMAN: Her parents are not
22 as of right now, no -

23 ATTORNEY MASSUCCI: Well then -

24 ATTORNEY SMITHERMAN: - because she
25

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1 cancelled it.

2 ATTORNEY MASSUCCI: - but the whole point
3 was to take the week while the grandparents were
4 here and we're just trying to take a week while the
5 grandparents and sister are here.

6 ATTORNEY SMITHERMAN: Right, one of the
7 other weeks that I think you proposed was in June.

8 ATTORNEY MASSUCCI: Okay. Well, this is
9 July 8th -

10
11 ATTORNEY SMITHERMAN: Uh-huh (affirmative
12 response).

13 ATTORNEY MASSUCCI: - okay, so all I'm
14 saying is can the Jurado family have a week's
15 vacation while the entire family is here?

16
17 ATTORNEY SMITHERMAN: Well, what good does
18 that do my client now that she's cancelled - - - I
19 mean if we're looking to be equal and equitable then
20 when do you propose -

21 ATTORNEY MASSUCCI: There isn't anything
22 equitable about what's going on here, Erika, okay?
23 So, Mr. Jurado's family is here and I'm asking can
24 he have a week's vacation with his family?
25

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1 ATTORNEY SMITHERMAN: Are you withdrawing
2 your motion for the pediatrician?

3 ATTORNEY MASSUCCI: This is a continuous
4 tit for tat.

5 ATTORNEY SMITHERMAN: I mean, I'd like to
6 know what we're doing -

7 ATTORNEY MASSUCCI: Can he have a vacation
8 -

9
10 ATTORNEY SMITHERMAN: - with that. Are we
11 submitting affidavits on the pediatrician motion as
12 well, Your Honor, is that what you intended?

13 MAGISTRATE MATTHEWS: That's what we were
14 talking about unless you want me to scratch this
15 out?

16 ATTORNEY MASSUCCI: So is the answer no he
17 can't have vacation? I mean that's what you're
18 saying, right?

19
20 ATTORNEY SMITHERMAN: No, I haven't said
21 that yet, but -

22 ATTORNEY MASSUCCI: Okay.

23 ATTORNEY SMITHERMAN: - I need to talk to
24 my client about that.
25

FTR

1 ATTORNEY MASSUCCI: Well we know what her
2 answer's going to be. Is there a vacation allowed
3 for the Jurado's while they're here, that's all I'm
4 trying to find out?

5 MAGISTRATE MATTHEWS: All right. Before I
6 pass this around for signatures, tell me what's
7 going on. So far I've got that the parties agree to
8 submit to psychological tests with Doctor Jeffrey
9 Smalldon with each party paying fifty percent of the
10 costs subject to allocation. Affidavits due from
11 both parties and the Guardian regarding allocation
12 of psych testing costs, modify TO's, the motion for
13 a new pediatrician no later than 5 p.m. July 26th,
14 2013. And can I ask all of you to please humor me
15 and put a paper copy either in my box or with Kelly?
16 I know today is the -

17
18 ATTORNEY MASSUCCI: Today's the day,
19 right?

20
21 MAGISTRATE MATTHEWS: Well, it's - - -
22 it's voluntary and you guys are probably really used
23 to it from the DR docket but I'm not really used to
24 it yet so if you would be so kind as to make sure I
25

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1 get a paper copy also I would truly appreciate it.
2 Is there anything else that we want to include on
3 this order?

4 ATTORNEY PETROFF: No.

5 MAGISTRATE MATTHEWS: I know you guys were
6 talking about the vacation time and I have a good
7 way of tuning people out, having raised three girls
8 so -

9
10 ATTORNEY PETROFF: Can we - - - can we
11 include "neither parent shall remove the child from
12 daycare" -

13 MAGISTRATE MATTHEWS: Do you - - - what do
14 you mean remove?

15 ATTORNEY PETROFF: Or visit the child or
16 remove early is what I meant.

17
18 MAGISTRATE MATTHEWS: No, I think I'll
19 address that in the TO's after - - - after the
20 Guardian addresses -

21 ATTORNEY PETROFF: All right.

22 MAGISTRATE MATTHEWS: - that issue. And I
23 urge you all to talk to your clients and understand
24 the Guardian and her role and what a superlative job
25

FTR

1 she does and my reliance on her. All right. Let's
2 pass this around for signatures. I'll sign it and
3 we'll all get copies and then you guys will finally
4 be able to get out of here. Oh and a continuance,
5 did anybody start that?

6 ATTORNEY BETHEL: There you go. Oh sorry.
7 Your Honor -

8 MAGISTRATE MATTHEWS: Yes.

9 ATTORNEY BETHEL: - we're not doing the
10 allocation of the costs -

11 ATTORNEY SMITHERMAN: In this affidavit I
12 thought that's -

13 ATTORNEY MASSUCCI: Yeah, I thought we
14 were.

15 MAGISTRATE MATTHEWS: It was my
16 understanding that you were going to agree to 50/50
17 to get the ball rolling -

18 ATTORNEY PETROFF: Yeah -

19 MAGISTRATE MATTHEWS: - but then we're
20 going to include that in the affidavit -

21 ATTORNEY MASSUCCI: But subject to
22 realloca - - - we are inclu - - - why are we putting
23
24
25

FTR

1 that in the affidavits if -

2 ATTORNEY SMITHERMAN: That's why I asked
3 you and you said no, not now.

4 ATTORNEY MASSUCCI: Yeah, that's what you
5 said to me -

6 MAGISTRATE MATTHEWS: Because I was - - -
7 my understanding was -

8 ATTORNEY PETROFF: Because we want to get
9 the process started.

10
11 MAGISTRATE MATTHEWS: - that you all
12 agreed to that?

13 ATTORNEY MASSUCCI: But it says subject to
14 reallocation.

15 MAGISTRATE MATTHEWS: It's always subject
16 to reallocation.

17
18 ATTORNEY MASSUCCI: Yeah, right, so -

19 MAGISTRATE MATTHEWS: So you can include
20 your argument -

21 ATTORNEY PETROFF: Right.

22 MAGISTRATE MATTHEWS: - if you - - - 50/50
23 is not -

24 ATTORNEY PETROFF: Of why we want to
25

FTR

COURT OF DOMESTIC RELATIONS

COLUMBUS, OHIO 43215

FRANKLIN COUNTY

1 reallocate it.

2 MAGISTRATE MATTHEWS: - if you don't want
3 it to stay 50/50 tell me why you don't want it to
4 stay 50/50.

5 ATTORNEY MASSUCCI: All right.

6 ATTORNEY SMITHERMAN: Your Honor, that's
7 why I was asking if we're putting it in the
8 affidavits.

9 ATTORNEY MASSUCCI: Yeah, that's great.

10 ATTORNEY PETROFF: Let's get her to do
11 everything. We're not going to write anything.

12 ATTORNEY SMITHERMAN: No, that's fine.
13 No, that's really fine. I just - - - I thought you
14 were saying no.

15 ATTORNEY PETROFF: I want to get the ball
16 rolling on Smalldon and then deal with the money
17 issues later after the Court gets the affidavits.

18 MAGISTRATE MATTHEWS: Because the sooner
19 we get the ball rolling the better. Like I said,
20 this is already -

21 ATTORNEY SMITHERMAN: Actually, it was my
22 confusion.

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FTR

COURT OF DOMESTIC RELATIONS

COLUMBUS, OHIO 43215

FRANKLIN COUNTY

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MAGISTRATE MATTHEWS: It's going to be on
the Judge's stats though.

ATTORNEY SMITHERMAN: Okay.

ATTORNEY PETROFF: Erika, you need to sign

MAGISTRATE MATTHEWS: We can move it as
best as we can.

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CERTIFICATE

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS IN THIS MATTER ON JULY 8, 2013, EXCEPT FOR CERTAIN INAUDIBLE PORTIONS, WHICH I TRANSCRIBED FROM THE OFFICIAL COURT RECORDING SYSTEM; AND, SAID TRANSCRIPT HAS BEEN DULY COMPARED WITH THE OFFICIAL COURT RECORDING SYSTEM.



SUZANNE M. HARMON, (HARM)
OFFICIAL COURT TRANSCRIPTIONIST

FTR

COURT OF DOMESTIC RELATIONS
FRANKLIN COUNTY

COLUMBUS, OHIO 43215

From: Blythe Bethel [mailto:blythebethel@yahoo.com]

Sent: Wednesday, July 10, 2013 11:57 AM

To: ari_jurado@qualineconsulting.com

Subject: Re: ^{From Release} Jurado & Brooksedge Daycare

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit A2

Ari: I spoke with Amy on the morning of our last Court hearing. I was returning a voicemail left by her while I was out of town for the long holiday weekend. I did not speak with Jessica on Friday, and I do not know how you got that impression. I have spoken with Jessica in the past, but not last Friday.

I think the whole point being made by Amy is the daycare does not want to be drawn into the middle of this litigation. They are in the business of caring for children, not monitoring parents who are in a custody fight, and they do not want to have to choose sides here. They love ^{From Release} and think he is doing very well. They know that you and Kathy each love ^{From Release} very, very much and that ^{From Release} loves you both very much.

Amy said that your frequent visits to the daycare (sometimes as much as 2 times every day) is disruptive for ^{From Release} (he gets distressed when you leave and it takes time to calm him down), and that it makes certain of the workers feel uncomfortable. She used the words "intimidating" and "aggressive". Amy stressed that they never want to tell any parent that they are not welcome to visit, because they have an "open door" policy, but even our magistrate said when she heard about the frequency of your visits that you appear to be "overly involved". Amy also said that she does not want to have to explain to other parents what you are doing at the daycare so much. I have had this in other cases where a parent or grandparent goes to a child's school so much that other parents complain. It makes other parents uncomfortable. They do not know who you are or why you are present so much. In this day and age, we have unfortunately learned to be cautious of persons that you do not know being around your children.

If you want my opinion, I would really limit your visits to the daycare. I would not be asking the workers there for advice. I would simply let them do their job, and that is to provide care for ^{From Release} and the other children without interruption from parents.

Blythe

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Mr. Ari Jurado)

Ari: At that point is when I was surprised that I never heard back from you and I left you like 3 messages like the day after July 4th, but

Amy: And I was out of town. My anniversary is the 4th of July, and my husband and I took the kids and went to celebrate, whatever, the holiday, our anniversary, whatever. So when I came in on Monday morning and I heard, you know more about it, I had that email, I got a call from the Ad Litem, the Guardian Ad Litem at 8am, and I was kind of like bombarded with the whole, you know like the second part of it I guess on Monday morning.

Ari: Now. Now right now and based on what you told me happened that morning when you came back from vacation, right there is something that is, there is a discrepancy. Cause the Guardian Ad Litem in writing, in writing, said that you left her a message over the weekend. And that she returned your call that morning, that Monday morning.

Amy: I left her a message because I got that email and I wanted to know, what do I have to do about this to stay out of this.

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit A3

Ari: OK

Amy: I didn't want to be a part of it at all. I don't.

Ari: Alright. OK.

Amy: That puts me in a bad position. Let me tell you that as far as Kristy goes..

Ari: What happens if this would be happening and there wouldn't be a court case. How would you deal with it?

Amy: I would have talked to you like I did.

01:36

Ari: No no, after. After you and I talked things were ok. Things were ok. I was ok. It is what happened between after I talked to you and that Monday, ok? Kathy's email and everything else, what would you have done instead of talking to a Guardian Ad Litem if you were dealing with a situation with 2 parents??

00:02:00

Amy: I would have had you guys both in here and we would have had a meeting.

Ari: Exactly.

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

Amy: Also, when you ask what would I have done in another situation? I would have done something different, however, the way that I deal with a conflict in things that I don't want to deal with, is I just try to kind of ignore them and hope that they go away. So, I probably have to say that, the way that my personality is, that I did that a little bit with that. I just hoped that it would just <go away>.

Ari: I understand, but you know that you made a decision one day..

Amy: I did

Ari: To not.... because you don't know what I mean, my email was not threatening. Actually, I was putting trust in you, I said, I trust you, that you were going to do the right thing. And I left you 3 messages on Friday, and basically you showed, you signaled that you didn't want to deal with it, with me. And at that point, even before I heard that you talked to the guardian, I almost tried to come and talk to you. And when I heard that, I'm like, OK thank God I didn't because otherwise I may be accused of harassing. Because when you try too much, you cross the line and sound like ok, we'll deal with it.

00:03:20

Amy: Now I have to say, I would have called you back on Monday, if I hadn't talked to the guardian first on Monday morning. I would have returned your phone calls.

Ari: But you called her. You were the one who called her

Amy: On Friday. Wednesday. Tuesday. Wednesday.

Ari: The Guardian Ad Litem. You called the Guardian Ad Litem on Wednesday?

Amy: Was it Wednesday?

Ari: She said you called over the weekend.

Amy: No I didn't call her over the weekend. I called her.... I'd have to look at my notes. I called her.... Well, after I heard about Kathy's email. And, um, I left her a message. But the thing is, when she called me Monday morning, she asked about all the stuff, and I told her the same thing I told you. I don't know why Kathy made a big deal about it, but she did, and I just want to put it out there, that I told her this too, again, we don't not care if Ari comes in and sees ^{Mrs.} ~~Rebecca~~ feeds ^{Mrs.} ~~Rebecca~~ you know, whatever. I mean, I've said it over and over to her.

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

Ari: You said that?

Amy: To her. Yes

Ari: Ok. So now, you...

Amy: And I've said it over and over again to her. I've told her over and over again

Ari: She didn't talk to, as far as you know she didn't talk to um Jessica right?

Amy: No

Ari: Ok so now, I'm gonna tell you...

Amy: And I've talked to her, only twice

Ari: Yea, so I'm gonna tell you what I know, and you tell me what you would have done if you were in my shoes.

Amy: OK

04:58

Ari: You were the one that called her, and you just confirmed, so you make that decision as opposed to the other thing, number 2, you said to her something that I heard for the first time ever that um, basically "I come here too much".

Amy: I never said that

Ari: OK... "that other parents are complaining"

Amy: Never said that. No other parents have ever complained Ari.

Ari: I understand, but I'm telling you what she said. I'm not saying that it is true, but Guardian Ad Litem that is lying? <never would have suspected it> And she started getting into it that "I have even come here twice in one day" which probably happened like once or twice ever, and other details... And that I was um, I was making people feel uncomfortable, um, that "I was aggressive".

Amy: That may be her interpretation. I never said any of that

Ari: Ok. I can show you the email.

00:06:00

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

Amy: Her email?

Ari: Yea, she didn't say it; She actually put it in writing

Ms. LeClair described Ms. Bethel as "rough around the edges" given Ms. Bethel's derogatory comments and foul vocabulary when referring to Mr. Jurado

Amy: Nope, I never said it. I can tell you basically how the conversation went. And I can tell you her reaction. I mean, you know this woman. She's a little rough around the edges. You know what I mean by that? When I say that she's

Ari: That can have multiple meanings, but the meaning that I'm thinking of doesn't fit her. She's an attorney,

Amy: I've never met her, but the way she talks on the phone, she tells

Ari: She's direct

Mr. Jurado, embarrassed by Ms. Bethel's labeling, defused the topic and refocused the conversation back to the issue at hand

Amy: She's direct. Yea. Um, she asked about the email, and I said I had just read it, you know, um Jessica had told me about it, I had just read it, um. She had asked about the email, about what happened, I said Ari is upset because he says my employee says one thing, he says another, I wasn't there, I don't know. And, she said, and I quote, and I wrote this down because I wanted to make sure I remembered it because I kinda knew that this was going to come up she said "why was he even there feeding him anyway?" and I said, I don't know he comes in all the time to visit ~~None~~ ~~Rejected~~. And she said he comes in all the time to visit ~~None~~ ~~Rejected~~. And I said yes. And she was like, then she that's when she went and she was like he can't be coming in there blah blah blah blah blah blah and she went on and on about it. She took what I said, which was a simple fact, that you come in all the time to visit ~~None~~ ~~Rejected~~ or you did, and she took that and she went with it. And so she is the one, or maybe she, I don't know, she and Kathy both. I still stand by what I said, and what I said over and over again. We did not care that you came in to visit ~~None~~ ~~Rejected~~ at all. She is

Ari: So what did she say about the, what about the parents being, she said all the parents have been complaining

Amy: I never said, we didn't even talk about that. She and I didn't talk about that at all. We talked specifically about that Friday and then, I keep saying Friday, Tuesday,

Ari: Monday

Amy: Right, no we talked about that specific incident with the daily sheet, and um, she took that little bit of a conversation and then, that's where all the rest of that came from.

00:08:45

Ari: But just the fact that you chose to talk to her is the reason why I filed the complaint <with OCRC>. Now whether it's true or not, if you read the email from the Guardian Ad Litem saying that they told you that you're aggressive that you make people uncomfortable, that you go there too much. And I'm saying wow, and they actually encouraged me to do the opposite. What would you have done?

Amy: I would have probably been upset.

Ari: But that's it? You would have done something.

Amy: I would have probably talked to whoever. I would have probably come into my office.

Ari: And I wanted to right? But, like I said I was afraid that I was going to be accused of harassment. Because I tried, I left you messages and email.

Amy: And so, yea, I did go to her, but again, I thought that she was going to be helpful

Ari: And after you talked to her do you still think that she's gonna be

Amy: No, no I don't. Not anymore. No, **because I feel like she's the reason we've got to this point.** I do. But at the time, you know, she's supposed to be a representative for ^{Neuro} ~~Richard~~ and I, and so are we. I really went to her because I wanted, I wanted her to kind of speak for us and I didn't want to be in the middle of this. I mean,

Ari: And what do you think she's doing this. I can't figure it out.

Amy: I wouldn't call her again, I wouldn't.

Ari: But if you had to guess....

Amy: I mean, if I had to talk to her again

Ari: Why, What's your guess, why is she having the position that she has, what do you think?

Amy: I don't know.

Ari: I cannot even start guessing.

Amy: No. She, I don't know. I mean, I don't want to guess and put something out there. Um, she's supposed to be a neutral party, and look out for ^{Neuro} ~~Richard~~ best

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

interests. And I mean, I don't, but I can tell you that I will not call her again. I feel like that was probably what got us in this.

00:11:14

Ari: Now, does it sound unreasonable, the fact that I did all of these complaints... now that you know my side?

Amy: Where you were coming from? Right. I can understand where you were coming from now, I do.

Ari: I have a couple emails to show you.

Amy: I did not use the words intimidating and aggressive. Ever.

Ari: **So you think she misheard you?**

Amy: **I never, No I don't think she misheard me. I think she made it up. I never used those words to describe you. I wouldn't call her again.**

Ari: Why is she doing that?

Amy: I mean, She did ask about our policy. And I said yes, we have an open door policy. And she said do other parents come in as much as Ari does? And I said no. Which is the truth. She definitely asked the questions, and most of those words like the word distressed, the frequency of the visits. She said, do other parents visit as much as Ari does. And I said no, I mean those are the words she used to question me.

Amy: She ok'd those visits. Remember, because remember I had called her when we had the first parenting plan. And you came to visit. I didn't call her, I emailed her. And I said, it's your parenting day, Ari wants to come visit, we're ok with it, are you ok with it? Kathy said she's ok with it.

Ari: Do you know that she's not in control of that? Even if she says she is not ok with it?

Amy: Well, the thing is those with the parenting plan, from my interpretation of anybody's is that if it's one parents day, the other parent's not supposed to be here. You know what I mean? So that's

Ari: Unless, it's explicitly there

Amy: Right, and I just wanted to, I verified with her.

Ari: _____

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

Amy: And she said, she didn't care if Ari came to visit. She told me that.

Ari: But anyways, we did have a conversation, and this is exactly what I brought up with you, that Kathy was saying ____ last year. Any you said no, those things you really don't need to worry about. Parents complaining, or that

Amy: And I can tell you that, all of those words in there are from questions that she initiated. I did not initiate any of that. She was asking me questions. And I did answer, I answered honestly and truthfully, but she took my words and twisted them around.

Ari: And specifically that **I'm aggressive, and intimidating**, she made it up?

Amy: I never said that. I never once said that. And I,

Ari: So, to help you, I think that you should just get in front of it <the ODJFS complaints>. You know what I mean. Get in front of it. And I'm talking about even things that you know the things I talked about last time. Except for that. Just get in front of it. You know this thing about you know like, Not having access to daycare for example you said that it happened.

Amy: Right. But you know when it happened there were certain circumstances that lead up to it. And certain laws that we had to follow.

Ari: I'm telling you, first of all, your policy is clear. I didn't say except for, this and this and that. Your policy is clear. Ok. You need to see court papers. There were not court papers.

Amy: Right.

Ari: And number 2

Amy: And when there's no court papers though, in Ohio custody falls to the mother.

Ari: Listen. Is that what your policy says?

Amy: It doesn't matter, that's the law. We have to follow the law.

Ari: No. The law doesn't say that you have to enforce any restrictions. The law doesn't say that.

Amy: We have to follow the law. And I mean, that's what my licensing agent told me. Cause I asked her about it. Usually I call her and ask her about everything.

2013-09-06_SHORT TRANSCRIPT
(Meeting between Ms. Amy LeClair and Ari Jurado)

Ari: Ok. ____ So that means that, a one parent, because there are reasons why they do licensing like that, one parent that has full custody tomorrow, they can, that person, lets say it's a she, she's in a good mood and she puts a dad, as a dad in 2 weeks she removed him, in 2 weeks she added him, they did, those rules to prevent that. Even if that person has full custody. You either do or you don't, but you cannot be changing that. That's the purpose. And the policy makes sense.

Amy: And again,

Ari: So why was it listed, if we are not married and custody falls, why was my name listed there in the first place.

Amy: Well, don't know

Ari: Exactly

Amy: _____ maybe she thought you did, only because you had the conversation about those things

Ari: And I sat him at the table, would I never sat him at the table

Amy: I don't feel like, I don't feel like it was malicious though Ari.

Ari: I never even opened the net once. I need 2 hands to open, that thing is so hard to open, they made it that on purpose, you need two hands to open it. I never let ^{Name} ~~Released~~ out of my arm.

Amy: I believe you. I really do. But I don't feel like she did it maliciously.

00:18:03 (Video from phone call on September 13, 2013)

Ari: I don't know if you have any updates for me?

Amy: You know, I met with Vince and Jessica and Christy. And just went over everything again to see if there was any discrepancy in you know what they had reported, because I thought, maybe they remembered incorrectly, or something like that, um, the only, the only new thing that I discovered, was that um, that Christy had said you know that you had the conversation about the meat sticks, she said, she didn't, she said she saw you give ^{Name} ~~Released~~ a meat stick, but that she didn't see ^{Name} ~~Released~~ eat it. That's what she said. So I don't know, and I wrote that down and **that was a little bit different from the last time. You know what I mean?**



The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit A4

[Home](#) > [My Account](#) > [MileagePlus Statement](#)

MileagePlus Statement

Mr. Aristides Jurado
JN844483

MileagePlus status: Premier Gold
Activity period: 01/01/2013 - 03/31/2013

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07/01/2013 - 09/29/2013 

> [Activity Since My Last Statement](#)

Account Summary

Description	MileagePlus		Premier Qualifying	
	Award Miles	Miles	Segments	
Beginning Balance as of 01/01/2013:	150,275	0	0	
Airline Activity:	30,035	20,360	36	
Non Airline Activity:	42,845	-	-	
Award Activity:	(47,500)	-	-	
Ending Balance as of 03/31/2013:	175,655	20,360	36	

[Read more about Premier Status Qualification >](#)

MileagePlus Statement Activity Since My Last Statement

Airline Activity		MileagePlus Activity				Premier Qualifying	
Activity Data	Description	Booking Class	Award Miles	Bonus	Total	Miles	Segments
1/3/2013	United 1077 Columbus-Chicago (ORD)	ZH/ZH	500	250	750	500	1
1/3/2013	United 1290 Chicago (ORD)-Columbus	ZH/ZH	500	250	750	500	1
1/9/2013	United 1739 Columbus-Chicago (ORD)	L/L	500	250	750	500	1
1/11/2013	United 1290 Chicago (ORD)-Columbus	ZL/ZL	500	250	750	500	1
1/15/2013	United 1287 Columbus-Chicago (ORD)	ZL/ZL	500	250	750	500	1
1/17/2013	UA Express 3479 Chicago (ORD)-Columbus	Q/Q	500	250	750	500	1
1/24/2013	UA Express 3446 Columbus-Chicago (ORD)	ZH/ZH	500	250	750	500	1
1/23/2013	UA Express 3473 Chicago (ORD)-Columbus	ZB/ZB	625	250	875	750	1.5
1/29/2013	United 1287 Columbus-Chicago (ORD)	ZH/ZH	500	250	750	500	1
1/31/2013	UA Express 3479 Chicago (ORD)-Columbus	H/H	500	250	750	500	1
2/5/2013	UA Express 3500 Columbus-Chicago (ORD)	Q/Q	500	250	750	500	1
2/7/2013	United 1290 Chicago (ORD)-Columbus	ZQ/ZQ	500	250	750	500	1
2/12/2013	United 1287 Columbus-Chicago (ORD)	ZL/ZL	500	250	750	500	1
2/14/2013	UA Express 5963 Chicago (ORD)-Columbus	Q/Q	500	250	750	500	1
2/19/2013	United 1551 Columbus-Chicago (ORD)	ZK/ZK	500	250	750	500	1
2/21/2013	United 6213 Chicago (ORD)-Columbus	V/V	500	250	750	500	1
2/26/2013	United 1664 Columbus-Chicago (ORD)	ZK/ZK	500	250	750	500	1
3/1/2013	UA Express 5904 Chicago (ORD)-Columbus	E/E	500	250	750	500	1
3/5/2013	UA Express 3526 Columbus-Chicago (ORD)	ZV/ZV	500	250	750	500	1
3/7/2013	United 430	V/V	500	250	750	500	1

3/9/2013	Chicago (ORD)-Columbus UA Express 5765 Columbus-Chicago (ORD)	Q/Q	500	250	750	500	1
3/10/2013	United 507 Chicago (ORD)-Columbus	V/V	500	250	750	500	1
3/12/2013	United 328 Columbus-Chicago (ORD)	W/W	500	250	750	500	1
3/14/2013	UA Express 3479 Chicago (ORD)-Columbus	V/V	500	250	750	500	1
3/16/2013	UA Express 3453 Columbus-Washington (IAD)	T/T	500	250	750	500	1
3/16/2013	United 260 Washington (IAD)-Orlando	ZT/ZT	758	379	1,137	758	1
3/17/2013	UA Express 3497 Washington (IAD)-Columbus	A/A	1,250	250	1,500	750	1.5
3/18/2013	United 716 Orlando-Washington (IAD)	Y/Y	947	379	1,326	1,137	1.5
3/19/2013	United 328 Columbus-Chicago (ORD)	H/H	500	250	750	500	1
3/21/2013	United 430 Chicago (ORD)-Columbus	ZV/ZV	500	250	750	500	1
3/26/2013	UA Express 6004 Columbus-Chicago (ORD)	Y/Y	625	250	875	750	1.5
3/26/2013	United 430 Chicago (ORD)-Columbus	ZV/ZV	500	250	750	500	1

MileagePlus Statement

Mr. Aristides Jurado

JN844483

MileagePlus status: Premier Gold

Activity period: 04/01/2013 - 06/30/2013

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07/01/2013 - 09/30/2013



> [Activity Since My Last Statement](#)

Account Summary

Description	MileagePlus		Premier Qualifying	
	Award Miles	Miles	Segments	
Beginning Balance as of 04/01/2013:	175,655	20,360	36	
Airline Activity:	19,125	13,250	26.5	
Non Airline Activity:	69,584	-	-	
Award Activity:	0	-	-	
Ending Balance as of 06/30/2013:	264,364	33,610	62.5	

[Read more about Premier Status Qualification >](#)

Airline Activity		MileagePlus Activity				Premier Qualifying	
Activity Date	Description	Booking Class	Award Miles	Bonus	Total	Miles	Segments
4/2/2013	UA Express 3479 Columbus-Chicago (ORD)	V/V	500	250	750	500	1
4/4/2013	United 430 Chicago (ORD)-Columbus	Q/Q	500	250	750	500	1
4/9/2013	United 444 Columbus-Chicago (ORD)	W/W	500	250	750	500	1
4/11/2013	UA Express 5846 Chicago (ORD)-Columbus	H/H	500	250	750	500	1
4/16/2013	UA Express 3463 Columbus-Chicago (ORD)	H/H	500	250	750	500	1
4/16/2013	United 334 Chicago (ORD)-Columbus	H/H	500	250	750	500	1
4/23/2013	United 444 Columbus-Chicago (ORD)	ZH/ZH	500	250	750	500	1

4/24/2013	UA Express 3473 Chicago (ORD)-Columbus	H/H	500	250	750	500	1
4/26/2013	UA Express 6126 Columbus-Chicago (ORD)	E/E	500	250	750	500	1
4/28/2013	UA Express 3473 Chicago (ORD)-Columbus	V/V	500	250	750	500	1
4/30/2013	UA Express 3463 Columbus-Chicago (ORD)	V/V	500	250	750	500	1
5/1/2013	UA Express 3473 Chicago (ORD)-Columbus	V/V	500	250	750	500	1
5/3/2013	UA Express 3536 Columbus-Chicago (ORD)	V/V	500	250	750	500	1
5/5/2013	UA Express 3473 Chicago (ORD)-Columbus	W/W	500	250	750	500	1
5/7/2013	UA Express 3489 Columbus-Chicago (ORD)	ZH/ZH	500	250	750	500	1
5/9/2013	United 334 Chicago (ORD)-Columbus	M/M	500	250	750	500	1
5/14/2013	UA Express 3489 Columbus-Chicago (ORD)	Y/Y	625	250	875	750	1.5
5/14/2013	UA Express 3473 Chicago (ORD)-Columbus	ZH/ZH	500	250	750	500	1
5/23/2013	UA Express 3457 Columbus-Chicago (ORD)	H/H	500	250	750	500	1
5/24/2013	United 334 Chicago (ORD)-Columbus	Y/Y	625	250	875	750	1.5
5/28/2013	United 377 Columbus-Chicago (ORD)	H/H	500	250	750	500	1
5/28/2013	UA Express 3473 Chicago (ORD)-Columbus	ZH/ZH	500	250	750	500	1
6/4/2013	UA Express 6159 Columbus-Chicago (ORD)	H/H	500	250	750	500	1
6/5/2013	UA Express 5835 Chicago (ORD)-Columbus	H/H	500	250	750	500	1

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit A5

IN THE COURT OF COMMON PLEAS, FRANKLIN
COUNTY, OHIO DIVISION OF DOMESTIC RELATIONS
AND JUVENILE BRANCH

KATHY HERNANDEZ,	:	CASE NO. 12-JU-11-14479
	:	
Petitioner-Mother	:	
	:	
-vs.-	:	JUDGE JAMISON
	:	
ARISTIDES JURADO,	:	
	:	
Respondent-Father.	:	MAGISTRATE TSITOURIS
	:	

THIRD AGREED INTERIM MAGISTRATE'S ORDER

This matter came on for hearing pursuant to Petitioner-Mother Kathy Hernandez's Complaint to Allocate Parental Rights and Responsibilities as to her minor child, ^{Name} ~~Redacted~~ Jurado, born July 10, 2012, filed with this Honorable Court on November 5, 2012. Upon consideration of the same, and in lieu of submitting narrative affidavits due on July 26, 2013 pursuant to Respondent-Father's Motion to Modify Temporary Orders filed on July 1, 2013, the parties hereby agree to amend the original Agreed Interim Magistrate's Temporary Order until further modification by the parties or further order of this Court. The amended terms of the parenting schedule are set forth below.

I. Regular Parenting Time: Unless otherwise agreed by the parties in writing, beginning Monday, July 22, 2013, the parents shall parent the minor child in accordance with the following parenting time schedule:

The parents shall enjoy an equal parenting time schedule where the child is not away from the other parent for more than two consecutive days as outlined below in a repeating four week schedule. For the purposes of ensuring assignment of parental responsibility, the parent coming into their parenting time on the rotating two day schedule will begin their parenting time at 9AM

AJZ
KH

during the week days of Monday through Friday. Neither parent shall remove the child from daycare before 4PM each week day, unless the child is ill. Except for drop off and pick up, neither parent shall appear at daycare during the day for the purposes of visiting or interacting with the child, but for emergency circumstances and the cause for the emergency shall be immediately provided to the other parent prior to or simultaneous to entering the daycare center.

The four week rotating schedule is as follows:

WEEK ONE – Father shall enjoy parenting time from Monday at 4PM when he picks the child up from daycare or Mother’s residence, whichever is applicable, until Wednesday morning when Father drops the child off at 9AM at daycare or Mother’s residence, whichever is applicable. Mother shall enjoy parenting time from Wednesday at 4PM when she picks up the child from either daycare or Father’s residence, whichever is applicable, until Friday morning when Mother drops the child off at 9AM at daycare or Father’s residence, whichever is applicable. Father shall enjoy parenting time from Friday at 4PM when Father picks up the child from either daycare or Mother’s residence, whichever is applicable, until Sunday at 2PM when Mother picks the child up at Father’s residence.

WEEK TWO – Mother shall enjoy parenting time from Sunday at 2PM when she picks up the child from Father’s residence until Tuesday morning when Mother drops the child off at 9AM at daycare or the Father’s residence, whichever is applicable. Father shall enjoy parenting time from Tuesday at 4PM when Father picks up the child from either daycare or Mother’s residence, whichever is applicable, until Thursday morning when Father drops the child off at 9AM at daycare or Mother’s residence, whichever is applicable. Mother shall enjoy parenting time from Thursday at 4PM when Mother picks up the child from either Daycare or Father’s residence, whichever is applicable, until Saturday at 2PM when Father picks the child up at Mother’s residence.

ASK
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Father shall enjoy parenting time from Saturday at 2PM when Father picks the child up at Mother's residence until Monday morning when Father drops the child off at 9AM at daycare of the Mother's residence, whichever is applicable.

WEEK THREE – Mother shall enjoy parenting time from Monday at 4PM when Mother picks up the child from daycare or Father's residence, whichever is applicable, until Wednesday morning when she drops the child off at daycare at 9AM or Father's residence, whichever is applicable. Father shall enjoy parenting time from Wednesday at 4PM when he picks up the child from daycare or Mother's residence, whichever is applicable, until Friday morning when Father drops the child off at 9AM at daycare or Mother's residence, whichever is applicable. Mother shall enjoy parenting time Friday at 4PM when she picks the child up from daycare or Father's residence, whichever is applicable, until Sunday at 2PM when Father picks the child up from Mother's residence.

WEEK FOUR – Father shall enjoy parenting time from Sunday at 2PM when he picks up the child from Mother's residence until Tuesday morning when Father drops the child off at 9AM at daycare or the Mother's residence, whichever is applicable. Mother shall enjoy parenting time from Tuesday at 4PM when Mother picks up the child from either daycare or Father's residence, whichever is applicable, until Thursday morning when Mother drops the child off at 9AM at daycare or Father's residence, whichever is applicable. Father shall enjoy parenting time from Thursday at 4PM when Father picks up the child from either daycare or Mother's residence, whichever is applicable, until Saturday at 2PM when Mother picks the child up at Father's residence. Mother shall enjoy parenting time from Saturday at 2PM when she picks the child up at Mother's residence until Monday morning when Mother drops the child off at 9AM at daycare ^{OR} of the Father's residence, whichever is applicable. _{EA}

AJC
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The above four week rotating schedule shall continue year-round and shall repeat every four weeks.

A. Summer Parenting Time: Unless otherwise agreed between the parties in writing:

- (1) The parties shall follow the Regular Parenting Time schedule above all year long.
- (2) Except for during the summer of 2013, each parent shall enjoy two, non- consecutive weeks of vacation consisting of 7 non-interrupted days with the minor child every summer. Beginning in 2014 and in all succeeding years, each party shall provide the other with their intended vacation dates no later than April 1 of that year and in the event of a conflict, Mother's selected vacation dates shall take precedence in even numbered years and Father's selected vacation dates shall take precedence in odd numbered years.
- (3) A general itinerary of the vacation travel arrangements shall be provided for the other parent, including dates, locations, addresses, and telephone numbers.
- (4) During the summer of 2013, Father shall have vacation with the minor child beginning July 17, 2013 at 4PM ^{AJL KH} ~~when he picks the child up from daycare~~ through July 24, 2013 when he returns the child to daycare by 9AM; Mother shall have vacation with the minor child beginning August 13, 2013 at 4PM when she picks the child up from daycare through August 20, 2013 when she returns the child to daycare by 9AM.
- (5) The child shall not be removed from the State of Ohio during either parent's vacation.
- (6) The non-possessory parent shall be permitted parenting time with the minor child every other day (days 2, 4, and 6 of vacation) for a period of three (3) hours; specific times are to be coordinated between the parents, in writing, to ensure work schedules are considered. However, if specific times cannot be agreed to, parenting time will occur from 4PM to 7PM on the designated days. The parent exercising the three hour parenting time interludes

AJL
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shall pick the child up from the possessory parent's residence and drop the child off at the possessory parent's residence at the conclusion of the three hours.

B. Holidays and Days of Special Meaning: Unless otherwise agreed in writing between the parties, the parties shall follow Local Rule 22, attached hereto as **Exhibit A**, for parenting time on holidays and days of special meaning; however, the minor child shall not be removed from the State of Ohio during either parent's holiday or days of special meaning time. Mother shall have parenting time with the child on Easter Sunday from 9AM to 6PM in even numbered years and Father shall have parenting time with the child on Easter Sunday from 9AM to 6PM in odd numbered years.

2. DISPOSITION OF CERTAIN PENDING MOTIONS: Defendant's Motion for New Pediatrician filed on July 1, 2013 is **WITHDRAWN** without prejudice and Defendant's Motion to Modify Temporary Orders, are hereby **GRANTED**, in part as specifically modified herein.

3. AFFIDAVITS: The Order to submit affidavits on or before July 26, 2013 is hereby **DISMISSED**, as the parties were able to reach resolution on the matters to be addressed in the affidavits and their agreements are contained in the instant Entry.

4. ALL OTHER AGREED ORDERS: All other provisions from the January 23, 2013 Agreed Magistrate's Temporary Order shall remain in full force and effect.

5. EXECUTION: Both parents have signed this document on the dates of their signatures below for submission for approval by the Court of Common Pleas, Division of Domestic Relations and Juvenile Branch, Franklin County, Ohio.

Unless otherwise specified herein, all terms of this agreement shall be effective July 17, 2013. The instant Order shall commence forthwith and be in effect until the final hearing in this matter or until modified by further order of this Court.

AJL
AH

IT IS SO ORDERED.

See Signature Page Attached

MAGISTRATE MATTHEWS for TSITOURIS

APPROVED:



Kathy Hernandez – Mother



Aristides Jurado – Father, *pro se*

/s/ Ronald R. Petroff
Ronald R. Petroff (0081267)
rrp@petrofflawoffices.com
Erika M. Smitherman (0072383)
ems@petrofflawoffices.com
140 E. Town St., Suite 1070
Columbus, OH 43215
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Counsel for Petitioner-Mother

/s/ Blythe M. Bethel
Blythe M. Bethel (0001373)
Bethel Law Office
495 S High St., Ste 220
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Fax: (614) 228-5530
Guardian ad Litem

Franklin County Court of Common Pleas

Date: 07-18-2013
Case Title: KATHY J HERNANDEZ -VS- ARISTIDES JURADO
Case Number: 12JU014479
Type: MAGISTRATE ORDER

Magistrate Jill Matthews

A handwritten signature in black ink, reading "Jill Matthews", is written over a circular official seal. The seal features a sunburst design in the center and the text "FRANKLIN COUNTY OHIO" around the perimeter.

Jill Matthews

Electronically signed on 2013-Jul-18 page 7 of 7

Ari Jurado

From: Ari Jurado
Sent: Saturday, September 14, 2013 2:36 PM
To: Kathy Hernandez @ home
Subject: ^{Name} ~~Redacted~~ update
Attachments: ^{Name} ~~Redacted~~ Exchange Info Sheet - 2013-09-14.pdf

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit B1

As a final update from me for this weekend:

In my opinion, ^{Name} ~~Redacted~~ has gotten better as far as the fever is concerned. However, his diarrhea has gotten worse, at least for the half a day that I had him today.

Here is the same copy of the exchange sheet I gave you during the exchange. I was delayed because as we were going to the car, he had another vowel movement and this time it leaked (the only time). So I had to wash him quickly and change his clothes.

Please let me know if he gets any worse or if the fever comes back.

Enjoy ^{Name} ~~Redacted~~

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 8:49 PM
To: Kathy Hernandez @ home
Subject: RE: ^{Name} ~~Redacted~~ update

He has not vomited again, but his latest temperature is 101.3.

Do you think we should now call the on-call doctor from Dr. Muresan's office, or should we wait? I am following your suggestion of trying this before trying urgent care because I think it is a good suggestion.

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 5:38 PM
To: Kathy Hernandez @ home
Subject: ^{Name} ~~Redacted~~ update

^{Name} ~~Redacted~~ has had 5 bowel movements today. The first 3 were very soft and the last 2, this afternoon, have been 100% diarrhea.

He has 100.4 fever right now. I am keeping him hydrated.

Considering that there were other kids at the daycare with similar symptoms, it may just be a bug. If he is still the same tomorrow, I may take him to urgent care.

Please let me know what you think about taking him to urgent care.

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 10:11 AM
To: 'Brooksedge Day Care'
Cc: Kathy Hernandez @ home
Subject: ^{Name Redacted} Jurado: Today

Good information to know (about the licensing rule specific to fevers).

By the way, he continued with diarrhea through the night and runny nose. But the two symptoms are gone right now.

Have a nice weekend.

Ari

From: Brooksedge Day Care [mailto:brooksedgehilliard@yahoo.com]
Sent: Friday, September 13, 2013 10:03 AM
To: Ari Jurado
Subject: Re: ^{Name Redacted} Jurado: Today

Hi Ari! Thank you for letting us know. Technically, since ^{Name Redacted} had a fever over 100 degrees at 3:15, according to state licensing rules, he is not allowed to return to school for 24 hours. Also, since ^{Name Redacted} still has a low grade fever this morning, it is probably in his best interest if you keep him home for the day. We sent a couple of other kids home with fevers and vomiting yesterday as well. We would like to contain whatever sickness he has. Please let me know if you have any questions. We hop ^{Name Redacted} feels better soon. Have a great weekend!

Jessica Jividen
Brooksedge Day Care

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: Brooksedge Daycare <brooksedgehilliard@yahoo.com>
Cc: "Kathy Hernandez @ home" <kjxatm@gmail.com>
Sent: Friday, September 13, 2013 9:02 AM
Subject: ^{Name Redacted} Jurado: Today

Hi Jessica and Amy,

Please be aware that ^{Name Redacted} is staying home this morning. He still had a low grade fever earlier this morning, but for a short time.

I will reassess in a few hours if he is better and may drop him off after lunch if that is the case.

Thank you.

Ari

*Nurse
Exchanged* Exchange Sheet

Meal/Bottles	How Much?	What Time?
Cereal + Pear	2/3	8:50a
Squash, Tofu, Applesauce	1/2	11:15a
Yogurt	1/2	

Asleep	Awake
12:15p	1:40p

Other Notes:

1. Last low-grade fever was a 5am.
2. Last medicine (acetaminophen) given @ 5am.
3. Normal temperature since 8:45am
4. Since late morning, started touching right ear
5. Also, has been tilting his head towards right shoulder on occasion.
6. Moderate loss of balance while standing
7. Diaper rash started to develop on Thursday, **but by Friday midday no signs of diaper rash.**
8. **Avoided diaper rash by changing diaper hourly and within 3 minutes of bowel movement, by rinsing him after each dirty diaper and using wipes scarcely.**
9. Diaper rash cream used but not on each change as it was not needed.

Diaper Info:

**4 bowel movements today (all diarrhea)
last one at 1:55p.**

Last diaper change @ 1:55p

*Nurse said if symptoms stay more than 3 days, he needs to see a doctor for sure;
Which means tomorrow morning if that is the case.

Ari Jurado

From: Amy LeClair
Sent: Monday, September 16, 2013 1:27 PM
To: Ari Jurado
Subject: Re: OCRC - Follow Up

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit B2

Ari,

I asked Danielle how ^{Heine} ~~Rebecca~~ was this morning and she said that he still has had frequent diarrhea. She said that he was eating fine and playing normally all morning as well.

I will be doing a van run to pick up kids from school at 3:30 today, but I get back around 3:45. I may need to work in the school age room for a bit when I get back, but if I don't, I will be happy to meet with you before you pick up ^{Heine} ~~Rebecca~~. I will have to wait and see how many kids we have after school. Otherwise, I will be in tomorrow morning and we can touch base then.

Please let me know if you have any other questions or concerns.

Thank you,

Amy

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: "Amy LeClair @ Yahoo" <aleclair317@yahoo.com>
Sent: Monday, September 16, 2013 10:55 AM
Subject: OCRC - Follow Up

Hi Amy,

I hope you had a nice weekend. I was wondering if you will be around this afternoon? If you are, I could stop by around 3:30p so that we can chat for a few minutes before I take ^{Heine} ~~Rebecca~~ home.

If not, we could try that tomorrow morning.

On a different note, could you please let me know by midday (12p ~ 1pm) if ^{Heine} ~~Rebecca~~ is still having diarrhea or frequent bowel movements?

Please let me know. Thanks,

Ari

Ari Jurado

From: Hernandez, Kathy
Sent: Monday, September 16, 2013 2:50 PM
To: Ari Jurado
Subject: RE: ~~Name Redacted~~ Update?

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit B3

I have made an appointment for him with Dr. Muresan at 5:00PM today. I spoke with the daycare and they filled me in on his day.

Kathy Hernandez
Manager, Associate Services
Office: 614-474-4991
Cell: 614-270-3549
Fax: 614-474-7553

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Monday, September 16, 2013 2:07 PM
To: Hernandez, Kathy
Subject: RE: ~~Name Redacted~~ Update?

FYI – Daycare says he still has diarrhea. This is the 5th day with diarrhea and he arrived this morning with a diaper rash.

From: Hernandez, Kathy [mailto:KHernandez@express.com]
Sent: Monday, September 16, 2013 2:00 PM
To: Ari Jurado
Subject: RE: ~~Name Redacted~~ Update?

I left you a note at the daycare. ~~Name Redacted~~ is doing better. He did not have a fever during the time he was with me. I kept his diet in line with the BRAT diet and it really helped settle his stomach. I also ensured he got a great deal of breast milk and that has likely helped as well. I recommend keeping his diet bland for another couple of days until he is back to normal, especially keeping chunks of fruit out and keeping more with applesauce and bananas. I made notes about that on the paper I left.

Kathy Hernandez
Manager, Associate Services
Office: 614-474-4991
Cell: 614-270-3549
Fax: 614-474-7553

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Sunday, September 15, 2013 5:25 PM
To: Kathy Hernandez @ home; Hernandez, Kathy
Subject: RE: ~~Name Redacted~~ Update?

Hi Kathy,

Please let me know how ~~Name Redacted~~ has been doing since yesterday afternoon. Thanks,

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Saturday, September 14, 2013 2:36 PM

To: Kathy Hernandez @ home
Subject: *Name Redacted* update

As a final update from me for this weekend:

In my opinion, *Name Redacted* has gotten better as far as the fever is concerned. However, his diarrhea has gotten worse, at least for the half a day that I had him today.

Here is the same copy of the exchange sheet I gave you during the exchange. I was delayed because as we were going to the car, he had another bowel movement and this time it leaked (the only time). So I had to wash him quickly and change his clothes.

Please let me know if he gets any worse or if the fever comes back.

Enjoy *Name Redacted*

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 8:49 PM
To: Kathy Hernandez @ home
Subject: RE: *Name Redacted* update

He has not vomited again, but his latest temperature is 101.3.

Do you think we should now call the on-call doctor from Dr. Muresan's office, or should we wait? I am following your suggestion of trying this before trying urgent care because I think it is a good suggestion.

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 5:38 PM
To: Kathy Hernandez @ home
Subject: *Name Redacted* update

Name Redacted has had 5 bowel movements today. The first 3 were very soft and the last 2, this afternoon, have been 100% diarrhea.

He has 100.4 fever right now. I am keeping him hydrated.

Considering that there were other kids at the daycare with similar symptoms, it may just be a bug. If he is still the same tomorrow, I may take him to urgent care.

Please let me know what you think about taking him to urgent care.

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, September 13, 2013 10:11 AM
To: 'Brooksedge Day Care'
Cc: Kathy Hernandez @ home
Subject: *Name Redacted* Jurado: Today

Good information to know (about the licensing rule specific to fevers).

By the way, he continued with diarrhea through the night and runny nose. But the two symptoms are gone right now.

Have a nice weekend.

Ari

From: Brooksedge Day Care [<mailto:brooksedgehilliard@yahoo.com>]
Sent: Friday, September 13, 2013 10:03 AM
To: Ari Jurado
Subject: Re: ^{Home} ~~Redacted~~ Jurado: Today

Hi Ari! Thank you for letting us know. Technically, since ^{Home} ~~Redacted~~ had a fever over 100 degrees at 3:15, according to state licensing rules, he is not allowed to return to school for 24 hours. Also, since ^{Home} ~~Redacted~~ still has a low grade fever this morning, it is probably in his best interest if you keep him home for the day. We sent a couple of other kids home with fevers and vomiting yesterday as well. We would like to contain whatever sickness he has. Please let me know if you have any questions. We hop ^{Home} ~~Redacted~~ feels better soon. Have a great weekend!

Jessica Jividen
Brooksedge Day Care

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: Brooksedge Daycare <brooksedgehilliard@yahoo.com>
Cc: "Kathy Hernandez @ home" <kjxatm@gmail.com>
Sent: Friday, September 13, 2013 9:02 AM
Subject: ^{Home} ~~Redacted~~ Jurado: Today

Hi Jessica and Amy,

Please be aware that ^{Home} ~~Redacted~~ is staying home this morning. He still had a low grade fever earlier this morning, but for a short time.

I will reassess in a few hours if he is better and may drop him off after lunch if that is the case.

Thank you.

Ari

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Ari Jurado

From: Ari Jurado
Sent: Tuesday, September 17, 2013 2:16 PM
To: 'Hernandez, Kathy'
Cc: 'Blythe Bethel'; 'Keith Golden'
Subject: RE: ~~Name Redacted~~ not at Daycare today

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit B4

Thank you for the explanation. Nevertheless, today is an example in which we could have run into you causing ~~Name Redacted~~ to get upset.

I believe it is reasonable to ask for you to let me know when you stop by daycare on my days to prevent issues, especially when 8:55a and 9am is awfully close.

Thanks,

Ari

From: Hernandez, Kathy [<mailto:KHernandez@express.com>]
Sent: Tuesday, September 17, 2013 2:05 PM
To: Ari Jurado
Cc: Blythe Bethel; Keith Golden
Subject: RE: ~~Name Redacted~~ not at Daycare today

I did not know ~~Name Redacted~~ was not at daycare until I sent you the email I did as I did not see Amy or anyone when I stopped in quickly to drop off new diaper cream the doctor recommended for ~~Name Redacted~~ this morning. I have dropped off items at daycare on many occasions such as sheets and blankets before you get there and have never had a conflict and I have always made sure you were not in the middle of dropping off. As you saw, I was not even parked in a parking space and had simply pulled up near the front door. I was there for no more than a couple of minutes to hand off the items I dropped off. I texted my work at 8:54 to let them know I was on my way and that was after I left the parking lot.

I know very well that it is not typical for you to arrive at daycare before 9AM as the daily sheets show that it is more common for him to arrive between 9AM and 9:30AM.

When I asked the daycare what you were told, they said if ~~Name Redacted~~ had 3 more loose stools since leaving that were diarrhea that he could not return. I do not have the email that was sent to you, so I am going from memory on what I was told.

Kathy Hernandez
Manager, Associate Services
Office: 614-474-4991
Cell: 614-270-3549
Fax: 614-474-7553

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Tuesday, September 17, 2013 1:56 PM
To: Hernandez, Kathy
Cc: Blythe Bethel; Keith Golden
Subject: ~~Name Redacted~~ not at Daycare today

Kathy,

When I arrived at Brookside around 8:52a this morning, your car was there so I decided to wait. That is when I read on my phone an email from Amy from earlier asking me not to bring ~~Name Redacted~~ because he is supposed to be symptom free for 24 hours.

Because I saw that you were there, I assumed that they made you aware of it too. But it sounds like they did not, which begs an important question:

Why were you at daycare on my assigned day right around the time that I am supposed to arrive with ^{Name Redacted} What happens if we run into you and ^{Name Redacted} gets upset? You have pointed out many times that this situation should be avoided, and that is the reason why we have these specific provisions in our temporary order.

If you were dropping off meds or other things for ^{Name Redacted} you could have given me a heads up or stop by at a different time, especially since you live practically next door.

Could you be so kind to let me know when (prior to) you stop by Brooksedge on my days? Thank You.

Ari

From: Hernandez, Kathy [mailto:KHernandez@express.com]
Sent: Tuesday, September 17, 2013 12:43 PM
To: ari_jurado@qualineconsulting.com
Subject: ^{Name Redacted}

Why is ^{Name Redacted} not at daycare today?

Kathy Hernandez
Manager, Associate Services
Office: 614-474-4991
Cell: 614-270-3549
Fax: 614-474-7553

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Ari Jurado

From: Ari Jurado
Sent: Tuesday, September 17, 2013 5:34 PM
To: 'Amy LeClair'
Subject: RE: OCRC - Follow Up & [Name Redacted] Update

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit B5

Hi Amy,

Yes, I know you sent the email early and I am glad you did.

I do not follow why the teachers asked if [Name Redacted] was coming today. You told me yesterday that [Name Redacted] had frequent diarrhea. Also, his daily sheet showed that the diarrhea continued in the afternoon. Based on the licensing rule that you pointed out that [Name Redacted] has to be symptom-free for 24 hours, I took it that I did not have an option to take [Name Redacted] to daycare today, regardless of how he was feeling today.

Did I get it wrong? Could you please help address my confusion?

Thanks,

Ari

From: Amy LeClair [mailto:aleclair317@yahoo.com]
Sent: Tuesday, September 17, 2013 3:01 PM
To: Ari Jurado
Subject: Re: OCRC - Follow Up & [Name Redacted] Update

Ari,
I sent you the email at 8:15 this morning just before I left on a van run to take school age children to school. I was not here when Kathy was here, but my staff told me that she dropped off some ointment that was prescribed by your pediatrician for [Name Redacted] diaper rash. [Name Redacted] teachers asked me a couple times today if he was coming and I told them that I hadn't heard back from you regarding his condition. I'm glad to hear he is doing better. Hopefully we will see [Name Redacted] tomorrow.
Amy

On Sep 17, 2013, at 1:41 PM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:

Thank you Amy for the reminder.

Interestingly enough, I did not get your email right away. In fact, I made it all the way to Brookside and saw Kathy's car outside at around 8:50a, then decided to wait.

While waiting, I read your email, then turned around and went home. By the way, [Name Redacted] is doing much better.

Ari

From: Amy LeClair [mailto:aleclair317@yahoo.com]
Sent: Tuesday, September 17, 2013 8:18 AM
To: Ari Jurado
Subject: Re: OCRC - Follow Up & [Name Redacted] Update

Good morning Ari!

ODJFS licensing rules require a child to be out of daycare if they have 3 or more diarrhea within a 24 hour period. The child cannot return to daycare until they are symptom free for 24 hours without the use of medication.

If ^{Name} ~~Redacted~~ is still having diarrhea, then he must stay home from Brooksedge today. Please let me know if you have any other questions.

Thanks!
Amy

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: Amy LeClair <aleclair317@yahoo.com>
Sent: Monday, September 16, 2013 11:04 PM
Subject: RE: OCRC - Follow Up & ^{Name} ~~Redacted~~ Update

Amy,

You are definitely keeping busy! But in a good way. ☺ Thank you for ^{Name} ~~Redacted~~ update. Kathy and I took him to his pediatrician earlier today. They are running some tests and we will know if there is anything else that can be done about his stomach flu/virus.

The doctor also said that it is possible that he will continue with the diarrhea for the next 2-4 days, but it should stop before the weekend.

Please let me know if it is safe to take him to the daycare given the fact that we know is some type of bug that may spread to other kids.

Thanks,

Ari

From: Amy LeClair [<mailto:aleclair317@yahoo.com>]
Sent: Monday, September 16, 2013 1:27 PM
To: Ari Jurado
Subject: Re: OCRC - Follow Up

Ari,

I asked Danielle how ^{Name} ~~Redacted~~ was this morning and she said that he still has had frequent diarrhea. She said that he was eating fine and playing normally all morning as well.

I will be doing a van run to pick up kids from school at 3:30 today, but I get back around 3:45. I may need to work in the school age room for a bit when I get back, but if I don't, I will be happy to meet with you before you pick up ^{Name} ~~Redacted~~. I will have to wait and see how many kids we have after school. Otherwise, I will be in tomorrow morning and we can touch base then.

Please let me know if you have any other questions or concerns.

Thank you,
Amy

From: Ari Jurado <ari_jurado@qualineconsulting.com>
To: "Amy LeClair @ Yahoo" <aleclair317@yahoo.com>
Sent: Monday, September 16, 2013 10:55 AM
Subject: OCRC - Follow Up

Hi Amy,

I hope you had a nice weekend. I was wondering if you will be around this afternoon? If you are, I could stop by around 3:30p so that we can chat for a few minutes before I take ^{Name} ~~Released~~ home.

If not, we could try that tomorrow morning.

On a different note, could you please let me know by midday (12p ~ 1pm) if ^{Name} ~~Released~~ is still having diarrhea or frequent bowel movements?

Please let me know. Thanks,

Ari

Ari Jurado

From: Keith E. Golden
Sent: Monday, September 30, 2013 1:19 PM
To: ari_jurado@qualineconsulting.com
Subject: FW: Jurado/Hernandez

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit C1

Categories: Topic of Interest

Ari

As you can see blythe is open to the idea of a different daycare center so put your proposal together as she says she would like it below and lets get it going asap

kg

From: Blythe Bethel [<mailto:blythebethel@yahoo.com>]
Sent: Sunday, September 29, 2013 10:59 AM
To: Keith E. Golden
Cc: rrp@petrofflawoffices.com; ems@petrofflawoffices.com
Subject: Re: Jurado/Hernandez

Keith: Thanks for the email. I have copied opposing counsel on this email, because I think that everyone should be a part of this discussion.

First, any information that Ari has regarding this daycare would be appreciated. I assume that the information that he has is current information. I would consider a 3 to 5 year past history to relevant as well. So, please have him get this information to me. It will save me time, and the parties money, if he could provide what he has.

Also, if Ari has other proposed daycare facilities, I think he should circulate this information to everyone. Not sure why he would not have done that by now. I know that I would like to see what he is proposing as well as any information he has on the current facility. I agree with you that choosing a daycare facility is much like choosing a school district. So, get me the information and let me see if a change would be an appropriate step to take.

Blythe

From: Keith E. Golden <keg@golmeiz.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
Sent: Friday, September 27, 2013 11:12 AM
Subject: RE: Jurado/Hernandez

Dear Blythe

Mr. Jurado's primary concern is the quality of care the facility provides to ^{Home} ~~Relative~~ he feels that the parties can do much much better in the quality of care being provided to their child for no additional cost or if so, not much...I would hope that Kathy is not as happy as she could be with the facility as well

you may or may not be aware that the daycare center's rating is one of the lower/lowest ratings in the state and have had several non-compliances ratings in their past 2 inspections. We can provide this if you would like to see..

Mr. Jurado does not request that you do any further investigation over and above their licensing and non-compliance.

He would like to propose one or more alternative daycare facilities that the parties may utilize instead of the current one...the best analogy is that of selecting the best school system...in some cases the parties do not have the luxury of choosing whereas in this case they do

Would you be willing to consider his proposed facilities and take look at them..he would of course make the proposal to Kathy who in turn could look at each one as well and hopefully we can arrive at a mutual selection

Thank you in advance

keith

From: Blythe Bethel [<mailto:blythebethel@yahoo.com>]
Sent: Thursday, September 26, 2013 3:29 PM
To: Keith E. Golden; rrp@petrofflawoffices.com; ems@petrofflawoffices.com
Subject: Jurado/Hernandez

Counsel; I am in receipt of Keith's correspondence dated September 24th. One letter is addressed to me alone asking for me to conduct an investigation into the child care facility that ^{None}~~Redacted~~ currently attends. I have now spoken with Amy LaClair twice. I am certain that Mr. Jurado could obtain the same information that I can with regard to the status of the facility's license. I can certainly try to ascertain the status of any investigations into the facility, but I would limit my investigation into any investigations that concern this family. I am not in a position to do a full-blown investigation into all complaints, etc that may have been filed against the facility. I want to make sure that this is what Mr. Jurado is looking for. Keith, I need for you to confirm that this will be sufficient. Blythe

Ari Jurado

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit C2

From: Ari Jurado
Sent: Friday, October 4, 2013 4:32 PM
To: Keith Golden
Subject: Hernandez/Jurado: Proposal for changing Daycare provider
Attachments: Brooksedge Inspection 410271_09-24-2012_STANDARD (noted).pdf; Brooksedge Inspection 410271_03-14-2013_STANDARD (noted).pdf

Keith,

Please let me know if you are ok with the format below and if the amount of information is sufficient vs. too much. If you think we should summarize more for now, that is ok. Just let me know and I will adjust. I could also use a different format if you think it will make a significant different... such as tabular columns comparing features side-by-side. Otherwise, I will leave it as is.

I am also sending to you shortly, under separate cover, "side notes" with important information that explains why we need a sense of urgency. I did not want to include that with the proposal itself.

Ari

INTRO

For the purpose of this proposal, we will consider two types of child care:

Brooksedge is considered a "basic" child care center, because:

- Facility that is mainly focused in custodial care, although it may provide some developmental care.
- Follows an informal curriculum
- **Only meets** the minimum state regulatory license requirements, such as children-teacher ratios and training.
- Lack of accreditation by national accreditation organizations.
- It is enrolled in the voluntary state rating system with a rating of One Star. (1 out of 3 stars). (http://www.odifs.state.oh.us/cdc/Results2.asp?provider_number=CDCSFJOPPIOMNININI)
- Have a history of needing hand-holding to maintain regulatory license. For example, numerous license violations and non-compliances (serious and otherwise) have been found in the past two inspections, showing that the safety and custodial care provided by this facility is not reliable (see 2 attached PDFs with inspection reports).
- Additional non-compliances—already screened by Action for Children—are being currently investigated by ODJFS, some of these violations considered "serious risk non-compliances" under the Administrative Negligence section.
- Very few employees/teachers have Early Childhood Education degree.

The Goddard Schools, Primrose Schools, Bright Horizons, among others are considered "high quality comprehensive child development programs", because they are:

- Facility focused on both custodial and intellectual/developmental care
- Follow a formal curriculum
- **Exceed** minimum state regulatory license requirements, such as children-teacher ratios and training.
- Most have national accreditation by either NAC, NECPA or NAEYC. NAEYC is considered the industry standard.
- Most if not all teachers have an Early Childhood Education degree
- In most cases, not participating in voluntary state rating system because of over-qualifications.

- Some are franchised facilities.
- Additional oversight by a central body (i.e. headquarters), even with the autonomy of a franchise's local ownership.
- One of the few disadvantages is the extensive waitlist for first time enrollment.

FACILITIES PROPOSED

The 1st facility I propose for ^{Name Redacted} **Bright Horizons At Capital City (downtown)**

- State Government Building with 24-hour security and secure entrances, power generator, etc.
- Accredited by NAEYC
- Bright Horizons is the provider of choice to manage employer-supported child care centers, such as AEP, JPMorgan Chase, Batelle and OPERS.
- ALL teachers (2 or more per classroom/group) have a degree in Early Childhood Education and the mandatory training that is only required for 1 staff member per facility for state licensing.
- All meals provided, but not prepared/cook on-site. Instead, they are provided by Ohio OPERS (state agency), which is adjacent to the facility.
- Lower teacher-student ratio than state requirements, which usually translate to less incidents/injuries, among other advantages.
- Contract with nearby building as a secondary facility for emergency evacuations.
- Includes outdoor playground for children
- **Not franchised** (many additional benefits of a corporate owned child development program).
- **Immediate availability for** ^{Name Redacted} (rare opportunity for no waitlist).
- Without additional cost, partnership with **WeJoySing** brings accredited music teachers on-site to provide research based, developmentally appropriate play-filled music education
- Downtown location is equidistant to both residences **adding the benefit of consistency in respect to commuting** from home to daycare on a daily basis, without adding additional travel time over a period of time (i.e. month).
- **Online Child Assessment system** for tracking developments, which **delivers daily updates to parents**
- The use of special materials by curriculum extensions & enrichment classes.
- Additional extra-curricular activities offered at an additional cost (soccer for toddlers and young children, etc.)
- Bright horizons comprehensive approach to literacy via Language Works.
- After hour events for parent involvement, such as Curriculum Night (6:15p-7:15p Oct 17)
- Glass/see-through classrooms in a clean environment.
- Additional cost above current daycare tuition from Brooksedge (5-day/week program): **\$32/week more per parent** or **\$1,640/year more per parent over what we already pay for tuition.** (\$15,240 vs. \$11,960)
- 4-day and 3-Day a week programs available: The 4-day/week program, that I would give serious consideration for ^{Name Redacted} would be \$612 less per year or **\$26/week more per parent** or **\$1,334.00/year more per parent over what we already pay for tuition.**

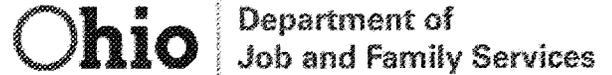
The 2nd facility I propose for ^{Name Redacted} **The Goddard School in Westerville 12,160 Executive Parkway**

- Self-Accreditation by national Goddard School central body.
- All lead teachers (1 per classroom) have a degree in Early Child Education and all mandated training.
- Lower teacher-student ratio than state requirements, which usually translate to less incidents/injuries, among other advantages.
- Includes outdoor playground for children
- **Immediate availability for** ^{Name Redacted} (rare opportunity for no waitlist).
- Located 4 miles (9 mins) from Kathy's work location and same distance from my residence. There is one advantage for ^{Name Redacted} to be on the east side as opposed to the west side. In the case of an emergency (medical or otherwise), either parent can be there in a fraction of the time that it currently takes us to get to Hilliard from the east side when responding to a call made by the daycare facility.
- Spanish, Yoga and other enrichment classes included
- Summer program uses concept of on-site visitors (i.e. COSI, Musicians, etc.)

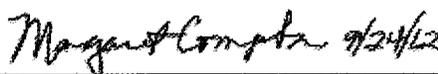
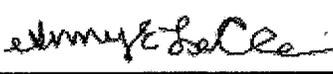
- Monthly expert consultations with Dr. Kyle Pruett, a highly regarded Early Child Development & Education expert.
- Exclusive Toy Sanitation process used in ongoing basis, which contributes to prevention of disease outbreaks and the spread of common bacteria/viruses among children.
- Weekly activities for parent involvement in Exploration area
- Only snacks provided. Goddard School considers to be an advantage for the children that parents provide their meals to avoid scenarios in which the child goes through the day hungry if he does not like what it is served by the facility
- Additional cost above current daycare tuition from Brookside (5-day/week program): **\$16/week more per parent or \$842/year more per parent over what we already pay for tuition.** (\$13,644 vs. \$11,960)
- Additional cost above current daycare tuition from Brookside (4-day/week program): **\$3.15/week more per parent or \$164/year more per parent over what we already pay for tuition.** (\$12,288 vs. \$11,960)

Ohio Department of Job & Family Services

Bureau of Child Care & Development
 Center Monitoring and Technical Assistance
 P.O. Box 182709
 50 W. Town Street
 Columbus, OH 43218
 (614) 752-0317



COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER		License Number 410271
Address 2185 HILLIARD-ROME RD HILLIARD, OH 43026		County FRANKLIN Phone Number (614) 529-0077
Inspection Date - Time 09/24/2012 - 08:55 AM to 04:00 PM	Inspection Date - Time (Day 2) N/A	Inspection Date - Time (Day 3) N/A
Inspection Type Standard	Inspection Scope Full	Inspection Notice Unannounced
Administrator's/Designee's signature indicates acknowledgement of the report only, not necessarily agreement with the findings.		
 _____ MARGARET COMPTON Date		 _____ AMY LECLAIR Date

All licensed child care providers are required to post, at a minimum, all substantiated complaint investigation allegation findings, as well as all regular inspection findings, in a conspicuous place at the center/type A home. For complete records of child care licensing inspections and complaint investigations, including all allegations, please contact the Child Care Help Desk at 1-877-302-2347 option 4, or the child care website at <http://jfs.ohio.gov/CDC/childcare.stm> for a public records request.

Note: All Findings/Corrections printed in RED are considered serious risk violations. Documenting Statements, Supplemental Information and Rationales may be included in this report; this information is provided for technical assistance, and may not be associated with any Out of Compliance items. A serious risk noncompliance finding may impact a quality-rated program's SUTQ rating.

License/Approvals

- 5101:2-12-07: Inspection and Investigation Rights In Compliance
- 5101:2-12-09: Application Denial/License Revocation Compliance Not Verified
- 5104.02/5104.04: License/Report Posted In Compliance

License Location	Report Location
Parent Board	Parent Board

- 5101:2-12-03: License Capacity (E) In Compliance

Age Group	License Capacity	Current Enrollment		
	Totals	Full Time	Part Time	Totals
Infant		9	1	10
Younger Toddlers		14	2	16
Under 30 Months	24			26
Older Toddlers		7	0	7
Preschool		37	2	39
Schoolage		53	17	70
Totals:	178	120	22	142
Staff Needed:	12			

COMPLIANCE INSPECTION

Name BROOKSEGE DAY CARE CENTER	License Number 410271
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License/Approvals

Documenting Statements/Supplemental Information

The center has a continuous license for 178 total children, with no more than 50 children under 2 ½. A new license face reflecting this continuous license will be mailed to the center.

5101:2-12-10: Building Approval (E)

In Compliance

Building Department
Columbus

Structure Name	Use Group	Approval Date	Occupancy Limit
Brooksedge Day Care Center	E with I-2	07/07/1994	193

5101:2-12-11: Fire Department Approval (E)

In Compliance

Approval Type	Approval Date
Annual Inspection	10/11/2011

Documenting Statements/Supplemental Information

PLEASE NOTE: An annual fire inspection approval must be secured for the center. Secure a new approval by October 4, 2012. Please submit the written approval to this office as soon as it is received.

5101:2-12-12: Food Service Licensure/Food Catered

In Compliance

License/Exemption	Health Department
Class 3	Columbus Public

Space/Program

5101:2-12-13: Indoor Floor Space

In Compliance

Room	Area
Rooms 5, 6, 7, 8, 9	4466 Sq. Ft.
Total Area:	4466 Sq. Ft.

Total Children: 127

(The number of children permitted is based on the total square footage.)

5101:2-12-13: Separation of Infants and Toddlers Under 2 1/2 Yrs

In Compliance

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
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Space/Program

Room	Area	Children Allowed
Room 1	495 Sq. Ft.	14
Room 2	495 Sq. Ft.	14
Room 3	530 Sq. Ft.	15
Room 4	600 Sq. Ft.	17

5101:2-12-14: Onsite Outdoor Play Space (*)

Out of Compliance

Play Space	Area	Children Allowed
Toddler/PS/SA areas (fenced)	8640 Sq. Ft.	144

Code

This rule requires that the center have a safe outdoor play space that is protected from traffic and other hazards which provides at least 60 square feet of space for each of the children using it at any one time. The center's program must provide an opportunity for daily outdoor play for toddlers, preschool children and school children who are in attendance more than four consecutive daylight hours, and for any school children attending after school care for more than two hours. When a group of children is outdoors, the child-care staff member in charge must be able to summon a second adult so that the group is not left unsupervised. Children must have access to bathrooms and drinking water.

Findings/Corrections

During the inspection, it was observed that the following hazardous conditions existed in the outdoor play area: there were tree branches on the toddler outdoor play space. The center must submit a written statement which indicates that the tree branches has been removed, and includes a plan to monitor the outdoor play area and equipment for hazards as required.

Compliance Response Due by: 10/24/12

5101:2-12-14: Outdoor Play Equipment	In Compliance
5101:2-12-14: Outdoor Play Fall Surface	In Compliance
5101:2-12-14: Parks/Indoor Play Space	N/A
5101:2-12-15.3: Smoke Free Environment	In Compliance
5101:2-12-17: Swimming and Water Safety (*)	In Compliance
5101:2-12-18: Transportation Procedural Requirements (*)	In Compliance
5101:2-12-18.2: Transportation/Driver Requirements (*)	In Compliance
5101:2-12-18.1: Transportation/Vehicle Requirements (*)	Out of Compliance

Code

This rule requires centers to use vehicles that are mechanically safe when transporting children on routine trips or field trips. Annual safety checks done by an ASE certified mechanic, using the JFS 01230 "Vehicle Inspection Report" form, or vehicle sticker issued by the Ohio state highway patrol, are required of center operated and contracted vehicles (except school buses and multifunctional school activity buses), in addition to weekly inspections conducted by the center staff.

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
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Space/Program

Findings/Corrections

During the inspection, it was determined that the center had not performed and documented weekly inspections of vehicles used for transporting children. The weekly inspection needs to include the following;

1. A visual inspection of the tires for wear and tire pressure;
2. A visual inspection of headlights, taillights, signals, mirrors, wiper blades, and dash gauges;
3. An inspection for properly functioning child and driver restraints;
4. An inspection for properly functioning doors and windows;
5. An inspection for, and cleaning of, debris from inside the vehicle.

Please submit written documentation verifying the most recent weekly inspection(s), as well as a written statement to this office which indicates the plan for continued compliance.

Compliance Response Due by: 10/24/2012

5101:2-12-23: Evening and Overnight Care (Between 7:00 PM - 6:00 AM)

N/A

Classroom

5101:2-12-15: Safe Indoor Equipment/Environment (*)

In Compliance

5101:2-12-15: Sanitary Indoor Equipment/Environment

In Compliance

5101:2-12-15.4: Toothbrushing

N/A

5101:2-12-16: Programming Environment

In Compliance

5101:2-12-16: Equipment/Materials

In Compliance

5101:2-12-19: Cots

In Compliance

Cots Needed	Cots Verified	Mats Verified for School Age
62	81	N/A

5101:2-12-20: Staff/Child Ratios (E)

In Compliance

COMPLIANCE INSPECTION

Name BROOKSEGE DAY CARE CENTER	License Number 410271
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Classroom

Ratios	Age Group	Observation	Notes
1 : 2	< 12 Months	1st	Room 1
1 : 1	12 Months < 18 Months	1st	Room 2
2 : 6	18 Months < 30 Months	1st	Room 3
2 : 10	18 Months < 30 Months	1st	Room 4
1 : 3	School Age < 11 Years	1st	Room 6
2 : 16	4 Years < 5 Years	1st	Room 7
2 : 9	30 Months < 36 Months	1st	Room 8
2 : 13	3 Years < 4 Years	1st	Room 9
1 : 3	< 12 Months	2nd	Room 1
1 : 2	< 12 Months	2nd	Room 2
1 : 6	12 Months < 18 Months	2nd	Room 3
2 : 10	18 Months < 30 Months	2nd	Room 4
1 : 7	School Age < 11 Years	2nd	Room 6
2 : 16	4 Years < 5 Years	2nd	Room 7
2 : 9	30 Months < 36 Months	2nd	Room 8
2 : 15	3 Years < 4 Years	2nd	Room 9

Documenting Statements/Supplemental Information

Staff/child ratios observed during the inspection were in compliance.

5101:2-12-20: Group Size (*) In Compliance

Documenting Statements/Supplemental Information

Complete transition agreements were verified in the classrooms for children currently in transition to a new group.

5101:2-12-20: Supervision (E) In Compliance

5101:2-12-21: Care/Nurturing of Children (*) In Compliance

5101:2-12-22: Child Guidance/Management (*) In Compliance

5101:2-12-34: Medical/Dental/General Emergency Plan (*) In Compliance

Documenting Statements/Supplemental Information

Severe weather drills were discussed during the inspection.

Staffing/Attendance

5101:2-12-20: Children Combined When No More Than 12 on Premises N/A

5101:2-12-20: Second Adult N/A

5101:2-12-20: Attendance **Out of Compliance**

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
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Staffing/Attendance

Code

This rule states that a record of daily attendance for each group must be kept by the person responsible for that group. Attendance records shall remain with the group at all times throughout the day, including outdoor play, emergency evacuations, field trips, and when groups are combined. Specific information listed in the rule, such as the recording of each child's arrival and the documentation of each child's departure, must be contained in these records.

Findings/Corrections

During the inspection, it was observed that the child-care staff members responsible for the toddler group were not recording attendance upon the arrival of each child in Room 4. Child-care staff members must document the arrival and departure of each child in their group. There were 10 children present and only 7 children were signed in. Please submit a copy of the form used to record attendance as well as a written statement which confirms that child-care staff understand and are complying with this requirement.

Compliance Response Due by: 10/24/12

5101:2-12-20: Substitutes

In Compliance

Staff Requirements

5101:2-12-24: Administrator Responsibilities/Time On-Site (E)

In Compliance

Posted Location	Designee
Front Entry	Danielle

5101:2-12-24: Administrator Qualifications (E)

In Compliance

Administrator(s)	Qualifications	Rules Course Completed
AMY LECLAIR	Bachelors Degree	Yes

5101:2-12-25: Child-Care Staff Educational Requirements (E)

In Compliance

5101:2-12-25: Employee Records (*)

Out of Compliance

Code

This rule requires that the center shall secure by the first day of employment and maintain on file for review, information for each employee which includes the following:

1. A current medical examination from a licensed physician, a physician's assistant, advanced practice nurse or a certified nurse practitioner dated within twelve months prior to the first day of employment.
2. A statement signed by the employee which verifies the administrator has reviewed the licensing rules, the center's parent/employee policies and procedures and the center's medical, dental and general emergency plan;
3. Employment records which document the days and hours worked, duties, and group assignments, if applicable, for current employees as well as those who have left the center's employment within the past three years.;
4. Within ninety days of employment, all child-care staff members need to have documentation of completed orientation training.

COMPLIANCE INSPECTION

Name BROOKSEGE DAY CARE CENTER	License Number 410271
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Staff Requirements

Findings/Corrections

During the inspection, it was observed that a complete employee statement which verified review of the licensing rules and the review and receipt of the center's policies and procedures and medical, dental, and a general emergency plan, was not on file for each employee as required. Refer to the Employee Record Chart for the names of any staff who did not have a statement on file. Please secure the statement(s) and submit a written statement to this office to verify compliance.

Compliance Response Due by: 10/24/2012

5101:2-12-26: Statement of Nonconviction and Criminal Records Checks (E)	In Compliance
5101:2-12-27: FA/Disease Management/CPR/Child Abuse Prevention (*)	In Compliance
5101:2-12-28: Inservice Training (*)	In Compliance

Center Policies

5101:2-12-29: Nondiscriminatory Practices	In Compliance
5101:2-12-30: Center Information/Policies/Procedures	In Compliance
Documenting Statements/Supplemental Information	
The written parent material reviewed on the day of the inspection was verified as complete.	
5101:2-12-31: Administration of Medication	In Compliance
5101:2-12-33: Management of Illness	In Compliance
5104.011: Unlimited Access	In Compliance

Emergency Planning

5101:2-12-35: Incident/Injury Reporting	In Compliance
5101:2-12-36: First Aid Supplies/Procedures (*)	In Compliance

Children's Records

5101:2-12-37: Medical/Enrollment Records	Out of Compliance
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Code

Each child attending the center, except those children who are attending a grade of kindergarten or above in an elementary school, shall have a medical statement on file within 30 days of the child's date of admission. The medical statement must have a date of examination within the 12 months preceding the child's date of enrollment and be updated every 13 months after the examination date. The form prescribed by the department, JFS 01234 "Child Enrollment and Health Information", shall be used to secure enrollment, health, and emergency transportation information for children. The completed forms for each child who attends must be maintained on file at the center and updated annually.

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
------------------------------------	--------------------------

Children's Records

Findings/Corrections

In review of 25% of the children's records, it was determined that current medical statements were not on file, as required, for children listed on the Children's Records Review form. Please secure a medical statement for any child listed, and submit a statement which describes corrective action taken to this office as verification of compliance.

Compliance Response Due by: 10/24/2012

5101:2-12-38: Care Plan for Children with Health Conditions

In Compliance

Handwashing and Infant/Toddler Care

5101:2-12-15.1: Handwashing and Standard Precautions (*)

Out of Compliance

Code

This rule requires the center to provide liquid soap, a handwashing facility and individually assigned or disposable toweling, in all restrooms. Specific instances are listed in the rule where handwashing is required for all children and employees, such as upon arrival, after changing diapers or pull-ups, after toileting or assisting with toileting, returning inside from outside, before eating, serving or preparing food, before and after administering medication, first aid, or completing a medical procedure.

Findings/Corrections

During the inspection, it was observed that children in the toddler group did not wash their hands with soap and running water after returning inside from outdoor play (Room 4). Proper handwashing procedures must be followed at all times. Please send a written statement that child-care staff members are assisting children with handwashing procedures, and will monitor children to ensure handwashing is completed.

Compliance Response Due by: 10/24/12

5101:2-12-15.2: Diapering and Toilet Training (*)

In Compliance

5101:2-12-40: Infant Daily Program (*)

In Compliance

Daily Record
Yes

5101:2-12-40: Infant Care Giver

In Compliance

5101:2-12-41: Infant Food/Formula

Out of Compliance

Code

This rule requires that infants be removed from cribs for all feedings and be held for bottle feedings or fed sitting up; at no time shall a bottle be propped. The center policies and practices shall support parent preferences in infant feeding. The rule requires that infants be served food in conformity with written instructions from the parent/guardian or the physician in charge of the child, and that is prepared according to manufacturer's instructions. The instructions shall be updated as needed, and shall include amounts and type of food and feeding times. If no instructions are provided for the serving of food, the infant must be served food in amounts that meet the meal pattern and quantity as determined by the USDA child and adult care food program child care component. The rule sets requirements for the preparation and storage of infant formula, breast milk, and food. Microwave ovens are prohibited for use in heating liquids, but may be used to warm food. Staff/child ratios must be maintained when food and formula are obtained and/or prepared. Handwashing facilities may not to be used for formula, breast milk or food preparation, or for rinsing or washing dishes and bottles.

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
------------------------------------	--------------------------

Handwashing and Infant/Toddler Care

Findings/Corrections

During this inspection, it was determined infants listed on the Children's Record Review form did not have written instructions; updated written instructions available for review. Devise a system to ensure that written feeding instructions are secured for all infants enrolled and updated based upon the child's needs and parent's instructions. Please submit a written plan which describes the corrective action taken.

Compliance Response Due by: 10/24/12

5101:2-12-42: Cribs (*) In Compliance

Porta-cribs	Full-sized Cribs
24	0

Food/Nutrition

5101:2-12-39: Intervals of Meals/Snacks In Compliance

5101:2-12-39: Requirements for Meals/Snacks In Compliance

5101:2-12-39: Menus In Compliance

5101:2-12-39: Requirements for Food Provided by Parents N/A

5101:2-12-39: Food Safety and Sanitation In Compliance

5101:2-12-39: Infant Formula and Toddler Milk In Compliance

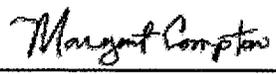
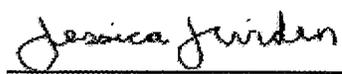
Ohio Department of Job & Family Services

Bureau of Child Care & Development
 Center Monitoring and Technical Assistance
 P.O. Box 182709
 50 W. Town Street
 Columbus, OH 43218
 (614) 752-0317



**Department of
 Job and Family Services**

COMPLIANCE INSPECTION

Name BROOKSEGE DAY CARE CENTER		License Number 410271
Address 2185 HILLIARD-ROME RD HILLIARD, OH 43026		County FRANKLIN
		Phone Number (614) 529-0077
Inspection Date - Time 03/14/2013 - 11:00 AM to 02:15 PM	Inspection Date - Time (Day 2) N/A	Inspection Date - Time (Day 3) N/A
Inspection Type Standard	Inspection Scope Focused	Inspection Notice Unannounced
Administrator's/Designee's signature indicates acknowledgement of the report only, not necessarily agreement with the findings.		
 3.14.13 _____ MARGARET COMPTON		 3.14.13 _____ JESSICA JIVIDEN
	Date	Date

All licensed child care providers are required to post, at a minimum, all substantiated complaint investigation allegation findings, as well as all regular inspection findings, in a conspicuous place at the center/type A home. For complete records of child care licensing inspections and complaint investigations, including all allegations, please contact the Child Care Help Desk at 1-877-302-2347 option 4, or the child care website at <http://jfs.ohio.gov/CDC/childcare.stm> for a public records request.

Note: All Findings/Corrections printed in RED are considered serious risk violations. Documenting Statements, Supplemental Information and Rationales may be included in this report; this information is provided for technical assistance, and may not be associated with any Out of Compliance items. A serious risk noncompliance finding may impact a quality-rated program's SUTQ rating.

A Focused Inspection is an abbreviated inspection that includes essential health and safety items and a selected group of items which are reliable predictors of a center's overall compliance. A center may only be selected for this type of inspection if they have a past history which qualifies them for the shortened inspection. The center must be in substantial compliance during the Focused Inspectio, or the inspection will be switched from a Focused to a Full Inspection.

License/Approvals

5101:2-12-07: Inspection and Investigation Rights	Compliance Not Verified
5101:2-12-09: Application Denial/License Revocation	Compliance Not Verified
5104.02/5104.04: License/Report Posted	Compliance Not Verified
5101:2-12-03: License Capacity (E)	In Compliance

Age Group	License Capacity	Current Enrollment		
	Totals	Full Time	Part Time	Totals
Infant		6	0	6
Younger Toddlers		17	2	19
Under 30 Months	58			25
Older Toddlers		8	1	9
Preschool		47	0	47
Schoolage		47	10	57
Totals:	178	125	13	138
Staff Needed:	12			

COMPLIANCE INSPECTION

Name BROOKSEGE DAY CARE CENTER	License Number 410271
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License/Approvals

Documenting Statements/Supplemental Information

During the inspection, it was determined that the license capacity is incorrect on the license and should reflect 178 total children with 50 being under two and one-half years of age.

5101:2-12-10: Building Approval (E)

In Compliance

Building Department
City of Columbus

Structure Name	Use Group	Approval Date	Occupancy Limit
Brooksedge Day Care Center	E with I-2	07/07/1994	193

5101:2-12-11: Fire Department Approval (E)

In Compliance

Approval Type	Approval Date
Annual Inspection	10/10/2012

5101:2-12-12: Food Service Licensure/Food Catered

Compliance Not Verified

Space/Program

5101:2-12-13: Indoor Floor Space	Compliance Not Verified
5101:2-12-13: Separation of Infants and Toddlers Under 2 1/2 Yrs	Compliance Not Verified
5101:2-12-14: Onsite Outdoor Play Space (*)	Compliance Not Verified
5101:2-12-14: Outdoor Play Equipment	Compliance Not Verified
5101:2-12-14: Outdoor Play Fall Surface	Compliance Not Verified
5101:2-12-14: Parks/Indoor Play Space	Compliance Not Verified
5101:2-12-15.3: Smoke Free Environment	Compliance Not Verified
5101:2-12-17: Swimming and Water Safety (*)	Compliance Not Verified
5101:2-12-18: Transportation Procedural Requirements (*)	Compliance Not Verified
5101:2-12-18.2: Transportation/Driver Requirements (*)	In Compliance
5101:2-12-18.1: Transportation/Vehicle Requirements (*)	Compliance Not Verified
5101:2-12-23: Evening and Overnight Care (Between 7:00 PM - 6:00 AM)	Compliance Not Verified

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
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Classroom

5101:2-12-15: Safe Indoor Equipment/Environment (*)	In Compliance
5101:2-12-15: Sanitary Indoor Equipment/Environment	Compliance Not Verified
5101:2-12-15.4: Toothbrushing	Compliance Not Verified
5101:2-12-16: Programming Environment	Compliance Not Verified
5101:2-12-16: Equipment/Materials	Compliance Not Verified
5101:2-12-19: Cots	Compliance Not Verified
5101:2-12-20: Staff/Child Ratios (E)	In Compliance

Ratios	Age Group	Observation	Notes
2 : 6	< 12 Months	1st	Room 1
2 : 11	12 Months < 18 Months	1st	Room 3
2 : 10	18 Months < 30 Months	1st	Room 4
1 : 3	School Age < 11 Years	1st	Room 6
2 : 18	4 Years < 5 Years	1st	Room 7
2 : 12	30 Months < 36 Months	1st	Room 8
2 : 17	3 Years < 4 Years	1st	Room 9

Documenting Statements/Supplemental Information

Staff/child ratios observed during the inspection were in compliance.

5101:2-12-20: Group Size (*)	Compliance Not Verified
5101:2-12-20: Supervision (E)	In Compliance

Documenting Statements/Supplemental Information

Child-care staff members were observed properly supervising the children and were able to intervene as needed.

5101:2-12-21: Care/Nurturing of Children (*)	Out of Compliance
---	--------------------------

Code

This rule requires that child-care staff be responsible for the well-being and safety of each child in the group to which the child-care staff member is assigned, and for meeting each child's basic and special needs. When a child with special needs receives care at the center, staff shall implement practices supportive of the child's individual developmental needs. Diapers must be checked regularly and any wet or soiled diapers and/or clothing must be changed immediately. The center's staff shall protect or remove children from a person or situation that is determined to be unsafe. The rule also requires staff to immediately report their suspicions of child abuse or neglect to their local children's protective services agency.

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
------------------------------------	--------------------------

Classroom

Findings/Corrections

During the inspection, it was observed that the toddler group was served whole grapes, which posed a hazard to a child. Children shall be served food that does not pose a choking hazard, and is developmentally appropriate in size, amount, and texture for their age. Please submit a written statement to this office which describes actions taken.

Compliance Response Due by: 04/13/13

5101:2-12-22: Child Guidance/Management (*)	In Compliance
5101:2-12-34: Medical/Dental/General Emergency Plan (*)	Compliance Not Verified

Staffing/Attendance

5101:2-12-20: Children Combined When No More Than 12 on Premises	Compliance Not Verified
5101:2-12-20: Second Adult	Compliance Not Verified
5101:2-12-20: Attendance	Compliance Not Verified
5101:2-12-20: Substitutes	Compliance Not Verified

Staff Requirements

5101:2-12-24: Administrator Responsibilities/Time On-Site (E)	In Compliance
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Posted Location	Designee
Front Entry	yes

5101:2-12-24: Administrator Qualifications (E)	In Compliance
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Administrator(s)	Qualifications	Rules Course Completed
JESSICA JIVIDEN	Bachelors Child Dev./ECE	Yes
AMY LECLAIR	Bachelors Degree	Yes

5101:2-12-25: Child-Care Staff Educational Requirements (E)	Out of Compliance
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Code

This rule requires that a child-care staff member have verification on file by the first day of employment of a minimum of a high school education or the equivalent, and be at least 18 years of age. For vocational students, verification the student is enrolled in the second year of a child-care training program shall be on file. A parent or guardian of a child enrolled in the center that is acting as a child-care staff member shall also meet the requirements of this rule.

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
------------------------------------	--------------------------

Staff Requirements

Findings/Corrections

In review of the staffs' records, it was determined that verification of a high school education was not on file for 1 of 28 child-care staff as required. Refer to the Employee Record Chart for the name of any child-care staff whose verification was not on file. Please secure and submit copies of the educational verification for these individuals to this office to verify corrective action taken.

Compliance Response Due by: 04/13/13

5101:2-12-25: Employee Records (*)

Out of Compliance

Code

This rule requires that the center shall secure by the first day of employment and maintain on file for review, information for each employee which includes the following:

1. A current medical examination from a licensed physician, a physician's assistant, advanced practice nurse or a certified nurse practitioner dated within twelve months prior to the first day of employment.
2. A statement signed by the employee which verifies the administrator has reviewed the licensing rules, the center's parent/employee policies and procedures and the center's medical, dental and general emergency plan;
3. Employment records which document the days and hours worked, duties, and group assignments, if applicable, for current employees as well as those who have left the center's employment within the past three years.;
4. Within ninety days of employment, all child-care staff members need to have documentation of completed orientation training.

Findings/Corrections

During the inspection, it was determined that completed medical examination statement(s) for 1 of 28 employees was not on file, as required by this rule. Please submit a copy of the medical statements for those employees listed on the Employee Record Chart and a written plan for continued compliance.

Compliance Response Due by: 04/13/13

5101:2-12-26: Statement of Nonconviction and Criminal Records Checks (E)

In Compliance

5101:2-12-27: FA/Disease Management/CPR/Child Abuse Prevention (*)

In Compliance

5101:2-12-28: Inservice Training (*)

Compliance Not Verified

Center Policies

5101:2-12-29: Nondiscriminatory Practices

Compliance Not Verified

5101:2-12-30: Center Information/Policies/Procedures

Compliance Not Verified

5101:2-12-31: Administration of Medication

Compliance Not Verified

5101:2-12-33: Management of Illness

Compliance Not Verified

5104.011: Unlimited Access

Compliance Not Verified

Emergency Planning

5101:2-12-35: Incident/Injury Reporting

Compliance Not Verified

5101:2-12-36: First Aid Supplies/Procedures (*)

Compliance Not Verified

COMPLIANCE INSPECTION

Name BROOKSEDGE DAY CARE CENTER	License Number 410271
------------------------------------	--------------------------

Children's Records

5101:2-12-37: Medical/Enrollment Records	Compliance Not Verified
5101:2-12-38: Care Plan for Children with Health Conditions	Compliance Not Verified

Handwashing and Infant/Toddler Care

5101:2-12-15.1: Handwashing and Standard Precautions (*)	Compliance Not Verified
5101:2-12-15.2: Diapering and Toilet Training (*)	Compliance Not Verified
5101:2-12-40: Infant Daily Program (*)	Compliance Not Verified
5101:2-12-40: Infant Care Giver	Compliance Not Verified
5101:2-12-41: Infant Food/Formula	Compliance Not Verified
5101:2-12-42: Cribs (*)	Compliance Not Verified

Food/Nutrition

5101:2-12-39: Intervals of Meals/Snacks	Compliance Not Verified
5101:2-12-39: Requirements for Meals/Snacks	Compliance Not Verified
5101:2-12-39: Menus	Compliance Not Verified
5101:2-12-39: Requirements for Food Provided by Parents	Compliance Not Verified
5101:2-12-39: Food Safety and Sanitation	Compliance Not Verified
5101:2-12-39: Infant Formula and Toddler Milk	Compliance Not Verified

Ari Jurado

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit C3

From: Ari Jurado
Sent: Monday, October 7, 2013 2:24 PM
To: Keith Golden
Subject: ^{Name Redacted} is counting on us to keep him safe and healthy (NEW INCIDENT)
Attachments: Brooksedge Daycare - New Policy Sep-2013.pdf
Categories: Topic of Interest

Keith,

I received a call earlier today from the daycare administrator to let me know that ^{Name Redacted} **was involved in (another) incident today and he suffered from a head injury.** When I asked how serious it was, she said it was bigger than any of the previous incidents/head injuries he have had. They only wanted me to be informed (first time ever that they call me about an injury), but not necessarily to pick him up.

Just FYI – I am going to pick him up early and really hope I don't have to take him back to that facility—again.

Ari

From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Saturday, October 5, 2013 6:26 PM
To: Keith Golden
Subject: ^{Name Redacted} is counting on us to keep him safe and healthy

Keith,

Not only that ^{Name Redacted} is counting on me and his mom to keep him safe and healthy, but he is also counting on us to choose carefully when keeping him with others. He wants us to make sure that we leave him with trustworthy, reliable and knowledgeable caretakers when we are away from him. Right now, I will speak for both Kathy and I: We have let him down... we have failed at doing our job.

After reporting numerous incidents and instances of rules violations and non-compliances to ODJFS, many of them documented with audio/video recordings, the facility instead of focusing on fixing the issues **they focused on protecting themselves. As of a few weeks ago, they revised their policies and have posted signs at their entrance: Cameras, smartphones and any type of audio/video recording are no longer allowed in the premises** (see attached PDF with a copy of the memo they sent to all parents). The owner is using as the pretext "to protect your children". In reality, this has the opposite effect: From now on, if I see something wrong or inappropriate that is happening with ^{Name Redacted} or other children at that center, I will not be able to document it as I have been doing. The same goes for other parents that show up at the facility unannounced (since I am no longer allowed to do so), and may see ^{Name Redacted} in trouble or see something else wrong. **How is ^{Name Redacted} any safer with this new policy???**

At the present, incidents are increasing in frequency. I would say that they are now occurring twice a week on average. **Below are just a few examples that I have been able to document properly with pictures.**

BUT I am done letting this continue to happen! I hope that you can help me get him out of the current daycare facility soon... I mean within a matter of days. This has been going for way too long now. Even though I am already broke, I will make sacrifices and pay for the difference, if it comes down to just cost.

Keep in mind that Kathy has already accused me of buying ^{Name Redacted} unsafe toys when we were at his pediatrician's office. In fact, she has never hinted that I have been "overprotective" of ^{Name Redacted}. The irony of this is that when ^{Name Redacted} is with me, he has never

had any injury or accidents. He has never gotten a bruise or a scratch while he is with me, even though we spent lots of time playing indoors and outdoors.

Please let me know what you think.

Ari

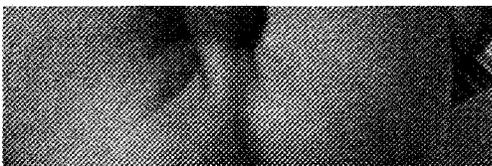
Most recently, the 1st week of Oct, at least two incidents reported at daycare. A significant bump in the forehead and a collection of bruises in his small legs.



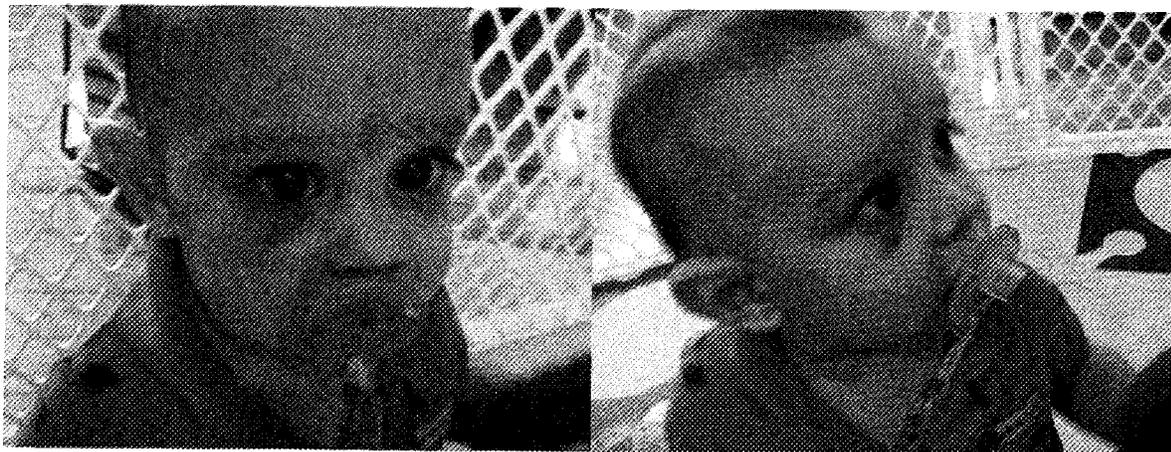
Several incidents occurred in September mainly in the outdoor playground. ^{Name Redacted} had several bumps in the back of the head on different days which cannot be noticed in pictures, unlike the scraped face shown below.



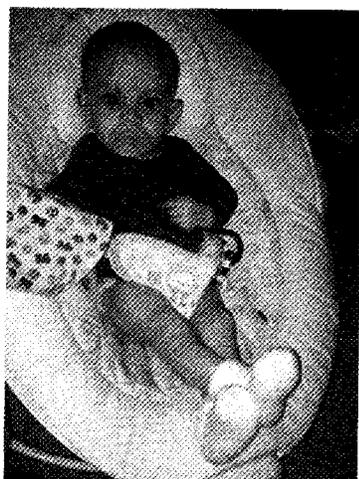
At the end of July, a severe diaper rash that that resembled a burn rather the typical rash, prompted me to take him to urgent care. This was a result of his diapers not being changed when needed.



Back in May 2013, when ^{Home} ~~Richard~~ was not even walking, a puzzling black eye appeared overnight. It should naturally cause any caretaker to wonder.



Between September 2012 and January 2013, not only that his caretakers didn't do a thing to help him with his feeding deficiency, but they actually contributed to it.



ATTENTION PARENTS:

Beginning September 17, 2013, photography, videotaping, recording of any type, and the use of cell phone camera or recording capabilities are not permitted on Brooksedge Day Care Center property unless it is taken on a piece of equipment owned by Brooksedge Day Center and performed by a Brooksedge Day Care Center child care staff member. You may not electronically record or photograph any part of the facility, staff members, other parents or children in attendance. This policy has been put into place in order to protect your children while they are in our care.

A revised copy of the handbook for your information will be distributed in your family folders.

ER visit 10/08/2013 (Part II)

Social Worker: There is some general concern about the whole history overall, and the number of injuries that he has sustained. Um, so at this point I probably will make a report to Children Services as a mandated reporter. Um, it's not something that we can really get to the bottom of everything happening here in the emergency department. I mean there's a lot going on.

Ms. Hernandez: The expectations should be that Children's Services will now visit and be involved in our case?

Social Worker: If they accept the case.

Ari: Which is not all the time.

Social Worker: They don't always accept it. So, we will call them and let them know we have concerns about the situation and the injuries and those kinds of things.

Dr. Scherzer: So the only injury that concerns me is the black eye.

Ari: Not me. It wasn't me, my concern.

Ms. Hernandez: I didn't accuse you. He hit himself with the Sippy cup. I wrote a note for him, there was nothing to be hidden -that it hurt.

Dr. Scherzer: I don't disbelieve you, but this is kind of...

Ms. Hernandez: It wasn't like the whole eye was black, there was a little mark right here on the soft spot of the eye.

Dr. Scherzer: And what we do, this is law. This is state law.

Ms. Hernandez: I understand.

Dr. Scherzer: If a child has an injury that can't be readily explained by normal child, we have to report that to Children Services. It has nothing to do with what my opinion is.

Dr. Scherzer: If we see a picture of a 10 month old with a black eye, I don't have a choice. Like that's a mandate. I would be breaking the law if I didn't report that. That is a mandate for physicians, and nurses and social workers.

Ari Jurado

From: Blythe Bethel
Sent: Tuesday, October 8, 2013 3:10 PM
To: rrp@petrofflawoffices.com; ems@petrofflawoffices.com; keg@golmeiz.com
Cc: KHernandez@express.com; ari_jurado@qualineconsulting.com
Subject: Jurado/Hernandez

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit C5

All: I have been advised that today (this is the second time time now) that Ari has taken ^{Name} ~~Redacted~~ to Children's Hospital ER for treatment without contacting kathy until he was there and had already been talking with hospital personnel about the child. It is also my understanding that Ari is concerned that ^{Name} ~~Redacted~~ was physically abused at the daycare center. In addition, I am told that Ari presented a picture to the hospital personnel of ^{Name} ~~Redacted~~ at 10 months old (the child is now 15 months old), which shows the child with a black eye. Not sure what a dated picture has to do with any allegations of abuse within the last day or two.

Keith, I want a full and complete written explanation from Ari as to why he did not call Kathy on his way to Children's. If he truly believes that ^{Name} ~~Redacted~~ was abused at day care, why did he not call Kathy and advise her of same, and tell her to meet him at the hospital.

I have to tell everyone that I am getting very concerned about where this case is headed.

Blythe

Ari Jurado

From: Blythe Bethel
Sent: Thursday, October 10, 2013 7:46 AM
To: rrp@petrofflawoffices.com; ems@petrofflawoffices.com; keg@golmeiz.com
Cc: ari_jurado@qualineconsulting.com; KHernandez@express.com
Subject: Jurado/Hernandez

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit C6

All: Well, I have to say that I am very disappointed to hear that ^{Name Redacted} has been terminated from Brookside Daycare. I can only hope that this response was not the result of false allegations being made against the daycare which resulted in Mr. Jurado taking the child to Children's ER earlier this week. I assume that an investigation will be conducted by FCCS, and the results of that investigation will shed some light on this matter. By the way, I am still waiting for the written explanation from Mr. Jurado regarding that situation. Keith, please have that explanation to me by the end of the work day on Friday, October 11th.

In any event, I want everyone to be perfectly clear where I stand, and what I believe the current Orders require, and that is for ^{Name Redacted} to attend daycare every day during the work week. I want this child to continue to have a consistent daily routine, and given what I have seen so far in this case, and the parents' inability to effectively communicate and agree on a consistent daily routine for the child that is adhered to in both homes, I am respectfully demanding (yes I said demanding) that each of the parties provide to me all the information they want for me to review regarding the daycare of their choice by the close of business on Monday October 14th. I will review the information, and choose the daycare that ^{Name Redacted} is to attend. Obviously, if the parties could agree on a particular daycare that would be wonderful, but the likelihood of that happening in this case is unfortunately, in my opinion, very slim. So, absent an agreement being reached immediately, I will expect to have the information sent to me by the close of business on Monday. If I do not receive the information (again assuming the parties cannot agree on a daycare prior to Monday the 14th), then I will be filing the appropriate Motion with the Court to address this issue on an emergency basis. This is just how important I believe it is for ^{Name Redacted} to attend daycare.

I am going to be in a settlement meeting all day today, so my availability will be limited.

Blythe

From: [Ari Jurado](#)
To: [LeeAnn Massucci](#); [Eimear Bahnson](#)
Subject: The time has come: GAL involvement
Date: Thursday, February 28, 2013 5:02:21 PM

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D1

LeeAnn and Eimear,

Please read below regarding the GAL. She is bringing this up because I gave her a heads up a few days ago that a GAL would be the next step if we don't resolve our disagreements regarding ^{Name Redacted} Health concerns and care.

Can we start the process? What would be the next step?

Thanks,

Ari

----- Forwarded message -----

From: "KJ Hernandez" <kjxatm@gmail.com>
Date: Feb 28, 2013 3:44 PM
Subject: Re: Appointment for ^{Name Redacted} 3/4/2013
To: "Ari Jurado" <ari_jurado@qualineconsulting.com>
Cc:

Ari,

We need to agree on what is being attempted here and what the real issue is as to why Dr. Hestand would not be an appropriate second opinion. I won't cancel the Monday appointment just yet, especially since it might be necessary to follow up on his ear infection if he isn't feeling better over the weekend. I can always cancel via a message over the weekend should it not be needed.

I don't agree with your thought that Dr. Hestand will be bias simply because she is in the same practice. She is a professional and I find it highly unlikely that she will feel pressure to side with Dr. Muresan. This seems to be becoming a much bigger issue than just getting a second opinion about where he falls on the growth charts. We clearly do not do see eye to eye on this and I don't have confidence we will anytime soon.

It does, unfortunately, sound like we are going to need to explore the need for a guardian. I can reach out to my attorney this week to inquire about the process of starting to find and agree on one for our case.

Kathy

On Thu, Feb 28, 2013 at 4:06 PM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:

Kathy,

I have cancelled the appointment for tomorrow at Nationwide Children's. I will be in search for a pediatrician to get the second opinion and let me know if I come across several to help me

decide, or otherwise.

Please cancel the other appointment you made for next week. Thanks,

Ari

On Wed, Feb 27, 2013 at 1:39 AM, Ari Jurado <ari_jurado@qualineconsulting.com> wrote:
Kathy,

I agree with some of your points, except with your choice of Dr. Hestand at Professional Pediatrics for evaluating ^{Name} ~~Robertson~~. I don't believe consulting with 2 different doctors that share the same practice/clinic/office is conducive of producing independent opinions about a given topic. In my experience, a doctor is less likely to contradict another doctor if they share the same office, are partners to each other etc.

Please don't cancel the appointment you just made until I make some calls in the morning.

Thanks,

Ari

On Tue, Feb 26, 2013 at 3:53 PM, KJ Hernandez <kjxatm@gmail.com> wrote:
Ari,

This email is a follow up to our conversation last night (2/25/2013) regarding the appointment you made for ^{Name} ~~Robertson~~ on Friday, 3/1/2013, at Children's Close to Home in Dublin with the reason of self-referral for Failure to Thrive. I called today and got confirmation that the appointment was set up with Debra Fink, RD, LD. She is a registered and licensed dietician and is not a pediatrician or a physician. She is what they referred to as a Clinical Nutritionist Consultant. I tried to find a profile for her online and on Nationwide Children's Hospital website, but was not successful.

As I do not believe that seeing a nutritionist make sense to determine the weight and/or growth concerns you have about ^{Name} ~~Robertson~~ until we have confirmation from a doctor that there is a medical necessity and/or that they suggest seeing one for additional guidance on nutrition for infants, I am suggesting we see Dr. Hestand at Professional Pediatrics on Monday at 9:15 AM as a second opinion from Dr. Muresan, whom we have been seeing since ^{Name} ~~Robertson~~ birth. We can get a weight check as well as length and head circumference check on ^{Name} ~~Robertson~~ and see where he is now plotting on the growth charts for his current age (which I confirmed they are using the WHO charts). We can also discuss with her other concerns that one or both of us may have. We can discuss the growth charts as well as ^{Name} ~~Robertson~~ specific plotting on the charts and what the indicators are for growth concerns. Should she determine a referral is necessary or we believe we would like to obtain a referral anyway, we can do so at that time.

Failing to thrive has not be medically diagnosed, therefore, I don't believe it makes sense to see a nutritionist until such a formal determination has been made.

Please confirm with me if you will be cancelling the appointment for Friday, 3/1/213, and agree to attending the one on Monday, 3/4/2013, so that we can finalize next steps.

Kathy

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Ari Jurado

From: Blythe Bethel
Sent: Monday, April 29, 2013 11:58 AM
To: ari_jurado@qualineconsulting.com
Cc: Amy Waring; LeeAnn Massucci; Eimear Bahnson
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} Health Care and Pediatrician

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D2

All: I just finished a telephone conference with Ari regarding primarily a couple of topics. First, with respect to having a custody psych evaluation done, I believe that Ari is of the opinion that one is necessary, and I have to say that I do not disagree. If anything, I think that a custody psych evaluation will help us identify what issues these folks need to work on possibly through parenting counseling and even if, given their personalities, they can resolve these issues. LeeAnn, if you or Eimear want to send an email to Ron regarding this, then I will chime in and say that we need to do this.

Ari and I also discussed getting a new pediatrician involved. I know that Ari wanted this to come from me, but I told him that I do not want to appear aligned with either party. The fact that Ari has a concern about the current pediatrician, and has obtained an informal second opinion that there may be some question as to the child's health care up to this point in time, would give him a colorable claim for bringing such a Motion. I believe that any such Motion to change the pediatrician needs to come from Ari.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: Amy Waring <ALW@mkfamilylaw.com>; LeeAnn Massucci <LMM@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Thursday, April 25, 2013 2:01 PM
Subject: ^{Name Redacted} G. Jurado: ^{Name Redacted} Health Care and Pediatrician

Ms. Bethel,

I had a follow up consult this morning with Dr. Jennifer Mastruserio about my concerns with ^{Name Redacted} medical care. She is going to call you to talk to you directly, most likely tomorrow. If you would like to initiate the call, her office's number is (614) 326-1600.

In summary, this is Dr. Mastruserio's take on ^{Name Redacted} condition and medical care:

1. ^{Name Redacted} **will benefit from the care of a new Pediatrician**. She believes a new, fresh face that is more objective will help the situation overall. It is her opinion that neither Dr. Muresan nor herself are unbiased enough to care for ^{Name Redacted} objectively as his pediatrician.

When I explained that **Dr. Muresan has known Kathy for over 17 years**, she immediately said "that explains the reason for his comments when he called me earlier this morning". She said the Dr. Muresan called her (unsolicited) to "explain to her the situation" and that "dad's is twisting things" among other comments that she did not go into specifics. Dr. Mastruserio answered back that "*this is not the impression I have from Mr. Jurado*"

2. It is a bit concerning that [Name Redacted] has only gain 1 ounce in the last month.

3. She cannot say that [Name Redacted] is or has been doing HIS BEST.

4. During the first 6 months, there was something wrong or missing. Her best guess is that [Name Redacted] was not getting enough breast milk.

When I asked if it is possible that this is still the case (not getting enough breast milk), she said it is possible but different things will need to be tried before knowing with certainty. I explained to her that most of the time, [Name Redacted] cries when he is done with a bottle of breast milk (because he is still hungry).

5. She will give us a referral to a specialist in this area of research (pediatrician MD specializing in nutrition and growth).

6. With the limited information she has, it is difficult to say [Name Redacted] is not being cared adequately by his pediatrician. It could boil down to her opinion vs Dr. Muresan's opinion.

When I asked if there were a panel of 5 pediatricians reviewing this case, what would be the consensus? The answer was: The consensus would be that something was definitely wrong or missing during the first 6 months (or more should have been done).

Another piece of information to share: During the last visit with Dr. Muresan, Kathy stood firmly that she does not consent to the voice recording of the session (and that she wouldn't allow it).

Ms. Bethel, I know that I do not need to remind you that my concerns are not about Dr. Muresan specifically, nor about Kathy vs Ari. This topic is simply about [Name Redacted] well being and hopefully it can be handled without pointing fingers (which may be the perception from Kathy). Due to the nature of this challenge, I will leave it all in your hands and trust that you will use the full scope of your authority to address these concerns. I only hope that we don't have to wait until the next hearing in July in order to make any changes that you consider necessary.

Please let me know what the next steps would be after communicating with Dr. Mastruserio.

I look forward to hearing from you. Thank you.

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

Jurado's profile on LinkedIn" src="cid:1.3209445914@web165005.mail.bf1.yahoo.com" width=160 height=25>

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 7:11 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Well, if she will not, I am sure that LeeAnn can help you find a physician who will serve in that capacity. blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: LeeAnn Massucci <LMM@mkfamilylaw.com>; "Eimear Bahnson @ M&K" <emb@mkfamilylaw.com>
Sent: Tuesday, April 23, 2013 6:30 AM
Subject: RE: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Yes, that makes sense. I will pray that she would be willing to for ^{Name Redacted} sake.

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

[Jurado's profile on LinkedIn" src="cid:2.3209445914@web165005.mail.bf1.yahoo.com" width=160 height=25>](#)

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Tuesday, April 23, 2013 5:36 AM
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn Massucci; Eimear Bahnson @ M&K
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Ari, I think that it is important for you to ask Dr. Mastruserio if he wants to actually be a potential witness in this case. You may find that the doctor does not want to play that role. Blythe

Sent from my iPad

On Apr 22, 2013, at 9:49 PM, ari_jurado@qualineconsulting.com wrote:

Ms. Bethel,

I will follow your recommendation. In fact, I believe that for the most part I have already accomplished that with Dr. Mastruserio. What I will be doing next is setting up a follow up appointment to share the latest information regarding ^{Name Redacted} and explicitly ask the question "Is ^{Name Redacted} being appropriately cared for by his current pediatrician?"

Thank you for your quick response turnaround and I will keep you posted.

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

<image007.gif>

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Monday, April 22, 2013 11:57 AM
To: ari_jurado@qualineconsulting.com
Cc: imm@mkfamilylaw.com
Subject: Re: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Ari: Thank you for your email. Here is what I think. Obviously, I am certainly not qualified to determine if the current pediatrician is doing an adequate job, and addressing your concerns about ^{Name Redacted} health. I do think that if you are still concerned (which you clearly are) you should go to the current pediatrician's office and obtain a copy of ^{Name Redacted} complete healthcare file. You should then take the file to another pediatrician, which doctor will in essence be an expert witness, and have that doctor assess whether or not ^{Name Redacted} is being appropriately cared for by Dr. Muresan.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Monday, April 22, 2013 11:22 AM
Subject: ^{Name Redacted} G. Jurado: ^{Name Redacted} needs your intervention

Hi Ms. Bethel,

It is unfortunate that you missed our hearing last Wednesday, but I understand completely that this is how the system works. By now, you may have heard plenty about the issues with the amount of communication between Kathy and I during my time with ^{Name Redacted}.

So, I will leave the topic of parenting visitations alone for now and would like to bring up (again) an even more important topic: ^{Name Redacted} health care. Specifically, ^{Name Redacted} needs a new pediatrician. Although I have known this for a while, there is nothing I have been able to do so far.

This is a conversation I would rather have with you in person, but with your busy schedule and my intense travel schedule for the next 3 weeks, I don't want to keep postponing this topic anymore. For this purpose, I will be frank and 100% transparent with you here.

I have always had the best of intentions and planned for many years for the day I would become a parent, because I would always want to give the best to my child. But even as we were expecting ^{Name Redacted} for those 9 months, I knew I had already failed him in so many ways starting with the fact that he was coming to this world as part of a broken home and with dysfunctional parents. The next blow came when I was in a desperate position in my career that I was forced to accept a job far away from home and ^{Name Redacted} only 3 weeks before his birth. Still these proved to be small challenges compared to what was to come next: a) Getting stripped from my parental rights and unrestricted access to my son overnight b) **My inability to be there for ^{Name Redacted} when he needed me the most in regards to his health and safety.**

Yes, there were a few incidents that raised safety concerns, but they are now in the past and don't believe it is necessary to dwell on those. However, the concerns I have had regarding his health during his first 6 months of life still need to be address to avoid any repeats. I believe you already have a copy of the printed paper regarding ^{Name Redacted} weight and growth chart I gave LeeAnn during the court hearing (included below). Dr. Mastruserio (2^d opinion pediatrician) already confirmed my fears, and what was obvious to anyone close enough to see ^{Name Redacted} size and weight: **There was something wrong with his weight and growth during the first 6 months of life.** Although Dr. Mastruserio didn't believe there was anything to be concerned in the present (as of March 2013) only prior to February, new developments with ^{Name Redacted} health since then could easily change that opinion: ^{Name Redacted} persistent cold and/or viral-infection symptoms (numerous visits to the Dr. and ultimately the ER) **as well as a drop in weight as of this past Friday 4/19 (9 Oz lost).**

I can't deny that Dr. Mark Muresan, ^{Name Redacted} current pediatrician, is a nice guy. But being a nice guy is simply not enough and I cannot trust a doctor that did not raised concerns or attempted to do more when

*From
Rebellel* was continuously losing weight, in a way that most other pediatricians, like Dr. Mastruserio, wouldn't have hesitated to look further into the problem.

*From
Rebellel* although a little person, was sending us many signals that he needed our help –my help, and I let him down by failing to help him. Seeing him crying of pain in his belly, day and night even while breastfeeding; seeing him not able to have a restful sleep at night; not having bowel movements for 3-4 days are just some of the cues that we noticed. Starting in January, he started to get better for sure. We were fortunate that baby food helped offset whatever he was missing before. In short, we were simply lucky –he got better even though no one intervened.

Still in the present, there are some cues that are still visible: He cries after finishing a bottle of expressed milk, because he is still hungry; his continuous cough, and stuffy nose that have persisted for 4+ months; and now his weight loss of 9 OZ. (more than ½ pound).

What type of father I am if I can't help my son?? **Up until today, I have not being able to have any saying on his health care or his diet/nutrition.** I want my son to be doing his best, not just "OK".

Please tell me what you need me to do: Should I look for an expert witness? This is so important that if I need to make sacrifices and give up some of my time with him in return for peace of mind that he will be seeing by a different doctor, so be it.

Ms. Bethel, you are my only hope right now.

Sincerely,

Ari Jurado
*From
Rebellel* dad.

Ari Jurado

Exelon HR Merger Project - Accenture

Mobile: (305) 799-2212

Aristides.Jurado@Exeloncorp.com

Aristides.Jurado@Accenture.com

ari_jurado@qualineconsulting.com

<image001.gif>

From: ari_jurado@qualineconsulting.com
To: LeeAnn Massucci; Eimear Bahnson @ M&K
Cc: ALW@mkfamilylaw.com
Subject: Update about this weekend: Feedback from my therapist
Date: Monday, May 13, 2013 7:27:26 PM

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D3

Eimear and LeeAnn,

Please see the communications below from my therapist. I don't know if I would say yes right away to her idea of talking to the GAL, but just wanted to give you a heads up that I am doing all I can to figure this out.

Ari

From: Donna Sigl Davies [mailto:d.sigldavies@att.net]
Sent: Monday, May 13, 2013 2:30 PM
To: ari_jurado@bellsouth.net
Subject: RE: Response Requested: Time-sensitive matter

Ari,

I'm wondering if I could talk to the GAL. I'm curious to understand why she continues to place the bulk of responsibility back on you. If she sees your health as a potential problem to caring for ^{Name Redacted} then it would be good to have her confer with me vs assume. I would not agree with her hypothesis. What do you think about giving us permission to talk?

As far as a referral, I'm happy to do that if it's what you desire. It sounds like you are comfortable coming in Saturday so perhaps we can discuss then the details of what is happening and what is and isn't working with the current treatment plan. Without more information, it would be difficult to know how to proceed. Of course we'll do whatever is in your best interest.

Sincerely,

Donna

Sent from my ASUS Pad

ari_jurado@bellsouth.net wrote:

Kathy continues to harass me every time I have ^{Name Redacted}. Last Friday, she kept circling my apartment complex on her car until I called the cops. The next day on my way to her house to drop off ^{Name Redacted} I suffered a panic/anxiety attack which landed me in the hospital.

Now the guardian is questioning my health and ability to care for ^{Name Redacted}. I have followed everyone's advice until now: Yours, my attorneys, the guardian's but it doesn't seem to matter. I am skipping a lot of other setbacks and challenges to keep this short. But my world seems to be crumbling down, and perhaps I need a fresh start with someone else for different ideas about how to cope with this better in order to avoid another anxiety attack. Do you agree?

I just wanted to give you a heads up, but would still like to keep our appointment for this coming Saturday and we can talk about this more. I didn't want to wait until Saturday to update you with the hopes that we can get the ball rolling if you agree: A referral, and my care history/summary/records from you.

Could you help with these requests? I don't expect either one to happen before Saturday, but didn't want to wait until then to get started.

Thanks,
Ari

From: Donna Sigl-Davies [mailto:d.sigldavies@att.net]
Sent: Monday, May 13, 2013 11:27 AM
To: ari_jurado@bellsouth.net
Subject: Re: Response Requested: Time-sensitive matter

Ari,
This is a legitimate new e-mail address for me. What's going on?
Donna

From: "ari_jurado@bellsouth.net" <ari_jurado@bellsouth.net>
To: Donna Sigl-Davies <d.sigldavies@att.net>; Donna Sigl-Davies <dsigl-davies@columbus.rr.com>
Sent: Sun, May 12, 2013 2:49:53 PM
Subject: Response Requested: Time-sensitive matter

Hi Donna,

I need to confirm that the email I received (below) is legitimate. Please confirm this as soon as you get a chance. I need to communicate with you (via email or phone) sooner rather than later. We have an appointment this coming Saturday, but this matter may not be able to wait until then.

Please let me know. Thanks,
Ari

From: Donna Sigl-Davies [mailto:d.sigldavies@att.net]
Sent: Friday, May 10, 2013 8:43 PM
To: a.chambers7@gmail.com; acasperson@mtso.edu; adair.6@osu.edu; aforte339@gmail.com; aja_peltomaa@yahoo.com; akbrooks11@yahoo.com; ali@michaelthetoryteller.com; alkuhn25@gmail.com; allison.100@osu.edu; amy@thegleasonfamily.com; apparel@reganrankinacademy.com; ari_jurado@bellsouth.net; ari_jurado@qualineconsulting.com; asgleason@sbcglobal.net; audrafire@earthlink.net; audrey_crone@yahoo.com; awilliams2957@yahoo.com; aworkum@earthlink.net; babsbbw@gmail.com; barbi_blume@yahoo.com; beljeania@aol.com; beth.stock@gmail.com; bethflynn.186@gmail.com; bethrores@yahoo.com; betsy.loeb@gmail.com; blue-cliff-dharma-group@googlegroups.com; brandi.rubel@gmail.com; brucereedy@sdgsecurity.com; bryannbabcock@gmail.com; bryanpopplewell@gmail.com; BSmigelski@mtso.edu; bwilhelm@sbcglobal.net; calhoun383@att.net; ccipolaro@verizon.net; cconnelly@cul.org; ceili@reganrankinacademy.com; chipperodan@yahoo.com; chris@fnmsweb.com; christapopplewell@gmail.com; chuck.lynd@gmail.com; cindysmiley@concordcounseling.org; cjsmiley@wowway.com; ckauffm1@columbus.rr.com; ckoontz@centurylink.net; claireunderwater@yahoo.com; cmcjgreber@yahoo.com; colleent@netwalk.com; communications@reganrankinacademy.com; connections@linkedin.com; cynthia@cynthiarosi.com; cynthiarosi@gmail.com
Subject: e-mail address change

Hi, my e-mail address has changed. Please make note. The new address is d.sigldavies@att.net. Thanks,
Donna

From: Donna Sigl-Davies
To: ari_jurado@qualineconsulting.com
Subject: Re: Aristides Jurado: Release of Confidential Information
Date: Monday, June 10, 2013 1:09:32 PM

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D4

Ari, Thanks for letting me know this. I'd be happy to coordinate with your MD RE: Meds as necessary. When you come in you can sign a release or you can sign one at his office and they can forward it to me. FYI - The GAL never contacted me after I e-mailed her. -Donna

Please Note: this is a new e-mail address and may require you to update your contact information.

Donna Sigl-Davies, MA, PCC-S
Clinical Counselor

Tapestry Counseling & Associates
www.tapestrycounselingassociates.com

GAL ignores requests from Mr. Jurado's therapist to connect regarding the situation and its effect on his health

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: David Lowenstein <DrLowenstein@drlowenstein.com>; Donna Sigl-Davies <d.sigldavies@att.net>; LeeAnn Massucci <LMM@mkfamilylaw.com>
Cc: Amy Waring <ALW@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Mon, June 10, 2013 1:03:04 PM
Subject: Aristides Jurado: Release of Confidential Information

Hello Dr. Lowenstein and Ms. Sigl-Davies:

Please be aware that my attorney, LeeAnn Massucci, has requested that **any request for information or communication from my health care providers be directed at her as opposed to the Guardian Ad Litem assigned to my Parenting & Custody case, at least for now (see below).** I believe you both have release forms completed from me. I am working on having release forms completed for my attorney.

Also note that my family doctor was interested in talking to either one of you regarding my meds and my anxiety attacks. He was skeptical about prescribing anything new, as he believes my condition is situational and most meds for panic/anxiety attacks would have a sedating effect which is not desired because I am spending a good amount of time caring for my son  who is turning 11 months old today.

Hi LeeAnn,

Here are the names and contact information for my health care providers:

1. Family Doctor: Andrew P. Eilerman, D.O.

190 S. State Street
Suite A
Westerville, Ohio 43081
(614) 882-2349 Phone
614) 882-9005 Fax
<http://www.copcp.com/family-practice-center-of-westerville/providers/andrew-p-eilerman-d-o-#.UbX9qecsmHg>

2. Clinical Counselor: Donna Sigl-Davis, M.A., PCC-S

6797 N. High St., Suite 244
Worthington, OH 43085
Phone: (614) 505-7561, extension 211
Email address: d.sigldavies@att.net

3. Psychologist & Medical Consultant: David Lowenstein, Ph.D.

691 South Fifth Street
Columbus, OH 43206
Phone: (614) 443-6155
Email address: DrLowenstein@drlowenstein.com

Best regards,

Ari Jurado

From: LeeAnn Massucci [mailto:LMM@mkfamilylaw.com]
Sent: Friday, June 07, 2013 6:53 PM
To: Ari Jurado
Cc: Amy Waring; Eimear Bahnson; LeeAnn Massucci
Subject: RE: Hernandez-Jurado: Health Concerns

Thanks Ari.

Once I receive the names / contact information, we can prepare releases.

:-)

LeeAnn M. Massucci
Massucci & Kline LLC
250 Civic Center Drive
Suite 630
Columbus, OH 43215
Phone: 614.484.0177
Fax: 614.484.0181
www.mkfamilylaw.com

FROM THE LAW OFFICE OF MASSUCCI & KLINE LLC

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From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]
Sent: Friday, June 07, 2013 6:52 PM
To: LeeAnn Massucci

Cc: Amy Waring; Eimear Bahnson
Subject: Hernandez-Jurado: Health Concerns

LeeAnn,

I understand. All I can say is that I am doing everything I can and more... and my health care providers are asking for cooperation. Yes, I agree that they should talk to you first (as I had said before).

I will send you the list of providers over the weekend. I am not 100% sure that I have signed release forms. I can do that if you send me a blank form. By the way, I am NOT medicated specifically for stress/anxiety. My doctors did not want to for several reasons. You will find out why when you talk to them.

Hypothetically speaking only, I could think of many ways that I could cause Kathy so much stress that she would also start experiencing stress/anxiety issues. The only difference is that she may actively find ways to protect herself as opposed to just "learn to cope with it".

Thank you for making yourself available to talk to my health care providers! ☺

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

View my profile on  **LinkedIn**

From: LeeAnn Massucci [mailto:LMM@mkfamilylaw.com]
Sent: Friday, June 07, 2013 6:02 PM
To: Ari Jurado
Cc: Amy Waring; LeeAnn Massucci; Eimear Bahnson
Subject: RE: Hernandez-Jurado: Health Concerns

Ari-

Honestly, it is a concern.

If the DR has confirmed there is no medical reason for the panic attacks, your mental stability may be called into question.

The court is not used to these type of reactions when someone is going through a custody battle -- even under this kind of duress.

If you are medicated for stress / anxiety and you experience further issues, I am concerned.

I would prefer your health providers talk to me rather than the GAL -- at least first.

Send us a list of providers and contact numbers so we can schedule calls.

I think you've already signed releases for me to talk with them, correct?

Thanks-

Have a great weekend.

LeeAnn M. Massucci

Massucci & Kline LLC

250 Civic Center Drive

Suite 630

Columbus, OH 43215

Phone: 614.484.0177

Fax: 614.484.0181

www.mkfamilylaw.com

FROM THE LAW OFFICE OF MASSUCCI & KLINE LLC

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From: Ari Jurado [mailto:ari_jurado@qualineconsulting.com]

Sent: Friday, June 07, 2013 11:59 AM

To: LeeAnn Massucci; Eimear Bahnson

Cc: Amy Waring

Subject: Hernandez-Jurado: Health Concerns

LeeAnn,

I am concerned of what would happen if I have another recurrence of a panic attack. Should I be concerned? If you tell me that I should not worry about future recurrences because it will not affect my parenting, or the GAL's view of my ability to parent or care for ^{Name} ~~Excluded~~ then please ignore this email.

I have done all I can seeking professional help, but I am currently not being treated for it. ALL of my health care providers are in a stand still because they need to talk to the GAL or someone else that can answer their questions about the situation that I am dealing with.

This is not the first time that I share this concern.

Please let me know what I should do. Thanks,

Ari

Ari Jurado

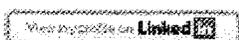
Exelon HR Merger Project - Accenture

Mobile: (305) 799-2212

Aristides.Jurado@Exeloncorp.com

Aristides.Jurado@Accenture.com

ari_jurado@qualineconsulting.com



Ari Jurado

From: Blythe Bethel
Sent: Friday, July 12, 2013 7:47 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D5

Ari: I believe that the pediatrician issue is really moot right now. The Magistrate stated in Court that she did not really see any reason now to change pediatricians. That ^{Name Redacted} is doing well and that there is no real need to change pediatricians at this point in time. I know that LeeAnn in Court stated that your referral pediatrician stated that ^{Name Redacted} had been diagnosed with "failure to thrive". I have to tell you that I have never seen this diagnosis anywhere. If you have such a document I need to see it asap. That could possibly change my current position on changing pediatricians, If there is no such document, then I am inclined to simply say that it is best to keep the same doctor right now.

Please make sure to copy me on any response you send to Ron, so I can stay in the loop. I need to know if I am going to have to write an interim recommendation.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Friday, July 12, 2013 1:41 AM
Subject: RE: ^{Name Redacted} Jurado & Brooksedge Daycare

Hi Blythe,

Thank you for the information. Yes, I do know you cannot give me advice and I was not asking for any. You did answer my question and I appreciate it.

One more question: Where do you stand regarding the pediatrician?

I will go ahead an answer Ron, except for the topic of the pediatrician until I hear from you.

Ari

Ari Jurado

Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

View my profile on [Linked](#) 

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Thursday, July 11, 2013 11:26 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare

Ari: I cannot give you advice. But I can say that I believe the proposal is pretty darn close to my recommendation. When I place their proposed schedule on a calendar (assuming a 28 day month), you would have 11 overnights out of 28, or approximately 40% of the overnights. This time does not include the half days that they have proposed. If you want to submit affidavits, it will be some time before we get an answer out of the magistrate. I would assume the magistrate would follow my recommendation, but again you would be waiting for her to write her decision. I would recommend that ^{Name Redacted} go to daycare everyday from 9:00 or 9:30 am to 4:00 pm just to keep his daily routine, and I would also recommend limited visits to the daycare. Not sure if you are going to hire a lawyer, but that is what I am thinking for my recommendation. Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Thursday, July 11, 2013 11:09 AM
Subject: RE: ^{Name Redacted} Jurado & Brooksedge Daycare

Exhibit D5

Blythe,

Before responding to that proposal, my first question would be: Do you think it is in ^{Name Redacted} best interest? I certainly do not think what they propose is in his best interest... and based on your prior recommendations, I would think you agree. But please confirm.

Ari

Ari Jurado

Principal HCM Consultant, Qualine Consulting

(305) 799-2212

ari_jurado@qualineconsulting.com

[View my profile on LinkedIn](#)

From: Blythe Bethel [mailto:blythebethel@yahoo.com]

Sent: Thursday, July 11, 2013 10:48 AM

To: ari_jurado@qualineconsulting.com

Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare

Ari: Thanks for the email. At some point, the constant questioning and feeling as if you are being watched, ganged up on, sandbagged, or whatever, is going to have to stop. Otherwise, no matter where ^{Name Redacted} goes, there are going to be problems. No daycare, physician's office, etc., wants to be involved in this much drama, let alone litigation.

I will be interested to know your response to the settlement proposal for temporary orders that was sent to you. Please keep me in the loop. I have to start to write my recommendation if the two of you cannot reach an agreement, and I will start to do so this weekend if an agreement is not reached.

Blythe

From: "ari_jurado@qualineconsulting.com"

<ari_jurado@qualineconsulting.com>

To: Blythe Bethel <blythebethel@yahoo.com>

Sent: Thursday, July 11, 2013 10:32 AM

Subject: RE: ^{Name Redacted} Jurado & Brooksedge Daycare

Blythe,

Thank you for trying to dissipate the situation. Unfortunately, I don't think you have all the facts. I did keep LeeAnn well informed. It is not simply that she just did not share their position, but we actually discussed this topic at length in the past.

- ✓ Back in Nov'12-Jan'13 (and prior) and before my access to the daycare was restored—I was denied access against their own policy), Kathy started making the exact same arguments that now Amy shared with you, but even before my visits started as she was looking for any possible reasons to limit my time with ^{Name Redacted}
- ✓ At the end of Jan/Feb'13, once I was able to access the daycare facility, I started visiting ^{Name Redacted} but only on the few days I was in town due to my contract in Chicago. Even then, I could tell that the staff there (except for Amy and perhaps 1 or 2 more employees) was not thrilled to see me there (based on the collusion already created with Kathy).
- ✓ By Feb '13 I told my counsel that I had confirmed that they were watching me and reporting my every moments to Kathy, almost in real time.
- ✓ By Feb '13, I have had a conversation with Amy, the only person from the facility that I trusted until now, where we covered Kathy's concerns that a) other parents would not like to see me there too much, b) that the daycare facility staff may or may not feel uncomfortable if I spent too much

time there (I even got into details of different scenarios for lengths of visits, etc), c) that a background check may or may not help, d) that it was or not in ^{Name Redacted} best interest e) that it was an official open policy and that there weren't any limits.

✓ In Mar '13, during a different conversation, Amy volunteered an example in which a granddad would come to see the infant on a daily basis right after finishing his work shift at Wal-Mart, as she was trying to make the point that it never became a problem

✓ In Mar/Apr, out of the blue, Amy approached me to let me know (in a hallway away from everyone) that she did not have a problem with me pick up ^{Name Redacted} earlier in the day on my days, as well as me visiting ^{Name Redacted} there. On that occasion, she got me by surprise because it came "out of nowhere". That only means that she had been approached to be persuaded (unsuccessfully) to change her position on these topics/issues.

✓ In May/June, in order to follow your recommendation of strict schedules during the week (and against my counsel's advise), I started picking up ^{Name Redacted} at 4pm while at the same time, increasing the visits (i.e. a 30 minute visit in the morning of my days, then pick up at 4pm... in addition to the other visits I was already making).

✓ In July (most recently), my visits decreased to about once every 2 days because I started exercising (resumed) my time based on the court order, in order to give ^{Name Redacted} grandparents more time with him.

There are many more details and fact that I am not including here to avoid writing a book. But as you may have already seen, I keep everything well documented. I also hope that LeeAnn shared with you my concerns/incidents with the daycare folks up until last week.

In short, Amy has known Kathy's exact claims for a while now and she has been aware that I am sensitive to them. Still, she chose to use the "sandbagging" approach. And the bottom line is that Kathy has now been successful at achieving what she wanted from the beginning (even before she filed for full custody): To keep ^{Name Redacted} in daycare as much as possible and to keep me away from daycare, with the ultimate purpose of limiting my overall time with ^{Name Redacted} as if threaten by us building a strong bond.

Ari

Ari Jurado

Principal HCM Consultant, Qualine Consulting

(305) 799-2212

ari_jurado@qualineconsulting.com

View my profile on  **Linked**

From: Blythe Bethel [mailto:blythebethel@yahoo.com]

Sent: Thursday, July 11, 2013 7:47 AM

To: ari_jurado@qualineconsulting.com

Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare

Ari: I do not believe that Amy was trying to mislead you or anything like that. She clearly stated to me that she never wants to have to tell a parent that they are not welcome. That would fly straight in the face of the day care center's "open door" policy. Please do not make Amy out to be the "bad guy" here. She, and the rest of the workers at the center, understandably do not want to get caught in the middle of this litigation. They did not ask to be involved and they do not want to be involved. It takes precious time away from what they are supposed to be doing and that is caring for ^{Name Redacted} and the other children at the center. blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Wednesday, July 10, 2013 9:51 PM
Subject: RE: ^{Name Redacted} Jurado & Brooksedge Daycare

Thank you for sharing that information. LeeAnn and Eimear mentioned both Jessica and Amy, but they did not sound certain. That is why I decided to ask you directly who you spoke with.

I will take note of their feedback. It is unfortunate that this whole time, Amy have actually been stating the opposite. Otherwise, I would have taken the necessary steps to avert this situation.

Ari

Ari Jurado
Principal HCM Consultant, Qualine Consulting
(305) 799-2212
ari_jurado@qualineconsulting.com

Jurado's profile on LinkedIn" src="cid:1.4014841346@web165006.mail.bf1.yahoo.com" width=160 height=25>

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Wednesday, July 10, 2013 11:57 AM
To: ari_jurado@qualineconsulting.com
Subject: Re: ^{Name Redacted} Jurado & Brooksedge Daycare

Ari: I spoke with Amy on the morning of our last Court hearing. I was returning a voicemail left by her while I was out of town for the long holiday weekend. I did not speak with Jessica on Friday, and I do not know how you got that impression. I have spoken with Jessica in the past, but not last Friday.

I think the whole point being made by Amy is the daycare does not want to be drawn into the middle of this litigation. They are in the business of caring for children, not monitoring parents who are in a custody fight, and they do not want to have to choose sides here. They love ^{Name Redacted} and think he is doing very well. They know that you and Kathy each love ^{Name Redacted} very, very much and that ^{Name Redacted} loves you both very much.

Amy said that your frequent visits to the daycare (sometimes as much as 2 times every day) is disruptive for ^{Name Redacted} (he gets distressed when you leave and it takes time to calm him down), and that it makes certain of the workers feel uncomfortable. She used the words "intimidating" and "aggressive". Amy stressed that they never want to tell any parent that they are not welcome to visit, because they have an "open door" policy, but even our magistrate said when she heard about the frequency of your visits that you appear to be "overly involved". Amy also said that she does not want to have to explain to other parents what you are doing at the daycare so much. I have had this in other cases where a parent or grandparent goes to a child's school so much that other parents complain. It makes other parents uncomfortable. They do not know who you are or why you are present so much. In this day and age, we have unfortunately learned to be cautious of persons that you do not know being around your children.

If you want my opinion, I would really limit your visits to the daycare. I would not be asking the workers there for advice. I would simply let them do their job, and that is to provide care for ^{Name Redacted} and the other children without interruption from parents.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Sent: Wednesday, July 10, 2013 10:35 AM
Subject: ^{Name Redacted} Jurado & Brooksedge Daycare

Hi Ms. Bethel,

I heard through LeeAnn and Eimear last Monday while at court that you have communicated with Amy LeBlanc, owner/administrator, Monday morning and with Jessica Jividen, administrator, last Friday afternoon. LeeAnn briefly mentioned the nature of those communications.

You probably have already heard that I last talked to Amy LeBlanc on the phone Wednesday just after 12 noon when she called me back to provide an explanation about the controversial notes on the daily log sheet. In fact, the conversation was pleasant and the feedback was positive as it has always been. But ever since that Wednesday afternoon, Amy have disengaged and turned down any communication or dialog, despite my efforts to get in touch with her.

Would it be possible for you to share some of that feedback so that I can have an opportunity to make any changes or adjustments if I, in fact, am doing something wrong? Obviously, they have not told me anything at all, so I have not had an opportunity to fix any issues.

Please let me know. Thanks,

Ari

From: Blythe Bethel [mailto:blythebethel@yahoo.com]

Sent: Thursday, June 06, 2013 4:42 PM

To: LeeAnn Massucci; Eimear Bahnson; rrp@petrofflawoffices.com; ems@petrofflawoffices.com

Subject: Hernandez/Jurado

Counsel: I spoke with Amy today at Brookside Daycare. I wanted to understand better the daily schedule maintained by the daycare to see if I could get a better feel about times to drop off and pick up ^{Name Redacted}. Since ^{Name Redacted} will be turning 1 in just a few short weeks, I asked for the daily schedule for one year olds. Here is what I was told.

Breakfast is served between 8:00 am and 8:30 am, so if either parent wants ^{Name Redacted} to have breakfast at daycare, then he would need to be dropped off no later than 8:15 am. If either parent is able to feed ^{Name Redacted} breakfast themselves, then they would need to drop off ^{Name Redacted} by 9:00 am so he could enjoy outdoor playtime with his friends. The children go outside at 9:00 am.

The one year olds nap anywhere from 11:30 AM -12:00 Noon until 2:00 - 2:30 pm. After their nap, they go outside again from 2:45 pm to 3:30 pm. Then they have snack from 3:30 pm to 4:00 pm. Ideally, I think the most appropriate pick up time is anytime from 4:00 pm on.

Amy says that notwithstanding what ^{Name Redacted} parents are going through right now, ^{Name Redacted} is "a great kid", he is "normally developing", has a "great personality", and is "a pleasure to have at the daycare". It really sounds like ^{Name Redacted} is doing well, and the daycare really likes him. Amy also stated that the daycare has an open door policy for parents, and they do not mind if parents drop in to see their child during the day.

I hope this information helps in trying to structure a revised interim schedule.

Blythe

From: Keith E. Golden
To: Blythe Bethel
Cc: ari_jurado@qualineconsulting.com; ems@petrofflawoffices.com
Subject: RE: Subpoena from Counsel of Brooksedge Daycare
Date: Wednesday, October 30, 2013 10:59:12 AM

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D6

Bb.

it is my position that the contents of your file are your work product and/or otherwise confidential and not subject to discovery by the plaintiff in this stupid civil suit

I do not think I could access that info in this case.....so how could they in an unrelated civil suit
??????????????

Under the rules of procedure I should have been served with a copy of the subpoena but I was not... please forward a copy to me asap

I need to know if you will assert the confidentiality and not provide the things they want absent a court order or release...if you will not then I have to file a motion to quash and/or protective order

As to your fees I think it would be appropriate for you to keep a separate bill for anything you do in this matter so it is clean and not mixed in...as to how it is split --we can deal with it—I recommend you file a motion to a.) include it in this case; and b) allocate it appropriately

kg

From: Blythe Bethel [mailto:blythebethel@yahoo.com]
Sent: Wednesday, October 30, 2013 8:39 AM
To: Keith E. Golden; rrp@petrofflawoffices.com; ems@petrofflawoffices.com
Cc: ari_jurado@qualineconsulting.com; KHernandez@express.com
Subject: Subpoena from Counsel of Brooksedge Daycare

All: I am writing to advise you that I have been served with a subpoena by the counsel of Brooksedge Daycare to produce information from my file for their use in the lawsuit that has been filed by Brooksedge against Ari. I have only taken a brief look at the subpoena, but it does seem quite extensive, and it is going to take me time to go through each request and compile any responsive information that I may have. The reason I am writing is to advise all of you that I intend to bill this case for my time in compiling the information that I am being required to produce. I think that doing so is completely appropriate since the time that I am going to have to spend on this is directly related to my work on this case. I will leave to all of you whether or not one of you is going to ask for a reallocation of my fees as they relate to this particular matter. I will make as clear as I possibly can on my billing statement the time that I devote to this exercise. I also have to assume that at some point in time I will be either deposed and/or asked to testify at a hearing/trial if the Brooksedge case goes that far. Again, it would be my intention to bill this case for that time as well.

Blythe



GAL WAS WILLING AND READY TO COOPERATE WITH A SUBPOENA OF THE CIVIL LAWSUIT THAT SHE INSTIGATE HERSELF AND FACILITATED

Blythe M. Bethel, Attorney at Law

495 South High Street
Suite 220
Columbus, OH 43215

PAST DUE

Invoice submitted to:
Aristides Jurado
3963 Easton Way
Columbus, OH 43219

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit D7

November 01, 2013

In Reference To: Guardian ad Litem
Invoice #14998

Professional Services

GAL is in regular contact with attorney for daycare days before the last incident with the ER and FCCS.

	<u>Hrs/Rate</u>	<u>Amount</u>
10/1/2013 Telephone conference with Attorney Erika Smitherman re: request to keep child at home; sent e-mail to counsel re: same; reviewed information from Kathy Hernandez re: evaluation of daycare; reviewed e-mail from Attorney Keith Golden.	0.70 185.00/hr	129.50
10/4/2013 Telephone conference with Attorney Erika Smitherman re: situation with daycare; left voice mail message for Brooksedge counsel; telephone conference with Brooksedge counsel.	0.60 185.00/hr	111.00
10/8/2013 Telephone conference with Kathy Hernandez re: Ari taking child to Children's Hospital Emergency Room; contact with Franklin County Children Services; sent e-mail to counsel and parties re: same; telephone conference with Attorney for daycare re: keeping child in daycare.	0.40 185.00/hr	74.00
10/9/2013 Telephone conference with Attorney Erika Smitherman re: daycare situation; left voice mail message for counsel for daycare re: status.	0.50 185.00/hr	92.50
10/10/2013 Reviewed multiple e-mails re: None Released being terminated from child care; sent e-mail to counsel and parties re: same.	0.40 185.00/hr	74.00
10/13/2013 Reviewed e-mails from Kathy Hernandez re: choice for new daycare; incident at Children's Hospital on 10/8/13; sent e-mail to counsel and parties re: daycare choice.	0.80 185.00/hr	148.00
10/14/2013 Reviewed e-mail from Attorney Keith Golden transmitting photos showing injuries to child at daycare; sent responsive e-mail to Attorney Golden; reviewed multiple e-mails from Attorney Golden re: taking child to emergency room; proposal for new daycare.	1.10 185.00/hr	203.50
10/15/2013 Reviewed multiple e-mails between parties re: None Released doctor appointment on 10/16/13; reviewed ODJFS information on daycares; information from Kathy's visit to Westerville facility; sent lengthy e-mail to counsel and parties re: same.	1.20 185.00/hr	222.00

228-7775

	<u>Hrs/Rate</u>	<u>Amount</u>
10/16/2013 Exchanged e-mails with Kathy Hernandez re: None Rebilled doctor appointment; going to new daycare; reviewed e-mail from Ari Jurado re: frustration in dealing with Kathy; sent e-mail to counsel and parties re: home visits; exchanged e-mails with Attorney Keith Golden re: daycare choice; doctor's appointment; reviewed e-mail from Ari to Kathy re: not taking child to daycare ; telephone conference with Kathy re: same.	1.10 185.00/hr	203.50
10/17/2013 Reviewed e-mail from Ari to Kathy re: placement of None Rebilled on 10/16/13 & 10/17/13.	0.10 185.00/hr	18.50
10/18/2013 Reviewed e-mail from Kathy Hernandez re: child bumping head at new daycare; telephone conference with Attorney Keith Golden.	0.67 185.00/hr	123.33
10/19/2013 Exchanged e-mails with Ari Jurado re: home visit.	0.10 185.00/hr	18.50
10/20/2013 To Kathy Hernandez's home for home visit.	1.40 185.00/hr	259.00
10/23/2013 Reviewed e-mail and attachment from Ari Jurado to Kathy Hernandez re: taking child to Emergency Room on 10/22/13; sent responsive e-mail to counsel and parties; exchanged e-mails with Attorney Keith Golden re: my response to 10/22/13 visit to ER; reviewed e-mails and voice mail message from Kathy Hernandez re: visit to ER on 10/22/13; sent e-mail to counsel re: concerns about ER visits; modifying schedule	1.00 185.00/hr	185.00
10/24/2013 Exchanged lengthy e-mails with Ari Jurado re: 10/22/13 ER visit; my role as Guardian ad Litem; reviewed e-mail from Kathy Hernandez re: None Rebilled visit to ER on 10/22/13; faxed request for ER records for 10/22/13 visit; sent e-mail to counsel and parties about ER Notes for 10/22/13 visit.	1.00 185.00/hr	185.00
10/25/2013 Exchanged e-mails with Ari Jurado re: texts between parties re: child's bruise; ER records; telephone conference with Ari re: ER records; failure to thrive; faxed records to Ari; reviewed Motion filed by Ari to modify child support; reviewed Motion filed by Kathy to modify Temporary Orders.	0.60 185.00/hr	111.00
10/27/2013 To Ari Jurado's home for home visit.	1.50 185.00/hr	277.50
10/30/2013 Reviewed e-mail from Kathy Hernandez re: status of FCCS investigation into above allegation into abuse allegation against daycare; sent e-mail to counsel and parties re: regarding to subpoena in Brooksedge lawsuit; reviewed Motion to Reallocate Guardian ad Litem fees.	185.00/hr	NO CHARGE
10/31/2013 Briefly researching duties in responding to Subpoena; exchanged e-mails with counsel and parties re: filing Motion to Quash; faxed Subpoena to counsel.	0.50 185.00/hr	92.50
For professional services rendered	13.67	\$2,528.33
You are responsible for 50.00% of time charges:	6.83	\$1,264.16

Additional Charges from Primary Client

	<u>Amount</u>
10/31/2013 Copying and facsimile costs for month of October	89.25
Total additional charges	\$89.25
You are responsible for 50.00% of expense charges:	\$44.62
Total amount of this bill	\$1,308.78
Previous balance	\$546.39
Balance due	<u><u>\$1,855.17</u></u>

PAYMENT IN FULL DUE UPON RECEIPT

WE ACCEPT VISA, MASTERCARD, AND DISCOVER

<u>Client</u> <u>Split bill information</u>	<u>% Total</u>	<u>Total</u>	<u>Payments</u>
Hernandez GAL 50/50	50.00%	\$1,308.80	\$500.00
Jurado GAL 50/50	50.00%	\$1,308.78	\$0.00

Ari Jurado

From: ari_jurado@qualineconsulting.com
Sent: Thursday, May 23, 2013 5:37 PM
To: 'LeeAnn Massucci'; 'Eimear Bahnson'
Cc: 'ALW@mkfamilylaw.com'

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit E1

Subject: FW: Inquiring about using "Welcome to Our Place" for non-mandated supervised exchanges
FYI

From: Welcome to Our Place WTOP [mailto:wtop1690@gmail.com]
Sent: Thursday, May 23, 2013 12:33 PM
To: Ari Jurado
Subject: Re: Inquiring about using "Welcome to Our Place" for non-mandated supervised exchanges

Hello Mr. Jurado

We do not require a court order to agree to do supervised exchanges. We do however need for all parties to agree to this. The exchanges are scheduled as closely as possible to the court order or agreements you may have in place. Typically our exchanges are on Wednesdays at 6pm and Friday/Sunday at 6pm. This coming weekend we are closed on Monday, the holiday and police stations are being used in place of our center when possible.

We have an initial orientation that each party must complete and the cost of this one time only charge is \$60 per family. The cost thereafter for the supervised exchanges are \$20/exchange.

I am not in the office this evening but would be able to do an orientation as soon as Tuesday next week at 6:00pm I will be in the office tomorrow evening and will call you to speak directly at that time. If you are unavailable then, we will be in the office both Saturday and Sunday from 11a-5p.

Thank you, I look forward to answering any questions you may have.
Shelley Burke
Assistant Director

Ari Jurado

From: ari_jurado@qualineconsulting.com
Sent: Thursday, May 23, 2013 5:42 PM
To: 'LeeAnn Massucci'; 'Eimear Bahnson'
Cc: 'ALW@mkfamilylaw.com'
Subject: FW: The Buckeye Ranch Common Ground Program
Attachments: Cover Page.doc; Intro Letter.doc; Preparing Child.doc; Preparing Yourself.doc; Ranch Rules - Revised 4-9-13.doc; What to Expect.doc

The STATE ex rel., JURADO v. ODC, FCCPCJB
 Exhibit E2

I had the opportunity to speak with Jessi from the Buckeye ranch (close to my place in Easton). She said that currently they are working with 4 families that voluntarily chose to use a supervised exchange center, and it is working great for them. She heard a bit about my case and her words were "using this service is a no-brainer for your situation".

I cannot imagine a better way to minimize the drama, avoid problems to escalate and most importantly, reduce the chances of another anxiety attack.

Ari

----- Forwarded message -----

From: <Jessi.McGahan@buckeyeranch.org>
Date: Thu, May 23, 2013 at 12:30 PM
Subject: The Buckeye Ranch Common Ground Program
To: ari_jurado@bellsouth.net

Ari,

It was nice speaking with you today regarding our exchange program. As previously explained to you, you are welcome to use our services to pick up and drop off your children. We offer a safe environment to where you won't have contact with the other party. In order to start services, I need both parties to contact me so I can schedule Intakes. Once both Intakes are complete, I can get your family on our safe exchange schedule. This does not require a court order, however, a court order is encouraged. We can provide services through, 'self referrals.'

Attached you will find information regarding our program.

Please don't hesitate to call with questions.

Thanks!

Jessi McGahan
Supervised Visitation Specialist
The Buckeye Ranch Common Ground Program
 2440 Dawnlight Ave
 Columbus, Ohio 43214
 (phone) [614-416-8792](tel:614-416-8792)
 (fax) [614-478-3234](tel:614-478-3234)

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Ari Jurado

From: Blythe Bethel
Sent: Tuesday, June 11, 2013 11:13 AM
To: ari_jurado@qualineconsulting.com
Cc: LeeAnn Massucci; Amy Waring; Eimear Bahnson
Subject: Re: Recap of Call with GAL last Thursday (6/6/13)

The STATE ex rel., JURADO v. ODC, FCCPCJB
Exhibit E3

Ari: I believe that your email is pretty accurate.

As far as the parallel parenting is concerned, I would have to read a lot more about it. At first glance, I do not like the sounds of it because it creates the potential (a great potential if you ask me) for each parent to do whatever they want with the child, and there is no reason or motivation to coordinate the parents. It seems to me the focus of parallel parenting is completely wrong. This is not about what makes things easier for each of the parents, but what is best for the child. Allowing each parent to do whatever they want when they have the child simply means to me that the child is going to have two separate lives. It requires the child to have to adjust himself for each parent's convenience. To me the better resolution is requiring parents, if possible, to get help to try and learn how to co-parent. If that is not possible, then I would say this is not a shared parenting case, and one parent needs to be sole custodial parent. And, if that is where we are in this case, then I would tell you that "the jury is still out" in my mind regarding who should be the custodial parent in this case.

Blythe

From: "ari_jurado@qualineconsulting.com" <ari_jurado@qualineconsulting.com>
To: Blythe Bethel <blythebethel@yahoo.com>
Cc: LeeAnn Massucci <LMM@mkfamilylaw.com>; Amy Waring <ALW@mkfamilylaw.com>; Eimear Bahnson <emb@mkfamilylaw.com>
Sent: Tuesday, June 11, 2013 9:43 AM
Subject: Recap of Call with GAL last Thursday (6/6/13)

Hi Blythe,

Here is a recap of our quick phone call last Thursday and also information on Parallel Parenting that I mentioned to you at the time. Please let me know if I misinterpreted anything that you said or if I missed anything important (*it was only a short 10-12 min call anyway*).

One question: If we start negotiations to settle the case, there are a lot of details that need to be worked out. Is my assumption correct that this is unlikely to be accomplished in one day, and instead may span over 1 or more weeks? If yes, what happens in the meantime with my parents?

1. Daycare drop-off time in the morning. For the reasons listed below, I asked if we could change the current drop off time from 8:30a to 9:30a. You reminded me that you did not come up with the 8:30am time (Kathy did), your emphasis is consistency. You mentioned that probably 9am was the more appropriate because of most people start working by that time. Because I am going across the city during the morning rush hour traffic, I will then start dropping him off at 9:15am—most parents do not have to do this commute every morning to drop off their kids at daycare in the morning. (The pick up/drop off times during grandparents visit to be discussed). 9:15am will give Kathy time to stop by and do whatever she does at daycare in the mornings. As I mention below, she left daycare last Thursday at around 9:05a-9:10a.

- When dropping off ^{Name Redacted} last Thursday morning, he spent over 1 hour in my car unnecessarily. Part of that time was rush out traffic, and part of it was me having to wait for Kathy to leave the daycare facility (waited around 20-30 minutes).
 - I arrived at the daycare between 8:40a and 8:45a and saw Kathy's car there. I waited 10-25 minutes before driving to a nearby shopping center parking lot and called the daycare facility so that they would let me know once Kathy would leave to work. They called me at around 9:13am.
 - Dealing with rush hour traffic means having to wake up ^{Name Redacted} earlier than usual. Already having concerns with the amount of sleep he is getting and consistency of his schedule, we should adjust the drop off time if possible.
 - The 8:30am drop off time was suggested by Kathy only because that is convenient for her to drop off ^{Name Redacted} since the daycare facility is about half a mile from her house and after, she continues her commute to work.
 - Both parents usually don't try to rush the drop offs. For example, last Thursday I stayed for about 35 minutes in order to feed him breakfast and to talk to the owner for a few minutes.
 - Kathy is entitled to stop by the daycare in the mornings in her way to work, especially because she drops off breast milk and/or other food for the day. But she should try to avoid the times that I am expected to be there with ^{Name Redacted}.
2. Psych evaluations: You brought up this topic, and pointed out that if we (my attorneys/I) have made the decision to not go forward with the psych evaluations, that we need to communicate this to the other side asap. I explained that I have been giving it serious consideration but have not made a decision just yet. It is an important decision that should not be rushed.
 3. Regarding the summer holiday proposal from Kathy, you believe that Kathy and her attorney(s) are not cooperating because of my insistence for psych evaluations. I explained that this is no different than what Kathy has done before, including last year and over the holidays. And the question is: Will parenting counseling address this specific issue? You said No, but neither would a psych evaluation.
 4. DAYCARE schedule: You mentioned that you would be calling the daycare right after my call (*and your email later on that day confirmed your discussion with Amy from Brooksedge*). I reminded you that the fact that one of the two parents have ^{Name Redacted} instead of daycare doesn't necessarily mean that his meal/nap schedule will not be followed. You agreed but said that until Kathy and I don't get along, it is the best to do -especially if both sides are "counting hours". *I of course disagree that I am counting hours — there is no evidence that I am complaining when Kathy gets ^{Name Redacted} at different times, especially not before this came up in April. If there was mention of Kathy picking up ^{Name Redacted} in the past at odd times were only to demonstrate double standards*
 5. You reminded me of your new opinion (I am calling it "new") that psych evaluations would not help here. I confirmed that I would take your opinion under advice but that I am also doing my due diligence which includes feedback from Dr. Lowenstein. You warned me that I should not be

getting advice from Dr. Lowenstein regarding this case, because he is not the forensic psychologist appointed by the court, and that he has gotten into trouble with the board before.

I also asked you about parallel parenting, but it did not ring a bell for you. Here is a good definition I gathered. It seems like many other jurisdictions are advocating for parallel parenting in high-conflict cases, at least as a short term solution to avoid "perpetuating the conflict" which is obviously our case after looking at the lifecycle of my parenting relationship with Kathy and how bad it has gotten in the past 3 months.

Parallel parenting is a way for parents who can't cooperatively co-parent to raise their children with as little interaction as possible between one another. It is a form of joint child custody in which authority transfers from parent to parent as the children are exchanged. Each parent is in charge of the decisions regarding the children when the children are in their care (Arizona Supreme Court, 2009 - Planning for parenting time: Arizona's guide for parents living apart).

Disengagement from your high-conflict ex is the key to conflict reduction and successful parallel parenting. It's a form of **low contact**. Disengagement creates a "**demilitarized zone**" around your children in which you have little or no contact with your ex (Stahl, 2000 - Parenting after divorce).

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Planning for
Parenting Time

Ohio's Guide for Parents Living Apart

Dear Ohioans:

One of the most difficult issues parents living apart face is determining suitable parenting time schedules that strengthen and nurture the parent-child relationship. It is with great pleasure that I present a new resource, *Planning for Parenting Time – Ohio’s Guide for Parents Living Apart*, written to encourage the creation of sensible parenting time schedules. This Ohio-specific resource offers an easy-to-use guide that fosters fair and creative parenting schedules based on children’s developmental milestones and best interests.

I extend special recognition and gratitude to Judge Charlotte Coleman Eufinger, Union County Juvenile and Probate Court; Judge Colleen Falkowski, Lake County Domestic Relations Court; Judge Matt Staley, Allen County Domestic Relations Court; Magistrate Serpil Ergun, Cuyahoga County Domestic Relations Court; Kathy Clark, Ph.D., Mt. Vernon Nazarene University, and Thomas E. Friedman, Esq., who contributed countless hours and dedicated their collective effort, experience, expertise and energy to drafting this resource. I also wish to thank the leadership of the Family Law Reform Implementation Subcommittee of the Advisory Committee on Children, Families, and the Courts for prioritizing this project among its many important initiatives. Lastly, I wish to recognize the Administrative Office of the Courts of the Arizona Supreme Court for lending its materials during the drafting of this resource.

Comments or questions about this publication should be directed to Steve Hanson, Manager, Children, Families & the Courts Section in the Judicial and Court Services Division of the Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215, 614.387.9385.

It is our sincere hope that *Planning for Parenting Time – Ohio’s Guide for Parents Living Apart* will guide and help you create the best possible parenting time schedule for you and your children.

Sincerely,



Maureen O’Connor
Chief Justice



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Parents also should understand that sometimes there are problems that need to be worked on through counseling. For example, some children may have serious problems getting used to a parent's new partner and his or her children. There also are children who are caught in the middle of their parents' conflict, who may take sides with one parent and refuse to do what any parent or judge tells them to do about spending time with the other parent. In situations like this, professional help usually is necessary. If there are concerns that the children do not want to go because they are being abused or neglected, Child Protective Services should be contacted.

CONTACT WITH AN INCARCERATED PARENT

An incarcerated parent still is a parent to a child. In many cases, a child has a legal right and an emotional need to remain in contact with the parent in prison. It is important to understand that the needs of the child may be different from the residential parent's needs regarding contact with the incarcerated parent. Before a child visits the parent in jail or prison, the residential parent should talk to the child about what to expect. After the visit, the child should be encouraged to talk openly about thoughts and feelings regarding the visit and the residential parent should respond sensitively. For planning purposes, the residential parent should review the relevant policies for minor child visits of the Ohio Department of Rehabilitation and Correction found on its Web page at <http://www.drc.ohio.gov/web/visiting.htm>.

HIGH CONFLICT

Many parents work well together, but some do not. Some parents argue with each other when they exchange the children or talk to each other on the phone. They sometimes blame the other parent for their problems, and, in extreme cases, some parents tell the children how bad the other parent is.

When parents do these things, children can develop emotional and behavioral problems. They may become fearful, thinking that they are the cause of their parents' fighting, finding themselves having to choose between their parents or developing low self-esteem.

For parents who cannot work cooperatively, parallel parenting is a way for them to raise their child with little contact between each other. Each parent makes day-to-day decisions about the child while the child is with the parent. With parallel parenting, communication between the parents is limited, except in emergencies, and usually is in writing. A therapist or a parent coordinator often helps parents handle parallel parenting arrangements.

In some counties, parents can attend high-conflict resolution classes or cooperative parenting classes. In these classes, parents learn that any continuing conflict between them likely will have a long-term negative effect on their children. They also learn skills to be better parents.