

IN THE SUPREME COURT OF OHIO

In Re The matter of:

Anthony Tyler Greenlee,

Filed on behalf by;

Kiel Thomas Greenlee

Petitioners

v.

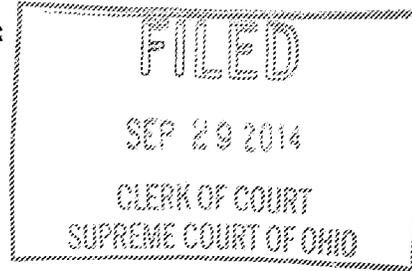
Amanda Lenore Gentry

Respondent

Case No:

14-1673

Judge:



EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND THE REALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

- 1) Anthony "Tyler" Greenlee is being restrained of his liberty to have a meaningful relationship with his Father Kiel Thomas Greenlee by;
- 2) Amanda Lenore Gentry (his residential custodial Mother), Joshua Gentry (his Stepfather), Lisa Binion (his maternal Grandmother), Todd Binion (his maternal Grandfather), Judge Thomas Jones (ruling judge in excess of Jurisdiction), and Charnel M. Cornett (Attorney for Respondent) at;
- 3) 775 Highway 11 South, Beattyville, Kentucky 41311, 220 High Point Road, Beattyville, Kentucky 41311, Southside Elementary 1665 Highway 11 South, Beattyville, Kentucky 41311 through;
- 4) The means of a falsely filed court order for protection without Jurisdiction and in violation of the Court order filed by Judge Cross of the Montgomery County Domestic

Relations Court, filed December 20, 2013, granting Father Kiel Thomas Greenlee extended visitation time beginning one week after the start of the child's summer school recess and ending one week prior to the start of the August/September following school year. His parenting time shall be pursuant to the Court's Standard Order of Parenting Time with modifications. The protective order was ultimately obtained to deny Father Kiel Thomas Greenlee and Anthony "Tyler" Greenlee the parent child relationship protected by the 5, 9, and 14 Amendments of the United States Constitution and;

- 5) In violation of Article 4, Section 1 of the United States Constitution, and the Uniform Child Custody Jurisdiction and Enforcement Act R.C. § 3127, Kentucky Rev. Code § 403, while awaiting this decision, in fear that it might go against her granting custody to Father; Amanda L. Gentry filed for a protective order in the State of Kentucky Lee County Circuit Court, and filing for Jurisdiction for custody in the same while a custody determination was in progress in the Montgomery County Domestic Relations Court; in which is the Court of original and Continuing Jurisdiction as the Father is still a resident of the County at the same address as the original action. By the act of perjury by alleging under oath that;
- 6) On November 15, 2013 Respondent Amanda Lenore Gentry filed a Petition to Establish Jurisdiction Regarding Custody in the Lee County, Kentucky Circuit Court while custody proceedings were pending in the Montgomery County Domestic Relations Court, and by and through counsel, committed perjury with Counsel's knowledge, to obtain this order by stating under oath that; " Comes the Petitioner, Amanda Lenore Gentry, by Counsel, and for her **Petition for Dissolution of the marriage between the parties**, states as follows: **B. Other than the action listed above, the Petitioner has not participated as**

a party, witness, or in any other capacity in any litigation concerning the custody of the child in this or in any other state; C. The Petitioner has no information of any custody proceeding concerning the child in any Court of this or any other State...

in clear prevarication that the parties had already been divorced in Montgomery, County, Ohio in November of 2009 as contradicted in paragraph 3 of the aforementioned Petition, although;

- 7) On December 4, 2012, Petitioner Kiel Greenlee filed his motion to reallocate parental rights stating that the child had resided with him from April, 2011 until Thanksgiving 2012, because Respondent, Amanda L. Gentry had intended to transfer custody of the child to him and that she abandoned the child pursuant to R.C. 3127.01(b)(1), and that he could provide a more stable environment for the child and that it is in the child's best interest to designate him as the sole custodian of the child *Greenlee v. Greenlee*, Mont.Co.D.R. CA: 08DR527 on appeal in this Court CA: 2014-1180 and is clearly an offense of perjury as Amanda was a full participant in the proceedings supported by the record and transcript in the possession of this Court, as an attempt at circumventing the Petitioners' rights by these filings and;
- 8) On November 26, 2013, the Respondent Amanda L. Gentry alleged to the court in her petition for a Domestic Violence Protective Order that; "Anthony Greenlee (born 1-24-06) stated to me that he has witnessed his father (Kiel Greenlee) strike his grandmother, in the face. Anthony told me he is scared of Kiel Greenlee hitting him. Kiel Greenlee has previously stated to myself and my husband Josh Gentry that he enjoys spanking Anthony and looks for any excuse to "bust his a**". Mr. Greenlee has a history of domestic violence and assault charges, and I fear for Anthony's safety." This however,

was set for hearing on December 3, 2013, in which Kiel Greenlee appeared to defend himself and notified the District Court that it lacked Jurisdiction Pursuant to the UCCJEA and that a custody determination was open in proceedings in the Montgomery County Domestic Relations Court, in which is the Court of original and continuing jurisdiction. Instead of the District Court's dismissal on the grounds of the clear lack of Jurisdiction, the District Court denied Kiel Greenlee's Sixth Amendment Right to Counsel and his right to being heard, and moved this petition to the Circuit Court after being advised by Kiel Greenlee that the Circuit Court held no more Jurisdiction than that of the District pursuant to the lack of her evidence and the pending custody in Montgomery County, Ohio. The Petitioner Kiel Greenlee was never given proper notice by the Circuit Court of the hearing date, and as a result;

- 9) While awaiting decision from Judge Cross to determine the allocation of parental rights and responsibilities these actions were filed in Kentucky fallaciously as an attempt to stop Petitioner Kiel Greenlee from obtaining custody and to deny his parental rights and the rights of the child of the same. After the decision from Judge Cross on December 20, 2012, Amanda L. Gentry filed an amended protection order through counsel without notice to Kiel Greenlee on January 8, 2014, alleging domestic violence against her and making the exact allegations that were made to the Kentucky Child Protective Services on September 10, 2013, investigated, and ultimately found on October 14, 2013 by Chrystal Eversole, Social Service Clinician, in which she had sent a letter addressed to Kiel Greenlee that the matter was unsubstantiated. However, the Lee County Circuit Court failed to investigate these claims in their lack of proof and sidestepping the allegations made of hearsay, but instead granted this violation of parental rights without

pretence of evidence and not beyond Amanda's *ipse dixit* allegations. Although this finding is against the highest of precedence as the United States Supreme Court held that "Parental rights may not be terminated without "clear and convincing evidence"... "Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs." *Santosky v. Kramer*, 102 S.Ct. 1388, 455 U.S. 745 (1982). Further the Supreme Court held "Prior cases establish, first, that due process requires, at a minimum, that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard. Early into our jurisprudence, this Court voiced the doctrine that "[W]herever one is assailed in his person or his property, there he may defend," *Windsor v. Mcveigh*, 93 U.S. 247, 277 (1897). The theme that "due process of law signifies a right to be heard in one's defense," *Hovey v. Elliott, supra*, at 417, has continually recurred in the years since *Baldwin*, *Windsor*, and *Hovey*. Although "[m]any controversies have raged about the cryptic and abstract words of the Due Process Clause," as Mr. Justice Jackson wrote for the Court in *Mullane v. Central Hanover Tr. Co*, 399 U.S. 306 (1950), "there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.*, at 313" cited *Boddie v. Connecticut*, 401 U.S. 371 (1971). The fact that the evidence will show that only one hearing date was provided as Mr. Greenlee was present, the Court continued without jurisdiction from one court to another Court without jurisdiction,

when, the only act it should have and could have taken was that to dismiss. By doing this, the Court did not afford Mr. Greenlee a meaningful opportunity to be heard, yet instead, made an order against him after the modification by Amanda and her counsel without notification to Mr. Greenlee for fair defense. Nonetheless, the Lee County, Kentucky Circuit Court terminated Mr. Greenlee's parental rights without jurisdiction to do so and without fair opportunity to be heard and considered. As a result;

10) On January 8, 2014, the Lee County Circuit Court, without proper notice and on unlawful extension in clear defiance of the statutory hearing within 14 days upon the issuance pursuant to its cited statutes. The Lee County Circuit Court, through fraud of the Respondent Amanda L. Gentry, entered a void judgment terminating the Petitioners' rights to adequate contact. The evidence will show that the only given hearing date for Mr. Greenlee to respond pursuant to proper service was that of December 3, 2013 in which he was present; Amanda Gentry and her counsel, surreptitiously amended the Petition for the protective order to assure its granting without notice to its respondent. As a result;

11) On January 10, 2014 the Lee County, Court filed an Order Following DVO Hearing, however, not providing evidence of Medical Record Reports, Police Reports, and Child Protective Services Reports indicating any abuse to Tyler Greenlee by his Father, as Amanda lacks such evidence due to its non-existence. This was followed then by a Motion for Default Judgment and a Granting of such on February 5, 2014 filed in void as Jurisdiction never existed *ab initio*. Due to such;

12) The Respondent Amanda L. Gentry through such fraud and well-established prohibitions of "forum shopping" used these void judgments to Deny not only Mr. Greenlee his right

to any and all contact to his child Anthony "Tyler" Greenlee, but continuously denies Tyler's paternal Grandparents contact with him as well. Cutting Tyler completely off with any contact to his Father's family. During the duration of the hearings to reallocate parental rights and responsibilities held on June 12, 2013 and July 11, 2013 in the Montgomery County Domestic Relations Court case number 08DR527 on appeal within this Court case number CA2014-1180, Amanda at no point testified raising allegations that "Tyler" was ever abused by his Father and testified that there should be extended time over the summer break. However, Amanda contends in the Kentucky courts that in November of 2012 Tyler was being abused by his Father with no substantiating evidence and never raised such false allegations during the hearings held after this alleged time. Amanda instead made these false allegations to keep "Tyler" from Kiel as she was making precautionary measures to secure him in the event of a judgment against her. The United States Supreme Court and its lower Federal Appellate and District Courts and both this Court and its subsequent lower courts have unanimously and continuously rejected and condemned such practices by a parent as R.C. § 3109.04(F)(1) prohibits such acts as well. Amanda made allegations at this hearing for the Protective Order that the alleged abuse occurred on Tyler a year before bringing this action as a Protective Order. The timeline supports her reasoning; however, as testified and as filed with Mr. Greenlee's original modification in the Mont. Co. D.R. Court, Amanda had regained physical control over Anthony "Tyler" Greenlee in November of 2012. In her second testimony of these transcripts she also alleged that Mr. Greenlee was highly intoxicated without substantiation, as she changed this timeline from March to November, and then with the allegations of abuse in the P.O. in question; the same time of November, 2012

seems to be her average unreliable timeline to support such deceitfulness to achieve her goal of cutting out Mr. Greenlee from Tyler's life. As a result of this;

13) In considering a child custody issue, a court must consider evidence of parental alienation. In determining the best interest of the child, a court must consider all relevant factors. R.C. 3109.04(F)(1). Attempts by one parent to destroy a child's relationship with the other parent are most certainly relevant to a determination of a child's best interest. This Court has observed: "The best interest of a child encompasses not only the home environment, but also the involvement of both parents. In today's society that fully admits the need for parenting by both parents. Each parent should have full involvement in a child's life where possible and desired by the parent." *Davis v. Flickinger*, (1997), 77 Ohio St.3d 415, 419. Various courts of appeal have also recognized this public policy. In the Athens County Court of Appeals it has noted that public policy favors a child's maintaining a close and on-going relationship with both parents. *Gordon v. Gordon*, (October 19, 1987), Athens App. No. 1334. The Pike County Court of Appeals has noted that children need to know both parents love them. *Beekman v. Beekman* (1994), 96 Ohio App.3d 783. The *Beekman* court also observed that each parent has a duty to foster and encourage a child's love and respect for the other parent. *Id.* As this Court has observed in *Davis*,: "When one parent begins to cut out another parent, especially one that has been fully involved in that child's life, the best interest of the child is materially affected. *Davis*, supra at 419. Various courts of appeal have recognized the harms that result from parental alienation. The Athens County Court of Appeals has noted that "systematic interference" with visitation rights injures a child and deprives the child of "nurturing, support and companionship" from the other parent. *Holm v. Smilowitz* (1992), 83 Ohio

App.3d 757, at 777. The Pike County Court of Appeals has commented on the extent of harm that a child may suffer when one parent attempts to alienate the child from the other parent. The *Beekman* Court observed: “It is the duty of each parent to foster and encourage the child’s love and respect for the other parent, and the failure from that duty is as harmful to the child as is the failure to provide food, clothing, or shelter. Perhaps it is more harmful because no matter how well fed or well clothed, a child cannot be happy if he or she feels unloved by one parent. *Id.* At 789 (emphasis added to original). Psychological and sociological literature clearly documents the specific harms that can occur when one parent has alienated a child from the other parent. See Richard A. Gardner, *The Parental Alienation Syndrome* (1992); David Popenoe, *Life Without Father* (1996). Parental alienation encompasses many types of inappropriate behaviors. The Ohio Legislature has specifically recognized and condemned several types of parental alienation behavior in the statute defining the best interest of the child. R.C. 3109.04(F)(1). Specifically, the statute recognizes that a parent should not continuously and willfully deny the other parent his/her right to visitation. R.C. 3109.04(F)(1)(i). Similarly, the statute recognizes that a parent should honor and facilitate the other parent’s visitation rights. R.C. 3109.04(F)(1)(f). This Court has commented on several types of alienation behavior. The *Davis* Court noted that a parent should not engage in behavior that increases hostility and frustrates cooperation between the parents. *Davis* *Supra* at 417, 419-420. Similarly, a parent should not file an unfounded motion to terminate the visitation rights of the other parent. *Id.* at 419. Following this Court, numerous Ohio Appellate Courts have condemned various types of alienation behavior. The Franklin County Court of Appeals has unanimously noted that a court may consider

which parent is more likely to encourage the sharing of love, affection, and contact with the other parent. *Klamforth v. Klamforth* (April 9, 1996), Franklin App. No. 95 APF 10-1396; see *Stevens v. Stevens* (February 10, 1997), Preble App. No. CA96-07-010.

Conversely, a court may consider whether a parent has attempted to turn the child against another parent. *Grant v. Grant* (July 21, 1989), Wood App. No. WD-88-29. Specifically, a court may consider if a parent has told a child that the other parent may harm or even kill the child. *Id.* Furthermore, this Court has emphasized that “It is well recognized that the right to raise a child is an “essential” and “basic” civil right. *In Re Murray* (1990), 52 Ohio St.3d 155, 157, 556 N.E.2d 1169, 1171, quoting *Stanley v. Illinois* (1972), 405 U.S. 645, 651, 92 S.Ct. 1208, 1212, 31 L.Ed.2d 551, 558. Furthermore, a parent’s right to the custody of his or her child has been deemed “paramount.” *In re Perales* (1977), 52 Ohio St.2d 89, 97, 6 O.O.3d 293, 297, 369 N.E.2d 1047, 1051-1052. Permanent termination of parental rights has been described as “the family law equivalent of the death penalty in a criminal case.” *In re Smith* (1991), 77 Ohio App.3d 1, 16, 601 N.E.2d 45, 54. Therefore, parents “must be afforded every procedural and substantive protection the law allows.” *Id.*” *In re Hayes*, 79 Ohio St.3d 46, 69 N.E.2d 680 (1997). The United States Appellate Court D.C. Circuit has noted that “A parent’s right to the preservation of his relationship with his child derives from the fact that the parent’s achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child’s corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult.”(Emphasis added) *Franz v. United States*, 707 F.2d 582, 595-599 (U.S. Ct. App. D.C. Circuit 1983). The Court went on to say that “[c]hildren’s interests in family

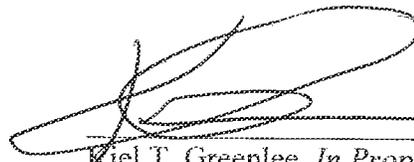
relationships comprise more than the emotional and social interests which adults have in family life; children's interests...include elementary and wholly practical needs of the small and helpless to be protected from harm and to have stable and permanent homes in which each child's mind and character can grow, unhampered..."*Id.* The court also stressed that "recognizing "freedom of a parent and child to maintain, cultivate, and mold their ongoing relationship..." "Hence, although both the Supreme Court and the DC circuit have recognized that a parent enjoys a constitutionally protected liberty interest in maintaining a relationship with his minor child (and is therefore entitled to procedural due process protections before the government directly interferes with that relationship), *see, Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982); *Stanley v. Illinois*, 405 U.S. 645, 650, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). *Franz*, *Supra*. This Court further stated that "providing procedural and substantive protection to a father whose relationship with his children was severed." *Id.* Respondent, Amanda L. Gentry, in complete disregard to the requirements of both state's UCCJEA laws committed perjury to obtain such an order. This Court held in *Pasqualone v. Pasqualone* (1980), 63 Ohio St.2d 96, 17 O.O3d 58, 406 N.E.2d 1121, that "a parent bringing an action for custody must inform the court at the onset of the proceedings of any knowledge of custody proceedings pending in other jurisdictions." "The purpose of the affidavit is to avoid jurisdictional disputes and conflicts with other courts and to facilitate the speedy resolution of custody matters so that children do not become the victims of jurisdictional "tugs of was." *In re Palmer* (1984), 12 Ohio St.3d 194, 196, 12 OBR 259, 261-262, 465 N.E2d 1312, 1314-1315. "By submission of an affidavit, the court is made

aware at the onset of other proceedings affecting its jurisdiction.” cited *In re Porter*, 113 Ohio App.3d 580, 681 N.E.2d 954 (Ct. App. 1996).

Whereas, this State is the home state of the child and the Montgomery County Domestic Relations Court and the Second District Court of Appeals has ignored this matter, although exercising its jurisdiction in the same time frame as the unlawful conduct of such frivolous filings by Respondent Amanda L. Gentry in the Kentucky Courts, This Court has the Jurisdiction to order the child Anthony “Tyler” Greenlee to appear in front of this Court pursuant to R.C. Chapter 2725: Habeas Corpus, and order Amanda L. Gentry to appear before the same to show cause to her unlawful retention of the parties’ minor child against the court orders by the Ohio courts having jurisdiction pursuant to Chapter 3127 of the Revised Code. Due to the order in the Kentucky Court being granted without Jurisdiction this Court must grant this Writ forthwith pursuant to R.C. § 2725.06. Furthermore, we ask that this Court depute Kiel T. Greenlee the child’s Father and his Paternal Grandmother Gloria J. Greenlee to issue service of this Writ and to convey the person detained (Anthony “Tyler” Greenlee) before the judge granting this writ pursuant to R.C. § 2725.11 and R.C. § 2725.12 as the child is out of State in Kentucky and the Mother Amanda L. Gentry, Respondent, has a known history of such actions and has made threats of fleeing with the child to another country as she has dual citizenship in England. The Respondent Amanda L. Gentry has made false reports in the past having Kiel arrested on false claims of fallaciously obtained Orders of Protection. For these reasons stated we further ask this Court to grant immediate sole legal custody to Father Kiel T. Greenlee based on the proof of these claims and grant to the Mother, Respondent, Amanda L. Greenlee supervised visitation with either the Father Kiel T.

Greenlee or Paternal Grandmother Gloria J. Greenlee as the supervisors as the risk of further unlawful detention, the flight and attempted concealment of the child's location, the history of false allegations, denial of visitation rights, and the dual citizenship of the Respondent Amanda L. Gentry.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kiel T. Greenlee', is written over a horizontal dotted line.

Kiel T. Greenlee, *In Propria Persona*
6124 Clematis Dr.
Dayton, Ohio 45449
Telephone: (937)781-6246
Email: kiel.greenlee@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon the following individuals this 29 day of September, 2014 in person.

Amanda L. Gentry
775 Highway 11 South
Beattyville, Kentucky 41311

IN THE SUPREME COURT OF OHIO

In Re The matter of:

Anthony Tyler Greenlee,)	
)	Case No:
Filed on behalf by;)	
)	Judge:
Kiel Thomas Greenlee)	
)	
Petitioners)	
)	
V.)	
)	
Amanda Lenore Gentry)	
)	WRIT OF HABEAS CORPUS
Respondent)	
)	

The State of Ohio, _____ County, ss.:

To the sheriff of our several counties, and the sheriff of the several counties of Kentucky, greeting:

We command you that the body of Anthony “Tyler” Greenlee of by Amanda L. Gentry of 775 Highway 11 South, Beattyville, KY 41311 imprisoned and restrained of his liberty, as it is said, Kiel T. Greenlee and Gloria J. Greenlee that and have before _____, a judge of our Supreme Court, or, in case of his absence or disability, before some other judge of the same court, at _____, forthwith to do and receive what our said judge shall then and there consider the Reallocation of Parental Rights and Responsibilities concerning him in his behalf; and summon the said Respondent Amanda L. Gentry then and there to appear before our said judge, to show the cause of the taking and detention of the said Anthony “Tyler” Greenlee.

IT IS SO ORDERED:

.....
Judge

(Seal) Witness, at, this day
of, in the year

3. Gloria Greenlee, Paternal Grandmother

C. RECORDS AND DOCUMENTS REVIEWED:

1. Pre-Hearing Order (Parental Rights), filed on Jan. 25, 2013.
2. Motion to Modify Custody; Notice of Hearing, filed on Dec. 4, 2012, by Kiel T. Greenlee.
3. Order Scheduling Mediation, filed on Jan. 24, 2013.
4. Entry of Continuance, filed on May 10, 2013, in Case No. 2008-DR-527.
5. Motion to Continue, filed by Attorney Ellen C. Weprin in Case No. 2008-DR-527.
6. Judgment Entry and Final Decree of Divorce, filed Nov. 10, 2009, in Case No. 2008-DR-527.
7. Opinion, filed in Appellate Case No. CA 24660 on Mar. 30, 2012.
8. Brief of Appellant Kiel Greenlee, filed in Appellate Case No. CA24660, on Oct. 17, 2011.
9. Brief of Appellee, filed in Appellate Case No. CA 24660, on Dec. 7, 2011.
10. Reply Brief of Appellant Kiel Greenlee, filed in Appellate Case No. CA24660, on Dec. 13, 2011.
11. Miamisburg Municipal Court Summary of Kiel's Traffic Record.
12. Guardian Ad Litem Report prepared by Heather Lacy, L.S.W. on November 10, 2008.
13. Pictures of Kiel's parent's house.
14. Motion to Change Custody drafted by Kiel, but not filed.
15. West Carrollton Schools C.F. Holiday Elementary School, Report Card and other school documents regarding Tyler Greenlee.
16. Amanda L. Stamper's letter to John P. Hilgeman, Esq., dated April 25, 2013, as well as Tyler's school records.
17. Kiel Greenlee's fax to John P. Hilgeman, Esq., on Feb. 28, 2013.
18. Picture of Amanda's residence (also reviewed emailed photos).
19. Pictures of Kiel's parent's house.

D. BACKGROUND AND PURPOSE OF GUARDIAN AD LITEM:

On or about January 25, 2013, counsel was appointed Guardian Ad Litem by Order of the Court. The parties agreed to counsel's appointment as Guardian Ad Litem. This counsel informed the attorney for all Kiel Greenlee he would accept the Court's appointment as Guardian Ad Litem, that he would interview the respective parties and minor child, prepare a report and recommendation as to the Motion to Modify Custody (Parental Rights), filed on Dec. 4, 2012, by Kiel Greenlee involving the parties' minor child, Anthony "Tyler" Greenlee, born Jan. 24, 2006, age 7, and that counsel would appear and testify at the hearing, if necessary. Kiel Greenlee and his mother, Gloria ~~X~~

Greenlee, were interviewed on February 20, 2013. Amanda Stamper was interviewed on March 8, 2013.

E. REPORTS AND INTERVIEWS:

Kiel Greenlee, Father, age 29

On February 20, 2013, counsel met with Kiel Greenlee, father of Anthony "Tyler" Greenlee. Kiel lives with his father and mother at 6124 Clematis Drive, West Carrollton, Ohio 45449. Kiel's mother is a secretary at Miamisburg First Church of God, and accompanied Kiel to the interview. Kiel's father, Darrell Greenlee, is a custodian at Fairmont High School. Kiel indicated that he has three older brothers and one younger sister. Kiel also indicated that he has an Associate's degree in Paralegal Studies from Fortis College, which he obtained in 2010. We talked about his employment history. Kiel said he worked at Centerville Goodyear. He also said that he was presently unemployed. He indicated that he recently worked at American Income Life Insurance Company for approximately one year.

Kiel is a 2002 West Carrollton High School graduate. He served in the U.S. Army from 2001-2004, as a private, and was honorably discharged. Kiel said he met Amanda when he was stationed at Fort Riley, Kansas. We discussed the domestic violence charge that occurred in June 2007, when Amanda alleged Kiel struck her in the face. Kiel indicated that the charge was reduced to disorderly conduct. He indicated that Amanda and he reconciled after this incident. He indicated that before Tyler was born, he and Amanda would smoke marijuana. He indicated that Amanda continued to smoke marijuana after Tyler was born, while he indicated that he has stopped using marijuana. He also claimed Amanda was convicted of felony drug possession of oxycotin in Richmond, Kentucky. Kiel was also convicted of child endangering, which was

affirmed on appeal. The matter involved Tyler leaving the house without Kiel's knowledge.

Kiel also indicated that on April 24, 2011, Amanda called him and asked him to pick up Tyler. Tyler stayed with Kiel through the Summer, and then continued to care for him in the Fall of 2011, whereupon he enrolled Tyler in school at C.F. Holiday Elementary School in West Carrollton/Moraine. Tyler attended school for the entire 2012/2013 school year, and into the 2013 year, when at Thanksgiving, Amanda advised Kiel that Tyler would not be returning to Dayton to attend school. Kiel then filed his Motion to Change Custody on December 4, 2012. Kiel said Amanda told him she no longer wished to care for Tyler, suggesting that she had difficulty in all areas of her life, and could not adequately care for him. Kiel indicated that Tyler was doing well in school at C.F. Holiday.

Kiel said that he is in great health, takes no medications and has had no mental health counseling. He indicated that he is a smoker, but confines his smoking to outdoors. He also mentioned that Amanda is a smoker, as well as her boyfriend, Josh Gentry. Kiel indicated that he is dating Jessica Osborn, who has one child, age 2. Kiel indicated that he has known Jessica since grade school.

Gloria Greenlee, Paternal Grandmother.

On February 20, 2013, counsel interviewed Gloria Greenlee, the paternal grandmother. Kiel's father did not attend the interview. Gloria and counsel discussed Tyler's education and performance at C.F. Holiday Elementary School. Gloria confirmed that Tyler is doing well in school. Gloria raised issues involving Tyler's hygiene when he would return from Amanda's home, citing staph infections and open sores. She indicated that Tyler had asked her if he was going to go to C.F. Holiday School next year. She also mentioned that Tyler appeared to be very

excited and happy when he comes to visit with Kiel and her family, and is sad when he has to return to his mother's home. When Tyler is with them, Gloria indicated that Amanda only visited him eight times, and had to be encouraged to do so. She also believed the domestic violence charges against Kiel were used by Amanda to gain an advantage in the custody proceedings.

She indicated that Kiel likes to do various activities with Tyler. She also believes that Kiel appropriately disciplines his son, and that Tyler must follow various rules and regulations when he is at her home.

Amanda Stamper, Mother, age 26

On March 8, 2013, counsel interviewed Amanda Stamper, age 26. Amanda indicated that she presently resides at 338 Short Ridge, Beattyville, Ky, which is approximately 1 ½ hours southeast of Lexington. This is Amada's hometown.

Mandy mentioned that after divorcing Kiel, she married David Stamper, who now lives in Texas. She and David were married in February 2011 and separated in July 2011. She indicated that she recently was divorced from Mr. Stamper. She also mentioned that she is engaged and will soon marry Josh Gentry, age 28. Amanda mentioned that she has a daughter by Josh, named Zoe, who is six months old. She said Josh works as a data entry clerk for ACS, which is now owned by Xerox Corporation. He has worked there for more than a year. She said that he has his GED, is not aware of mental health counseling, or any criminal convictions, nor does she believe he is taking any medications. Amanda indicated that she has no criminal record and when confronted about the felony drug charge alleged by Kiel, she indicated that she was never charged or convicted of such offense. Counsel asked if she would provide information to confirm same, and to date, he has not received such confirmation. Amanda indicated that she presently takes no

medications and is in good health. She did indicate that she did seek counseling during her divorce from Kiel. She further indicated that she is not working, and does receive public assistance.

What?

Amanda indicated that her father, Todd Binion, has been an over-the-road truck driver for approximately 25 years. She indicated that her mother, Lisa Binion, works as an editor for an online publishing company. She indicated that her parents have no criminal record. She also mentioned that she has a brother, Kyle Binion, who lives in Ashland, Ky.

home

She confirmed that she met Kiel in Kansas, when she went to visit some friends. She and Kiel moved back to Ohio in 2004. She and Kiel were married September 11, 2005. Tyler was

Ran away from

born in January of 2006. Amanda mentioned that after they married she and Kiel moved into an apartment for 5 or 6 months and were evicted. She indicated that Kiel was not very helpful

She spent the money on things for herself instead of paying the bills. Kiel gave his paycheck to her to pay bills. She always had new clothes + lied that she earned them as incentives @ work

around the apartment. She mentioned that Kiel had a very bad temper and would get very angry with her. She also mentioned that he would drink a lot of alcohol and black out from drinking. She also mentioned that he has struck her in the ribs and in the face. She even mentioned that Kiel's father told her to leave Kiel due to his violent behavior. She also mentioned that in 2006

Kiel had slammed her head against the window of a car. She said that the physical abuse was on a regular basis. Upon questioning, she indicated that she was never hospitalized for any of her injuries. She did mention that Kiel's mother, Gloria, witnessed Kiel choking her while Kiel and

Amanda were in a car. She mentioned that Gloria is very good with Tyler, and cares about him quite a bit. She also said that Kiel and his parents tend to be very loud, and talk in a very argumentative manner, citing an example, when Kiel would ask for money. She did mention,

when asked, about her marijuana use. She indicated that she, Kiel and a friend, Aaron, did smoke

COWAN & HILGEMAN
12 West Monument Avenue, Suite 100
Dayton Ohio 45402
Tel: (937)222-2030 • Fax: (937)224-7182

marijuana in 2010, approximately once or twice a month, but presently she does not use marijuana. She also indicated that she has consumed only two beers since her daughter, Zoe, was born.

She confirmed that she allowed Tyler to live with Kiel from April 24, 2011 until Thanksgiving of 2012. She cited as the reason, Kiel had alleged that she denied parenting time on 20 or more occasions in the past, and that she was attempting to accommodate him by allowing additional time with Tyler. She also allowed him to spend the entire summer with Kiel. Further, she indicated that she was never homeless, and either lived with her mother or a friend of her mom's. She indicated that she did spend one night sleeping in her car, because she was locked out of her house. She also mentioned that in late 2011, she had thought about enlisting in the military, and was told she could not go into active service if she had custody of a child. She discussed this with Kiel who prepared a motion to change custody, which she never signed in light of her not getting into the Army. When she asked Kiel to return Tyler, she said that Kiel told her she had abandoned Tyler, and that she would go to jail. Amanda also mentioned that Tyler was with her for approximately half of the summer in 2012. She indicated that Tyler is attending Southside Elementary School and is doing well. Subsequent to the interview, she forwarded pictures of her residence, as well as Tyler's school performance records.

F. ANALYSIS AND RECOMMENDATION:

This counsel has reviewed the criteria set forth in Ohio Revised Code Section 3109.04, et seq., and submits the following recommendation based upon these criteria, his interview of the parties, the children and others, and his review of the various documents.

This matter involves a Motion to Change Custody filed by the father, Kiel Greenlee, who

resides with his mother and father at 6124 Clematis Drive, West Carrollton, Ohio 45449, which was filed in December of 2012, involving the parties minor child, Tyler Greenlee, age 7. In April 2011, mother, Amanda Stamper voluntarily allowed Tyler to live with his father during the Summer and continuing into the Fall of 2011. The child completed the 2011-2012 school year at C.F. Holiday Elementary School, in West Carrollton/Moraine. The child appeared to do well at C.F. Holiday. Tyler acclimated very well to his new environment. Tyler was in the first grade. His grades reflect that his school work either met or exceeded proficiency levels. It was noted on his Report Card that Tyler needed to improve on learning well with others, using his time wisely, and following directions. Tyler had no absences or tardys. Amanda also provided counsel with school records from Kentucky indicated that Tyler was also in the first grade for the 2012-2013 school year.

Kiel cited the reason Amanda allowed Tyler to live with Kiel was because she told him she was not capable of caring for Tyler. During my interview with Amanda, she denied this claim, and said that she is more than capable of caring for her son. Amanda retained custody of Tyler as part of the divorce proceedings, which were finalized November 10, 2009. There is a GAL Report prepared by Heather Lacy, with Court Services, dated October 23, 2008, which recommended custody to Amanda. Counsel does not believe Amanda "abandoned" her son, nor did she intend to give up custody to Kiel. Counsel believes Amanda is capable of caring for the child. Amanda is presently engaged and plans to marry Josh Gentry, age 25. The parties have a child, Zoe Gentry, who is approximately six months old. Photographs of Amanda's residence indicate that it is suitable to raise children.

Counsel is also concerned about Kiel's prior history of violence toward Amanda, which is

supported by review of his criminal record in Miamisburg Municipal Court and discussions with Kiel and Amanda. Counsel also has concerns about Kiel not being gainfully employed, and has no consistent employment record. Kiel resides with his mother and father, and relies heavily on his parent's support. Due to the child's tender age, he was not interviewed. However, it appears Tyler is able to adapt fairly easily to either environment. It does appear that both parents care very much for their son and want him to do well. The parties are presently exchanging their child midway between their homes in West Carrollton and Beattyville, Kentucky, which is approximately three hours from West Carrollton. Given the distance, I do not believe a shared parenting plan would benefit the child. I do believe that the child should spend additional time with his father. I would recommend extending time in the Summer by adding an additional two weeks. The child is still visiting his father on an alternating weekend basis, which counsel would encourage continue.

Therefore, it is the recommendation of the Guardian Ad Litem that it is best interest of the minor child, Tyler Greenlee, age 7, that the Motion for a Change of Custody filed by father, Kiel Greenlee, be denied, and that mother, Amanda Greenlee retain custody of the minor child, Tyler Greenlee, age 7, and that father be afforded additional parenting time over and above the Standard Parenting Time Order, if same is conducive to the parties schedules.

From:

Respectfully submitted,



John P. Hilgeman, Esq. (0011691)

COWAN & HILGEMAN

Attorneys at Law

12 West Monument Avenue, Suite 100

Dayton, Ohio 45402

Telephone: (937) 222-2030

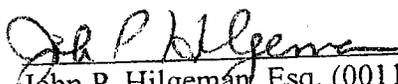
Fax: (937) 224-7182

e-mail: jphilgeman@yahoo.com

Guardian Ad Litem

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been hand-delivered to Magistrate Nicholas P. Sylvain, Montgomery County Court of Common Pleas, Division of Domestic Relations, 301 West Third Street, Second Floor, Dayton, Ohio 45422; and to Attorney for Defendant, Ellen C. Weprin, Esq., 130 W. Second Street, Suite 1800, Dayton, Ohio 45402, by ordinary U.S. Mail and to Amanda Stamper, Pro Se, via electronic mail this 3rd day of June, 2013.



John P. Hilgeman, Esq. (0011691)

Guardian Ad Litem

COWAN & HILGEMAN
12 West Monument Avenue, Suite 100
Dayton Ohio 45402
Tel: (937)222-2030 • Fax: (937)224-7182

Exhibit: B

FILED
COURT
7/18 JUL 25 2013
DEFENDANT

(MDPO)
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

AMANDA L GREENLEE
338 SHORT RIDGE ROAD
BEATTYVILLE, KY 41311

Case No. 2008 DR 00527
SETS No. 7069323694

PLAINTIFF/MOTHER,

DENISE L. CROSS, Judge

vs.

NICHOLAS P. SYLVAIN, Magistrate

KIEL T GREENLEE
6124 CLEMATIS DRIVE
WEST CARROLLTON, OH 45449

PATRICIA KANE, C.R.

DEFENDANT/FATHER.

MAGISTRATE DECISION
AND PERMANENT ORDER
[Civ. R. 53]

This matter came before the undersigned magistrate on June 12, 2013 and July 11, 2013 pursuant to defendant's Motion for Reallocation of Parental Rights filed December 4, 2012. Present in court were plaintiff, pro se (hereinafter mother) and defendant (hereinafter father) with attorney Ellen Weprin.

Based upon the evidence presented, including the credibility of the witnesses, this magistrate makes the following findings of fact and conclusions of law. Court's Exhibit I (GAL report), Court's Exhibit II (audit), and Defendant's Exhibit 1 1-11 are admitted. The child was interviewed as to wishes and concerns on July 11, 2013.

I. Findings of Fact

The parties were divorced by decree filed November 10, 2009 which designated mother as the residential parent and legal custodian for Anthony T. Greenlee (born January 24, 2006) and granted father a modified Standard Order parenting time with a midway point for parenting time exchanges.

Attorney John Hilgeman was appointed as Guardian Ad Litem (GAL), and submitted his report to the court (Exhibit I). Mr. Hilgeman noted that mother had allowed Anthony to live with father from April 2011 through Thanksgiving 2012, and that Anthony had done well in first grade at the C.F. Holiday Elementary School in West Carrollton, and that Anthony had again attended first grade when he returned to mother's care in Kentucky. Mr. Hilgeman found that mother had not intended to relinquish custody to father, and that she did not abandon Anthony as father alleges.

Mr. Hilgeman was concerned about father's previous violence towards mother and his lack of gainful employment or a consistent employment record, stating "Kiel resides with his mother and father, and relies heavily on his parent's support." Mr. Hilgeman found Anthony to be well cared for by both parents, and found no reason to change custody to father but recommended that father's summer be extended. In his testimony, Mr. Hilgeman generally believed Gloria Greenlee (the paternal grandmother) but was troubled by her minimizing the violence between mother and father. In his report, Mr. Hilgeman noted the Court of Appeals opinion in case CA24660 filed March 30, 2012 which affirmed father's conviction for child endangering.

The child support audit (Exhibit II) reflects that father is in arrears of his child support obligation of \$1,691.94 as of May 29, 2013 and that his obligation has been \$50 per month since June 22, 2008.

Mother has been at her current address since November 2012, and has been living with Josh Gentry and their daughter Zoe (born September 5, 2012) as well as Anthony. Mother was divorced from her previous husband in April 2013. Mother last

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had her last paycheck job in early 2011, and since then has worked cleaning houses and washing trucks at least until Zoe was born. Mother is receiving medical and food stamps. Josh Gentry has been employed since January 2012. Mother had signed Exhibit 1 as at the time she was interested in enlisting in the Army and she could not begin that process if she had custody of a child. Mother had believed father would file it and take the necessary legal steps. Mother eventually changed her mind on enlisting and wanted Anthony to come back to her. Mother wanted to come up to see Anthony more than she did, but their agreement was to allow her parenting time as agreed, and often they were unable to reach an agreement. Father's attitude towards mother discouraged her from some parenting time, and financial problems also complicated her ability to see Anthony. Mother described it as "I came when I was invited."

Mother described her care of Anthony at length, and related that Josh Gentry and Anthony have many outdoor activities and that she primarily deals with Anthony in the house (such as reading to him). Mother is presently taking some classes through the Hazard Community and Technical College. Mother has ongoing issues with occasional migranes, and this led to some vague law enforcement interaction arising out of her borrowing a Vicodin from her father as treatment for a migraine. Mother discussed the recent Spring Break, where the time was shortened because of snow days but father insisted on keeping Anthony for the full week which caused Anthony to miss some school days.

Mother is concerned about Anthony's poor attitude when he comes back from father's care, but is okay with Anthony spending most of the summers with father. Mother is concerned that when Anthony is with father that most of the care is actually being provided by paternal grandmother. Mother also described an incident with father that causes her to remain concerned about father's drinking.

This magistrate interviewed Anthony as to wishes and concerns. Anthony is a very pleasant and boisterous child, who seems quite happy with both households and in general did not have any significant views entitled to great weight.

II. Conclusions of Law

"[A] court shall not modify a prior decree allocating parental rights and responsibilities ... unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child [or] the child's residential parent ... and that the modification is necessary to serve the best interest of the child."¹ Furthermore, "the court shall retain the residential parent designated by the prior decree ... unless a modification is in the best interest of the child [and] the harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the child."²

In considering the statutory factors in R.C. 3109.04 (F)(1), this magistrate notes that two factors clearly weigh against father in that he has not made his required child support payments³ and that he was convicted of misdemeanor child endangering involving the child of this case.⁴ Father has a positive home environment where the needs of Anthony are met, but this is a factor of father living with his parents and not his own independent ability to provide for this child. Furthermore, the criminal case demonstrates an instance of at the very least extremely poor judgment which father chose not to explain during this process. However, ultimately the most dispositive issue is that both parents, while they have their issues and problems, are both reasonably capable of positively parenting their son, but this means that the benefits of any change of custody would be limited or non-existent, at the cost of substantial disruptions to Anthony's life.

Mother agreed that father should have extended summer parenting time, and this is consistent with the recommendations of Mr. Hilgeman, so therefore this magistrate agrees that it would be in the best interests of Anthony. Accordingly, father's summer

¹ R.C. 3109.04 (E)(1)(a)

² Id.

³ R.C. 3109.04 (F)(1)(g)

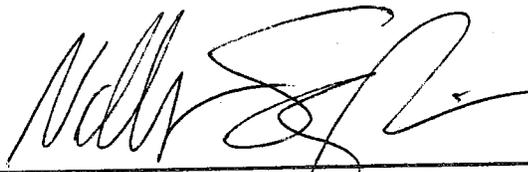
⁴ R.C. 3009.04 (F)(1)(h)

parenting time shall begin one week after school recesses for the year and shall end two weeks before school begins for the year. Defendant/father's motion is otherwise not well taken and is overruled.

IT IS THEREFORE ORDERED:

- 1. For 2013 and following years, until further order of this court, father's summer parenting time shall begin one week after school recesses for the year and shall end two weeks before school begins for the year, unless otherwise agreed by both parties.**
- 2. Defendant/Father's motion is otherwise not well taken and is overruled.**

IT IS FURTHER ORDERED BY THE COURT THAT DEFENDANT SHALL PAY THE CLERK ADMINISTRATIVE FEES FOR THIS ACTION. SAID AMOUNT SHALL BE REMITTED FORTHWITH UPON RECEIVING AN INVOICE FROM MONTGOMERY COUNTY CLERK OF COURTS.



NICHOLAS P. SYLVAIN, Magistrate 7-25-13

This Magistrate Decision contains findings of fact and conclusions of law pursuant to Civ.R. 53(D)(3)(a)(ii). An objection to this Magistrate Decision must be specific and state with particularity all grounds for objection. [Civ.R. 53(D)(3)(b)(ii)] The objection must be filed within 14 days of the filing of this decision. The objection to a finding of fact must be supported by a transcript of all evidence submitted to the Magistrate relevant to that fact or an affidavit of such evidence if a transcript is not available. [Civ.R. 53(D)(3)(b)(ii)] **A party may not assign as an error on appeal the Court's adoption of any finding of fact or conclusion of law, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that finding or conclusion as required by Civ.R. 53(D)(3)(b).** Responding objections may be filed no later than 10 days after the first objections are filed. Upon leave of court, a party may supplement the objection within fourteen (14) days of the filing of the transcript. [Mont. D.R. Rule 4.44(E)] If no objections are filed, the Magistrate Decision is the Permanent Order of the Court.

IT IS SO ORDERED:

DENISE L. CROSS, Judge

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing order, which may be a final appealable order, shall be served upon the parties by the Clerk in a manner prescribed by Civ.R. 5(B) within three days of entering this judgment upon the journal. The Clerk shall then note the service in the appearance docket pursuant to Civ.R. 58(B). Service shall then be deemed complete.

GREGORY A. BRUSH, Clerk of the Common Pleas Court

SHARON HARNESS, Deputy Date: _____

AMANDA L GREENLEE
PLAINTIFF

KIEL T GREENLEE
DEFENDANT

ELLEN C WEPRIN
ATTORNEY FOR DEFENDANT
130 WEST SECOND STREET, SUITE 1818
DAYTON, OH 45402

Assignment Office

NPS/DLF/LSD/7/25/13

Exhibit: C

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

AMANDA GREENLEE
Plaintiff-Appellee

Appellate Case No. 26059
Trial Court Case No. 2008DR00527

v.

KIEL GREENLEE
Defendant-Appellant

MOTION TO STRIKE
APPELLANT'S BRIEF

Now comes Amanda Greenlee, Plaintiff-Appellee, and respectfully request that the courts strike Defendant-Appellant's brief for the following reasons:

- (1) Local Rule 2.2(A) states "No initial brief of appellant or cross-appellant and no answer brief of appellee or cross-appellee shall exceed twenty-five (25) pages in length..." Defendant-Appellant's brief is 28 pages in length.
- (2) Defendant-Appellant's brief does not cite to the record as required.
- (3) Defendant-Appellant's brief goes beyond the record and the scope of the issues on the appeal.

Respectfully submitted,
Amanda Gentry
Amanda Greenlee (Gentry)
Beattyville, KY 41311
(606)560-8882
Plaintiff-Appellee

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing Motion was served upon Kiel Greenlee, Defendant-Appellant, 6124 Clematis Drive, Dayton, Ohio 45449 by regular US Mail, on the date of filing of the same.

Amanda Gentry
Amanda Greenlee (Gentry)

Exhibit: D

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

AMANDA GREENLEE
Plaintiff-Appellee

Appellate Case No. 26059
Trial Court Case No. 2008DR00527

v.

KIEL GREENLEE
Defendant-Appellant

MOTION FOR EXTENSION
OF TIME TO FILE BRIEF

Now comes Amanda Greenlee, Plaintiff-Appellee, and respectfully requests an extension of thirty (30) days in which to file its brief. Plaintiff-Appellee does not seek this extension for the purpose of delay. The undersigned resides in a different state and will need adequate time to review the records of the court in order to file its brief.

Respectfully submitted,


Amanda Greenlee (Gentry)

Beattyville, KY 41311
(606)560-8882
Plaintiff-Appellee

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing Motion was served upon Kiel Greenlee, Defendant-Appellant, 6124 Clematis Drive, Dayton, Ohio 45449 by regular US Mail, on the date of filing of the same.

Amanda Gentry
Amanda Greenlee (Gentry)



CABINET FOR HEALTH AND FAMILY SERVICES
 COMMONWEALTH OF KENTUCKY
 275 EAST MAIN STREET, 3E-A
 FRANKFORT, KY 40621

(502) 564-6852 Phone (502) 564-3096 Fax
 DEPARTMENT FOR COMMUNITY BASED SERVICES
 DIVISION OF PROTECTION AND PERMANENCY
 AN EQUAL OPPORTUNITY EMPLOYER

DPP-152A
 (Rev. 7/05)

Child Protective Service (CPS) Unsubstantiated Investigation Notification Letter

Local Office Address:
 Beattyville, KY 41311

Date: 10-14-13

Mr. Greenlee
 6124 Clematis Drive
 Dayton, OH 45449

Dear Mr. Greenlee,

On 09-10-13, the Cabinet for Health and Family Services, Department for Community Based Services received a report of suspected child abuse or neglect as defined in Kentucky Revised Statute (KRS) 600.020(1) regarding a child in your care. Based upon the information received through the investigation of this report the allegations have been found to be unsubstantiated.

If you have any questions or concerns regarding this letter or the investigation, please call me at (606) 464-8801.

You have the right to file a Service Complaint if you feel that you have not been treated fairly during the investigation. To file a Service Complaint submit your grievance in writing, **postmarked within thirty (30) calendar days of receipt of this letter** to the attention of the Service Region Administrator at your local Department for Community Based Services office. You may also contact the Office of the Ombudsman at 1(800) 372-2973.

Sincerely,

Chrystal Eversole, SSC/BA
 Chrystal Eversole,
 Social Service Clinician

Exhibit: E

aoc-e-315 doc code: cws
rev. 07-08
commonwealth of kentucky
court of justice
rcr 2.04; rcr 2.06; rcr form2



case number:
county: LEE
court: DISTRICT COURT
warrant number: E06510001668948
generated: 9/22/2013 6:54:39PM

13M206

**Criminal Complaint
Summons**

Plaintiff. **COMMONWEALTH VS.** Kiel Greenlee Defendant

Greenlee, Kiel
6124 Clematis DR
Dayton, OH 45449

gender M
race WHITE
date of birth July 08, 1983
height
weight
operator license#

summons / to the above named defendant:

you are hereby summoned to appear before the judge of the above-named court regarding the complaint and criminal charges(s) noted above and based upon the information contained herein, it is found probable cause exists to believe a crime has been committed and that the defendant committed it. if you fail to appear at the stated time and place, you will be subject to the contempt power of the court, which may include issuance of a warrant for your arrest.

Chg#	UOR Code	KRS	Type	Description	ASCF	Counts	Disp Dt	Di
1	02402	525.080	M	HARASSING COMMUNICATIONS	N/A	1		

complaint

The Affiant, Amanda Binion, states that during 7/1/2013 thru 8/12/2013 in LEE County, Kentucky, the above named defendant unlawfully: Sending the Affiant insulting text messages after the Affiant has repeatedly told him not to-text her.

Exhibit F

summons proof of service

Served on Defendant named herein this _____ day of _____, 2013.
 not served because _____

court date: 10/8/2013

court time: 0930

court location:

signature of peace officer

court room:

Electronically signed by Judge W. Leach on 8/30/2013 at 9:31:11AM
date printed: Sunday, September 22, 2013

Agency Local Code:
TH-RCS

ADK 7/15
Rev 7/11
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
KRS 100.740; 100.745



Case No. **13-D-00038-01**
Court District
County Lee

DOMESTIC VIOLENCE SUMMONS

Amanda Lenore Gentry
First Middle Last

PETITIONER

Kiel Thomas Greenlee
First Middle Last

VS.

RESPONDENT

Information about Respondent:

Current Residence: 6124 Clematis Dr. Dayton Ohio

Usual Residence:

Occupation: Unemployed

Employer Name:

Employer's Address:

Sex	Race	Birthdate	Height	Weight	Social Security #	Drivers License #	State
M	C	7-9-83	5'10	170	[REDACTED]		

CAUTION: Weapon involved Believed to be armed & dangerous

THE COMMONWEALTH OF KENTUCKY TO THE ABOVE-NAMED RESPONDENT: You are hereby notified a legal action has been filed against you in Lee County District Court Circuit Court alleging facts and demanding relief as shown in the document(s) delivered to you with this Summons. YOU ARE HEREBY SUMMONED TO APPEAR FOR A HEARING BEFORE THE DISTRICT COURT CIRCUIT COURT as follows:

DATE	TIME	COURT LOCATION
<u>12-3-13</u>	<u>9:30 AM</u>	<u>Lee Co Courthouse 3rd Fl Beautiful</u>

to respond to these allegations. You must produce at the court appearance income tax returns, pay stubs, employer statements to document your income in the event temporary child support is ordered. If you are self-employed, you must produce receipts and expense statements.

Date: 11-26-13

Agency Assigned Service: KSP, LDCO, BPP

Judge or Clerk: Sharon Jackson

By: [Signature]

- Copies to:
- Court File
 - Petitioner
 - Local Department for Community Based Services, CHFS
 - Court Clerk in County of Petitioner's usual residence, if different
 - Law enforcement agency/dispatch ctr responsible for LINK entry
 - Law enforcement agency(ies) designated for service
- Ensure all information in BOXES is complete and legible. Without correct information in each box, summons may not be entered into LINK.

Proof of Service. These documents were:

Served by delivering true copies upon:

Not Served (reason):

Serving Officer's Signature

Date: _____

Time: _____ [] a.m. [] p.m.

Kentucky license to carry surrendered (if applicable)

aoc-a-315 doc code: cws
rev. 07-08
commonwealth of kentucky
court of justice
rcr 2.04; rcr 2.06; rcr form2



case number:
county: LEE
court: DISTRICT COURT
warrant number: E06510001735536
generated: 11/7/2013 2:33:35PM

**Criminal Complaint
Summons**

Plaintiff. **COMMONWEALTH VS. KIEL GREENLEE** Defendant

GREENLEE, KIEL
6124 CLEMATIS DR
DAYTON, OH 45449

gender
race UNKNOWN
date of birth July 09, 1983
height
weight
operator license# RY728913

summons / to the above named defendant:

you are hereby summoned to appear before the judge of the above-named court regarding the complaint and criminal charges(s) noted above and based upon the information contained herein, it is found probable cause exists to believe a crime has been committed and that the defendant committed it. if you fail to appear at the stated time and place, you will be subject to the contempt power of the court, which may include issuance of a warrant for your arrest.

Chg#	UOR Code	KRS	Type	Description	ASCF	Counts	Disp Dt	Di
1	10210	509.070	F	CUSTODIAL INTERFERENCE - FELONY	N/A	1		

complaint

The Affiant, Amanda Gentry, states that on 11/3/2013 in LEE County, Kentucky, the above named defendant unlawfully: Failed to return a child to the Affiant despite a Court Order ordering him to do so.

Exhibit: G

summons proof of service

Served on Defendant named herein this 3 day of Dec, 2013.
 not served because _____

signature of peace officer

court date: 01-07-2014

court time: 01:00pm

court room:

court location:

JUVENILE OFFENDER

COMMONWEALTH OF KENTUCKY UNIFORM CITATION

KSP 206 (REV 2/1/06)

VIOLATOR

OFFENDER / VIOLATOR	AGENCY										ORI: KY					
	NAME (L-F-M) SKIP A SPACE BETWEEN NAMES										ATTN: <input type="checkbox"/>					
	ALIAS										HOME PHONE					
	ADDRESS (RFD/STREET/APT. NO., ETC.)										EMERGENCY PHONE					
	CITY										KENTUCKY RESIDENT STATUS F. <input type="checkbox"/> FULL TIME P. <input type="checkbox"/> PART TIME N. <input type="checkbox"/> NON RESIDENT					
	STATE: ZIP:										MARITAL STATUS					
	I.D. TYPE/STATE I.D. NUMBER S.S. NUMBER										VICTIM'S RELATIONSHIP TO OFFENDER					
VEHICLE	DATE OF BIRTH			SEX		RACE			ETHNIC ORIGIN							
	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE			<input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN OR ALASKAN <input type="checkbox"/> ASIAN			<input type="checkbox"/> HISPANIC <input type="checkbox"/> NON HISPANIC			PLACE OF EMPLOYMENT / OCCUPATION						
	CITY			STATE			HEIGHT			WEIGHT						
DATE / TIME	VEH. MAKE		VEH. TYPE		VEH. YEAR		COLOR TOP/BOTTOM			ALCOHOL/DRUG INVOLVEMENT (SPECIFY)						
	REG. STATE		REG. YEAR		REGISTRATION NO.			VEHICLE IDENTIFIERS			MPH		IF MPH ZONE			
CHARGE(S)	VIOLATION DATE		VIOLATION TIME		EXACT LOCATION OF VIOLATION / ARREST							B.A. RESULTS				
	DATE OF ARREST		TIME OF ARREST		MILES		DIRECTION			CITY			COUNTY OF VIOLATION			
	VIOLATION CODE		ASCF	STATUTE / ORD.		CHARGES	#	PLEA	FIND-ING	FINAL VIOLATION CODE	DISPN. CODE	FINE	COSTS	FEE	JAIL / PRISON	PROB. TIME
COURT	COURT DATE		COURT TIME		PAYABLE		COURT LOCATION			COURT CASE NO.		DISPN. DATE		TRIAL		CLERK'S INITIALS
	<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> COURT		LCC 10.77								<input type="checkbox"/> B <input type="checkbox"/> J <input type="checkbox"/> N			
POST-ARREST COMPLAINT	POST-ARREST COMPLAINT															
	I was not notified of the citation.															
	I was not notified of the citation.															
	I was not notified of the citation.															
	I was not notified of the citation.															
CDL	CDL LICENSE <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes								PLACARDED HAZARDOUS VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes							
	COMMERCIAL VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes								CDL CLASS <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C							
CASE	NAME OF WITNESS								ADDRESS							
	NAME OF WITNESS								ADDRESS							
	CASE NO. 1				CASE NO. 2				CASE NO. 3				CASE NO. 4			
	CARRIED FOR UCR BY CONTRIBUTOR: <input type="checkbox"/>								OTHER AGENCY: <input type="checkbox"/> SPECIFY							
OFFICER'S SIGNATURE								BADGE / I.D. NUMBER				ASSIGNMENT				
<div style="float: right;"> YEAR: 10 CONTROL NUMBER: L992060 </div>																

Exhibit: H

AOC-275.2
Rev. 6-11
Doc. Code: OEP
Page 1 of 2
www.courts.ky.gov



EMERGENCY ORDER OF PROTECTION

Case No. 13-D-00038-01
Court District
County Lee State Ky

PETITIONER/PLAINTIFF

Amanda Renee Yentley
First Middle Last

PETITIONER/PLAINTIFF IDENTIFIERS

10-12-86
Date of Birth of Petitioner

ENTERED
LEE DISTRICT COURT
NOV 26 2013
EMMA C. ADAMS, CLERK
BY: SB D.C.

And/or on behalf of minor family member(s): (list name(s))
DOB and relationship of Petitioner: _____

Other Protected Persons/DOB _____

v.

RESPONDENT/DEFENDANT

Kiel Thomas Greenlee
First Middle Last

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
<u>M</u>	<u>C</u>	<u>7-9-83</u>	<u>5'10</u>	<u>170</u>
EYES	HAIR	Social Security #		
		[REDACTED]		
DRIVERS LICENSE #		STATE	EXP. DATE	
		<u>OH</u>		

Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently or formerly living together child stepchild
 parent grandparent person who lives in the same household as a child(ren) if the child(ren) is the alleged victim (specify) _____

Distinguishing Features _____

Respondent Address: 6124 Clematis Dr.
Dayton, Ohio 45449

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Kentucky law providing Respondent notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above-named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above-named Respondent be restrained from any contact with the Petitioner/Plaintiff.
- Additional terms of this order are as set forth below.

The terms of this order shall be effective until the hearing provided for in KRS 403.740(4) or in KRS 403.745, or until withdrawn by the Court. SEE ATTACHED SUMMONS FOR DATE AND TIME OF HEARING. KRS 403.740(4).

Continuance of an unserved EPO is limited to six (6) months. If Respondent has not been served with this order and the Court has not otherwise withdrawn it, this order will expire in six (6) months, on 5-26-2014 KRS 403.740(6).

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Only the Court can change this order.

AOC-275.2 Doc Code: DEP
Rev. 6-11
Page 2 of 2

Case No

L- D-000 18-01

ADDITIONAL FINDINGS: The Court, having reviewed the petition and being sufficiently advised, finds that the allegations indicate an immediate and present danger of domestic violence and abuse.

THEREFORE, IT IS FURTHER ORDERED:

- That the above-named Respondent be restrained from any communication with the above-named Petitioner.
- That the above-named Respondent remain at all times and places at least _____ feet (not to exceed five hundred) away from Petitioner, Petitioner's minor child(ren), and Petitioner's family or household:
 - except as follows: _____
- That, Petitioner having established specific demonstrable danger, the above-named Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:
 - Location: _____ feet.
 - Location: _____ feet.
 - Location: _____ feet.
 - Location: _____ feet.
 - except as follows: _____
- That the above-named Respondent be restrained from disposing of, or damaging, any property of the parties.
- That the above-named Respondent vacate the residence shared by the parties located at _____ (specific address)
- In accordance with the criteria of KRS 403.270, 403.320 and 403.822, temporary custody of _____ be awarded to _____
- In order to assist in eliminating future acts of domestic violence and abuse _____

VIOLATION OF THIS ORDER SHALL CONSTITUTE CONTEMPT OF THIS COURT AND MAY RESULT IN CRIMINAL CHARGES. ANY PEACE OFFICER SHALL ARREST THE RESPONDENT WITHOUT A WARRANT UPON PROBABLE CAUSE THAT A VIOLATION OF THIS ORDER HAS OCCURRED.

11-26-13
Date Issued

Sharon Jackson
Judge

Copies to:
Court file; Petitioner; Court Clerk in county of Petitioner's usual residence, if different; Law Enforcement Agency/dispatch center responsible for LINK entry; Law Enforcement Agency(ies) designated for service; Local Dept. for Community Based Services (CHFS).
Ensure entries in boxes are complete and legible. Without correct information in each box, Order MAY NOT be entered into LINK.

AOC - 275.1 Doc. Code: COM
 Rev. 1-11
 Page 1 of 3
 Commonwealth of Kentucky
 Court of Justice www.courts.ky.gov
 KRS Chapter 403; FCRPP Part IV



**DOMESTIC VIOLENCE
 PETITION / MOTION**

Case No. 13-0-00037-01

Court Domestic

County Lee

Amanda Lenore Gentry
 First Middle Last

PETITIONER

VS.

Kiel Thomas Greenlee
 First Middle Last

RESPONDENT

Information about Respondent:

Current Residence: 6124 Clematis Dr
Dayton OH 45449

Usual Residence: same as above

Occupation: unemployed

Employer Name: _____ TW

Employer Address: _____

Sex	Race	Birthdate	Height	Weight	Social Security #	Drivers License #	State
M	Cauc	7.9.83	5'10"	170	[REDACTED]		OH

CAUTION: Weapon involved Believed to be armed and dangerous
 The Parties have a custody dissolution action pending in _____ Circuit Court.
 Petitioner, Petitioner, on behalf of minor child(ren) says that on NOV 21, 2013, in Lee

County, Kentucky, the above-named Respondent engaged in act(s) of domestic violence and abuse, in that*:

Anthony Greenlee (born 1-24-06) stated to me that he has witnessed his father (Kiel Greenlee) strike his grandmother, in the face. Anthony told me he is scared of Kiel Greenlee hitting him. Kiel Greenlee has previously stated to myself and my husband, Josh Gentry, that he enjoys spanking Anthony and looks for any excuse to "bust his ass". Mr Greenlee has a history of domestic violence and assault charges, and I fear for Anthony's safety.

Copies to:

- Court File
- Petitioner
- Respondent (copy with blacked-out portion served with summons)
- Local Department of Community Based Services, CHFS
- Court Clerk in County of Petitioner's usual residence, if different
- Law enforcement agency(ies) designated for service
- Law enforcement agency/dispatch responsible for LINK entry

* If additional space is needed for the factual statement, type on a separate sheet of paper and attach to the Petition/Motion.

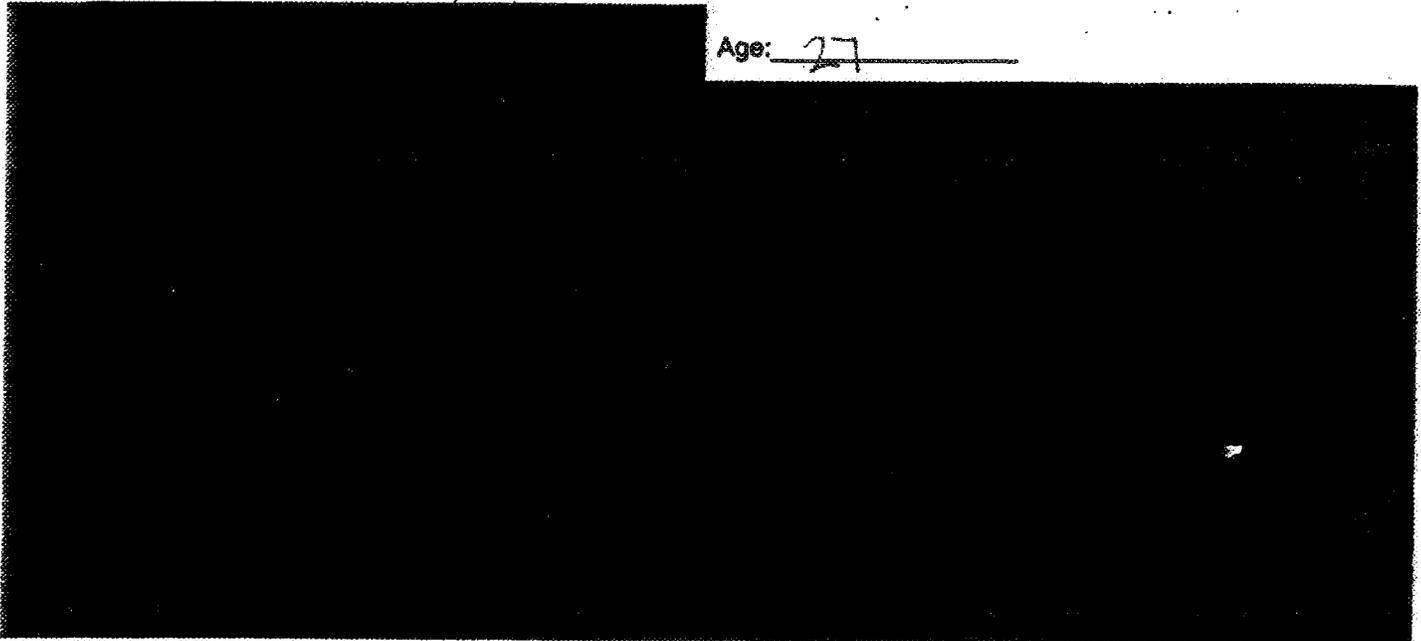
ENSURE ENTRIES IN BOXES ARE COMPLETE, ACCURATE AND LEGIBLE TO ALLOW PROMPT ENTRY INTO LINK IF ORDER OR SUMMONS ISSUES, AND TO ENABLE THE COURT TO OBTAIN RESPONDENT'S DOMESTIC VIOLENCE AND CRIMINAL HISTORY.

AOC - 275.1
Rev. 1-11
Page 2 of 3

Case No. _____

1. Information about Petitioner or initials of any minor family member on whose behalf Petition is filed:

NAME: Amanda Conky ATG



Age: 27

2. Respondent's relationship to Petitioner: spouse; former spouse; unmarried, with child in common;
 unmarried, currently or formerly living together; child; stepchild; parent; grandparent;
 person who lives in the same household as a child(ren) if the child(ren) is the alleged victim (specify) _____

3. If Respondent and Petitioner have minor children, complete the following:

Parent is (check one box or both boxes):

PET. / RESP. Child's Name Birthdate (mm/dd/yyyy)

(1) Anthony T Greenlee 1/29/1986

(2) _____

(3) _____

(4) _____

RECORDED 11/27/13
FILED

AOC - 275.1
Rev. 1-11
Page 3 of 3

Case No. _____

MOTION FOR RELIEF

Petitioner OR Petitioner, on behalf of minor child(ren), requests that the Court:

(1) Issue an emergency protective order based on the presence of an immediate and present danger of domestic violence and abuse to:

restrain Respondent from committing any further acts of domestic violence and abuse; and/or

restrain Respondent from any contact or communication with Petitioner except as directed by the Court; and/or

restrain Respondent from going to or within a specified distance of a specifically described residence, school, or place of employment of the Petitioner, minor child(ren) of the Petitioner, family member, or member of an unmarried couple protected in the order. Please explain the reason(s) for and benefit(s) of excluding Respondent.

* Any address information provided will not be considered confidential and will be available to the Respondent.

Location: _____

Reason(s): _____

Benefit(s): _____

Location: _____

Reason(s): _____

Benefit(s): _____

Location: _____

Reason(s): _____

Benefit(s): _____

If you need to list additional locations, please attach separate sheet of paper.

restrain Respondent from disposing of, or damaging, any property of the parties; and/or

direct Respondent to vacate residence shared by the parties located at (specify address): _____

grant temporary custody of minor child(ren);

award temporary child support in accordance with KY Child Support Guidelines. I will, if possible, document income of both parents at the hearing by producing income tax returns, paystubs or employer statements. If either parent is self-employed I will, if possible, produce receipts and expense statements. I understand Respondent will also be notified by summons to produce these documents.

grant other relief which would assist in stopping further domestic violence (describe): _____

(2) Cause a summons to be issued for Respondent, setting a date, time and place for a hearing to consider all relief to which Petitioner may be entitled, including those matters contained in paragraph (1) on this page of this motion, and as appropriate, mandatory counseling for Respondent and other relief as may be authorized by statute.

Petitioner states the allegations contained herein are true on information and belief.

Amanda J. Gentry

Petitioner's / Movant's Signature

NOTICES: 1. IF AN ORDER IS ISSUED WHICH SAYS NO CONTACT AND YOU DECIDE TO HAVE CONTACT WITH THE RESPONDENT WHILE THIS ORDER IS IN EFFECT, YOU MAY BE PLACING YOURSELF AT RISK. ADDITIONALLY, SUCH CONTACT MAY RESULT IN THE RESPONDENT BEING ARRESTED FOR VIOLATING THE ORDER. 2. ISSUANCE OR DENIAL OF AN EMERGENCY PROTECTIVE ORDER DOES NOT PREVENT YOU FROM CONSULTING WITH THE COUNTY ATTORNEY ABOUT FILING CRIMINAL CHARGES AGAINST THE RESPONDENT.

Subscribed and sworn to before me on Nov 26, 2013.

Date: 11/26, 2013. _____ *Name

Roanoke County _____ Title

*Must be signed by circuit clerk or other individual authorized by Court to provide and verify emergency petitions.

COURT ACTION:	EPO/Summons: <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: _____
	Summons: <input type="checkbox"/> Issued <input type="checkbox"/> Denied because: _____
	<input type="checkbox"/> Insufficient relationship: _____
	<input type="checkbox"/> Fails to state an act or threat of domestic violence: _____
Date: _____, 2013. _____ Judge	



ORDER OF PROTECTION

AOC-275.3
Rev. 6-11
Doc. Code: ODV
Page 1 of 3 www.courts.ky.gov KRS Chapter 403: FCRPP Part IV

Case No. 13-D-00038-01

Court District

County Lee State Ky

- DOMESTIC VIOLENCE ORDER
- AMENDED DOMESTIC VIOLENCE ORDER

PETITIONER/PLAINTIFF

Amanda Leanne Gentry
First Middle Last

And/or on behalf of minor family member(s): (list name(s))

DOB and relationship of Petitioner: _____

Anthony Tyler Greenlee
v.

PETITIONER/PLAINTIFF IDENTIFIERS

10/2/1986 ENTERED LEE CIRCUIT COURT

Date of Birth of Petitioner JAN 08 2014

Other Protected Persons: BY: EMMA C. ADAMS, CLERK
D.C.

1/24/06

RESPONDENT/DEFENDANT

Kiel Thomas Greenlee
First Middle Last

- Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently or formerly living together
 child stepchild
 parent grandparent person who lives in the same household as a child(ren) if the child(ren) is the alleged victim (specify) _____

Respondent Address: 60124 Clematis Dr., Dayton, OH 45449

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	W	7/9/83	5'10"	145
EYES	HAIR	Social Security #		
brown	brown	[REDACTED]		
DRIVERS LICENSE #	STATE	EXP. DATE		

Distinguishing Features tattoo of scorpion on left arm, heart on chest, cobra on calf

CAUTION:

- Weapon involved
- Armed and Dangerous
- Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above-named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above-named Respondent be restrained from any contact with the Petitioner/Plaintiff, child
- Additional terms of this order are as set forth below.

The terms of this order shall be effective until 118 2017

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

AOC-275.3
Rev. 6-11
Page 2 of 3

Case No. 13-D-00038-001

ADDITIONAL FINDINGS:

- For the ~~Petitioner~~ child against the above-named Respondent in that it was established, by a preponderance of the evidence, that an act(s) of domestic violence or abuse has occurred and may again occur; or
- For the Respondent in that it was not established, by a preponderance of the evidence, that an act(s) of domestic violence or abuse has occurred and may again occur; or
- The Petitioner Respondent has filed a motion to amend the Domestic Violence Order dated _____

ADDITIONAL TERMS OF ORDER:

That the above-named Respondent surrender to the Court, or to the officer serving the order, Respondent's Kentucky license to carry concealed firearms or other deadly weapons pursuant to KRS 237.110(13)(k).

- Kentucky license to carry surrendered to Court.
- That the Petition be Dismissed. (Complete the following only if EPO was issued) With respect to the Emergency Order of Protection issued by this Court on _____, 2____: (check one)
 - The Court hereby WITHDRAWS the Emergency Order of Protection. Additional Findings: _____
 - The Emergency Order of Protection was not served within six (6) months from the date of its issuance and, in accordance with KRS 403.740(6), is hereby RESCINDED without prejudice.
- That the Motion to Amend be Denied.
- That the Motion to Amend is Sustained. That the prior order is amended pursuant to a show cause hearing. The prior order is amended and all prior inconsistent provisions of such ~~prior order~~ are superseded as follows: _____

- That the above-named Respondent is restrained from any contact or communication with the above-named ~~Petitioner~~ child
- That Respondent shall remain at all times and places at least 500 feet (not to exceed five hundred) away from ~~Petitioner~~, Petitioner's minor child(ren), and Petitioner's family or household;
 - except as follows: _____

- That, Petitioner having established specific demonstrable danger, the above-named Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:

Location:	<u>South Side Elementary School</u>	<u>500</u>	feet.
Location:	_____	_____	feet.
Location:	_____	_____	feet.
Location:	_____	_____	feet.

 - except as follows: _____

- That the above-named Respondent be restrained from disposing of, or damaging, any property of the parties.
- That the above-named Respondent vacate the residence shared by the parties located at _____

(specific address)
[] In accordance with the criteria of KRS 403.270, 403.320, and 403.822, the Uniform Child Custody Jurisdiction and Enforcement Act and 28 U.S.C.A. Section 1738A, temporary custody of:

_____ (List names, ages and sex of each child)
be awarded to _____

Case No.

That the above-named Respondent is ordered to pay temporary support in the amount of \$ _____ as set forth in form AOC 152 Kentucky Uniform Child Support Order and/or Wage/Benefit Withholding Order for Kentucky Employers.
(AOC 152 shall also be used if child support is ordered.)

That the above-named Respondent participate in available counseling services, described as _____

In order to assist in eliminating future acts of domestic violence and abuse, _____

(To be used only in dissolution or custody action)

That the court finds that the victim has requested mediation, and the victim's request is voluntary and not the result of coercion and that mediation is a realistic and viable alternative to or adjunct to the issuance of this order; therefore, available mediation services be ordered as follows: _____

The terms of this order shall not exceed three (3) years from date of issue pursuant to KRS 403.750(2). The Petitioner may return to the court, which issued this order, before expiration of this order to request that it be reissued for an additional period not to exceed three (3) years. The number of times this Order may be reissued shall not be limited. KRS 403.750(2).

Violation of this order shall constitute contempt of this Court and may result in criminal charges and/or imposition of a global positioning monitoring system device. Any peace officer shall arrest the Respondent without a warrant upon probable cause that a violation of this order has occurred. Pursuant to 18 U.S.C. Section 922(g)(8), it may be a federal violation to purchase, receive or possess a firearm or ammunition while subject to this order.

1/8/14
Date

[Signature]
Judge

Notice: If your Order prohibits contact, you can be arrested for having contact with the Petitioner, even if that person agrees to the contact.

- Copies to:
- Court file
 - Petitioner
 - Respondent
 - Court clerk in county of Petitioner's usual residence, if different.
 - Law enforcement agency/dispatch center responsible for LINK entry.
 - Law enforcement agency(ies) designated for service.
 - Local Department for Community Based Services, CHFS

Ensure entries in boxes are complete and legible. Without correct information in each box, order MAY NOT be entered into LINK.

*Served By JONATHAN JAYNEA
CONSTABLE J-337*

11:27 AM

1-8-2014

Exhibit 5

COMMONWEALTH OF KENTUCKY
23RD JUDICIAL CIRCUIT
LEE CIRCUIT COURT

FILED
LEE CIRCUIT COURT
NOV 15 2013
EMMA C. ADAMS, CLERK
BY: *E.C.*

AMANDA LENORE GENTRY
PETITIONER,
SS# ***-**-4093

-versus-

KIEL THOMAS GREENLEE
RESPONDENT.
SS# ***-**-5619

SERVE: KIEL THOMAS GREENLEE
6124 Clematis Drive
Dayton, OH 45449

Civil Action
File Number 13-CI- 172

Judge Thomas P. Jones

PETITION TO ESTABLISH JURISDICTION REGARDING CUSTODY

Comes the Petitioner, Amanda Lenore Gentry, by Counsel, and for her Petition for Dissolution of the marriage between the parties, states as follows:

1. Petitioner resides in the Commonwealth of Kentucky, and has been a resident thereof for more than 180 days next proceeding the filing of this Petition;
2. The parties herein have one minor child whose name is Anthony Tyler Greenlee, age 7, date of birth January 24, 2006, [REDACTED];
3. The parties were divorced on November 10, 2009, in Montgomery County, Ohio, Case No. 08DR527 (a copy of the Decree is attached hereto);
4. In accordance with KRS 403.480, the Petitioner gives the following additional information concerning the minor child(ren):
 - A. The places where said child has lived during the past five years and the persons with whom said child lived during that period are:

LEE CIRCUIT & LEE DISTRICT COUR

A TRUE COPY ATTEST

Emma C. Adams BY *Es* D.C.
Emma C. Adams, Clerk

a. From November 2012 to the present with his mother in Lee County, Kentucky;

b. From April 2011 to November 2012 with the Respondent in Ohio;

c. From May 2008 to April 2011 with his mother in Lee County, Kentucky;

B. Other than the action listed above, the Petitioner has not participated as a party, witness, or in any other capacity in any litigation concerning the custody of the child in this or in any other state;

C. The Petitioner has no information of any custody proceeding concerning the child in any Court of this or any other State; and

D. The Petitioner does not know of any person not a party to this proceeding who has physical custody of the child or claims to have custody or visitation rights with respect to the child;

5. Kentucky is a proper place to hear any custody motions which may be filed by either party in this action because:

a. It is the home state of the child;

b. The child is adjusted to his home in Kentucky, to his school, and to his community;

c. There are numerous witnesses and a considerable amount of evidence in Kentucky which would not be available if this action were heard in Ohio.

6. That the Respondent now has a pending charge against him in Kentucky for custodial interference for refusing to return the child to the Petitioner after his last visit.

WHEREFORE, the Petitioner prays:

1. That the Court establish jurisdiction over the issue of custody of the parties' minor child; and
2. For any and all other relief to which the Petitioner may appear to be entitled.

Charnel M. Cornett

CHARNEL M. CORNETT
58 South Mulberry Street
PO Box 1115
Booneville, Kentucky 41314
Phone and Fax: (606) 593-0354
Mobile: (606) 706-6649
ATTORNEY FOR PETITIONER

The Affiant, Amanda Lenore Gentry, states that she has read the statements contained in the foregoing Petition and the same are true and correct.

Amanda L. Gentry
AFFIANT

Subscribed and sworn to before me by Amanda Lenore Greenlee, personally known and/or properly identified to me, this 6 day of November, 2013.

Charnel M. Cornett
NOTARY PUBLIC, STATE AT LARGE
My Commission expires June 1, 2014.

divorce decree
Nov 2009

DOMESTIC RELATIONS COURT
2009 NOV 10 PM 4:20

MONTGOMERY CO. OHIO
33

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO
Division of Domestic Relations

AMANDA L. GREENLEE
220 High Point Road
Beattyville, KY 41311
DOB: 10/12/86

Case No. 08DR527
Judge Cross

Plaintiff,

vs.

KIEL T. GREENLEE
6124 Clematis Drive
West Carrollton, OH 45449
DOB: 07/09/83

JUDGMENT ENTRY AND FINAL
DECREE OF DIVORCE
(Final Appealable Order)

Defendant.

This matter came on for hearing on October 20, 2009 before Judge Cross upon the Complaint of the Plaintiff, the Answer of the Defendant, and the testimony and the evidence adduced thereon. The Court finds that Plaintiff appeared with Attorney Andrea G. Ostrowski and Defendant appeared with Attorney Ellen Weprin at the final hearing herein.

Based on the testimony and evidence presented by the parties, the Court finds that Plaintiff was a resident of Montgomery County for a period of ninety (90) days and the State of Ohio for six (6) months or more immediately preceding the filing of Plaintiff's divorce complaint on May 13, 2008, as required by law, and that service of the Complaint and other related pleadings has been perfected herein on the Defendant in accordance with law, which service the Court does hereby approve. Therefore, the Court finds that it has jurisdiction over the cause of action herein and the parties hereto.

The Court further finds that the parties were married on were married on 11th day of September 2005 in Beattyville, Kentucky and have one minor child born as issue this marriage namely; Anthony T. Greenlee, whose date of birth is January 24, 2006.

The Court further finds that the parties have admitted under oath that they are incompatible as provided under Ohio Revised Code Section 3105.01(K) and therefore, finds that both parties are entitled to a divorce as prayed for herein.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED, AND DECREED that the parties are hereby granted an absolute decree of divorce from each other and that the marital contract heretofore existing by and between the parties is voided and forever held for naught. Both parties are hereby released from all marital obligations except as otherwise provided herein.

This Final Judgment Entry and Decree of Divorce constitutes a full and complete settlement of all rights and responsibilities between the parties and there are no covenants, conditions, representations or agreements, oral or written, of any nature whatsoever, other than those herein contained. This Decree shall be binding upon the parties hereto and their respective heirs, executors, administrators and assigns.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. LIVING SEPARATE AND APART

Plaintiff and Defendant shall at all times hereafter live separate and apart from each other, and each shall be free from all dominion, restraint, and control by the other, whether direct or indirect, in all respects, as if each party were unmarried. Each party may hereafter reside from time to time in such place or places and each may engage in any employment for his or her separate benefit as he or she shall deem fit, and each hereby relinquishes, releases, and discharges the other from any and all duties of cohabitation.

2. NON-INTERFERENCE

Neither of the parties hereto shall annoy, harass or interfere with the other or compel or attempt any legal or other proceedings to compel the other to cohabited or dwell with them.

3. RELEASE OF ALL CLAIMS

Each of the parties hereto hereby relinquishes, releases and discharges the other party of and from any and all causes of action, claims, demands, or rights whatsoever, which either of the parties had, may now have or may hereafter acquire under the present or future laws of any jurisdiction, except those set out in this Decree.

4. WAIVER OF ALL CLAIMS AGAINST ESTATE

Each of the parties hereto hereby releases and waives all rights to inheritance on the estate of the other; the right to take against the will of the other; and the right to act as executor or administrator of the other's estate. This, however, is subject to the terms and conditions of any will executed by each of the parties and to any independent contract between the parties and an insurance company not a party to this action and to any other provisions in this order of the court.

5. SPOUSAL SUPPORT

After full consideration of all of the factors outlined in RC Section 3105.18 neither party shall pay spousal support to the other and this Court shall not maintain continuing jurisdiction over the issue of spousal support.

6. ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

Mother shall be designated residential parent and legal custodian of the parties' minor child, Anthony T. Greenlee, whose date of birth is January 24, 2006.

Father entitled to parenting time in accordance with a modified Court's Parenting Schedule attached hereto and incorporated herein. There shall be no evening visitation during the week. Father's visitation shall be every other weekend, starting on Friday at 6:00pm and ending on Sunday at 6:00pm.

The parties will meet halfway between West Carrollton, Ohio and Beattyville, Kentucky in Sadieville, Kentucky on Fridays and Sundays to exchange the child.

Holidays, extended parenting times, and telephone contact between the children and the parties shall be governed by the Court's Parenting Schedule. It is further Ordered that a residential parent who intends to change addresses must first file a "Notice of Intent to Relocate" with the Court. A copy of this notice shall be mailed to the non-residential parent. Any party receiving such a notice may request that a hearing be conducted to readjust the allocation of parental rights and responsibilities.

Out-of-state relocation: Neither party shall relocate the children out of state without first obtaining a modified parenting time order. The parties may submit an agreed entry modifying parenting time to the court. The entry shall include a provision for allocation of transportation expenses. If the parents are unable to agree, the relocating parent shall, prior to relocation, 1) file a motion to modify the parenting time schedule, 2) obtain a hearing date, and 3) proceed in accordance with the resultant court order.

Access to Records: The non-residential parent shall have access to the same records, school activities and any day-care center which the children attend on the same basis that access is available to the residential parent, unless a restrictive order has been obtained from the court.

Notice of Change of Address: Both parents shall given written notice to the other parent immediately upon any change of address or change of phone number, unless a restrictive order has been obtained. A copy of the notice, including the parties names and case number, shall be provided to the Domestic Relations Court, P.O. Box 972, Dayton, OH 45422-4248, Attention: Assignment Commissioner.

7. CHILD SUPPORT

Effective November 1, 2009, Father shall pay child support to Mother in the amount of \$50.00, per month, together with a 2% processing fee, for a total monthly support obligation of

§51.33. Such support shall continue until said child reaches the age of majority and graduates from high school, dies, marries, or is otherwise emancipated, whichever event first occurs. Notwithstanding the foregoing, except in cases in which a child support order requires the duty of support to continue for a period after the child reaches age nineteen, the order shall not remain in effect after said child reaches age nineteen. These payments of support are to be discharged in equal installments according to the obligor's pay schedule.

Child Support is calculated according to the Ohio Child Support Guidelines.

As of October 20, 2009 there is a child support arrearage

IT IS THEREFORE ORDERED that when health insurance IS being provided by a party in accordance with this order for the child(ren) named above, the obligor shall pay child support for the minor child(ren) in the amount of \$50.00 per month, per child, for 1 child(ren), \$25.00 per month child support arrearage, \$ 0 per month for spousal support, \$ 0 per month for spousal support arrearage, plus the 2% SEA processing fee.

IT IS FURTHER ORDERED that when private health insurance IS NOT being provided by a party in accordance with this order for the child(ren) named above, the obligor shall pay child support for the minor child(ren) in the amount of \$50.00 per month, per child, for 1 child(ren), \$0 per month cash medical support, \$ 25.00 per month child support arrearage, \$ 0 per month for spousal support, \$ 0 per month for spousal support arrearage, plus the 2% SEA processing fee.

If private health insurance coverage is being provided and becomes unavailable or is terminated, the obligor **SHALL BEGIN** paying cash medical support commencing the first day of the month immediately following the month in which private health insurance coverage became unavailable or is terminated, and **SHALL CEASE** paying cash medical support on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. Cash medical support shall be paid in addition to child support.

It is Ordered that the obligor is hereby restrained from making any payments directly to obligee. All current support payments and arrearage payments must be made through the Montgomery County Child Support Enforcement Agency or the Ohio Child Support Payment Central. Any payments not made in this matter shall be deemed a gift.

All child support and spousal support under this order shall be withheld or deducted from the wages or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code and shall be forwarded to the obligee in accordance with Chapter 3121 of the Revised Code. A Notice of Withholding shall issue to. Masque, 34 N. Jefferson St., Dayton, OH 45402.

All child support and spousal support paid under this order shall include a two percent (2%) processing charge.

It is Ordered that any income provider who receives a Notice to Income Provider to Withhold Obligor Income/Assets from the Montgomery County Child Support Enforcement Agency must immediately commence withholding in the amount and manner directed in the Notice. Any income provider who fails to comply with the notice is subject to a finding of contempt of Court.

It is Ordered that support payments shall be forwarded to the Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. Until such time as the Notice To Income Provider To Withhold Income/Assets becomes effective, the obligor shall be responsible to make appropriate payments directly to the Ohio Child Support Payment Central by certified check, cashier's check, or money order only. Cash payments may be made to the Montgomery County Child Support Enforcement Agency.

Child support for each shall child shall continue until that child reaches the age of eighteen and pursuant to O.R.C. 3103.03 no longer continuously attends on a full-time basis any recognized and accredited high school, is otherwise emancipated, or unless otherwise ordered by the Court. Notwithstanding the foregoing, except in cases in which a child support order requires the duty of support to continue for any period after the child reaches age nineteen, the order shall not remain in effect after the child reaches age nineteen

The Court retains jurisdiction to address the issue of support and enter an order at any time in the future upon motion of either party based on changed circumstances. The Court also retains jurisdiction to enter a support order in the future at any such time as either party may request and receive any public assistance for a child herein.

It is further Ordered that the obligee shall notify the Montgomery County Child Support Enforcement Agency, in writing, of any change in the status of the minor child of the parties which would terminate the duty of obligor to pay any portion of the child support order. In the event of a reconciliation or remarriage of the parties, both parties are also required to notify the Montgomery County Child Support Enforcement Agency in writing of such change. The parties are hereby ordered to notify the Montgomery County Child Support Enforcement Agency in writing of any change of his or her current mailing or residence address, or change of name. Willful failure to provide a change of address to the C.S.E.A. is contempt of Court. The obligor shall notify the Montgomery County Child Support Enforcement Agency in writing immediately upon any change of employment. This duty to notify shall continue until further order of the Court.

IT IS FURTHER ORDERED that both parties shall take notice of the Obligee's Rights and Remedies for Enforcement of Support, attached hereto, available to the obligee in the event the obligor fails to make payment of support as ordered herein.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY AGENCY OF ALL CHANGES IN THAT INFORMATION. EACH PARTY MUST

NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECT TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING: ENFORCEMENT LIENS AGAINST YOU; IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL DRIVER'S LICENSE OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTIONS AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; ANY AND OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

8. HEALTH INSURANCE

The minor child is currently on a medical card through Mother. Mother shall maintain this health insurance coverage on the parties' minor child.

IT IS THEREFORE ORDERED since no health insurance for dependent children is available at a reasonable cost, obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical, all psychological expenses, and prescription medication shall be shared by obligor and obligee in amounts equal to their percentages of total income found on Line 16 of the Child Support Computation Worksheet, unless otherwise agreed as follows: obligor is responsible for 50% of the costs and obligee is responsible for 50% of the costs.

IT IS FURTHER ORDERED that obligor and obligee shall take notice of the Standard Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference.

IT IS FURTHER ORDERED that if, after the issuance of this order, group health insurance becomes available for the dependent children at a reasonable cost through a plan offered by the obligor's or obligee's employer or through any other group health insurance plan available to obligor or obligee, said party shall immediately notify the Montgomery County Support Enforcement Agency, 14 West Fourth Street, Room 530, Dayton, Ohio 45422-3080, in writing of the available insurance, company name and address and policy number.

Any party responsible for maintaining health insurance must notify the other party of the benefits, limitations, and exclusions of the insurance policy. The responsible party shall deliver to the other party appropriate insurance claims forms and insurance cards without undue delay. The party responsible for maintaining insurance coverage shall also submit a copy of this Order to his or her employer or insurer immediately and must submit proof of insurance coverage to the Montgomery County Child Support Enforcement Agency within thirty (30) days of the filing of this Entry.

Insurance coverage shall include benefits for the children of the parties until said minor children reach the age of 18 or graduate from high school whichever occurs later, or upon the happening of any other condition which would emancipate said children. It shall be the obligation of the custodial parent to report to the Montgomery County Child Support Enforcement Agency, in writing, immediately upon the happening of any event which would terminate the obligations herein imposed for the maintenance of insurance coverage. The parties must comply with any obligations concerning health insurance coverage imposed under the Ohio Revised Code no later than thirty (30) days after the applicable order is issued.

Any party who is responsible for providing health insurance coverage and who fails to do as ordered may be punished for contempt of court and shall be solely responsible for the payment of all medical expenses incurred on the child's behalf as a result of the failure to provide insurance. If the obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt, the court shall consider the obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under Revised Code.

9. TAX DEPENDENCY

Beginning in 2008, Mother shall claim the minor child as a tax dependent for Federal, State and Local tax purposes and for all even numbered years thereafter, if she is working. Father shall claim the minor child as a tax dependent for Federal, State and Local tax purposes for 2009 and all odd numbered years thereafter, as long as Father is in substantial compliance with his child support obligation. If Mother has no income to declare for an even numbered tax year, Father shall be entitled to claim the child.

10. PARENTS' LIFE INSURANCE FOR BENEFIT OF CHILDREN

The child or other parent needs to be made beneficiary of any existing life insurance plan, especially one which is provided as an employment benefit, so long as the child remains unemancipated.

11. REAL ESTATE

The parties own no joint real estate.

12. AUTOMOBILES/VEHICLES

Wife shall receive all right, title and interest in the 1996 Jetta holding free clear of any claims of Husband. Wife shall be responsible for any indebtedness or lease obligation for the vehicle holding Husband harmless thereon. Husband shall provide Wife with the title to this vehicle within thirty days of this Entry being filed.

Husband shall receive all right title and interest in the 1995 Chevrolet Camaro and 1974 Nova holding free clear of any claims of Wife. Husband shall be responsible for any indebtedness or lease obligation for the vehicle holding Husband harmless thereon.

Husband shall receive all right, title and interest in the 200VW Jetta holding free clear of any claims of Wife. Husband shall be responsible for any indebtedness or lease obligation for the vehicle holding Husband harmless thereon. By November 13, 2009, Wife shall give physical possession of the vehicle over to Husband upon receipt of a cashier's check for the payoff balance of the loan. Wife will also provide Husband the title to the vehicle, if Wife cannot provide title on November 13 due to the loan, upon payment of the loan balance, Wife shall execute any documents necessary to provide Husband with title to the 2000 VW Jetta. Wife shall make the November loan payment for the 2000 VW Jetta.

The parties shall cooperate in executing any and all documents necessary to facilitate transfer and/or licensure of said vehicles. The parties own no vehicles together.

13. PENSION AND/OR RETIREMENT PLANS AND STOCK

Each party shall receive any rights of interest or ownership on any benefits of retirement, pension or profit sharing in his/her respective name.

14. PERSONAL PROPERTY

The parties have already reached an agreement as to division of personal property. The parties have divided upon agreement such items of personal property and shall hold these items free and clear of any claims of the other party.

Wife is not entitled to any money from the federal stimulus check that Husband deposited. Moreover there is no claim or division regarding an H&R Block credit card for a tax return.

15. BANK ACCOUNTS

All monies in any savings or checking accounts have been mutually divided. Each party shall hereinafter maintain all monies on account, whether checking, savings or investment, in his or her respective name, free and clear of any claims of the other.

16. DEBTS

Amanda L. Greenlee, Plaintiff

Kiel T. Greenlee, Defendant

Andrea G. Ostrowski
Andrea G. Ostrowski (0075318)
Attorney for Plaintiff
20 South Main Street
Springboro, Ohio 45066
Telephone: (937) 514-7492
Fax: (937) 748-8409

Ellen Weprin
Ellen Weprin (0042354)
Attorney for Defendant
130 W. Second St., Ste. 1818
Dayton, Ohio 45402
Telephone: (937) 226-1212

NOTICE OF FINAL APPEALABLE ORDER

Copies of foregoing decree, which may be in a final appealable order, were mailed to counsel of record and/or the parties indicated below, on the date indicated below by ordinary mail.

GREGORY BRUSH, Clerk of the Common Pleas Court
Sharon Harness, Deputy Date: _____

Amanda Greenlee
220 High Point Road
Beattyville, KY 41311

Kiel Greenlee
612 4 Clemantis Drive
West Carrollton, Ohio 45449

Andrea G. Ostrowski
20 South Main Street
Springboro, Ohio 45066

Ellen Weprin
130 W. Second St., Ste. 1818
Dayton, Ohio 45402

**STANDARD ORDER OF PARENTING TIME
MONTGOMERY COUNTY DOMESTIC RELATIONS COURT**

Parents are encouraged to create an agreed equitable written parenting time schedule that fits their circumstances and their children's lives, with the following serving as a schedule when the parents cannot agree. Nothing herein prohibits the parents from changing the schedule upon mutual agreement. In the event of conflicting dates and times, the following is the order of priority: Holidays; Birthdays; Summer/Breaks; Weekends; then Weekdays. This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

If a child indicates a strong opposition to being with the other parent, it shall be the responsibility of both parents to positively encourage the non-residential parenting time, appropriately deal with the situation by calmly discussing with the child his or her reasons and to work together to alleviate these misgivings without confrontation or argument. If they cannot resolve the problem, the parents shall seek the immediate assistance of a counselor or other professional, or may file a motion requesting court ordered counseling. It is the absolute duty of the residential parent to foster an environment which avoids such problems and to make certain that the children have an on-going relationship through non-residential parenting time.

1. **WEEKENDS:** The non-residential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.
2. **WEEKDAY:** The non-residential parent shall have parenting time from 6:00 p.m. to 9:00 p.m. each Wednesday evening.
3. **HOLIDAYS:** The father shall have the children on the holidays in Column 1 in odd-numbered years and the holidays in Column 2 in the even-numbered years. The mother shall have the children on the holidays in Column 1 in even-numbered years and the holidays in Column 2 in odd-numbered years:

even
COLUMN 1
Martin Luther King, Jr. Day
Easter
Fourth of July
Beggar's Night (6:00 to 9:00 p.m.)

odd
COLUMN 2
Presidents Day
Memorial Day
Labor Day
Thanksgiving Day

Non-residential holiday parenting time shall be from 9:00 a.m. the day of the holiday until 6:00 p.m., except for Beggar's Night as observed in that parent's community. When the holiday falls on a Monday immediately following a non-residential parenting time weekend, the non-residential parent shall be entitled to keep the children continuously from 6:00 p.m. Friday to 6:00 p.m. Monday.

4. **MOTHER'S/FATHER'S DAY:** On Mother's Day and Father's Day, no matter the parenting time schedule, the children shall be with the appropriate parent on those days from 9:00 a.m. to 6:00 p.m.
5. **CHRISTMAS BREAK:** In all even-numbered years, the mother shall have the children from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the children are not in school), until 9:00 p.m. December 24 and the father shall have the children from 9:00 p.m. December 24 through 6:00 p.m. January 1. In all odd-numbered years the reverse shall apply.
6. **BIRTHDAYS:** In odd-numbered years the father shall have all the children on each child's birthday from 6:00 p.m. until 9:00 p.m. In even-numbered years the mother shall have the birthdays.
7. **SPRING BREAKS:** In odd-numbered years the father shall have all the children for the spring break from school, starting at 9:00 a.m. the day after school recesses to 6:00 p.m. the day before school resumes. The mother shall have the children for spring break in the even-numbered years. If all the children are not of school age, the Saturday before Easter through the Friday after Easter shall be substituted.
8. **SUMMER VACATION:** The non-residential parent shall have parenting time for five weeks (35 days) each summer. Summer parenting time shall be taken in increments of no greater than two weeks (14 days) or less than one week (7 days), unless otherwise agreed, and shall not be extended because other non-residential parenting time falls within the chosen summer parenting time weeks. The non-residential parent shall give the residential parent written notice of summer parenting time plans between March 1 and April 1 of each year. The non-residential parent has priority of choice of summer parenting time dates if notice is given as required and unless the residential parent's vacation is an annual mandatory shut-down of the place of employment. If no notice is given by April 1, the residential parent has priority in the scheduling of any summer vacation plans and the non-residential parent may choose only those weeks in which the residential parent is not scheduled to be out of town on vacation with the children. The residential parent shall be entitled to up to two weeks for an actual vacation, which shall not be interrupted by any conflicting non-residential parenting times. Each parent shall provide the other parent with destination, times of departure and arrival, and method of travel when taking the children outside the parent's community. Child support will not be reduced during summer parenting time. In the event of a deviation from this or any other established time, the alternating weekend schedule shall recommence the second full weekend after a non-residential parenting time of six (6) days or more. The "prior alternating weekend schedule" is defined as the original pattern of alternating weekends established at the start of the parenting time order. To allow for consistency and predictability for both parents, the schedule of alternating

weekends does not change or reverse because of other special periods of parenting time have been exercised. If the second full weekend following return of the children from a non-residential parenting time in excess of six (6) days would have been the mother's weekend under the prior alternating pattern, it shall remain the mother's weekend. If the second full weekend after a non-residential parenting time of six (6) days or more would have been the father's weekend under the prior alternating pattern, then it shall be the father's weekend. The court realizes that this policy will from time to time result in one parent having two consecutive weekends following extended non-residential parenting time pattern but it will more than likely affect both parents equally from time to time. The court further realizes that if the non-residential parent exercises his or her full five (5) weeks of parenting time each summer in the manner described in Paragraph 8 and the residential parent exercises his or her full two (2) week vacation period, that the alternate weekend may, in practical effect, be eliminated during the summer months. This provision in no way prohibits the parties from exchanging weekends from time to time by mutual agreement.

9. **LATE PICK-UP:** The residential parent shall have the children ready for pick-up at the start of all parenting time. The children and the residential parent have no duty to wait for the non-residential parent to arrive for parenting time more than thirty (30) minutes, unless notified. The non-residential parent who arrives more than thirty minutes late without prior notification for a particular parenting time forfeits that parenting time, unless the residential parent agrees otherwise.

10. **DROP-OFF:** The non-residential parent will not return the children early from parenting time unless the parents agree to a different drop-off time in advance. The residential parent or other adult well-known to the children must be present when the children are returned from parenting time.

11. **CANCELING NON-RESIDENTIAL PARENTING TIME:** Except in emergency situations, the non-residential parent must give at least 24 hours advance notice when canceling any parenting time.

12. **MAKE-UP NON-RESIDENTIAL PARENTING TIME:** Make-up days shall be given if an emergency prevents scheduled parenting time. All make-up parenting time shall be rescheduled and exercised within sixty (60) days.

13. **MEDICAL TREATMENT AND EMERGENCIES:** If the children become seriously ill or injured, each parent shall notify the other parent as soon as practicable. If the children become ill or injured during their time with the non-residential parent, said parent, shall contact the residential parent to secure treatment unless the situation is a medical emergency.

14. **TELEPHONE/MAIL OR E-MAIL:** Neither parent shall interfere with telephone, mail or e-mail contact between the children and the other parent. Long-distance calls from an out of town parent shall be at that parent's expense.

15. **TRANSPORTATION:** The non-residential parent has responsibility for transportation of the children to and from their home for parenting time with them and may use another adult well-known to the children for picking up or dropping off the children when necessary. Any person transporting the children may not be under the influence of alcohol or drugs, and must be a licensed, insured driver. All child restraint and seat-belt laws must be observed by the driver. Car seats should be exchanged when required.

16. **SCHOOL WORK:** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. The residential parent is responsible for providing the non-residential parent all of the school assignments and books. Summer school which is necessary for a child must be attended, regardless of which parent has the child during the summer school period.

17. **EXTRACURRICULAR ACTIVITIES:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. It shall be the responsibility of the parent with whom the children are residing at the time to discuss the scheduling of such activities with the children and to provide transportation to the activities. Each parent shall provide the other parent with notice of all extracurricular activities, complete with schedules and the name, address and telephone number of the activity leader, if available.

18. **OUT-OF-STATE RELOCATION:** Neither parent shall relocate the children out of state without first obtaining a modified non-residential parenting time order. The parties may submit an agreed order modifying parenting time, with a provision for allocation of transportation expenses, to the court for adoption by the court as an order. If the parents are unable to agree, the moving parent shall, prior to relocation, 1) file a motion asking the court to modify the parenting time schedule, 2) set a hearing, and 3) obtain a modified parenting time order. No continuances of the hearing will be granted without written permission of the assigned judge.

19. **ACCESS TO RECORDS:** The non-residential parent shall have access to the same records, same school activities and to any day-care center which the children attend on the same basis that said records or access is legally permitted to the residential parent, unless a restrictive order has been obtained from the court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.

20. **NOTICE OF CHANGE OF ADDRESS:** Both parents shall give written notice to the other parent immediately of any change of address and/or phone number, unless a restrictive order has been obtained from the court. A copy of the notice, including the parties' name and case number, shall also be provided to the Domestic Relations Court, P.O. Box 972, 301 W. Third Street, Second Floor, Dayton, Ohio 45422-4248, Attention: Assignment Commissioner.

OBLIGEE'S RIGHTS AND REMEDIES FOR ENFORCEMENT OF SUPPORT

Upon Obligor's failure to pay child support and/or spousal support or to provide medical insurance as ordered, the Obligee has the right to apply to the Montgomery County Support Enforcement Agency for assistance on obtaining any of the following:

- A. An order for:
1. withholding of spousal support and/or child support from the personal earnings or bank accounts of the Obligor under Chapter 3121 of the Ohio Revised Code;
 2. the assignment of the wages of the Obligor under Section 1321.33 of the Ohio Revised Code;
 3. the enforcement of medical insurance support for the children.
- B. A judgment, and then execution on that judgment through any available procedure, including but not limited to:
1. an execution against the property of the judgment debtor under Chapter 2329 of the Ohio Revised Code;
 2. an execution against the person of the judgment debtor under Chapter 2331 of the Ohio Revised Code;
 3. a proceeding in aid of execution under Chapter 2333 of the Ohio Revised Code, including:
 - a. a proceeding for the examination of the judgment debtor under Sections 2333.09 to 2333.12, and 2333.15 to 2333.27 of the Ohio Revised Code;
 - b. a proceeding for examination of the person holding property, money, or credits of the judgment debtor which is in the nature of garnishment or attachment by notice under Sections 2333.13 to 2333.27 of the Ohio Revised Code;
 - c. a proceeding for attachment of the person of the judgment debtor under Section 2333.28 of the Ohio Revised Code;
 - d. a creditor's suit under Section 2333.01 of the Ohio Revised Code;
 4. the attachment of the property of the judgment debtor under Chapter 2715 of the Ohio Revised Code.

Failure of an Obligee to request the Montgomery County Support Enforcement Agency to maintain an action under Section 2301.38 of the Ohio Revised Code shall not operate as a waiver of any right of the Obligee to seek enforcement of a support order, including medical insurance. Upon receipt of support payments, the Support Enforcement Agency will pay out these support payments within two business days.

MONTGOMERY COUNTY SUPPORT ENFORCEMENT AGENCY
 14 W. FOURTH STREET, REIBOLD BUILDING
 P.O. BOX 8744
 DAYTON, OHIO 45401-8744

MONTGOMERY COUNTY DOMESTIC RELATIONS COURT
STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN

Notification Pursuant to Chapter 3119, Ohio Rev. Code

Obligor and Obligee shall take notice of the statutory requirements for assuring that health care needs for dependent children (hereinafter "children") are provided. The parties may reach agreement accordingly, or the court will order as appropriate to the facts introduced as testimony. Unless the facts indicate a reason to order otherwise, health care needs of the children will be provided for as set out below. Once the health insurance coverage for children becomes the order of the court, the parties have thirty (30) days to comply with all provisions.

1. Health insurance coverage shall be provided through a group health insurance policy (i) offered by the employer of the obligor, (ii) through another group health insurance plan available to the obligor, (iii) offered by the employer of the obligee, or (iv) through another group health insurance plan available to the obligee, whichever group policy is available for the most reasonable cost.
2. When the obligor is providing the health insurance coverage, obligor shall supply obligee with (i) information regarding the benefits, limitations, and exclusions of the coverage, (ii) insurance forms necessary to receive payment reimbursement, or other benefits, (iii) with necessary insurance cards, and (iv) obligor shall notify the insurer that all reimbursement for expenses covered under the policy and paid for by obligee on behalf of insured children, shall be paid to obligee upon filing of necessary insurance or claim forms.
3. Obligor and obligee shall designate the children as covered dependents on any health insurance plan for which they contract.
4. Obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.
5. Costs of the remaining medical, dental, optical and all psychological expenses, shall be shared by Obligor and Obligee in amounts equal to their percentage of total income found on Line 16 of the Child Support Computation Worksheet, or as otherwise reflected in the Dependent Health Care Order.
6. If obligor is ordered (i) to provide health insurance coverage and (ii) to assure access to insurance forms, cards and reimbursement to obligee, and fails to comply, the court shall order obligor's employer to enroll the obligor and children in available group health insurance and to deduct from obligor's earnings, the amount necessary to pay for the coverage.
7. While a medical insurance order is in effect, obligor's employer shall comply with Chapter 3119 Ohio Revised Code and with court orders and shall release to obligee or the Montgomery County Support Enforcement Agency information on the health insurance coverage, including, but not limited to, the name and address of the insurance company and policy number.

CHILD SUPPORT COMPUTATION WORKSHEET SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of Parties (Enter Father First): Kiel Greenlee and Amanda Greenlee

Case No: 08 DR 527

Number of Minor Children: 1

The following parent was designated as residential parent and legal custodian:

- Mother

- Father

- Shared

Column I
FATHER

Column II
MOTHER

Column III
COMBINED

INCOME

1a Annual gross income from employment or, when determined appropriate by the Court or Agency, average annual gross income from employment over a reasonable period of years. (exclude overtime and bonuses, self employment income, or commissions)

Use this annual gross income:

\$14,500.00 0.00

OR

Annualize gross income using YTD:

0.00 0.00

:Date

:Amount

Use These Codes Below: D=Daily; W=Weekly; B=Biweekly;

S=Semimonthly; M=Monthly; Q=Quarterly; 2=Biannually

:Pay Frequency

14,500.00

0.00

1b Amount of overtime, bonuses, and commissions

	Father	Mother
Year 3 (3 years ago)	0.00	0.00
Year 2 (2 years ago)	0.00	0.00
Year 1 (Last calendar year)	0.00	0.00
Average:	0.00	0.00

(Include in Column I and/or Column II the average of the three years or the Year 1 amount whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the Year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the three years or the Year 1 amount, include only the amount reasonably expected to be earned this year.)

0.00

0.00

2 For self-employment income:

a Gross receipts from business

0.00

0.00

b Ordinary and necessary business expenses

0.00

0.00

c 5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate.

0.00

0.00

d Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2e)

0.00

0.00

Father: RUEL GREENLEE
 Mother: ARANDA GREENLEE

Case No.: 08 DR 527
 Date: 10/25/2008

Sole Residential Parent or Shared Parenting Worksheet - Page 2

	Column I FATHER	Column II MOTHER	Column III COMBINED
3 Annual income from interest and dividends (whether or not taxable)	0.00	0.00	
4 Annual income from unemployment compensation	0.00	0.00	
5 Annual income from workers' compensation, disability insurance benefits, or social security disability/retirement benefits	0.00	0.00	
6 Other annual income (identify)	0.00	0.00	
7a Total annual gross income (add lines 3a, 3b, 3c, and 3 - 6)	14,500.00	0.00	
7b Health insurance maximum (multiply line 7a by 5%)	725.00	0.00	
Annual Contributing Cost Differential (see Line 7b help topic for more information)	0.00	0.00	
ADJUSTMENTS TO INCOME			
8 Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)	Number of other children: Federal tax exemption (see related help topic for more yearly values): 3,650.00 3,650.00 Support received: 0.00 0.00 0.00 0.00		
9 Annual court-ordered support paid for other children	0.00	0.00	
10 Annual court-ordered spousal support paid to any spouse or former spouse	0.00	0.00	
11 Amount of local income taxes actually paid or estimated to be paid.	Total wages subject to local income tax: 14,500.00 0.00 Percentages to apply: 2.000% 2.000% 290.00 0.00		
12 Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	0.00	0.00	
13 Total gross income adjustments (add lines 8 through 12)	290.00	0.00	
14a Adjusted annual gross income (subtract line 13 from line 7a)	14,210.00	0.00	

Father: RIEL GREENLEE
Mother: AMANDA GREENLEE

Case No.: 11 DR 537
Date: 10/23/2009

Sole Residential Parent or Shared Parenting Worksheet - Page 4

	Column I FATHER	Column II MOTHER	Column III COMBINED
20a			
Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)			
	0.00	0.00	
20b			
Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section 3119.30 of the Revised Code, whichever amount is lower). See the cash medical support help topic.			
	0.00	0.00	
For shared parenting orders, select the obligor: <input type="checkbox"/> Father; <input type="checkbox"/> Mother			
21			
ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:			
a			
Father (only if obligor or shared parenting) Additions: line 16a times sum of amounts shown on line 19, Column II and line 20a, Column II			
	0.00		
b			
Mother (only if obligor or shared parenting) Additions: line 16b times sum of amounts shown on line 19, Column I and line 20a, Column I			
		0.00	
c			
Father (only if obligor or shared parenting) Subtractions: line 16b times sum of amounts shown on line 19, Column I and line 20a, Column I			
	0.00		
d			
Mother (only if obligor or shared parenting) Subtractions: line 16a times sum of amounts shown on line 19, Column II and line 20a, Column II			
		0.00	
22			
OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED			
a			
Father Line 16a plus or minus the difference between line 21a minus line 21c			
	2,534.80		
b			
Mother Line 16b plus or minus the difference between line 21b minus line 21c			
		0.00	
23			
ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED			
a			
(Line 22a or line 22b, whichever line corresponds to the parent who is the obligor)			
	2,534.80	0.00	
b			
Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child or a person on behalf of this child due to death, disability, or retirement of the parent.			
	0.00	0.00	

Father: NIEL GREENLEE
 Mother: AMANDA GREENLEE

Case No.: 03 DR 027
 Date: 10/29/2019

Sole Residential Parent or Shared Parenting Worksheet - Page 8

	Column I FATHER	Column II MOTHER	Column III COMBINED
c Actual annual obligation (subtract line 23b from line 23a)	2,834.00	0.00	
24 ADJUSTMENTS TO CHILD SUPPORT WHEN INSURANCE IS NOT PROVIDED:			
a Father (only if obligor or shared parenting) Additions: line 16a times the sum of the amounts shown on line 19, Column I and line 20b, Column II	0.00		
b Mother (only if obligor or shared parenting) Additions: line 16b times sum of amounts shown on line 19, Column I and line 20b, Column I		0.00	
c Father (only if obligor or shared parenting) Subtractions: line 16b times sum of amounts shown on line 19, Column I and line 20b, Column I	0.00		
d Mother (only if obligor or shared parenting) Subtractions: line 16a times sum of amounts shown on line 19, Column II and line 20b, Column II		0.00	
25 OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED			
a Father Line 18a plus or minus the difference between line 24a minus line 24c	2,834.00		
b Mother Line 18b plus or minus the difference between line 24b minus line 24d		0.00	
26 ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED			
a (Line 25a or line 25b, whichever line corresponds to the parent who is the obligor)	2,834.00	0.00	
b Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent	0.00	0.00	
c Actual annual obligation (subtract line 26b from line 26a)	2,834.00	0.00	
27a Deviation from sole residential parent support amount shown on line 23c if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (specific facts and monetary value must be stated.)	-2,234.00	0.00	
Due to Father's current employment situation, the minimum amount of child support is being ordered			

Father: KIEL GREENLEE
Mother: AMANDA GREENLEE

Case No.: 88 GR 527
Date: 10/25/2008

Sole Residential Parent or Shared Parenting Worksheet - Page 6

Column I FATHER Column II MOTHER Column III COMBINED

6 Deviation from shared parenting order: (See sections 3119.23 and 3119.24 of the Revised Code.) (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children, and each parent's expenses for children must be stated to justify deviation.

Choose method for determining amount of deviation:

- Manual - enter your own adjustment of child due to extraordinary circumstances.
0.00 0.00
- Use one of the adjustment algorithms below. See Specific Line 27 Instructions help topic for a detailed explanation of each option.
 - Offset annual obligations against each other (Wahlberg, Farnback, Luke).
 - Deviate by straight time of possession applied against combined annual obligation. Enter percentage: 0.000%
 - Deviate by straight time of possession applied against obligor's annual obligation. (Copas) Enter percentage: 0.000%
 - Include "adjustments" in deviation.

Adjustment (+/-) of father 0.00
Adjustment (+/-) of mother 0.00

28 FINAL CHILD SUPPORT FIGURE (This amount reflects final annual child support obligation; in Col I, enter line 23c plus or minus any amounts indicated in line 27a or 27b; in Col II, enter line 26c plus or minus any amounts indicated in line 27a or 27b).....

WHEN HEALTH INSURANCE IS PROVIDED:	WHEN HEALTH INSURANCE IS NOT PROVIDED:	Obligor: <input type="checkbox"/> - Father <input type="checkbox"/> - Mother
600.00	600.00	

29 FOR DECREE Child support per month (divide obligor's annual share, line 28, by 12) ... without processing charge
... processing charge
... including processing charge

Enter processing charge as a percent:	2.000%
or	
Monthly flat fee:	0.00
50.00	50.00
1.00	1.00
51.00	51.00

30 FINAL CASH MEDICAL SUPPORT FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage for the child; enter obligor's cash medical support amount from line 29b

0.00

31 FOR DECREE: Cash medical support per month (divide line 30 by 12)

without processing charge -	0.00
processing charge -	0.00
including processing charge -	0.00

Prepared by:

Counsel:

[Signature]
(for D-mother & father)

Pro Se:

CSEA:

Other:

Worksheet has been reviewed and agreed to:

Father KIEL GREENLEE

[Signature]

Mother AMANDA GREENLEE

Date

Date

Exhibit: K

COMMONWEALTH OF KENTUCKY
23RD JUDICIAL CIRCUIT
LEE CIRCUIT COURT

AMANDA LENORE GENTRY
PETITIONER,

-versus-

KIEL THOMAS GREENLEE
RESPONDENT.

Civil Action
File Number 13-CI-00172

Judge Thomas P. Jones

MOTION FOR DEFAULT JUDGMENT ESTABLISHING JURISDICTION

Comes the Petitioner, Amanda Lenore Gentry, by Counsel, and for her Motion for Default Judgment states as follows:

1. That a Petition to Establish Jurisdiction over Custody was filed in this matter on November 15, 2013;
2. That the Respondent was served by certified mail, via the Kentucky Secretary of State, on December 2, 2013;
3. That the Respondent has not filed an Answer in this matter;
4. That more than 20 days have passed since he was served; and
5. That he is not on active duty with the military.

WHEREFORE, the Petitioner prays:

1. That the Court enter a default judgment against the Respondent establishing jurisdiction over the issue of custody of the parties' minor child; and
2. For any and all other relief to which the Petitioner may appear to be entitled.

Respectfully submitted,

Charnel M. Cornett
CHARNEL M. CORNETT
58 South Mulberry Street
PO Box 1115
Booneville, Kentucky 41314
Phone and Fax: (606) 593-0354
Mobile: (606) 706-6649
ATTORNEY FOR PETITIONER

NOTICE AND CERTIFICATION

Please take notice that the foregoing Motion will come on to be heard before the Hon. Thomas P. Jones, Judge, Lee Circuit Court, on Wednesday, February 5, 2014, at the hour of 9:30 a.m. or as soon thereafter as counsel may be heard.

I hereby certify that I have mailed a true and accurate copy of the foregoing Motion, by first class mail, postage prepaid, this the 29 day of January, 2014, to the following:

Kiel Thomas Greenlee
6124 Clematis Drive
Dayton, OH 45449

Charnel M. Cornett
ATTORNEY FOR PETITIONER

COMMONWEALTH OF KENTUCKY
23RD JUDICIAL CIRCUIT
LEE CIRCUIT COURT

AMANDA LENORE GENTRY
PETITIONER,

-versus-

KIEL THOMAS GREENLEE
RESPONDENT.

Civil Action
File Number 13-CI-00172

Judge Thomas P. Jones

NOTICE OF FILING

Comes the Petitioner, Amanda Lenore Gentry, by Counsel, and hereby gives Notice of Filing the attached Decision and Judgment from the Common Plea Court of Montgomery County, Ohio, Division of Domestic Relations.

Respectfully submitted,

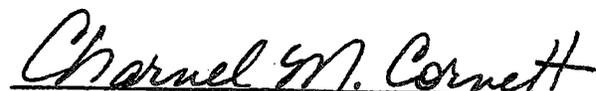


CHARNELE M. CORNETT
CORNETT LAW OFFICE, PSC
58 South Mulberry Street
PO Box 1115
Booneville, Kentucky 41314
Phone and Fax: (606) 593-0354
Mobile: (606) 706-6649
ATTORNEY FOR PETITIONER

CERTIFICATION

I hereby certify that I have mailed a true and accurate copy of the foregoing Motion, by first class mail, postage prepaid, this the 27 day of January, 2014, to the following:

Kiel Thomas Greenlee
6124 Clematis Drive
Dayton, OH 45449


ATTORNEY FOR PETITIONER

Decision & Judgment
D&J

FILED
DOMESTIC RELATIONS COURT
2013 DEC 20 PM 5:34
GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO
26

D&J

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

AMANDA L GREENLEE
338 SHORT RIDGE ROAD
BEATTYVILLE, KY 41311

Case No. 2008 DR 00527

SETS No. 7069323694

PLAINTIFF,

CROSS, Judge

vs.

SYLVAIN, Magistrate

KIEL T GREENLEE
6124 CLEMATIS DRIVE
WEST CARROLLTON, OH 45449

DECISION AND JUDGMENT

DEFENDANT.

This matter is before the Court pursuant to the motion to modify the allocation of parental rights and responsibilities filed December 4, 2012 by Kiel Greenlee (hereinafter "defendant"). Hearings were had June 12, 2013 and July 11, 2013. Present were Amanda Greenlee (hereinafter "plaintiff") without legal representation and defendant represented by attorney Ellen Weprin. The parties' minor child, Anthony Greenlee DOB January 24, 2006, was interviewed in camera on July 11, 2013. A Magistrate Decision and Permanent Order was filed July 26, 2013. Defendant filed objections, pro se, on August 8, 2013 and supplemented the objections on September 18, 2013. Plaintiff did not file a reply to the objections. The transcript of the proceedings was filed September 4, 2013. This matter is ready for decision and judgment pursuant to Civ.R. 53 and Mont. D.R. Rule 4.44.

The Court has thoroughly and independently reviewed the record in this matter to include the magistrate decision, the objections thereto and the transcripts of the proceedings. Based upon that independent review, the Court makes the following findings.

The parties' marriage was terminated by the Final Judgment and Decree of Divorce filed November 10, 2009. One child was born as issue of the marriage. Plaintiff was granted custody of the minor child and defendant was granted parenting time pursuant to a modification of the Court's standard order. Plaintiff was living in Beattyville, Kentucky at the time of the divorce. The parties agreed to exchange the child for alternating weekend parenting time in Sadieville, Kentucky, approximately halfway between Dayton and Beattyville. Defendant's child support obligation was set at \$50 per month per child for one child.

On December 4, 2012, defendant filed his motion to reallocate parental rights. He alleges that the child had resided with him from April 2011 until Thanksgiving 2012 because plaintiff had intended to transfer custody of the child to him. He alleges that he will provide a more stable environment for the child and that it is in the child's best interest to designate him as the residential, custodial parent.

Pursuant to a prehearing order filed January 25, 2013, attorney John Hilgeman was appointed guardian ad litem to conduct an investigation and make a recommendation to the Court regarding the reallocation of parental rights and responsibilities. His report was submitted June 3, 2013 and admitted into evidence as Court Exhibit I. The Guardian testified at the June 12, 2013 hearing.

Defendant requested that the child be interviewed in camera in addition to the aforementioned guardian ad litem report. The in camera interview was had on the second day of hearing, July 11, 2013.

On July 26, 2013, the magistrate filed his decision. Based upon the evidence presented at the hearing, the GAL report, the in camera interview with the child, and the statutory factors set forth in R.C. 3109.04(F) to determine the best interest of the child when considering modification of parental rights, the magistrate recommended that defendant's motion for reallocation of parental rights be denied. The magistrate did, however, recommend that defendant be granted extended summer parenting time with the child.

Defendant's multi-page objections are summarized as follows.

Defendant argues that the GAL failed to comply with the provisions of Sup. R. 48(D)(13) that outline GAL responsibilities. Specifically, he argues that the GAL did not interview the child; did not inspect plaintiff's home in Kentucky; did not interview plaintiff's significant other; did not investigate the merits of the respective school districts; and did not visit the child in defendant's home while the child was in the Dayton area.

Defendant further argues that, under oath, "...Mr. Hilgeman (GAL) had changed his recommendation in regards to custodial parent, in which he stated the minor child would best be suited with his Father because of the stability of the environment and the better quality of schools, care and residential area and had no concerns." Defendant's Objection, August 8, 2013 at 1.

Defendant argues that both the GAL and the magistrate failed to properly weigh the evidence he introduced as Defendant's Exhibit 1 which was plaintiff's unfiled motion to change custody. He argues that the document is evidence that plaintiff intended to relinquish custody of the child to defendant.

Defendant argues that the GAL failed to inspect plaintiff's residence in Kentucky or interview her significant other. He also argues that the GAL did not research or evaluate the performance of the respective school districts.

This Court finds such action was impractical as to travel to Kentucky due to the distance between homes. As to the merits of one school district versus the other, the magistrate acknowledged that it was likely that West Carrollton school district was superior to the Kentucky school district as to overall performance but not necessarily as to the child's individual performance. Transcript, June 12, 2013 at 9. The GAL further acknowledged that defendant had provided him with comparative data of the respective school districts.

The Court finds that no substantive evidence was introduced to support the argument that the Ohio school district was superior to the Kentucky school district. Defendant testified that "he knows" the Kentucky school "is among the lowest of the rankings of the elementary schools." Transcript, June 12, 2013 at 48. The Court finds that Defendant's Exhibit 9, a news article indicating the Kentucky county wherein plaintiff resides is among the poorest in the nation, and Exhibit 10, Ohio school grades and test scores of the child, do not support Defendant's speculation.

Defendant argues that the GAL, during testimony, changed his position regarding which parent should be the custodial parent. The Court has thoroughly reviewed the transcript of the proceedings and can find no such declaration. The GAL testified that both parents have strengths and weaknesses. Nowhere did the GAL reverse his recommendation from his report.

The Court finds that defendant had ample opportunity to cross-examine the GAL as to all aspects of his report. The defendant, in fact, exercised that opportunity. The Court finds that Sup.R. 48 provides guidance for GAL

investigations but clearly provides the caveat that any suggested provision of the rule may be excluded if it is impractical. The Court finds that any technical defect that may appear to have ignored one of the provisions of Sup.R. 48 was cured by providing defendant the opportunity to cross-examine the Guardian ad litem.

The Court finds defendant's objections to the GAL report and/or his testimony are overruled.

With regard to the evidentiary weight given to the unfiled motion to change custody (Defendant's Exhibit 1), this Court finds the GAL testified that the motion was drafted in an effort to assist plaintiff's enlistment in the Army. *Id.* at 9. Once plaintiff declined to follow up on the enlistment, the transfer of custody was no longer an issue. The GAL testified that he never believed she wanted to give up custody of the child. *Id.* at 10.

Plaintiff testified that the only reason the motion was drafted was to facilitate her enrollment in the Army. *Id.* at 76. She further testified that she did not complete all the preliminary testing for enlistment and that by October 2011 she no longer had contact with the Army recruiter. *Id.* at 78 – 79. She testified that she wanted to bring the child back to Kentucky but defendant was not agreeable to that. *Id.* at 79.

The magistrate properly addressed the issue of the drafted motion in his decision. The magistrate determined the purpose of the draft motion was to assist plaintiff with her decision to enlist the Army. Once that enlistment did not take place, the child remained living with the defendant while the parties attempted to resolve parenting time issues. Magistrate Decision and Permanent Order at 3.

The Court finds that Defendant's Exhibit 1 is in fact a motion to change custody that was never filed in this or any other court. Its sole purpose was to

facilitate plaintiff's enlistment in the Army. Absent the enlistment, there was no desire by plaintiff to relinquish custody.

The Court finds defendant's objections to the lack of evidentiary weight given to Defendant's Exhibit 1 is without merit and is overruled.

Finally, defendant argues that the magistrate failed to consider every factor contained in R.C. 3109.04(F) to determine the best interest of the child. It is well established under Ohio law that a court is not required to address each and every factor in R.C. 3109.04(F). The court must provide sufficient analysis to provide the parties and the appropriate appellate review court with sufficient findings to support the decision.

The magistrate met that requirement and this Court agrees. Defendant's objection is without merit and is overruled.

The Court finds that it is in the best interest of the child, Anthony, that defendant's motion to reallocate parental rights be denied. The plaintiff shall remain the residential custodial parent of the child. The Court further finds that it is in the best interest of the child that defendant be granted extensive summer parenting time with the child in addition to the provisions of the Court's Standard Order of Parenting Time minus any mid-week parenting time. Defendant shall be granted continuous summer parenting time with the child beginning one week after the start of the summer recess and ending one week prior to the start of school in the August/September time frame. During that summer period plaintiff may have reasonable telephone, email or similar contact with the child. She may have parenting time with the child as the parties may agree.

IT IS THEREFORE ORDERED as follows and the Support Enforcement Agency shall correct its records accordingly:

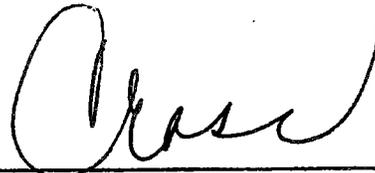
- 1. Defendant's objections the Magistrate Decision and Permanent Order filed July 26, 2013 are without merit and are overruled.**
- 2. Defendant's motion to modify custody filed December 4, 2012 is overruled.**
- 3. Plaintiff shall remain the residential custodial parent of the parties' minor child, Anthony, born January 24, 2006 until further order of the court.**
- 4. Defendant's parenting time shall be pursuant to the Court's Standard Order of Parenting Time with the following modifications:**
 - a. There shall be no mid-week parenting time during the school year.**
 - b. Defendant shall have summer parenting time with the child beginning one week after the start of the child's summer school recess and ending one week prior to the start of the August/September following school year.**
 - c. Plaintiff shall have, during the aforementioned summer parenting time, reasonable phone, email or similar contact with the child. Both parties shall provide the other party with telephone and email contact addresses. Plaintiff may**

also exercise parenting time during the summer upon agreement of the parties, in writing.

5. Any and all stays are hereby vacated.

IT IS FURTHER ORDERED BY THE COURT THAT KIEL T GREENLEE/DEFENDANT SHALL PAY THE CLERK ADMINISTRATIVE FEES FOR THIS ACTION. SAID AMOUNT SHALL BE REMITTED FORTHWITH UPON RECEIVING AN INVOICE FROM MONTGOMERY COUNTY CLERK OF COURTS.

IT IS SO ORDERED.



DENISE L. CROSS, Judge

12-19-13

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing order, which may be a final appealable order, shall be served upon the parties by the Clerk in a manner prescribed by Civ.R. 5(B) within three days of entering this judgment upon the journal. The Clerk shall then note the service in the appearance docket pursuant to Civ.R. 58(B). Service shall then be deemed complete.

GREGORY A. BRUSH, Clerk of the Common Pleas Court

By: SHARON HARNESS, Deputy Clerk Date: _____

AMANDA L GREENLEE vs. KIEL T GREENLEE
Case No. 2008 DR 00527

Page 10

AMANDA L GREENLEE
PLAINTIFF

ELLEN C WEPRIN
ATTORNEY FOR DEFENDANT
4 SCHANTZ AVE.
DAYTON, OH 45409

KIEL T GREENLEE
DEFENDANT

Support Enforcement Agency

DR Administration

Magistrate

Bailiff

Assignment Office

DLC/SRC 12/13/13

Exhibit: C



FILED
COURT OF APPEALS

2014 MAY 30 AM 8:56

COURT OF APPEALS
CLERK OF COURTS
MONTGOMERY COUNTY
OHIO

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

AMANDA L. GREENLEE

Plaintiff-Appellee

v.

KIEL T. GREENLEE

Defendant-Appellant

Appellate Case No. 26059

Trial Court Case No. 2008-DR-527

(Appeal from Common Pleas Court-
Domestic Relations)

.....
OPINION

Rendered on the 30th day of May, 2014.

.....
AMANDA L. GREENLEE, 775 Highway 11 South, Beattyville, Kentucky, 41311
Plaintiff-Appellee-Pro Se

KIEL T. GREENLEE, 6124 Clematis Drive, Dayton, Ohio 45449
Defendant-Appellant-Pro Se

.....
WELBAUM, J.

{¶ 1} Defendant-Appellant, Kiel Greenlee, appeals pro se from a decision overruling his motion to modify the custody of his minor son, T.G., from T.G.'s mother, Amanda

Greenlee, to himself.¹ In support of his appeal, Kiel contends that the trial court abused its discretion in refusing to modify custody. Kiel further contends that the trial court's decision is against the manifest weight of the evidence. Kiel also challenges the report of the Guardian ad Litem (GAL), contending that it was biased and unprofessional, and was based on Amanda's testimony, which was not credible. Finally, Kiel contends that the trial court erred by aiding Amanda in her attempts to alienate his child's affections.

{¶ 2} We conclude that the trial court did not abuse its discretion in refusing to modify custody. The court's decision is supported by the evidence and is not against the manifest weight of the evidence. The trial court also did not err in relying on the report of the GAL. The matters that Kiel challenges are minor or are issues pertaining to credibility, which the trial court was in the best position to judge. Finally, the allegations pertaining to Amanda's attempts to alienate T.G.'s affection are outside the trial court record and may not be considered on appeal. Accordingly, the judgment of the trial court will be affirmed.

I. Facts and Course of Proceedings

{¶ 3} Kiel and Amanda were married in September 2005, and one child, T.G., was born of the marriage, in January 2006. Amanda filed for divorce in May 2008, and received temporary custody of T.G. In June 2008, the trial court also removed a temporary restraining order that had prevented Amanda from removing T.G. from the State of Ohio. An initial child support order of \$225 per month was reduced to \$50 per month in September 2008, because Kiel was unemployed. The final decree was filed in November

¹Amanda Greenlee is now apparently known as Amanda Gentry. For purposes of convenience, we will refer to the parties by their first names.

2009, and designated Amanda as T.G.'s residential parent and legal custodian. Kiel was given parenting time every other weekend from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

The parties were ordered to meet halfway between West Carrollton, Ohio, where Kiel lived, and Beattyville, Kentucky, where Amanda and T.G. lived. Child support of \$50 per month was ordered.

{¶ 4} In December 2012, Kiel filed a motion to modify custody. Kiel alleged that Amanda had brought T.G. to his residence in April 2011, and had notarized an affidavit giving him custody of T.G. Kiel had enrolled T.G. in West Carrollton schools, and T.G. then lived with Kiel for 19 months. However, Amanda failed to return T.G. after exercising parenting time during the 2012 Thanksgiving holiday.

{¶ 5} A GAL was appointed in January 2013, and the matter was heard before a magistrate in July 2013. The GAL's report recommended that Amanda retain custody due to concerns over Kiel's prior history of violence toward Amanda, which was supported by the GAL's review of Kiel's criminal record in Miamisburg Municipal Court and discussions with both Kiel and Amanda. In addition, the GAL was concerned about Kiel's unemployment, failure to have a consistent employment record, and reliance on his parent's support. The GAL also concluded that Amanda did not intend to abandon her child, and that she was capable of caring for him.

{¶ 6} The GAL attended the custody hearing and testified consistently with his report. He did indicate that the schools were probably better in West Carrollton than in Beattyville, but stated that T.G. was doing well in school. Furthermore, the GAL expressed concern about the fact that Amanda had three or four relationships since the divorce, had an additional child, had left T.G. at his father's house in 2011, and was on welfare. The

GAL stated that he would be concerned about what would happen to T.G. if something occurred regarding Amanda's situation with her current boyfriend. At the time of the hearing, T.G., Amanda, her boyfriend, Josh Gentry, and Josh's and Amanda's child, were all living together in a trailer in Beattyville, Kentucky.

{¶ 7} On the other hand, the GAL had concerns about the violence that had occurred during the parties' marriage, although he did not see any risk to T.G. The GAL also expressed concern about Kiel's inconsistent work record and inability to support himself without the assistance of his parents. Accordingly, the GAL recommended that Amanda retain custody, with Kiel receiving extended summer visitation.

{¶ 8} Kiel and his mother both testified at the hearing. Kiel stated that Amanda contacted him in April 2011, and indicated that she and her second husband, David Stamper, had separated. At the time, her parents would not let her live with them, and she was living out of her car. Amanda said she wanted to send T.G. up to Kiel because that would give T.G. a more stable environment. They agreed that if Amanda were not established by the end of the summer, they would sign a motion for custody so that Kiel could put T.G. in school. Amanda subsequently signed a motion agreeing to place custody with Kiel, and T.G. was enrolled in school in West Carrollton, where he did very well. In all, T.G. lived with Kiel and his parents for 19 months, until Amanda refused to return him in November 2012.

{¶ 9} According to Kiel and his mother, Amanda did not visit T.G. very often, even though they encouraged her to do so either by paying for gas or by letting her stay overnight at their house. Over the 19-month period, Amanda visited T.G. only about eight times and did not call often. During the 19 months that T.G. lived in West Carrollton, T.G.

was very active in soccer, with Kiel being an assistant coach for the team. Kiel and his mother also indicated that while T.G. lived with them, Amanda continued to collect food stamps for T.G. At the time of the hearing, Kiel was approximately \$1,691.94 in arrears in child support.

{¶ 10} Amanda and her boyfriend, Josh Gentry, also testified at the hearing. According to Amanda, she allowed Kiel to have T.G. in April 2011 to make up for visitation that Kiel claimed he had been denied during the divorce. After Amanda sent T.G. to live with his father, she decided that she wanted to pursue a career in the military, which she could not do if she had custody of T.G. As a result, Amanda signed a paper in August 2011, agreeing that Kiel could have custody. However, Kiel never filed the paper with the court, and by October 2011, Amanda had stopped speaking with the Army recruiter. At that point, Amanda wanted to take T.G. back to Kentucky, but Kiel refused.

{¶ 11} Subsequently, Amanda became involved in a relationship with Gentry, and found out in early January 2013 that she was pregnant. Amanda admitted that she had visited T.G. only about eight times over the 19-month period, but claimed it was because Kiel consistently denied her visitation. In addition, she said that she could not afford to come to the Dayton area. She also said she did not call very often because of Kiel's attitude toward her. Gentry described Kiel's attitude toward Amanda as sexually harassing, all the time. Gentry indicated that when Amanda attempted to call T.G., Kiel kept her on the phone for an hour or two before letting her speak with T.G. Sometimes he would not put T.G. on the phone at all, or would make a lot of sexual remarks.

{¶ 12} Amanda also expressed concern about Kiel's drinking and his disrespectful attitude toward his own mother. She did say that she would not mind if T.G. spent most

of the summer at his father's house. In addition, Amanda admitted that she had been stopped by the police in late 2010 or early 2011, when she had a Vicodin pill in her pocket. She stated that she had migraines, and that her father had given her the pill. However, she did not know it was Vicodin; she thought the pill was Ibuprofen. Amanda admitted that she had received a citation in the matter, but claimed the charge had been dismissed. She did not provide proof of this to the GAL or to the trial court. However, Kiel did not present evidence that Amanda had been convicted of any crime.

{¶ 13} After hearing the evidence and conducting an in camera interview with T.G., the magistrate overruled Kiel's motion for custody, but did award Kiel extended visitation time in the summer. The magistrate ordered that summer parenting time would begin one week after school ended, and would extend to two weeks before school began for the next year.

{¶ 14} Kiel filed objections to the magistrate's report, and the trial court overruled the objections in December 2013. Kiel now appeals from the decision overruling his motion for custody.

III. Did the Trial Court Abuse Its Discretion
in Failing to Allow a Change of Custody?

{¶ 15} Kiel's First Assignment of Error, quoted verbatim, states that:

The Trial Court Erred as a Matter of Law and Abused Its Discretion Against the Manifest Weight of the Evidence in Making a Finding that the Appellee Did Not Abandon the Minor Child with the Appellant and Making a Finding Contrary to the Preponderance of the Evidence that the Appellee Did

-7-

Not Intend to Sign over Custody to the Appellant. The Trial Court Abused Its Discretion When It Failed to Grant Appellant a Change in Custody Because of Finding that the Harm Likely to be Caused of [sic] Environment Outweighed the Advantages of the Change in Custody of the Child When the Evidence, as a Whole, Clearly Indicates that a Change in Custody is Necessary to Protect the Best Interest of the Child.

{¶ 16} Although Kiel makes a number of statements in the assignment of error, his argument appears to be that the trial court's decision was not supported by the evidence and was against the manifest weight of the evidence.

{¶ 17} Concerning custody modification, R.C. 3109.04(E)(1)(a) provides, in pertinent part, that:

The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the child. In applying these standards, the court shall retain the residential parent designated by the prior decree or the prior shared parenting decree, unless a modification is in the best interest of the child and one of the following applies:

* * *

(iii) The harm likely to be caused by a change of environment is

outweighed by the advantages of the change of environment to the child.

{¶ 18} "We review a trial court's ruling on a motion for reallocation of parental rights for an abuse of discretion." *Chaney v. Chaney*, 2d Dist. Montgomery No. 24880, 2012-Ohio-626, ¶ 9, citing *Musgrove v. Musgrove*, 2d Dist. Montgomery No. 24640, 2011-Ohio-4460, ¶ 7. "It is to be expected that most instances of abuse of discretion will result in decisions that are simply unreasonable, rather than decisions that are unconscionable or arbitrary." *Id.* "A decision is unreasonable if there is no sound reasoning process that would support that decision. It is not enough that the reviewing court, were it deciding the issue de novo, would not have found that reasoning process to be persuasive, perhaps in view of countervailing reasoning processes that would support a contrary result." *Musgrove* at ¶ 8, quoting *AAA Enterprises, Inc. v. River Place Community Redevelopment*, 50 Ohio St.3d 157, 161, 553 N.E.2d 597 (1990).

{¶ 19} After reviewing the record, including the transcripts, exhibits, GAL's report, and the in camera interview with T.G., we cannot conclude that the trial court abused its discretion when it refused to modify the custody arrangement. The magistrate placed weight on two statutory factors in R.C. 3109.04(F) – (1) the fact that Kiel failed to make his required child support payments; and (2) the fact that Kiel had been convicted of misdemeanor child endangering involving T.G.

{¶ 20} Kiel argues that the trial court erred in finding that he was in arrears in support, because Amanda agreed to have child support terminated and reallocated to her. Kiel further maintains that it was Amanda's responsibility to have the order filed so that support would terminate.

{¶ 21} We disagree. Kiel was the party benefitted by the proposed motion, and he

should have filed it with the court. More importantly, however, the amount of support for the 19-month period would only have been around \$950. Thus, a substantial amount of the \$1,691.94 arrearage occurred when Kiel did not have custody of his child. Notably, the amount of monthly child support ordered (\$50) was minimal – yet even that small amount was not regularly paid.

{¶ 22} Furthermore, the magistrate was correct in stressing that Kiel had been convicted of child endangering. The incident of endangering occurred in 2010, when T.G. was four-years old and had wandered away from the house. Kiel failed to call the police, and we agreed with the trial court that his actions were reckless and created a “strong possibility that his son would be harmed.” *State v. Greenlee*, 2d Dist. Montgomery No. 24660, 2012-Ohio-1432, ¶ 15.

{¶ 23} In its decision, the magistrate stated that both parents had their issues and problems, but both were reasonably capable of positively parenting their son. Under these circumstances, the magistrate concluded that the benefits of a change of custody would be limited or non-existent, compared to the cost of the substantial disruption in T.G.'s life. The trial court agreed with the magistrate's assessment of the statutory factors in R.C. 3109.04(F), and so do we.

{¶ 24} The second issue raised by Kiel is a manifest weight challenge. In this regard, “[t]he weight of the evidence concerns ‘the inclination of the *greater amount of credible evidence*, offered in a trial, to support one side of the issue rather than the other.’” (Emphasis sic.) *Curtis v. Curtis*, 2d Dist. Montgomery No. 25211, 2012-Ohio-4855, ¶ 15, quoting *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 12. (Other citations omitted.) “In a review of the manifest weight of the evidence,

'every reasonable presumption must be made in favor of the judgment and the finding of facts.' " *Id.*, quoting *Eastley* at ¶ 21. " "If the evidence is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment * * *." " *Eastley* at ¶ 21, quoting *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984), fn. 3, which in turn quotes 5 *Ohio Jurisprudence 3d, Appellate Review*, Section 60, at 191-192 (1978).

{¶ 25} In the case before us, the judgment is not against the manifest weight of the evidence. As was noted, the magistrate expressed sound reasons for its decision, and those reasons are factually supported by the evidence. Accordingly, the First Assignment of Error is overruled.

III. Did the Trial Court Err in Relying on the GAL Report
and on Amanda's Testimony?

{¶ 26} Kiel's Second Assignment of Error states that:

The Trial Court Erred as a Matter of Law When It Based Its Decision Not to Change Custody on a Report by GAL John Higgleman Who Was Not Only Biased and Unprofessional, but Found his Report Based Upon Testimony Alone of Appellee, Who Contradicted Her Testimony to Him, and the Trial Court Found This Fraudulent Report to be Credible.

{¶ 27} Under this assignment of error, Kiel contends that the GAL report was unreliable because it was solely based on Amanda's testimony. Kiel also contends that Amanda's statements during the investigation and her testimony at trial were not credible.

{¶ 28} As an initial point, we note that the GAL's report was not based solely on

Amanda's testimony. The GAL talked to Kiel and his mother, and also checked the court system for information.

{¶ 29} Regarding Amanda's statements, one instance that Kiel mentions is that Amanda told the GAL in March 2013 that she was divorced from her second husband, David Stamper. In contrast, Amanda testified at the hearing that her divorce was final in April 2013. This is a minor discrepancy. The record indicates that Amanda had been separated from Stamper since early 2011, and that the delay in finalizing the decree occurred because Stamper left the state and she did not know where he was.

{¶ 30} Kiel also argues that Amanda deceived the GAL about not having a criminal record, when she, in fact, had been charged with possession of Vicodin. The report of the GAL indicates that Amanda told the GAL that she did not have a criminal record, and that when she was confronted about the felony drug charge alleged by Kiel, stated that she was never charged or convicted of such an offense. At the hearing, Amanda testified that her father had given her a Vicodin pill for a migraine, but that she thought the drug was Ibuprofen. When she was stopped for a traffic violation, she was given a citation for possession, but the charge was later dismissed. Accordingly, Amanda did not have a criminal record. If Kiel wished to present contrary evidence, he had access to public records involving Amanda's citation.

{¶ 31} As the trial court noted, both parties had issues and problems, but we cannot say that the trial court erred in finding Amanda's explanation credible. We have stressed that "[a] trial judge is in the best position to observe the demeanor, attitude and credibility of each witness, and this is even more crucial in child custody cases." *Pellettiere v. Pellettiere*, 2d Dist. Montgomery No. 23141, 2009-Ohio-5407, ¶ 10, citing *Davis v.*

Flickinger, 77 Ohio St.3d 415, 419, 674 N.E.2d 1159 (1997).

{¶ 32} Accordingly, the trial court did not err in relying on the report of the GAL, nor did the court err in crediting the testimony of Amanda. Kiel's Second Assignment of Error, therefore, is overruled.

IV. Did the Trial Court Err in Asserting Jurisdiction When It Allegedly Knew of Amanda's Attempts to "Forum-Shop"?

{¶ 33} Kiel's Third Assignment of Error states as follows:

The Trial Court Erred to the Prejudice of Appellant Kiel Geenlee Both in Overruling His Objections and Making an Order Retaining Appellee Amanda L. Greenlee (Stamper, Gentry) the Custodial Parent of the Parties' Minor Child Against the Manifest Weight of the Evidence Presented Both at Trial and to the Court While on Objections, Which Error Was Contrary to Appellant's Right to Due Process and Equal Protection Under the Fifth and Fourteenth Amendments to the United States Constitution and Section 10, Article 1 of the Ohio Constitution.

{¶ 34} Under this assignment of error, Kiel appears to contend that Amanda took actions after the hearing and before the trial court ruled on its objections that were attempts to "forum-shop" and have jurisdiction over T.G. reside in Kentucky. These matters include Amanda's filing of abuse allegations with Kentucky Child Protective Services, which allegations were found to be unsubstantiated; Amanda's motions to establish jurisdiction in the Lee County, Kentucky Circuit Court; and Amanda's motion and amended motion, also filed in the Lee County Court, seeking domestic violence protection orders. Allegedly,

these requests for protection orders were based on the allegations that the Kentucky Child Protective Services had found to be unsubstantiated. Kiel maintains that he brought these matters to the trial court's attention, and that by refusing to modify custody, the trial court somehow aided Amanda in her attempts to alienate T.G. from Kiel.

{¶ 35} The matters Kiel mentions, if true, occurred after the evidentiary hearing, and are not part of the record in the trial court. We have repeatedly held that "[a] reviewing court cannot add matter to the record before it, which was not a part of the trial court's proceedings, and then decide the appeal on the basis of the new matter." *Taylor v. Taylor*, 2d Dist. Miami No. 2012-CA-16, 2013-Ohio-2341, ¶ 90, quoting *State v. Ishmail*, 54 Ohio St.2d 402, 377 N.E.2d 500 (1978), paragraph one of the syllabus. Any remedy for Kiel's allegations lies in the first instance with either the trial court or the courts in Kentucky.

{¶ 36} As an aside, we note that we have reviewed the entire record in this case, beginning with the initial filing of the complaint. Instead of conducting what should have been a simple divorce between two people with minimal assets and one child, the parties have engaged in unrelenting battle over minor points, with scant regard for the true welfare of their minor child. We stress that the lack of cooperation has not been confined to just one side. In a similar situation, we observed that:

Unfortunately, the course of events leading to the appeal represents an extreme example of a recurring and regrettable tragedy in our society - the use of children as pawns in a war between divorced and embittered parents. Truly, such a war has no victors and the ultimate casualties are the children, who stand to suffer deeply and permanently unless their parents

can learn to control their hostility and anger towards each other. We have previously emphasized, and stress once again, that children have certain rights, including " the right to love each parent, without feeling guilt, pressure, or rejection; the right not to choose sides; the right to have a positive and constructive on-going relationship with each parent; and most important * * * the right to not participate in the painful games parents play to hurt each other or to be put in the middle of their battles.' " *Bell v. Bell*, 2d Dist. Clark No. 97-CA-105, 1998 WL 288945, *1 (June 5, 1998), quoting *Thomas v. Freeland*, Greene App. No. 97-CA-06, 1997 WL 624331, *3 (Oct. 10, 1997).

{¶ 37} The in camera interview indicated that T.G. loves both his parents and wanted to spend the school year with his mother and his summers with his father. This fact was noted in the trial court's decision, and both parents would do well to begin considering their child's wishes and needs rather than their own desire for revenge.

{¶ 38} Based on the preceding discussion, the Third Assignment of Error is overruled.

V. Conclusion

{¶ 39} All of Kiel's assignments of error having been overruled, the judgment of the trial court is affirmed.

.....
FROELICH, P.J., and HALL, J., concur.

Copies mailed to:

**Amanda L. Greenlee
Kiel T. Greenlee
Hon. Denise L. Cross**

Exhibit: M

AFFIDAVIT OF GLORIA J. GREENLEE

State of Ohio

County of Montgomery

The undersigned, Gloria J. Greenlee, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of Ohio. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

My son, Kiel Greenlee, has lived in my house for the last six years. When his son, Anthony Tyler came to visit and when he lived with Kiel for 19 months, they resided in my house. Kiel never excessively hit Tyler for punishment. When Tyler was younger, Kiel did spank Tyler on the bottom with his hand and it was only once for the punishment if Tyler did something wrong. As Tyler got older, Kiel would talk to Tyler and sometimes would put him in a time-out, sitting on the floor, for his punishment.

My son, Kiel has never hit me or beat me up as the protection order states. My medical records would show that I have never had any of this type of injuries.

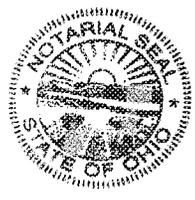
I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 27 day of Sept. 2014.

Melanie J Greenlee
signature

NOTARY ACKNOWLEDGEMENT

STATE OF Ohio COUNTY OF Montgomery ss:



Rachael Zink
Notary Public, State of Ohio
My Commission Expires 10-01-2018

Rachael Zink
Notary Public

Member - C
Title

October 01, 2018
My Commission Expires