

<p>DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 20 East Vermijo Colorado Springs, CO 80903 719-448-7650 Mailing Address: P.O. Box 2980 Colorado Springs, CO 80901-2980</p>	<p>FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO</p> <p>DEC 10 2004</p> <p>LEE V. COLE, JR. CLERK OF COURT</p> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NO: 98 DR 504</p> <p>DIVISION: R / 6</p>
<p>Petitioner(s): FRANCES M. GALE and Respondent(s): LEONARD GRIFFIN</p>	
<p>Attorney for Respondent: Thomas A. Davis, III, Esq. 405 S. Cascade Avenue, Suite 103 Colorado Springs, CO 80903 Phone Number: (719) 632-5067 Fax Number: (719) 632 - 6234 E-mail: tadavis@tadlaw.org Atty. Reg. #: 23563</p>	
<p>EMERGENCY VERIFIED MOTION FOR IMMEDIATE CARE AND CONTROL</p>	

The Respondent, LEONARD GRIFFIN, by and through his attorney, THOMAS A. DAVIS, III, hereby moves this Court for an emergency order granting him immediate care and control of the minor child, JAMES G. GRIFFIN, date of birth 01-14-97. In support thereof the Respondent would state as follows:

1. Respondent incorporates the allegations set forth in paragraphs 1 through 6 of his Motion For Forthwith Parenting Time and Motion For Appointment of Special Advocate as paragraphs 1 through 6 of this Motion.
7. That the last time the Respondent had any contact with the minor child was on November 28th, 2004 when the minor child was returned to the Petitioner.
8. That on December 8, 2004 Respondent was advised that the minor child had been removed from the elementary school he has attended and transported by representatives of the Colorado Springs Police Department to Cedar Springs Hospital due to an incident at the school where he allegedly threatened to kill the school principal and commit suicide.
9. The Respondent was further advised that pursuant to the representation of the Special Advocate, Dr. Mark Hoffman, the Respondent had no parental decision making authority that would necessitate or justify him having any contact with the minor child nor the staff at Cedar Springs Hospital.
10. That subsequently Respondent was advised that Dr. Hoffman had recommended that the minor child be removed from the school, and that the minor child was

picked up from school by the Petitioner and transported to see Pikes Peak Mental Health for an evaluation.

11. That the Respondent subsequently learned that the Petitioner was advised following an evaluation by the staff at Pikes Peak Mental Health that there was no need to hospitalize / institutionalize the minor child
12. That the Respondent further states, on information and belief, that subsequent to the visit to and evaluation by the staff at Pikes Peak Mental Health, the Petitioner took the minor child to visit with Dr. Westcott, and that as a result of that visit, the minor child's dosage of his prescription(s) were increased.
13. That the Respondent has made his concerns known to the Special Advocate brought both the level of care the minor child is receiving as well as the amount of medications that have been prescribed by the medical professionals currently treating the minor child, which include Levothyroxine, Lithium Carbonate, Risperdal, Seroquel, Depakote, Buspirone and Clonidine.
14. That the Special Advocate has worked closely with both the Petitioner, the Respondent and the minor child since his appointment on September 13, 2004, *Nunc pro tunc* July 29, 2004, which stated, in paragraph 3, as follows:

Payment of Special Advocate: The Respondent shall pay the first two thousand dollars (\$ 2,000.00) to Dr. Hoffman, for his services. The parties shall equally pay for all of the special advocate's fees after the first two thousand dollars.

15. That Respondent has cooperated and fully complied with the recommendations made by the Special Advocate in connection with this matter.
16. That the Petitioner has failed and refused to comply with any of the recommendations made by the Special Advocate.
17. That since the appointment of the Special Advocate the Respondent has paid Four thousand five hundred and no/100 (\$ 4,500.00) dollars in fees to the Special Advocate.
18. That since the appointment of the Special Advocate the Petitioner has paid nothing in fees to the Special Advocate.
19. That in a letter dated September 29, 2004 sent to all parties involved in this case, a copy of which is attached hereto and made a part hereof as Exhibit "A", the Special Advocate wrote, in part, as follows:

There is not any type of potential endangerment seen concerning James and his father. This is primarily based of (sic) the report of

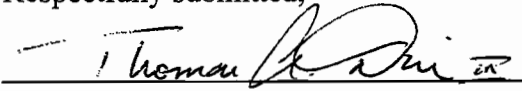
the anger assessment specialist, psychological testing, and observations of the parties by this advocate.

WHEREFORE, Respondent respectfully requests that this Court enter the following Orders:

- A. That the Respondent is to have the primary residential parental responsibility; and,
- B. That the Petitioner and Respondent are to have joint parental decision making authority; and,
- C. That the Petitioner is to have parenting time deemed to be in the best interest of the child as recommended by the Special Advocate; and,
- D. Child support according to the Colorado Child Support Guidelines; and,
- E. For such other and further relief as the Court deems just and appropriate under the circumstances.

Dated this 10th day of December, 2004.

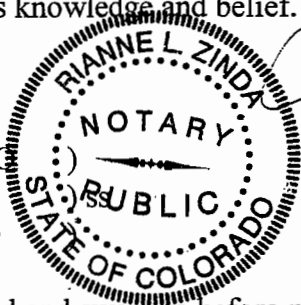
Respectfully submitted,

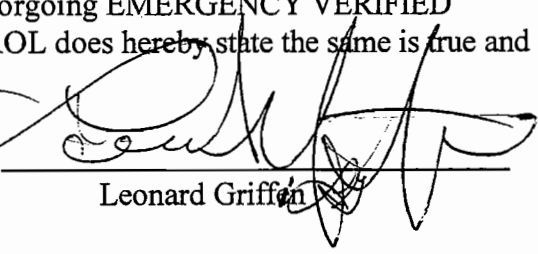

Thomas A. Davis, III, # 23563
Attorney for Respondent

VERIFICATION

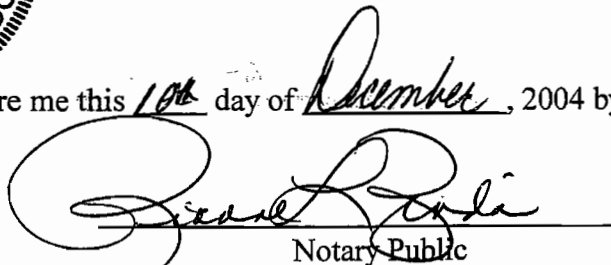
The Petitioner, having reviewed the forgoing EMERGENCY VERIFIED MOTION FOR IMMEDIATE CARE AND CONTROL does hereby state the same is true and correct to the best of his knowledge and belief.

STATE OF COLORADO
COUNTY OF EL PASO




Leonard Griffen

Subscribed and sworn to before me this 10th day of December, 2004 by Leonard Griffen.


Notary Public

My commission expires: 10/09/05