

DISTRICT COURT, EL PASO COUNTY, COLORADO Court address: P.O. Box 2980 Colorado Springs, CO 80901-2980 Phone Number: (719) 448-7650	<p style="text-align: center;">^ Court Use Only ^</p>
<p>In the Custody of James Glen Griffin, Minor Child:</p> <p>Petitioner: FRANCES GALE</p> <p>and</p> <p>Respondent: LEONARD GRIFFIN</p>	
Attorney for Petitioner Name: Robert S. Fisher 924 N. Wahsatch Ave. Colorado Springs, CO 80903 Phone Number: (719) 633-1016 FAX Number: (719) 633-1005 E-mail: Atty. Reg. #14996	<p style="text-align: center;">Case Number: 98 DR 504</p> <p style="text-align: center;">Division Courtroom 6</p>
<p>VERIFIED CONSOLIDATED RESPONSE TO MOTION TO MODIFY PARENTING TIME, AND MOTION TO RESTRICT FUTURE PARENTING TIME</p>	

COMES NOW the Petitioner, Frances M. Gale, by and through her attorneys, Robert S. Fisher, P.C., pursuant to Rule 35 C.R.C.P., Rule 121 C.R.C.P., and C.R.S. §14-10-129(4) and hereby moves this court to not only deny the Respondent's motion to modify parenting time but also to suspend the Respondent's future parenting time, pending a psychiatric evaluation of the Respondent and counseling, as recommended.

AS GROUNDS THEREFORE, the Petitioner states as follows:

1. On June 4, 2004, the Respondent filed a motion to increase his parenting time from every other weekend to the first, second, and fourth weekends of each month and the entire month of June, with no interruptions other than telephone conversations.
2. However, not only is it contrary to the best interest of the parties' minor child, James, to increase the Respondent's parenting time, but also the Respondent's parenting time hereafter should be restricted until the

Respondent obtains a psychiatric evaluation and treatment, as recommended.

3. After all, James is a seven year old boy who suffers from severe mental illness, which has led to a wide range of symptoms, including: impulsiveness, irritability, lack of concentration, feelings of helplessness and worthlessness, restlessness, feelings of guilt, low self-esteem, excessive worry, suicidal ideation, and homicidal ideation.
4. James' presenting symptoms also include decreased need for sleep, explosive anger and rages, grandiosity - believing he is the "best in the world", and night terrors.
5. As a result, James has been in treatment for more than one year and has received a diagnosis of Bipolar Disorder and Post Traumatic Stress Disorder.
6. However, the Respondent refuses to accept that his son needs help and has a history of interfering with James' treatment. There are several examples of the Respondent's inability to accept his son's diagnosis or willingness to cooperate in his treatment, to include the following:
 - a. In paragraph number six of the Respondent's Motion to Modify Parenting Time, he denies observing any problems in his son's mental health.
 - b. Yet, on June 24, 2004, James was admitted into the Cedar Springs Hospital where he remained in the hospital until July 1, 2004, after trying to stab the Petitioner with a screw driver, and expressing suicidal thoughts, to include wanting to lay down in the street so a car would run over him.
 - c. However, the Respondent attempted to remove James from the hospital on the same evening of his admission, against the wishes of James's psychiatrist.
 - d. Rather than accept his son's need for treatment or at least inquire why his son was admitted, the Respondent demanded that James be returned to him and would not accept the staff's refusal to release James to his care. As a result, the police were summoned and were required to talk the Respondent down.
 - e. Although the Respondent ultimately left the hospital without James, he was highly agitated when he left and threatened the Petitioner, police, and staff before leaving. For example, the Respondent told the police: "you know how it is officer when a man is pushed to the edge - there is no telling what he will do." "You guys have pushed me back into a corner.

There is nowhere for me to go.”

- f. The Respondent has also refused to administer prescription medication to James during his parenting time on multiple occasions prior to James’ recent admission to Cedar Springs Hospital.
7. The Respondent was also irrational and argumentative while at Cedar Springs Hospital. For example, the Respondent reluctantly left the hospital grounds, demanded that the police wake up the judge, and insisted that the staff give him a written statement saying James would not be given any medication that was not prescribed by another doctor in Denver.
8. The Respondent may be responsible for James’ problems with Bipolar Disorder and/or Post Traumatic Stress Disorder. For example, on June 24, 2004, James told the staff at Cedar Springs Hospital that his dad “fixes up dead people” by draining their blood, and that the Respondent pays James to help by spraying water from a bottle on the dead people. Of significance, the Respondent’s father owns a funeral home where the Respondent has worked on occasion.
9. James also recently reported that his dad makes him touch the dead people, and told him that “when kids are really bad that’s when father’s kill the whole family.”
10. Although James reported many disturbing aspects of his relationship with the Respondent to the staff at Cedar Springs Hospital, he was not able to reveal everything during the one week hospital stay because frequently he would respond to questions by saying “I can’t tell you - if I do I will die.”
11. As a result, the Respondent’s motion to increase his parenting time should be denied, and future parenting time should only occur after the Respondent obtains a psychiatric evaluation and treatment, as recommended.
12. In the interim, all parenting time between the Respondent and James should be supervised by an unrelated third party deemed suitable by the court or by a licensed mental health professional, as defined in §14-10-127(1)(b).

WHEREFORE, the Petitioner respectfully requests this court to deny the Respondent’s Motion to Modify Parenting Time. In addition, the Petitioner respectfully moves this court to suspend the Respondent’s parenting time, pending a psychiatric evaluation and treatment as recommended.

RESPECTFULLY SUBMITTED THIS 2nd day of July, 2004.

Robert S. Fisher
ROBERT S. FISHER, #14996
Attorney for Petitioner