

CHRISTINE M. KORN

**Grandmother of Ashley Fields
Head of the Family Household**

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Fremont County

**5th Congressional District of Colorado
2nd Assembly District of Colorado
March 13, 2004**

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Colorado, District #11, Division II. Case # 03-JV 3
RE: Ashley Fields, minor child

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THE PARTIES

The Family:

April Fields: Mother-Respondent in Case # 03 JV 3 Fremont County

Ashley Fields: minor child, DOB 4-25-95

Christine Korn: Maternal Grand Mother of the child, head of the family household.

Bill Korn: April's brother, now 21 yrs. Old.

Cody Korn: April's brother now 15 yrs. Old.

Thad Jackson: April's boyfriend, subject of much attention from Fremont County DHS.

Suzanne Shell: Director of American Family Advocacy Center, Elbert, CO. Author of Profane Justice. Expert consultant in Dependency and Neglect and Child abuse cases.

The Officials:

Judge Julie G. Marshall- District #11, Fremont County, CO.

Attorney Rocco Meconi-Fremont County Attorney, DHS Attorney.

Attorney Daniel C. Kender-court appointed attorney for April

Attorney Anna Hall-Owen- Guardian Ad Litem for the child

Attorney Dan Slater-Guardian Ad Litem for the mother.

DHS:

Jennifer Cox-Fremont County DHS caseworker

Brenda Rall-Supervisor for Jennifer Cox.

Dawn Rivas-replacement caseworker, Fremont County DHS

Wanda Duval-Resource Worker, Fremont County DHS

Kristie Romanski-former caseworker when Ashley was small.

Todd Hanenberg-Child Protection Supervisor for Dawn and Kristie

Steven Clifton-Executive Director, Fremont County DHS

Roger B. Larsen- Attorney who replaced Kender 4/29/03

PRELUDE TO A DISASTER

This is April



April grew up with learning disabilities, considered a medium to high functioning level. I spent most of her childhood fighting to get the educational and vocational chances she needed. Fighting the system has become a way of life. I soon became a local advocate for developmentally delayed teenagers and adults who were April's friends, most of whom didn't have families capable of fighting to gain services to help them. I am not overly friendly to social workers, having had to deal with them in some form for most of April's life. For much of her childhood, and especially her teens, because I was always too broke to pay for private services, she got a lot of training and special needs help from an agency, a non-profit called Developmental Opportunities. These people, I found, are the right hand of the CPS system here. April had a lot of hard times, learning to handle her hygiene adequately, and to keep house, etc. She always had periods when she would just seem to drop into depression and couldn't muster the strength to clean herself well, or her house. None of the pros even suggested that she might be clinically depressed, assuming this was a part of her disability.

She is great, with a mentor, but on her own, she just doesn't see things that need to be done. Once they are pointed out, she is great about taking care of them. Her other major short coming is that she can't organize her things well. They tend to become piles around her room, and her kitchen, when she lived on her own, tended to be cluttered, and the cabinets full of mixed dishes. She is good about cooking, not so hot about dishes, unless she is reminded. (With the dishwasher, she is fine) She collects clothing, blankets, etc, and ends up with stacks of things all around her room. She has a hard time sorting out a pile of things and choosing what she needs, and doesn't need, so she just keeps it all. Once she is in the clean it out mode, she tosses most everything. This is made more difficult because she has volunteered at a local charity org for years, and they GIVE her clothing and knick knacks all the time. The older ladies who run this place just love her.

She got her CNA, (Nursing assistant) license when she was 19, just after she

graduated from high school. She was making good money, had her own car and apt, and was coming into her own. And THEN, she had a fairly minor car wreck. Eight months later, she began having grand-mal seizures. The Dr.s say it was probably caused by the head injury (concussion) in the wreck. Her right to drive was taken away, her professional license was suspended, she lost her apt and car and had to move home with us. She came home and got stable, got on Social Security Disability so she could live till she got her health in order. She stayed here till she was 23. Shortly after she moved back on her own, she met a guy and was getting ready to marry him. He lost both of his parents and had to go to Texas to help his sisters clear their things. While he was gone, April found out she was pregnant. Before she could tell him, she got a call that he had shot himself. She moved home again. Her health still wasn't great, and she had only begun to gain back her life. Still, she opted to have and keep the baby. She was 24. My husband was a correctional officer. One of the other officers was married to the local school nurse. When I said April was pregnant, she (who had actually met April maybe once or twice) said, "Oh My GOD, you aren't going to let her KEEP it are you?" I said "Of course. It's her decision. She is an adult". This woman said if it were up to her, she would push April to have an abortion, or at least to look into adopting out the baby. This conversation ended our friendship.

Interestingly, one month after Ashley was born; April had social workers investigating her ability to parent, putting "treatment plans" into effect, requiring parenting classes, play groups at the local family center... (another social services sister org) They sent a worker to the house on a regular basis to check up on things, monitor the condition of the house, the baby, etc. This baby cried anytime she wasn't being held. She did then, and still DOES fight going to bed like the plague. At the first juncture, she would cry like she was being beaten if you put her in her bed and turned off the light. Later, when she moved into her own apartment, April ended up sitting up with her and allowing her to stay up till she passed out, because if she cried, the neighbors called the police and claimed they could hear Ashley being abused. Cops and social workers regularly threatened her with taking Ashley away. She lived in constant fear and stress. Several times, she tried to live on her own, but the combination of the above scenario, and the fact that April would befriend anyone, and would allow people to use her, stay at her

house, etc made that a bad choice. It should be noted here that her venturing into her own apartment at ALL was the work of social services workers who thought, always, that I was too controlling. What they did NOT take into account is that April NEEDED that guidance that they deemed intrusive. I have always believed that their real problem was that when my opinion of the right thing to do in a given situation differed with THEIRS, I won. April always has had a very open and honest relationship with me, and knows that I will NEVER advise her to do anything wrong. Her trust of my opinion would gain a scathing report from DHS that I was “forcing her to stay here” and they would cajole her into agreeing to move into one of their subsidized apartments. I would be telling them that this was not in ASHLEY’s best interest; it had the potential for disaster. They would assure me that they were going to monitor her closely. It never happened.

When April let a friend watch Ashley so that she could go to Denver (or maybe Colorado Springs??) to a class, we were out of town. The friend went to sleep, and Ashley at 2 yrs old, was found wandering around down town Canon City Co. When we got her back, a couple of days later, we moved she and April back home. They have not lived alone since.

In March of 1998, my husband passed away. He was the younger kids' father, and the only DAD April had ever known. Since then, April, Ashley, my two sons and I have lived here in our family home and tried to survive. I work 35 miles away, and we do the best we can with fairly little. This house is messy a lot. My 21 yr old son has two kids, is divorced, and his kids are here on weekends. We have six people living here full time. This place is full of people, four dogs, and a lot of love. Ashley is everyone’s sweetheart. She idolizes her uncles, and they are surrogate parents to her. They all care for each other, and with what little we have, we do okay. April has grown up a lot this past couple of years, and although she has finally been determined to have bouts of clinical depression, the meds seem to work pretty well, and she is a dedicated and sometimes too indulgent mother. [Sometimes her fashion sense is a little skewed and Ashley will wear some color combos that aren't great, but we have laundry here in the house, and her clothing is always clean. If anything, she has too much clothing!!! As she gets older, April seems to need less guidance, although she still needs help to budget, etc. She buys her own groceries and supplies, and does very well with cooking and keeping laundry

done. As in any house, there are times when things are not done as they should be, but this house is NEVER the "filthy and unhealthy environment" described by the CPS workers.

THIS IS ASHLEY



Ashley is a fairly precocious 8 yr old. She has grown up in a house full of adults, and more recently, teenagers. (Her two uncles are now 21 and 15.) She loves to pretend, loves her Barbies, and loves to play her games on my computer. She is bright, lively, outspoken, accustomed to lots of attention and lots of people comprise her network at home. She has gone to Daycare ("respite", paid for by CPS supposedly to allow her mother to keep her, according to the court shelter report filed recently) and then to head start, where her mother was also a volunteer, and then, in Sept 2001, to Penrose, CO School to Kindergarten. Since she was a baby, there have been almost no times when she wasn't in some sort of daycare, or preschool. Up until about the time she started public school, she had chronic ear infections, and finally, at about 4-1/2, they decided to put tubes in her ears. At the same time, they decided she needed glasses. The glasses were a terrible problem, she kept breaking them, losing them, and until very recently, it has been an ongoing problem keeping her in glasses. The problem is made worse by the fact that her mother can't drive, and a taxi from our house to the business center in Canon City is about \$25. I work from 5am to 5 pm, most days.

If you have read the PRELUDE linked above, you already know that CPS has always been a part of April and Ashley's lives. During the short eight years of Ashley's life, CPS has tried over and over to prove her mother unfit simply based on her developmental disability... which they insist on labeling as "low functioning". As a mother, I would suspect that April's connection to her daughter, and her FOCUS on that child far exceed any of her judges.

They have tried to claim that April allowed Ashley to go to school filthy, which was ridiculous. (She has always been far too afraid of THEM to allow Ashley to look dirty or unkempt) They claimed she was going to school in dirty clothing. I know of no time in Ashley's life when she hasn't had enough clothing to comprise five kids' wardrobes. No need to wear dirty clothing.

When April did try to live in an apt, Ashley, then a baby would SCREAM, if she were put in her room to sleep. At the same time, **The Family Center** visitors were telling April that Ashley was just spoiled, and needed to be fed, diapered dry, tucked in, and allowed to scream till she fell asleep a few times, and she would learn that screaming didn't get her way. April was so afraid of doing the wrong thing, so afraid of making Ashley cry when she needed to be held, etc. This process was torture. To add to the pain, she had several visitors, of different "support" agencies telling her all different things. She was smothering in do-gooders who thought she should be told how to chew gum, all the time. I kept telling her to follow her instincts. SHE knew Ashley better than they did. When she tried to do as they said, and just let Ashley cry it out, Ashley would scream like she was being tortured, for hours. The neighbors would call cops and claim Ashley was being beaten, and abused. Cops would come, see an apartment where dishes weren't done, and stacks of laundry, baby toys, etc were all over, and they would tell April that CPS would have to investigate. CPS would talk with the visitors etc, and go away, believing that their agents already had the situation under control. At one point, a Florence, CO Cop, Chuck Pratt, told April that if he had to come out on a call on her again, he would personally take Ashley out of the house. He told ME he thought it was irresponsible of me to allow April to HAVE Ashley. HE was two years younger than APRIL!!! I am not going to claim that she was Merry Homemaker, it isn't true. But clutter was the problem, not filth as these people claim. As a mother, I don't think any of them can hold a candle to her. As a housekeeper? She is mediocre, not filthy. She is unorganized, has trouble sorting things, but she keeps dishes done, clean clothing, bathrooms cleaned, floors swept and mopped, she does the essentials.

Ashley has always been a live wire. She is everywhere at once, loves to write and color, on most anything, loves to try to fix her own food, has taken play scissors and cut her hair, colored a beautiful picture for her mother, like the murals she saw at a zoo... on

her bedroom wall....the list is endless.

In 2001, or early 2002, Ashley went to spend the night with her girlfriend. The child had just gotten lice from her grandmother's home, where there is a daycare. Ashley came home with lice. We didn't know this until the school nurse called to tell April to check her. She did, indeed have them. We panicked, and did the entire treatment plan, stripped her room, bagged all her clothes, laundered everything but the light fixtures. The re-treatment, 10 days later, as advised by the school, showed no lice or nits. No one EVER suggested that her hair should be nit combed every couple of days. No one gave us any literature about lice, nothing. They told us to treat her hair, and the rest of the things I just mentioned, and then in 10 days, do it all again. We did that. A few days, maybe a couple of weeks later, she was sent home again with lice. This time we sprayed the whole house with permethrins; carpets, drapes, furniture, the works. NONE OF US EVER HAS, to this DAY had one bug or egg on US. We have gone through this scenario about every three or four weeks for a year. The school has insisted that April wasn't treating for lice. That is ridiculous. They insist that she was being reinfested here, and that she was coming to school dirty and stinky. She is bathed every morning before school, and her clothing is laundered regularly. She may play before school at home, on the bus, mess up her hair, maybe get something on her clothes. I would be hard pressed to know. But she leaves here clean. She may wear clothes that don't match, or are too big, etc. Her mothers fashion sense isn't top notch. Ashley may put off going to the bathroom and dribble in her clothing, creating an odor. The school knows this may be a problem and what to do if it arises. She leaves here clean and freshly bathed, and there are five adults who will and have testified to that fact.

THE CHRONOLOGY OF A KIDNAPPING and HOSTAGE/RANSOM CRIME

Born: April 25, 1995

Before May 25, 1995- CPS came calling, saying they had a "report" that April was too severely disabled to care for a small child. She and the baby were living here with us. Outcome: the family center, and the developmental opportunities people in Canon City Co, would offer April support services to help her with the rough spots, and with family support she was deemed to be doing fine. She really didn't have any problems as it stood, but the help from the family center was especially welcomed. They provided a lot of just moral support, mentoring, group activities for young parents with small kids. She took several levels of parenting classes from them. Developmental Opportunities mostly acted as a taxi service. Their programs have never really addressed April's needs, other than some of the high school years, when she was getting a lot of vocational help. She graduated from Canon City High in 1991. From that day forward, April has rarely been free of micro-scrutiny from at least one social services agency. Reason? They insist on referring to her in every document they produce as "low functioning", "mentally disabled", etc. If I were to refer to one of their kids in the same words, they would sue the holy hell out of me for discrimination. At several junctures in the past 7 years, that fact alone, that April has a learning disability, has been used as the primary reason for an investigation. When they found out she has epilepsy, they went into an absolute feeding frenzy.

1997- According to CPS records, April was offered "Life Skills" services in order to prevent an "out of home placement, and allow April to keep her baby."

April was living in her own apartment, trying to get some independence. DHS and DO had worked very hard to bring this about. They literally plied her with promises of the classes she could take, they would pay her rent, she could have one on one help to shop, they would help her with Ashley, she really believed them. I knew better, but the girls she was working with from DHS and DO were about her age, and she really liked them. She believed their claims that I just didn't WANT her to be independent. Nothing could have been further from the truth. But I KNEW April well. And I KNEW DHS and DO almost as well. And I KNEW that she would be out there flailing on her own, and I was scared for her.

She isn't much of a housekeeper, and her place was always messy and unkempt. I do not believe it was ever filthy, she vacuumed washed dishes, etc, but she piled things and

hoarded too much stuff for a small apt, and it was always messy. In addition, she was terrible about allowing people to hang around the house, and even to stay with her. She didn't have many friends, and would befriend people that would use her. We were monitoring her pretty closely, but the baby crying all the time, around that time, attracted a lot of attention and complaints. April was doing what she was advised to do to get Ashley into a sleep routine, and Ashley would SCREAM for hours. April would then get complaints filed on her that she was abusing Ashley, and the investigation would be on again. During this time, CPS insisted she submit to Developmental Opportunities involvement, "Life Skills" training, to keep Ashley. You might ask.. "Hmmm... What exactly IS "Life Skills"??? Well.... DO (Developmental Opportunities) hires some gal for about \$7/hour. The #1 qualification for this job is having a clean driving license. When these workers are out in the community with their charges ("consumers") it is very hard, indeed, to tell the clients from the service providers. They are usually young, and nearly always just a notch or two higher functioning than April is. These "workers" were sent in to check to be sure April washed the dishes on time, they built task lists, they took her grocery shopping and tried to help her learn to cook... etc. They also were focusing on April's hygiene. April was taking all sorts of drugs for epilepsy, and had chronic yeast infections of a mega magnitude. She isn't fashion conscious, and fiddles with her hair all the time and keeps it messed up. ASHLEY was always bathed and cared for, but April has never primped or much cared about things like that. "Life skills" mostly involved the workers reminding her to do things, helping her organize her kitchen, helping her learn to do things like sort socks...Mundane things, that, honestly, she already knew, but was too tired out to DO. It was about this time that April called me one night to complain that one of the DO workers was supposed to take her someplace that day, and they were instructed to be there to watch Ashley so that April could shower, then check her hygiene, and her clothing choices, to try to help her improve them. This worker insisted that she was going to come into the bathroom WITH April and WATCH her shower, and tell her if she did it right. I hit the roof, and the "Life Skills" interference was OVER.

1998 Ashley was found wandering around downtown Canon City Alone, her mother couldn't be found, and she was taken into foster care for a couple of days until April could come to get her.

True, but what they don't tell you is... Ashley was almost three. April was trying to get reinstated as a CNA. She had to go to Colorado Springs to take a test, (class?) and had to rely on another gal for a ride, since she can no longer drive. This meant spending the night in Colorado Springs (maybe Denver, I don't remember for sure) because the gal she went with had to appear in court, two days in a row. She left Ashley with a friend she believed was trustworthy. WE were out of town. Ashley wandered out of the friend's apartment, IN downtown Canon City, early in the morning before the friend woke up. When the friend found Ashley missing, she called the police and was told that Ashley would be kept in foster care till April contacted them. She did this the next day, when she got home, and was immediately given Ashley back.

Also in 1998, someone reported that Ashley had bruises and welts on her legs. Remember, I told you, April had someone from a social service agency in her home almost daily.

April explained that Ashley had been playing in front of the door with other kids in the complex, who were older. They had been trying to teach her to jump rope, but were playing way too rough, and April had stopped allowing Ashley to go out and play with them. She even showed the CPS worker the other kids, out in the yard, hitting one another with their jump ropes. End of issue. They seemed satisfied and left. It has never been mentioned again till NOW. I guess it should be mentioned here that Ashley was in a day care situation most days from the time she was about 3 mos old. There was a dedicated day care provider, scrutinizing her condition, DAILY.

In March 1998- My husband, April's step Dad, the only DAD she had known, died suddenly of a heart attack. April moved back home with Ashley. She'd been feeling like everyone was just waiting all the time to jump on every little thing, and she was living in constant fear of losing Ashley, because it was presented to her as a constant threat.. "If you don't take this class, allow this social worker to drop in on you, agree to accept services from DO, CPS will frown on it, and you could lose Ashley." She was so afraid of CPS and of the cop who told her he would arrest her for abuse if she kept having complaints on her for Ashley crying at night. She thought she could deal with just being able to visit her on weekends, etc. After a couple of weeks, she called to ask if she could move home WITH Ashley. She couldn't stand being away from her that much. Just after

she made that decision, her Dad died. She and Ashley have lived at home with me and her brothers every since that time.

As I said, in March 98, April moved home with Ashley. For the first time in Ashley's life, we had freedom from the prying and invasions, and judgments, and accusations, and scrutiny of the Child Protection people. April continued to have a great relationship with the Family Center people, went to some of the functions, and although living 14 miles further from town was hard, still managed to attend most of them. They continued to send in a home visitor every couple of weeks for the next couple of years.

According to the CPS record:

"In 2000, the department received a complaint that the family's home was being heated with propane, which was investigated by the Fire Department, and deemed to be dangerous, so the department paid for the furnace to be repaired."

This is not what I remember. We bought a propane heater for a garage room that we were working on converting to living space. The heat from the rest of the house didn't reach that room. We specifically bought a heater that we read on the box was "safe for indoor use with adequate ventilation" This room was not a bedroom, the heater was not on all the time, but when we were out there, working, it was used. The furnace needed a thermostat. It worked fine, but had to be turned on and off manually, until we could install a new thermostat. My friend, and I tested the circuits, determined that the thermostat WAS the problem, went to Ace Hardware, and got one, and installed it. I do not remember CPS providing any part in this scenario except harassment and unwarranted intrusion. If they DID, then I apologize, but I don't believe it happened this way.

2000 "There was also a complaint in 2000 regarding neglect and a filthy house, which the department investigated. At this investigation, there was also a dirty pair of women's underwear with a bowel movement in them in the floor. The mother was told the clean up the house, which she did, marginally."

I have no clue what this is all about. I do remember one of my sons wife's friends getting mad at her for refusing to baby-sit for her, and calling in a complaint. She told us all later, that she was just trying to pay Alicia back. At the time that the CPS came into the house,

my son and his wife and their TWO babies had just been kicked out of their trailer and had moved back home. Their stuff from an entire house was packed into mine. Boxes everywhere, overflowing with clothing, food boxes on the floor, their dirty dishes being unboxed and washed, laundry piled up from hell, the laundry room was half of the kitchen, then. April was jumping like a rabbit from one thing to the next, because the mother of the two babies was laying on the couch watching TV, or on the computer playing games and chatting, almost 24-7. She would holler, "April, the baby needs another bottle" etc. And April, who loves the babies to pieces, was caring for them all, her Ashley, and both babies, then about 18 mo, and about 6 mo. The Underwear?? I just can't imagine this really happening. This was a mess of a place right then, but it wasn't dirty, it was just packed and chaotic. They were doing laundry, etc and I don't think this happened. I asked to see the photos, and they ignored me. I do know that the worker who came out was young, and very over zealous. Who knows where the truth of this lies? I can tell you this: there was a worker here about once a week between April and Ashley having their home visitor, and the mother and babies having THEIRS. If something had been radically amiss, I think one of those two trained social workers would likely have noticed it.

"In 2001, April was watching children in her home in a daycare setting, and since she is **LOW FUNCTIONING**, this was inappropriate." Really? And, exactly who is this person who deems herself the judge of that? Where is her license to evaluate that ability? Where is the professional evaluation of April's ability to safely care for kids? As a matter of fact, I would put her up against ANY one of the social workers I have known in almost 35 yrs of dealing with them, any day. I would ALWAYS put my money on APRIL to be the better parent and more conscientious child care provider. EVERY time.

But, I cannot remember any time when April has EVER babysat for money. She may have done something like that on a very short term basis for a friend, or something, but she has never kept anyone's kids or tried to run a daycare. She would be very good at it, and the kids would be hugged, and cuddled, and played with and listened to, and understood, and appreciated. BUT she will never have the chance to do that, because these people have continually labeled her, and tried to cover her description with a few chosen words to denigrate her. They have always seemed to be hell bent on being sure

that she was aware that she is a second rate person, and they talk down to her as if she were stupid trash. The only people of this type who have ever treated her with respect and with any interest that was genuine, were the people from the Family Center, who are STILL her friends.

"In November 2002, CPS received a complaint that Ashley was dirty and stinky. Upon investigation, the department found that the family's septic had backed up and that the family had been using the bathroom outside and not bathing. There was feces overflowing from the toilets, and also floating in the bathtub, apparently this had been going on for several months. The department paid for Roto Rooter to empty the septic and blow out the line. At that time, Ashley had lice and the department provided the lice treatment to April and told April how to treat the home as well. "

And, As Paul Harvey would say, here is the REST of the story: First of all, they came because a school nurse called them and claimed Ashley was dirty. ASHLEY told me that the school nurse was doing a routine exam for lice, and found lice in her hair (this was about the third time we had beaten them, and then she returned to school and immediately they were calling and saying she had them again.) The school nurse asked her if she was bathing regularly, because she said Ashley looked dirty. (she was getting sponge baths every morning, but her clothing that day was pretty old, not dirty, but old and faded and worn.)

Ashley told her we didn't have any bathtub, or water, 'because it was broken and we hadn't had baths "in months". The nurse freaked out, and called CPS. Think she would call ME and ask if we had a problem and needed some help, wouldn't ya? Small town, her hubby and mine were officers together, knows I am a widow trying to get along, but NO! She called CPS. SO they sent out the worker who wrote this mess up. Jennifer Cox. This was her first visit to my house...EVER!

She told us Ashley was "filthy" and her hair was sticky. The school nurse had just treated her hair for nits when this social worker first saw Ashley. In addition, at the nurse's insistence, we were treating Ashley's hair with a lice repellent spray which was oily, EVERY DAY just before she left. She questioned Ashley about the bathing at the house, and Ashley told her we hadn't had a bathtub or baths in months. The truth was: it had

been about 10 days since the septic tank first backed up. I had it pumped, TWICE, and it immediately filled up again, and backed up into the stools and tub in the house. The stools were standing about 2/3 full, backed up, and the back up in the tub had drained back down, but left a nasty residue in the tub. The local guy came and looked at the tank and told me it needed the leech field blown out, and it would cost me a minimum of \$500-up to \$3000 to get it opened up. My son and I had snaked out the lines and tried digging out the leech line ourselves, because we were BONE broke. I couldn't afford to have the man do the repairs. I started trying to sell a motor home I had , to get the money, but hadn't sold it yet. A couple of times, we would get it cleared, it would seem, we would think we had it. And then it would back up again. IT was NOT EVER overflowing on the floor, with the exception of water that ran over on a lower bathroom floor which is tiled, and was mopped up right away. When we couldn't clear it, we locked the bathrooms completely, and began using the bathroom in the motor home parked outside the door, literally less than 10 feet from the door. I showed Jennifer Cox all of this, as well as the bathing tub and soap and sponges laying on the counter from Ashley's bath that morning.

The CPS worker, of course, was here in the guise of our best buddy here to help, no intention to do harm. She paid for the Roto Rooter guy to come out, and he determined that the other guy was lying about the leech field. HE found a blockage in the lines, cleared it, and pumped the tank and all was well. Within 24 hours, the bathrooms were clean and sparkling, and the dishes done, and the laundry was going, things were cleaned up a lot. This was probably the lowest point I had been in my entire life. I'd been off work for two weeks, with walking pneumonia, barely able to stay awake, my car engine had blown up, the septic guy had told me I might need \$3000 and DID need \$500 to fix the septic tank, October 15, the mortgage company had accidentally debited my checking account for two payments, I had checks out to bills which bounced.. They took 22 days to replace the money in my account, during which time I accrued about \$250 in bounce charges. I was pretty much at my low point. A neighbor had allowed us to use his bathroom about three times a week in that 10 days, and every time one of us went to shower at his place, Ashley was taken along to bathe. In between that, she was being sponge bathed out of a dishpan with a rag and soap. She was also being sprayed daily

with some stuff the nurse told her mother to put on her hair to repel the lice. It left her hair sort of dull and sticky. She MAY have worn the same clothes two days in a row during that time. Most all of her things were bagged and being held outside because of the constant claims of lice. April was trying to do a load or two of laundry a day, draining the washer directly on the ground in the back yard, to keep essentials done till the septic was fixed.

We were not "going to the bathroom outside in the yard." I had a 28 foot motor home and I parked it right next to the house, and filled the tanks in it, and plugged it into the house, and we were all using the bathroom in it. The sad part of this is: This social worker was SHOWN all of this at the time, and she agreed and understood, and was our best buddy, trying to help us get the tank fixed. She came back after the tank had been fixed, and walked through the house and said she was amazed at the difference. She agreed I should not replace the carpeting in Ashley's room till the lice were solved. (She is the one who told us to remove it) A few days later, Ashley was sent home with nits again.. We had treated her hair on the day the CPS lady was called, and in addition, the school nurse, who didn't believe that April was treating her, did it at school as well. When they called to say she had nits again, they insisted she was getting reinfested at home. We were dead certain she was NOT getting them at home. No one else in the home except Ashley ever got so much as one nit. Since lice need a human host to live more than a couple of days, we had totally stripped her room, treated her hair, put her into clothing freshly taken from a dryer, her mattress and pillow were encased in plastic she didn't have any toys that weren't bagged up, her clothing was only off of her a few min when it was in the washer. I had gotten on the internet and read a little bit, found out about some parts of this treatment that no one had mentioned before, and had started doing those things also. One of those was to wash and condition her hair, and then nit comb it daily. When we nit combed her hair every day for several days, and watched for nits, and found none, we would feel reasonably sure we had beaten them. She would go back to school, and immediately, the school nurse would be calling to say she had nits. This time, we called this social worker, Jennifer Cox, who came out and looked at Ashley's hair. She agreed, the only thing she saw as well, was dry skin. She agreed to talk to the school nurse, and that was the last we saw or heard of her. The nurse, however, continued to insist that we

were not treating the lice, and that Ashley still had them. December 19, she was sent home again, with LICE! Again, we ran the whole routine. By now, we were getting professional at it. We treated Ashley's hair, stripped her room, bagged all laundry, sprayed holy hell out of everything that didn't move, dusted the dogs with sevin dust for bugs, the works. A week later, after having checked her hair everyday for a week, we took her to Smart Style in Canon City, and had her hair shampooed and cut. The gals there knew she'd had a lice problem, and checked her VERY closely before taking her in. They signed a statement that they examined her hair on December 27, according to their log, and found NO LICE or NITS. On Dec. 29, per package instructions, we did the second treatment with RID. She still had no sign of lice or nits.

JANUARY 5, 2003- Ashley got up late, looked like she slept the night under her pillow, went to the kitchen to get some juice, spilled it on herself, and came to me for help to clean it and herself up. I took her picture. I helped her take a bath, and then combed her hair for her before Sunday School. I did this with my brush, which I then brushed my own hair with, and put it into my purse. There were no nits or bugs in her hair at that time. Nor have I EVER had so much as one bug or egg or nit in my hair.

JANUARY 6, 2003-First day back to school after Christmas break. Ashley was getting ready to take a bath, getting into the tub, when I left for work. Her uncle Billy says she spent about half an hour in the tub, came out wrapped in a towel, and went down to her mother to get clothing. She took those clothes out of the hot dryer. She had worn them once, they were the ones she got for Christmas, and she insisted she had to wear them on her first day back to school. She got dressed, and came back in to eat breakfast. She had him help her brush her hair out, and then ate. Her mother was washing and drying clothes that had been stored during the lice problem, and was getting ready to sort them out and get rid of some, and replace some others into her drawers. Ashley grabbed a little white rabbit fur jacket that she was crazy about, and which had been bagged with some of those clothes for weeks and weeks, stored in an outside shed. Since the instructions we were given said that after two weeks, lice couldn't survive, no one thought to take the jacket away from her. She wore it to school.

JANUARY 6, 2003-9AM-School nurse called, Bill answered. She said Ashley arrived at school "crawling in lice". Bill told her that she had NO lice when he told her goodbye at 8am. The nurse insisted. Bill told her that he would have to call me at work, no one here had a vehicle to come get Ashley. She said "NO", she would treat her hair at school, so that she wouldn't have to miss more school.

JANUARY 6,2003-4PM- Ashley doesn't get off the bus, and her mother panics. She calls the school, and is told that the sheriff is there and taking custody of Ashley because she is "a neglected child" and that they have worked all day to remove the bugs and still have not gotten them all. The bugs are "jumping all over her, falling off her clothing, and embedded in her scalp." April is devastated... and also totally confused, because Ashley left home clean, and no one saw so much as a bug on her. April spoke shortly with Jennifer Cox, who was claiming that Ashley was covered in lice, arrived at school filthy, dirty and smelling terrible, and with bugs literally climbing all over her. April said that this was not possible, and tried to explain that Ashley had worn brand new clothes, done her hair and put new hair barrettes in, and left clean. She said, "Jennifer you just can't DO this." Jennifer replied, "Oh I CAN and I AM!" And hung up on her.

JANUARY 6, 2003-4:30PM-I got home from work, and April, Bill and I went directly to DHS offices. Brenda Rall, Supervisor for Jennifer Cox, came out and insisted we all go outside to talk. She said loudly, that she didn't want her offices "infested" with bugs. She said this in the waiting room, in front of everyone in hearing distance. Thanks, Ms Rall... She related the whole story I just told you above, as if she were there, and knew it all to be the Gods honest truth. Bill asked her, "Are you saying you know these things to be fact? Cause if you ARE, you are plain and simple a damned liar." She said, over and over that Ashley was "filthy and stinking" and that they had removed "over 400 live SECOND GENERATION LICE" from her body and clothing. Three seconds later, she would reiterate that she had never seen a live lice infestation before, and that she was amazed at how huge these were.(she saw some in a bag, she said) She informed us that Ashley would be kept in Foster Care till a Shelter Hearing, within 72 hours, and that they would recommend that she be held in foster care "indefinitely". I said the social worker could not possibly know the condition Ashley went to school in, when the nurse had changed her clothes, and had soaked her in chemicals several times before the social worker

actually saw her. I said that I saw her taking a bath two hours before they claim she was so stinky and filthy, and there was NO way she had bugs when she left home. Ms Rall basically told me that this was only my OPINION, and my track record wasn't so hot. (HUH?)_

Jan 9, 2003- Shelter Hearing-Shelter Report is the source of most of the claims I have outlined in the last four pages. We saw this report about three minutes before court convened. At this hearing, the judge ordered Ashley kept in foster placement, pending investigation. We were not allowed to say much of anything, mostly told what to do and what they would allow. At this hearing, the judge asked April if she had counsel. April said no. The judge said, based on the knowledge that April is receiving Disability, it would be assumed she would qualify for a court appointed attorney. This man had been lurking around in the court most of the day, and visiting with the various social workers, GALs, etc. When the judge said this, she looked around the court room, and asked "Mr. Kender, are you available to represent this woman?" This little man who hadn't appeared to be doing ANYthing stepped forward and said, "Yes I can, your honor." The judge then said, "Let the record reflect that Daniel Kender has been appointed as the attorney for the respondent." Outside, the little man, Mr. Kender, said we should make an appointment with his office to come in and discuss the case. He walked away. The next hearing was set for Jan 23, 2003 We were also introduced to Anna Hall-Owen, a local attorney, who had already been appointed as the guardian for the child. We talked with her briefly, and I mentioned that no one from DHS had set foot in my house since November, I had no idea how they could state that the home presented a dangerous environment, when Jennifer Cox had said how nice it looked the last time she was ever there, over two months before.

JAN 10, 2003 GAL Anna Hall Owen came to visit and tour the house. She made some comments about the carpets being dirty. They are old and stained, but had been shampooed in November. They are, however, old, and have been treated over and over with chemicals for the lice, which we have STILL not found in the house. She was especially interested in quizzing April's boyfriend, Thad¹, who came in while she was here. She wanted to interview him, have his background checked, etc. It was as though

she had some radar on and zoomed in on him. He is not a really sharp guy, sort of sloppy, he is a mason by trade, and had just spent the day laying stone. But Anna's demeanor made her targeting Thad clear. She hadn't found anything in her inspection of the home to use to sustain the things that Jennifer had claimed. She fully intended to make this man, Thad, her reason to retain Ashley. Since Thad had already had a run in with CPS in Texas, several years ago, he was upset by this. It started an argument between he and April, she saying he would go along if he cared enough, and he saying he shouldn't be asked to put up with the insulting insinuations of that woman. The argument ended in them agreeing to split up, and his calling around to find a place to stay. April was adamant that if he had cared like he said he did, he would have met with Ms Owen as he was asked to do.

Jan 14,2003 4:pm Meeting with Mr. Kender, in his Pueblo, CO office. I had taken the Shelter Report apart, sentence by sentence, and answered all of the falsehoods and exaggerations, and identified the outright lies, in writing. I gave this to him. We sat for about ten seconds while he looked at the front page, and then he said, "Look", (as he tossed the pages on his desk) "This stuff is nice, but it won't do you any good. The thing is, Dependency and Neglect is hard to fight because just about anything that the social worker wants to claim is neglectful stands. Also, this is not about guilt or innocence. The issue is, was the child neglected, and in need, which is at the discretion of the social worker. The statute even states that this neglect can be through some act or omission on the part of the parent, or through NO fault of the parent. You might be able to fight about who is at fault, but that isn't the issue. The issue is: Was Ashley neglected? The social worker has stated that she had to be removed from her home for her own protection or safety. This is almost impossible to argue. We can fight this if you want. They will stall and postpone and keep her in foster care till the issue is solved, and until they get you into some sort of treatment plan. OR, you can just swallow your ego, and your anger a bit, and follow their plan, and on the 23rd, they will likely set a schedule for reuniting the family. They just want you to agree to go to a few classes, want to stop by a couple of times to check to see that the house is clean, and then they will get busy and forget you. If you go along with them, they will probably let her come home right away, if they find the place is clean." I argued that just going along was conceding the social workers claims,

and they were just not true. HE kept telling ME that this was not an admission of guilt or innocence; it was only an agreement to accept whatever they deemed needed to improve Ashley's life. April was buying his view, and although I felt a real knot in my stomach, I sat back and shut up. April went along with his urging to just lie down and accept whatever they said on the 23rd.

JAN 21, 2003 April has been talking to the GAL and the social worker almost daily. They have been telling her how they would like to see her move out on her own, into an apartment, and that DHS will even pay for some of the cost to move in. They all seem to resent my intervention, and resist talking to me most of the time. April intimidates easily, and doesn't look for the catch in the things they come to her with. I, on the other hand, look EVERY gift horse in the mouth. I have SEEN their work before. It is dismal! They can't con her if I am around, so they were already trying to move her. What they were doing is setting her up for failure, and they knew that. It was a transparent attempt to terminate her parental rights, and I thwarted that attempt. This is where their intense hatred of me began. They were insisting that she go to "nurturing classes" (What the HELL does nurturing class have to do with a claim that she keeps a filthy house and allows Ashley to go dirty and smelly?) They want her to submit to Developmental Opportunities involvement in her life again, to "help her learn to budget her own money, instead of just letting your mother do it all" And to see that she keeps house and keeps Ashley in the style they deem necessary. My response was that this shows up exactly my point, that they have no clue what the real issues or situations in a home ARE. April buys all of the household groceries, does all of the shopping and with very little help from me, budgets her own money, and has done so for three or four years. When I heard this, I told April, "You do what you feel you must. But remember I told you this: this is just the beginning. They will be running your whole life. And every time you get close to completing a course of "treatment" they will come up with more things you have to do to get Ash back, or to keep her. This will never end, and they will have the ace, because you will have ADMITTED to their claims in the first place. This will go on forever. They just don't think you should have a child because you are disabled." April called Mr. Kender's office and said she needed to see him. He said he would meet her one hour before court, the ADMIT or DENY hearing, on the 23rd, at the court house. Jennifer Cox had made a

fatal comment, if her goal was to con April. April had asked her, on the phone, why she was so insistent about moving her out of her family home. Jennifer had replied that there were “just too many males in that house. It’s not a good environment for a little girl.” April had said, “They are my brothers! You don’t think they would hurt her, do you? That is ridiculous!” Jennifer had said, “Well, it’s unsanitary to have that many guys around a little girl.” April was LIVID when I came home from work that day. Jennifer had actually had the lady from the housing project call her to offer immediate rent and deposit, and a two bedroom unit in their brand new complex, and they would pay someone to move her furniture and things the next day. April told her no thanks.

JAN22, 2003 During the talk with Kender on the 21st, when she asked for a meeting, April made the comment that the social worker hadn't even been in the house since November. The GAL had come, for a short visit, but the social worker had only been here once, maybe twice, way back in November. April wanted to know, “How can she judge me without even looking to see the truth?” The next day, the 22nd, Ms Cox came by. She had made appts two other times, but never showed or called to cancel. On the 15th, she had made arrangements to meet and interview April’s fiancée, Thad. He missed a day of work as a result. She didn't call or cancel, she just didn't show up. This incident was the majority of the start of their break up.

JAN 23,2003- We arrived at court at 2:15pm to meet Mr. Kender at 2:30. The hearing was set for 3:30. At 3:40, Mr. Kender finally arrived. No apologies, nothing. He went and sat in the courtroom for quite a while, listening to the case before us, and chatting with the social services ladies, and the GAL. Finally, when it looked like the other case might be winding up, he went outside with us. He asked, "What did you want to see me about?" I said, "We needed to talk with you at length, April has continued to get calls from the GAL and the social worker, trying to force her to do all sorts of things on the strength that if she agrees, she can probably have Ashley back eventually. This is GARBAGE!!" April handed him the statement and log from the hair professionals, and he said, "You just don't get it. This isn't about lice. The petition doesn't even mention lice. We already agreed not to argue about this, remember? You just agree to follow the treatment plan." I said, "WHAT petition? WE haven't seen anything but the shelter report, and it was ALL

about lice and filthy living conditions that don't exist!" Kender said, "THIS petition" and flashed it out of his briefcase for a second. I asked April if she had seen it, she said no. HE said, "Well, we don't have time for you to read it now. This is the thing I was telling you about the other day. You said you understood. You have to admit and then they assign a few conditions you have to meet to get your child back. Simple as that" April said, " I don't see how I can admit things when I didn't even DO anything wrong. I don't know what is even in that thing" Kender seemed agitated. He said," I TOLD you, in my office about this." I said, to April, "You would be insane to just blindly admit guilt to whatever is in that petition. I think you have to deny." She agreed, and Kender was obviously angered. He said, "Do you want a judge to decide, or a jury? They are going to keep her in foster care for months if you do this." April said, "JURY." He sighed and went inside just in time to be called. When they asked him how his client wanted to proceed, he said DENY, and the social worker gasped! Then they set a date, FOUR MONTHS IN THE FUTURE!!! May 27. The social worker said to the GAL," Oh my GOD, she doesn't have to stay in foster care that long does she?"

The GAL said, "Not if you recommend reunification." There has been no indication as of yet that there is any intention to try to help April or Ashley, they allow April to visit in a room at DHS for an hour, twice a week. She doesn't drive, and this has to be done at 4pm, when I can't take her because I am not home from work yet. We live 13 miles from the DHS office, and April has had to pay \$25 for a taxi, ask friends for rides, and just pray that they will be able to take her. We were told that in this sort of situation, DHS is supposed to provide transportation, or schedule the visits to make them as easily met as possible, to avoid missing visits. DHS told April, when she inquired about this, "It isn't our job to cart you around. You find your own way to DHS. The Foster mom will have her here, it's your job to be here when we tell you." That is a sample of Jennifer Cox's "reunification plan". How long can THIS work before she has to miss a visit? And of course, missing one hurts Ashley, so is viewed negatively. Forget that being kept from her family unnecessarily is also hurting her. SHEESH!

JAN 31, 2003 As of today, Mr. Kender has not yet sent a copy of the petition. He also won't answer any phone messages, refuses emails, and turns off his fax machine. He was furious when we left court the day April denied, and has steadfastly refused to have any

contact with her since, despite tons of information she has sent to him, phone calls to ask him to call her, and even faxes she has sent to BEG him to let her know what he is doing to prepare her case. I am preparing a letter to the judge to ask for new counsel. But in the meanwhile, the Colorado State registry² of Child protection has notified April that she will be added to their list as a neglectful parent. This action, it is noted, is because of the septic incident in November 2002. I KNOW she needs an attorney who knows what he is doing to answer all of this garbage, but she has none. So I am trying to hold things together until one can be found. Working 10-12 hours a day doesn't leave much time for reading and learning when my mind can absorb. I feel scared, and helpless. I had her call the GALs office today, and ask for a copy of the petition. She is to pick it up on Monday, Feb 3. Meanwhile, I am sending objection and appeal to the Registry people, and a letter asking for change of counsel to the judge. Cross your fingers. April is also sending a letter of intent to the current atty. Kender, letting him know that he is guilty of ineffective assistance of counsel and that we want him to start doing his job. He has already received a letter that April and I found on the internet, outlining the proper defense preparation and motions which should be filed right away, and asking him why he did not demand the court to examine the evidence of those 'reasonable efforts' that Jennifer Cox claimed to have made. He ignored it all.

February 5, 2003 April got a copy of the petition from Anna Hall-Owen's office. The document contains the same things that the shelter report said. I don't understand why Kender said it did not. HE kept saying that the petition didn't mention lice. But the petition says that the basis for the petition is the information in the shelter report, and that a copy of that document is attached. It references the Shelter Report, which makes several references to a "filthy house" and Ashley being "filthy and stinky" and "crawling with lice". How can this man defend April if he doesn't even know what the case is based on? I have contacted Family and Youth Institute and I am working to get April set up with them so that she has some advocates who really ARE on her side, and who are willing to hear her position and to defend it. These people have told me that they can at least offer investigatory services to Kender, to try to move him along in preparing a real case, and they can also help April to understand what Kender should be doing, so that she can

know when he is not acting in good faith. Since I am working so much, if she needs help to attend a meeting, and cannot get Kender to attend with her, (as has been the case so far) they will come here and attend as her advocate, so that she has help to sift through the information they bury her in. I have no faith in Kender, as a matter of fact; I think he is decidedly against her. HE seems to be vested in the system, and a puppet who plays the game to give the client all the wrong information. If I were the social workers, I would want this guy to be the parent's attorney. He offers the parent all the right information to set them up for the DHS/CPS Attack. I have seen his type many times in my advocacy with developmentally disabled people. They always just work with the system, and have no interest in the reality of the case, because they have no intention of defending anyone but their own best interest. I am really worried; I cannot afford to hire private counsel. I went to talk with one of the two private guys I know so well here in this little tiny town. He told me exactly what was going to happen, BEFORE any of it did. He knows the system too well, and said he knew Kender, and Owen, they are both known facilitators, that is why they get appointed so many cases. He offered to handle the case for April, but needed at least \$5,000 retainer and another \$5,000 if it went on for long. I just don't have that kind of money.

March 15, 2003- I haven't had a lot of time lately. I have been studying feverishly, trying to learn what our rights ARE, and to know the CPS manual better than THEY do. what I have learned is astonishing.:

It seems that the CPS manual of policy and procedure requires the social worker to exhaust "every other reasonable effort" to avoid removal of the child from the home. They are mandated to offer any and all possible services at their disposal to help the family alleviate the problem, and to monitor as closely as is necessary to gain the remedy needed. This social worker had not set foot in this house in over two months, and didn't call, or come here to see for herself what the conditions were, didn't ask any one of this family for any sort of response to the school nurse claims, or try to intervene in any way. She simply took the child into custody, had a sheriff take her away from us, and then,

more than TWO WEEKS later, when I made the comment that I had no idea how she could judge the condition of a home she had not BEEN to, she appeared, on January 22, to inspect. She found no objections or safety hazards.

The Sheriff's Deputy also dropped the ball. His statutory obligation to this scenario is to ascertain on his own investigation and of his own knowledge that a true emergency condition does exist, that the child is in danger, or has been physically harmed, and to refuse to remove that child if those conditions do not exist. This deputy followed the social worker to the school, on her word, and simply rubber stamped the report, and walked out. He never SAW the kid!

Once they took the child, they had to immediately set into motion a plan to remedy whatever their complaint was, in order to restore the child to her mother ASAP. They have done nothing. They had 30 days to draft a plan and to incorporate the family in the drafting, and they have done nothing. When I asked them when she will be released, last Thursday, the social worker, (a new one, the first one has been taken off this case.. Hmmm think they realize she blew it?) The social worker told me that if we wouldn't drop the jury trial, she would be in their custody until May. That is extortion. It is specifically banned by state statute. They cannot hold her unless there is some safety hazard, some danger to her in the home. They most definitely cannot hold her hostage for the ransom of a signature. That is illegal, and I will feed that to them in court soon. Meanwhile, I have sent three faxes, one letter by us mail, and two by email, for April, to the atty. He has not responded to any of them. The expert consultant April engaged, pro bono, has written to him suggesting the strategy that she has found will be most useful to him, and offering her services. He has ignored that letter totally. I have faxed April's letters to ask him to send her an immediate status report on the filing of the motions she asked him to file: one to demand Ashley's release, because she was taken without proper reasonable effort and no specified hazard to her exists. She asked him to file a demand for them to prove the claims in the Shelter Report, gave him the timeline that is posted here to follow. She has asked him to file several other motions, and faxed this past week twice, to ask that he apprise her of the status of his work, and let her know what investigation he has done into the claims, and into our witnesses, and our evidence to the

contrary of their claims. He has totally ignored all. I am filing a malpractice suit against him, filing a report to the judge, Julie Marshall, regarding his total incompetence... and I have ready to file, the complaint to the bar assoc. of Co. His bias is very clear, regarding this case, his assumption that April is somehow guilty simply because she has a developmental disability, and because she is indigent. I am so furious, just typing this has my blood pressure soaring. The NERVE of that pompous little jerk, to actively act against her, when he is paid, under contract, and sworn by his oath to defend her at all costs. I will promise you, if you live in Fremont County, that when I am finished with this little jerk, he will no longer be a court appointed atty in this area. He might still have a license, but it won't be worth a nickel here.

I will try to post more often to keep this site updated. I have just been working 10-12 hour days for weeks on end, AND trying to get my brain to absorb all the legal jargon and double talk in the CPS manual and various court documents. I hope to be able to report soon that Ashley is home. I guarantee you, this issue is not dead. I will not rest until there is a REAL board of inquiry in Fremont County. DHS Director Steven Clifton has assured me that one exists. I asked for the annual report generated by this board. He ignored me. I wrote to his boss in Denver, and after a couple of letters, Clifton finally sent me a one page copy of a supposed report on one case heard by this board. There was no information filled out on the form, supposedly the form he sends to Denver to report the activity of this board. I happened upon the Chairwoman of this board, a friend of a relative. She tells me that they met twice in 1997 and have not met since. In fact, she believes she may be the only member left in the area, of the original five. When I wrote back to Clifton demanding to be sent a list of the members of the board, and contact information, he advised me that the DHS attorney had advised him to “poll the members” for permission to reveal their identities. Newsflash! This is a matter of PUBLIC KNOWLEDGE!!! He has NO right to refuse me that information. I wrote to the County commissioners, all three of them, to complain about this obvious liar they have in the position of DHS officer. Along the way, I have found out that his previous position was the Exec. Dir of Teller County DHS, where he was allowed to resign after \$400,000 came up missing. NONE of my county commissioners has yet responded to my letters. Surprise!

Let's see, the last update was March 15. April and I met with Dawn Rivas, the new caseworker on

March 13. She played good cop/bad cop with us. Told us she realized Jennifer Cox had jumped the gun, and hadn't done some things she should have. She said she had written up a plan, mostly of things she knows April already is in the habit of doing, to try to help "get this settled". She showed us the plan, and it had ME, incorporated as a Special Respondent. They had tried to get me to agree to being added to the case like this earlier, telling me that if I agreed, I would have more input. The truth is, as a party to the case, I would not be allowed to defend April, and I could be labeled as a bad influence on her, which has already been tried. IF they could succeed in getting my agreement to be added, they could then court ORDER me to stay away from April, and have no input in this trial. Not likely. They would have conned me into placing myself in a position of being unable to interfere in their attempts to con and intimidate April. I refused. SO Dawn, pretending to be SO understanding and wishing so much to help April, tries to add me as the special respondent, and to convince us that if we sign this plan, and agree to it, Ash can be home shortly. Of course, hidden in the agenda is the fact that this will effectively withdraw April's denial and will amount to admitting to guilt in their petition. We both told her NO WAY. Their plan³ was insulting, degrading, and ridiculous. We both told her that the only plan we would agree to is: They withdraw their petition, release Ashley, remove April from the Central Registry of Abusers, and cease and desist harassing her. Dawn said that she understood, and when we told her that Kender is a joke, she agreed, saying she has him in another case, and he has been a total loss. She said the GAL insists that they evaluate April's boyfriend, and investigate him, and she made the comment that it is her job to insure Ashley is safe. I said, "Who the HELL do you think you ARE? You are NObody. You wouldn't recognize Ashley on the street! Are you saying that I can't protect my family? Are you saying that April has failed to protect Ashley?" She said NO but the GAL was going to insist. And the GAL could block Ashley's release. She told us several times that she is helpless to make this right, they are not going to let her. I said, "Well, Thad has moved out, their wedding is off, and they are barely friends at this point. He did this because I asked him to move on, and because

³ See Exhibit 4 in the Documents Section

April told him she couldn't risk losing Ashley to have him in her life. He allowed his parental rights to be terminated several years ago, and they are in a frenzy to prove that he is some sort of pervert. At one point, I said to the GAL, I have known this guy for a year and a half, and he is the picture of the perfect family guy. He is NO WAY going to harm either of them." She said to ME, "Well, 18 months is nothing. People have known colleagues for years and then found out their secrets. You can't KNOW about anyone. " I said I can know as much as YOU do, and I can trust my instincts, which I have a fifty year track record of being right about, and I can investigate him, which I have. It is MY business and APRIL'S business to protect Ashley. I know you people think you are the only ones who can and will, but you are NO one. WE know the people in our family, and WE know Ashley is safe and well cared for. This has nothing to do with the lies Jennifer Cox told. Jennifer Cox has done a hell of a lot more to harm and to actively abuse April and Ashley than Thad possibly COULD. What are you going to do to stop THAT?" She shook her head, as if I were some kind of nut case, and walked away.

On March 15, or so, they started letting Ashley come home for visits after school on Monday Wednesday and Friday. She stays from 4-8 and the foster provider picks her up. Then, during Easter Week, they started allowing her to come home for weekends. She comes on Friday night, and goes back Sunday night. AND she is here Monday and Wednesday. But they won't let her come home. When I questioned this, they said that she probably would have been allowed to come home, but her mother can't drive to get her to school in the new school they put her in back in January, because it is 7 miles away, and there is no bus. They want her to finish the school year, about another four or five weeks, before returning her. The jury trial is on May 27-28, the same day school is out.

NOTE: They moved her out of Penrose School where she was getting the lice, and she never returned to that school after being kidnapped by them. AND she has been here constantly for the past month. AND she has not had one more bug or nit since.

Hmmmmmm. They would have you believe that is because we finally got the bugs killed in the house, and that their "services" have improved April's housekeeping. That is all hogwash! There were never any bugs IN the house, they were at the school!

On the next page, I am going to outline some recent events in this case that will totally astound you. I will also footnote the documents to prove what I am telling you, so that

you can see it all for yourself. You will be amazed at the blatant arrogance of these people. I think they really believe they are invincible. As long as they all hang together, and protect one another, they are all safe. They are WRONG. The majority of the parents they harass are ignorant of their rights, and incapable of writing and speaking in their own defense. I have the background to do the research and to write the motions, and to file the malpractice complaints and the lawsuits to boil them in oil, and I fully intend to crucify each and every one of these self serving money seeking animals. The victimization of people who are defenseless is unconscionable, and doubly so when the abusers are people entrusted with the most precious lives of children. I will see every one of these liars in hell. I have been a political activist and a soap box advocate of the constitution most of my life. I have never believed more in those practices and those principals than I do right now. Please take a look at the next page.

Let's see, I am not terribly good at keeping this up in a timely fashion. The powers of Fremont County decided, when April filed the documents that she and I wrote for her case, (since Kender STILL won't return a phone call, much less file a motion) that we were being "unduly influenced" by Suzanne Shell, the Family Advocate and Journalist that we had hired to help us with this case. Suzanne has had more than a little experience with these cases, and has written a couple of books about her experiences, and knowledge of the system. She has been documenting this system for thirteen years. She told us that she could only take a Power of Attorney, to allow her access to the files and documents surrounding this case, and she could write an offer to the atty to assist him by doing investigation, documentation, filming of the family and home, and she would also include April and Ashley's story in the documentary film project she is currently working on. These people went NUTS. The packet that April filed on April 14 included a **Motion to Return the Child, A Declaration of FACTS** (to rebut the lies contained in the shelter report and petition of neglect.) and a document called **the Notice Regarding the Court Appointed Counsel**. These were filed, as I say, on the 14th of April. Copies were served to all the parties of this case during the few days before that.

On April 15,2003. Aprils lawyer, the man who has not once listened to her, answered her email, phone calls, faxes, or other pleas for help, has not ONCE given any credence to her repeated claims that she is being railroaded, lied about, who has not ONCE even

sent the documents of the case to her, or shared his conversations with other attys, GAL, DHS etc with her, the lawyer hired by the State to protect and defend her rights in this case.. THAT lawyer, Kender, stepped up to the bench in court, on a routine "Juvy Day" when all the other players were there, County Atty, GAL, DHS agents, etc, and he asked the court, In the person of Judge Julie Marshall, to appoint a GAL for APRIL, based on the documents she filed, and his belief that Suzanne Shell wrote those for her, and was influencing her to deny the petition. Without a court hearing, notice to April, any evidence being submitted to the court, April being allowed to respond, the judge DID APPOINT A GAL FOR APRIL!!!!

THEN, the county atty, the NEXT DAY, **filed a motion** to add Suzanne Shell as a "Special Respondent to this case, for the limited purpose of ordering her not to have contact with the Mother and minor child" This information was NOT served to APRIL! **On April 25**, April and I happened to go to the county clerks office to get copies of some other things in the case file. We accidentally found the notations about this impromptu "hearing" on April 15, in the minute orders, and also found out that the judge had ordered a hearing on the motion to add Suzanne as a Special Respondent, and it was set to be heard on April 29. To this day, Kender, April's attorney, has YET to provide her with one shred of paper in this case. He did not then, nor has he YET sent her notice of any of the above actions. This, despite the fact that he was told many times that he was to forward all documents, letters, memos, notice of any conversations he had about April. BUT.. I am sure that, within the few days before the impromptu appointment of a GAL for April, he HAD just received notice that she was suing him and also filing a complaint to the Supreme Court about him. HMMMMM. Wonder why he might want her declared incompetent to sign these documents, would want them declared null, and would want one of his PALS assigned to her case to guard against her further attempts??? Her GAL's plan was to keep her from resisting their plan! It was not even made to appear otherwise. They blatantly stated on the record that a GAL was needed to keep ME and Suzanne Shell from "forcing April to sign things against her best interest". I guess her best interest and Ashley's are only served by allowing them to steam roll her, and if she has the audacity to think she should assert her RIGHTS, someone must step in and stop her. HMMMMM???

Of course, this complicit and colluding Judge played right along. Hell, she probably called him and told him he had better do something. SO now, April had a GAL., a lawyer named Dan Slater, who also pinch hits as a GAL for kids all the time, and is also the attorney for Developmental Opportunities, he is just another court lackey. She spoke with him, and she also wrote him a letter to tell him what she wanted and how she sees this case. In court, on the 29th, although this was ALL about getting Suzanne Shell out of the picture, (These players all know her, from previous cases, and they REALLY want to discredit and remove her scrutiny from their lives. She makes life for them HELL, cause she documents and films their attempts to railroad parents. And they do railroad, lie, cheat, collaborate, work in concert, and feed one another's agenda.) When Suzanne stood to ask for a change of venue, based on the Judge and County Atty bias against her, the judge told her she is not a party to the case, and to sit down and shut up.

She then called April to the table, and proceeded to mercilessly grill her forever; asking her to read to the court, and stopping her to ask her to define and explain items in the document she filed called the Motion to Return the Child. April read it quite well, but she stumbled over some of the larger words, and couldn't bring the definitions of some of them to memory when she was stopped and asked. THEN she read a phrase which included a reference to a Supreme Court decision: Troxel V. Granville. Judge Julie asked her to explain what Troxel IS. She said it is a court case. Judge Julie asked her where she would GET this document to read it. April told her in a law book. She handed her the CRS. (Colorado Revised Statutes) and asked her to find it in this book. April tried, but of course, could not. Judge Julie asked April again, "Who wrote these documents? You obviously did not." April had originally said that she did. And technically, she DID. She helped me to find the case law, and to decide what things we wanted to say, and how to say them. She was not lying in her mind. Even though I typed and worded them, SHE helped to decide the content, and SHE filed them, they were HERS. This time, when Judge Julie asked her again, who wrote the documents, she said that I had helped her. THEN Rocco Meconi, the County Atty, got HIS shot at her. He did the same thing that Judge Julie had just beaten to death, except he tried several ways to get April to admit that Suzanne had written these documents. April got mad and told him, "Look, I am not stupid, as you people seem to think I am. I can't remember what all that stuff means

NOW, but when we went over them, and they were explained to me, I did, and I wanted them in my file."

Next, The child's GAL got hold of her. Bear in mind, the Atty, still HER atty, and HER GAL were both sitting there like rocks. Neither of them took one step, or uttered one word to stop these people from totally humiliating and denigrating her on the witness stand. Not ONE.

The GAL, Anna Owen, asked April, " Haven't we been getting along just fine? Haven't we been working together to clear up the problems at your house and get Ashley back to you? Isn't it true that your attitude towards me didn't change until Ms. Shell came back from her vacation, about three weeks ago?" THEN she attacked the Power of Attorney April had given to Suzanne, with my approval. She asked, do you know that this woman could get credit cards and ruin you with this power of atty?(A ridiculous idea, NO one can get a credit card with April's ID and credit, trust me!) do you know that she can sign contracts for you? Do you realize that she is empowered by this power of atty to act FOR you in ANY capacity that she chooses? April said no she didn't know that, she just gave it to Suzanne to let her talk to Kender, and to get the case files. She said that I had approved of it. Owen said, "Your mother approved of it. Does it seem to you to be good advice?" April shrugged, and said, "If she could do all of that, I guess not"

Next they got hold of ME. I told them a thousand times that April and I wrote those papers together, and that just because she can't remember the details now does not mean she didn't understand their intent then. That goes for the POA also. She and I agreed that Suzanne had good recommendations from people we DO know, and should be trusted. Owen asked me, " Why is it that all was well until Ms. Shell came home a few weeks ago?" I said, "It is a coincidence. The reason April's attitude changed is that she read the "plan" and realized that Dawn Rivas and you were NOT trying to help her" She asked, "Would it surprise you to know that April told me that YOU forced her to sign those papers?" I said "No, not really. She has been scared to death of you since day one. You approached her adversarially, as though cross examining a hostile witness, and she knows you have the power to take Ashley away. She would go along with whatever you said. I don't blame her, so would I; you're holding her daughter hostage to that."

When I said that I wouldn't be surprised at April's saying that I forced her to sign those documents, and that April has been scared to death of her since day one, the GAL shut up and sat down without so much as another word. THEN, KENDER got to have at me. He started in trying to exonerate himself, nothing he asked had a thing to do with the issues at hand, and finally FINALLY the GAL for April, a local lawyer named Dan Slater, spoke up. He said that he didn't think this was the place to hear the case of Ineffective Assistance of Counsel that he felt that April was probably justified in bringing. WOW! I thought he must really be planning to act in her DEFENSE! But was I wrong. We were out of time, and the judge took a break, to hear another case, then came back in a half hour and recessed till May 5th.

Suzanne Shell had not been allowed to have any part in this entire kangaroo court. She was never served with any summons or notice to appear. The only reason she knew to be there is that I called her when I found the notice of the hearing in the case file. When she appeared anyway, it obviously dismayed the "players". She was denied the chance to call witnesses, question witnesses, was not allowed discovery to see what evidence their attys had to support their claims of her meddling, or truthfully, their claims that she acted as an Unlicensed Attorney. She asked publicly and on the record for hearing in another court, because of the obvious and pervasive bias of the judge, and was told to shut up and sit down.

SO on May 5, she didn't attend court at all. All the lawyers got the chance to speak, and they all agreed that Suzanne and I had both been proven to be bad influences on April, and that the documents were obviously not April's work, and should be tossed out of the case file. Those documents were declared as null.

The judge did, indeed, injunct Suzanne from having any more contact with April, against April's wishes, but with the agreement of their boy, Dan Slater, the court appointed a vehicle for this total joke they called due process.

One of their real excitements was the Declaration of Facts. Meconi, the county atty, said that NO decent atty would EVER have allowed his client to file such a document, it was so harmful to the case. All of them agreed that it was not "helpful" to the case. I still do not understand how it is anything bad for her to dispel the lies in the petition, and answer them with the honest to God truth. The TRUTH seems to be a very evasive commodity in

these peoples world. Nothing is about finding or exposing the truth, it is only about what can be done LEGALLY and what they can make it APPEAR to be or APPEAR has been done. They have no interest in the morality of their little game. None of them seems to give a DAMN about the FACTS, only about how they can twist or construe the facts, or how they can suppress it to enable them to lie undetected. If an atty can enter a lie, and it can't be PROVEN a lie, or sometimes even if it CAN, but the judge won't allow or admit the proof, he has now created his own version of the NEW truth

The one good thing that come out of the appointment of a GAL is that Mr. Slater DID say a second time, that April has a good case against Kender for Ineffective Assistance of Counsel, and he felt that she should be appointed a new atty. SO, they agreed, after Judge Julie tried to resist that and argue with Slater about it on the record, to appoint another atty.

The new Atty was not identified to April until late Thursday, the 8th of May. Our next hearing was the 13th, Tuesday. She met with this lawyer, Roger Larsen, a former DA from this county, and buddy to all of the already collaborating attys in this case. Back in 92 or 93, ol' Roger was disbarred for smoking dope, and partying with minor girls. I was a large part of the public outcry to remove him from the DA's office. HE recognized me, too. I just can't get over the fact that he has the nerve to appear in this county in court. But worse, I can't believe he is allowed to do so.

On Monday, **May 12th**, he met for an hour with April, while I waited outside. I wrote a letter to him, and she gave it to him, outlining events so far, and the facts that we felt were important. He read that letter, talked with April for a bit, and then called me in. Laying on the table was a notepad with his outline of objectives that he and April had agreed on...

"#1- Get Ashley Back.

#2- Get Ashley Back.

Things we can give up to "GET ASH back" -let them inspect the house. Go to parenting classes, clean the toilets more often. What he had done is exactly what Kender had done to her... didn't talk to her at all about PROVING THE ALLEGATIONS ARE FALSE... and instead, tried to con her into believing that all she had to do is agree to the petition. The fact that I injected was offensive to him. I said, "Well, that is nice, but we already

HAVE Ashley back, she will be home on May 28 after school is out for the summer. What we do NOT have is a lawyer willing to fight to disprove these lies they have lobbied against April." He got busy telling me that his client is APRIL and she is fine to agree to some of this garbage, as long as it gets Ash back. I said again, "We already have Ashley back. What YOU need to do is prove that they should not have taken her." I started to tell him the lies that were told, and the rights that were violated, and he cut me off. He said, "Well, those things are all water under the bridge. All we want now is to end this right?" I said, "NO, what we WANT is for them to retract their lies from her record, to keep them from using those lies in their NEXT assault." He said, "April is my client, and she and I are in agreement. I understand your concerns, but you don't run this case, she does." I said, "You sold her a bill of goods, but you can't sell them to me. I won't sit still while you lie to her and allow lies to stand unchallenged against her." We are not friends, you may have already surmised. April listened to my reasoning, and wrote him a letter that night, telling him to make them retract the lies, and that she would continue to comply with their plan, but would NOT admit, or withdraw the trial.

Also, I wrote to Dan Slater, the day after the hearing on the 13th. Slater shot a note back to me, and I replied. You can readily see from these letters, both the GAL and the Atty are now working in concert to make ME the bad guy, the "fall guy" just as the atty told me he might have to do. I told HIM at the time, "Well, the real problem here is the dishonesty of the DHS agents. If you want a fall guy, you should be talking to THEM" DHS and Meconi and the GAL, Owen, are trying to say that I am self serving, and a bad influence on April. All I have done since day one is keep telling her that she HAS rights, that those rights ARE being stomped on, and that she CAN fight back and win because the truth WILL stand in her favor. How is that self serving? Because I won't just shut up and allow them to lie to her, manipulate her, and convince her to accept and admit guilt for things she did not do, and which will harm her for the rest of her life? And I am the bad influence??? I would submit to you that THEY are her enemy, not me, and certainly not Suzanne Shell. WE have tried to protect her rights, and THEY have worked overtime to cover each others butts and hide the fact that they all have lied and abused their power egregiously. April, Suzanne and I are all three, now, fearsome targets because we have filed suit in US District court against all of them. Mr. Larsen and Mr. Slater are

dangerously close to being added to that list.

They DID agree to release Ashley on May 28; officially, it had already been decided weeks ago. And they set a pre trial hearing for June 9th, and a jury trial for three days July 1-2-3 at 8:30am.

While awaiting the trial, April has had Ashley back in her custody since June 1, 2003. Really, she is in THEIR custody, and PLACED with April. For first one reason and then another, they have postponed trial several times. NOW we are fast approaching trial, (Sept 24-25-26) and suddenly, they want a release to visit the child at her school. April signed that release, believing she had no choice. When the child came home later that day:

(Sept 10,2003) April tried to warn her that a social worker might come to school to talk with her. Ashley went hysterical, crying and begging not to be made to return to school, scared that the “lady would lie” about her again and she would take her away again. April came to me frustrated about what to do to protect Ashley in this mess. Her brother suggested she take a copy of the "**HATCH letter**" passed around the internet, a version of which is on several Child Rights websites, and sign it, and present a copy to the school. This would stop anyone from interviewing Ashley without her mother and her GAL present. It would not prevent them from access to Ashley, only from gaining that access without Ashley's rights being protected as well as her mother's rights. Within fifteen minutes of delivering that letter to the school, The GAL appointed for APRIL, (Dan Slater) called her. He was practically apoplectic, claiming that the letter was a violation of the court order.(It is written in the court orders that April will “sign any and all releases tendered by the department” I have never understood how she can court order a person to release information that the person KNOWS will hurt their case in court, and that is in the nature of private documents. Is there no 5th amendment anymore?) Sure enough, the next day, we were informed that the judge wanted to have April appear before her on Friday to hold her in contempt for trying to block access to Ashley, in violation of a court order. If I had the room and time to list for you all of the instances in the past year in which this judge has literally written her own laws as she went, and totally ignored the FACTS of testimony and proof presented to her, and has

absolutely acted as if the law does not apply to her, I could probably fill your trunk. . In FACT, when I wrote to April's GAL, to ask him why defending her constitutional rights was a BAD thing for my daughter to do for she and her child, the GAL responded that I needed to understand that the constitution "doesn't apply to D&N Cases." WHAT???

Upon review of the various documents of this case, I am inclined to agree with that statement and it is unnerving to say the least. I am broke. I can't afford to hire an attorney, and can't find anyone "accepted for county reimbursement" who has the BACKBONE to fight this absolutely corrupt system in this county. These locals are literally afraid to go up against a judge. They are afraid to cross Meconi, for sure. I have had more than one of the local attorneys who will NOT take court appointed cases, tell me that Meconi and Marshall work together, and that they have broken several lawyers who had the nerve to buck their little system. They just stop allowing any appointments for that lawyer, and they have to leave the area to maintain a practice. In at least one case, they filed complaints against the attorneys, on some bogus trumped up things, and got him reprimanded by the disciplinary counsel. This amounted to a warning shot. They clearly had the clout to complain more strenuously and get him disbarred. He left Fremont County.

The court appointed attorney, Roger Larsen, is absolutely worthless. I read recently, a text book for attorneys handling this sort of case. The things that are rudimentary to any case of D&N are completely ignored by this guy, despite April's multitude of pleas to help her. He has absolutely ignored even her pleas to call her since the first of August! And THEN, he only called because she complained to the GAL, and he got the word that he had better pay attention. Another time, she complained to Dawn Rivas and Anna Owen Dawn said later that she had called him herself to tell him that he should call April, and stop ignoring her. I think Dawn sees clearly, and realizes the mess this local little coven is, but she is a rookie, and would be destroyed if she dared not go along and do as she is told. Meanwhile, this lawyer sits and won't object to anything said or presented, lets it all go by, obviously in collusion with the other parties, passing on all opportunities to establish points for appeal, as he should be doing, which is absolutely against the best interest of the child AND her mother. He doesn't even pretend to present arguments to anything the county attorney says. He just sits there. I have now officially explained to

him how easy it would be for us to add his name to the Federal Suit. He seems to be angry with me.

This case has merit, and I can't find an attorney who will take this case and fight, pro bono. I can't afford the ones who would and have the expertise, and in the meanwhile, my somewhat hamstrung daughter is being crucified, and my now 8 yr old grand daughter is terrified. I have been threatened with unlicensed practice of law if I try to help her, and the documents that she and I drafted together were thrown out and declared a nullity by this judge. NOW, the county attorney is listing one of those documents as one of his exhibits in his disclosures. There has been NO objection from the atty for my daughter, and NO denial from the judge, and NO objection from my daughters GAL. They are all in the same club, and won't ruffle one another's feathers... regardless of knowing the truth, and realizing that justice has NO part in this debacle.

Regardless of whether their case has any merit or not, (Trust me, it does NOT) April and Ashley STILL should be afforded the same rights that any person before a court should have. Regardless of whether the story they told was true or not, nothing in even the DHS much exaggerated and fabricated version of the story would warrant the removal of this child. They absolutely destroyed a family for NO reason, other than ego, and MONEY. April and Ashley have not been allowed even the marginal respect of their constitutional rights, and have been lied about, coerced, intimidated, threatened, ordered to do things that are completely against their best interest, and amount to waiving their constitutional rights. They need help.

On September 19,2003, they held a hearing to hold April in contempt for giving the HATCH LETTER to the school. At that hearing, since we were "all together anyway", the judge decided to do a little "pre-trial preparation" since the trial was to begin on Sept 23. April's attorney, Roger Larsen, was attending this hearing by telephone. During the conversation about the Hatch letter, the GAL for the child had said, (when asked what her opinion was of the hatch letter) "Well, I don't know. I think they may have intended to protect Ashley from interviews without me present, but I can't be sure of that, since they have recently referred to me as an "agent of the government". (referring to the Federal Suit) She said this, with a laugh in her voice, taunting, sarcastic, and got a hearty laugh

from all the others, including the judge. (When Owen got served with the complaint in the 42 USC 1983 Federal Suit, she told me, "You just don't get it, you can't sue us, we are IMMUNE!" I told HER, "NO, you just don't get it, you violated that immunity when you decided to be a facilitator for the county agenda instead of honestly acting in the best interest of Ashley. See ya in court") The judge ordered April to sign any and all releases, without reservation, that were asked for by the "department", and declared the Hatch Letter null. Meconi said that the "department" was prepared to pick Ashley up at her school if the Hatch letter was allowed to stand, because it would mean that they did not have meaningful access to Ashley. What possible reason could they have to interview her at school? They claim that their "state interest" in her was regarding lice and filth. If the school has no problem with her appearance, and she has no bugs, then their venue lies in our home, if anywhere. And even if April must allow them access to Ashley, she does not have to allow it without an attorney present to protect Ashley from leading, dishonest interviews. Marshall didn't care, Larsen didn't make a sound, Meconi made his threat very clear to April. Marshall just cemented that threat and intimidation, by repeating it, and by ordering the Hatch Letter be nullified and that April resign the releases. THEN she turned to pre-trial prep.

When she came to April's atty, she asked him, "I am going to name each of the people on your witness list. (We had given him a list of about 20 people and as of this date, he had not subpoenaed a one, despite the fact that April had called and written to him several times asking him to do so, since some are social workers, and agents of other community services.) She said, "I want you to answer yes or no. Do you want to call this person, or not, at trial?" As she named all of our witnesses, he said NO to each one. He had no intention to call even ONE witness!!! And THEN she asked him to do the same with an evidence list that was FIVE HUNDRED PAGES LONG!!! Dr reports, psych evals, school records, proof of the hair salon finding that Ashley HAD no lice, and a ton of evidence that proved that several entries in the DHS logs and records were outright lies. As she named the documents, he declined to use even one of them. He had no intention of even pretending to present a case! Poor April just sat there and cried. When she tried to speak out and object, the judge told her to be quiet. The judge asked her atty, over the BAD phone connection, "Mr. Larsen, your client wishes to speak, do you want

her to speak on the record?" He said, "NO, your honor, not without me there." For some reason, this elicited a snicker from the prosecution table where the GAL for the child and the county attorney and the social worker were sitting.

NOTE: a social worker who had worked with April and Ashley back in the days when April was attempting to live alone, was standing in that day for the worker assigned to this case. As she and the county attorney, Meconi, arrived at the courthouse, I happened to over hear her telling the atty that she resented being put in the position of having to support and defend the "bullshit" this other worker had done in this case. She was ANGRY, and later I found out that she had been telling the supervisor in the office for FIVE MONTHS that this child should not have been removed and should be returned.

We walked out of this hearing feeling absolutely lost. April was in tears, sure she was about to lose Ashley forever, and I was so angry, I could barely drive.

Sept. 19, 2003 through Feb. 3, 2004-When we got home from court that day, April was beside herself. She decided that it was obvious that Roger Larsen had NO intention of presenting ANY defense. She was sure she was going to lose Ashley. She finally decided that she had to try to strike a deal with them. She realized this was admitting guilt, and she was furious, but had no way to present her own defense, the judge wouldn't even allow her to speak. They were all working against her and she was scared. She called Roger's office and left a message. He called her RIGHT back, and as soon as he found out what she wanted, he went to work making calls. He called her a total of three times in the next 12 hours. This is the guy who had not voluntarily returned a call or letter or fax in three months. He said they agreed that she could stipulate that the house was an injurious environment in November, through no fault of hers, and they would agree that she had already completed the plan and would agree to close the case. He said we would have to get into court the day before the trial, only a couple of days away, and to do that, would have to go before a different judge, sitting in for ours, because Marshall was out of town. We agreed. In court, this other judge seemed to just be going through the motions. At the very last second, he said, "Judge Marshall wants to place this case on a 90 day review with the agreement that if DHS has not closed it by then, she will close it at that

review." We were shocked. When he asked if the terms were agreed upon, Roger said YES, for April. We were all in shock, he had told April that they would close the case that day. He lied again. He knew this was not going to happen, and that April would not be able to back out without going to trial with his pathetic exposure to total disaster. He already made it clear he would not be defending her at all. She had no choice.

Later, I realized that THIS was their way of keeping hold of April, because of the Federal Case. The GAL said that "withdrawing" would make things a "lot simpler" several times. Almost immediately, the social workers started visiting unannounced, and often. They seemed obsessed with the subject of Thad, April's boyfriend. They asked all sorts of questions, and April told them once that she and Thad are still good friends, may never get married, but he comes here once in a while when he comes in from working out of town, and stays over and visits. She and I have both told them how Ashley loves him, and wants him to be her DAD. One of them said that Ashley told HER that her mom is going to marry Thad. April and I both told her that Ashley doesn't realize all that happened while she was in foster care. We haven't told her.

We were scheduled to return to court for the 90 day review and closure on December 18, 2003.

On December 16, April did a cursory routine check of the case file in the court clerk's office. They have been caught slipping things in there that were never served to her, so we have learned to check it often. Lo and Behold, there was a "report to the court" from her social wrecker, Dawn Rivas. In it, she says that Thad has an extensive domestic violence background and a child sexual abuse case, and recommends that he be added as a special respondent to the case and ordered to have a psycho-sexual evaluation. In addition, the county attorney is asking for a protection order, with the agreement and approval of BOTH GALs!!!

Thad has ONE case in his criminal record EVER. His ex wife accused him of touching their 12 yr old on the breast in 1998. He had been working out of state, coming home every three months. While he was gone, she had repeated encounters with CPS in Ft. Worth. He had no idea. She also had a couple of dirty drug tests. He had no idea. When his step mom finally told him, he confronted her, had a terrible argument and he told her he was going to take the kids to his moms, and move out. Before he could go to his

moms to make the arrangements to do that, she had him arrested for touching the girl. Instead of helping her to keep the kids away from HIM, this cost he AND her kids. CPS took them all three into foster care, and while he sat in jail, refusing to agree to a plea bargain, they terminated both of their rights. The jailers SAID they served him papers on the kid's neglect and abuse case, but he says he never saw any. He was in jail for 18 months, with first one delay and then another, never getting a trial. They never served him the papers on the termination till after the fact, letting him believe that the kids were being placed with his mother. When he learned about the termination and adoption, he agreed to a plea of bodily harm to a minor, (he had admitted spanking one of the boys and the girl once) and the court gave him time served and let him go. He figured he had nothing left to lose.

On the afternoon of Dec 16, Dawn Rivas and Wanda Duval both social workers, came here to talk. They were met with an icy reception, as you can imagine. They both tried to convince April that she should break all contact with Thad, that he was dangerous, etc. I told them he had lived in my home for two years. I had known about this case of his since before he even came to Colorado. I had checked it out with RELIABLE people, not liars working in the CPS. Even his attorney told me that he was screwed. Every friend, family member, minister, neighbor I spoke to said the same thing." SHE was a piece of trash. She used him for rent, and when he got in her way, she lied. She is a pathological liar, a druggie, a tramp, was letting the 12 yr old date high school boys, letting them spend the night with the girl in their house, while SHE went "out" with her various dates. THAD was on the road working, sending paychecks home, SHE was spending the money on drugs and clothes, and never on food, she never cleaned, did laundry, bought groceries. THAD was guilty of being naive. Not ONE of those people believed for one second that Thad would ever harm anyone, especially a kid. They all said SHE hit HIM a few times, but they never knew of HIM to even hold her down when she DID, much less hit her. I told these idiots all of that, and also that I had made him take precautions NEVER to be alone even in the next room with Ashley, for his OWN protection so that people like THEM couldn't accuse him of anything. I had watched him with a dozen different kids over two years and had never once felt he was in any way out of line. I didn't even see signs of stress, when I felt stress, with eight kids here at once, myself. He seems to be

easy going, never ruffled, soft spoken, mellow, and decidedly good natured. And ASHLEY worships him. She wants him to be the DAD she has always wanted. They went to court two days later and got a court order to force him to have a psych - sexual eval, and added him as a special respondent to the case, and entered a protection order against him. He had to move his things next time he came to town, and is not allowed to have contact with Ashley or April. They have never served him, given him opportunity to object, defend himself, speak in court, BE in court, nothing. Sad story: In preparation for that hearing, April and I wrote her own objection to the report, and handed it to Roger and told him to please present it in court. We took copies for all parties. WE KNEW he would do nothing, so prepared as if he didn't exist. He did as instructed, but not with any support, he just handed it out. The judge was so busy grilling April about who wrote it for her, she never made comment about the content. AGAIN! They continue to harass April all the time wanting to know where he is and how to contact him. She has told them over and over that she gets a call from him once in a while, when Ash is at school, and has no idea how to call him, or where he is. Still, they keep trying. They are insisting that he must have THEIR Dr. do a psycho sexual eval, and they have not YET served him, allowed him to speak in his own defense, or any other way allowed him any semblance of due process. And they expect APRIL to do their notification FOR them? NOT. She and Ashley and I am sure, THAD, are miserable. Thad has been trying to get a copy of his CPS records for a year now, and still, they claim they don't have his requests. He has sent these requests four times now, and they are still avoiding sending him these records. I emailed him the address of Susanna Hupp, a District Rep in Texas who offered to help him. And he is working with an ex CPS supervisor turned private consultant, to disprove the lies. Meanwhile, I don't know what to advise him to do about the evaluation. He can't trust THEIR eval, but can't afford one on his own, and the judge could just refuse to admit it if he DID. And meanwhile, Ashley is STILL suffering for the ego and arrogance and absolute dishonesty of these criminal, greed mongering public servants.

Final Note: We were back in court on March 5, 2004. The County DHS worker had recommended that this case be closed. The GAL objected. The GAL for April also objected. The judge dismissed the case, but left the restraining order in effect against

Thad. Thad's daughter, whom he was supposed to have molested, and his two sons, now 16 and 12, have been calling him for the past month. The daughter is now 18. She told ME on the phone that all he did was wrestle and scuffle with she and the boys. Her mother told her to tell the CPS lady that he grabbed her boob. She told her mother he did not, all he was doing was tickling her ribs. Her mother told her if she did not tell the CPS that he touched her, they were going to be taken away. She went along, then, when she realized that her Dad was going to jail, tried to tell the CPS worker that it was all a lie. The worker told her she didn't believe it. They were taken to a foster home, and she didn't see either of her parents again. She was 12 then. She thought they just didn't want her, she was separated from the boys, and adopted out, as were the boys. Recently, she happened to pass her grandmothers home, (Thad's mother) and recognized it. She went there, and talked to Thad's mother, who told her how to contact Thad. Her mother had kept track of the boys, so Marie, the girl, got to see them, too. They are all planning a reunion picnic this summer. Meanwhile, Marie is video taping a statement that Thad never harmed she and her brothers, never even spanked them more than a couple of times, and then not beatings, spankings. She is going to say that the mess and the lies were all her mother's doing. Wonder what they will do with THAT in Fremont County??

BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS
ON BEHALF OF THE STATE DEPARTMENT OF HUMAN SERVICES
STATE OF COLORADO

CASE NO. 20033136

Mediation and Settlement Statement

APRIL JOYCE FIELDS
Petitioner

v.

STATE DEPARTMENT of HUMAN SERVICES
Respondent

RE: Ashley Fields, DOB 4-25-95, a minor child.
April Fields, DOB 4-26-71, Ashley's mother.

I. To my knowledge, there are no pending motions in this case.

II. Statement of Claims and Defenses:

A. Fremont County Department of Human Services (FCDHS) has presented the record of an intervention involving the above persons for inclusion in the Central Registry, based on a claim that said record evidences a condition of neglect. Because of extenuating circumstances, (which I will outline below) I have admitted to this "neglect" with the stipulation that this condition existed through no fault and without any control on my part, and that the specifics of this investigation and condition were grossly exaggerated and misrepresented. This investigation occurred on November 6, 2002 at the home of the Fields' at 226 G. Street, Penrose, Co. and also at Penrose School on that date. My limited stipulation to this claim was entered in the Fremont County District Court record in case number 03 JV 3, on September 23, 2003. My reasons for accepting those terms are noted below, and I believe evidence gross malfeasance on the part of several officials of the Fremont County Courts and DHS.

B. Having reviewed the record of this investigation, I am objecting to my inclusion in the Registry, based on the fact that this record is largely inaccurate, in some areas falsified, and mitigating circumstances did exist which were not stated in the record.

C. In short, FCDHS agent Jennifer Cox claims that my home presented an injurious environment for my child, Ashley, and that Ashley was being allowed to attend school "dirty and stinky". She further claims that FCDHS had to

exact treatment to rectify the conditions. I concede that there was a crisis in progress in our home, but the record, as reported by Ms. Cox is grossly exaggerated, and in some vital areas, totally false. Remedy was already in progress, and did not require the interventions forced upon the family by Cox.

D. I believe that I can show, by evidence and witness testimony, that Jennifer Cox intentionally misrepresented the facts in this incident, and then used those records (which her misrepresentation created) as the basis for a 9 month assault against me and my child. (This piece was written in September. This case is STILL not closed, the retaliation etc is explained below) It is of considerable concern that the events of November 6, 2002, and the subsequent removal of the child on January 6, 2003 are so inextricably intertwined as to be virtually inseparable. To fully address the evidence of malfeasance, and to prove the facts of misrepresentation, and abuse, by the Fremont County system, of this family, I will have to address events which came about AFTER the removal on January 6, 2003.

E. The Contact Logs and Assessment and Treatment records of my case with FCDHS regarding this November 6, 2003 investigation were intentionally falsified. The resulting attack on my child and myself has caused 9 months (and still ticking) of trauma to both the child and myself, far outweighing the original danger presented by the crisis situation. As is becoming too prevalent, the DHS attempt to exact some supposed remedy to protect the child has effectively CAUSED the harm they sought to prevent.

III. Undisputed Facts

- A. That a crisis situation did exist in the home.
- B. That this alleged neglect was not reported to the Registry, or claimed as a case of neglect of sufficient stature to warrant this reporting, for two months after the incident occurred.
- C. That this crisis did not rise to the level of warranting removal of the child, and was immediately remedied. (albeit with assistance of services from CPS)

IV. Disputed Issues of Fact:

- A. From the time of Ashley's birth, in April of 1995, there has been a continuing intervention of some sort, because I voluntarily accepted help to gain the necessary

skills to parent her independently. I have a well established learning disability, and realized my own need for support and welcomed, even asked for classes, etc) In some instances, I actually requested classes, and other services that I believed were offered to enhance my wish to improve. At no time was I EVER told that ANY service would be noted as "to avoid removal of the child", nor could anyone have noted such a thing honestly, had I known. Had I realized that my acceptance of these services was going to be characterized years later as some sort of indictment of my ability to parent, I could have easily gotten the training and information elsewhere, as I was never under any sort of plan or order to my knowledge. I have been hounded by these people at DHS, and also the staff of Developmental Opportunities, because I have a learning disability. I believe that the treatment I have received as a client of both agencies has been colored throughout by a serious bias regarding my disability, and without any individual ever really understanding or accepting my opinions or reasoning as respectable or valid. I contend that in several earlier incidents contained in my DHS record, the interventions, and the guidance of the workers seriously endangered my child, and at some points was designed to "set me up" for failure. IE: Insistence that I live alone and accept services from Developmental Opportunities and DHS instead of remaining in my family home with my family support and assistance. I did as I was asked to do, and moved into my own apartment. The services promised to support me in that venture were dismal at best, and never began to approach a point of meeting mine or Ashley's needs. I recognized the failing plan, and moved back to my family home. Evidently, because I continued to accept Special Needs Day Care services for my child, so that I could attend the program designed for me by a collaborative effort of DHS and Dev. Op., I see that the child care services are listed in my DHS record as being "to avoid removal of the child". This is dishonest, and there were alternatives, such as stopping participation in the DO programs, (which were really useless, and had no viable goal or value except to appease social workers and DO agents) had I known that a statement like that was being entered about me. As a matter of fact, at one staffing of Developmental Opportunities, Nancy Greenstreet (DHS) said that she could "fudge" a little and continue the SCCC. I had no idea that "fudging" meant entering lies in my records that would haunt me 6 years later. From March 1998, to present, I have lived in the home of my

family, consisting of my brothers, now 15 and 21, and my Mother, Christine Korn. My father died in March of 1998. Through 1999, I worked to phase out my use of services from both DHS and Dev. Op. By January 2000, I had essentially eliminated my use of both services. Since that time, there have only been two contacts between me and DHS. The details are below.

B. Entries into the family record of April and Ashley Fields, at Fremont County DHS. (Statements of record are bold, disputes are in unbold text.)

2-10-00-regarding a report that the family was using a propane heater, which could present danger to the family, because of a furnace repair that could not be afforded.

" They have a fireplace but have not been using it."

We all have shown these people (DHS) several times that the fireplace is operated with massive supplies of wood and coal, (My Mom gets it free at work) and we have ceiling fans to circulate the heat. The furnace WAS being used, but had to be turned on and off manually, the automatic operation was broken. We were told it was the motor. After they replaced the motor, which DHS paid for, we STILL had to replace the thermostat, which Mom did with the help of a friend. The heater we were using that spurred this incident was bought at Ace Hardware, in Canon City, to keep the back room warm, where the heat from the fireplace could not reach. There was a window about 6 feet from it.

Incidentally, this area was NOT a space that Ashley lived in. We were told by Ace personnel that it was safe to use, even had safeguards on it. When the fireman (sent by DHS) told us it was NOT, we immediately discontinued its use. NOW, we are being shown as negligent for attempting to survive through financial hard times, with the resources we could find and were told were appropriate. Our major crime in this incident was being BROKE!!!!. Federal Funds are supposed to be there for people like us, who most of the time provide fine for themselves, but on occasion of a hard time, should be able to ask for help. If you DO ask and receive help, it is entered into a record like this, and saved up for a future use... to point out the "reasonable efforts" DHS has made to preserve the family. All they did was help pay for a furnace repair. But it is listed in the Shelter Report (dated 1-2003) as evidence of the ongoing "chronic" family. The only "Chronic" facet of this family is that we are chronically BROKE! Supposedly, the purpose of the DHS is to help families remedy problems to help them

keep their heads above water. Instead of celebrating our work to STAY solvent, and to handle our own problems, they vilify us when we ask for, and receive help. This is NOT the stated intent of the taxpayers who fund this program. **There are no notable entries in the record for this almost THREE YEAR PERIOD!!! Feb 2000-Nov2002**

FAMILY SERVICES PLAN 11-6-02

"This family is unable to bathe and has to use the bathroom outside."

What this worker neglects to include in her statement is that we WERE able to bathe at the neighbors home, which she was told, even given his name and number to verify. (See witness list below) She also neglects to mention that she was SHOWN a 28' motor home (see photos on request), sitting about 15 feet from the front door, with the toilet in full functioning order, and in use as the family bathroom facility. She is intentionally exaggerating and misrepresenting the facts. She also knew from her investigation that this was a temporary problem, exacerbated by the illness of all family members. The FLU had attacked us. This had only been a problem intermittently for two weeks at most, not for months, steadily, as she states.

"They have turned the water off to the house because the septic tank is backed up"

This is also a patent LIE. She KNEW that the water was in good working order, I SHOWED her the small tub we were using for hot water to bathe, soap, sponge and towels included, on the counter. I also SHOWED her that we were catching up on laundry after a terrible siege, in which the entire family had had the flu, (went through towels, sheets, clothing like crazy, all were terribly sick) and Mom had pneumonia on top of that flu. How does she suppose we could do laundry if we had no water? I even showed her how we had set the washing machine up to drain outside temporarily so that we could do laundry. (without draining into the septic system) She was told and shown that Ashley had been bathed in the small tub daily, and had showers at the neighbors about every two days. At the same time as this septic system crisis, Ashley was being sent home with head lice. We had treated the home MANY times, and were watching Ashley very closely. We had long since

decided that the problem was in the school, not at home. The fact of that decision is the REASON that this complaint was made by the school nurse, who refused to accept responsibility for the lice problem. (This nurse became personally vindictive when we insisted that she was not addressing the problem at the school, where it was originating) We specifically showed Cox the piles of clothing and toys etc, that we were bagging up and storing, all piled in the floor in a huge heap, being sorted, sprayed, and bagged, because we were making double sure that lice were not being REintroduced to our home when Ashley would get them at school, and bring them home. She knew all of this when she was here on 11-6-2002, yet lies in her report. She even told us that stripping Ashley's room completely, and getting rid of her carpeting was probably necessary. Later, I found information on the internet and from the CDC that totally disproves her claims that any of that had any impact. She had NO idea what she was talking about, but "ordered" us to do things that were not necessary and in fact were contrary to the health and well being of the child. She ORDERED that we REtreat Ashley at home even though the school TOLD her that they had treated her hair at school. Warnings all over the net and on the packaging of lice treatments say NOT to over treat the hair, not only is it a possible health hazard to the child, but the lice become rapidly immune to the chemicals, and they thrive on them after a while. I learned these things three months later, but it would have been nice if my social worker, sent to help me, had known at least the basics of the facts..(Note: When later, in January 2003, my Mom said to Cox that one would think that a worker who was trying to help a family with a problem like lice would try to educate themselves, and know something about the things that would work to end the problem.. She stated "It isn't my job to know how to fix things, or to tell you how. It is just my job to tell you to FIX it." WOW Family Preservation !!)

"The school Ashley attends called and said that Ashley has not bathed, and is dirty and stinky."

NO one from the school called to ask what the problem was, no one knew if she had bathed or not. As a matter of FACT, she was being bathed in the small tub, sponged off head to toe every morning.(hospitals do this daily for weeks on end and it is accepted as fine, I am a CNA and know exactly how to give a sponge bath) We had discussed MANY times with the nurse that Ashley was having a terrible time with cleansing

herself sufficiently after using the bathroom, and was having bladder control problems, wetting a small amount, and not telling anyone about it. No one had noticed an odor on her, but we were concerned about the health hazard of wearing damp underwear, and had spoken to this nurse about it. OF course, there is no mention of this, nor of the fact that we told Cox this fact. Ashley's clothing might not have been as nice as we would wish, but her clothing was clean, being washed as soon as she took her clothes off, because of the lice possibility when she came in from school.

With Ashley standing right here, (she had just come home from school) I asked this worker to SHOW me where and how she was dirty and smelly.. She could/would not. I asked again and again, "Please show me what you consider filthy?" She avoided me and would not address it. I said, "This child is no dirtier than ANY kid who just got home from school." Jennifer Cox said, "Well, she is dirty". I said, WHERE???

She changed the subject. Later, she notes that the child was "dirty and smelly"

"Ms. Korn is the head of the household and is the only one who works."

She knew that Bill (now 21) was working part time, and that THAD (my boyfriend) lived here then, and was working and helping out. I even told her about Thad getting Bill hired at his job on a temp basis.

She ALSO knew that in addition to my payment of expenses with my SSI disability, Mom gets a social sec survivor benefit for Cody (now 15). It isn't like the whole household was reliant on Mom. She mis- states things intentionally.

"Ms. Korn has been trying to figure out a way to come up with the money to have the septic tank emptied and blowed(sic) out, but cannot afford it"

Mom TOLD her several times... That we HAD the tank emptied and "blowed out" twice, within a two week period. Both times, it had lasted a couple of days, maybe three or four, and then backed up again. Mom had asked the man to come back, and he stated that the leech field was plugged up and would at LEAST need hi power jet water to blow it out at \$500 and if that didn't work, then digging up the leech

field and relaying some of it would be the only other choice, cost=\$3000. Mom was trying to sell the motor home for the money to do this. Cox said that she didn't know how far DHS would go to help if that were the case, but she could at least have some other company come out to pump the tank and blow out the lines and give a second opinion, and maybe DHS would help pay the expense of repairs. We readily agreed with this plan, we were all still sick, and after \$500 worth of septic services that did not work, were totally broke.

"This family utilizes social resources; they are on food stamps and medicaid"

First of all, what does THAT have to do with the FACT that the septic tank was backed up?

And THEN, it is inaccurate and misleading. Ashley and I live on SSI and TANF for Ashley, and food stamps and medicaid/Medicare. My Mother works for a living, and has private insurance for herself and both boys. She knew all of this also; she specifically asked and was told all of this at the time of this report.

"The school Ashley attends also helps this family out when needed"

This is an absolute lie. The school Ashley attended was harassing Ashley and I, having her come to the nurse before class for daily inspections, insisting that the head lice were coming from our home, insisting that Ashley had "nits" when no one else, of several other people, could find any sign of one nit. This had been going on for months, and only became a DHS issue when I called the school and told them that I was going to make a formal complaint to the health department because I was sure that they were denying a lice problem in the school.

They DID give me a bottle of lice "repellent" which was oily and nasty, and did not work. (I have one of these for you to see if need be at hearing) They insisted that she HAD to use it, and maybe one other time, they provided a bottle of nix shampoo. Jennifer Cox simply regurgitated the bunk she was fed and ate readily from the school rumor and misinformation mill. She was TOLD all of this, at her initial visit, and chose, evidently, to keep it all to herself. There is no mention of any of this in the file.

"DHS has been involved with this family many times"

They haven't left me alone for five minutes since Ashley

was born, BECAUSE OF MY DISABILITY, and without other specific reasons. I submitted to these "interventions", believing that I had no choice, that I needed the assistance, and would gain from it, not realizing that accepting help was the same as admitting that my family was "Chronic" .I totally believed that I was acting responsibly to GAIN help to be a good mother, by asking for and attending classes, having regular visits from these people, etc. I did these things on my own, with the underlying understanding that I was working to become a better mom, and therefore avoid future problems, gain insight etc. Regardless of whether their interventions were necessary and helping or not, I was eventually led to believe that I HAD to accept them and do as I was told, to avoid removal. At that point, they began using my own requests for services as a weapon to force interventions that I did not need, and were not valid. MANY times, their interventions amounted to doing serious harm to Ashley's safety and security. (IE: insisting that I move into my own apartment at a time when I was stabilizing on epilepsy medication, seriously depressed (not medicated until late 1999) and undiagnosed diabetic. Since the services they claimed would support me never happened, I eventually moved home where Ashley and I were safer, against the wishes of the workers involved)

"April's brothers live in the home off and on"

Another example of the total incompetence of this worker.. If she were listening, or bothered to read the volumes of information on this family in her own agency records, she would have known that the boys were ages 14 (and has NEVER lived anyplace but at home with Mom) and 20, back home after a divorce, getting his GED and working part time. Cox should remember being TOLD these things. I guess it makes the family sound more unstable her way..

"There is the maternal grand mother, mother, child, and various uncles living in the home"

Read above. She KNEW the EXACT composition of this home.. she was told several times. "various uncles" ? Ashley has TWO.. the same two she has had for her entire life! This is another of several attempts to slant this report to be more damning than the true facts would be.

"The neighborhood is safe, but the home is old and rundown and needs a lot of repair."

The home is old, no argument there, built in 1958, remodeled in 1980, brick, solid as a rock , plumbing and elec have been upgraded in the past ten years. It could use all sorts of upgrades. Most homes older than about 20 yrs could, it is not unusually rundown. It is more than adequate, recently assessed at a value of about \$130K. Not exactly the projects. The carpets are old and worn, we are remodeling the kitchen, including redoing a floor and leveling it for tile installation and new cabinets and counter tops. The bathrooms have already been done, need the finishing touches, trim etc. We have systematically worked to remodel the whole place over the course of time, with limited money. She makes it sound like a tar paper shack, when it is a fairly nice ranch style four-five bedroom home with enclosed patio, deck, and fireplace in a sunken living room, on a full acre lot.... not exactly the barrio.

"They also receive food stamps and medicaid. The uncles work sporadically."

AGAIN.. Ashley and I get those things, the boys and Mom have their own through mom's job. They do not receive ANY public assistance, and the "uncles" who "work sporadically" were 14 and a school boy, and 20 and attending GED classes AND working part time. She really did try to shed a poor light on every angle.. and left out tons of information that she was given repeatedly. I have to assume that she had an ulterior agenda.

"Developmental Opportunities is helping her financially with her teeth, they are all rotten"

She is referring to me. Here we go again with the exaggeration and misrepresentation. I was getting dental help because no medicaid or medicare will pay for that. I had a couple of cavities, and when they examined them, they recommended that I have a couple of root canals, and be fitted with some tooth protection because I grind my teeth, a by product of epilepsy. I had no way to pay for this, and DO said they could use the funding they get for "services" , for this purpose. I agreed. I am NOT Ma Kettle, standing before you with my teeth rotting out of my head.

"Mrs. Korn's health is not good, but she continues to work full time"

Makes it sound like she is old and feeble and working

herself to death despite terrible health. Please note.. She had JUST turned FIFTY, not EIGHTY.. and was in fine health. Particularly for a smoker. She'd had the FLU.. with bronchial pneumonia, and was in the last stages of recovery, had not worked in over two weeks because of it. This is another blatant attempt to characterize the family as chronic and helpless. Her agenda is clear.

"There has been a problem with lice. but this worker thinks that Mrs. Korn is treating Ashley for lice, but the house is old and it is impossible for her to treat all the bedding and clothing and carpet so the lice keeps coming back.

Jennifer evidently thinks that an old home is somehow beneath acceptable. She shows a glaring bias, assuming, in her ignorance of the facts, that the lice were literally living in the woodwork, and that somehow, it would be impossible to clean all bedding and clothing, treat furniture and carpets sufficiently. She shows both a bias about the "old house" and gross ignorance about the lice in general, and surely about the proper way to treat them. As I have stated before, If Jennifer had bothered to try to educate herself about the problem she was attempting to order us to fix, she would have known that lice cannot live more than 48 hours without a human host. They cannot survive or hatch in carpets and clothing and bedding. (Nor on the dogs!) The clothing and bedding WERE completely removed to the floor in piles, and treated with permethrins, the accepted lice treatment. She in fact, took pictures of these massive piles all over the place, and used them as her evidence of an injurious environment, after she ORDERED that this be DONE. (Note, Mom is the one who knew what chemicals to use, and how to use them, she used to do that for a living. She sprayed for Canon Pest Control for over a year.. and Walter Griffin, who owns that company will attest to you that she knew exactly what she was doing.. and had BEEN doing.) Jennifer had no clue. When Mom told HER what the plan was with regard to treating all the clothing and bedding, bagging things we could not immediately launder because of the septic drainage problem, she immediately began to spout OUR PLANS as HER ORDERS for remedy. She didn't know the first thing.. tried to insist that the dogs could carry lice, the carpets should be removed, I DID remove the one in Ashley's room to satisfy her. Even though I KNEW that it was not necessary. What I didn't know is that simply putting hair conditioner on the

dry hair, and nit combing it about every other day would efficiently rid her of lice if she were getting them from home. It would have been too much to expect ONE of the officials handing out the orders in this situation to have known that, and to have suggested it. The ones we combed out would be killed, having been immobilized by the conditioner thickness, and the ones that might have fallen onto a sofa or bedding would be gotten by the vacuum, the spray, etc. If we kept her clear for two weeks, There were no more lice in her home, we had won. If I had known even part of the information about this then, we could have all avoided tons of problems, but even then, I am still absolutely convinced that the problem was either on the bus, or at the school. We had done, logically, the things that we later learned were dicatated by the CDC, with regard to the home treatment. Ashley would go weeks without a problem, then suddenly have lice again. Also, she was sent home several times when they said she had nits, and there WERE none, only dry skin flakes from dry scalp. One of those times, Jennifer Cox was HERE, and saw for herself. She also neglects to mention this. At the time, she agreed that all she found was dry skin flakes, likely from being over treated with harsh chemical shampoos for lice! We asked her to speak with Linda at the school, since she was causing Ash to miss a lot of school. She agreed. She never called us back. I believe that this was November 19,2002, but I am not sure of the date.

"The uncles have had numerous legal issues in the past, but not at present"

She is regurgitating the blarney of the school ladies who totally believe Mom is MA Barker and the boys are the henchmen, because they question the school programs and Mom has taught the boys at home. She has had many scrapes with these ladies who would inject themselves into our family and personal decisions. Mom took the boys out of their school, because we all believe school should educate, not indoctrinate, and this school has refused to respect Moms decision that Cody not be drugged for ADD that he did not show evidence of.(the child was nine when his DAD died! Any reasonable person would surmise that some sort of changes might appear in his attitude for a while. He grieved and got better. Naturally.) The total of either boys involvement with the law is: Bill, now 21, has several citations for driving under suspension, or without a license. There aren't even any moving violations on his

record. He also has a divorce, and a custody agreement hearing on that record, for his two kids, both born before he was 18. Cody has had one incident: he moved a car from the front to the back of our property, and was cited for driving on the street, for about a 15 foot stretch. I guess "numerous legal issues" makes them sound more like out of control trash.

There is not enough neglect to remove the child but the living conditions of this family are questionable at times"

THIS was probably the very WORST that this house has EVER been in all the years we have lived here. Since 1990. This place was stacked with dishes we could not wash, laundry because of the lice, and also because of the FLU attack. The trash was on the bar counter in the kitchen, because no one felt up to carrying it out, yet, and we were trying to mop and clean the kitchen up, as we were beginning to come out of the flu. Ashley's room was literally ALL in the floor, papers, clothes, bedding, toys the works. We were sorting and bagging and treating all of it because of the lice allegations. And Cox states that there was not valid reason to call it full blown neglect, but two months later, when she needed to validate her over reaction and removal of Ashley, she cited this as the reason for it all, linking to and reopening THIS incident and investigation to validate the January removal which was TOTALLY premature, uninvestigated, and unwarranted, and then she used it to report and list me on the registry. Which one was it, was it NEGLIGENCE, or was it simply a family crisis, which admittedly, DHS helped to resolve? And how does she judge the "Questionable at times" when she had been inside this house ONCE??? To make matters even MORE damning, she used her report of this November incident as the basis for the removal of Ashley to a foster home in January 2003, without ever COMING to the home or even calling me. Is the inference here that if a family HAS a crisis situation, and calls and ASKS for help to remedy that problem, the DHS will have full right to list them on some registry as abusive or negligent for the rest of time? Is this not a DISincentive to ask for the "help" that is supposed to be the REASON for DHS Child Protection Funding? How many families do you suppose will ASK, even if they desperately NEED help, if they know that they are going to be attacked, defamed, and have their children taken from them as a result of admitting the need for temporary help? One would arrive at the conclusion, from that evidence, that Child

Protection is, indeed, the enemy, and to be avoided. So much for Family Preservation! All of that altruistic posturing that Governor Owen did in his Exec Order meant nothing?

Assessment Summary 11-6-02

Ashley said "they haven't had water for a long time"

Jennifer neglected to mention that she came to the home, and was shown that we DID have water, both hot and cold. Ashley was wrong. She doesn't note THAT.

"Ashley was dirty and did smell."

Ashley was not dirty when she left for school that day. When she came home, I asked Jennifer to show me where she was filthy. She could not. Ashley MAY have smelled, although many other people are around her all the time, and no one has EVER noticed any odors. She was having a problem with proper cleansing, after bathroom use, and we had TOLD the nurse at school that she had a bladder control issue and was sometimes leaking a bit and then concealing it. They ALL knew that I was working to resolve this. NO mention of any of this although not only did the school know, but we told Jennifer at her visit here on the 6th of Nov. I tried to detect an odor when Jennifer claimed that she was "dirty and smelly". I could not. A check of her clothing, when she took them off after Jennifer left, showed no sign of a problem. I saw no sign of "filth" that was being claimed. I was baffled.

"Spoke with the principal today"

First of all. Ron Lombardi is most of the reason that the boys(Ashley's uncles) did not attend this school. Second of all, he is not the principal, he is a counselor, see above sentence.

He says this family is chronic. Chronic WHAT? Chronically independent thinkers who resist direction and indoctrination from their public school? Chronic WHAT? Chronically BROKE? Is that a CRIME?

He says Ashley has lice a lot. This has been a bone of contention between the family and the school since summer, 2002. We had many times removed any possible source of lice, and were doing so AGAIN, at the time of this report. The school has adamantly refused to consider that they might have been coming from some other source, although we KNOW of at least two other kids who had them at the same

time, one of whom Ashley got them from.

"HE says the THREE UNCLES have been in trouble with the law.. and have had DHS involved."

As I said, Jennifer just parroted the comments of the school, as if the information was all fact. She did nothing to find out the truth for herself. (See above notes regarding my brothers' "trouble with the law".)

First of all, Ron Lombardi knows well that there are **two** boys in this family. He also knows that neither of them has "been in trouble with the law" outside of the driving issue. He KNOWS that the only real scrapes that Bill has ever had were BOTH results of the school not doing its job. They had gang members in the school who were threatening to harm Cody, who was then 6. Bill was about 12. The school, RON LOMBARDI, refused to do anything.. when these thugs started to drive their cars at Cody, and threaten him, Bill took them on, and got in trouble for fighting with one of them. They promptly called the law, Bill was cited for 2nd degree assault. They did NOTHING to the kids that had repeatedly attacked Cody to encite this reaction. (Their parents are local small town movers and shakers, donate a lot of materials for floats for the parades, etc) Bill was expelled, and never allowed to return to their school. His education formally ended there. THAT is the extent of his "law enforcement" problems except for a habit of driving without his license, which is noted in his police records .Note that he was a 12 year old at that time! MORE gross exaggeration and misrepresentation, Jennifer regurgitating the blather of the school, without even a cursory investigation to ascertain the FACTS.

"April is developmentally disabled and rude and obnoxious"

Everyone who has known me for any time at all says that I am too compliant, and should stand up for myself MORE. This man, Lombardi, has NEVER had conversations with me, and as a matter of fact, I do not recall ever talking with him at all. I DID tell Linda Freed, the school nurse off, and said a cuss word. She was calling ME a liar, and insisting that our family "filth" was the cause of the lice. (SHE has never been to this home either!) When I tried to get her to understand that Ashley's head was dry from the over treatment of chemicals, and that I was worried about the possible health danger, she yelled at me that it was MY fault, and that I should clean my home. To my knowledge, this woman has never been TO my home, and never inside it. I guess, that one time, I lost my calm, and shouted back at her. This had never happened before, and I am sure shocked

her, it shocked ME. A friend who works at the school told me later that Linda hung up the phone and made the comment that she couldn't believe "that retard" had the nerve to yell at her. I asked this friend to testify, but she is afraid of being fired.

11-6-02 notes at clients residence:

"The home was cluttered, both bathrooms had feces in the toilets, and there was feces in the bathtub as well."

No one denies this, but she neglects to mention that the bathrooms had to be **unlocked** so that she could see what the problem WAS, they were closed off and locked from use. She also doesn't mention seeing and being shown the inside of the motorhome outside the door. NOR does she mention the bathing equipment she was shown. NOR does she mention the neighbors name and phone number, given to her to verify that we were bathing in his home every other day or so. NOR did she bother to verify through him that we had been working to remedy the septic, and that he had been going to town for meds and supplies for us for over a week because none of us could drive, the flu was too bad. In her Shelter Report to the court in Canon City, she stated that the "feces was overflowing the toilets, onto the floor" Yet her own pictures show this to be a gross exaggeration of the truth.

There were lots of dirty dishes and clothes everywhere. She says that Ashley did have a sponge bath two days ago."

Yep, I have already stated that the dishes and clothing were everywhere.. and explained, just as I did to Jennifer, WHY. I should mention here that the dishes had been rinsed off, scraped, to eliminate food sitting on them. We had thought, every day, that the septic would be repaired by that night. Eventually, we ran out of dishes, so we scraped the stacks, and did the best we could to rinse out food, and stacked them until we could wash them. We started using paper plates instead. I told Jennifer all of that I also told her that Ashley had a sponge bath EVERY day, she had a SHOWER at our friends home two days before, and the plan was for she and I to go do that later on that evening as well. Jennifer was told ALL of that.. but does not note it here. She again states that I said the tank needed to be "pumped and blowed out". This is NOT what I said. Mom told her that we had already DONE that twice, but would be willing to do so again with another company to see if they

had a different solution to the one from Canon City.

11-7-02

"Sent case aide out with bleach and other cleaning supplies"

She did do this, despite the fact that I told her several times on the phone that we didn't need it... we had plenty of supplies.

11-12-02

"Went back out to the home. Both Bathrooms were clean and working. The bathtub was clean and free of feces. The house was somewhat cleaned up, the dishes were done and the trash was taken out. "

(note this may be the time that she also inspected Ashley for nits, after the school claimed she had them, and we found none.)

At the time, she went on and on about how she just couldn't believe the differences we had made in such a short time. She even stated how relieved she was that we had been able to get the laundry all done, and the carpets cleaned. (Mom had sprayed them with heavy chemicals, and had to leave them a couple of days, then shampoo to remove the chemicals because of the child)

Why did she go on and on about the amazing transformation of the house, and then go back to DHS and write this garbage?

11-19-02

"Linda called to tell me that Ashley has lice again. Sent Cassandra out to the home with more lice treatment."

She neglects to tell you that we told her we had already bought more lice shampoo, and that when we all inspected Ashley, we FOUND no lice or nits.. only dry skin flakes, most likely from the over treatment she had been suffering through. See her comments: **"I told her if the school says she has lice, then she DOES."** **"It isn't my job to check for myself"**. If determining the TRUTH of a situation, and then offering help to right the problem is not her job, then what, pray tell, IS???

11-22-02

Nurse Linda said that when she told April that Ashley still has lice, that April got very mad and cursed her. The nurse said that Ashely had "live nits" in her hair. She also said

that this family ordered \$27 worth of pizza, at the school carnival and could surely afford to buy their own lice treatment."

Interesting! The incident I described above, in my comments about Ron Lombardi, and my being "rude and obnoxious" hadn't even happened yet when she supposedly wrote that entry, quoting Lombardi. I have NEVER shouted at a school official before this time, and I have NEVER been rude to them until that conversation between Linda and I. This record says it happened on November 19, and yet, Lombardi was supposed to have claimed I was rude and obnoxious TEN DAYS before I had ever gotten upset! I believe this is more evidence that this record was fabricated AFTER the fact, to reflect the desired information to support the January 2003 report to the registry. Please note that there are two different logs of this time frame in the DHS records.

Also, I am offended by the FACT that both the school officials and most especially Jennifer Cox, insist on saying my name ALWAYS with the phrase, "developmentally disabled" just before or after my name. Jennifer insists on also stating, repeatedly, that I am "low functioning" which is not true. I have a mild learning disability, and epilepsy. Those constant comments amount to attempts to bias the statements against me. They amount to prejudice, intended to evoke a stereotype image in a person's mind that has not met and does not know me.

On Nov.19, The school had sent home lice treatment despite being told that we already had plenty. They insisted on portraying to Jennifer that we were not treating the lice because it was expensive. This was completely untrue. In fact, we treated Ashley EVERY time she was sent home, regardless of whether we found lice or nits or not. Mom had ordered pizza with a windfall check she had gotten as a rebate for the internet service, almost a week before this, for Thad's birthday party. It was a very special thing for us all. But the comment by Linda perfectly shows up my repeated claims that she was actively trying to do harm to us, trying to shed a bad light in any way she could. I may have told Linda on one occasion or another that I didn't have the money to keep buying this expensive stuff when it was not needed, and I was VERY angry with them, because they were treating me like an idiot. They were insisting that the lice were coming from home, not the school or bus, that I was not treating Ashley at home, that

I was the problem, when I KNEW this all to be wrong. Yet, Jennifer seems to have become buddies with Linda, and makes the blanket statement several times that whatever Linda said, I had to do.... period. She refused to look into the matter, see for herself, or investigate even though we were telling her that this MUST be coming from some other source. She flatly refused to question the school, or check into that at all. One would think that things like this are reported to the health department, or some authority, and that a social worker could access that information to verify the school claims, or ours. OF course, that would be assuming that the mandated reports to the health dept were done, which we know is probably not so.

NOTE: NITS are eggs, not "live lice". There is no such thing as a "live nit". Once again, I ask, shouldn't the people in whom the power lies to make ORDERS regarding things of this sort, and to make the decision to over treat and expose a small child to harsh chemicals, be educated at least to some degree about the problem they are dealing with? Neither of these women knew one thing about lice, and neither of them was willing to ask and find out.. . Evidently lying about it was easier than learning what they could do to help solve the problem. IF they believed that Ashley was getting lice from home, should they not have been trying to find ways to help us get rid of them??? That is, of course, assuming their ultimate goal was to HELP us and not to crucify us. Please note that I am in possession of the financial reports of the Federal HHS for this county. It is clearly obvious from those figures that there is a much better basis for funding and grants in a substantiated case of neglect, and the ongoing services ordered as a result, than there is in a one time, temporary assistance to remedy a crisis. They obviously are trained to make ALL possible cases into substantiated cases, to justify the funding they ask for.

" I told April she would need to treat Ashley for lice."

I was BEGGING her to see Ashley for herself, and telling her that the school had already shampooed her hair, and that I was told not to do it again. Jennifer insisted that I HAD to treat her again, "just to be sure".

"I told her that the dept. could not continue to give her lice treatment medication indefinitely."

I think that the Dept, had given us one bottle, maybe two.. both times when I was telling them, "this stuff costs about \$8 a bottle, and is not NECESSARY, she didn't have LICE!"

Jennifer makes it sound like something totally different, when she KNEW she was not attending to her job, when she refused to inspect Ashley or have her inspected.

Contact Log- first date 12-02-02

"Linda At the school says Ashleys lice problem has gotten better"

HUH? Better? You either have lice, or you don't.. there are no degrees, no better, but still there.

She admitted that Ashely did not HAVE lice at all.. trust me, if she saw one nit, or even something she could SAY was a nit, she would have been calling us to come get her.

Note that this was thirteen days after the last claim of lice. The hatch cycle for lice is 7-10 days. IF she had lice or nits in her environment at home, she would have gotten them again with in that time frame, probably several times.

This contact log jumps to 1-8-03, although Ashley was removed from the school on 1-6-03.

There is another log, done later, I believe, dated for those times. Obviously it was not a part of the original contact logs of this case, and was added at a different time. I am continuing this dissection of the logs to illustrate to you the pervasive dishonesty of this worker. The evidence of her malfeasance gets even more pronounced in the following days:

Jennifer notes that Betty, the foster mom, is concerned that Ashley does not wipe well. We had been telling everyone who would listen that she had a problem with this for months! Does Jennifer, who KNEW that, mention it? NO.. Does she mention that we TOLD her that Ashley was having leakage problems and wearing her damp underwear? NOPE,, not a word. In fact, she kept quiet about this, allowing Betty to think that Ashley might have been molested, and causing her to have Ashley examined for that. "in the best interest???" Please note that examinations of small girls for sexual abuse are very invasive and emotionally damaging to a child. This amounts to a nearly perverted mind set on the part of social workers all over the country, to subject children to these examinations when, indeed, there is no reason to suspect such abuse, but if they can shed doubt, there is yet another avenue of funding, and also of reason to continue placement.

1-21-03

Jennifer notes that **April had called "Safe and Stable families" for information about getting her own place.** What she does NOT tell you is that she had practically threatened me with permanent removal if I didn't do this!!! . She pretty much insisted that I should move out on my own, DESPITE the things I told her about the last time I tried living alone.. When I would resist this and my family would advise me not to give in to her, she would tell DHS and the judge that I was being "difficult" and that I was in "denial" and that I was "being advised against the best interest of the child" by family. She totally disregards that information in her own agency records about the last time they "supported" my living alone, but then throws it up in my face in court as evidence that I am incapable of parenting properly. They set me up for that failure before, and were attempting to do so again. THEN they could justify a ton of "services" and interventions. This amounts to Federal Fraud! She even made the comment, when I asked her why she was so anxious to get me out in an apartment, "There are just too many males in this house, it's unsanitary for Ashley." The "males" were my brothers and the man I was getting ready to marry. ALL of whom are well house trained! She insisted that I should "sanitize the toilets at least once a day, with all these boys around". They were all MEN, mostly, and none of them has a problem with proper toileting. But I think that Jennifer has a problem with her biases. She is a classic example of the cure being worse than the initial problem.

In 1997...

They were supposed to be intensely supervising and supporting Ashley and I and helping me to learn to keep house, do bills, and regulate meds, at a time when I was ill, depressed, epileptic, and unregulated. They could easily have been responsible for harm to Ashley, and even my death, and then they'd point to ME and claim that I made bad decisions. THEY moved us out of the home where our family was supporting and assisting us with life skills, and care of Ashley, we believe to increase the "services" they could then claim to be providing. (BOTH CPS and DO are guilty of this over and over again) Exactly WHO was making all the "bad decisions"??? Hmmm??? When, earlier THIS year, I decided that I didn't want to try this again, just yet, it made these two women FURIOUS!!! (GAL Anna Owen and Jennifer Cox) They went into attack mode and absolutely went over the edge in fury. BOTH of them told the judge that I was in denial and resisting help.

1-27-03

"Betty called and said that Ashley is still wetting the bed at night, and still wetting her pants during the day."

No kidding! The poor child has just been snatched out of the only home she has ever known, is being allowed to see her mother for an hour or two a week, (is not being allowed to see the REST of her family at ALL) when we had all been inseparable for most of her life. She had a small problem with bladder control anyway, she was emotionally distressed, and they were surprised that she was wetting the bed? And these are CHILD protection workers??? Supposedly EXPERTS?? Not to mention that I TOLD Jennifer that Ashley uses a nose spray to help her avoid night time accidents. She has a prescription for it, and they could have easily gotten her some. (Jennifer never shared this with the foster mother.)

Every time I suggested that the Family Preservation mandates indicated that Jennifer should know or do something, she replied that it was not her job. The only thing I could find that she DID think was her job was standing in judgment and making decrees like the Queen of Hearts. I found NO helpful or encouraging side of her at all ever. She didn't seem to have any sort of understanding of the child she was supposed to be protecting. And she had NO interest in making any effort to help us or to keep the family together.

The next Contact Log.. The other one.:

1-6-03

"Went to see Ashley at school today. She was upset that she had bugs all in my hair again". Deputy Cross met me there, and took custody of Ashley and turned her over to me."

This sounds as if Jennifer went to the school already having determined to take Ashley. Where is the court order for removal that she could have easily have gotten? (it was about 3pm) (One would think that the JUDGE would have maybe suggested that she should investigate FIRST.) Where is the investigation and determination of the conditions at home? Where is the verification that she even ASKED the family for information??? She made NO phone calls, asked NO questions, did not COME here to SEE the house, or ask things. She attached to a one time crisis report (November 2002) to justify her NOT doing her job properly on January 6, 2003.

And then we come to deputy Cross. This man is a law enforcement officer, bound by the duty of his job, and by

law, to investigate the facts of a case for himself, and to know of his OWN personal knowledge, the allegations are valid. He did nothing except rubber stamp the things that this out of control, and totally inept social worker told HIM to do. HE is supposed to be in control of this sort of scenario, and to assure that the law is followed. He did nothing...absolutely NOTHING to even give an appearance of meeting his obligation in this case. HE simply took his marching orders from the social worker, did not contact the parent, did not question the situation, and took custody of a child in a situation where this child was traumatized and emotionally damaged probably for the rest of her life, BECAUSE of his failure to do his job responsibly. This is a prosecutable offense of the law, and I seriously believe that we will be pursuing that avenue, should I not be able to exact proper remedy locally. The deputies and police officers involved in these cases are the PROTECTION for the public from the malfeasance of undereducated, over-powerful social services agents who are not properly trained or structured. IF the officers fail, the public safety is compromised, as it was in this case. Ashley has suffered terribly and continues to be traumatized and harmed by this one simple act of malfeasance by the officer who was supposed to be in charge, not a puppet of the CPS worker.

"The school nurse had treated Ashleys hair twice that day"

They told us on the phone and again at DHS, (Brenda Rall) that they had "treated her hair all day, and still couldn't get rid of the lice" Could it be that these people don't know enough about the lice treatment to know that:

- 1) You only need one chemical treatment in about 10 days, and should not exceed that.
- 2) The vast majority of the lice treatment in any case is the nit combing, to remove the lice, which MUST be done thoroughly. You can't just shampoo with the chemicals, and then expect that the lice will fall off dead. They must be removed, and since nits are not removed by the shampoos, they must be combed out totally to prevent hatch later on. With any luck, the chemical residual will kill the hatchlings when they arrive on the hair, but they should still be combed out, every couple of days, and the lice should be removed with the nit comb. *The chemicals should not be applied more than once a week.*
- 3) Over treating can immunize the lice, and also harm the child.

These things are written in the packaging clearly. These women are a menace. They work off of old wives tales that

lice only infest dirty trashy kids.. and that if you have lice, you are filthy. These are not true, can be easily disproven. They have proven to me, by these statements, that neither of them had a clue what they were doing, and that they were doing more harm than good for Ashley by their injecting themselves into the problem, ordering treatments instead of searching for the SOURCE of the lice! If either of them had even read the instructions in the lice shampoos they would have known better.

1-7-03

**"Betty said that Ashley did not even ask about her mom."
(Betty is the foster mother)**

ASHLEY says that on the way to Bettys house, she was crying, and asking Jennifer to take her home, she wanted her mom. Jennifer told her if she cried and made a scene, she would be made to stay in a room at Bettys house. She said that Jennifer told her if she "made a big deal of missing my Mom" she would never get to see her mom at all. SO she didn't ask about me, afraid she would be punished. Later, after Jennifer left Ashley at Betty's house, and she and Betty got to talk, Betty tells me that Ashley cried and cried, and was begging to at least call me and let me know she was ok. She kept saying that I would be worried about her, and that she wanted to go home and be with me. Betty said she and Ashley talked a great deal, to calm Ashleys fears. This is NOT the story Jennifer would have you believe. As a result of this case, and the things Betty learned, she has now stopped working as a foster mother. She is saddened by this, but refuses to be used to abuse kids who don't need services, and she has seen way too much of the dishonesty of Fremont County. THAT is HER statement, not mine.

1-10-03

Jennifer notes here, FOUR DAYS after she took Ashley, that Betty says the Dr. said the bugs are lice and fleas.

Mom made the comment to Jennifer in court on Jan 9th: that on the 6th, Ashley had worn a rabbit fur coat that had been in a storage box since November. Mom said she wondered if it might have had fleas, from being stored in an outside shed. She KNEW that Ashley did not have any bugs of ANY sort when she saw her getting ready for school, bathing etc that morning, and she had done Ashley's hair on the day before, and saw nothing then. The next time we saw Anna Owen,GAL, she was proclaiming that the bugs were BOTH lice

and fleas. We asked a hundred times if anyone had had the bugs examined by a professional, and no one would do so. They just kept proclaiming knowledge that not one of them could possibly have. (See photo of lice/fleas titled "Which ones are which?")

In this entry in the contact log, Jennifer states that the Dr. said they were fleas. I have the Dr. logs from the visit that day. (available at hearing) The only mention of lice or bugs of any sort is a note that the child is being seen because of a concern about head lice. There is no note of treatment, nor ANY mention of lice or fleas other than the initial reason for the visit. If she supposedly still had bugs, why not? There is note of the other treatment, and exam of the rash from her wetting, but nothing more about lice... or fleas. If a Dr. examined a child and found bug infestation of ANY kind, would that Dr. not prescribe treatment for that immediately? None is mentioned. I called and asked if the Dr. had been asked, possibly, to inspect the bugs supposedly removed from Ashley's hair. They told me no such inspection had been asked for or done. Further more, much later, when Mom was talking with Betty the foster care provider, she seemed surprised, and a little bewildered about the bug issue. She said that Ashley did have "a few" bugs in her hair, still, when she came to her, and that they had given her some **IVERMECTIN PASTE** to put on her, with a shower cap, that she had to leave it on for a long time, then wash it out. She thought it had gotten the last of the bugs, she assumed were lice, but honestly didn't know for sure. I have a photo of both lice and fleas (on my evidence list) and challenge any of you to identify for me which ones are which. And these are magnified several times larger than life size would be. Also, Ivermectin is a paste used to worm horses. It is in a 1.87% solution, given internally, orally, to a horse of 1000 pounds or greater. The FDA hasn't even approved the use of ivermectin on humans yet, but believes it could be effective and safe **TAKEN INTERNALLY**, in a solution of about .25%. (Note the vast difference in the solutions) I have never been able to get an answer to my repeated asking **WHAT DOCTOR** recommended that they use a horse medicine on my 7 yr old, 70 pound child! The unofficial answer was that they believed that Jennifer called a VET she knew in town..

1-13-03

The entire entry about me calling Jennifer "whispering" because I didn't want my brother to hear me is blatant malarkey. I made that call with my brother standing right beside me. I called to tell Jennifer that we were

considering home schooling Ashley for the rest of the school year, rather than return her to the Penrose school, because of the animosity, and because they refused to control the bug problem. I was not whispering, just speaking normally. I DID talk about moving out.. I had been being pressured by Jennifer and also Anna Owen, to move into an apt. and accept DO help to take care of it. I was trying to side step the conversation, by saying that I had tried it before and it didn't work out. DO had not done the support that they lied and told everyone that they DID, and I had a lot of problems. JENNIFER said that Ashley liked school and should not be homeschooled. I said I agreed with Jennifer, but also told her that I did not want Ashley going back to Penrose school. Nothing like this is reflected in Jennifer's version. She tried to make it sound like I was secretly trying to gain her help to defend me from pressures from my Mom and Brother, both of whom she would have liked to erase, they both saw through her ploys several times and encouraged me to resist her violations of my rights when I would not have understood the violations by myself. She could have manipulated and coerced me much more easily if they had not been present, which she was determined to accomplish.

1-30-03

"Dr. Sabatini had seen Ashley today. She says she has a kidney infection and gave Betty a prescription for antibiotics. She will see Ashley again in 2-3 weeks. She says that she feels that Ashley might need some mental health counseling, she says that Ashley gets hysterical when she is asked about the bed wetting. "

REALLY? Dr. Sabatini's records of that visit reflect that Ashley cries every time she sees her, and says she misses her Mom and family and wants to go home. She suggests that Ash may need counseling *BECAUSE OF THE TRAUMA OF BEING REMOVED FROM HER FAMILY!!!!*

This therapy, TOO, was supposed to have begun that week, and never did. And they point their fingers at ME who cannot drive, for being unreliable in this sort of thing. HA!

2-4-03

"Ashley starts vision therapy on March 1, 2003"

It never happened, AND none of US (family) has EVER known anything about this until we received these DHS records

about 9-12-03!!!!!! Note that she was in THEIR custody until June 1.

2-12-03

Bonnie Stumph (DO) has NEVER been in my home... she has NEVER had direct involvement with us. There is a pervasive need amongst these people to deny the validity of the family. We don't NEED a "host home" because we HAVE a family and home. But Developmental Opportunities can't bill the Federal Government for "services" at an exorbitant rate, if I am not in their control. By citing my disability and claiming that Ashley has a learning disability also (she didn't get ear tubes til age four, now they cite the delays that resulted as disabilities) they could use the ploy to gain much larger federal subsidies for my care and Ashley's. And for services to us both. But not if we live at home and do not allow them to provide services to us.

2-25-03

"Ashley was crying because April told her that she is not getting the \$99 check that Ashley usually gets now that Ashley is in foster care. I told April she should not be discussing her finances with Ashley, she is only seven years old."

What she doesn't tell you is.. Ashley was asking me about going shopping, as we always do, when her "check" comes. I simply told her that we could not do that for a while, because she isn't GETTING that check for a while. I tried to explain that it was going to Betty to pay for Ashley's food etc, and that I would not be able to take her shopping this time.

2-26-03

Michelle and Wanda note that they decided after a visit to Ashley that she should remain a "level 2" Whatever THAT is. They note that this is because she is wetting and acting out. What would they expect from a child that has been removed from the family and home that she has always relied on, and has been told that the people she has trusted to protect her all of her life can not do so. What would they expect when she feels she is totally out of control, and realizes that her wetting and acting out are the only methods she can use to exact control and self determination? What would these women expect her to do.. act like nothing is wrong, all is well, and she is HAPPY at

being totally removed from all that she trusts and loves? They mention several times that she needs therapy.. therapy to address the *TRAUMA THAT THEY CAUSED!!!* What hypocrisy. There is an old saying, "Oh what a tangled web we weave..." These ladies certainly should think about that one. They started out to try to justify a dishonest removal, and then had to continue to lie to cover up their gross malfeasance.

All during March.. 2003

They repeatedly note how I have been working to clean the house, insinuating that there was some problem that I was working to remedy. I was doing nothing that I didn't already do regularly. This was the usual routine. These people are trying to make it sound like it took me three months to clean the place up! I WAS doing some attempts at decorating, and we were working on some remodel stuff, but the basic cleaning was the same thing we had always done. They want you to think that we had a lot to do to remedy a problem that simply did not exist.

3-13-03

Dawn (Rivas) presented Mom and I with her boiler plate treatment plan. We had NOTHING to do with the contents of this plan. This is the second plan, the first being the interim plan... entered in January, into the shelter report to the court, by Jennifer Cox. Although I had been complying, I had not signed anything, and would not, because to do so would be to admit, and I was not guilty of neglect. It amounted to being sentenced before the trial. We both objected to it, because it still makes the assumption that there was some condition that NEEDED the DHS remedy. There WAS none, and they know that. I said these things to Dawn. She kept insisting that since we already do all of the things in her plan, she could just sign them off. I argued that doing that would reflect in the record that we had to be TOLD to do these things, and that their forcing us to do them affected a remedy that allowed them to return Ashley. The TRUTH was, there was no problem in the first place, they knew that, and they also knew that we had been falsely accused, and crucified. She said she understood my position, and that after reviewing the records, she tended to agree, but would have to talk to Todd. (her supervisor) We left, I believed, on good terms.

The next week, when Dawn had not called, I sent her a fax. I asked her to state the specific conditions that the DHS found deficient, and what specific things we would need to do to have Ashley returned. Dawn replied that we had the

"plan" and knew what we would have to do.. and why Ashley could not be returned yet. This was patent baloney. She went away from that meeting on the 13th, saying that she would do what she could to have Ashley returned. She said more than once that night that she thought the major hurdle would be ANNA OWEN who wanted to micro manage our entire family, and force me back into DO control. She said she didn't know if she could over come that or not, since Anna would have the final say.

Obviously Anna must have resisted returning Ashley. She was angry that I could not be intimidated and coerced into admitting the charges and dropping the jury trial. I know NOW that Anna and Rocco Meconi were working together to force me to admit and to accept the adjudication of neglect. AND that they were being helped in this effort by MY ATTORNEY, Dan Kender! At every juncture, I was told that refusal to admit amounted to acts that were against the best interest of Ashley. Somehow, if I defended myself, I was not a good mother. If Dawn were able to be honest, she would probably tell you that she was TOLD not to discuss this case with me anymore. In fact, her note to me said, on about the 18th of March,(I have a copy) The attorney for the department has said that if you have any more questions you will have to address them through your attorney. They KNEW that Kender (my court appointed attorney) had not responded or TALKED to me since January!!! Rocco Meconi and DHS KNEW that there was NO chance of talking to my lawyer or having him attend meetings, or even having him talk to them for me. They KNEW he was refusing to answer my calls, ignoring me, hoping that their pressure to admit and withdraw the trial date would work better if he didn't support or assist me. I was, in fact, told at this March 13 meeting that if I wasn't going to withdraw the jury trial, DHS would be keeping Ashley until the trial date on May 27. I was also told that if I withdrew, I could probably have her home in a matter of days. I said, that amounted to holding her hostage, to blackmail. . Dawn just shrugged.

4-15-03

"Anna called about a letter she had received from April today. Anna was mad about the letter and that our conversation on Friday went no where with April on Friday." April 15 was a landmark day for these people. Anna Owen, later in court, adamantly denied being furious with me about that letter. (Copy in the files.) She called that day, and literally SCREAMED about being THREATENED by it.

Other people who were sitting about 20 feet away, said that they could HEAR the yelling on the phone from across the room. Interestingly, on this same day, Dan Kender my atty, chose to reveal the CONFIDENTIAL content of a letter he had received from Suzanne Shell on my behalf. He was expressly told that revealing Suzanne Shells (family rights advocate and reporter) presence in the case would bring retaliation and absolute attack against his client. He was expressly forbidden by Suzanne, through a power of attorney that she holds FOR ME, to reveal or discuss this with anyone.

Coincidentally, on this day, April 15, Dan Kender called an impromptu hearing amongst all parties. He had just received notice also of my intent to sue him for malpractice. At this hearing, held in the spur of the moment, and without any attempt to notify me or allow me to be present or to have any input, Dan Kender shared copies of that letter from Suzanne Shell with EVERY person involved in this case!!! INCLUDING THE JUDGE!!! He claimed that he was being blocked from access to me by both Suzanne Shell and my mother, and that Suzanne was attempting to take over the control of this case. He lied ! Mom and I had BOTH been BEGGING him in every communication form imaginable, for MONTHS to call me, he KNEW that Mom worked all day, and he could talk privately with me during the day any day. HE made NO attempt,,, EVER. HE did not respond to the "Shell" letter, he did not respond to me when I was asking him to please talk with me, he completely refused any contact what so ever. He sent me no copies of documents filed to the case, EVER.. he totally ignored me. In fact, I got my mom to help me write a motion to return the child and a declaration (much like this one) of the FACTS of this case. I sent these to him and absolutely begged him to file them for me. He ignored it, and now claims never to have received them, although I have the fax copies. When we eventually filed these to the case ourselves, we added the one about the ineffective assistance of counsel to them, and said in the pleadings that a formal complaint to the Bar Assn, was also being made. THAT is when he miraculously decided he needed to assassinate me in the court hearing he called on April 15. I had filed these things the day before!!!

Mom and I had filed some documents we had written together, using information we gathered from the internet. We even sent some of this TO Kender, several times, asking him to file something like them. He would not respond. I asked HIM to read these and to write his versions and

please file them ASAP.. they were things like a Motion to Return the Child because the reasonable efforts had NOT been made in the current case. HE ignored all of this and refused to as much as talk with me to tell me WHY he didn't think it should be done. NO response at ALL.. NADA! Finally, when asking others like social workers and Anna to help get Kender to do his job was going NO where, in desperation, we had filed a formal complaint against Kender. He totally lied to the judge, got her to go along with him, with the substantial help of Rocco Meconi and Anna Owen, and got the documents thrown out as null. Anna Owen was instrumental in this entire scenario. So was Rocco Meconi. At the heart of this attack was the FACT, that on April 15, Kender stood to be sued for malpractice. He rallied his pals FAST to help stave off that event. By vilifying and lies, and by threats to terminate my rights, they succeeded. ALL parties were at that moment, working in concert, under color of law, completely vacating the positions they were hired to assume.

4-15-03-Dawn Rivas

"Had emergency court hearing regarding letters that April is signing her name to that others have written for her. The court appointed a GAL for April to represent her best interest and help head off any further corespondents (sic) from outside partys. (sic)"

Note the coincidental timing. Julie Marshall, the judge, totally dismissed the FACTS contained in the documents, MUCH more concerned that they NOT be admitted, than concerned about any reality in them.(on April 29 at hearing)I told her repeatedly that I understood them and did not want them removed from my file. Julie Marshall refused to listen. The REAL tell Tale here is that this is the DAY that Kender was notified of the very STRONG complaint against him filed in Denver... which I DID write by myself.! I never denied that I had help to write these things. Everyone knows I don't have the education to write like this alone. But they were so excited to maybe GET Suzanne Shell for practicing law,(she has been a thorn in their sides for years, refuses to allow them to act against parents without due process) they completely ignored what I kept saying, and refused to listen to the fact that I didn't write the things alone, but I read them several times, helped write them, understood them before signing them, and wanted the things in them to be heard by the court. Judge Marshall and the others just ignored what I had to say. Judge Julie Marshall thought that proving that I couldn't explain

exactly where a certain case citation came from was evidence that I didn't understand the contents of these documents. She totally humiliated me for over a half hour on a witness stand on April 29, (transcripts in evidence) to make the point that I couldn't define all the words and explain all the case law in them. She was MUCH more worried about protecting her little club than she was about the FACT that my 8 yr old was being traumatized and harmed BY DHS LIES and court officials' incompetence and dishonesty. To my knowledge, she never read the information in those documents. She just declared them NULL and appointed a GAL to keep me from exercising my rights any more. (Which he, Dan Slater, has done an excellent job of, he has absolutely worked with all the others to stop me from being heard, or understood) She used, as her sham excuse for this act, the claim that I was being forced to sign things that I did not understand, and did not write. DESPITE the fact that both my mother and I testified that WE worked to write those things together, and that I read and re-read and defined the things in them until I DID fully understand their intent, before I CHOSE to file them, almost a month after they were written. In that month, I had been absolutely BEGGING my attorney to help me, call me, respond, and had gotten nothing from him. Marshall didn't care or listen to any of this. Her orders regarding this April 29 hearing have NO relation to the facts she did hear, she totally refused to listen.

4-28-03

Had a meeting to discuss the paperwork that was served this am. (Federal Civil Suit) Spoke with Todd about the case and that *Ashely needs to be returned home and should have never been removed from the home.* Todd said that he will meet with Steve and discuss what is happening.

Speaks for itself. Not only does this say it all, but it is evidence that Todd Hanenberg, the supervisor, knew of the opinion of this worker, and of the events of Ashleys removal, and chose to do nothing to rectify the wrongs caused by his workers. "Steve" is Clifton, exec dir of the agency. He also knew several times over, and acted to obstruct any remedy I might have had, by telling me to send formal explanation and he would investigate, then allowing his grievance office to redirect my mail, claimed not to have gotten my complaint, all sorts of mechanisms to stall me and put me off. This is still going on. During this time, my mom began to hound him about where the citizens review panel was, and why we could not address that panel.

He lied to her and told her that he would refer us. That panel did not and to my knowledge still does NOT exist! I have checked with the chair of the panel from back when it was formed. They met maybe twice, and have not met since, have had NO activity since 1998!!! In fact, some members have moved, and DIED since then. Clifton knows this, he LIED. At one point, my mom asked for a listing of the cases this panel has heard. She asked the state DHS. They referred the request to Clifton who ignored it for months, and then, under pressure, sent us a one page reporting that he supposedly filed to the STATE. IT contained ONE case, dismissed as handled by DHS internally. BUT it could not have been referred, because no panel existed. Clifton lied both to us and to his superiors. He has actively helped to cover up for the malfeasance of his agents in this case after he KNEW that there was a terrible miscarriage of justice occurring as a result of their malfeasance. He is guilty of failure to protect US from THEM.

4-28-03

Call from Rocco, told him that I was served this morning by Billy Korn. Rocco has not been served as of yet, but expects to hear something today. Rocco said that they were trying to get a restraining order also but nothing as of yet. Rocco will look at the document when he gets it and let me know what will happen.

Restraining order for WHAT? For having the nerve to question them and demand proof of their outlandish claims? Billy Korn is my little brother. He has NEVER threatened any of them, raised his voice, etc. HE simply has not laid down and accepted their exalted opinions without question. His ONE transgression was on January 6 when Mom and he took me to DHS to find out why they had taken Ashley. Brenda Rall was going on and on about how Ashley was filthy and had not been bathed in "weeks" and was infested with lice that had been untreated for weeks, etc. She was simply repeating what Jennifer Cox had told HER. LIES!! Bill stopped her and asked, "Are you stating these things as facts that you personally know to be true? Because if you ARE, you are a damned LIAR!" He didn't raise his voice or otherwise challenge her. It should be noted here that when we walked into the office reception area to ask for her, she came out, in front of a crowd of people, in the reception area, and said, in a loud voice, "We need to step outside. I don't want this office to be infested with lice". OF course, heads all turned to look at us.. Nice, huh? THEN she began spouting all that stuff about "second

generation live lice,,, four hundred had been COUNTED" etc. When we said Ashley had bathed and washed her hair that morning, and HAD no bugs, that she was clean, she flatly told us ALL that that was not possible, and that she would have to assume that we were lying. In light of the treatment we received from her, maybe we should be asking for a restraining order against HER. Bill did nothing to deserve this attack... except call a spade a damned liar, and she most certainly was exactly that. Later, in the Shelter Report, Jennifer Cox asked for a court order to keep Bill off of DHS property. REALLY! And from this entry, I gather that Rocco was working on a restraining order. This is how they handle anyone who gets in the way of their steam roller tactics. If they can't jail you, or get you under control with threats of taking your kids, or keeping them, or some such, they claim you are some sort of bad influence and not acting in the best interest of the child, and Judge Julie Marshall enables this by blanket stamping all requests for things like restraining orders, and other sanctions to exact the controls they wish to have. It is a concerted and very corrupt group all in all.

4-29-03-Todd Hanenberg, Mary Elin Stratton, Steve Clifton, Dawn Rivas

"Had a meeting regarding the lawsuit that the Fields' have filed. Steve said that he will inform the County commissioners of what is happening. We discussed with Steve that we were looking at doing an informal adjustment, or a deferral, Steve said that he would have to talk to Rocco."

AGAIN, Dawn says that she wanted to close this case, and ROCCO MECONI (the county attorney) prevented that. In fact, it would look like there was consensus amongst them. (Note this was the day of the hearing at which they added Suzanne Shell as a Special Respondent "for the limited purpose of ordering her to cease all contact with the mother and child".) This is also evidence that Steve Clifton KNEW that the case against us was full of lies and holes, and KNEW that Ashley should be returned. Again, HE did nothing to remedy their mistakes. He allowed the county attorney to regulate what was done "in the best interest of the child" when the county attorney has NO training in that regard, and Clifton and his agency had a responsibility to do the right thing, regardless of how much egg it left on their faces... that is IF their ultimate concern was for ASHLEY, and not for covering their own butts. Again, they don't seem nearly as interested in the best interest of the

child as they do about the best interest of covering their collective butts.

Rocco Meconi has stated ON THE RECORD, in that April 29 hearing, that "these people" should not be able to choose their counsel, they are already being given a free attorney, they should be made to accept that, or do without, or hire their own counsel." This was in response to the request I made to have Dan Kender replaced. Meconi made several references to "these people" meaning indigent parents. I believe he has a serious and malignant bias against the people he is paid to serve.

Update on September 19, 2003. I have finally become convinced that there is no way I can fight this case at trial. My attorney has returned exactly two of my calls and faxes, both times at the direct insistence of Dan Slater, whom I begged to help me get this man to talk to me. My new court appointed attorney, Roger Larsen, today in a hearing, passed on his option to call ANY of the about 15 witnesses I listed for him months ago. He also said he has little if any evidence to present, despite the fact that I sent him all the Dr. reports, and other school records and things which could prove my case.(Including a copy of this above analysis of the DHS records, and some attending proof of my statements) That package was sent in the second week of May, 2003, and contained so much information and documentation, it cost me TWELVE DOLLARS to send it by US mail. I think that he is just going to sit there again, and let them say whatever they choose, without objecting or trying to make issues for an appeal, or anything. I have already been gagged by Judge Julie Marshall's order to not speak unless my attorney says to. Without his help, or that of my MOM or some other person, I don't stand a chance. I can't argue this case by myself. I don't understand and can't keep up well enough. Dan Slater is supposed to be there to help ME, but he has acted against me, just like all the rest, any time I try to tell them that Jennifer Cox LIED. He was supposedly appointed to protect my rights. All I can see that he has done is to serve THEIR interests, to keep my Mom and family from helping me, and preventing me from having any valid defense. Even Anna Owen says "well, the house WAS a bad mess in November." Yes, for a tiny window in time. What about the OTHER three years or more that it has been fine? What about the time SINCE November 6 up til January 2003, when NONE of them came near my house? They don't know what sort of shape things were in, back before this, they were never HERE. What about the dozens of times they have

visited announced and UN announced since January, and things are always the same.. fine?? But if I don't have a decent lawyer, I can't say all of that. Julie Marshall wouldn't even let me talk today in court. (Status conference) She asked Roger Larsen if he wanted to LET me speak, and he said no because he wasn't actually there instead of on a phone conference. If I can't talk, because I get upset, and nervous, I will lose Ashley. If Roger won't present any defense, which he is obviously not going to do, I will lose. I can't risk that, and I have been told over and over by all parties that if I lose this case, they could take her away. Oddly, I haven't been able to get Roger to as much as return my dozens of phone calls and faxes in almost two months. but I called and left a message that I was considering a partial admission, and PRESTO.. he is on the phone with me THREE times in one day!!! Ineffective Assistance of Counsel doesn't even begin to describe the collaboration and absolute dishonesty of these court appointed attorneys. They work by this exact mechanism to help the DHS to gain admissions, and their record is replete with cases just like mine, in which parents "admit" out of fear and desperation, when there was no REAL case against them. As parents, we have NO valid recourse, they are holding our children hostage, we cannot afford decent counsel, and are stuck with lawyers who work FOR the system, and won't present a vigorous defense, when you report that malfeasance to the Bar, they find "no malfeasance" because THEY won't admit that the system is broken!

I've decided to go ahead and admit that the house was in a mess on November 6. That is true. It was NOT the mess, and the situation was not as it was presented in the records. The photos Jennifer Cox took do show a terrible mess, but she fails to discuss all the measures that were being undertaken to remedy that BEFORE she came, and the things that were done to protect Ashley from any health or safety hazard created by the crisis. To just look at those pictures, without understanding the things that led up to them would give you the impression that her story is true, when indeed, it is mostly lies.

But I see that I have been left little choice. They don't seem to care that we were trying to fix a problem, were all sick, that we proved that the lice were not in our house. Ashley went to Florence to school, starting in January, and the lice stopped. They don't seem to care about ANY of the truth, only justifying their mistakes. Covering one another's butts. They all KNOW that Ashley

was being taken care of, and was not in any danger. None of them cares a bit about Ashley, they only care about protecting their little club, Judge Julie Marshall included. They care much more about what they can make it SEEM like than about what it WAS.

After reading all the lies in the DHS records, if I don't have a lawyer on my side, there is no way I can fight them. I guess I just have to give up. I thought DHS was supposed to try to HELP people. I guess I was wrong. Sadly, parents like me, who now know the true nature of this system will not ask for help when they need it desperately, because of fear that the act of trying to gain help will rob them of their children and open their lives to constant interferences. Would seem to me that this is counter to the stated intention of these programs.

C. That this incident was only reported to the registry two months later to add weight to the illegal and dishonest removal of the child, when no factual evidence could substantiate the claims made by the same worker.

D. This Fremont County Court had no jurisdiction in this case, and should not have heard it. The "reasonable efforts" could not be substantiated in fact, and there existed NO exigent condition as claimed by DHS agent Cox. The fact that the judge stated that reasonable efforts HAD been made should have been challenged, and proof demanded, by a competent attorney, alas I did not have one.

V. Points of Law

A. April Fields appears *pro se*. The court shall construe the pleadings and papers of a *pro se* litigant liberally. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam). *Joseph v. United States Federal Bureau of Prisons*, 232 F.3d 901, 232 F.3d 901 (10th Cir. 10/16/2000)

B. Hearsay is admissible in child abuse/neglect cases. However, the accusation that initiates the intervention must be supported by evidence or the state runs the risk of running roughshod over the rights of the family causing unnecessary trauma to all family members. The Children's Code does not dispense with rules of evidence which directly

bear upon substantive Proof, Daaguard
V. People in the Interest of Daaguard, 488 P2d 1101, 176
Colo. 38. (1971).

C. "There was no evidence before the trial court of an emergency situation which would justify an assumption of jurisdiction...The court's factual finding was based entirely upon the (petitioner-parent) **unsubstantiated** testimony. . . . self-serving statements ...are not in and of themselves enough to confer jurisdiction...If a real emergency exists, then there should certainly be some evidence available to demonstrate the gravity of the situation; e.g., medical reports, professional testimony, etc. At the very least, the parent should be able to provide a convincing reason why such evidence does not exist." Roberts v. District Court, (Colo. Supreme Court 1979) 596 P.2d 65 at 68, note 1." (I would submit that "case worker" could be substituted for "petitioner parent" in this citation, and the meaning would be clear.)

D. Speculative intervention is accomplished based on the rationalization that the court and DHS would rather 'err on the side of the child.' This is not permitted under U.S. Supreme Court case law, "***This Court has not, however, embraced the general proposition that a wrong may be done if it can be undone.*** Cf. Sniadach v. Family Finance Corp., 395 U.S. 337 (1969). Surely, in the case before us, if there is delay between the doing and the undoing petitioner suffers from the deprivation of his children, and the children suffer from uncertainty and dislocation." Stanley V. Illinois 45 U.S. 645.

E. "Procedure by presumption is always cheaper and easier [405 U.S. 645, 657] than individualized determination.

But when, as here, the procedure forecloses the determinative issues of competence and care, when it explicitly disdains present realities in deference to past formalities, it needlessly risks running roughshod over the important interests of both parent and child. It therefore cannot stand." Stanley V. Illinois 405 U.S. 645;

F. "In its Fourteenth Amendment, our Constitution imposes on the States the standards necessary to ensure that judicial proceedings are fundamentally fair. A wise public policy, however, may require that higher standards [for termination of parental rights] be adopted than those minimally tolerable under the Constitution." *Lassiter v. Department of Social Services* 452 U.S. 18. See Also *Greene v. Mcelroy*, 360 U.S. 474

G. *A petition in dependency should be filed only upon credible information and belief that the child is so circumstanced that for its own protection and well-being it should be taken from existing custody and become a ward of the state..* *Everett v. Barry*, 127 Colo. 34, 252 P.2d 826 (1953).

H. *Petitioner should not file a petition without knowledge of facts justifying belief of dependency and, when the petition is filed, should see that evidence is presented supporting it..* *Peterson v. Schwartzmann*, 116 Colo. 235, 179 P.2d 662 (1947).

(Jennifer Cox used, as "evidence" a photo taken of Ashley at the school, the day she was removed. She had worn her new (Christmas presents) jeans and red sweater, and had done her hair specially, braided, for the first day back at school. In the DHS photo attached to the shelter report, she is wearing some unmatched, dirty looking clothing, and her hair is all dirty looking. I asked Ashley how this could be. She told me that the school nurse had taken all her clothing and put them into a bag and had them taken to the dumpster, then took clothing out of a lost and found box, put them on her, treated her hair with some oily smelly stuff for lice, and then they took her picture. THIS is their evidence of neglect. Indeed, she WAS neglected, BY THE SCHOOL NURSE AND SOCIAL WORKER!!!)

I. Pursuant to **C.R.S 19-3-208 Services - county**

Will attest to the fact that he has been witness to the day-to-day activities of this family over a period of more than five years. He will testify that he was present during many lice treatments when he was asked to examine the child for himself, and help us to locate any lice. He can also attest to the fact that the entire family was using his bathing facility and sometimes his laundry facility, on an almost daily basis during the septic system break-down in November 2002. He was also helping to find a

solution to the septic problem.

He can also testify that he has seen Ashley leaving for school many mornings, freshly bathed and clean. In fact, he has both provided rides to school, and given me rides to retrieve Ashley from school when the lice claims were being made.

He can testify that he helped to try to repair the septic problem, and did help repair the furnace during the 2000 incident cited by the DHS record. Ken has been in this home on a regular basis for several years, at random times of day and evening. He has observed Ashley, over the course of most of her life. He was bringing us food and medicines during the flu in November 2002, **when none of us could drive.**

**B. Christine Korn-226 G Street-Penrose, Co. 81240
Phone: 719-372-9684**

My mother. Can testify to the truth of all statements in this document, as well as to the content of conversations she had personally with Jennifer Cox. She can also testify that she knows that Ashley was bathed daily, and that her hair was treated regularly when we were told to do so by the school officials, regardless of our failure to find lice.

**C. Thad Jackson P.O. Box 63 Penrose, Co. 81240
Phone: 719-371-3664**

Thad lived in the home at the time of the November contact. He can relate the condition of the home, the measures taken to lock the bathrooms off until repair could be made, the lice treatments going on to insure the absolute removal of any possible source of lice in the home. He can also attest to observing Ashley bathe and dress in freshly laundered clothing on a daily basis over a period of about a year and a half before this report was made. Please see the note at the end of this document about Thad. He has now become a target of the officials involved in this ongoing nightmare.

**D. Bill Korn-226 G Street-Penrose, Co. 81240 Phone:
719-372-9684**

Bill is my brother who was present during the investigation in November as well as several other contacts with Jennifer Cox. He can attest to Ashley's condition on the day that Jennifer Cox claimed that she was dirty and smelled, when she removed her. He can also attest to the many times he personally checked her for lice and nits and

found none, and the times when he helped to treat her despite that fact, because we had been ordered to do so.

E. Alicia Pickett - 504 Oak St Canon City, CO 81212-719-269-1314

Bill's Ex wife, lived in our home during 1998-2000. In addition, her two small children spend every other weekend here, overnight, in fact the smallest girl sleeps WITH Ashley, and has NEVER had lice. Alicia can attest to the routine regarding the housekeeping norm in this household, as well as the level of care taken with both her children and Ashley. She has babysat Ashley many times in the past two years.

F. Suzanne Shell-14053 Eastonville Rd. Elbert CO 80106 719-749-2971

Family Rights consultant, Family Advocate, reporter, author, named as a special respondent in this case in Fremont County, on May 5, 2003. She can testify to the events noted by me in the contact logs, and can also testify that I am not the only parent victimized by this particular DHS office. There is a pervasive policy and actual course of action agreed upon by all parties in this county system, which absolutely denies the parent due process. Suzanne Shell can attest to several cases in point. She can verify the ineffective assistance of counsel, and the events leading to my subsequent admission on Sept 23, 2003, an act which was borne of lack of counsel, and egregious pressures to submit.(Spell that coercion and threats) Ms. Shell has witnessed the violation of my rights, and has been attacked herself for her reporting of those facts.

VII. I have no experts to call except Suzanne Shell. I cannot afford to pay any.

VIII. Exhibits

A. DHS contact logs, quoted above. Reference November 2002 through April 2003.

B. Log entries of January 10,2003,and January 30,2003, from the office of Dr. Sabatini, Canon City, CO.

C. Photographs of the home in question, taken at Christmas time, 2002.and in April 2003.

D. Photographs of lice and fleas, approximately three times larger than life-size.

E. Copies of Court records of Bill Korn and Cody Korn

F. Copy of the statement of Smart Styles Salon in Canon City, showing the log of services, with Ashley on the list on December 27, 2002 along with the statement of the manager that Ashley had no lice or fleas on that date.

G. Transcripts of April 15, 2003 hearing

H. Transcripts of April 29, 2003 hearing

I. Motion to Return the Child, filed by me, declared as null by Judge Julie Marshall on May 5, 2003

J. Notice to the Court Regarding Court Appointed Counsel- declared as null by Judge Julie Marshall on May 5, 2003

K. Pro Se Order May 9, 2003 Fremont County case # 03 JV 3

L. Copies of communications to Daniel Kender and Roger Larsen.

M. Copies of communications to Dawn Rivas and from her

N. Copies of communications to Anna Owen.

O. Copies of communications to and from Steven Clifton, Jehnell Giganti, and others in Fremont County DHS.

P. Copy of the Supreme Court Disciplinary Counsel Complaint against Dan Kender.

Q. Copies of letters to and from Dan Slater.

R. Recordings of conversations between various parties of this case, and me, in my home.

S. Bottle of "Lice Repellent" required to be used to coat Ashley's hair by both Linda Freed and Jennifer Cox.

T. recording of a conversation with Ashley in which she relates the events of the day she was removed.

U. Copy of the "Hatch Letter and Reverse Miranda" for which I was threatened with contempt on Sept 19, 2003.

V. Photos of the motorhome which Jennifer Cox was shown on November 6, 2002. (includes interior photos.)

W. Ivermectin Paste applied to Ashley on Jan 6, 2003. (provided by the foster mother, Betty Huckabee)

X. Documents from CDC website RE: head lice treatment.

IX. Stipulations

I do not understand for sure what this means. I cannot enter anything in this area.

X. Trial Efficiencies

I do not have any idea what sort of time this case should require.

STATEMENT of SETTLEMENT: Although I would readily agree that because of circumstances beyond my control, there was a crisis situation existent in our home on November 6, 2002, I believe I have shown that the reports of that

condition were largely exaggerated and misrepresented by the DHS worker, Jennifer Cox. I have already agreed that the home was in need of cleaning, although I do not concede that it presented any imminent danger to my child.

I do not feel that this incident rises to the level of warranting my listing on this registry, particularly because I have proven that it was an isolated incident, and not indicative of a chronic condition. Based on the reading I have done of the Child Welfare Volume 7, I believe that the DHS position should have been to assist this family, not try to destroy it.

I have already entered an admission (Sept 23, 2003) because of the complete impossibility of gaining a fair and meaningful hearing in the court of jurisdiction, and because Judge Julie Marshall refused to allow a change of venue, admit our jury instructions, or recuse herself. If I were able to afford to pay for adequate counsel, I could have easily won this case in court. Without effective assistance of counsel, which I am supposed to be afforded by law, and constitutional right, I stood no chance. I wish to protest my addition to the Registry list and request the relief of being omitted from that registry. I have already submitted to the treatment plan, regardless of my continued objections and insistence that none was needed. I have completed all facets of this plan. I have submitted to repeated inspections, both announced and unannounced, of my home for a period of almost 10 months, and I am court ordered to continue to do so for another 90 days until review and final disposition. I have two visits from the DHS agents in the past week, and have information that another is planned to take place the day before this mediation.

I submit to this mediation that I have complied readily and have performed completely. I do not deserve this registry listing, which would have the impact of barring my intended career pursuit in the area of child care, or preschool aid.

I have not perpetrated any abuse or neglect against any child, particularly not my daughter at any time. There was a crisis situation which we were working to remedy at the time of the intervention by Jennifer Cox, in November 2002, and which we did, in fact remedy immediately after her initial visit. The ensuing attacks on my family have been unwarranted, and the registry should remove me from the listing. This is all that I am seeking. I do not believe that I should have been forced to endure the past 11 months of harrassment and coercion and pressures to admit this

neglect, and I should not have been deprived of my child for six months in the effort to force my admission. I should not have been submitted to the registry in the first place, and this was only done to justify, after the fact, the illegal and dishonest removal of Ashley on January 6, 2003. It should be noted that the registry report was made on January 7, 2003, TWO months after the supposedly injurious condition was investigated. And the day AFTER the child was removed! And the CURRENT complaint which was being used to REMOVE Ashley was never mentioned in the original registry report. When I objected to this permanent slur on my name, I was told that even if there had NEVER been any removal, even a "minor neglect" episode that could be claimed to have "probably" existed was sufficient to land my name on this registry for life. That is insane, when all potential child care industry employers (my chosen field) are MANDATED to check applicants for listing on this registry. I feel that listing my name on this registry amounts to defamation that cannot be supported, and I strongly object to that listing.

If I am to be made to present my own case at the hearing before this Administrative Law Judge on October 28, 2003, I will be completely unable to do so. Because of my disability, I am not able to write things of this nature alone, and would be completely unable to present the information effectively, or to question the presentation of the opposition. I require assistance of some sort, and do not have the ability to hire counsel. I am requesting assistance, either from my mother, my family advocate, who holds my power of attorney, or from some counsel named for me to assist in this endeavor. If I am forced to attempt to defend my case and present this evidence on my own, I will be seriously barred from justice BECAUSE of my particular disability. As has been the case throughout this sham process, I have been shackled by my disability and my indigence, from any access to any form of just treatment. I am formally objecting to that reality.

April J. Fields, Petitioner

Written with the assistance of a third party, and with my full understanding and wish to have this statement stand in my defense.

October 1, 2003

AFTER NOTES written by April's mother, Christine Korn, on

January 10, 2004.

April did "admit" to stop the obvious plan of Roger Larsen to sit idly by and present NO case in her defense.

On April 25, 2003, Suzanne Shell and April filed a Civil Rights suit against all of these local officials in US District Court in Denver. This Federal Case, a "42 USC 1983" suit, is ongoing. All of the people who are now in complete control of April and Ashley are also defendants whom she is suing in Federal Court. At one time or another, all parties have told us that we cannot sue them, "WE ARE IMMUNE" or "WE have immunity". They are absolutely furious that the Federal Judge has NOT dismissed this Fed case for lack of jurisdiction or on the immunity claims. They continue to use every ploy imaginable with the total help and support of Julie Marshall, to pressure April to back out of the Federal suit. We have asked twice for change of venue, and recusal. It has been denied. She continues to be victimized by the very people she seeks to sue.

April's boyfriend, Thad Jackson, was falsely accused of sexual impropriety with his 12 yr old daughter in Texas several years ago. His now ex wife had an extensive history with CPS there. Fremont County officials got hold of the CPS records (much like those of this county, totally full of supposition, speculation, and outright lies) and with those as their excuse, ordered April to have NO contact with THAD as well, as of December 18, 2003. this was done, in an obvious attempt to place April in a position of set up failure. If they can get her to allow Thad to be near Ashley, while she is under court order to prevent that, they will then have the reason to take Ashley again. This action was taken on the day that they were supposed to close this case. They had NO reason to exact this order, except to sustain the case so that they continue to prevent April from addressing some of the content of this case which would substantiate the FEDERAL case. Thad Jackson has lived in this house most of the time since September 2001. He has been totally honest with the entire family about his other children, which Texas CPS took, and terminated his rights and those of his ex wife, while he sat in jail, refusing to admit or accept a plea bargain on the allegations. He has been a member of this family since 2001. We have all known and have admittedly been guarded with him, have heard the statements of his family, friends, and even his attorney in Texas, in our determination that the "sanitized" statements in the Texas CPS records are largely not true. He has done nothing to

warrant the interventions and sanctions that the judge and officials in Fremont County have ordered. He is now banned from contact with Ashley, demanded to submit to a psychosexual evaluation which he is afraid to comply with, NOT because he has anything to hide, but because Fremont County is known to pressure the psych to find things as they wish the findings to appear. To ALTER and MISreport the testing. THAD is afraid to submit to this testing and yet, has another dilemma. If he gets his own evaluation, independent of CPS, he has to pay for that. The cost could easily amount to three months pay for him. If he finds a way to pay for that, then he still faces the real and valid fear that Julie Marshall will simply refuse to honor that test result. She has done this so many times before in other cases. If the tests don't say what she wanted, she simply says they are not valid. Particularly if some Dr. has had the audacity to prove her wrong, or argue against her decision. I have discovered these facts through talks with the Dr.s who are sure that their findings would be thrown out by her, based on other cases they have been used in before her bench.

I continue to claim that April and Ashley are safe, that all parties in Fremont County know that without doubt, and are perpetuating this case for personal reasons not at all related to the best interest of anyone except their own hides.

That they are allowed to destroy people with impunity is so offensive to me, I have taken this on as my lifes work. I will go to my grave fighting against the continued funding of a system built to destroy families.

UPDATE: On March 5, 2004, They FINALLY grudgingly, closed this county case against her. The GAL, assigned to HER for HER protection (mostly to protect THEM from HER, I believe) Dan Slater, said, at that hearing, on the RECORD.. That since we KNOW that DHS will be "watching April very closely" and will be "GLAD to open a new case against her", he felt that the case should be closed, even though he IS concerned that she will reunite with THAD, and has serious concerns for her welfare if that were to happen. (He has never MET Thad!) The end result was their several statements about "watching her closely". Those are veiled threats. They also left the restraining order in place, with the express explanation to HER that he presents a clear and present danger to Ashley and if she is seen with him, or believed to be allowing him to see or contact Ashley, they will open a new case for failure to protect and take Ashley permanently. So her case is closed, but she

continues to have her life destroyed by them. When We told Ashley that night that the case was closed, and that from now on, if anyone comes to her school insisting on interviewing her, she is to refuse to talk with them until her mother and her attorney are present, and then SHUT UP and just sit there. She was happy about this said that their questions always scared her, and they were always asking her about "sex and stuff that's gross". (PERVERTS!) I have helped April to renew the HATCH Amendment Letter on file at the school, and to reiterate to all school officials that failure to protect Ashley from intrusion of CPS will bring one hell of a lawsuit. I told the school principal (whom I believe understands the gravity of the things these people do to kids, and is happy that at least one parent knows how to defend against it) that when CPS stole MY Grand child, they created a fairly adept para legal. I have done little else for the past couple of years except study, write pleadings, research caselaw, read Court of Appeals Decisions, sit in on CPS courts all over Colorado. I was already fairly learned about the basics of civil rights law, and have done a crash course in the application of that law to CPS and disability cases. At this point, I probably know more about how to combat their evil than do most attorneys. Most parents would be blocked from meaningful access to higher courts by their inability to fight in court without an expensive attorney. I, however, am more than capable of filing and pleading my own case. If they violate that Hatch amendment order, I will cost them a LOT of money, because I will take them as far as the courts will allow. And it won't cost ME a dime!The principal smiled. I think maybe we are beginning to amass a consensus, a coalition of recognition. COAFRA is alive and well in Fremont County, and I am working daily to spread it to every corner of Colorado.

Thank you for listening and for CARING.

Christine M. Korn

(Please note that all items listed above are readily available if you wish to inspect them)

I have every document of this case posted to a secured website. If the person reading this statement is interested in viewing all of those documents, including some letters to and from attorneys, the documents declared null and void in court, the transcripts of every hearing of the case, the complete DHS file on the case, the Dr. reports regarding Ashley, the Developmental Opportunities Staffing reports regarding April, the Family Center

Contact notes for the time that the home visitors were coming here, as well as for the classes that April took there, the psychological evaluation of April, all that is necessary is for that person to contact me for access to the files. There are also considerable files involved in the subsequent 42 USC 1983 suit brought by April and Suzanne Shell in US District Court for Colorado in Denver. Those files are available by going to www.profane-justice.org and then going to the Shell vs DHS button.

For more information on this case, contact either myself, or April Fields of the same address and telephone.