

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

ANGELA M. FREINER)	
)	
Petitioner,)	
vs.)	Cause Number: 14SL-DR02617-02
)	
JAMES S. JUDY)	Division 31
)	
Respondent.)	
)	

FILED 1/15/2021 JOAN M. GILMER CIRCUIT CLERK ST. LOUIS COUNTY

TEMPORARY RESTRAINING ORDER

Before the Court is Respondent James S. Judy’s Motion for Temporary Restraining Order pursuant to Missouri Revised Statute Section 452.315 and Rule 92.02.

The Court finds as follows:

1. Pursuant to this Court’s Paternity Judgment (“Judgment”), the parties were awarded the joint legal custody and joint physical custody of their minor child, Dalilah Judy, born July 2006.
2. On April 29, 2019, Respondent filed a Motion seeking modification of the Judgment. On August 20, 2020, this Court entered its Judgment of Modification granting Respondent’s Motion and incorporating the Court’s Parenting Plan Part A outlining periods of visitation between the child and Petitioner.
3. Since the entry of the Judgment of Modification, Respondent advises the Court and the Court finds as follows:
 - a. In an effort to foster a better relationship with Mother, Father entered into an agreement with Mother that the minor child would spend the Christmas holiday break with Mother in 2020 notwithstanding the Court’s designation of the holiday to Father in even-numbered years and

notwithstanding the many times Father was denied his holiday and summer custody times over the years.


- b. Father and Mother agreed their child would fly to St. Louis on December 18, 2020, and they agreed she would return to Father's custody on January 2, 2021 when Father and his family would celebrate Christmas together.
- c. Upon arrival at the airport on December 18, 2020, the airline personnel informed Father that the child's return flight was scheduled for January 3, 2021.
- d. Father contacted Mother who untruthfully informed him that the airline made a mistake, and she would correct it assuring Father the child would return on January 2, 2020, as the parties agreed.
- e. The minor child was not returned to Father's custody on January 2, 2021, and she remains in St. Louis to-date.
- f. Father has tried to reach the minor child numerous times without success.
- g. Father has tried to reach Mother who refuses to take his calls.
- h. Father messaged Mother via Our Family Wizard requesting that she return their child to him pursuant to the court's Judgment.
- i. Mother finally responded stating via Our Family Wizard "Screw the court system ... I'm not forcing my child on anything. I don't have a problem with her being here only you do."
- j. The parties' child has been absent from school since the semester began last week.

- k. Upon information and belief, a St. Louis County Police detective went to the home of Petitioner to question her about the child's welfare and encouraged her to abide by the Court's Judgment.
 - l. Mother refuses to return the minor child to Father following the Christmas holiday.
 - m. Mother's behavior has been erratic.
 - n. Mother has a history of drug use.
4. Father fears for the safety and well-being of the parties' minor child in light of Mother's conduct. The Court finds his concerns to be well-founded in light of the above conduct.
 5. Mother's behavior has caused and will continue to cause immediate and irreparable injury to the minor child in the absence of immediate relief being granted as requested by Father.
 6. It is in the best interest of the minor child that Father be awarded sole physical custody of the minor child and that Mother's visitation be supervised at this time.
 7. It is in the best interest of the minor child that the Court enter a Temporary Restraining Order granting to Respondent the sole physical and sole legal custody of the minor child until further order of the Court.
 8. Mother is ordered to return the minor child to Father's custody immediately so that she may return to school.
 9. Any visitation between Mother and the minor child shall be supervised as unsupervised visitation with the minor child will endanger the child's physical, mental health and her emotional well-being.

IT IS HEREBY ORDERED THAT a temporary restraining order is issued as follows:

- (a) Respondent shall have temporary sole physical and sole legal custody of the minor child until January 29, 2021.
- (b) Petitioner is ordered to immediately return the minor child to Respondent's custody so that she may return to school.
- (c) Petitioner shall have no custody periods with the minor child through January 29, 2021, when the case is set for a preliminary injunction.
- (d) A preliminary injunction shall be heard on January 29, 2021 at 10:00am. The parties shall contact the Court to obtain instructions for a hearing by video.
- (e) A bond of \$100.00 is hereby set.

IT IS SO ORDERED



Nicole S. Zellweger
Family Court Judge, Div. 31
January 15, 2021 at 2:45pm