#  DIVISION: 31IN THE CIRCUIT COURT OF ST. LOUIS COUNTY STATE OF MISSOURI

ANGELA M. FREINER

Petitioner,  ) Cause Number: 14SL-02617-01

)  DIVISION: 31

 )

vs. )

JAMES S. JUDY )

Respondent. )

Special Process Server Requested: )

 )

)

)

PETITION FOR TEMPORARY RESTRAINING ORDER

## COMES NOW, PETITIONER, Angela M. Freiner, hereinafter Mother" and for her Motion to Modify, states to the Court as follows: This Court entered its Paternity Judgment ("Judgment") on or about May 20, 2015\_wherein, inter alia, the parties were awarded the joint legal custody and joint custody of their minor child, Dalilah Judy, now age 14. years.

1. On April 29, 2019, Respondent, hereinafter “Father” filed his motion to modify requesting that he be awarded designation as the residential parent of the parties' minor child.
2. On August 20, 2020, this court entered its Judgment of Modification ("Modification Judgment") granting Father's motion and incorporating the Court's Parenting Plan Part A designating Father as the residential parent of the minor child and outlining periods of visitation between the child and Mother.
3. Subsequently, the minor child moved to the residence of nor Father in the state of Montana,
4. Minor Child is enrolled in and attended school in the state of Montana from Father's residence.

In accordance with Section 452.780 RSMo., Mother further states that the following information is true and correct, to her best knowledge and belief, as to the minor child:

1. The minor child's present address is 8547 Pilot Ave, St. Louis, Mo. 63123 and 111 Michael Grove Avenue, Bozeman, MT 59718-1852;
2. Mother has not participated as a party or witness or in any other capacity in any other proceeding concerning the custody or visitation of the minor child in this or any other state except;
3. Mother has no knowledge of any proceeding that could affect the current proceeding in this or any other state;
4. Mother has no knowledge of any person, not a party to this proceeding, who has physical custody or claims to have rights of legal custody, physical custody, or visitation with respect to the minor child.
5. Since the entry of the Modification Judgment, there have been changes to the circumstances of the parties and the minor child to cause modification of said judgment to be necessary. Said changed circumstances include, but are not limited to:
	1. Father continues with attempts to alienate the minor child from Mother insofar as Father has steadfastly refused to allow the minor child to visit Mother in Missouri after the Court’s Modification Judgement. Father's refusal to allow the minor child to visit Mother is in contumacious disregard and contempt of this Court's Modification Judgment;
	2. Due to Father's refusal to allow the minor child to visit with Mother, the minors

 child was absent from her family, peers, her dog and from her home with Mother, all to the detriment of the well-being and best interests of the minor child;

* 1. Police involvement has historically been used without need by Father for not only the enforcement of this court's orders and judgment, but also in his ongoing attempt to slander Mother, and attempt to lend credibility to his many baseless attacks on Mother’s character
	2. Father continues to thwart a mother/daughter relationship between Mother and the minor child by demeaning Mother to the minor child and others, encouraging the minor child to shun and disrespect Mother, and by allowing the minor child to ignore Father's attempts to contact the minor child while the minor child is with Mother, and by teaching the minor child that court orders should be ignored stating, inter alia, "screw the court system";
	3. Father's actions seeking to alienate the minor child from Mother have been ongoing since prior to this Court's Modification Judgment and have continued and escalated since said Judgment;
	4. While the minor child is in Mother's custody, Father telephones the minor child many times per day without concern for the child's schedule or the family's routine.
	5. Father spends a disproportionate percent of the time disparaging Mother during said calls and uses profanity and inappropriate language causing the minor child emotional distress;
	6. Father has been improperly touching minor child, the minor child reported that her father had been touching her to the School Counselor and they in turn contacted the Montana Child Protective Services resulting with the child being interviewed and subsequent of the Father’s action towards the minor child, which remains .

ng

1. Mother traveled to Montana to exercise visitation with the minor child, but Father refused to allow the child to go with the Mother, necessitating police involvement in Montana; to be able to exercise her rights.

J. Father has repeatedly refused to co-parent with Mother and he historically and presently engages in actions that openly demonstrate his contempt and lack of respect for Mother and for this Court's judgment.

1. Father refuses to exercise the joint legal and joint physical custody of the minor child pursuant to the Parenting Plan incorporated into the Modification Judgment, or otherwise. Father acts with abandon, does as he pleases regarding the legal and physical custody of the minor child, and continues a course of action designed to dismiss Mother from the life of the minor child;
	1. Further, Father's contumacious actions are designed by him to cause Mother to expend unnecessary sums for travel expenses, airline tickets and attorney's fees;

m. It is increasingly apparent that Father will continue to refuse to exercise joint legal and physical custody of the minor child with Mother.

1. It is in the best interests of the parties and the minor child that Mother be awarded the sole legal and sole physical custody of the minor child with supervised visitation being awarded to Father, especially given the unresolved question and investigation as to the alleged abuse of sexual nature by Father reported by Child.
2. It is in the best interests of the parties and the minor child that child support be modified awarding to Mother child support payable by Father, in accordance

with Rule 88.01 Form 14.

1. Mother is without sufficient income or assets to pay her attorney's fees and costs herein necessitated by the actions of Father.
2. Respondent is able-bodied and is with sufficient assets and is or is capable of earning, or is capable of earning, a sufficient income enabling him to pay Petitioner’s fees and the costs of this action
3. WHEREFORE, Petitioner prays this Court hear and determine this cause and, upon such hearing, award to Mother the sole legal and sole physical custody of the parties' minor child with certain periods of supervised visitation being awarded to Respondent; order that child support be modified awarding to Mother child support payable by Father in accordance with Rule 88.01, Form 14; order that Respondent's pay Petitioner fees and costs incurred herein; and for such other and further orders as to this Honorable Court may seem just and proper in the premises.

INTENTIONALLY LEFT BLANK



Angela M Freiner, Petitioner herein, being duly sworn upon her oath, deposes and states that the facts contained in the foregoing are true and correct according to his best knowledge, information and belief

Subscribed and sworn to before me this 31st of January, 2021.

My commission expires:

Respectfully submitted by

Angela Freiner

8547 Pilot Ave.

St. Louis, Mo. 63123

314.405.4979