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

 **FAMILY COURT DIVISION**

ANGELA M FREINER Petitioner, Cause No.: 14SL-DR02617-02

 Vs

 Division: 42

JAMES S JUDY,

Respondent.

**PETITIONER’S CROSS-MOTION TO MODIFY**

COMES NOW, PETITIONER, Angela M. Freiner, hereinafter "Mother" and for her Motion to Modify, states to the Court as follows:

1. 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 physical custody of their minor child, Dalilah Judy, now age 15. years.
2. On April 29, 2019, Respondent, filed his motion to modify requesting that he be awarded designation as the residential parent of the parties minor child.
3. On August 28, 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.
4. Consequently, the minor child moved to the residence of her Father in the state of Montana, and since then the minor child has been suffering in silence. There is an **EMERGENCY** need for the child to be removed from the Father’s custody.
5. 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:
6. The minor child's present address is unknown to the Mother. The child has been taken from Missouri to Arizona, Wyoming, and now possibly Montana. On March 31st, 2021 the minor child called the Mother to inform her she was being moved to a different location. The phone call was abruptly cut short and that was the last time the child would call home.
7. The Mother hired a Private Investigator to locate the child. The Private Investigator located the child in a facility known as Trinity Teen Solutions in Powell Wyoming. When Mother contacted the Facility about the child’s well-being and was told by staff members they did not have a patient by that name.
8. Mother does not know of any proceeding that could affect the current proceeding in this or any other state; 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 for the minor child.
9. 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 erase the mother from the minor child’s life insofar as Father has steadfastly refused to allow the minor child and Mother to have any kind of relationship at all after the Court’s Modification Judgement. Father's refusal to allow the minor child to have a meaningful relationship with the Mother is in contumacious disregard to the best interest of the child.
	2. The child is being forced to be isolated from her family, peers, her dog, and her home with Mother, all to the detriment of the well-being and best interests of the minor child;
	3. South County Police have been sent by Father to Mother’s home on multiple (3) occasions at Father’s request by telephone. The second of these was recorded on video, including six (6) Police officers. Who stated that they were “Not leaving without the Child”.
	4. They did not take the minor child at that time as they were unable to verify the TRO, unable to reach personnel from the local DFS office and they did not have a plan in place of what was to be done with the child, after removal from the Mother’s home. Father at the time was in Bozeman, MT.
	5. In fact, On September 25, 2021, the Mother traveled to Montana to exercise visitation with the minor child. When Mother arrived at the Respondent’s home he was found to be packing his vehicle in an attempt to leave town before Mother’s arrival to retrieve the child for her court-ordered parenting time according to the judgment.
	6. When the Mother tried to leave with the child the Respondent attempted to assault the minor child and the Mother by using his vehicle as a weapon. The Respondent charged at the Mother and the child blocking the road and preventing the Mother and child from leaving. Mother had to necessitate police involvement to be able to exercise her rights. Only with police assistance were Mother and child allowed to leave the Respondent’s home.
	7. At the time of “drop off” Respondent was a “no show” and would not take the Mothers or the child's calls. Respondent went to the drop-off location four hours after their agreed-upon time where he then entered an entry on Our Family Wizard (OFW) to give the impression it was the mother who was a “no show” to returning the child to Respondents custody. Respondent then waited until the early morning hours while the Mother and child were still sleeping and without calling, Respondent sent two police officers to Petitioner's door to retrieve the child. The child was them grounded and her phone was taken away from her for going with the Mother.
	8. Respondents’ actions are an attempt to cause the Mother to look bad in the eyes of the court. Respondent did something similar in the summer of 2020 when he arrived at the Mothers home in the early hours while the Mother and child slept, Knocking on the door once and leaving to retrieve the police before Mother could get up and see who was knocking at the door All in a attempt to lend credibility to his many baseless attacks on Mother’s character and continue a course of action designed to dismiss Mother from the life of the minor child;
	9. 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.
	10. Father's actions seeking to alienate the minor child from Mother have been ongoing since before this Court's Modification Judgment and have continued and escalated since said Judgment;
	11. 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.
	12. 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;
	13. The Child has disclosed the Father has been improperly touching the minor child, the minor child reported that her father had been touching her to the School Counselor. The child then flew home during the winter break. On January 3rd the child refused to go back to Respondent’s home in Montana.
	14. Respondent found it to be in the best interest of the child to handle the situation by filing a TRO, Contempt of Court, Order to Show Cause, Writ of Habeas Corpus, obtain a body attachment, have Mother jailed for 48 hours, and have the child involuntarily committed to the Psychiatric Ward at St. Louis Children’s Hospital where the minor disclosed several more time. Prompting several more calls to the Department of Family Services (DFS). Upon Information and belief, Venus Jackson called the DFS office and informed personnel that Judge Zellweger “did not find any abuse”. DFS promptly closed the case without an investigation.
	15. Unknown to the Mother the decision was made by the court to release the child to a third party with a criminal record who transported her out of the state of Missouri to an unknown location in Arizona. Then a month later transported the child to another location in Wyoming to a facility known as Trinity Teen Solution who is under investigation and being sued for child labor and trafficking of minors.
	16. The mother has not been given any sign of life for the last 9 months from the past gal Venus Jackson nor the current gal D kimberly Whittle, this Court, or the council for the Respondent.
	17. That Respondent’s actions indicate that he is withholding the minor child for his benefit, not for any legitimate concerns regarding the child’s health and safety.
	18. There is a risk of severe, immediate, and irreparable injury and damage to the minor child if Respondent continues to have sole legal and physical custody of the child.
	19. It is increasingly apparent that Father will continue to refuse to allow the Mother and child to have a relationship and has gone over and beyond to ensure that the mother and child do not have any kind of a relationship at all.
10. 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 especially given the unresolved question and investigation as to the alleged abuse of sexual nature by Father reported by Child.
11. 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; and other charges.

1. It is in the best interests of the parties and the minor child that child support is modified awarding to Mother child support payable by Father, under Rule 88.01 Form.
2. Mother is without sufficient income or assets to pay her attorney's fees and costs herein necessitated by the actions of Father.
3. 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

WHEREFORE, Petitioner wishes this Court to 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 visitation being awarded to Respondent; order that child support be modified awarding to Mother child support payable by Father under 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 is capable of earning, a sufficient income enabling him to pay Petitioner’s fees and the costs of this action.

I HEREBY DECLARE under penalty of perjury and the laws of the United States that the information contained herein is true and correct to the best of my knowledge, information, and belief.

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 Angela M Freiner

STATE OF MISSOURI )

 ) SS.

COUNTY OF ST. LOUIS )

Comes now ANGELA M FREINER the Petitioner herein, being first duly sworn according to law, and states that she has read the foregoing document and states that the facts contained therein are true and correct according to her best knowledge, information, and belief.

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_ day of November 2021.

Notary Public

My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was via email to all parties this 4th day of November 2021 to

 Kathleen E. Shaul Law Offices, D Kimberley Whittle, and Judge Heggie of the St. Louis County Court Family Division.

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